

DC BK12122 PG333

Notice sent: final, interlocutory, None

Disp Parties: _____

Disp code: CVD / CLS

Redact pg: _____

Judge JKD Clerk LAT CAUSE NO. D-1-GN-11-003130

THE TEXAS TAXPAYER & STUDENT
FAIRNESS COALITION, et al.

Plaintiffs

vs.

ROBERT SCOTT, COMMISSIONER
OF EDUCATION, IN HIS OFFICIAL
CAPACITY, et al.

Defendants.

IN THE DISTRICT COURT

200th JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

Filed in The District Court
of Travis County, Texas

APR 27 2012 BP

At _____
Amalia Rodriguez-Mendoza, Clerk

**AGREED ORDER TO CLARIFY
THE APRIL 2, 2012 ORDER TO CONSOLIDATE AND SEVER**

Came on to be considered, this the _____ day of _____ 2012, the parties' agreement to clarify this Court's April 2, 2012 "Order Granting Agreed and Unopposed Motion to Consolidate for Filing Purposes, Discovery, and Trial." The Intervenor's agree with the consolidation of the four lawsuits into one lawsuit for all purposes. However, the Intervenor's did not and do not agree to the following paragraph in that Order:

Further, it is understood that if the Court denies any motion for summary judgment or a plea to the jurisdiction to any of the claims of any of the parties, including intervenors, filed by the State Defendants, and that denial is subject to an interlocutory appeal and stay pursuant to Tex. Civ. Prac. & Rem. Code section 51.014(a)(8) or any other law, should the State Defendants appeal, the challenged claim shall be severed from the remaining claims, and the State Defendants and other parties unequivocally agree they will not seek to stay the consolidated proceedings, including discovery and trial.

Accordingly, there is no agreement by the Intervenor's to any severance.

SO ORDERED.

SIGNED: April 27, 2012

John K. Diney
JUDGE PRESIDING



002483556

AGREED:

Shelley N. Dahlberg / by permission jcd

Hon. Greg Abbott
Daniel T. Hodge
David C. Mattax
Robert B. O'Keefe
Shelley N. Dahlberg
Texas Attorney General's Office
General Litigation Division
300 W. 15th Street
P.O. Box 12548, Capitol Station
Austin, Texas 78701

Richard E. Gray, III / by permission jcd

Richard E. Gray, III
Toni Hunter
Gray & Becker, P.C.
900 West Ave.
Austin, Texas 78701

J. David Thompson, III / by permission jcd

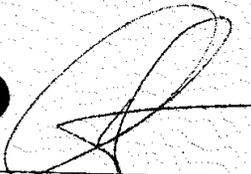
J. David Thompson, III
Philip Fraissinet
Thompson & Horton, LLP
Phoenix Tower, Suite 2000
3200 Southwest Freeway
Houston, Texas 77027

Mark Trachtenberg / by permission jcd

Mark Trachtenberg
John W. Turner
Haynes and Boone LLP
2323 Victory Avenue, Suite 700
Dallas, TX 75219

Unofficial copy Travis Co. District Clerk Velda L. Price

DC BK12122 PG335



J. Christopher Diamond
The Diamond Law Firm, P.C.
17484 Northwest Freeway
Suite 150
Houston, Texas 77040

AGREED AS TO FORM ONLY:

David G. Hinojosa / by permission jcd

David G. Hinojosa
Marisa Bono
Mexican American Legal Defense and
Educational Fund, Inc.
110 Broadway, Suite 300
San Antonio, Texas 78205

Unofficial copy Travis Co. District Clerk Velva L. Price