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February 4, 2005

VIA FEDERAL EXPRESS

Mr. Andrew Weber, Clerk
Supreme Court of Texas
201 W. 14th Street, Room 104
Austin, Texas 78701

Re: No. 04-1144; *Shirley Neeley, in her official capacity as the Commissioner of Education, et al. v. West Orange-Cove Consolidated I.S.D., et al.*; In the Supreme Court of Texas

Dear Mr. Weber:

Enclosed is the original and twelve copies of *West Orange Cove Appellees' Reply Regarding State Appellants' Statement of Jurisdiction*.

Please file in your usual manner and return the file-stamped copy in the self-addressed, stamped envelope provided.

As always, thank you for your courtesy and assistance.

Sincerely,



Lisa Ivey,
Legal Assistant

Enclosures

H-527158.2

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Page 2

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Page 3

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NO. 04-1144

In the Supreme Court of Texas

SHIRLEY NEELEY, IN HER OFFICIAL CAPACITY AS
THE COMMISSIONER OF EDUCATION, ET AL.,

Appellants,

v.

WEST ORANGE-COVE CONSOLIDATED I.S.D., ET AL.,

Appellees.

WEST ORANGE COVE APPELLEES' REPLY REGARDING
STATE APPELLANTS' STATEMENT OF JURISDICTION

TO THE HONORABLE SUPREME COURT OF TEXAS:

The West Orange Cove Plaintiffs/Appellees file this Reply Regarding the State Appellants' Statement of Jurisdiction.

ARGUMENT

The West Orange Cove Plaintiffs join the State in urging this Court to promptly note probable jurisdiction over this direct appeal and to set a briefing schedule in accordance with that suggested by the State. A lengthy detour through the court of appeals would be very detrimental to the interests of all parties involved – most

particularly the hundreds of school districts negatively impacted by the current school finance crisis. Given the district court's October 1, 2005 deadline for enforcement of its injunction,¹ the ongoing legislative session and the indisputable importance of the issues presented in this case to the citizens of Texas, a direct and expeditious appeal to this Court is critical.

The State correctly notes that the pendency of the Edgewood Intervenors' post-judgment motion does not thwart this Court's jurisdiction. (State's Reply at 2-4.) The State also correctly observes that moving forward with briefing on the state property tax, adequacy, and facilities claims will not prejudice the Edgewood Intervenors' appeal from the district court's ruling on its equity claims (or the State's appeal, if the Edgewood Intervenors' post-trial motion is granted). (State's Reply at 6.) None of the parties contemplate a severance – only a supplemental briefing schedule on the equity issues presented in the post-trial motion. Any oral argument before, or decision by, this Court would await full briefing on all issues, but permitting a “head start” for briefing of the State's issues would enable this Court to resolve this case more expeditiously.

CONCLUSION

The West Orange Cove Plaintiffs join with the State in urging the Court to promptly note probable jurisdiction and to set a briefing schedule on the issues raised in the State's appeal.

¹ The State asserts that this appeal automatically supersedes the district court's injunction. That is an issue for another day.

Respectfully submitted,

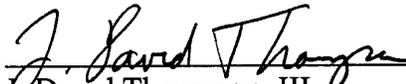
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent to the following counsel of record in accordance with the Texas Rules of Appellate Procedure on this 4th day of February, 2005:

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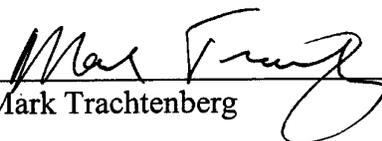
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