See a Social Security Number? Say Something!
Report Privacy Problems to https://public.resource.org/privacy
Or call the IRS Identity Theft Hotline at 1-800-908-4490
Form 990

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements

A For the 2005 calendar year, or tax year beginning MAY 1, 2005, and ending APRIL 30, 2006

B Check if applicable

Name change

Initial return

Final return

Amended return

Application pending

C Name of organization

MALDEF

Number and street (or P O box if mail is not delivered to street address)

634 S. SPRING STREET, 11TH FLOOR

City or town, state or country, and ZIP + 4

LOS ANGELES, CA 90014-3921

D Employer identification number

74-1563270

E Telephone number

(213) 629-2512

F Accounting method

Cash

Accrual

Other (specify)

- Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

G Website: www.maldef.org

H(a) Is this a group return for affiliates? Yes X No

H(b) If "Yes," enter number of affiliates

H(c) Are all affiliates included? Yes X No

(If "No," attach a list of See instructions.)

H(d) Is this a separate return filed by an organization covered by a group ruling? Yes X No

I Group Exemption Number

J Organization type (check only one)

X 501(c) (3) (insert no) 4947(a)(1) or 527

K Check here if the organization's gross receipts are normally not more than $25,000. The organization need not file a return with the IRS, but if the organization chooses to file a return, be sure to file a complete return Some states require a complete return

L Gross receipts Add lines 5b, 6b, 9b, and 10b to line 12

5,435,274

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions)

1 Contributions, gifts, grants, and similar amounts received

   a Direct public support
   b Indirect public support
   c Government contributions (grants)

2 Program service revenue including government fees and contracts (from Part VII, line 93)

3 Membership dues and assessments

4 Interest on savings and temporary cash investments

5 Dividends and interest from securities

6 a Gross rents
   b Less rental expenses
   c Net rental income or (loss) (subtract line 6b from line 6a)

7 Other investment income (describe )

8 a Gross amount from sales of assets other than inventory, (REALIZED GAIN)

   (A) Securities
   (B) Other

8a 421,521

9 Special events and activities (attach schedule) If any amount is from gaming, check here X

   a Gross revenue (not including $0 of contributions reported on line 1a)
   b Less direct expenses other than fundraising expenses
   c Net income or (loss) from special events (subtract line 9b from line 9a)

10 a Gross sales of inventory, less returns and allowances
   b Less cost of goods sold
   c Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)

11 Other revenue (from Part VII, line 103)

12 Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, 11, and 12)

13 Program services (from line 44, column (B))

14 Management and general (from line 44, column (C))

15 Fundraising (from line 44, column (D))

16 Payments to affiliates (attach schedule)

17 Total expenses (add lines 16 and 44, column (A))

18 Excess or (deficit) for the year (subtract line 17 from line 12)

19 Net assets or fund balances at beginning of year (from line 73, column (A))

20 Other changes in net assets or fund balances (attach explanation)

21 Net assets or fund balances at end of year (combine lines 18, 19, and 20)

For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

JSA

SE1010 2 000

Form 990 (2005)
### Part II Statement of Functional Expenses

All organizations must complete column (A).  Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.  (See the instructions)

<table>
<thead>
<tr>
<th>Description</th>
<th>(A) Total</th>
<th>(B) Program services</th>
<th>(C) Management and general</th>
<th>(D) Fundraising</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants and allocations (attach schedule)</td>
<td>55,000</td>
<td>55,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specific assistance to individuals (attach schedule)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefits paid to or for members (attach schedule)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation of officers, directors, etc</td>
<td>536,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other salaries and wages</td>
<td>2,359,086</td>
<td>2,100,866</td>
<td>258,220</td>
<td></td>
</tr>
<tr>
<td>Pension plan contributions</td>
<td>41,002</td>
<td>32,790</td>
<td>8,212</td>
<td></td>
</tr>
<tr>
<td>Other employee benefits</td>
<td>571,795</td>
<td>457,278</td>
<td>114,517</td>
<td></td>
</tr>
<tr>
<td>Payroll taxes</td>
<td>238,079</td>
<td>190,398</td>
<td>47,681</td>
<td></td>
</tr>
<tr>
<td>Professional fundraising fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounting fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies</td>
<td>47,339</td>
<td>37,377</td>
<td>9,962</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td>97,568</td>
<td>80,048</td>
<td>17,520</td>
<td></td>
</tr>
<tr>
<td>Postage and shipping</td>
<td>22,734</td>
<td>13,940</td>
<td>8,794</td>
<td></td>
</tr>
<tr>
<td>Occupancy</td>
<td>485,312</td>
<td>416,027</td>
<td>69,285</td>
<td></td>
</tr>
<tr>
<td>Equipment rental and maintenance</td>
<td>210,060</td>
<td>150,207</td>
<td>59,853</td>
<td></td>
</tr>
<tr>
<td>Printing and publications</td>
<td>37,173</td>
<td>26,929</td>
<td>10,244</td>
<td></td>
</tr>
<tr>
<td>Travel</td>
<td>188,895</td>
<td>128,575</td>
<td>58,320</td>
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<tr>
<td>Conferences, conventions, and meetings</td>
<td>85,261</td>
<td>2,462</td>
<td>82,799</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>41,693</td>
<td></td>
<td>41,693</td>
<td></td>
</tr>
<tr>
<td>Depreciation, depletion, etc (attach schedule)</td>
<td>69,225</td>
<td>51,736</td>
<td>17,489</td>
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</tr>
<tr>
<td>Other expenses not covered above (itemize)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a DIRECT LITIGATION COSTS</td>
<td>248,907</td>
<td>248,907</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b DUES &amp; SUBSCRIPTIONS</td>
<td>95,241</td>
<td>84,894</td>
<td>10,347</td>
<td></td>
</tr>
<tr>
<td>c INSURANCE</td>
<td>34,491</td>
<td>26,595</td>
<td>7,896</td>
<td></td>
</tr>
<tr>
<td>d WEBSITE DEVELOPMENT</td>
<td>6,855</td>
<td>6,955</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e MISCELLANEOUS</td>
<td>75,849</td>
<td>33,697</td>
<td>42,152</td>
<td></td>
</tr>
<tr>
<td>f (SEE SCHEDULE 6)</td>
<td>436,007</td>
<td>59,334</td>
<td>194,808</td>
<td>181,865</td>
</tr>
<tr>
<td>g ALLOCATION: COL. C INDIRECT</td>
<td>1,152,090</td>
<td>(1,237,423)</td>
<td>85,333</td>
<td></td>
</tr>
<tr>
<td>44 Total functional expenses. Add lines 22 through 43</td>
<td>5,981,772</td>
<td>5,356,105</td>
<td>358,469</td>
<td>267,198</td>
</tr>
</tbody>
</table>

Joint Costs.  Check ☑ if you are following SOP 88-2

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services?   ☑ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs $ , (ii) the amount allocated to Program services $ , (iii) the amount allocated to Management and general $ , and (iv) the amount allocated to Fundraising $
Part III: Statement of Program Service Accomplishments (See the instructions.)

