

DATED: January 22, 2014

Respectfully submitted,

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By: /s/ David Hinojosa
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CERTIFICATE OF SERVICE

I also certify that on January 22, 2014, I served the foregoing document via electronic mail to the parties listed below:

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By: /s/ Celina Moreno
Celina Moreno

Exhibit A

Unofficial copy Travis Co. District Clerk Veva L. Price

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Reply Reply to All Forward Move Delete Junk Close

RE: Tentative Rule 11 re Cavazos Depo Designations, Exhibits and Proffer Powerpoint

Bunker-Henderson, Nichole [nichole.bunker-henderson@texasattorneygeneral.gov]

Sent: Wednesday, January 22, 2014 1:57 PM

To: Marisa Bono

Cc: Celina Moreno; Dahlberg, Shelley [shelley.dahlberg@texasattorneygeneral.gov]; David Hinojosa; Cochran-McCall, Amanda [Amanda.Cochran-McCall@texasattorneygeneral.gov]

All relevance objections are dependent upon our 104 motion. Thanks

Sent from my Galaxy S3@III

----- Original message -----

From: Marisa Bono
 Date: 01/22/2014 1:18 PM (GMT-06:00)
 To: "Bunker-Henderson, Nichole"
 Cc: Celina Moreno, "Dahlberg, Shelley", David Hinojosa, "Cochran-McCall, Amanda"
 Subject: Re: Tentative Rule 11 re Cavazos Depo Designations, Exhibits and Proffer Powerpoint

Got it - if there are relevancy objections to exhibits or depo. designations that you believe don't fall under the 104 ruling, please let me know so that we can amend our designations properly.

Sent from my iPhone - please excuse brevity and typos

On Jan 22, 2014, at 12:48 PM, "Bunker-Henderson, Nichole" <nichole.bunker-henderson@texasattorneygeneral.gov> wrote:

> Yes, with the addition that our withdrawal of relevancy objections is based on the Judge's ruling on our 104 motion.

>
>
> Thanks

> -----Original Message-----

> From: Celina Moreno [mailto:cmoreno@MALDEF.org]
 > Sent: Wednesday, January 22, 2014 12:31 PM
 > To: Marisa Bono; Dahlberg, Shelley
 > Cc: David Hinojosa; Bunker-Henderson, Nichole; Cochran-McCall, Amanda
 > Subject: RE: Tentative Rule 11 re Cavazos Depo Designations, Exhibits and Proffer Powerpoint

> Nichole,
>

> Attached is the amended proffer PowerPoint reflecting today's tentative agreement. We have removed the last line citing Ex. 4334 at 83:25-84:14 from Slide 11 titled "HB5 Additional Costs." Please approve so that we can circulate to all parties before the Cavazos proffer today. According to Marisa's email below, if the Court sustains the objections to the deposition testimony for the last bullet point on Slide 11, we will ask the Court to provisionally admit, delete the bullet point, and then recirculate as the accurate exhibit.

> Thanks,
> Celina

> -----
 > From: Marisa Bono
 > Sent: Wednesday, January 22, 2014 12:30 PM
 > To: Dahlberg, Shelley
 > Cc: David Hinojosa; Celina Moreno; Bunker-Henderson, Nichole; Cochran-McCall, Amanda
 > Subject: Tentative Rule 11 re Cavazos Depo Designations, Exhibits and Proffer Powerpoint

> Nichole, thanks for taking the time before lunch to confer.

> This is what I believe we agreed on. Please review. If it's agreeable, I'll read it as our Rule 11 agreement before the Cavazos testimony. I will move in any exhibits where State objections are dropped, and tonight we will amend Ex. 4334 to reflect the designations we are dropping. Celina will amend the proffer powerpoint to reflect our agreement and circulate in response to this email

> Exhibits -

- >
- > Plaintiffs withdraw Ex. 20149 from our exhibit list (we won't move to admit it). Defendants are dropping all relevancy objections filed January 17, 2014 (the State list we were looking at together)
- >
- > Proffer Powerpoint (Ex. 4335) -
- >
- > We are deleting the last cite on Slide 11. We will maintain the other bullet points on that slide. We understand that the State will object to the last bullet point on that slide and the related deposition testimony. If the Court sustains, we will ask that the depo designations be provisionally admitted today pending the deletion of that testimony.
- >
- > Deposition Designations
- >
- > The State is dropping all relevancy objections (listed on p. 6 of our Response filed today), and dropping all objections not raised in the deposition (listed on p.4, p. 6, and p. 7 of our Response - the objections the state lists here are not based on form, as stated in our response).
- >
- >
- > Thanks,
- > Marisa

 Connected to Microsoft Exchange

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