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ATTORNEYS FOR PLAINTIFFS

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**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA**

17 BLACK PARALLEL SCHOOL BOARD; S.A., by and
 18 through his Next Friend, AMY A.; K.E., by and through
 19 his Next Friend, JENNIFER E.; C.S., by and through his
 20 General Guardian, SAMUEL S.; on behalf of themselves
 and all others similarly situated,

Plaintiffs,

v.

23 SACRAMENTO CITY UNIFIED SCHOOL DISTRICT;
 24 JORGE A. AGUILAR, Superintendent for Sacramento
 City Unified School District; CHRISTINE A. BAETA,
 25 Chief Academic Officer for the Sacramento City Unified
 School District; JESSIE RYAN, DARREL WOO,
 26 MICHAEL MINNICK, LISA MURAWSKI, LETICIA
 GARCIA, CHRISTINA PRITCHETT, and MAI VANG,
 27 members of the Sacramento City Unified School District
 Board of Education; THE BOARD OF EDUCATION OF
 28 SACRAMENTO CITY UNIFIED SCHOOL DISTRICT,

Defendants.

Case No. 2:19-cv-01768-TLN-KJN

**NOTICE OF JOINT MOTION AND
 JOINT MOTION FOR FURTHER
 EXTENSION OF STAY OF
 LITIGATION; AND ORDER**

Judge: Hon. Troy L. Nunley

Courtroom: 2

Action Filed: September 5, 2019

**NO ARGUMENT OR APPEARANCE
 NECESSARY UNLESS SPECIFICALLY
 REQUIRED BY COURT**

- 1 completed. (ECF Nos. 28 at 3-5, 31 at 2-4). Additionally, in the Second Joint Status Report,
2 the Parties reported that the District had executed contracts to hire three neutral, third-party
3 subject matter experts – Dr. Jeffrey Sprague, Dr. Nancy Dome, and Dr. Jean Gonsier-Gerdin
4 (collectively, “Experts”). (ECF No. 31 at 3). The Parties further reported on an “Experts’
5 Evaluation Plan” containing specific steps and work necessary to guide the Experts in their
6 review and analysis of the District under the Agreement. (ECF No. 31 at 3).
- 7 6. On July 14, 2020, the Court granted the Parties’ joint motion to extend the stay for six
8 months to allow the Parties time to complete the activities described in the Agreement,
9 including but not limited to providing time to the Experts to evaluate the District’s programs,
10 policies and services, and make recommendations that would inform potential resolution of
11 this matter. (ECF No. 33, 34).
- 12 7. Per the terms of the July 10, 2020 Order, the Parties filed a Third Joint Status Report on
13 August 13, 2020; a Fourth Joint Status Report on September 28, 2020; and a Fifth Joint
14 Status Report on November 30, 2020. (ECF Nos. 36, 37, and 38).
- 15 8. On January 6, 2021, the Parties filed another joint motion to extend the stay by an additional
16 five months to enable the Parties to continue to engage in structured settlement negotiations
17 and allow the Experts to complete their assessment of the District. (ECF No. 39). The Court
18 granted the Parties’ joint motion on January 8, 2021 and also ordered the Parties to file a
19 status report 75 days later and every 75 days thereafter during the duration of the extended
20 stay. (ECF No. 40). Accordingly, the Parties filed a Sixth Joint Status Report on March 23,
21 2021 and a Seventh Joint Status Report on June 1, 2021. (ECF Nos. 41 and 43).
- 22 9. On June 1, 2021, the Parties filed a joint motion to extend the stay an additional four months
23 to allow the Parties to continue to engage in structured settlement negotiations and allow the
24 Experts to complete their report on the District. The Court granted the Parties’ joint motion
25 on June 2, 2021. Pursuant to that order, the Parties filed an eighth joint status report on
26 August 16, 2021. (ECF No. 46).
- 27 10. On September 27, 2021, the Parties filed an additional motion to extend the stay an
28 additional four months to allow the Experts to complete their report and to allow the Parties

1 to engage in structured settlement negotiations. The Court granted the Parties' joint motion
2 on September 28, 2021.

