

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED M
JAN 16 1996
NANCY DOHERTY, CLERK
By [Signature]
Deputy

TRINI GAMEZ

Plaintiff

v.

HEREFORD INDEPENDENT SCHOOL DISTRICT, RON WIESHAAR, STEVE WRIGHT, RANDY TULLEY, JAMES MARSH, MIKE VEAZEY, JOE FLOOD and RAUL VALDEZ, all in their official capacities as members of the HEREFORD INDEPENDENT SCHOOL DISTRICT, HEREFORD, TEXAS

Defendants.

**CIVIL ACTION NO.
2-95-CV-028**

AGREED ORDER OF JUDGMENT AND DISMISSAL

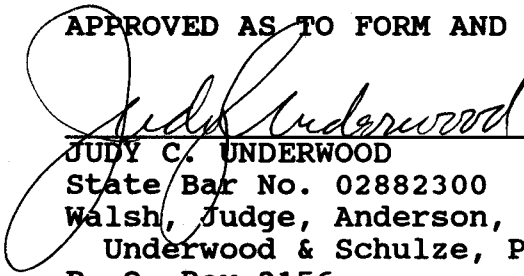
Plaintiff and Defendants have settled and compromised all matters at issue in the above entitled and numbered suit as set out in the Agreed Settlement previously entered into the record and incorporated herein for all purposes. The proposed election plan agreed upon received preclearance from the United States Department of Justice as of December 12, 1995. It is therefore, ORDERED that the election system of Defendant school district be and hereby is changed from an at-large election system to single-member districts as set out more specifically in the Agreed Settlement. It is further,

ORDERED that this suit is dismissed with costs charged to the parties incurring same.

Signed this 12th day of January, 1996.

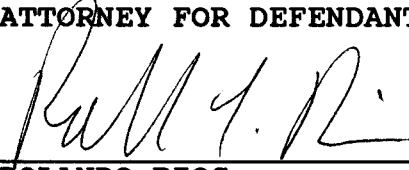

Mary Lou Robinson
United States District Judge

APPROVED AS TO FORM AND CONTENT:


JUDY C. UNDERWOOD
State Bar No. 02882300
Walsh, Judge, Anderson,
Underwood & Schulze, P.C.
P. O. Box 2156
Austin, Texas 78768
Telephone: (512) 454-6864
Facsimile: (512) 467-9318

January 4, 1996
DATE

ATTORNEY FOR DEFENDANTS


ROLANDO RIOS
State Bar No. 16935900
Attorney at Law
115 East Travis Street
Suite 1024
San Antonio, Texas 78205
Telephone: (210) 222-2102
Facsimile: (210) 222-2898

January 8, 1996
DATE

ATTORNEY FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



DEC 21 1995

NANCY DOHERTY, CLERK

By _____ Deputy

Plaintiff

HEREFORD INDEPENDENT SCHOOL DISTRICT, RON WIESHAAR, STEVE WRIGHT, RANDY TULLEY, JAMES MARSH, MIKE VEAZEY, JOE FLOOD and RAUL VALDEZ, all in their official capacities as members of the HEREFORD INDEPENDENT SCHOOL DISTRICT, HEREFORD, TEXAS

§ 87(2)(b)

CIVIL ACTION NO.
2-95-CV-028-

DEFENDANTS' UNOPPOSED MOTION FOR EXECUTION OF
CONSENT DECREE AND FOR DISMISSAL

TO THE HONORABLE JUDGE OF SAID COURT:


COME NOW Defendants herein and file their Unopposed Motion for Dismissal showing the following:

The parties have entered into a Consent Decree, Agreed Settlement, and Settlement Agreement and Release which disposes of all issues raised in this suit, including attorney's fees. The Agreed Settlement, and Settlement Agreement and Release have previously filed with the Court and are incorporated herein for all purposes. The Consent Decree has previously been presented to the court but has yet to be executed with the Court. The proposed agreed election plan received preclearance from the United States Department of Justice as of December 12, 1995. A copy of the same is attached and incorporated herein for all purposes as "Exhibit

A." All matters in dispute have been settled by agreement and all conditions for dismissal of this suit have been met. WHEREFORE, Defendants request that the Court execute the Consent Decree on file herein and issue an Order dismissing Plaintiff's suit in all things taxing costs against the parties incurring same.

Respectfully submitted,

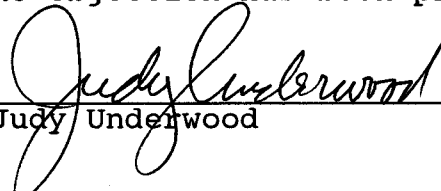
WALSH, ANDERSON, UNDERWOOD,
SCHULZE & ALDRIDGE, P.C.
P.O. Box 2156
Austin, Texas 78768
TELEPHONE: (512) 454-6864
FACSIMILE: (512) 467-9318

BY: 
Judy Underwood
State Bar No. 02882300

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

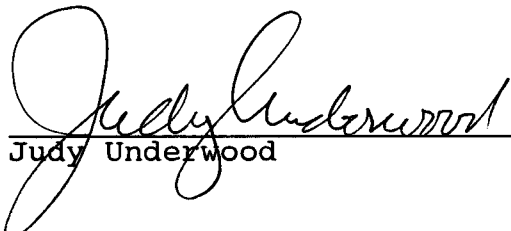
I hereby certify that counsel for Plaintiff and Defendants have discussed this Motion and no objection has been presented.


Judy Underwood

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 1995, a true and correct copy of the above and foregoing pleading was served upon counsel of record by placing same in the United States mail, certified, return receipt requested, postage prepaid and addressed as follows:

Rolando L. Rios
Attorney at Law
115 E. Travis, Suite 1024
San Antonio, Texas 78205


Judy Underwood



DLP:CMK:FHD:emr
DJ 166-012-3
95-3325

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

December 12, 1995

Judy Underwood, Esq.
Walsh, Anderson, Underwood, Schulze,
& Aldridge
P. O. Box 2156
Austin, Texas 78768

Dear Ms. Underwood:

This refers to the change in the method of election from five single-member districts and two at large to seven single-member districts, the districting plan, the adoption of plurality vote, the implementation schedule, and a conditional nonresidency requirement for the Hereford Independent School District in Castro, Deaf Smith and Parmer Counties, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on October 13, supplemental information was received on December 8, 1995.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By: *Sharon M. Kane*

for Elizabeth Johnson
Acting Chief, Voting Section

RECEIVED

EXHIBIT

A

Blumberg No. 5119

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

DEC 20 1995

NANCY DOHERTY, CLERK

By Deputy

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

TRINI GAMEZ

Plaintiff

v.

HEREFORD INDEPENDENT SCHOOL
DISTRICT, RON WIESHAAR,
STEVE WRIGHT, RANDY TULLEY,
JAMES MARSH, MIKE VEAZEY,
JOE FLOOD and RAUL VALDEZ,
all in their official
capacities as members of the
HEREFORD INDEPENDENT SCHOOL
DISTRICT, HEREFORD, TEXAS

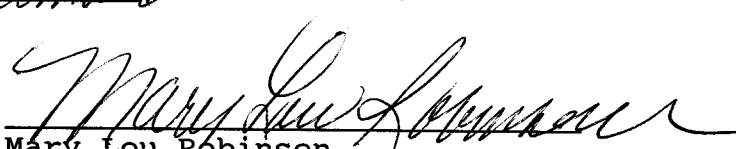
Defendants.

CIVIL ACTION NO.
2-95-CV-028-3ORDER GRANTING UNOPPOSED MOTION TO EXTEND ABATEMENT

The Court, having considered the arguments presented in Defendants' Unopposed Motion to Extend Abatement, finds that such Motion has merit and it is, therefore;

ORDERED that the Court's Order of September 13, 1995, is hereby extended to January 18, 1995 pending receipt of preclearance from the Department of Justice.

Signed this 19th day of December 1995.


Mary Lou Robinson
United States District Judge

Justice can be obtained and a status report filed within that time frame.

Respectfully submitted,

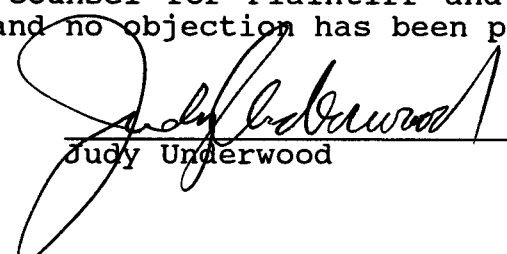
WALSH, ANDERSON, UNDERWOOD,
SCHULZE, & ALDRIDGE, P.C.
P.O. Box 2156
Austin, Texas 78768
TELEPHONE: (512) 454-6864
FACSIMILE: (512) 467-9318

BY: 
MS. JUDY UNDERWOOD
State Bar No. 02882300

ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and Defendants have discussed this Motion and no objection has been presented.