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

What is the organization's primary exempt purpose? ▶ LATINO CIVIL RIGHTS.

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

<table>
<thead>
<tr>
<th>Program Service Expenses (Required for 501(c)(3) and (4) orgs, and 4947(a)(1) trusts, but optional for others)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a LITIGATION: MALDEF PROTECTS THE CIVIL RIGHTS OF LATINOS NATIONWIDE BY UNDERTAKING CLASS ACTION LITIGATION IN THE AREAS OF EMPLOYMENT, EDUCATION, IMMIGRATION, POLITICAL ACCESS, AND PUBLIC RESOURCE EQUITY.</td>
</tr>
<tr>
<td>(Grants and allocations $ 3,374,836 ) If this amount includes foreign grants, check here ▶</td>
</tr>
<tr>
<td>b PUBLIC POLICY AND RESEARCH: MALDEF ALSO SEeks to protect the civil rights of Latinos nationwide through public policy advocacy and research in those same areas of education, immigration, political access, and public resource equity.</td>
</tr>
<tr>
<td>(Grants and allocations $ 1,105,868 ) If this amount includes foreign grants, check here ▶</td>
</tr>
<tr>
<td>c COMMUNITY EDUCATION AND SERVICES: Community education programs include leadership training and development, parent education, and outreach projects, as well as a law school scholarship program for qualified students.</td>
</tr>
<tr>
<td>(Grants and allocations $ 875,401 ) If this amount includes foreign grants, check here ▶</td>
</tr>
<tr>
<td>d [PLEASE VISIT OUR WEBSITE AT <a href="http://www.maldef.org">www.maldef.org</a> FOR MORE INFORMATION ABOUT OUR PROGRAM INITIATIVES AND ACCOMPLISHMENTS.]</td>
</tr>
<tr>
<td>(Grants and allocations $ 875,401 ) If this amount includes foreign grants, check here ▶</td>
</tr>
<tr>
<td>e Other program services (attach schedule) (Grants and allocations $ 875,401 ) If this amount includes foreign grants, check here ▶</td>
</tr>
<tr>
<td>f Total of Program Service Expenses (should equal line 44, column (B), Program services) ▶ 5,356,105</td>
</tr>
</tbody>
</table>

Form 990 (2005)
### Part IV Balance Sheets (See the instructions.)

**Note:** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only

<table>
<thead>
<tr>
<th></th>
<th>(A) Beginning of year</th>
<th>(B) End of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>Cash - non-interest-bearing</td>
<td>3,900</td>
</tr>
<tr>
<td>46</td>
<td>Savings and temporary cash investments</td>
<td>2,483,467</td>
</tr>
<tr>
<td>47a</td>
<td>Accounts receivable</td>
<td>207,767</td>
</tr>
<tr>
<td>47b</td>
<td>Less allowance for doubtful accounts</td>
<td>0</td>
</tr>
<tr>
<td>48a</td>
<td>Pledges receivable</td>
<td>48a</td>
</tr>
<tr>
<td>48b</td>
<td>Less allowance for doubtful accounts</td>
<td>48c</td>
</tr>
<tr>
<td>49</td>
<td>Grants receivable</td>
<td>841,638</td>
</tr>
<tr>
<td>50</td>
<td>Receivables from officers, directors, trustees, and key employees (attach schedule)</td>
<td>50</td>
</tr>
<tr>
<td>51a</td>
<td>Other notes and loans receivable (attach schedule)</td>
<td>51a</td>
</tr>
<tr>
<td>51b</td>
<td>Less allowance for doubtful accounts</td>
<td>51c</td>
</tr>
<tr>
<td>52</td>
<td>Inventories for sale or use</td>
<td>52</td>
</tr>
<tr>
<td>53</td>
<td>Prepaid expenses and deferred charges</td>
<td>110,878</td>
</tr>
<tr>
<td>54</td>
<td>Investments - securities (attach schedule)</td>
<td>6,542,188</td>
</tr>
<tr>
<td>55a</td>
<td>Investments - land, buildings, and equipment basis [UNIMPROVED LAND]</td>
<td>11,000</td>
</tr>
<tr>
<td>55b</td>
<td>Less accumulated depreciation (attach schedule)</td>
<td>0</td>
</tr>
<tr>
<td>56</td>
<td>Investments - other (attach schedule)</td>
<td>56</td>
</tr>
<tr>
<td>57a</td>
<td>Land, buildings, and equipment basis</td>
<td>1,722,424</td>
</tr>
<tr>
<td>57b</td>
<td>Less accumulated depreciation (attach schedule)</td>
<td>1,476,542</td>
</tr>
<tr>
<td>58</td>
<td>Other assets (describe ▶ DUE FROM AFFILIATE)</td>
<td>219,229</td>
</tr>
<tr>
<td>59</td>
<td>Total assets (must equal line 74) Add lines 45 through 58</td>
<td>11,806,614</td>
</tr>
<tr>
<td>60</td>
<td>Accounts payable and accrued expenses</td>
<td>402,943</td>
</tr>
<tr>
<td>61</td>
<td>Grants payable</td>
<td>61</td>
</tr>
<tr>
<td>62</td>
<td>Deferred revenue</td>
<td>52,717</td>
</tr>
<tr>
<td>63</td>
<td>Loans from officers, directors, trustees, and key employees (attach schedule)</td>
<td>63</td>
</tr>
<tr>
<td>64a</td>
<td>Tax-exempt bond liabilities (attach schedule)</td>
<td>64a</td>
</tr>
<tr>
<td>65</td>
<td>Mortgages and other notes payable (attach schedule)</td>
<td>954,552</td>
</tr>
<tr>
<td>65</td>
<td>Other liabilities (describe ▶ FIDUCIARY/CUSTODIAL ACCOUNTS)</td>
<td>80,760</td>
</tr>
<tr>
<td>66</td>
<td>Total liabilities. Add lines 60 through 65</td>
<td>1,490,972</td>
</tr>
</tbody>
</table>

**Organizations that follow SFAS 117**, check here ▶ X and complete lines 67 through 69 and lines 73 and 74

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>67</td>
<td>Unrestricted</td>
</tr>
<tr>
<td>68</td>
<td>Temporarily restricted</td>
</tr>
<tr>
<td>69</td>
<td>Permanently restricted</td>
</tr>
</tbody>
</table>

**Organizations that do not follow SFAS 117**, check here ▶ □ and complete lines 70 through 74

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td>Capital stock, trust principal, or current funds</td>
</tr>
<tr>
<td>71</td>
<td>Paid-in or capital surplus, or land, building, and equipment fund</td>
</tr>
<tr>
<td>72</td>
<td>Retained earnings, endowment, accumulated income, or other funds</td>
</tr>
<tr>
<td>73</td>
<td>Total net assets or fund balances (add lines 67 through 69 or lines 70 through 72, column (A) must equal line 19, column (B) must equal line 21)</td>
</tr>
<tr>
<td>74</td>
<td>Total liabilities and net assets/fund balances. Add lines 66 and 73</td>
</tr>
</tbody>
</table>

