

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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5 EMMA C. et al.,

6 Plaintiffs,

NO. C96-4179 TEH

7 v.

ORDER TO MEET AND  
CONFER RE DISTRICT'S  
FILING SYSTEM

8 DELAINE EASTIN, et al.,

9 Defendants.  
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11 At the status conference held on June 30, 2010, the Court Monitor and counsel for the  
12 District addressed issues concerning the availability of student files for the Court Monitor's  
13 review. The District represented that the unavailability of student files had negatively  
14 affected its performance in the Court Monitor's report for the third quarter of the 2009-10  
15 academic year, and asserted that the files in question were unavailable for "legitimate  
16 reasons," i.e. having been pulled for review by District personnel. The Court ordered the  
17 Court Monitor to draft a filing procedure for the District, and to submit the procedure to the  
18 Court as a proposed order. The Court intended such a procedure to account for files that  
19 have been temporarily removed from their permanent location, to ensure the accessibility of  
20 files for the Court Monitor's review, and to address any other concerns regarding the  
21 integrity of the District's filing system.

22 If the parties are able to resolve the filing issue without direct Court involvement, the  
23 Court's order will be satisfied by the development of a District filing policy that is endorsed  
24 by the Court Monitor. Therefore, with good cause appearing, IT IS HEREBY ORDERED  
25 THAT the District and the California Department of Education ("CDE") shall meet and  
26 confer to develop a District filing policy that calls for prompt filing of documents, accounts  
27 for the location of all files at all times, and addresses any other concerns raised by the Court  
28 Monitor or the parties. The District and CDE may meet and confer on their own or include

1 the Court Monitor, should his participation be desired or necessary. Any disagreements shall  
2 be submitted by the parties to the Court Monitor for resolution. The draft policy shall be  
3 submitted to the Court Monitor and Plaintiffs for review no later than **July 30, 2010**. The  
4 policy shall be subject to the Court Monitor's approval, and shall be implemented by the  
5 District once so approved.

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7 **IT IS SO ORDERED.**

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10 Dated: 7/14/10



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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT

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