



even exist today and does not become effective until 2016-17. *See* H.B. 5 § 31(b)-(c) (effective date). Because the 2016-17 accountability system has “no relationship to any of the issues in the case,” namely, the constitutional claims to the *current* educational system, such evidence is irrelevant and inadmissible. *E.I. du Pont de Nemours & Co. v. Robinson*, 923 S.W.2d 549, 556 (Tex. 1995).

Second, the Edgewood ISD Plaintiffs do not agree to the admission of any exhibits or other documents referenced in Defendants’ First Request to Take Judicial Notice. No such request has been made by Defendants, the exhibits are wrought with self-serving, inaccurate hearsay statements, and such admission would be inappropriate at this time.

Finally, the Edgewood ISD Plaintiffs maintain that using near-final data for the 2012-13 school year, when it becomes available later this year, and revenue projections for a subsequent year (2013-14), is the best option to ensure reliable analyses on the equity of the Texas funding system. The Edgewood ISD Plaintiffs oppose any contrary suggestion in the other ISD Plaintiffs’ response that the Court can otherwise appropriately evaluate the impact of the 83rd Legislature’s actions into future years.

### **Conclusion**

Accordingly, the Edgewood Plaintiffs respectfully ask the Court to deny judicial notice of House Bill 5, Section 44, deny the admission of any other documents (other than the legislation not objected to by Edgewood Plaintiffs) requested in Defendants request for judicial notice, and deny any equity analysis for the 2014-15 school year based on 2012-13 school year data. Save for the above-referenced reservations, the Edgewood ISD Plaintiffs’ join the relief requested in Fort Bend ISD Plaintiffs’ response.

DATED: October 2, 2013

Respectfully Submitted,

**MEXICAN AMERICAN LEGAL DEFENSE AND  
EDUCATIONAL FUND, INC.**

David G. Hinojosa  
State Bar No. 24010689  
Marisa Bono  
State Bar No. 24052874  
110 Broadway, Suite 300  
San Antonio, Texas 78205  
(210) 224-5476  
(210) 224-5382 Fax

By: s/Marisa Bono  
Marisa Bono

**MULTICULTURAL, EDUCATION,  
TRAINING AND ADVOCACY, INC.**

Roger L. Rice\*  
Box 440245  
Somerville, MA 02144  
Ph: (617) 628-2226  
Fax: (617) 628-0322

\*Admitted Pro Hac Vice

**Attorneys for Edgewood Plaintiffs**

**CERTIFICATE OF SERVICE**

By my signature below, I certify that on October 2, 2013, I served the foregoing document via electronic mail to Defendants and to the other parties listed below:

GREG ABBOTT  
Attorney General of Texas  
DANIEL T. HODGE  
First Assistant Attorney General  
DAVID C. MATTAX  
Deputy Attorney General for Defense Litigation  
ROBERT B. O'KEEFE  
Chief, General Litigation Division  
SHELLEY N. DAHLBERG  
Assistant Attorney General Texas  
Texas Attorney General's Office  
General Litigation Division  
P. O. Box 12548, Capitol Station  
Austin, Texas 78711  
Fax: (512) 320-0667

Attorneys for Defendants

Mark R. Trachtenberg  
HAYNES AND BOONE, LLP  
1 Houston Center  
1221 McKinney St., Suite 2100  
Houston, Texas 77010  
Fax: (713) 547-2600

John W. Turner  
HAYES AND BOONE, LLP  
2323 Victory Avenue, Suite 700  
Dallas, Texas 75219  
Fax: (214) 651-5900

Attorneys for Plaintiffs, Calhoun County ISD, et al.

J. Christopher Diamond  
The Diamond Law Firm, P.C.  
17484 Northwest Freeway  
Ste. 150  
Houston, Texas 77040  
Fax: (832) 201-9262

Richard Gray  
Toni Hunter  
GRAY & BECKER, P.C.  
900 West Ave.  
Austin, Texas 78701  
Fax: (512) 482-0924

Randall B. Wood  
Doug W. Ray  
RAY & WOOD  
2700 Bee Caves Road #200  
Austin, Texas 78746  
Fax: (512) 328-1156

Attorneys for Plaintiffs, Texas Taxpayer & Student Fairness Coalition, et al.

J. David Thompson, III  
Philip Fraissinet  
THOMPSON & HORTON, LLP  
Phoenix Tower, Suite 2000  
3200 Southwest Freeway  
Houston, Texas 77027  
Fax: (713) 583- 9668

Attorneys for Plaintiffs, Fort Bend ISD