Form 990 (2005)
Part IV-A Reconciliation of Revenue per Audited Financial Statements With Revenue per Return

| a | Total revenue, gains, and other support per audited financial statements | 5,469,246 |
| b | Amounts included on line a but not on Part I, line 12 |
| b1 | Net unrealized gains on investments | 84,974 |
| b2 | Donated services and use of facilities |
| b3 | Recoveries of prior year grants |
| b4 | Other (specify) |
| NOTE (A) | b4 | (51,002) |
| b | Add lines b1 through b4 | 33,972 |
| c | Subtract line b from line a | 5,435,274 |
| d | Amounts included on Part I, line 12, but not on line a: |
| d1 | Investment expenses not included on Part I, line 6b |
| d2 | Other (specify) |
| NOTE (B) | d2 | (172,267) |
| d | Add lines d1 and d2 | (172,267) |
| e | Total revenue (Part I, line 12) Add lines c and d | 5,263,007 |

Part IV-B Reconciliation of Expenses per Audited Financial Statements With Expenses per Return

| a | Total expenses and losses per audited financial statements | 5,964,853 |
| b | Amounts included on line a but not on Part I, line 17 |
| b1 | Donated services and use of facilities |
| b2 | Prior year adjustments reported on Part I, line 20 |
| b3 | Losses reported on Part I, line 20 |
| b4 | Other (specify) |
| NOTE (B) | b4 | 172,267 |
| b | Add lines b1 through b4 | 172,267 |
| c | Subtract line b from line a | 5,792,586 |
| d | Amounts included on Part I, line 17, but not on line a: |
| d1 | Investment expenses not included on Part I, line 6b |
| d2 | Other (specify) |
| NOTE (C) | d2 | 189,186 |
| d | Add lines d1 and d2 | 189,186 |
| e | Total expenses (Part I, line 17) Add lines c and d | 5,981,772 |

Part V Current Officers, Directors, Trustees, and Key Employees

<table>
<thead>
<tr>
<th>(A) Name and address</th>
<th>(B) Title and average hours per week devoted to position</th>
<th>(C) Compensation (If not paid, enter -0-)</th>
<th>(D) Contributions to employee benefit plans &amp; deferred compensation plans</th>
<th>(E) Expense account and other allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANN MARIE TALLMAN</td>
<td>PRESIDENT</td>
<td>40+ HRS. 194,560 7,583 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JOHN TRASVINA</td>
<td>DIR. FIN.</td>
<td>40+ HRS. 97,116 0 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>THOMAS A. SAENZ</td>
<td>VICE PRES.</td>
<td>40+ HRS. 43,270 1,200 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ANTHONY TANSMORE</td>
<td>CFO</td>
<td>40+ HRS. 125,000 0 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GINA MONTOYA</td>
<td>CAO</td>
<td>40+ HRS. 76,154 0 0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(PLEASE SEE THE ATTACHED LISTING OF DIRECTORS OF DIRECTORS.)

HOURS ARE AS NEEDED

FOOTNOTES: (A) COMBINED NET LOSS OF AFFILIATE
(B) DIRECT COSTS OF SPECIAL EVENTS
(C) RENT PAID TO AFFILIATE
**Part V-A Current Officers, Directors, Trustees, and Key Employees (continued)**

76a Enter the total number of officers, directors, and trustees permitted to vote on organization business at board meetings .................................................. 27

b Are any officers, directors, trustees, or key employees listed in Form 990, Part V-A, or highest compensated employees listed in Schedule A, Part I, or highest compensated professional and other independent contractors listed in Schedule A, Part II-A or II-B, related to each other through family or business relationships? If "Yes," attach a statement that identifies the individuals and explains the relationship(s) ........................................... 75b X

c Do any officers, directors, trustees, or key employees listed in Form 990, Part V-A, or highest compensated employees listed in Schedule A, Part I, or highest compensated professional and other independent contractors listed in Schedule A, Part II-A or II-B, receive compensation from any other organization, whether tax exempt or taxable, that are related to this organization through common supervision or common control? Note. Related organizations include section 509(a)(3) supporting organizations If "Yes," attach a statement that identifies the individuals, explains the relationship between the organization and the other organization(s), and describes the compensation arrangements, including amounts paid to each individual by each related organization 75c X

d Does the organization have a written conflict of interest policy? ..................................................................................................................... 75d X

**Part V-B Former Officers, Directors, Trustees, and Key Employees That Received Compensation or Other Benefits**

(If any former officer, director, trustee, or key employee received compensation or other benefits (described below) during the year, list that person below and enter the amount of compensation or other benefits in the appropriate column. See the instructions.)

<table>
<thead>
<tr>
<th>(A) Name and address</th>
<th>(B) Loans and Advances</th>
<th>(C) Compensation</th>
<th>(D) Contributions to employee benefit plans &amp; deferred compensation plans</th>
<th>(E) Expense account and other allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>NONE.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Part VI Other Information (See the instructions)**

76 Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity ........................................... 76 X

77 Were any changes made in the organizing or governing documents but not reported to the IRS? 77 X

If "Yes," attach a conformed copy of the changes

78a Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return? .................. 78a X

b If "Yes," has it filed a tax return on Form 990-T for this year? 78b

79 Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement 79 X

80a Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization? ....................................................... 80a X

b If "Yes," enter the name of the organization and check whether it is exempt or nonexempt

81a Enter direct and indirect political expenditures (See line 81 instructions) ................................. 81a

b Did the organization file Form 1120-POL for this year? ................................. 81b X
82a. Did the organization receive donated services or the use of materials, equipment, or facilities at no charge
or at substantially less than fair rental value? ........................................................................ 82a X
b. If "Yes," you may indicate the value of these items here. Do not include this amount
as revenue in Part I or as an expense in Part II (See instructions in Part III) ...................... 82b

83a. Did the organization comply with the public inspection requirements for returns and exemption applications?
83b. Did the organization comply with the disclosure requirements relating to quid pro quo contributions?

84a. Did the organization solicit any contributions or gifts that were not tax deductible?
84b. If "Yes," did the organization include with every solicitation an express statement that such contributions
or gifts were not tax deductible?