Judy Underwood

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of December, 1995, a true and correct copy of the above and foregoing pleading was served upon counsel of record by placing same in the United States mail, certified, return receipt requested, postage prepaid and addressed as follows:

Mr. Rolando Rios
Attorney at Law
115 East Travis, Suite 1024
San Antonio, Texas 78205


JUDY UNDERWOOD

WALSH, ANDERSON, UNDERWOOD, SCHULZE & ALDRIDGE, P.C.
ATTORNEYS AT LAW

Jim Walsh
Denise Howell Anderson
Judy Underwood
Eric W. Schulze†
John S. Aldridge
Chris G. Elizalde
Paul W. Hunn
Elena M. Gallegos
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(210) 979-6633 FAX (210) 979-7024

Dorcas Ann Green
Therold I. Farmer
Bridget R. Robinson*
Mark C. Goulet
Robert Russo
Sandra D. Carpenter
Jacqueline F. Lain
John T. Fessenden
Paige C. Kyle
Susan B. Graham
Nona C. Matthews

Texas Board of Legal Specialization
†Board Certified Civil Appellate Law
*Board Certified Civil Trial Law

December 8, 1995

Mr. Francisco Diana
Voting Section, Civil Rights Division
Department of Justice HOLC Building
320 First Street, NW., Room 818A
Washington, D.C. 20001

FAX (202) 302-2569

Re: Submission of Hereford Independent School District;
File 95-3325

Dear Mr. Diana:

This letter is written in response to your telephone request of December 7, 1995, for clarification of certain information in the above referenced submission.

The following items represent changes from the school district's current system of electing five trustees from five single-member election districts and two at-large.

1. Under the current 5/2 system, candidates do have to be residents of the single-member districts to which they seek election and they must be elected by a majority of the votes cast. In the event that no candidate receives a majority of the votes cast, a runoff election is required.

2. Under the proposed 7/0 system, there is no majority vote requirement and the candidate with the most votes wins the seat. Additionally, the proposed plan has a conditional nonresidency requirement for candidates in that a candidate must be a resident of the single-member district to which he/she seeks election unless no such candidate has filed for election to that single-member district by the 10th day prior to the deadline for regular candidates to file. In the event that there is no resident candidate of the single-member district by that 10th day, then candidates who may file during the remainder of the filing period, including the write-in candidates, may reside anywhere within the boundaries of the entire school district. This change will ensure

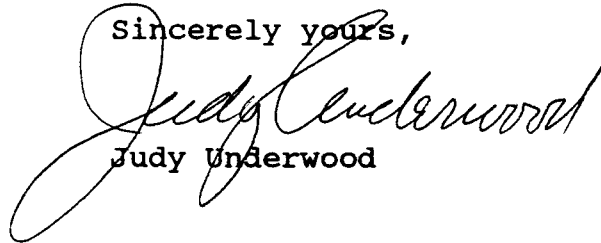


December 8, 1995
Page 2

that, in any single-member district where no resident has an interest in running, other candidates from within the entire school district who may have the support of the voters in the single-member district will have an opportunity to run in that district. This same conditional nonresidency requirement was precleared on November 1, 1995 for the Menard Independent School District; Re: PLP:MAP:JAC:jdp - DJ 166-012-3; 95-2823.

I trust that this letter provides the additional information and clarification requested. If further information is needed, please let me know.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Judy Underwood", is written over the typed name.

Judy Underwood

JU

cc: Charles Greenawalt
Superintendent of Schools
Hereford Independent School District
601 N. 25 Mile Avenue
Hereford, Texas 79045-3024

Witnesseth:

That Plaintiff and Plaintiff's attorney, in consideration of the payment in hand of ELEVEN THOUSAND AND 00/100's DOLLARS (\$11,000.00), which receipt is hereby acknowledged, do hereby release, acquit, and forever discharge Defendants, their heirs, executors, administrators, successors, agents, attorneys, assigns, officers, agents, servants, insurers, and employees and all natural or corporate persons in privity with them from any and every claim or cause of action of any kind whatsoever for attorneys fees, expenses, and costs (at common law, statutory or otherwise; known or unknown, and now existing or which may exist) that Plaintiff's attorney and/or Plaintiff may have against Defendants, directly or indirectly, arising out of the filing and final resolution of the above referenced suit. The settlement and the consideration conferred are to compromise disputed claims, avoid further litigation, and buy peace.

That Plaintiff and Plaintiff's attorney expressly warrant and represents to all the parties hereby released that: (a) they are legally competent to execute this Release; (b) they have not assigned, pledged, or otherwise in any manner whatsoever, sold or transferred, either by instrument in writing or otherwise, any right, title, interest or they may have by reason of their claim for attorneys fees, expenses and costs in the above identified litigation, or any matters arising out of or related to it; and (c) neither Plaintiff nor Plaintiff's attorney will make any demand upon Defendants for any additional payment of attorneys fees, expenses or costs related to the above styled and numbered suit.

That Plaintiff and Plaintiff's attorney warrant that they have read this Release; that Plaintiff's attorney has consulted with Plaintiff regarding this Release and both agree to execution of said release; that Plaintiff's attorney and Plaintiff fully understand it to be a release of all claims for attorneys fees, expenses and costs, known or unknown, present or future, that Plaintiff's attorney and/or the Plaintiff have or may have against said Defendants arising out of or related to the above identified litigation; that Plaintiff's attorney and Plaintiff are signing this Release of their own free will and accord without reliance on any representation of any kind or character not expressly related herein.

That Plaintiff and Plaintiff's attorney understand and agree that this Release is a full, complete, and final release of all claims of any character for attorneys fees, expenses, and costs related in any manner to Plaintiff's claims herein, and that the consideration mentioned above is all the said Defendants must do as a result of this settlement agreement; that no oral understanding, statement, promise, or inducement contrary to the terms of the Release exist; that this Release cannot be changed or terminated orally; that this Release shall inure to the benefit of and be binding on Plaintiff and Plaintiff's attorney, their heirs, executors, administrators, successors, agents, attorneys or assigns.

EXECUTED this 13th day of October, 1995.

Rolando L. Rios

ROLANDO L. RIOS
Attorney for Plaintiff

SUBSCRIBED AND SWORN to before me on this 13th day of October, 1995.

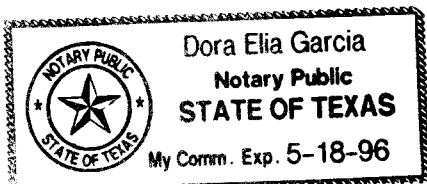
Leticia Espay

Notary Public, State of Texas
Print Name: LETICIA ESPAY
My Commission Expires: 03/01/98

Trini Gamez

TRINI GAMEZ
Plaintiff

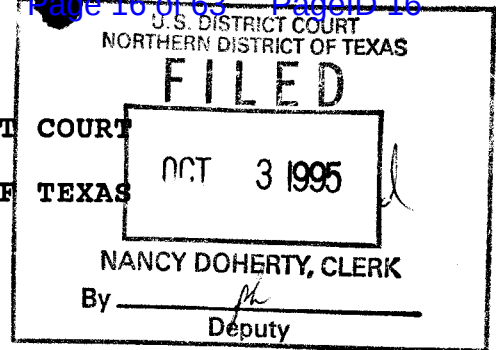
SUBSCRIBED AND SWORN to before me on this 16th day of October, 1995.



Dora Elia Garcia

Notary Public, State of Texas
Print Name: Dora Elia Garcia
My Commission Expires: 5-18-96

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



TRINI GAMEZ,

PLAINTIFF,

v.

HEREFORD I.S.D., et al.,

DEFENDANTS.

§
§
§
§
§
§
§

CIVIL ACTION CAUSE NUMBER

2:95-CV-028-J

ORDER TO PROCEED WITH PRECLEARANCE

Before the Court is the parties' agreed settlement notice, which states the terms of the settlement reached in this case. Counsel are ordered to immediately begin the preclearance submission process to the United States Attorney General's office, and to promptly report to the Court regarding the outcome of that process.

The Court will not enter at this time the proposed consent degree which has been tendered by the parties.

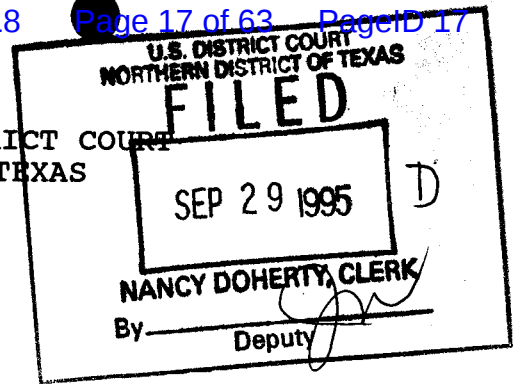
The Court also notes that the agreement regarding Plaintiff's attorney's fees claim is not executed by Mr. Rios' client, the only party-plaintiff in this case, nor by any legal representative of LULAC, who is stated to be a party to that agreement.

It is SO ORDERED.

Signed this the 3rd day of October, 1995.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



TRINI GAMEZ

Plaintiff

v.

HEREFORD INDEPENDENT SCHOOL
DISTRICT, RON WIESHAAR,
STEVE WRIGHT, RANDY TULLEY,
JAMES MARSH, MIKE VEAZEY,
JOE FLOOD and RAUL VALDEZ,
all in their official
capacities as members of the
HEREFORD INDEPENDENT SCHOOL
DISTRICT, HEREFORD, TEXAS

Defendants.

