

Trial Experts and Witnesses

The Charter School Plaintiffs designate the following fact and expert witnesses, who will testify in the order named, for the second phase of the trial:

1. Ms. Toni Templeton. (expert and fact witness¹) Quality Initiatives Data Analyst, Texas Charter Schools Association, 700 Lavaca St., Suite 930, Austin, Texas 78701, Telephone: (512) 584-8282.
2. Mr. David Dunn (fact witness), Executive Director, Texas Charter Schools Association, 700 Lavaca St., Suite 930, Austin, Texas 78701 Telephone: (512) 584-8272.
3. Robert A. Schulman (expert witness), Schulman, Lopez & Hoffer, LLP, 517 Soledad Street, San Antonio, Texas 78205, Telephone: (210) 538-5385. Mr. Schulman may testify on the amount of attorneys' fees due to the Charter School Plaintiffs, the time expended, and the reasonableness of the hours and rates. His report on fees will be made available to the Defendants upon completion of the trial, and a judgment allowing Charter School Plaintiffs their fees and costs.

Depending on the evidence brought by all parties and a determination of the scope and issues to be determined in the continuation of this trial, Charter School Plaintiffs reserve the right to call rebuttal witnesses or supplement this list, and also cross-designate each and every witness identified by all Plaintiffs and/or Interveners to this action on their respective trial witness designations.

Deposition Designations

Charter School Plaintiffs designate the following depositions as exhibits for the second phase of the trial insofar as they relate to the actions (and inactions) of the 83rd Legislature. This designation includes the exhibits attached to each deposition and the supplemental depositions of each witness taken prior to the second phase of this trial. Where noted by exhibit number, the deposition already has been admitted into evidence.

1. Ms. Toni Templeton November 8, 2013 deposition and accompanying exhibits (Nos. 20020 – 20024, inclusive); and Ms. Templeton's deposition taken on January 27, 2014 by Eric Vinson and accompanying exhibits (Nos. 20300 – 20308, inclusive).
2. Mr. David Dunn November 9, 2012 deposition and accompanying exhibits (Trial Exhibit No. 9031),² and November 20, 2013 deposition and accompanying exhibits (Nos. 20111 – 20112, inclusive).
3. Mr. James Strohmeyer January 11, 2013 deposition and accompanying exhibits (Trial Exhibit No. 9037).

¹ Ms. Templeton may be asked opinions as an expert within the realm of her expertise; *i.e.*, about methodology and workings of her and Dr. Lisa Dawn-Fisher's Excel data sheets. At this time, the Charter School Plaintiffs do not contemplate inquiring about these matters on direct, but might do so if necessary for introduction of her testimony and accompanying PowerPoint or in rebuttal, if necessary.

² "Trial Exhibits" Nos. 9031 and 9037 have already been admitted into trial evidence.

Charter School Plaintiffs may also use the depositions and/or accompanying exhibits of the following witnesses (both their original or supplemental depositions, and the exhibits introduced in and made a part of each such deposition) on cross-examination during the second phase of the trial insofar as their deposition testimony relates to the actions (and inactions) of the 83rd Legislature:

1. Dr. Joe Wisnoski;
2. Dr. Lynn Moak;
3. Dr. Lisa Dawn-Fisher;
4. Dr. Catherine Clark;
5. Dr. Wayne Pierce;
6. Dr. Shirley Beaulieu.

Further, the Charter School Plaintiffs may utilize at trial any or all parts of the deposition testimony and deposition exhibits offered by other witnesses, deposition testimony and deposition exhibits marked or included by any party, and data from public records. Charter School Plaintiffs do not have possession of transcripts for all depositions taken. If necessary, Charter School Plaintiffs reserve the right to designate additional deposition testimony. It is assumed that all parties hereto will call their respective experts to testify live at trial. Therefore, deposition excerpts have not been prepared for those experts. If any experts are not called to testify at trial, Charter School Plaintiffs reserve the right to offer deposition testimony from any such witnesses. Charter School Plaintiffs reserve the right to use any deposition testimony for the purpose of cross-examination, impeachment, or otherwise.

Exhibits

The Charter School Plaintiffs may use the following exhibits, attached hereto, during the second phase of the trial as they relate to the action (and inactions) of the 83rd Legislature. Where noted by "Trial Exhibit No. __," the document has already been admitted into trial evidence. Documents yet to be admitted into trial evidence are referred to herein as "Proposed Trial Exhibit No. ___."

