

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

THE TEXAS TAXPAYER & STUDENT	§	IN THE DISTRICT COURT
FAIRNESS COALITION, et al;	§	
CALHOUN COUNTY ISD, et al;	§	
EDGEWOOD ISD, et al;	§	
FORT BEND ISD, et al.,	§	
TEXAS CHARTER SCHOOL ASS'N et al.	§	
	§	
Plaintiffs,	§	
	§	
	§	
	§	
	§	
JOYCE COLEMAN, et al.,	§	
	§	
Intervenors,	§	
	§	
	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
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.	§	200 th JUDICIAL DISTRICT

ALL PARTIES' AGREED MOTION FOR BIFURCATED TRIAL

TO THE HONORABLE JUDGE DIETZ:

Pursuant to Texas Rule of Civil Procedure 174(b), all parties jointly file this Agreed Motion to bifurcate the trial on the issue of attorney's fees and costs from the trial on the substantive claims, and respectfully show the court as follows:

1. The Calhoun County ISD Plaintiffs, the Texas Taxpayer Plaintiffs, the Edgewood ISD Plaintiffs, the Fort Bend ISD Plaintiffs, Efficiency Intervenors, and the Charter School Plaintiffs all have requested attorneys' fees, costs and expenses under Section 37.009 of the Texas Civil Practice and Remedies Code or as otherwise allowed by law. The State Defendants

have filed a general denial to those claims, and have asserted their own claim for recovery of their reasonable attorney's fees and costs.

2. To promote convenience, the parties request a bifurcated trial of the issue of the amount of attorney's fees and costs to be awarded, if any.

3. This is a significant case that will involve many fact and expert witnesses. Trial of the merits is anticipated to last for several months. Bifurcating trial on the issue of attorney's fees and costs from trial on the merits will simplify the case and be more convenient for all parties involved.

4. Moreover, bifurcating the trial promotes judicial efficiency. If the State Defendants prevail on the merits, there may not be a need to proceed with a separate trial on Plaintiffs' and Intervenors' attorney's fees.

For the foregoing reasons, all parties respectfully request that trial on attorney's fees and costs be bifurcated from the remaining issues in this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of All Parties' Agreed Motion for Bifurcated Trial has been sent to the following counsel of record by electronic mail on August 24, 2012:

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GV-100528
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CAPACITY; TEXAS STATE BOARD	§	
OF EDUCATION,	§	
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Defendants.	§	200 th JUDICIAL DISTRICT

ORDER GRANTING AGREED MOTION FOR BIFURCATED TRIAL

On this day, the Court considered All Parties' Agreed Motion for Bifurcated Trial. Having considered the Motion, the applicable law, and all other things properly before the Court, the Court determines that the Motion is meritorious and should be GRANTED. It is therefore

ORDERED that All Parties' Agreed Motion to Bifurcate Trial is GRANTED. It is further

ORDERED that trial on the amount of attorney's fees, costs, and expenses to be awarded, if any, is hereby bifurcated from and shall be tried separately from all remaining issues in this cause.

SIGNED this _____ day of _____, 2012

JOHN K. DIETZ, Judge
250th Judicial District Court

Agreed as to form and substance and entry requested:

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