CIVIL ACTION NO.
2-95-CV-028-

AGREED SETTLEMENT

Hereford Independent School District, Ron Wieshaar, Steve Wright, Randy Tulley, James Marsh, Mike Veazey, Joe Flood and Raul Valdez, Defendants herein, and Trini Gamez, Plaintiff herein, by and through their respective counsel of record do enter into a settlement agreement as follows:

1. That the Defendant school district will be divided into seven single-member election districts as set out in the maps attached as Exhibit "A", with the voting age minority populations of single-member districts 1, 2, 3 and 4 exceeding 50% as shown on the table attached as Exhibit "B";

2. That all trustee terms shall be for three years,

3. That single-member elections districts 2, 4, 5 and 7 will be up for election in May of 1996; single-member election districts 1, 3 and 6 will be up for election in May of 1997; and, no election

will be held in 1998. Thereafter, the election cycle will continue wherein no election occurs every third year, including elections after each required redistricting, unless future circumstances require otherwise;

4. That candidates who choose to run for any single-member election district trustee position shall reside within the boundaries of the single-member district to which they seek election. If no such resident candidate files the required documents by the tenth day before the state mandated candidate filing deadline, the race becomes open to any candidate residing within the school district's boundaries. However, only the voters residing within the boundaries of each single-member election district shall be eligible to vote for the trustee to be elected from each such district;

5. That all single-member district elections will be determined by plurality vote;

6. That the current polling places shall continue to be used as follows: 1) early voting for all single-member districts will be at the County Clerk's Office, 235 East 3rd. Room 203, Hereford, Texas; and 2) the polling place for regular voting will be at the Hereford Community Center, 100 Avenue C, Hereford, Texas;

7. That the question of Plaintiffs' attorneys fees have been settled through a separate Settlement Agreement and Release executed by Plaintiffs' counsel and attached hereto as Exhibit "C"; and

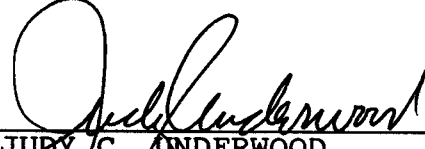
8. That Defendants will obtain preclearance of the proposed


election system change from the United States Department of Justice pursuant to 42 U.S.C. § 1973 prior to conducting the first election under said plan in May of 1996.

9. That all provisions of the Texas Education Code and Texas Election Code relevant to school district trustee elections shall apply except where such provisions are contrary to the agreements set out herein.


Plaintiff and Defendants, by and through their counsel of record, accept the terms set out herein as verified by the signature of their counsel hereon.

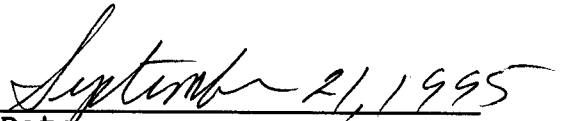
APPROVED:


JUDY C. UNDERWOOD
State Bar No. 02882300
WALSH, ANDERSON, UNDERWOOD,
SCHULZE & ALDRIDGE, P.C.
P.O. Box 2156
Austin, Texas 78768
Telephone: (512) 454-6864
Facsimile: (512) 467-9318

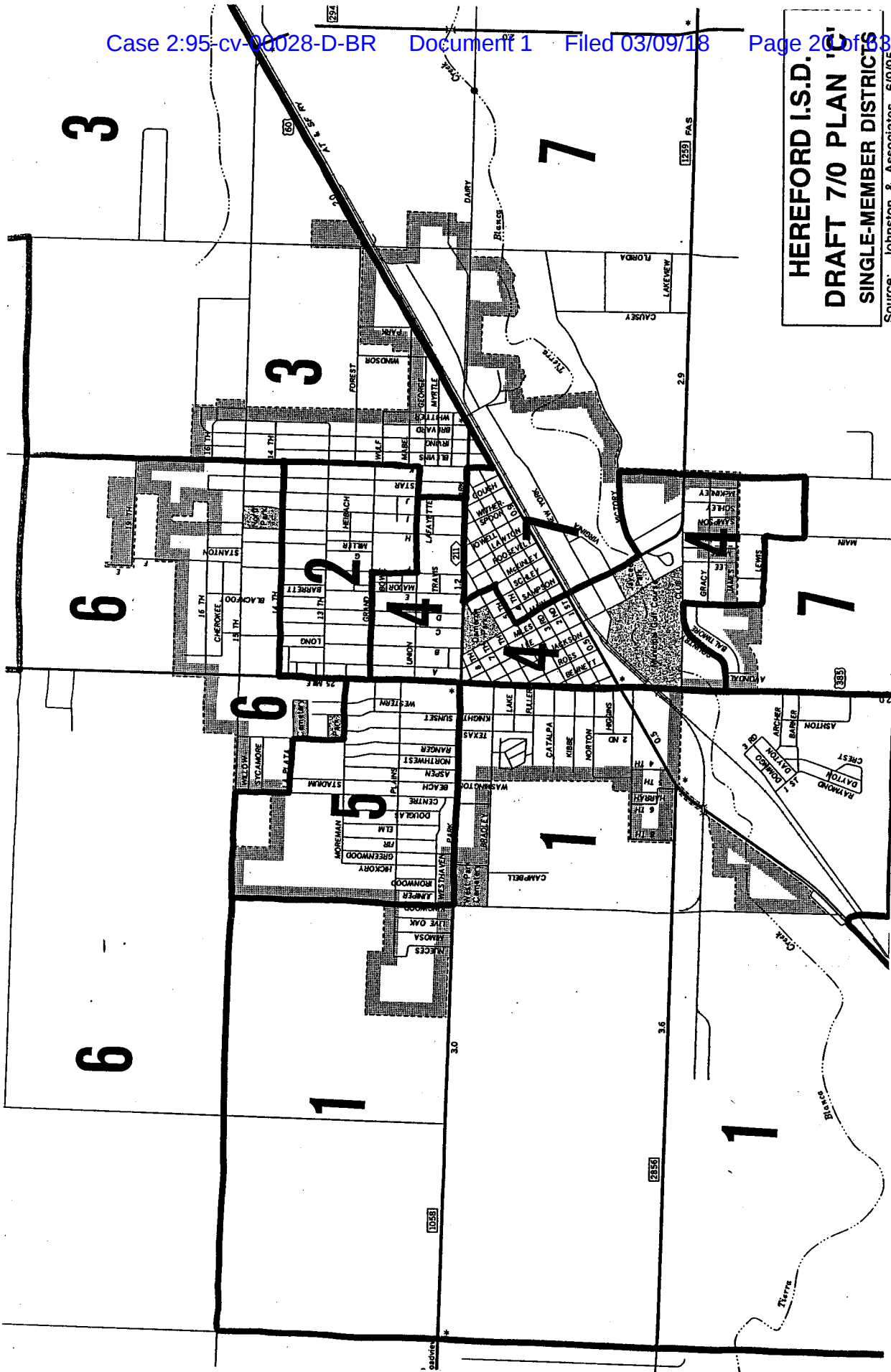

DATE

ATTORNEYS FOR DEFENDANTS


ROLANDO L. RIOS
State Bar N. 16935900
Attorney at Law
115 E. Travis, Suite 1024
San Antonio, Texas 78205
TELEPHONE: (210) 222-2102
FACSIMILE: (210) 222-2898

