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RE: All Consolidated Plaintiffs - *The Texas Taxpayer & Student Fairness Coalition, et al. v. Michael Williams, et al.*, Cause No. D-1-GN-11-003130, in the 200<sup>th</sup> Judicial District Court, Travis County, Texas; including all Plaintiffs formerly in the following lawsuits: *Edgewood ISD, et al. v. Michael Williams, et al.*, Cause No. D-1-GV-11-001972, In the 345<sup>th</sup> Judicial District Court, Travis County, Texas; *Calhoun County ISD, et al. v. Michael Williams, et al.*, Cause No. D-1-GV-11-001917, In the 419<sup>th</sup> Judicial District Court, Travis County, Texas; and *Fort Bend ISD, et al. v. Michael Williams, et al.*, Cause No. D-1-GV-11-002028, In the 200<sup>th</sup> Judicial District Court, Travis County, Texas



July 31, 2013

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Dear Counsel:

This letter is sent pursuant to Rule 11 of the Texas Rules of Civil Procedure, and will confirm that the parties have agreed to the proposed scheduling order attached to this letter as Exhibit A, including a trial start date of Tuesday, January 21, 2014.<sup>1</sup>

If the foregoing accurately reflects the parties' agreement, please sign where indicated and return the signature pages to me.

Very truly yours,  
Thompson & Horton LLP

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JDT/PDF/HGM/sr  
Enclosure

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<sup>1</sup> The State Defendants are not joining this Rule 11 agreement. Instead, they have indicated they will file a separate letter



July 31, 2013

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Agreed:

/s/ Richard Gray IV by permission HGM

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

TEXAS TAXPAYER & STUDENT  
FAIRNESS COALITION, *et al.*,

Plaintiffs,

VS.

MICHAEL WILLIAMS, TEXAS  
COMMISSIONER OF EDUCATION, *et al.*,

Defendants

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§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

200<sup>TH</sup> JUDICIAL DISTRICT

**PROPOSED SCHEDULING ORDER**

**1. INITIAL AMENDMENT TO PLEADINGS/PARTIES**

- 8/7/13** Parties asserting claims for affirmative relief shall amend or supplement pleadings by this date.
- 9/8/13** Parties resisting claims for affirmative relief shall amend or supplement pleadings by this date.

**2. DESIGNATION OF FACT WITNESSES FOR TRIAL**

- 8/26/13** Plaintiffs agree to designate any fact witnesses that they may call at trial by this date.
- 9/16/13** Defendants agree to designate any fact witnesses that they may call at trial by this date.

**3. AMENDMENT TO PLEADINGS/PARTIES**

- 10/11/13** Parties asserting claims for affirmative relief may amend or supplement pleadings after this date only by agreement of all parties or with leave of Court.
- 10/25/13** Parties resisting claims for affirmative relief may amend or supplement pleadings after this date only by agreement of all parties or with leave of Court.

**4. DESIGNATION OF EXPERTS**

- 10/14/13** Any party seeking affirmative relief on any claim shall, by this date:
  - (1) designate experts pursuant to and in compliance with Tex. R. Civ. P. 194.2(f) and 195;
  - (2) serve all other parties with expert reports, which shall include: (A) a complete statement of the opinions the expert(s) will offer and the bases for same, (B) a description of the compensation for the expert(s)' work in the rehearing

portion of this case, (C) a list of the expert(s)' publications for the previous seven (7) years, and (D) a list of matters in which the expert(s) provided deposition or trial testimony for the previous seven (7) years; and

- (3) provide three dates prior to November 22, 2013, upon which each such expert will be made available for oral deposition (deposition dates beyond November 22, 2013 may be provided by agreement of the parties or with leave of Court).

**11/11/13** Any party resisting claims for affirmative relief on any claim shall, by this date:

- (1) designate experts pursuant to and in compliance with Tex. R. Civ. P. 194.2(f) and 195;
- (2) serve all other parties with expert reports, which shall include: (A) a complete statement of the opinions the expert(s) will offer and the bases for same, (B) a description of the compensation for the expert(s)' work in the rehearing portion of this case, (C) a list of the expert(s)' publications for the previous seven (7) years, and (D) a list of matters in which the expert(s) provided deposition or trial testimony for the previous seven (7) years; and
- (3) provide three dates prior to December 20, 2013, upon which each such expert will be made available for oral deposition (deposition dates beyond December 20, 2013 may be provided by agreement of the parties or with leave of Court).

The parties agree to participate in good faith negotiations regarding amended or supplemental expert reports if the need arises. If no agreement can be reached, the party seeking to amend or supplement may seek leave of court.

## **5. DISCOVERY LIMITATIONS & COMPLETION DEADLINE**

**12/9/13** All discovery shall be completed by this date except as provided herein for depositions of experts for parties resisting relief or as otherwise agreed by the parties.

The parties have not reached agreement with regard to limitations on written and oral discovery; however, the parties are committed to negotiate in good faith to reach mutually agreeable limitations and to notify the Court of such limitations by filing a formal agreement pursuant to Texas Rule of Civil Procedure 11. In the event that an agreement cannot be reached by the parties, the parties will submit the issue to the Court for a final determination of appropriate limitations.

The parties will continue to abide by the Rule 11 agreement regarding Depositions and Discovery that was entered into and filed with the Court on April 20, 2012.

## **6. DISPOSITIVE MOTIONS DEADLINE**

**12/9/13** Any dispositive motions shall be filed by this date, except that a plea to the jurisdiction may be filed at any time.

**7. DESIGNATION OF TRIAL EXPERTS, WITNESSES, AND EXHIBITS**

**1/6/14** All parties shall file and serve upon each other and the Court a list of all expert witnesses and fact witnesses who may testify at trial and all deposition designations and exhibits that may be used at trial, as well as copies of all exhibits that may be used at trial. Any objections and counter deposition designations thereto shall be filed at least four days before the first day of trial.

**1/13/14** All parties seeking affirmative relief shall serve upon the other parties and the Court the anticipated sequence of witness testimony.

**1/27/14** All parties resisting claims for affirmative relief shall serve upon the other parties and the Court the anticipated sequence of witness testimony at least seven days prior to witness presentation, but no later than this date.

**8. PRE-TRIAL HEARING**

**9/12/13** (Suggested date subject to the Court's preference)

**9. TRIAL**

**1/21/14**

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