

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AUG 14 1986

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SPRING BRANCH INDEPENDENT)
SCHOOL DISTRICT, et al.,)
)
Defendants.)

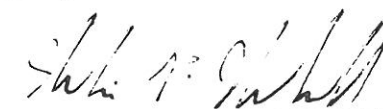
CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED
C.A. No. H-84-2949
AUG 14 1986

JESSE E. CLARK, CLERK
BY DEPUTY:

PLAINTIFF'S MOTION TO EXTEND THE NUMBER OF INTERROGATORIES

Plaintiff United States hereby moves this Court to extend the number of interrogatories which may be served by a party under Local Rule 10(E)(4). As grounds therefor, Plaintiff states that the above-captioned action, filed under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., requires extensive discovery by the parties of complex factual and legal issues, many of which are appropriately addressed through use of interrogatories.

Respectfully submitted,



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MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION
TO EXTEND THE NUMBER OF INTERROGATORIES

The above-captioned action was filed by the United States under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., alleging that the Spring Branch Independent School District ("SBISD") engaged in a pattern and practice of employment discrimination on the basis of race with respect to its teaching faculty and clericals. Specifically, the United States alleged in its Complaint that, inter alia, SBISD failed and refused to recruit and hire blacks for teaching and clerical positions on the same basis as whites were recruited and hired.

A history of such pattern and practice of discrimination is evidenced by the fact that for the ten year period from

1973-74 to 1983-84, only 1.21% of the teachers hired by SBISD were black while 96.69% were white; the 1980 census data figure for available black teachers in the Houston Standard Metropolitan Statistical Area ("SMSA") is 21.05% of all teachers, and for Harris County it is 23.07%. There were no black clericals hired by SBISD from 1974-75 until 1980-81, at which time one (or .37% of all SBISD clericals) was hired. The 1980 census data indicates that 12.21% of the employed clericals residing in Harris County were black and 16.93% of those in Houston were black.

Litigation of this action requires extensive discovery by the parties of complex factual and legal issues, many of which are appropriately addressed through use of interrogatories. Indeed, the matter of extending the number of interrogatories that may permissibly be served was raised by Defendants serving a total of 64 interrogatories, exclusive of subparts, upon Plaintiff without to seeking a waiver of the 30-interrogatory limitation imposed by Local Rule 10(E)(4); to date, Plaintiff has responded to 47 of these interrogatories.

In subsequent correspondence and discussions, it has become clear that both parties regard this action as one in which it is appropriate to have the strictures of Rule 10(E)(4) waived. The Spring Branch defendants have not moved for waiver of the rule. Plaintiff contends that a motion for an extension

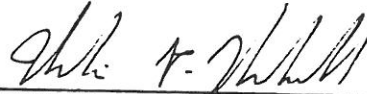
of the number of interrogatories that the parties may serve is appropriate at this time.

Plaintiff conferred by telephone on August 11, 1986, with counsel for the SBISD defendants, but was unable to reach an agreement with respect to this matter.

CONCLUSION

For purposes of this action, the requirements of Local Rule 10(E)(4) should be waived and the parties permitted to serve more than thirty interrogatories.

Respectfully submitted,



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ORDER

This matter comes before this Court on the motion by plaintiff United States to extend the number of interrogatories that may be served under Local Rule 10(E)(4) by the parties in this action. It is hereby,

ORDERED that for purposes of this action, the parties may serve more than thirty interrogatories.

Signed this _____ day of _____, 1986.

CALVIN BOTLEY
United States Magistrate

CERTIFICATE OF SERVICE

I, Melissa P. Marshall, hereby certify that a copy of Plaintiff's Motion to Extend the Number of Interrogatories, a Memorandum in Support thereof, and accompanying proposed Order were served August 13, 1986, by DHL Express, upon the following counsel:

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