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D-1-GN-11-003130

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January 28, 2014

David Hinojosa  
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D-1-GN-11-003130

Re: *The Texas Taxpayer & Student Fairness Coalition, et al. v. Michael Williams, et al.*; Cause No. D-1-GV-11-003130 [Rule 11 Agreement – Expert Program Files]

Dear Counsel:

This letter serves as a binding agreement among the attorneys for Edgewood ISD, et al, and for the State Defendants under Texas Rule of Civil Procedure 11 generally regarding computer *program* files disclosed during the course of discovery in this matter. The specific files that are subject to this agreement are the SAS Program files used by Lisa Dawn-Fisher to generate data and calculations used in this litigation. The Excel spreadsheets or other files containing the data and calculations generated by Dr. Dawn-Fisher are expressly excluded from this agreement.

The Parties and their Counsel agree that neither they nor any experts or consultants working for them will use SAS Program files obtained from another party for any purposes other than in this litigation. The Parties and their Counsel further agree that they will not disclose or share the aforementioned program files with any other party to the lawsuit who has not entered into a similar Rule 11 agreement with the Party producing the program files. And finally, the Parties and their Counsel further agree that, at the close of the litigation, all copies of the files, in whatever form they exist, will be either returned to counsel for the disclosing party or destroyed.

If this letter represents your understanding of the agreement, and you agree to its terms, please sign below.

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Very truly yours,

*/s/ Shelley N. Dahlberg*

Shelley N. Dahlberg  
Assistant Attorney General

**AGREED:**

*/s/ David G. Hinojosa*  
David G. Hinojosa  
Attorneys for Edgewood ISD Plaintiffs

Unofficial copy Travis Co. District Clerk Veva L. Price