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19 *ATTORNEYS FOR PLAINTIFFS*  
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20 **UNITED STATES DISTRICT COURT**  
21 **EASTERN DISTRICT OF CALIFORNIA**

22 BLACK PARALLEL SCHOOL BOARD; S.A., by and  
23 through his Next Friend, AMY A.; K.E., by and through  
24 his Next Friend, JENNIFER E.; C.S., by and through his  
25 General Guardian, SAMUEL S.; on behalf of themselves  
26 and all others similarly situated,

27 Plaintiffs,

28 v.

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

Defendants.

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

**NOTICE OF JOINT MOTION AND  
JOINT MOTION FOR EXTENSION OF  
STAY OF LITIGATION; AND  
[PROPOSED] ORDER**

Judge: Hon. Troy L. Nunley  
Courtroom: 7  
Action Filed: September 15, 2019

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

1 **NOTICE OF JOINT MOTION AND JOINT MOTION**

2 TO THE HONORABLE COURT:

3 PLEASE TAKE NOTICE THAT Plaintiffs Black Parallel School Board, S.A., K.E., and C.S.  
4 (“Plaintiffs”), and Defendants Sacramento City Unified School District, et al., and all of them (the  
5 “District”) (collectively herein, “Parties”), through their respective counsel of record, hereby jointly  
6 move this Court for an extension of the stay of this litigation for an additional six months so that the  
7 experts engaged by the District pursuant to the Structured Negotiations Agreement may complete  
8 their work and the Parties may engage in agreed-upon structured settlement negotiations, as set forth  
9 below.

10 As the Parties jointly move for the requested stay and agree on the propriety and scope of  
11 same, the Parties do not believe argument or appearance is necessary for the Court to consider the  
12 requested further stay, but are prepared to appear if the Court so orders.

13 **STATEMENT OF FACTS**

14 The Parties hereby stipulate to the following facts:

- 15 1. Plaintiffs filed their Complaint and initiated the instant action on September 5, 2019. (ECF  
16 No. 1).
- 17 2. Plaintiffs served the District with its Complaint on September 10, 2019, and filed the related  
18 Proof of Service on October 17, 2019. (ECF No. 7).
- 19 3. Shortly after Plaintiffs’ service of the Complaint, the Parties engaged in communications to  
20 negotiate requesting a stay of this litigation for a designated period of time to allow the  
21 Parties to participate in good faith negotiations toward a potential global resolution of this  
22 action, thereby preserving the Parties’ and the Court’s time and resources.
- 23 4. On December 19, 2019, the Parties entered into a Structured Negotiations Agreement  
24 (“Agreement”). (See ECF No. 24 at 9-23). The Parties also filed a joint motion for a stay of  
25 litigation for the Parties to engage in agreed-upon structured settlement negotiations and  
26 sought Court approval of same, which the Court ordered and approved on December 20,  
27 2019. (ECF No. 25).
- 28 5. The Court’s Order required the Parties to submit status reports every 90 days during the

1 period of the stay. To date, the Parties have filed two Joint Status Reports. (See ECF Nos.  
2 28, 31). As reported in the Parties' First Joint Status Report, a number of interim measures  
3 and/or actions under the Agreement had been completed as of the filing of the Parties' First  
4 Joint Status Report. (See ECF No. 28 at 3-5). As of the filing of the Second Joint Status  
5 Report, the District had completed two remaining interim measures: revising the District's  
6 notice of suspension and executing service contracts with three subject matter experts. (See  
7 ECF No. 31 at 2-4).

8 Pursuant to the Agreement, the Parties seek this Court's approval of a further stay of this  
9 litigation to afford the Parties time to complete the activities described in the Agreement including,  
10 but not limited to, providing time to the subject matter experts to evaluate the District's programs,  
11 policies, and services and make recommendations that will inform potential resolution of this matter.

