

# Students Matter

Defending students' rights through impact litigation

FOR IMMEDIATE RELEASE February 26, 2014

## Plaintiffs in *Vergara* File Opposition to Motions for Judgment

### Plaintiffs' Compelling Evidence Requires the State and the Unions to Meet a Burden of Proof They Cannot Satisfy

**LOS ANGELES, CA** – Today, Plaintiffs in the groundbreaking education equality trial, *Vergara v. California*, submitted their opposition to State Defendants and Intervenors' motions for judgment. State Defendants and Intervenors filed their motions with the Court this past Thursday in an effort to end the trial immediately, arguing that Plaintiffs did not introduce enough evidence to support their claims.

Plaintiffs' opposition emphasizes the compelling and overwhelming evidence that Plaintiffs have presented at trial over the past four weeks—including testimony from superintendents, principals, teachers, parents, students, and expert witnesses. The evidence establishes beyond dispute that the Challenged Statutes impose a real and appreciable impact on students' fundamental right to education. As a result, Plaintiffs contend that the Challenged Statutes are subject to a strict scrutiny standard of review. Under that standard of review, **it is the State Defendants and Intervenors who must meet the heavy burden of demonstrating that these laws are necessary to achieve a compelling state interest—a burden that State Defendants and Intervenors will be unable to satisfy.**

**Plaintiffs' lead co-counsel, Marcellus A. McRae, issued the following statement concurrently with Plaintiffs' opposition to the motions for judgment:**

“Over the last four weeks of trial, we have presented a mountain of evidence that addresses the central question in this case: whether the laws governing the hiring, retention and dismissal of teachers cause harm to students. Our evidence has conclusively shown that these laws do not further students' best interests, unequivocally harm students, and, as a result, students are not getting the educational opportunities they need and deserve.

“We anticipate that during the remaining weeks of trial, the State Defendants and the teacher's unions will continue their flawed tactic of avoiding the core questions in this case and instead attempt to distract attention by raising issues that are not pertinent to this case. We look forward to continuing to make our case in court.”

This is the fifth occasion on which State Defendants and Intervenors have attempted to dismiss Plaintiffs' claims prior to the completion of trial; all four of their previous attempts were unsuccessful.

To read Plaintiffs' opposition to State Defendants and Intervenors' motions for judgment, visit the [Students Matter website](#).

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*Students Matter is a national nonprofit organization dedicated to sponsoring impact litigation to promote access to quality public education. Learn more at [studentsmatter.org](http://studentsmatter.org).*