3 11. In the Third, Fourth, Fifth, Sixth, Seventh, and Eighth Joint Status Reports, the Parties
4 provided the Court with updates regarding the Parties' implementation of the Agreement.
5 (See ECF Nos. 36, 37, 38, 41, 43, 46). First, the Parties reported that they were working in
6 collaboration with the Experts and Dr. Judy Elliott to finalize the Plan. (See ECF Nos. 36 at
7 2-3, 37 at 3, 38 at 3). In the Fifth Joint Status Report, the Parties reported that the Experts
8 were close to finalizing the Plan and had made an initial request to the District for documents
9 and data sources, including but not limited to specific District policies and procedures, to
10 begin their review of the District. (ECF No. 38 at 3). In the Sixth Joint Status Report, the
11 Parties reported that the Experts had completed and executed the Plan to complete the steps
12 set out in the Scope of Work agreed upon through the Agreement. (See ECF No. 41).
13 Additionally, in the Third, Fourth, Fifth, and Sixth Joint Status Reports, the Parties reported
14 that they had exchanged various proposals regarding additions and/or modifications to
15 interim measures in the Agreement. (ECF Nos. 36 at 3, 37 at 4, 38 at 3).

16 12. The Parties also reported that various factors, including but not limited to the COVID-19
17 pandemic, had delayed the Experts' commencement and completion of their work under the
18 Agreement. (See ECF Nos. 37 at 3, 38 at 3). As a result, the Parties anticipated finalizing
19 and executing a side agreement to extend the date by which the Experts must finalize their
20 work under the Agreement. (See ECF Nos. 37 at 3, 38 at 3). The Parties executed this side
21 agreement on March 26, 2021.

22 13. The Parties received the Experts' confidential final report on January 21, 2022 and thereafter
23 began the settlement negotiations process.

24 14. On January 27, 2022, the Parties filed an additional motion to extend the stay until May 4,
25 2022 to allow the Parties to engage in settlement negotiations informed by the Experts'
26 Report. The Court granted the Parties' joint motion on January 27, 2022.

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1 15. The Parties agreed that if the Parties are unable to successfully negotiate a settlement
2 agreement on their own, the Parties may request the assistance of a magistrate judge to
3 facilitate the process.

4 16. On April 27, 2022 the Parties filed motion to further extend the stay an additional three
5 months to August 4, 2022. The Court granted the Parties' joint motion on April 28, 2022.

6 17. In order to facilitate settlement, the Parties agreed to hold at least two meetings to discuss or
7 negotiate settlement each month in May, June, and July 2022, and to establish weekly
8 settlement calls at the appropriate juncture to move the settlement process forward.

9 18. The Defendants also agreed to include key District staff in the relevant planned settlement
10 meetings.

11 19. As part of the settlement negotiations process, the Parties have had multiple meetings since
12 the last stay order and have engaged in substantive written exchanges that have moved the
13 Parties closer to settlement.

14 20. The Parties have agreed to work in good faith in order to achieve their common goal of
15 reaching a settlement in time to implement settlement provisions at the beginning of the
16 upcoming school year, which commences on September 1, 2022, hence the request for a
17 relatively short extension of stay.

18 21. As the Parties are currently engaged in productive settlement discussions, the Parties jointly
19 seek an additional extension of the stay in order to finalize this process.

20 Pursuant to the Agreement, the Parties seek this Court's approval of a further stay of this
21 litigation to afford the Parties additional time to complete the activities described with regard to and
22 in the Agreement including, but not limited to, allowing the Parties to continue to engage in the
23 agreed-upon structured negotiations with the goal of resolving this matter.

24 **GOVERNING LAW**

25 This Court "has broad discretion to stay proceedings as an incident to its power to control its
26 own docket." *Clinton v. Jones*, 520 U.S. 681, 706-07 (1997) (citing *Landis v. N. Am. Co.*, 299 U.S.
27 248) (1936)). In fact,

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1 [T]he power to stay proceedings is incidental to the power inherent in every court to
2 control the disposition of the causes on its docket with economy of time and effort for
3 itself, for counsel, and for litigants. How this can best be done calls for the exercise of
judgment, which must weigh competing interests and maintain an even balance.

4 *Landis*, 299 U.S. at 254-55.

5 Correspondingly, as this Court has recognized, “[c]ourts have applied their discretionary
6 authority to grant stays because it appeared that settlement discussions between the parties might
7 prove fruitful.” *Johnson v. Village*, Case No. 2:15-cv-02299-TLN-KJN, 2016 WL 1720710, at *6
8 (E.D. Cal. Apr. 29, 2016) (citing *EEOC v. Canadian Indem. Co.*, 407 F. Supp. 1366, 1368 (C.D. Cal.
9 1976)).