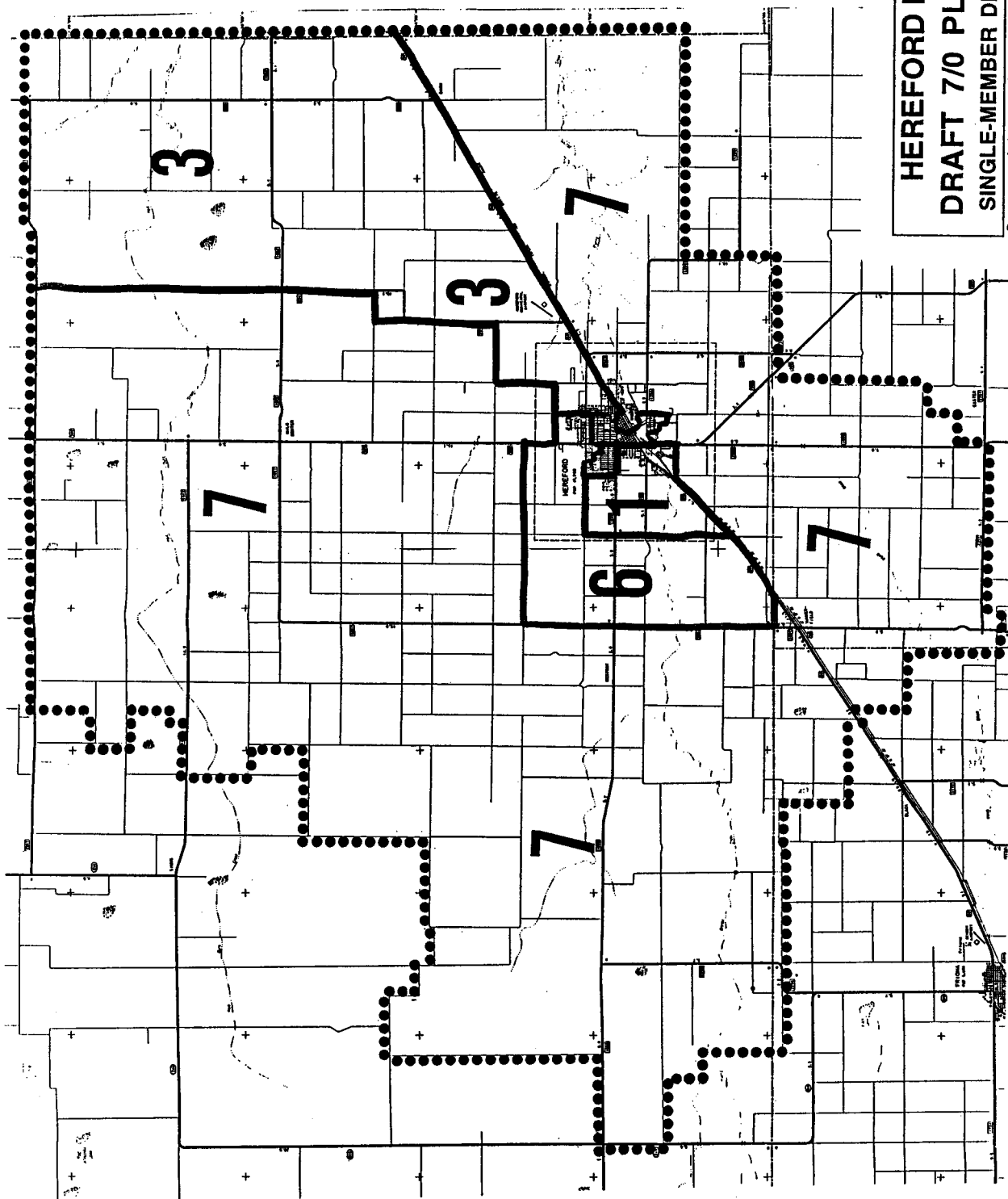

Date

ATTORNEY FOR PLAINTIFF



HEREFORD I.S.D.
DRAFT 7/0 PLAN 'C'
SINGLE-MEMBER DISTRICTS
Source: Johnston & Associates, 6/9/95.

EXHIBIT
A



HEREFORD I.S.D. 7/0 DISTRICT PLAN 'C' CONCEPT

DISTRICT	TOTAL	NOHISP WHITE	%NH WHITE	HISPAN	% HISPAN	NOHISP BLACK	%NH BLACK	NOHISP OTHER	%NH OTHER	TOTAL MINORITY	% TOTAL MINORITY
<u>DISTRICT ONE</u>											
TOTAL POP	2795	848	30.3%	1916	68.6%	15	0.5%	16	0.6%	1947	69.7%
VOTING AGE	1731	632	36.5%	1075	62.1%	13	0.8%	11	0.6%	1099	63.5%
<u>DISTRICT TWO</u>											
TOTAL POP	2629	716	27.2%	1829	69.6%	75	2.9%	9	0.3%	1913	72.8%
VOTING AGE	1624	541	33.3%	1021	62.9%	53	3.3%	9	0.6%	1083	66.7%
<u>DISTRICT THREE</u>											
TOTAL POP	2775	792	28.5%	1876	67.6%	85	3.1%	22	0.8%	1983	71.5%
VOTING AGE	1678	573	34.1%	1040	62.0%	51	3.0%	14	0.8%	1105	65.9%
<u>DISTRICT FOUR</u>											
TOTAL POP	2718	807	29.7%	1847	68.0%	49	1.8%	15	0.6%	1911	70.3%
VOTING AGE	1673	613	36.6%	1023	61.1%	27	1.6%	10	0.6%	1060	63.4%
<u>DISTRICT FIVE</u>											
TOTAL POP	2621	2429	92.7%	172	6.6%	9	0.3%	11	0.4%	192	7.3%
VOTING AGE	1879	1777	94.6%	91	4.8%	3	0.2%	8	0.4%	102	5.4%
<u>DISTRICT SIX</u>											
TOTAL POP	2660	1827	68.7%	778	29.2%	45	1.7%	10	0.4%	833	31.3%
VOTING AGE	1837	1372	74.7%	431	23.5%	29	1.6%	5	0.3%	465	25.3%
<u>DISTRICT SEVEN</u>											
TOTAL POP	2657	1679	63.2%	955	35.9%	13	0.5%	10	0.4%	978	36.8%
VOTING AGE	1790	1197	66.9%	574	32.1%	10	0.6%	9	0.5%	593	33.1%
<u>TOTAL ISD</u>											
TOTAL POP	18855	9098	48.3%	9373	49.7%	291	1.5%	93	0.5%	9757	51.7%
VOTING AGE	12212	6705	54.9%	5255	43.0%	186	1.5%	66	0.5%	5507	45.1%
IDEAL DISTRICT SIZE											
TOTAL POPULATION:			2694								
TOP TO BOTTOM DEVIATION											
FOR TOTAL POPULATION:			6.46%								

SOURCES:

U.S. Bureau of Census, 1990 PL 94-171 Tape File. 1991.
Johnston and Associates, June 9, 1995.

DRAFT JUNE 9, 1995



Defendants in said suit.

Witnesseth:

That Plaintiff's attorney, in consideration of the payment in hand of ELEVEN THOUSAND AND 00/100's DOLLARS (\$11,000.00), which receipt is hereby acknowledged, does hereby release, acquit, and forever discharge Defendants, their heirs, executors, administrators, successors, agents, attorneys, assigns, officers, agents, servants, insurers, and employees and all natural or corporate persons in privity with them from any and every claim or cause of action of any kind whatsoever for attorneys fees, expenses, and costs (at common law, statutory or otherwise; known or unknown, and now existing or which may exist) that Plaintiff's attorney and/or Plaintiff may have against Defendants, directly or indirectly, arising out of the filing and final resolution of the above referenced suit. The settlement and the consideration conferred are to compromise disputed claims, avoid further litigation, and buy peace.

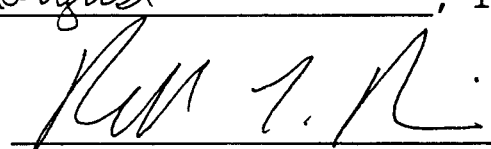
That Plaintiff's attorney expressly warrants and represents to all the parties hereby released that: (a) he is legally competent to execute this Release; (b) he has not assigned, pledged, or otherwise in any manner whatsoever, sold or transferred, either by instrument in writing or otherwise, any right, title, interest or claim which he and/or Plaintiff may have by reason of their claim for attorneys fees, expenses and costs in the above identified litigation, or any matters arising out of or related to it; and (c) neither he nor Plaintiff will make any demand upon Defendants for any additional payment of attorneys fees, expenses or costs related

to the above styled and numbered suit.

That Plaintiff's attorney warrants that he has read this Release; that he has consulted with Plaintiff regarding this Release and has Plaintiff's agreement to execution of said release; that he and Plaintiff fully understand it to be a release of all claims for attorneys fees, expenses and costs, known or unknown, present or future, that he or the Plaintiff have or may have against said Defendants arising out of or related to the above identified litigation; that he is signing this Release of his own free will and accord without reliance on any representation of any kind or character not expressly related herein and with the full knowledge and consent of Plaintiff.

That Plaintiff's attorney understands and agrees that this Release is a full, complete, and final release of all claims of any character for attorneys fees, expenses, and costs related in any manner to Plaintiff's claims herein, and that the consideration mentioned above is all the said Defendants must do as a result of this settlement agreement; that no oral understanding, statement, promise, or inducement contrary to the terms of the Release exist; that this Release cannot be changed or terminated orally; that this Release shall inure to the benefit of and be binding on his and Plaintiff's heirs, executors, administrators, successors, agents, attorneys or assigns.

EXECUTED this 3rd day of August, 1995.


ROLANDO L. RIOS
Attorney for Plaintiff

SUBSCRIBED AND SWORN to before me on this 3rd day of August, 1995.

Leticia Garcia
Notary Public, State of Texas
Print Name: LETICIA GARCIA
My Commission Expires: 03/01/98

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

SEP 14 1995

NANCY DOHERTY, CLERK

By [Signature]
DeputyIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

TRINI GAMEZ,

PLAINTIFF,

v.

HEREFORD I.S.D., et al.,

DEFENDANTS.

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CIVIL ACTION CAUSE NUMBER

2:95-CV-²⁸-JORDER ABATING CASE AND TO PROCEED WITH PRECLEARANCE

Before the Court is the parties' joint status report stating that this case has settled and requesting a 90-day abatement of this case. This request is granted as follows. Counsel are ordered to ~~proceed~~ immediately begin the preclearance submission process to the United States Attorney General's office, and to promptly submit an agreed order of dismissal at the end of that process, if then appropriate. Action in this case is hereby stayed for 90 days from the date of filing of the joint status report in order to allow that process to conclude.

It is SO ORDERED.

Signed this the 13th day of September, 1995.

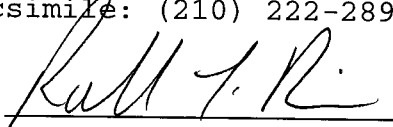
[Signature]
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

11

DATED: September 6, 1995

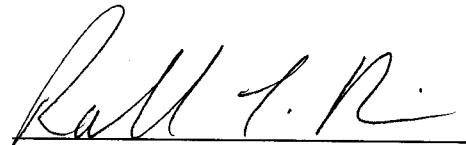
Respectfully submitted,

Rolando L. Rios
Attorney at Law
Milam Building
115 E. Travis, Suite 1024
San Antonio, Texas 78205
Telephone: (210) 222-2102
Facsimile: (210) 222-2898

By: 
ROLANDO L. RIOS
Attorney for Plaintiff
SBN: 16935900

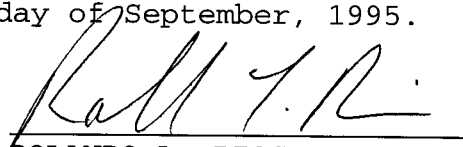
CERTIFICATE OF CONFERENCE

This is to certify that on September 6, 1995, I, Rolando L. Rios, personally discussed the contents of the Parties' Joint Status Report Regarding Settlement with opposing counsel, Judy Underwood of WALSH, ANDERSON, UNDERWOOD, SCHULZE & ALDRIDGE, P.C., P.O. Box 2156, Austin, Texas 78768, and that she is in agreement with the contents of this joint settlement report.