1. Updated résumé for Ms. Toni Templeton, Proposed Trial Exhibit No. 9063.
2. Updated financial data to reflect the Foundation School Program data received by the Charter School Plaintiffs from the State of Texas on December 18, 2013, Proposed Trial Exhibit No. 9064.
3. Tables: CSP Total Revenue Comparison of Methodologies: Student and District as Unit of Analysis, Proposed Trial Exhibit No. 9065.
4. Tables: Distribution of Foundation School Program Funding, Proposed Trial Exhibit No. 9066.
5. Tables: Similar Schools Analysis: Foundation School Program Funding, Proposed Trial Exhibit No. 9067.
6. Updated College Ready Performance Data From 2013 Texas Academic Performance Report (TEA), Proposed Trial Exhibit 9068.
7. Updated résumé for Mr. David Dunn, Proposed Trial Exhibit No. 9070.

8. Toni Templeton PowerPoint presentation, Proposed Trial Exhibit No. 9071.
9. David Dunn PowerPoint presentation, Proposed Trial Exhibit No. 9072.
10. "Texas Public School Facility Construction Cost" Expert Report, Mr. James Strohmeyer Jr., AIA, NCARB, Trial Exhibit No. 9002.
11. "Shortchanged Charters: How Funding Disparities Hurt Texas' Charter Schools" Expert Report, Colorado League of Charter Schools, Texas Charter Schools Association, and the National Alliance for Public Charter Schools, Trial Exhibit No. 9007.

The Charter School Plaintiffs also ask the court to take judicial notice of Senate Bill 2, House Bill 5, House Bill 885, the appropriations bills, and all other legislation passed or considered and not passed by the 83rd Legislature. Charter School Plaintiffs reserve the right to utilize any and all deposition exhibits marked or included by any party. This list, by agreement, does not include demonstrative exhibits that will become part of the record. Demonstrative exhibits include, but are not limited to, résumé summaries, data summaries, and charts created from TEA, AEIS, PEIMS, FAST, and other publicly available data.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on January 29, 2014, a true and correct copy of the foregoing Charter School Plaintiffs' First Amended Designation of Trial Experts, Witnesses, and Exhibits and attachments thereto was served upon the following counsel of record *via* e-mail pursuant to the agreement of the parties and in compliance with the Texas Rules of Civil Procedure and the Texas Local Rules:

Shelley N. Dahlberg, Nichole Bunker-Henderson, Linda Halpern, Amanda Cochran-McCall, Eric Vinson, and Beau Eccles, Texas Attorney General's Office, P. O. Box 12548, Capitol Station, Austin, Texas 78711; Attorneys for State Defendants;

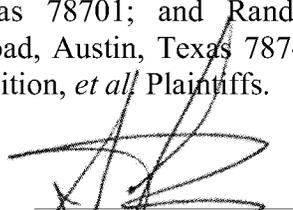
Mark R. Trachtenberg, Haynes & Boone, LLP, 1 Houston Center, 1221 McKinney Street, Suite 2100, Houston, Texas 77010; and John W. Turner, Micah E. Skidmore and Michelle C. Jacobs, Haynes & Boone, LLP, 2323 Victory Avenue, Suite 700, Dallas, Texas 75219; Attorneys for Calhoun County, *et al.* Plaintiffs;

David G. Hinojosa, Marisa Bono, and Celina Moreno, Mexican American Legal Defense and Educational Fund, Inc., 110 Broadway, Suite 300, San Antonio, Texas 78205; and Roger Rice, META, Inc., 240 "A" Elm Street, Suite 22, Somerville, Massachusetts 02144; Attorneys for Edgewood ISD, *et al.* Plaintiffs;

J. Christopher Diamond, The Diamond Law Firm, PC, 17484 Northwest Freeway, Suite 150, Houston, Texas 77040; and Craig T. Enoch, Melissa A. Lorber and Amy Saberian, Enoch Keever, PLLC, 600 Congress, Suite 2800, Austin, Texas 78701; Attorneys for Efficiency Intervenors;

J. David Thompson III and Philip Fraissinet, Thompson & Horton, LLP, Phoenix Tower, Suite 2000, 3200 Southwest Freeway, Houston, Texas 77027; and Holly G. McIntush, Thompson & Horton, LLP, 400 West 15th Street, Suite 1430, Austin, Texas 78701; Attorneys for Fort Bend ISD, *et al.* Plaintiffs; and

Richard E. Gray III, Toni Hunter and Richard Gray IV, Gray & Becker, PC, 900 West Avenue, Austin, Texas 78701; and Randall (Buck) Wood and Douglas Ray, 2700 Bee Caves Road, Austin, Texas 78746; Attorneys for Texas Taxpayer & Student Fairness Coalition, *et al.* Plaintiffs.



Leonard J. Schwartz