85 501(c)(4), (5), or (6) organizations
a. Were substantially all dues nondeductible by members? N/A 85a
b. Did the organization make only in-house lobbying expenditures of $2,000 or less? 85b

If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.
c. Dues, assessments, and similar amounts from members ............................................. 85c
d. Section 162(e) lobbying and political expenditures ....................................................... 85d
e. Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices ...................... 85e
f. Taxable amount of lobbying and political expenditures (line 85d less 85e) .................... 85f
g. Does the organization elect to pay the section 6033(e) tax on the amount on line 85f? 85g
h. If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable
estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year? 85h

86 501(c)(7) orgs
a. Enter initiation fees and capital contributions included on line 12 N/A 86a
b. Gross receipts, included on line 12, for public use of club facilities 86b

87 501(c)(12) orgs
a. Enter gross income from members or shareholders N/A 87a
b. Gross income from other sources (Do not net amounts due or paid to other
sources against amounts due or received from them) .................................................... 87b

88 At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or
partnership, or an entity disregarded as separate from the organization under Regulations sections
301.7701-2 and 301.7701-3? If "Yes," complete Part IX ......................................................... 88 X

89a 501(c)(3) organizations
a. Enter Amount of tax imposed on the organization during the year under
section 4911 ▶ 0, section 4912 ▶ 0, section 4955 ▶ 0 89a
b. Enter Amount of tax imposed on the organization managers or disqualified persons during the year under
sections 4912, 4955, and 4956 ▶ 0 89b X
c. Enter Amount of tax imposed on the organization during the year under
sections 4912, 4955, and 4958 ▶ 0 89c

d. Enter Amount of tax on line 89c, above, reimbursed by the organization ▶ 0 89d

90a List the states with which a copy of this return is filed ▶ CALIFORNIA 90a

b. Number of employees employed in the pay period that includes March 12, 2005 (See instructions) ................. 90b 64

91a The books are in care of ▶ SHELLY MALLCHOK, DIRECTOR OF FINANCE Telephone no ▶ (213) 629-2512
Located at ▶ 634 S. SPRING ST., 11TH FLOOR, LOS ANGELES, CA ZIP + 4 ▶ 90014-3921 91a

b. At any time during the calendar year, did the organization have an interest in or a signature or other authority over
a financial account in a foreign country (such as a bank account, securities account, or other financial account)? 91b X

If "Yes," enter the name of the foreign country ▶

See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank
and Financial Accounts

c. At any time during the calendar year, did the organization maintain an office outside of the United States? 91c X

If "Yes," enter the name of the foreign country ▶

92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 - Check here and enter the amount of tax-exempt interest received or accrued during the tax year ▶ 92
**Part VII** Analysis of Income-Producing Activities (See the instructions)

**Note:** Enter gross amounts unless otherwise indicated

<table>
<thead>
<tr>
<th></th>
<th>(A) Business code</th>
<th>(B) Amount</th>
<th>(C) Exclusion code</th>
<th>(D) Amount</th>
<th>(E) Related or exempt function income</th>
</tr>
</thead>
<tbody>
<tr>
<td>93 Program service revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a COURT-AWARDED FEES &amp; COSTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>e</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f Medicare/Medicaid payments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g Fees and contracts from government agencies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>94 Membership dues and assessments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>95 Interest on savings and temporary cash investments</td>
<td></td>
<td>14</td>
<td></td>
<td>87,379</td>
<td></td>
</tr>
<tr>
<td>96 Dividends and interest from securities</td>
<td></td>
<td>14</td>
<td></td>
<td>106,747</td>
<td></td>
</tr>
<tr>
<td>97 Net rental income or (loss) from real estate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a debt-financed property</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b not debt-financed property</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>98 Net rental income or (loss) from personal property</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>99 Other investment income</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100 Gain or (loss) from sales of assets other than inventory</td>
<td></td>
<td>18</td>
<td></td>
<td>421,521</td>
<td></td>
</tr>
<tr>
<td>101 Net income or (loss) from special events</td>
<td></td>
<td>01</td>
<td></td>
<td>834,353</td>
<td></td>
</tr>
<tr>
<td>102 Gross profit or (loss) from sales of inventory</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>103 Other revenue a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b PROGRAM FEES &amp; MISC.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>104 Subtotal (add columns (B), (D), and (E)).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>105 Total (add line 104, columns (B), (D), and (E)).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,563,999</td>
</tr>
</tbody>
</table>

**Note:** Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I

---

**Part VIII** Relationship of Activities to the Accomplishment of Exempt Purposes (See the instructions.)

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization’s exempt purposes (other than by providing funds for such purposes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>93</td>
<td>COURT-AWARDED FEES AND COSTS OF PUBLIC-INTEREST LAW FIRM.</td>
</tr>
<tr>
<td>103</td>
<td>MISCELLANEOUS PROGRAM REVENUE, FIDUCIARY FEES, AND REIMBURSEMENTS.</td>
</tr>
</tbody>
</table>

**Part IX** Information Regarding Taxable Subsidiaries and Disregarded Entities (See the instructions.)

<table>
<thead>
<tr>
<th>(A) Name, address, and EIN of corporation, partnership, or disregarded entity</th>
<th>(B) Percentage of ownership interest</th>
<th>(C) Nature of activities</th>
<th>(D) Total income</th>
<th>(E) End-of-year assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>%</td>
<td>%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Part X** Information Regarding Transfers Associated with Personal Benefit Contracts (See the instructions.)

(a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? [ ] Yes [X] No

(b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? [ ] Yes [X] No

**Please Sign Here**

Signature of preparer (other than officer) based on all information of which preparer has any knowledge

**Preparer’s Signature**

s//Michael W. Duran//

Date: 01/12/07

Preparer’s SSN or PTIN (See Gen Inst W)

54586

**Preparer’s Use Only**

MICHAEL W. DURAN, CPA, APC

1440 N. HARBOR BLVD., SUITE 800

FULLERTON, CA 92835-4121

Phone (714) 441-2500

[Form 990 (2005) Page 8]
### Part I
**Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See page 1 of the instructions. List each one. If there are none, enter "None.")

<table>
<thead>
<tr>
<th>Name and address of each employee paid more than $50,000</th>
<th>Title and average hours per week devoted to position</th>
<th>Compensation</th>
<th>Contributions to employee benefit plans &amp; deferred compensation</th>
<th>Expense account and other allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>TISHA RAE TALLMAN</td>
<td>REGIONAL COUNSEL</td>
<td>83,975</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>FRANCISCO ESTRADA</td>
<td>REGIONAL COUNSEL</td>
<td>69,536</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NINA PERALES</td>
<td>REGIONAL COUNSEL</td>
<td>93,679</td>
<td>3,493</td>
<td>0</td>
</tr>
<tr>
<td>ALONZO RIVAS</td>
<td>REGIONAL COUNSEL</td>
<td>60,375</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>DAVID HINOJOSA</td>
<td>REGIONAL COUNSEL</td>
<td>55,316</td>
<td>600</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total number of other employees paid over $50,000** ▶ 4

### Part II-A
**Compensation of the Five Highest Paid Independent Contractors for Professional Services**

(See page 2 of the instructions. List each one (whether individuals or firms). If there are none, enter "None.")

<table>
<thead>
<tr>
<th>Name and address of each independent contractor paid more than $50,000</th>
<th>Type of service</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATHAN ASSOCIATES, INC.</td>
<td>CONSULTING</td>
<td>61,544</td>
</tr>
</tbody>
</table>

**Total number of others receiving over $50,000 for professional services** ▶

### Part II-B
**Compensation of the Five Highest Paid Independent Contractors for Other Services**

(List each contractor who performed services other than professional services, whether individuals or firms. If there are none, enter "None." See page 2 of the instructions.)