#### 12 GOVERNING LAW

13 This Court "has broad discretion to stay proceedings as an incident to its power to control its  
14 own docket." *Clinton v. Jones* 520 U.S. 681, 706-07 (1997) (citing *Landis v. N. Am. Co.* 299 U.S.  
15 248) (1936)). In fact,

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

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

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

#### 26 REQUEST FOR STAY

27 As outlined above, the Parties have successfully negotiated an agreed-upon structure for  
28 settlement discussions between the Parties, in the hope of reaching a global resolution of this matter  
without the need for protracted litigation. The Parties now jointly move and request that this Court

1 further stay this matter for six months so that the Parties may engage in the activities agreed-upon  
2 and outlined in the Agreement.

3 The Parties believe that a stay is justified because it will: (1) promote judicious use of the  
4 Parties' and Court's time and resources; and (2) offer the opportunity for speedy resolution and relief  
5 without protracted litigation, which is particularly critical where, as here, certain Plaintiffs are  
6 children and Defendants are governmental entities or officials. Given the Parties' negotiations to  
7 date, the Parties believe that a negotiated global resolution of this matter is viable, if given time to  
8 engage in the activities necessary to reach such a resolution. The Parties also agree that these  
9 activities would be significantly hindered if the Parties also had to engage in simultaneous motion  
10 and discovery practice.

11 This stay will also allow the Court to have continuing oversight over the matter at hand. The  
12 Parties agree to keep the Court apprised of their progress by filing joint status reports. The Parties  
13 agree that the first status report will be presented to the Court 30 days after the date on which this  
14 stay is ordered. In that report, the Parties will update the Court on any amendments to the interim  
15 measures within the Agreement which the Parties have agreed to by that time; Plaintiffs have  
16 proposed certain additional and/or modified interim measures which the Parties are discussing and  
17 will continue to discuss. The Parties agree that a second status report which will include, as  
18 applicable, a further update to the Court regarding any amendments to the interim measures, will be  
19 presented to the Court 45 days after the date on which the first status report is filed, and the third  
20 status report will be presented 60 days after the second status report is filed.

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

#### 24 CONCLUSION

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

26 (1) Staying this litigation for all purposes for six months, including temporarily excusing the  
27 Parties from complying with this Court's Initial Pretrial Scheduling Order (ECF No. 4), so that the  
28 Parties can focus on and engage in structured settlement negotiations;

1 (2) Extending the time for Defendants to respond to Plaintiffs' Complaint until 30 days after the  
2 stay is lifted upon order of this Court, should negotiations be unsuccessful or terminated by the  
3 Parties; and

4 (3) Scheduling a date for the Parties to file a joint status report that will permit the Parties to  
5 update the Court on the progress of settlement efforts 30 days after the entry of an order granting this  
6 joint motion, and then scheduling two additional status reports after that, at 45-day and 60-day  
7 intervals, respectively, during the requested stay.

8 DATED: July 10, 2020

Respectfully submitted,

9  
10 **EQUAL JUSTICE SOCIETY**

11 /s/ Mona Tawatao (as authorized on July 10, 2020)  
12 MONA TAWATAO  
13 *Attorneys for Plaintiffs*

14 **DISABILITY RIGHTS CALIFORNIA**

15  
16 /s/ Melinda Bird (as authorized on July 10, 2020)  
17 MELINDA BIRD  
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19 **NATIONAL CENTER FOR YOUTH LAW**

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21 /s/ Michael Harris (as authorized on July 10, 2020)  
22 MICHAEL HARRIS  
23 *Attorneys for Plaintiffs*

24 **WESTERN CENTER ON LAW AND POVERTY**

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27 ANTIONETTE DOZIER  
28 *Attorneys for Plaintiffs*

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DATED: July 10, 2020

Respectfully submitted

**LOZANO SMITH**

/s/ Sloan Simmons (as authorized on July 10, 2020)

**SLOAN SIMMONS**

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**[PROPOSED] 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 for six months 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);

(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; and

(4) The Parties shall file a status report no later than \_\_\_\_\_ (30 days from the date of this order), file a second status report on \_\_\_\_\_ (45 days after the first status report), and file a third status report on \_\_\_\_\_ (60 days after the second status report) so long as this stay remains in effect unless otherwise ordered by the Court.

**IT IS SO ORDERED.**

Dated: July \_\_, 2020

\_\_\_\_\_  
HON. TROY L. NUNLEY  
UNITED STATES DISTRICT JUDGE