ROLANDO L. RIOS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Parties' Joint Status Report Regarding Settlement has been sent through United States Postal Service to Judy Underwood, opposing counsel, on this 6th day of September, 1995.


ROLANDO L. RIOS

Defendants in said suit.

Witnesseth:

That Plaintiff's attorney, in consideration of the payment in hand of ELEVEN THOUSAND AND 00/100's DOLLARS (\$11,000.00), which receipt is hereby acknowledged, does hereby release, acquit, and forever discharge Defendants, their heirs, executors, administrators, successors, agents, attorneys, assigns, officers, agents, servants, insurers, and employees and all natural or corporate persons in privity with them from any and every claim or cause of action of any kind whatsoever for attorneys fees, expenses, and costs (at common law, statutory or otherwise; known or unknown, and now existing or which may exist) that Plaintiff's attorney and/or Plaintiff may have against Defendants, directly or indirectly, arising out of the filing and final resolution of the above referenced suit. The settlement and the consideration conferred are to compromise disputed claims, avoid further litigation, and buy peace.

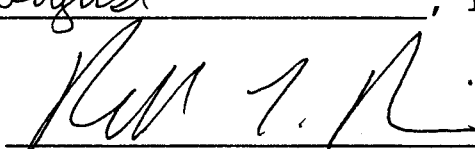
That Plaintiff's attorney expressly warrants and represents to all the parties hereby released that: (a) he is legally competent to execute this Release; (b) he has not assigned, pledged, or otherwise in any manner whatsoever, sold or transferred, either by instrument in writing or otherwise, any right, title, interest or claim which he and/or Plaintiff may have by reason of their claim for attorneys fees, expenses and costs in the above identified litigation, or any matters arising out of or related to it; and (c) neither he nor Plaintiff will make any demand upon Defendants for any additional payment of attorneys fees, expenses or costs related

to the above styled and numbered suit.

That Plaintiff's attorney warrants that he has read this Release; that he has consulted with Plaintiff regarding this Release and has Plaintiff's agreement to execution of said release; that he and Plaintiff fully understand it to be a release of all claims for attorneys fees, expenses and costs, known or unknown, present or future, that he or the Plaintiff have or may have against said Defendants arising out of or related to the above identified litigation; that he is signing this Release of his own free will and accord without reliance on any representation of any kind or character not expressly related herein and with the full knowledge and consent of Plaintiff.

That Plaintiff's attorney understands and agrees that this Release is a full, complete, and final release of all claims of any character for attorneys fees, expenses, and costs related in any manner to Plaintiff's claims herein, and that the consideration mentioned above is all the said Defendants must do as a result of this settlement agreement; that no oral understanding, statement, promise, or inducement contrary to the terms of the Release exist; that this Release cannot be changed or terminated orally; that this Release shall inure to the benefit of and be binding on his and Plaintiff's heirs, executors, administrators, successors, agents, attorneys or assigns.

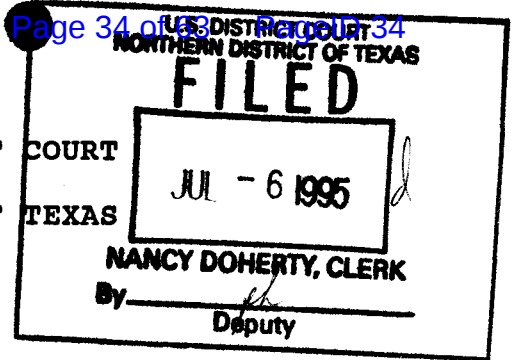
EXECUTED this 3rd day of August, 1995.


ROLANDO L. RIOS
Attorney for Plaintiff

SUBSCRIBED AND SWORN to before me on this 3rd day of August, 1995.

Petricia Espinoza
Notary Public, State of Texas
Print Name: Petricia Espinoza
My Commission Expires: 03/06/98

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



TRINI GAMEZ,

PLAINTIFF,

v.

HEREFORD INDEPENDENT SCHOOL
DISTRICT, et al.,

DEFENDANTS.

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CIVIL ACTION CAUSE NUMBER

2:95-CV-028-J

**ORDER GRANTING MOTION FOR EXTENSION OF TIME TO EXCHANGE
RULE 26(a)(1) DISCLOSURES**

Before the Court is a joint motion, filed June 29, 1995, for a sixty (60) day extension of time to make the required Rule 26(a)(1) disclosures because of the potential settlement of this case. This motion is granted as follows.

The deadline for exchanging all of the disclosures required by Rule 26(a)(1) is hereby extended sixty (60) days. No other Rule 16 deadlines are affected. This extension will not be considered as grounds for any extension of the time by which this case is to be ready for trial. The parties are further reminded of the requirements of Local Rule 2.2(a).

It is SO ORDERED.

Signed this the 5th day of July, 1995.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
AMARILLO DIVISION

TRINI GAMEZ

Plaintiff,

VS.

HEREFORD INDEPENDENT SCHOOL DISTRICT, RON WEISHAAR, STEVE WRIGHT, RAYMOND SCHLABS, JAMES MARSH, SYLVIA FLORES, MIKE VEAZEY, JOE FLOOD and RAUL VALDEZ all in their official capacities as members of the Board of Trustees for the HEREFORD INDEPENDENT SCHOOL DISTRICT, HEREFORD, TEXAS, Defendants.

12345678910111213141516171819202122232425262728293031323334353637383940414243444546474849505152535455565758596061626364656667686970717273747576777879808182838485868788899091929394959697989910010110210310410510610710810911011111211311411511611711811912012112212312412512612712812913013113213313413513613713813914014114214314414514614714814915015115215315415515615715815916016116216316416516616716816917017117217317417517617717817918018118218318418518618718818919019119219319419519619719819920020120220320420520620720820921021121221321421521621721821922022122222322422522622722822923023123223323423523623723823924024124224324424524624724824925025125225325425525625725825926026126226326426526626726826927027127227327427527627727827928028128228328428528628728828929029129229329429529629729829930030130230330430530630730830931031131231331431531631731831932032132232332432532632732832933033133233333433533633733833934034134234334434534634734834935035135235335435535635735835936036136236336436536636736836937037137237337437537637737837938038138238338438538638738838939039139239339439539639739839940040140240340440540640740840941041141241341441541641741841942042142242342442542642742842943043143243343443543643743843944044144244344444544644744844945045145245345445545645745845946046146246346446546646746846947047147247347447547647747847948048148248348448548648748848949049149249349449549649749849950050150250350450550650750850951051151251351451551651751851952052152252352452552652752852953053153253353453553653753853954054154254354454554654754854955055155255355455555655755855956056156256356456556656756856957057157257357457557657757857958058158258358458558658758858959059159259359459559659759859960060160260360460560660760860961061161261361461561661761861962062162262362462562662762862963063163263363463563663763863964064164264364464564664764864965065165265365465565665765865966066166266366466566666766866967067167267367467567667767867968068168268368468568668768868969069169269369469569669769869970070170270370470570670770870971071171271371471571671771871972072172272372472572672772872973073173273373473573673773873974074174274374474574674774874975075175275375475575675775875976076176276376476576676776876977077177277377477577677777877978078178278378478578678778878979079179279379479579679779879980080180280380480580680780880981081181281381481581681781881982082182282382482582682782882983083183283383483583683783883984084184284384484584684784884985085185285385485585685785885986086186286386486586686786886987087187287387487587687787887988088188288388488588688788888989089189289389489589689789889990090190290390490590690790890991091191291391491591691791891992092192292392492592692792892993093193293393493593693793893994094194294394494594694794894995095195295395495595695795895996096196296396496596696796896997097197297397497597697797897998098198298398498598698798898999099199299399499599699799899910001001100210031004100510061007100810091010101110121013101410151016101710181019102010211022102310241025102610271028102910301031103210331034103510361037103810391040104110421043104410451046104710481049105010511052105310541055105610571058105910601061106210631064106510661067106810691070107110721073107410751076107710781079108010811082108310841085108610871088108910901091109210931094109510961097109810991100110111021103110411051106110711081109111011111112111311141115111611171118111911201121112211231124112511261127112811291130113111321133113411351136113711381139114011411142114311441145114611471148114911501151115211531154115511561157115811591160116111621163116411651166116711681169117011711172117311741175117611771178117911801181118211831184118511861187118811891190119111921193119411951196119711981199120012011202120312041205120612071208120912101211121212131214121512161217121812191220122112221223122412251226122712281229123012311232123312341235123612371238123912401241124212431244124512461247124812491250125112521253125412551256125712581259126012611262126312641265126612671268126912701271127212731274127512761277127812791280128112821283128412851286128712881289129012911292129312941295129612971298129913

CA NO.2:95-CV-028-J

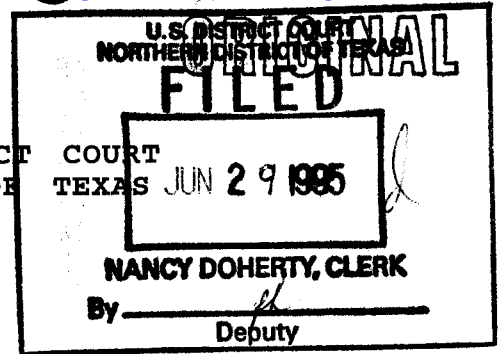
**JOINT MOTION FOR LEAVE TO BE EXCUSED FROM
RULE 26 (a) (1) DISCLOSURES**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to the Court's order dated April 26, 1995, regarding the sixty (60) day extension of time to comply with the disclosure requirements, the parties advise the Court that the parties have entered into settlement negotiations.

