

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT L. ADAMS, JR. et al.	§	
	§	
Plaintiffs,	§	
	§	
UNITED STATES OF AMERICA,	§	
	§	
Plaintiff–Intervenor,	§	CIVIL ACTION No. 6:04-cv-291-LED
	§	
CHARLES F. MATHEWS, et al.,	§	
	§	
Defendants.	§	

JOINT PROPOSED DISCOVERY & BRIEFING SCHEDULE

Defendant Longview Independent School District and Plaintiff–Intervenor United States of America jointly propose the following Discovery and Briefing Schedule to the Court, and state as follows:

I. Introduction

During the June 17, 2013 Status Conference, the Court directed the parties to prepare, jointly or individually, a proposed scheduling order setting forth their plan for examining and resolving all remaining issues in this case. *See* Status Conference Hearing Minutes, June 17, 2013, ECF No. 59, at 2. Pursuant to the Court’s directive, the parties have agreed to the following proposed schedule:

August 8, 2013 at 1:30 P.M.	Telephonic Status Conference.
September 1, 2013 through September 30, 2013	The United States shall conduct a site visit of LISD during the month of September 2013.

October 31, 2013	The United States shall send LISD all requests for supplemental information on or before this date as part of an informal exchange of information. LISD shall provide responses or objections within thirty (30) day of receiving each request unless the parties agree to a reasonable extension of time; so all responses will be submitted on or before November 30, 2013.
January 15, 2014	On or before this date, in Houston, Texas, the parties shall meet and confer about Longview Independent School District's intended motion for declaration of partial or full unitary status with the specific purpose of identifying any issues that the parties agree are no longer at issue in this case, and to discuss any remaining issues. LISD's Superintendant or an authorized designee shall attend this meeting.
January 15, 2014 through February 28, 2014	The Parties shall engage in settlement negotiations to resolve any outstanding issues. If necessary, the parties may approach the Court or request the assistance of a Magistrate Judge to aide them in reaching a proposed agreement and proposal for resolving this case.
January 31, 2014	If the parties are able to reach agreement, in whole or in part, they shall file a joint motion for a declaration of partial or full unitary status on those factors they agree are no longer at issue in this case.
February 28, 2014	LISD may file a motion for a declaration of partial or full unitary status.
March 14, 2014	<p>If LISD files a motion for unitary status, the parties shall participate in a Rule 16 pretrial conference on or before this date.</p> <p>All motions that would dispose of all or any part of this case shall be filed on or before this date.</p>

<p>March 21, 2014</p>	<p>Pursuant to Rule 16, the parties shall file, jointly or individually, their proposed formal discovery plan/schedule, which must include: (1) deadlines for completing fact and expert discovery and exchanging Rule 26 disclosures; (2) any discovery or disclosure modifications; (3) the United States' post-discovery deadline to file its response to LISD's motion; and (4) potential hearing dates. If the proposed schedule extends beyond August 2014 and into LISD's next school year, the parties shall provide a statement explaining why the proposed schedule is necessary.</p>
------------------------------	---

LISD and Plaintiff-Intervenor United States of America jointly request that the Court adopt the Discovery and Briefing Schedule proposed herein by entering the corresponding proposed order filed herewith.

AGREED:

UNITED STATES OF AMERICA

LONGVIEW INDEPENDENT SCHOOL DISTRICT

THOMAS E. PEREZ
Assistant Attorney General

ANURIMA BHARGAVA
KATHLEEN S. DEVINE

/s/ Mark A. Dann
MARK A. DANN
U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section
950 Pennsylvania Ave., N.W.
Patrick Henry Building, Suite 4300
Washington, DC 20530
Tel: 202-305-1231 5718
Fax: 202-514-8337
Email: mark.dann@usdoj.gov

ATTORNEYS FOR PLAINTIFF-INTERVENOR

/s/Richard A. Morris
RICHARD A. MORRIS
Attorney-in-Charge
State Bar No. 14497750
Federal I.D. 15004
rmorris@rmgllp.com
NICHOLAS J. WAGONER
Of Counsel
State Bar No. 24079530
Federal I.D. 1339971
nwagoner@rmgllp.com
ROGERS, MORRIS & GROVER, L.L.P.
Westheimer, Suite 1200
Houston, Texas 77057
Fax: 713-960-6025

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2013, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system and notice was electronically provided to the following CM/ECF system participants:

Amy I. Berman, Esq.
Mark A. Dann, Esq.
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W.
Education Opportunities Section
Patrick Henry Building, Suite 4300
Washington, DC 20530

/s/Richard A. Morris
Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT L. ADAMS, JR. et al.	§	
	§	
Plaintiffs,	§	
	§	
UNITED STATES OF AMERICA,	§	
	§	
Plaintiff–Intervenor,	§	CIVIL ACTION No. 6:04-cv-291-LED
	§	
CHARLES F. MATHEWS, et al.,	§	
	§	
Defendants.	§	

JOINT DISCOVERY & BRIEFING SCHEDULE

It is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

August 8, 2013 at 1:30 P.M.	Telephonic Status Conference.
September 1, 2013 through September 30, 2013	The United States shall conduct a site visit of LISD during the month of September 2013.
October 31, 2013	The United States shall send LISD all requests for supplemental information on or before this date as part of an informal exchange of information. LISD shall provide responses or objections within thirty (30) day of receiving each request unless the parties agree to a reasonable extension of time; so all responses will be submitted on or before November 30, 2013.
January 15, 2014	On or before this date, in Houston, Texas, the parties shall meet and confer about Longview Independent School District’s intended motion for declaration of partial or full unitary status with the specific purpose of identifying any issues that the parties agree are no longer at issue in this case, and to discuss any remaining issues. LISD’s Superintendant or an authorized designee shall attend this meeting.

January 15, 2014 through February 28, 2014	The Parties shall engage in settlement negotiations to resolve any outstanding issues. If necessary, the parties may approach the Court or request the assistance of a Magistrate Judge to aide them in reaching a proposed agreement and proposal for resolving this case.
January 31, 2014	If the parties are able to reach agreement, in whole or in part, they shall file a joint motion for a declaration of partial or full unitary status on those factors they agree are no longer at issue in this case.
February 28, 2014	LISD may file a motion for a declaration of partial or full unitary status.
March 14, 2014	<p>If LISD files a motion for unitary status, the parties shall participate in a Rule 16 pretrial conference on or before this date.</p> <p>All motions that would dispose of all or any part of this case shall be filed on or before this date.</p>
March 21, 2014	Pursuant to Rule 16, the parties shall file, jointly or individually, their proposed formal discovery plan/schedule, which must include: (1) deadlines for completing fact and expert discovery and exchanging Rule 26 disclosures; (2) any discovery or disclosure modifications; (3) the United States' post-discovery deadline to file its response to LISD's motion; and (4) potential hearing dates. If the proposed schedule extends beyond August 2014 and into LISD's next school year, the parties shall provide a statement explaining why the proposed schedule is necessary.