

7. Specifically, Mr. Moak’s exhibits and testimony are unreliable because: (1) he has no specific knowledge about how the \$3,500 base number was calculated, 01.21.14 Rough Draft Trial Trans. 45: 16-18; (2) he admitted the \$3,500 number was based on a different set of curriculum, testing and accountability standards than what is applicable today, *Id.* at 45-46:20-6; and (3) he could not assure the Court that the index accurately captured the cost of education in Texas, *Id.* at 48-49:23-1. For these reasons, Defendants request that the following portions of Mr. Moak’s trial presentation and trial testimony, cited to by page and line below, be stricken from the record of this case.

Record Citation	Description of testimony and related to Moak’s opinions regarding <i>Edgewood IV</i> calculation
Ex. 6618 at 18, F-14	Chart F-14 entitled “Updated <i>Edgewood IV</i> Calculation”—Entire Chart, including Source references at bottom
Ex. 6618 at 18, F-15	Chart F-15 entitled “Required FSP Spending under Adequacy Cost Estimates”—Row in chart labeled “Updated <i>Edgewood IV</i> Calculation,” including two numbers in that row related to updated calculation, and Source reference “RR16:23-26 (referencing Ex. 3230 at 5) (<i>Edgewood IV</i> calculation)”
Ex. 6618 at 19, F-16	Chart F-16 entitled “Adjustments to the 2010-11 Adequacy Costs for Inflation through 2014-15”—Row in chart labeled “Updated <i>Edgewood IV</i> Calculation (Baker),” including three numbers in that row related to updated calculation
01.21.14 Rough Draft Trial Tr. 112:21-113:8	Direct Examination: Entire portion of question and testimony, which only pertains to <i>Edgewood IV</i> number.
01.21.14 Rough Draft Trial Tr. 113:10-16	Direct Examination: Testimony related to <i>Edgewood IV</i> number as follows: “A. Figure 15 shows the additional spending needed per '10-'11 WADA, with \$614 per student, by the Odden estimates. \$1,000 by mine and \$1,014 by the updated <i>Edgewood IV</i> calculation. Then showing the amount of funding that would be needed under each one of those ranging from 6,176 to 6576 , compared to 5,562 under the Foundation School Program cost estimate.”
01.21.14 Rough Draft Trial Tr. 113:24-114:10	Direct Examination: Testimony related to <i>Edgewood IV</i> number as follows: “A. Well, we did two things, one we update the original three estimates for the passage of time in terms of inflationary costs. We used the same cost

	<p>adjustments in each one of these factors based on our estimates of the state and local price deflator increases over this time period, showing that the adjusted estimate for '13-'14, and '14-'15 for each one of the three alternatives, was substantially greater than the foundation program cost estimate at \$1.04, or the foundation program cost estimate at full capacity at \$1.17, or the in between number of districts at their actual 2012 tax rate.”</p>
<p>01.22.14 Rough Draft Trial Tr. 36:16-37:19</p>	<p>Cross Examination: Question and testimony related to <i>Edgewood IV</i> number as follows: “Q. Turn to slide 17. You used three different adequacy estimates that were discussed yesterday. Let's talk first. Let me ask, do any of these three estimates try to estimate the cost of school districts achieving a particular set of outcomes? A. No, they do not. Q. And do any of these three cost estimates try to estimate what it would cost to achieve a particular set of standards? A. No, they do not. Q. And so none of these three cost estimates try to estimate the cost of school districts achieving accountability standards? A. I'm sorry. You're limiting -- none of these three estimates have been directly linked to what the cost of an adequate rating in the accountability system would be. Q. So if the Supreme Court has previously identified general diffusion of knowledge as an accredited education, none of your three costs estimates attempt to estimate the cost of an accredited education; is that correct? A. The cost estimates were not -- were not aimed at that target and did not include that target.” (Defendants only seek to strike this portion of the record if all references to the <i>Edgewood IV</i> number are stricken. If any such references remain, Defendants do not seek to strike this portion of the record.)</p>
<p>01.22.14 Rough Draft Trial Tr. 44:14-49:19</p>	<p>Cross Examination: Entire portion of question and testimony, which only pertains to <i>Edgewood IV</i> number. (Defendants only seek to strike this portion of the record if all references to the <i>Edgewood IV</i> number are stricken. If any such references remain, Defendants do not seek to strike this portion of the record.)</p>
<p>01.22.14 Rough Draft Trial Tr. 58:12-59:20</p>	<p>Redirect Examination: Entire portion of question and testimony, which pertains to <i>Edgewood IV</i> number.</p>

01.22.14 Rough Draft Trial Tr. 59:21-60:5	<p>Redirect Examination: Question and testimony related to <i>Edgewood IV</i> number as follows:</p> <p>“Q. So after you finished making your adjustments to, both the Odden number and the Baker number, and you had your number, what's your opinion about what you had in front of you in order to do an evaluation of costs?</p> <p>A. I had three estimates of costs to addressing substantial problems within the foundation program and that those -- was able to determine those estimates all but exceeded the current capacity of the school finance system in terms of total financing or in terms of basic program financing at \$1.04 tax rate.”</p>
01.22.14 Rough Draft Trial Tr. 81:23-82:24	<p>Recross Examination: Entire portion of question and testimony, which only pertains to <i>Edgewood IV</i> number. (Defendants only seek to strike this portion of the record if all references to the <i>Edgewood IV</i> number are stricken. If any such references remain, Defendants do not seek to strike this portion of the record.)</p>

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