<table>
<thead>
<tr>
<th>Name and address of each independent contractor paid more than $50,000</th>
<th>Type of service</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>NONE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total number of other contractors receiving over $50,000 for other services** ▶

---

For Paperwork Reduction Act Notice, see the Instructions for Form 990 and Form 990-EZ.
### Part III | Statements About Activities

1. During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities: $277,429 (Must equal amounts on line 38, Part VI-A, or line 1 of Part VI-B).

   - Yes: 1
   - No: X

2. During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is "Yes," attach a detailed statement explaining the transactions.)

   a. Sale, exchange, or leasing of property: X
   - Yes: 2a
   - No: X

   b. Lending of money or other extension of credit: X
   - Yes: 2b
   - No: X

   c. Furnishing of goods, services, or facilities: X
   - Yes: 2c
   - No: X

   d. Payment of compensation (or payment or reimbursement of expenses if more than $1,000)? (See Part V, Form 990): X
   - Yes: 2d
   - No: X

   e. Transfer of any part of its income or assets: X
   - Yes: 2e
   - No: X

3. Do you make grants for scholarships, fellowships, student loans, etc.? (If "Yes," attach an explanation of how you determine that recipients qualify to receive payments.)

   - Yes: 3a
   - No: X

4. Do you have a section 403(b) annuity plan for your employees?

   - Yes: 3b
   - No: X

5. During the year, did the organization receive a contribution of qualified real property interest under section 170(h)?

   - Yes: 3c
   - No: X

6. Did you maintain any separate account for participating donors where donors have the right to provide advice on the use or distribution of funds?

   - Yes: 4a
   - No: X

7. Do you provide credit counseling, debt management, credit repair, or debt negotiation services?

   - Yes: 4b
   - No: X

### Part IV | Reason for Non-Private Foundation Status

The organization is not a private foundation because it is (Please check only ONE applicable box):

5. A church, convention of churches, or association of churches Section 170(b)(1)(A)(i)
   - Yes: 5
   - No: X

6. A school Section 170(b)(1)(A)(ii) (Also complete Part V)
   - Yes: 6
   - No: X

7. A hospital or a cooperative hospital service organization Section 170(b)(1)(A)(iii)
   - Yes: 7
   - No: X

8. A Federal, state, or local government or governmental unit Section 170(b)(1)(A)(iv)
   - Yes: 8
   - No: X

9. A medical research organization operated in conjunction with a hospital Section 170(b)(1)(A)(v) Enter the hospital's name, city, and state.
   - Yes: 9
   - No: X

10. An organization operated for the benefit of a college or university owned or operated by a governmental unit Section 170(b)(1)(A)(vi) (Also complete the Support Schedule in Part IV-A)
    - Yes: 10
    - No: X

11.a. An organization that normally receives a substantial part of its support from a governmental unit or from the general public Section 170(b)(1)(A)(v) (Also complete the Support Schedule in Part IV-A)
    - Yes: 11a
    - No: X

11.b. A community trust Section 170(b)(1)(A)(v) (Also complete the Support Schedule in Part IV-A)
    - Yes: 11b
    - No: X

12. An organization that normally receives (1) one or more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975 See section 509(a)(2) (Also complete the Support Schedule in Part IV-A)
    - Yes: 12
    - No: X

13. An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2) Check the box that describes the type of supporting organization Type 1 Type 2 Type 3
    - Yes: 13
    - No: X

Provide the following information about the supported organizations. (See page 6 of the instructions)

(a) Name(s) of supported organization(s)

(b) Line number from above

14. An organization organized and operated to test for public safety. Section 509(a)(4) (See page 6 of the instructions)
    - Yes: 14
    - No: X
Part IV-A Support Schedule (Complete only if you checked a box on line 10, 11, or 12) Use cash method of accounting.

Note: You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

<table>
<thead>
<tr>
<th>Calendar year (or fiscal year beginning in)</th>
<th>(a) 2004</th>
<th>(b) 2003</th>
<th>(c) 2002</th>
<th>(d) 2001</th>
<th>(e) Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Gifts, grants, and contributions received (Do not include unusual grants See line 28)</td>
<td>3,863,963</td>
<td>3,673,755</td>
<td>3,068,389</td>
<td>2,725,318</td>
<td>13,331,425</td>
</tr>
<tr>
<td>16 Membership fees received</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc. purpose</td>
<td>2,121,562</td>
<td>1,814,999</td>
<td>1,844,278</td>
<td>1,887,249</td>
<td>7,668,088</td>
</tr>
<tr>
<td>18 Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 Net income from unrelated business activities not included in line 18</td>
<td>194,547</td>
<td>186,821</td>
<td>198,943</td>
<td>269,244</td>
<td>849,555</td>
</tr>
<tr>
<td>20 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 The value of services or facilities furnished to the organization by a governmental unit without charge Do not include the value of services or facilities generally furnished to the public without charge</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 Other income (attach a schedule) Do not include gain or (loss) from sale of capital assets</td>
<td>6,327</td>
<td>19,226</td>
<td>90,451</td>
<td>97,187</td>
<td>213,191</td>
</tr>
<tr>
<td>23 Total of lines 15 through 22</td>
<td>6,186,399</td>
<td>5,694,801</td>
<td>5,202,061</td>
<td>4,978,998</td>
<td>22,062,259</td>
</tr>
<tr>
<td>24 Line 23 minus line 17</td>
<td>4,064,837</td>
<td>3,879,802</td>
<td>3,357,783</td>
<td>3,091,749</td>
<td>14,394,171</td>
</tr>
<tr>
<td>25 Enter 1% of line 23</td>
<td>61,864</td>
<td>56,948</td>
<td>52,021</td>
<td>49,790</td>
<td></td>
</tr>
</tbody>
</table>

26 Organizations described on lines 10 or 11:

- Enter % of amount in column (e), line 24

26a 287,883

- Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 2001 through 2004 exceeded the amount shown in line 26a Do not file this list with your return. Enter the total of all these excess amounts

26b 5,103,051

- Total support for section 509(a)(1) test Enter line 24, column (e)

26c 14,394,171

- Add Amounts from column (e) for lines

26d 849,555

26e 613,191

26f 5,103,051

26g 8,228,374

26h Public support percentage (line 26e (numerator) divided by line 26c (denominator))

57.1646%

27 Organizations described on line 12:

- For amounts included in lines 15, 16, and 17 that were received from a "disqualified person" prepare a list for your records to show the name of, and total amounts received in each year from, each "disqualified person" Do not file this list with your return. Enter the sum of such amounts for each year


b For any amount included in line 17 that was received from each person (other than "disqualified persons"), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) $5,000 (Include in the list organizations described in lines 5 through 11, as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year


c Add Amounts from column (e) for lines

27c 15 __________________________ 16 __________________________

27d 20 __________________________ 21 __________________________

e Public support (line 27c total minus line 27d total)

27e

f Total support for section 509(a)(2) test Enter amount from line 23, column (e)

27f

g Public support percentage (line 27e (numerator) divided by line 27f (denominator))

27g %

h Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))

27h %

28 Unusual Grants: For an organization described in line 10, 11, or 12 that received any unusual grants during 2001 through 2004, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15.
**Part V. Private School Questionnaire (See page 7 of the instructions.)**