The parties are in the process of settling this case. The Defendants have offered to change the election system by adopting seven (7) single member districts. Plaintiff received this offer of settlement on June 23, 1995. The plan is presently being considered by members of the community.

We expect a resolution of this case within the next thirty (30) days. For these reasons, the parties seek to be excused from having to comply with Rule 26 (a) (1) disclosures.



Respectfully submitted,

Rolando L. Rios
Attorney at Law
Milam Building
115 E. Travis, Suite 1024
San Antonio, Texas 78205
Telephone (210) 222-2102
Facsimile (210) 222-2898

By: 

ROLANDO L. RIOS
Attorney for Plaintiff
SBN: 16935900

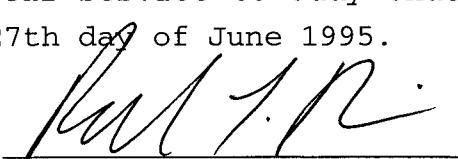
CERTIFICATE OF CONFERENCE

This is to certify that on June 26, 1995, I, Rolando L. Rios, personally discussed the contents of the Parties' Joint Status Report Regarding Settlement with opposing counsel, Judy Underwood of WALSH, ANDERSON, UNDERWOOD, SCHULZE & ALDRIDGE, P.C., P.O. Box 2156, Austin, Texas 78768, and that she is in agreement and joins with the Plaintiff in this request.


ROLANDO L. RIOS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Parties' Joint Status Report Regarding Settlement has been sent through United States Postal Service to Judy Underwood, opposing counsel, on this the 27th day of June 1995.


ROLANDO L. RIOS

ORIGINAL

COURT
TEXAS

JUN 22 1995

NANCY DOHERTY, CLERK

By _____ Deputy

TRINI GAMEZ
Plaintiff,

VS .

HEREFORD INDEPENDENT SCHOOL DISTRICT, RON WEISHAAR, STEVE WRIGHT, RAYMOND SCHLABS, JAMES MARSH, SYLVIA FLORES, MIKE VEAZEY, JOE FLOOD and RAUL VALDEZ all in their official capacities as members of the Board of Trustees for the
HEREFORD INDEPENDENT SCHOOL DISTRICT, HEREFORD, TEXAS,
Defendants.

CA NO.2:95-CV-028-J

PARTIES' JOINT STATUS REPORT REGARDING SETTLEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to the Court's scheduling order dated April 4, 1995, the parties advise the Court that the parties have entered settlement negotiations. The Plaintiff and Plaintiff's attorney are currently reviewing a possible plan that has been proposed by the Defendants. It is expected that this case shall settle within the next thirty (30) days.

Respectfully submitted,

Rolando L. Rios
Attorney at Law
Milam Building
115 E. Travis, Suite 1024
San Antonio, Texas 78205
Telephone (210) 222-2102
Facsimile (210) 222-2898

By: ROLANDO L. RIOS
Attorney for Plaintiff
SBN: 16935900

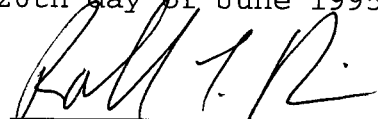
CERTIFICATE OF CONFERENCE

This is to certify that on June 19, 1995, I, Rolando L. Rios, personally discussed the contents of the Parties' Joint Status Report Regarding Settlement with opposing counsel, Judy Underwood of WALSH, ANDERSON, UNDERWOOD, SCHULZE & ALDRIDGE, P.C., P.O. Box 2156, Austin, Texas 78768, and that she is in agreement with the contents of this joint settlement report.


ROLANDO L. RIOS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Parties' Joint Status Report Regarding Settlement has been sent through United States Postal Service to Judy Underwood, opposing counsel, on this the 20th day of June 1995.

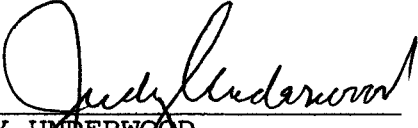

ROLANDO L. RIOS

Given these developments, the parties believe that Rule 26 (a)(1) disclosures would be unnecessary at this time and therefore, request a sixty (60) day extension.

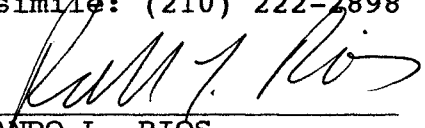
DATED: April 20, 1995

Respectfully Submitted,

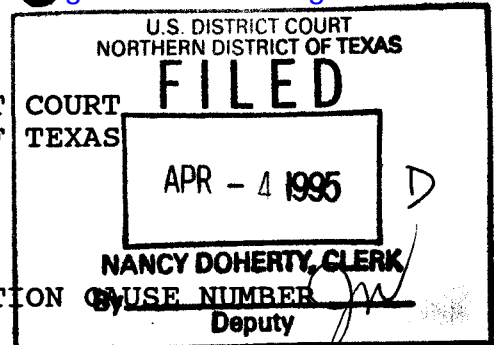
JUDY UNDERWOOD
Attorney at Law
P.O. Box 2156
Telephone: (512) 479-5031
Facsimile: (512) 474-0745

By: 
JUDY UNDERWOOD
ATTORNEY FOR DEFENDANTS
SBN: 02882300

ROLANDO L. RIOS
Attorney at Law
Milam Building
115 E. Travis, Suite 1024
San Antonio, Texas 78205
Telephone: (210) 222-2102
Facsimile: (210) 222-2898

By: 
ROLANDO L. RIOS
ATTORNEY FOR PLAINTIFF
SBN: 16935900

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



TRINI GAMEZ

PLAINTIFF,

v.

HEREFORD INDEPENDENT SHCOOL
DISTRICT, et al.

DEFENDANT.

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CIVIL ACTION

2:95-CV-028-J

ORIGINAL RULE 16 SCHEDULING ORDER

Counsel and any parties unrepresented by counsel are directed to confer for the purpose of compliance with this scheduling Order.

The parties may file a request for a Rule 16 scheduling conference with the Court or may request modification of this Order, stating reasons for any request or modification, on or before 20 days from the date of entry of this Order. If such a request is not timely filed, **THESE SCHEDULING DEADLINES WILL BE FIRM** and shall not be modified except as specifically provided for herein or by leave of Court upon a detailed factual showing of good cause and due diligence in compliance with this Order.

1. This case is to be ready for trial by December 1, 1995. Actual trial setting will be by later order of the Court.

2. The Federal Rules of Civil Procedure, as amended December 1, 1993, control in this case, including the discovery limitations set forth therein. The disclosures required by Rule 26(a)(1) shall be made within 21 days from the date of this Order. No Rule 26(f) conference is required.

3. The parties shall enter settlement negotiations as early

3. The parties shall enter settlement negotiations as early as possible. Counsel are directed to confer and to file with the Court by noon, June 30, 1995 a joint report setting forth the status of settlement negotiations. The parties shall immediately begin discovery necessary for meaningful settlement negotiations. If the parties do not report by this date that the case has been settled, they will be subject to mandatory but non-binding mediation.

4. All motions to join parties shall be filed by May 12, 1995.

5. Any party seeking affirmative relief must file a written designation of its expert witnesses, if any, and otherwise comply with Rule 26(a)(2) by June 2, 1995. All parties opposing affirmative relief must file a written designation of expert witnesses and otherwise comply with Rule 26(a)(2) by June 23, 1995.

6. All discovery procedures shall be initiated in time to complete discovery by September 29, 1995. Counsel shall order their discovery to timely comply with the deadlines for joinder of parties and designation of experts. Counsel shall cooperate with each other, consistent with the interest of their clients, in the discovery process, including the scheduling and timing of discovery procedures. The time for specific discovery procedures may be extended by written agreement of counsel, provided that, no such extension will be considered as good cause for an extension of the date set in ¶ 1 by which this case is to be ready for trial, nor shall any such agreement extend any of the deadlines set herein for any motion.

7. All motions to amend pleadings shall be filed by September 29, 1995.

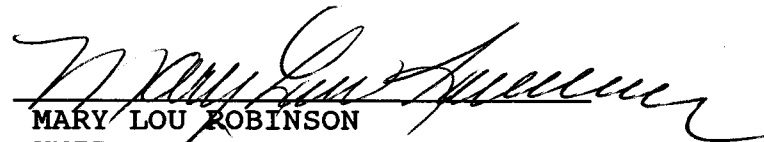
8. All other motions, except motions in limine, shall be filed by October 20, 1995. This shall not be construed to permit the filing of a motion for summary judgment within 45 days of the date designated in ¶ 1 for the parties to be ready for trial.

9. The pretrial disclosure of witnesses, witness testimony, exhibits and summaries required by Rule 26(a)(3) shall be made on or before 30 days before the date designated in ¶ 1 for the parties to be ready for trial.

