

9/26/2014 4:06:25 PM

Amalia Rodriguez-Mendoza
District Clerk
Travis County
D-1-GN-11-003130



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September 26, 2014

VIA HAND DELIVERY

Ms. Della M. Rothermel, Official Court Reporter
250th Judicial District Court
Heman Marion Sweatt Travis County Courthouse
1000 Guadalupe St., 3rd Floor
Austin, Texas 78701

Re: **Defendants' Request For Preparation Of The Reporter's Record**
The Texas Taxpayer & Student Fairness Coalition, et al. v. Michael Williams, Commissioner of Education, in his official capacity, et al.
Cause No. D-1-GN-11-003130
In the 200th Judicial District Court, Travis County, Texas

Dear Ms. Rothermel:

Defendants Michael Williams, in his official capacity as Commissioner of Education; Susan Combs, in her official capacity as Texas Comptroller of Public Accounts; the Texas State Board of Education; and the Texas Education Agency are appealing the final judgment signed by the Court on August 28, 2014, in this cause. This appeal is a direct appeal to the Supreme Court of Texas. TEX. GOV'T CODE § 22.001(c); TEX. R. APP. P. 57. A copy of the notice of appeal is attached to this letter at Appendix A.

In accordance with Texas Rules of Appellate Procedure 34.6 and 57.1, Defendants request that you prepare, in electronic format, an original and one copy of a complete reporter's record that includes all testimony, objections, offers of proof, bills of exception, voir dire of witnesses, motions, opening statements by counsel, arguments by counsel, rulings by the Court, any other discussions or statements on the record, and all exhibits offered into evidence or presented for inspection to the Court. Based on your electronic-mail message of January 31, 2014, we understand that you are preparing separate volumes of all admitted exhibits, demonstrative exhibits, and exhibits not admitted.

The reporter's record should include:

- all pretrial proceedings, including the hearings on March 28, May 18, June 22, July 11, August 3, and August 21, 2012;

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- the non-evidentiary presentations on August 28 and August 29, 2012;
- all trial proceedings from October 22, 2012, to February 4, 2013;
- all proceedings that occurred between Phase 1 and Phase 2 of the trial, including the hearings on February 13, June 5, June 19, August 20, September 12, October 4, and November 14, 2013, and January 16, 2014;
- all trial proceedings from January 21, 2014, to February 7, 2014;
- all post-trial proceedings, including the hearings on March 19, May 14, and June 2, 2014; and
- the hearing on the motion to recuse on June 20, 2014.

We understand that Brenda J. Wright, Deputy Official Court Reporter, was the reporter for the proceedings on the motion to recuse, and that it is your obligation to obtain that part of the record taken by Ms. Wright for inclusion in the official reporter's record. By copy of this letter, we are requesting that Ms. Wright prepare that part of the reporter's record, including all items described in the previous paragraph.

Please file the original reporter's record with the Supreme Court of Texas and send the copy to me. The reporter's record must be filed in the Supreme Court by December 26, 2014. TEX. R. APP. P. 26.1(a), 35.1(a). The Court signed the final judgment on August 28, 2014. Thus, the deadline to perfect an appeal is November 26, 2014. TEX. R. APP. P. 26.1(a)(4) (requiring that a notice of appeal be filed within 90 days after the signing of the judgment when any party files a timely request for required findings of fact and conclusions of law). Defendants timely filed their notice of appeal on September 26, 2014. App. A. Because Texas Rule of Appellate Procedure 26.1(a) applies to this appeal, the appellate record must be filed in the appellate court within 120 days of the signing of the judgment, or by December 26, 2014. TEX. R. APP. P. 35.1(a).

My legal assistant, Sabrina Wycoff, attempted to contact you today to make arrangements to pay for Defendants' share of the total cost of preparation of the reporter's record. Please contact her at (512) 936-1897 or sabrina.wycoff@texasattorneygeneral.gov to discuss those payment arrangements.

If you have any questions regarding this request, please contact me at (512) 936-2872 or rance.craft@texasattorneygeneral.gov.

Ms. Della M. Rothermel, Official Court Reporter
Cause No. D-1-GN-11-003130
Defendants' Request for Reporter's Record
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Thank you for your assistance with this matter.

Sincerely,

/s/ Rance Craft

Rance Craft
Assistant Solicitor General
State Bar No. 24035655

Attorney for Defendants

RLC/vlc
Enclosure

cc: Ms. Amalia Rodriguez-Mendoza, District Clerk (*via electronic filing*)
Ms. Brenda J. Wright, Deputy Official Court Reporter (*via electronic mail and U.S. mail*)

Unofficial copy Travis Co. District Clerk Velva L. Price

CERTIFICATE OF SERVICE

On September 26, 2014, the foregoing **Defendants' Request For Preparation Of The Reporter's Record** was served by File & Serve XPress and/or electronic mail on:

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/s/ Rance Craft
Rance Craft
Assistant Solicitor General

Attorney for Defendants

Unofficial copy Travis Co. District Clerk/Val. Price

APPENDIX A

Unofficial copy Travis Co. District Clerk Velda L. Price

CAUSE NO. D-1-GN-11-003130

THE TEXAS TAXPAYER & STUDENT	§	IN THE DISTRICT COURT
FAIRNESS COALITION, et al.;	§	
CALHOUN COUNTY ISD, et al.;	§	
EDGEWOOD ISD, et al.;	§	
FORT BEND ISD, et al.;	§	
TEXAS CHARTER SCHOOL	§	
ASSOCIATION, et al.,	§	
	§	
Plaintiffs,	§	
	§	
JOYCE COLEMAN, et al.,	§	
	§	
Intervenors,	§	
	§	200th JUDICIAL DISTRICT
vs.	§	
	§	
MICHAEL WILLIAMS, COMMISSIONER	§	
OF EDUCATION, IN HIS OFFICIAL	§	
CAPACITY; SUSAN COMBS,	§	
TEXAS COMPTROLLER OF PUBLIC	§	
ACCOUNTS, IN HER OFFICIAL	§	
CAPACITY; THE TEXAS STATE BOARD	§	
OF EDUCATION; THE TEXAS	§	
EDUCATION AGENCY,	§	
	§	
Defendants,	§	TRAVIS COUNTY, TEXAS

NOTICE OF APPEAL

Defendants Michael Williams, in his official capacity as Commissioner of Education; Susan Combs, in her official capacity as Texas Comptroller of Public Accounts; the Texas State Board of Education; and the Texas Education Agency give notice that they desire to appeal the final judgment signed by the Court on August 28, 2014, in this cause. This appeal is a direct appeal to the Supreme Court of Texas. TEX. GOV'T CODE § 22.001(c); TEX. R. APP. P. 57.

Respectfully submitted.

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Solicitor General

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CERTIFICATE OF SERVICE

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