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>29 Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31 Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? If &quot;Yes,&quot; please describe, if &quot;No,&quot; please explain (If you need more space, attach a separate statement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32 Does the organization maintain the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Records indicating the racial composition of the student body, faculty, and administrative staff?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory base?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d Copies of all material used by the organization or on its behalf to solicit contributions?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If you answered &quot;No&quot; to any of the above, please explain (If you need more space, attach a separate statement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 Does the organization discriminate by race in any way with respect to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Students' rights or privileges?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b Admissions policies?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c Employment of faculty or administrative staff?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d Scholarships or other financial assistance?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e Educational policies?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f Use of facilities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g Athletic programs?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h Other extracurricular activities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If you answered &quot;Yes&quot; to any of the above, please explain (If you need more space, attach a separate statement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34a Does the organization receive any financial aid or assistance from a governmental agency?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34b Has the organization's right to such aid ever been revoked or suspended?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If you answered &quot;Yes&quot; to either 34a or b, please explain using an attached statement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35 Does the organization certify that it has complied with the applicable requirements of sections 4 01 through 4 05 of Rev. Proc. 75-50, 1975-2 C B 587, covering racial nondiscrimination? If &quot;No,&quot; attach an explanation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Part VI-A Lobbying Expenditures by Electing Public Charities (See page 9 of the instructions.)
(To be completed ONLY by an eligible organization that filed Form 5768)

Check ▶ a if the organization belongs to an affiliated group  
Check ▶ b if you checked "a" and "limited control" provisions apply

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred)

<table>
<thead>
<tr>
<th>Expenditure Description</th>
<th>Affiliated group totals</th>
<th>To be completed for ALL electing organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>36 Total lobbying expenditures to influence public opinion (grassroots lobbying)</td>
<td>36</td>
<td>987</td>
</tr>
<tr>
<td>37 Total lobbying expenditures to influence a legislative body (direct lobbying)</td>
<td>37</td>
<td>276,422</td>
</tr>
<tr>
<td>38 Total lobbying expenditures (add lines 36 and 37)</td>
<td>38</td>
<td>277,429</td>
</tr>
<tr>
<td>39 Other exempt purpose expenditures</td>
<td>39</td>
<td>5,078,676</td>
</tr>
<tr>
<td>40 Total exempt purpose expenditures (add lines 38 and 39)</td>
<td>40</td>
<td>5,356,105</td>
</tr>
</tbody>
</table>

Lobbying nontaxable amount: Enter the amount from the following table -

<table>
<thead>
<tr>
<th>If the amount on line 40 is -</th>
<th>The lobbying nontaxable amount is -</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not over $500,000</td>
<td>20% of the amount on line 40</td>
</tr>
<tr>
<td>Over $500,000 but not over $1,000,000</td>
<td>$100,000 plus 15% of the excess over $500,000</td>
</tr>
<tr>
<td>Over $1,000,000 but not over $1,500,000</td>
<td>$175,000 plus 10% of the excess over $1,000,000</td>
</tr>
<tr>
<td>Over $1,500,000 but not over $17,000,000</td>
<td>$225,000 plus 5% of the excess over $1,500,000</td>
</tr>
<tr>
<td>Over $17,000,000</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

41 Lobbying nontaxable amount | 417,805 |

42 Grassroots nontaxable amount (enter 25% of line 41) | 104,451 |

43 Subtract line 42 from line 36 Enter -0- if line 42 is more than line 36 | 0 |

44 Subtract line 41 from line 38 Enter -0- if line 41 is more than line 38 | 0 |

Caution: If there is an amount on either line 43 or line 44, you must file Form 4720

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below
See the instructions for lines 45 through 50 on page 11 of the instructions)

<table>
<thead>
<tr>
<th>Calendar year (or fiscal year beginning in)</th>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
<th>(d)</th>
<th>(e) Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 Lobbying nontaxable amount</td>
<td>417,805</td>
<td>454,273</td>
<td>444,819</td>
<td>435,214</td>
<td>1,752,111</td>
</tr>
<tr>
<td>46 Lobbying ceiling amount (150% of line 45(e))</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,628,166.5</td>
</tr>
<tr>
<td>47 Total lobbying expenditures</td>
<td>277,429</td>
<td>286,810</td>
<td>269,005</td>
<td>209,847</td>
<td>1,043,091</td>
</tr>
<tr>
<td>48 Grassroots nontaxable amount</td>
<td>104,451</td>
<td>113,568</td>
<td>111,205</td>
<td>108,804</td>
<td>438,028</td>
</tr>
<tr>
<td>49 Grassroots ceiling amount (150% of line 48(e))</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>657,042</td>
</tr>
<tr>
<td>50 Total lobbying expenditures</td>
<td>987</td>
<td>2,371</td>
<td>44,647</td>
<td>39,205</td>
<td>87,210</td>
</tr>
</tbody>
</table>

Part VI-B Lobbying Activity by Nonelecting Public Charities
(For reporting only by organizations that did not complete Part VI-A) (See page 11 of the instructions)

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of

<table>
<thead>
<tr>
<th>Activity</th>
<th>Yes</th>
<th>No</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a Volunteers</td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>b Paid staff or management (Include compensation in expenses reported on lines c through h)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c Media advertisements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d Mailings to members, legislators, or the public</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e Publications, or published or broadcast statements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f Grants to other organizations for lobbying purposes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g Direct contact with legislators, their staffs, government officials, or a legislative body</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i Total lobbying expenditures (Add lines c through h)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities
Schedule A (Form 990 or 990-EZ) 2005

Part VII  Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations (See page 12 of the instructions.)

51 Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?
   a Transfers from the reporting organization to a noncharitable exempt organization of
      (i) Cash ......................................................... 51a(i)  X
      (ii) Other assets .................................................. a(ii)  X

   b Other transactions
      (i) Sales or exchanges of assets with a noncharitable exempt organization .................................................. b(i)  X
      (ii) Purchases of assets from a noncharitable exempt organization ............................................................. b(ii)  X
      (iii) Rental of facilities, equipment, or other assets ...................................................................................... b(iii)  X
      (iv) Reimbursement arrangements ............................................................. ............................................... b(iv)  X
      (v) Loans or loan guarantees ............................................................. .................................................. b(v)  X
      (vi) Performance of services or membership or fundraising solicitations .................................................. b(vi)  X

   c Sharing of facilities, equipment, mailing lists, other assets, or paid employees ............................................ c  X

   d If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received.

