

1 MARK D. ROSENBAUM (SBN 59940)
(mrosenbaum@aclu-sc.org)
2 DAVID B. SAPP (SBN 264464)
(dsapp@aclu-sc.org)
3 ACLU FOUNDATION OF SOUTHERN
CALIFORNIA
4 1313 W. 8th Street
Los Angeles, CA 90017
5 Telephone: (213) 977-5220
Facsimile: (213) 417-2220

FILED: 1/23/14

6 HERNAN VERA (SBN 175149)
(hver@publiccounsel.org)
7 LAURA FAER (SBN 223846)
(lfaer@publiccounsel.org)
8 BENJAMIN CONWAY (SBN 246410)
(bconway@publiccounsel.org)
9 PUBLIC COUNSEL
610 South Ardmore Avenue
Los Angeles, CA 90005
10 Telephone: (213) 385-2977
11 Facsimile: (213) 385-9089

PAULA D. PEARLMAN (SBN 109038)
(paula.pearlman@lls.edu)

DISABILITYRIGHTSLEGALCENTER
800 S. Figueroa Street, Suite 1120
Los Angeles, CA 90017
Telephone: (213) 736-1496
Facsimile: (213) 736-1428

12 (Additional counsel listed on next page)

13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 CASEY A.; CARL C.; and MIGUEL B.,
17 by and through L.L., on behalf of
18 themselves and all those similarly
situated,

19 Plaintiffs,

20 vs.

21 ARTURO DELGADO, in his official
capacity, Interim Superintendent, Los
22 Angeles County Office of Education;
WILLIAM ELKINS, in his official
23 capacity, Director, Los Angeles County
Office of Education Division of Juvenile
24 Court Schools; RONDALE COOPER, in
his official capacity, Principal, Los
25 Angeles County Office of Education
Challenger Center School; and LOS
26 ANGELES COUNTY PROBATION
DEPARTMENT,

27 Defendants.
28

Case No. CV 10-00192 GHK (FMOx)

**[proposed] ORDER GRANTING
JOINT REQUEST FOR
MODIFICATION OF THE
SETTLEMENT AGREEMENT**

Court: 650, Roybal

1 DENNIS D. PARKER

(dparker@aclu.org)

2 (*Pro Hac Vice*)

LAURENCE M. SCHWARTZTOL

3 (lschwartztol@aclu.org)

(*Pro Hac Vice*)

4 AMERICAN CIVIL LIBERTIES UNION FOUNDATION

NATIONAL LEGAL DEPARTMENT

5 125 Broad Street, 18th Floor

New York, NY 10004

6 Telephone: (212) 549-2500

Facsimile: (212) 549-2654

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Whereas the Court has continuing jurisdiction to enforce the terms of the
2 Settlement Agreement (Dkt. No. 55-1, ¶ 77).

3 Whereas the parties may request material modifications of the Settlement
4 Agreement to ensure that its purposes may be fully satisfied (*id.* at ¶76).

5 Whereas the Settlement Agreement establishes a Taskforce charged with: (1)
6 providing information and feedback relevant to the reform efforts at Challenger;
7 (2) serving as a liaison to individuals at Challenger and community stakeholders;
8 (3) meeting with members of the TCA Team; and (4) writing biennial reports on
9 the implementation of the Detailed Plans (*id.* at ¶ 24).

10 Whereas the Settlement Agreement requires the Taskforce to include among
11 its members both “One parent of a student who was formerly detained at
12 Challenger within the last 6 months to a year, with the additional condition that the
13 parent not have another child currently detained at Challenger” (*id.* at ¶ 25.E,
14 *emphasis added*) and “One former student of the Christa McAuliffe High School”
15 (*id.* at ¶ 25.I, *emphasis added*).

16 Whereas the Challenger Technical, Compliance, and Advisory (“TCA”)
17 Team (*see id.* at ¶¶10-23) advised Counsel that it has been difficult to recruit the
18 parent of a former detainee and a former student to be members of the Taskforce
19 (*see* Dkt. No.139, 4:11-25). The TCA Team noted that currently the student
20 representative on the Taskforce is the current student council president and the
21 parent representative on the Taskforce is the parent of a current student. (*Id.*)
22 Further, the TCA Team recommends that the Parties request modification of the
23 Settlement Agreement’s provisions that called for the Taskforce to include a
24 former student and a parent of a former student to be modified to permit a current
25 student and a parent of a current student to serve on the Taskforce. (*Id.*)

26 Whereas the Parties agree that such a modification is appropriate because of
27 the logistical challenges of recruiting a former student and parent of a former
28 student to serve on the Taskforce.

1 The Parties to this action hereby jointly request that the Court modify
2 paragraphs 25.E and 25.I of the Settlement Agreement as follows (additions *in*
3 *italics*, deletions in ~~striketrough~~):

4 25.E "One parent of a student who *is currently detained at Challenger or*
5 *was formerly detained at Challenger within the last 6 months to a*
6 *year,* ~~with the additional condition that the parent not have another~~
7 ~~child currently detained at Challenger.~~"

8 25.I "One *current or* former student of the Christa McAuliffe High
9 School."

10 Based upon the agreement of the Parties to this action, if the Court grants
11 this request, paragraphs 25.E and 25.I of the Settlement Agreement would thus
12 state:

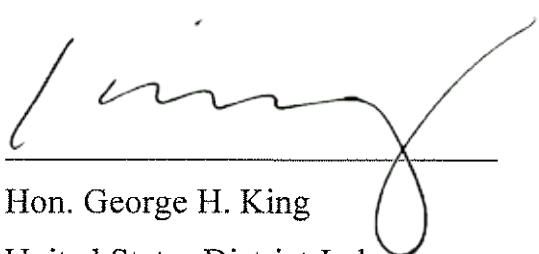
13 25.E "One parent of a student who is currently detained at Challenger or
14 was formerly detained at Challenger within the last 6 months to a
15 year."

16 25.I "One current or former student of the Christa McAuliffe High
17 School."
18

19 All parties hereto reserve their respective rights, remedies, and defenses in
20 and to this legal action, notwithstanding this joint request.
21

22 **IT IS SO ORDERED**

23
24 DATED 1/22, 2014



25 Hon. George H. King
26 United States District Judge
27
28