

CAUSE NO. D-1-GN-11-003130

THE TEXAS TAXPAYER & STUDENT
FAIRNESS COALITION; ALIEF I.S.D.,
CANUTILLO I.S.D., ELGIN I.S.D.,
GREENVILLE I.S.D.,
HILLSBORO, I.S.D., HUTTO I.S.D.,
LAKE WORTH I.S.D., LITTLE ELM I.S.D.,
NACOGDOCHES I.S.D.,
PARIS I.S.D., PFLUGERVILLE I.S.D.,
QUINLAN I.S.D., SAN ANTONIO I.S.D.,
STAMFORD I.S.D., TAYLOR I.S.D.,
VAN I.S.D.; RANDY PITTENGER;
CHIP LANGSTON; NORMAN BAKER;
BRAD KING; and SHELBY DAVIDSON,
as Next Friend of CORTLAND,
CARLI AND CASI DAVIDSON,

Plaintiffs

vs.

ROBERT SCOTT, COMMISSIONER
OF EDUCATION, IN HIS OFFICIAL
CAPACITY; SUSAN COMBS,
TEXAS COMPTROLLER OF PUBLIC
ACCOUNTS, IN HER OFFICIAL
CAPACITY; TEXAS STATE BOARD
OF EDUCATION,

Defendants

IN THE DISTRICT COURT

200TH JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

PLAINTIFFS' RESPONSE TO DEFENDANTS' ADVISORY TO THE COURT

NOW COME Plaintiffs and file their Response to the Defendants' Advisory to the Court filed on June 21, 2012, and would show the Court as follows:

1. Shortly after the last conference with the Court on May 18, 2012, Toni Hunter, after conferring with all Plaintiffs' counsel, contacted Shelley Dahlberg of the Office of Attorney General and suggested that the Plaintiffs believed that the Court's request for a seminar

describing the factual structure of the current school finance system could best be met with a cooperative development and presentation of the facts by Lisa Dawn Fisher, TEA Chief Finance Officer, and Joe Wisnowski, from Moak Casey & Associates. We indicated that at the time of trial any party could move to have this seminar or any part of it entered into the record, which would then be available to the appellate court.

2. Mr. Wisnowski is an associate of Lynn Moak's. He was previously at TEA in Ms. Fisher's position. He has been involved in school finance for at least the last 2 decades.

3. Toni Hunter communicated this suggestion to Ms. Dahlberg. She agreed to discuss it with her group and get back to the Plaintiffs' attorneys.

4. Ms. Dahlberg e-mailed the proposal in her advisory to the Plaintiffs' attorneys who discussed it. It was the group's consensus that this approach was too complicated, forced us to depose Ms. Fisher before we were ready and possibly to depose her twice, prematurely started the trial, gave the State two bites of the apple with Ms. Fisher's testimony, and did not assure that her presentation was fair to all sides. Further, we did not believe it was what the Court envisioned, which was an informative piece as opposed to an advocacy piece. Attorneys from the Attorney General's office were finally available for a telephone call on June 18, 2012. At that time they rejected Plaintiffs' proposal without reasons and did not wish to negotiate an agreed approach.

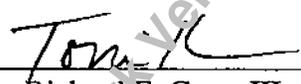
5. Plaintiffs' attorneys believe the seminar they propose could take place in August or late July, but definitely before mid-September.

PRAYER

Therefore, Plaintiffs object to the State's proposal and urge the Court to accept their proposal or to set the parameters of a negotiated compromise between the parties.

Respectfully submitted,

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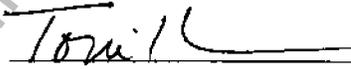
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CERTIFICATE OF SERVICE

The undersigned certifies that on June 22, 2012, a true and correct copy of the foregoing was served upon the following counsel of record via email pursuant to the agreement of the parties and in compliance with the Texas Rules of Civil Procedure and the Texas Local Rules:

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