10. Notwithstanding any provision of the Federal Rules of Civil Procedure to the contrary, the parties may not by stipulation extend any of the deadlines set by this Order except as specifically allowed herein. Any other extension requires approval of the Court.

It is SO ORDERED.

Signed this the 3rd day of April, 1995.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
MAR 29 1995
NANCY DOHERTY, CLERK
By pl
Deputy

TRINI GAMEZ

Plaintiff

V.

HEREFORD INDEPENDENT SCHOOL DISTRICT, RON WIESHAAR, STEVE WRIGHT, RANDY TULLEY, JAMES MARSH, MIKE VEAZEY, JOE FLOOD and RAUL VALDEZ, all in their official capacities as members of the HEREFORD INDEPENDENT SCHOOL DISTRICT, HEREFORD, TEXAS

Defendants.

CIVIL ACTION NO.
2-95-CV-028

DEFENDANTS' ORIGINAL ANSWER

COME NOW Defendants Hereford Independent School District, Ron Wieshaar, Steve Wright, Randy Tooley, James Marsh, Mike Veazey, Joe Flood and Raul Valdez, all in their official capacities as members of the Board of Trustees of the Hereford Independent School District, and file their Original Answer, showing the following:

1. Defendants admit the allegations contained in Paragraph I.1. of Plaintiff's Complaint to the extent that Plaintiff seeks to characterize her suit and the statutory and constitutional provisions that Plaintiff believes form the basis of her suit; however, Defendants deny any averments of law or fact asserted therein.

2. Defendants admit the allegations contained in Paragraph I.2. of Plaintiff's Complaint to the extent that Plaintiff seeks to describe her goals and requested relief in this case; however,

Defendants deny all averments of fact or law asserted therein, and Defendants deny that Plaintiff is entitled to any such relief.

3. Defendants admit the allegations contained in Paragraph II.3. of Plaintiff's Complaint to the extent that these statements are an attempt to establish jurisdiction of the Court, but Defendants deny all averments of fact or law asserted therein.

4. Defendants have insufficient information or knowledge at this time to either admit or deny the allegations of fact or law stated in paragraphs III.4., VI.11., VI.14., and VI.17. of Plaintiff's Complaint; however, Defendants will amend their Answer when such information or knowledge becomes available.

5. Defendants admit the allegations of fact stated in Paragraph IV.5. of Plaintiff's Complaint to the extent that the statements seek to identify Defendants Hereford Independent School District and its current Board of Trustees; however, Plaintiff has failed to properly identify Defendant Randy Tooley by misspelling his name.

6. Defendants deny all allegations of fact and law stated in Paragraphs V.6., VI.13., VI.16., VI.18., VI.19., VI.20. and VI.21. of Plaintiff's Complaint.

7. As to school district elections, Defendants admit the allegations contained in Paragraphs VI.7., VI.8., VI.9., VI.10., and VI.12. of Plaintiff's Complaint.

8. Defendants admit the allegations contained in the first sentence of Paragraph VI.15., but deny the allegation of fact and law stated in the second sentence of Paragraph VI.15.

WHEREFORE, premises considered, Defendants request that, upon trial hereof, the Court enter a Judgement against Plaintiff and for Defendants, denying Plaintiff's request for relief in all things.

Respectfully submitted,

WALSH, ANDERSON, UNDERWOOD,
SCHULZE, & ALDRIDGE, P.C.
P.O. Box 2156
Austin, Texas 78768
TELEPHONE: (512) 479-5031
FACSIMILE: (512) 474-0745

BY: 

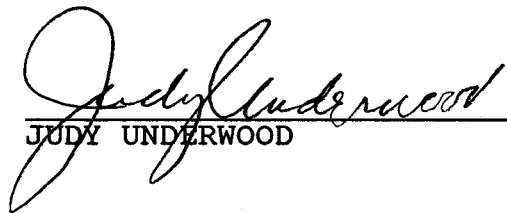
MS. JUDY UNDERWOOD
State Bar No. 02882300

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of March, 1995, a true and correct copy of the above and foregoing pleading was served upon counsel of record by placing same in the United States mail, certified, return receipt requested, postage prepaid and addressed as follows:

Mr. Rolando Rios
Attorney at Law
115 East Travis, Suite 1024
San Antonio, Texas 78205



JUDY UNDERWOOD

United States District Court
NORTHERN TEXAS

DISTRICT OF _____
AMARILLO DIVISION

TRINI GAMEZ,

SUMMONS IN A CIVIL ACTION

Plaintiff,

V.

CASE NUMBER:

2-95-CV-028

HEREFORD INDEPENDENT SCHOOL DISTRICT,
RON WEISHAAR, STEVE WRIGHT, RANDY
TULLEY, JAMES MARSH, MIKE VEAZEY,
JOE FLOOD and RAUL VALDEZ all in
their official capacities as members
of the Board of Trustees for the
HEREFORD INDEPENDENT SCHOOL DISTRICT
HEREFORD, TEXAS,

TO: (Name and Address of Defendant) Defendants.

RAUL VALDEZ
136 Avenue F
Hereford, Texas 79045-4406

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

ROLANDO L. RIOS
ATTORNEY AT LAW
115 E. TRAVIS, SUITE 1024
SAN ANTONIO, TEXAS 78205

20

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

NANCY DOHERTY

CLERK

DATE

FEB 13 1995

BY DEPUTY CLERK

Benny Hinton

United States District Court
NORTHERN TEXAS

DISTRICT OF _____
AMARILLO DIVISION

TRINI GAMEZ,

Plaintiff,

v.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: **2-95-CV-028**

HEREFORD INDEPENDENT SCHOOL DISTRICT,
RON WEISHAAR, STEVE WRIGHT, RANDY
TULLEY, JAMES MARSH, MIKE VEAZEY,
JOE FLOOD and RAUL VALDEZ all in
their official capacities as members
of the Board of Trustees for the
HEREFORD INDEPENDENT SCHOOL DISTRICT
HEREFORD, TEXAS,

TO: (Name and Address of Defendant) Defendants.

JOE FLOOD
136 Avenue F
Hereford, Texas 79045-4406

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

ROLANDO L. RIOS
ATTORNEY AT LAW
115 E. TRAVIS, SUITE 1024
SAN ANTONIO, TEXAS 78205

20

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

NANCY DOHERTY.

CLERK

DATE

FEB 13 1995

BY DEPUTY CLERK

Penny Hinton

United States District Court

NORTHERN TEXAS

DISTRICT OF
AMARILLO DIVISION

TRINI GAMEZ,

Plaintiff,

v.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

2-95-CV-028

HEREFORD INDEPENDENT SCHOOL DISTRICT,
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TULLEY, JAMES MARSH, MIKE VEAZEY,
JOE FLOOD and RAUL VALDEZ all in
their official capacities as members
of the Board of Trustees for the
HEREFORD INDEPENDENT SCHOOL DISTRICT
HEREFORD, TEXAS,

TO: (Name and Address of Defendant) Defendants.

MIKE VEAZEY
136 Avenue F
Hereford, Texas 79045-4406

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

ROLANDO L. RIOS
ATTORNEY AT LAW
115 E. TRAVIS, SUITE 1024
SAN ANTONIO, TEXAS 78205

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NANCY DOHERTY.

FEB 13 1995

CLERK

DATE

BY DEPUTY CLERK

Penny Hunter

United States District Court
NORTHERN TEXAS

DISTRICT OF _____
AMARILLO DIVISION

TRINI GAMEZ,

SUMMONS IN A CIVIL ACTION

Plaintiff,
V.

CASE NUMBER: **2-95-CV-028**

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TULLEY, JAMES MARSH, MIKE VEAZEY,
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their official capacities as members
of the Board of Trustees for the
HEREFORD INDEPENDENT SCHOOL DISTRICT
HEREFORD, TEXAS,

TO: (Name and Address of Defendant) Defendants.

JAMES MARSH
136 Avenue F
Hereford, Texas 79045-4406

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PLAINTIFF'S ATTORNEY (name and address)

ROLANDO L. RIOS
ATTORNEY AT LAW
115 E. TRAVIS, SUITE 1024
SAN ANTONIO, TEXAS 78205

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NANCY DOHERTY

CLERK

FEB 13 1995

DATE


BY DEPUTY CLERK

United States District Court
NORTHERN TEXAS

DISTRICT OF _____
AMARILLO DIVISION

TRINI GAMEZ,

SUMMONS IN A CIVIL ACTION

Plaintiff,

v.

CASE NUMBER: **2-95-CV-028**

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RON WEISHAAR, STEVE WRIGHT, RANDY
TULLEY, JAMES MARSH, MIKE VEAZEY,
JOE FLOOD and RAUL VALDEZ all in
their official capacities as members
of the Board of Trustees for the
HEREFORD INDEPENDENT SCHOOL DISTRICT
HEREFORD, TEXAS,

TO: (Name and Address of Defendant) Defendants.

RANDY TULLEY
136 Avenue F
Hereford, Texas 79045-4406

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

ROLANDO L. RIOS
ATTORNEY AT LAW
115 E. TRAVIS, SUITE 1024
SAN ANTONIO, TEXAS 78205

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NANCY DOHERTY

CLERK

FEB 13 1995

DATE

BY DEPUTY CLERK

Penny Hinton

United States District Court
NORTHERN TEXAS

DISTRICT OF
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TRINI GAMEZ,

Plaintiff,

v.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 2-95-CV-028

HEREFORD INDEPENDENT SCHOOL DISTRICT,
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JOE FLOOD and RAUL VALDEZ all in
their official capacities as members
of the Board of Trustees for the
HEREFORD INDEPENDENT SCHOOL DISTRICT
HEREFORD, TEXAS,

TO: (Name and Address of Defendant) Defendants.