<table>
<thead>
<tr>
<th>(a) Line no</th>
<th>(b) Amount involved</th>
<th>(c) Name of noncharitable exempt organization</th>
<th>(d) Description of transfers, transactions, and sharing arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

52a Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ...........................................  

   b If "Yes," complete the following schedule

<table>
<thead>
<tr>
<th>(a) Name of organization</th>
<th>(b) Type of organization</th>
<th>(c) Description of relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Yes  X  No
### PART I, LINE 9: SPECIAL EVENTS

<table>
<thead>
<tr>
<th>EVENT</th>
<th>GROSS REVENUE</th>
<th>DIRECT COSTS</th>
<th>NET INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAN ANTONIO DINNER</td>
<td>$30,350</td>
<td>$10,763</td>
<td>$19,587</td>
</tr>
<tr>
<td>LOS ANGELES DINNER</td>
<td>633,020</td>
<td>91,486</td>
<td>541,534</td>
</tr>
<tr>
<td>CHICAGO DINNER</td>
<td>166,975</td>
<td>25,066</td>
<td>141,909</td>
</tr>
<tr>
<td>WASHINGTON D.C. DINNER</td>
<td>108,150</td>
<td>31,567</td>
<td>76,583</td>
</tr>
<tr>
<td>ATLANTA DINNER</td>
<td>68,125</td>
<td>13,385</td>
<td>54,740</td>
</tr>
<tr>
<td>OTHER EVENTS</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,006,620</strong></td>
<td><strong>$172,267</strong></td>
<td><strong>$834,353</strong></td>
</tr>
<tr>
<td>ASSET</td>
<td>COST OR BASIS</td>
<td>METHOD &amp; LIFE</td>
<td>PRIOR</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>------------</td>
</tr>
<tr>
<td>FURNITURE &amp; EQUIPMENT</td>
<td>$1,504,925</td>
<td>SL 5YRS</td>
<td>$1,189,817</td>
</tr>
<tr>
<td>LAW LIBRARY</td>
<td>217,499</td>
<td>SL 10YRS</td>
<td>217,499</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,722,424</td>
<td></td>
<td>$1,407,316</td>
</tr>
</tbody>
</table>
PART IV, LINE 64b: MORTGAGES & NOTES PAYABLE

<table>
<thead>
<tr>
<th>LENDER</th>
<th>ORIGINAL BALANCE</th>
<th>CURRENT BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BANK OF AMERICA, TERM LOAN</td>
<td>$950,000</td>
<td>$931,591</td>
</tr>
</tbody>
</table>

The Organization has converted its revolving line of credit with Bank of America to a term loan with an initial principal balance of $950,000. The interest rate on the loan is 6.75% per year and it is secured by all of the Organization's equipment, inventory, receivables, and general intangibles. The loan is to be repaid in monthly installments of $10,908 through January 10, 2011, at which time all remaining principal is due.
PART IV, LINE 54: INVESTMENTS - SECURITIES (ALL PUBLICLY TRADED & HELD THROUGH BROKERS)

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>COST</th>
<th>MARKET VALUE</th>
<th>UNREALIZED GAIN (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. TREASURY BONDS &amp; NOTES</td>
<td>$497,059</td>
<td>$489,726</td>
<td>($7,333)</td>
</tr>
<tr>
<td>CORPORATE BONDS &amp; FIXED INCOME FUNDS</td>
<td>886,993</td>
<td>851,856</td>
<td>(35,137)</td>
</tr>
<tr>
<td>COMMON STOCKS &amp; EQUITY FUNDS</td>
<td>4,052,768</td>
<td>5,607,855</td>
<td>1,555,087</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,436,820</strong></td>
<td><strong>$6,949,437</strong></td>
<td><strong>$1,512,617</strong></td>
</tr>
</tbody>
</table>
PART II, LINE 43f: OTHER EXPENSES

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>TOTAL (A)</th>
<th>PROGRAM SERVICES (B)</th>
<th>MANAGEMENT &amp; GENERAL (C)</th>
<th>FUND-RAISING (D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAFF RETREAT</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>INDIRECT SPECIAL EVENTS COSTS</td>
<td>181,865</td>
<td></td>
<td></td>
<td>181,865</td>
</tr>
<tr>
<td>PURCHASED SERVICES</td>
<td>150,201</td>
<td>45,709</td>
<td>104,492</td>
<td></td>
</tr>
<tr>
<td>DIRECT MAIL</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOARD OF DIRECTORS</td>
<td>88,103</td>
<td></td>
<td>88,103</td>
<td></td>
</tr>
<tr>
<td>GRADUATIONS</td>
<td>5,928</td>
<td>3,715</td>
<td>2,213</td>
<td></td>
</tr>
<tr>
<td>INTERNS</td>
<td>9,910</td>
<td>9,910</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$436,007</strong></td>
<td><strong>$59,334</strong></td>
<td><strong>$194,808</strong></td>
<td><strong>$181,865</strong></td>
</tr>
</tbody>
</table>
PART II, LINE 22: GRANTS & ALLOCATIONS

<table>
<thead>
<tr>
<th>RECIPIENT</th>
<th>ADDRESS</th>
<th>SCHOLARSHIP</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAW SCHOOL SCHOLARSHIP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EDGAR MORALES</td>
<td>CAMBRIDGE, MASS</td>
<td>LAW SCHOOL</td>
<td>$7,000</td>
</tr>
<tr>
<td>ENRIQUE R. SCHAERER</td>
<td>NEW HAVEN, CT</td>
<td>LAW SCHOOL</td>
<td>3,000</td>
</tr>
<tr>
<td>MARIA DELGADO</td>
<td>BERKELEY, CA</td>
<td>LAW SCHOOL</td>
<td>4,000</td>
</tr>
<tr>
<td>WINTER TORRES</td>
<td>ITHACA, NY</td>
<td>LAW SCHOOL</td>
<td>3,000</td>
</tr>
<tr>
<td>MICHAEL E. ROSADO</td>
<td>NEW YORK, NY</td>
<td>LAW SCHOOL</td>
<td>5,500</td>
</tr>
<tr>
<td>RACHEL LOPEZ</td>
<td>AUSTIN, TX</td>
<td>LAW SCHOOL</td>
<td>3,000</td>
</tr>
<tr>
<td>CLAUDIA LOPEZ</td>
<td>GLENDALE, AZ</td>
<td>LAW SCHOOL</td>
<td>3,000</td>
</tr>
<tr>
<td>WENDY RAMIREZ</td>
<td>FORT LEE, NJ</td>
<td>LAW SCHOOL</td>
<td>5,500</td>
</tr>
<tr>
<td>IRENE MENCHACA</td>
<td>BLOOMINGTON, INDIANA</td>
<td>LAW SCHOOL</td>
<td>3,000</td>
</tr>
<tr>
<td>KARLA VARGAS</td>
<td>AUSTIN, TX</td>
<td>LAW SCHOOL</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>40,000</strong></td>
</tr>
</tbody>
</table>

| STERN-HERNANDEZ SCHOLARSHIP | | | |
| ANGELES ZARAGOZA           | NAPA, CA         | STERN-HERNANDEZ      | 5,000  |
| **Total**                  |                  |                      | **5,000** |

| FORD MOTOR COMPANY SCHOLARSHIP | | | |
| AUSTIN PEREZ                 | BLUE ISLAND, IL  | FORD MOTOR COMPANY   | 5,000  |
| ANA M. PADILLA               | CHICAGO, IL      | FORD MOTOR COMPANY   | 5,000  |
| **Total**                    |                  |                      | **10,000** |

TOTAL GRANTS & ALLOCATIONS $55,000
Scholarship Programs

**2006 Law School Scholarship Application.** (212k)

**2006 MALDEF LAW SCHOOL SCHOLARSHIP**

The MALDEF Law School Scholarship Program awards scholarships up to $7,000 each year to deserving individuals entering their first, second or third years of law school. Students must be enrolled in law school full-time in the upcoming school year to qualify.