10 **REQUEST FOR STAY**

11 As outlined above, the Parties successfully negotiated an agreed-upon structure for settlement
12 discussions between the Parties, in the hope of reaching a global resolution of this matter without the
13 need for protracted litigation. The Parties now jointly move and request that this Court further stay
14 this matter to October 3, 2022, so that the Parties may continue to engage in the activities agreed-
15 upon and outlined in the Agreement.

16 Good cause exists to grant the Parties’ joint motion. As noted above, the Experts’ full
17 commencement of work under the Agreement was delayed due to various factors, including but not
18 limited to the COVID-19 pandemic. (*See* ECF Nos. 37 at 3, 38 at 3). As a result of this delay, the
19 Experts were not able to complete their work under the Agreement by January 2021 and required
20 additional time to complete their work under the Agreement. Now that the Experts’ work is
21 completed and the Parties are currently engaged in settlement negotiations, the Parties need
22 additional time to reach resolution.

23 Moreover, the Parties believe that a stay is justified because it will: (1) promote judicious use
24 of the Parties’ and Court’s time and resources; and (2) offer the opportunity for speedy resolution
25 and relief without protracted litigation, which is particularly critical where, as here, certain Plaintiffs
26 are children and Defendants are governmental entities or officials. Given the Parties’ negotiations to
27 date, the Parties believe that a negotiated global resolution of this matter is viable, if given time to
28 engage in the activities necessary to reach such a resolution. The Parties also agree that these

1 activities would be significantly hindered if the Parties also had to engage in simultaneous motion
2 and discovery practice.

3 Pursuant to the terms of the Agreement, any Party may withdraw from settlement
4 negotiations with sufficient advance written notice. If that occurs, the Parties will inform the Court
5 so that the Court may lift the stay accordingly.

6 **CONCLUSION**

7 Based upon the foregoing, the Parties respectfully move the Court to enter an order:

- 8 (1) Staying this litigation for all purposes to October 3, 2022, including temporarily excusing the
9 Parties from complying with this Court’s Initial Pretrial Scheduling Order (ECF No. 4), so
10 that the Parties can focus on and engage in structured settlement negotiations; and
11 (2) Extending the time for Defendants to respond to Plaintiffs’ Complaint until 30 days after the
12 stay is lifted upon order of this Court, should negotiations be unsuccessful or terminated by
13 the Parties.

14 DATED: July 27, 2022

Respectfully submitted,

15 **EQUAL JUSTICE SOCIETY**

16
17 /s/ Alexandra Santa Ana (as authorized on July 27, 2022)
18 ALEXANDRA SANTA ANA
19 *Attorneys for Plaintiffs*

20 **DISABILITY RIGHTS CALIFORNIA**

21
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23 MUNMEETH SONI
24 *Attorneys for Plaintiffs*

25 **NATIONAL CENTER FOR YOUTH LAW**

26
27 /s/ Michael Harris (as authorized on July , 2022)
28 MICHAEL HARRIS
Attorneys for Plaintiffs

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WESTERN CENTER ON LAW AND POVERTY

/s/ Antionette Dozier (as authorized on July 27, 2022)
ANTIONETTE DOZIER
Attorneys for Plaintiffs

DATED: July 27, 2022

Respectfully submitted,
LOZANO SMITH

/s/ Sloan Simmons (as authorized on July 27, 2022)
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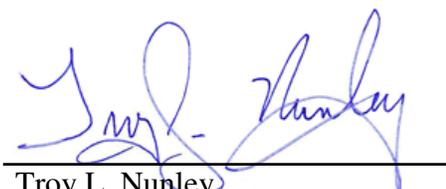
ORDER

Pursuant to the foregoing Joint Motion of the Parties, and GOOD CAUSE APPEARING
THEREFORE, IT IS HEREBY ORDERED that:

- (1) This action is temporarily stayed to October 3, 2022, for all purposes to enable the Parties to focus on and engage in settlement efforts;
- (2) While this stay is in effect, the Parties are excused from complying with this Court’s Initial Pretrial Scheduling Order (ECF No. 4); and
- (3) While this stay is in effect, the Defendants are not required to file a responsive pleading until 30 days after any stay in this action is lifted.

IT IS SO ORDERED.

DATED: July 28, 2022



Troy L. Nunley
United States District Judge