STEVE WRIGHT
136 Avenue F
Hereford, Texas 79045-4406

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

ROLANDO L. RIOS
ATTORNEY AT LAW
115 E. TRAVIS, SUITE 1024
SAN ANTONIO, TEXAS 78205

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NANCY DOHERTY

CLERK

DATE

FEB 13 1995

BY DEPUTY CLERK

Penny Hanton

United States District Court
NORTHERN TEXAS

DISTRICT OF
AMARILLO DIVISION

TRINI GAMEZ,

Plaintiff,

V.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: **2-95-CV-028**

HEREFORD INDEPENDENT SCHOOL DISTRICT,
RON WEISHAAR, STEVE WRIGHT, RANDY
TULLEY, JAMES MARSH, MIKE VEAZEY,
JOE FLOOD and RAUL VALDEZ all in
their official capacities as members
of the Board of Trustees for the
HEREFORD INDEPENDENT SCHOOL DISTRICT
HEREFORD, TEXAS,

TO: (Name and Address of Defendant) Defendants.

RON WEISHAAR
136 Avenue F
Hereford, Texas 79045-4406

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

ROLANDO L. RIOS
ATTORNEY AT LAW
115 E. TRAVIS, SUITE 1024
SAN ANTONIO, TEXAS 78205

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NANCY DOWNEY

CLERK

DATE

FEB 13 1995

BY DEPUTY CLERK

United States District Court
NORTHERN TEXAS

DISTRICT OF
AMARILLO DIVISION

TRINI GAMEZ,

SUMMONS IN A CIVIL ACTION

Plaintiff,

v.

CASE NUMBER: 2-95-CV-028

HEREFORD INDEPENDENT SCHOOL DISTRICT,
RON WEISHAAR, STEVE WRIGHT, RANDY
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JOE FLOOD and RAUL VALDEZ all in
their official capacities as members
of the Board of Trustees for the
HEREFORD INDEPENDENT SCHOOL DISTRICT
HEREFORD, TEXAS,

TO: (Name and Address of Defendant) Defendants.

HEREFORD ISD
136 Avenue F
Hereford, Texas 79045-4406

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

ROLANDO L. RIOS
ATTORNEY AT LAW
115 E. TRAVIS, SUITE 1024
SAN ANTONIO, TEXAS 78205

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NANCY DOHERTY

FEB 13 1995

CLERK

DATE

BY DEPUTY CLERK

Benny Hinton

CA NO. 2-95-CV-028

[illegible]

trustees whose election will not cancel out, minimize, or dilute the voting strength of minority voters; Plaintiff seeks costs and attorneys' fees.

II.
JURISDICTION

3. Jurisdiction is based upon 28 U.S.C. 1343(3) & (4) upon causes of action arising from 42 U.S.C. 1971, 1973, 1983, 1988 and under the Fourteenth and Fifteenth Amendments to the U. S. Constitution. Declaratory relief is authorized by 28 U.S.C. 2201 and 2202 and by Rule 57 F.R.C.P. Venue is proper in this court under 28 U. S. C. 1391(b).

III.
PLAINTIFF

4. Plaintiff, TRINI GAMEZ, is a Mexican-American, United States Citizen, who is a resident and taxpayer of the State of Texas, and who is eligible to vote for the Board of Trustees of the HEREFORD INDEPENDENT SCHOOL DISTRICT.

IV.
DEFENDANTS

5. Defendant HEREFORD INDEPENDENT SCHOOL DISTRICT is organized and exists under the laws of the State of Texas. Defendants RON WEISHAAR, STEVE WRIGHT, RANDY TULLEY, JAMES MARSH, MIKE VEAZEY, JOE FLOOD and RAUL VALDEZ are sued in their official capacities as members of the Board of Trustees of the HEREFORD INDEPENDENT SCHOOL DISTRICT. All Defendants reside in HEREFORD, TEXAS.

V.
CAUSES OF ACTION

6. The present at-large scheme of electing members of the Board of Trustees for the HEREFORD INDEPENDENT SCHOOL DISTRICT, results in a denial or abridgement of the right to

vote of the Plaintiff on account of her race, color, or ethnicity, by having the effect of canceling out or minimizing her individual voting strength as a minority of the HEREFORD INDEPENDENT SCHOOL DISTRICT. The political and electoral process does not afford minorities an equal opportunity to participate in the political process and to elect representatives of their choice, and/or was intentionally created and/or maintained with a discriminatory purpose, violates the civil rights of Plaintiff by diluting her vote and/or minimizing their electoral influence. This gives rise to a cause of action against Defendants under 42 U.S.C., Sections 1971(a) and 1973.

VI. FACTS

7. Upon information and belief, the HEREFORD ISD presently conducts elections using a mixed plan. Five board members are elected by single-member districts and two are elected at-large.

8. Upon information and belief, there have been no less than 16 times that Hispanic named persons have run at-large and lost over the past 30 years.

9. Upon information and belief, no Hispanic has ever won a contested at-large election within the HEREFORD ISD.

10. Upon information and belief, the Mexican-American student population for the HEREFORD INDEPENDENT SCHOOL DISTRICT exceeds 66%.

11. Upon information and belief, the population for the HEREFORD ISD is 18,951 with a Mexican-American population of 9,480 or 50%.

12. Upon information and belief, there is presently one Mexican-American on the seven member school board.

13. The at-large scheme interacts with social and historical conditions to cause an inequality in the opportunity of racial/ethnic minority voters to elect representatives of their choice as compared to white (Anglo-American) voters.

14. Upon information and belief, the combined minority population (African-American and Hispanic) of the HEREFORD ISD exceeds 52%.

15. Upon information and belief, the Defendants employ an at-large, and staggered term election system. These devices exacerbate the dillusionary effect of the at-large election system.

16. The MEXICAN-AMERICAN community in the HEREFORD INDEPENDENT SCHOOL DISTRICT is politically cohesive.

17. There is sufficient minority population geographically concentrated in such a way that if single-member districts are created, minorities will be able to elect several representatives of their choice. The minority population is primarily concentrated in one area of the HEREFORD INDEPENDENT SCHOOL DISTRICT.

18. Whites vote sufficiently as a bloc to enable them - in the absence of special circumstances, such as the minority candidate running unopposed - usually to defeat the minority group's preferred candidates.

VII.
EQUITIES

19. Plaintiff has no adequate remedy at law other than the

judicial relief sought herein, and unless the Defendants are enjoined from continuing the present at-large scheme, Plaintiff will be irreparably harmed by the continuing violation of their statutory and constitutional rights. The unlawful and unconstitutional conditions complained of preclude the adoption of remedial provisions by the electorate. The present electoral scheme is without any legitimate or compelling governmental interest and it arbitrarily and capriciously cancels, dilutes and minimizes the force and effect of the minorities voting strength.

VIII.

ATTORNEYS' FEES

20. In accordance with 42 U.S.C., Sections 1973-1(e) and 1988, Plaintiff is entitled to recover reasonable attorneys' fees as part of her costs.

IX.

PRAYER

21. WHEREFORE, PREMISES CONSIDERED, Plaintiff, prays that this Court:

- a) Assume jurisdiction of this action;
- b) Cite Defendants to appear and answer herein;
- c) Issue a declaratory judgment finding that the existing method of electing at-large members to the board of trustees of the HEREFORD INDEPENDENT SCHOOL DISTRICT is unconstitutional and/or unlawful, null and void;
- d) Permanently enjoin Defendants from calling, holding, supervising or certifying any further at large elections;
- e) Order the formation of an election scheme that eliminates the at large elections so as not to dilute, cancel out or minimize the voting strength of minority voters;
- f) Adjudge all costs against Defendants, including reasonable attorneys' fees;

- g) Retain jurisdiction to render any and all further orders that this Court may from time to time deem appropriate; and
- h) Grant any and all further relief both at law and in equity to which the Plaintiff may show herself to be entitled.

Respectfully submitted,

ATTORNEY FOR PLAINTIFF

DATED: February 8, 1995

ROLANDO L. RIOS
Attorney at Law
115 E. Travis, Suite 1024
San Antonio, Texas 78205
Telephone: (210) 222-2102
Facsimile: (210) 222-2898
SBN: 16935900

By: 

ROLANDO L. RIOS

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

TRINI GAMEZ

DEFENDANTS HEREFORD INDEPENDENT SCHOOL DISTRICT, RON WEISHAAR, STEVE WRIGHT, RANDY TULLEY, JAMES MARSH, MIKE VEAZEY, JOE FLOOD and RAUL VALDEZ

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Deaf Smith
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Deaf Smith
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ROLANDO L. RIOS, Attorney at Law
115 E. Travis, Suite 1024
San Antonio, Texas 78205
(210) 222-2102

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

Voting Rights action challenging Defendant HEREFORD INDEPENDENT SCHOOL DISTRICT at-large system of electing School Board Members under 42 U.S.C. 1973

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
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VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint.
JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE February 8, 1995 SIGNATURE OF ATTORNEY OF RECORD Raul L. Rios