The scholarships are awarded to students based upon three primary factors:

1. demonstrated involvement in and commitment to serve the Latino community through the legal profession;
2. academic and professional achievement; and
3. financial needs.

Please read the application instructions thoroughly before completing and sending in your materials.

A complete application must include the following eight (8) items:

a. A completed and signed MALDEF scholarship application form;
b. Your current résumé (to include information on education, community activities, work experience, interests, etc.);
c. A typed personal statement of 750 words or less, double-spaced, detailing your reasons for studying law, your interest in a particular legal field, your professional objectives, your plans after law school, and describing your past involvement in activities which you believe to have served or benefited the Latino community and how these activities relate to your decision to pursue a career in the legal profession;
d. An official undergraduate transcript or photocopy of an official transcript;
e. For law school students who have already completed one year or more of law school, please, also provide: an official law school transcript or photo copy of an official transcript;
f. A letter of recommendation describing your involvement in the Latino community from a person familiar with that involvement;
g. A letter of recommendation from a college, or law school professor; and
h. A completed financial need statement (enclosed) from the school you are or will be attending that indicates both the financial assistance that will be provided to you by the school,
MALDEF - Law School Scholarship Program

and your unmet financial need; please use the enclosed form
and have the form delivered to MALDEF directly by the school's
financial aid office by October 2, 2006.

1. (Optional) A copy of your LSDAS Report with your LSAT score.*

* MALDEF has serious reservations about the predictive ability of
LSAT scores; therefore, while applicants may opt to provide the
LSDAS Report, MALDEF will not weigh the LSAT score heavily in
choosing scholarship recipients.

All application materials must be completed and received by the MALDEF LAW SCHOOL
SCHOLARSHIP PROGRAM, 634 S Spring Street, 11th Floor, Los Angeles, California 90014,
by October 2, 2006

FAXED APPLICATION MATERIALS (INCLUDING LETTERS OF RECOMMENDATIONS, ETC.)
WILL NOT BE ACCEPTED ANY ITEMS RECEIVED AFTER OCTOBER 2 WILL NOT BE
ACCEPTED INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED
PART I, LINE 20: OTHER CHANGES IN NET ASSETS

THE AMOUNT OF $84,974 REPORTED ON LINE 20 REPRESENTS THE ACCOUNTING ADJUSTMENT REQUIRED ON THE ORGANIZATION'S BOOKS TO ADJUST THE CARRYING AMOUNT OF ITS MARKETABLE SECURITIES TO FAIR MARKET VALUE AS OF THE BALANCE SHEET DATE, THIS IN ACCORDANCE WITH SFAS NO. 124, "ACCOUNTING FOR CERTAIN INVESTMENTS HELD BY NOT-FOR-PROFIT ORGANIZATIONS." REALIZED GAINS AND (LOSSES), MEASURED ON THE BASIS OF HISTORICAL COST, ARE REPORTED ON LINE 8a.
PART VII, LINE 93: PROGRAM SERVICE REVENUE

(PLEASE SEE LITIGATION DOCKET ATTACHED)

<table>
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<tr>
<th>CASE #</th>
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TOTAL RECEIVED $996,129

ACCRAVED FEES RECEIVABLE, BEGINNING OF YEAR (972,450)

ACCRAVED FEES RECEIVABLE, END OF YEAR 0

REVENUE REPORTED, PART VII, LINE 93a $23,679

SCHEDULE 9
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND
2005 FORM 990

PART V: NONCOMPENSATED BOARD OF DIRECTORS

MALDEF BOARD OF DIRECTORS 2006-2007

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3rd VICE CHAIR .......................................................... Janice Mac Avoy
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McKenna, Long & Aldridge

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Professor
UT Austin School of Law

Gilberto Cárdenas
Assistant Provost and Director
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Manuel Martínez
Partner
Holme Roberts & Owen, LLP

Gloria Molina
Supervisor, First District
County of Los Angeles

Carlos Montoya
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AztecAmerica

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Institute for Higher Education Law and Governance
University of Houston Law Center
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MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND

LITIGATION DOCKET

FOR THE YEAR ENDED
APRIL 30, 2006
MALDEF

Mexican American Legal Defense and Educational Fund

LITIGATION
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

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PREFACE TO LITIGATION DOCKET

This litigation docket covers only litigation matters in which MALDEF attorneys represent parties in court or in formal administrative proceedings, or where MALDEF has authored and filed an amicus brief. Matters under investigation, in informal proceedings, involving public policy advocacy or in which MALDEF joined an amicus brief drafted by someone else, are not included.

EXPLANATION OF DOCKET CONTROL NUMBERS

The symbol preceding each case listed and summarized in this litigation docket are part of MALDEF’s docket control system.

Four digit numbers have been assigned to each of MALDEF’s six litigation and advocacy programs and to all of MALDEF’s active cases. Each litigation and advocacy program has been assigned a series of 1000 numbers set forth below:

<table>
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<td>Employment</td>
<td>Education</td>
<td>Political Access</td>
<td>Immigrants’ Rights</td>
<td>Public Resource Equity</td>
<td>Access to Justice</td>
</tr>
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</table>

The letters preceding the case numbers indicate the MALDEF office in which the case originated or the lead office currently handling the case. The codes are:

AT = Atlanta  LA = Los Angeles
CH = Chicago  SA = San Antonio
NT = National

In some cases, staff from more than one office may be working on a case. In these instances, the case may be listed in the index under more than one office. However, the office code remains the same because it continues to denote which is the lead office handling the case.
INDEX TO OFFICE DOCKETS

This index lists the cases on the legal docket of MALDEF with litigation staff. The Washington D.C. office has no listing of cases as this office focuses exclusively on public policy advocacy. Cases are listed by subject matter according to their docket control numbers. Page number references for each case show where the case is described.

All attorney staff members assigned to the Litigation Department during fiscal year 2005-2006 are listed under their offices.

** **NATIONAL OFFICE** **

Lawyers:  John Trasviña, Senior Vice President of Law and Policy
           Cynthia A. Valenzuela, Director of Litigation

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** ATLANTA OFFICE **

Lawyers: Tisha Tallman, Regional Counsel  
Helen Kim, Staff Attorney  
Erik Meder, Staff Attorney

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** CHICAGO OFFICE **

**Lawyers:**
Ricardo Meza, Regional Counsel  
Alonzo Rivas, Staff Attorney  
Carlos Becerra, Staff Attorney

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* * * LOS ANGELES OFFICE * * *

Lawyers: Cynthia A. Valenzuela, Director of Litigation / Regional Counsel
Matthew Stricker, Staff Attorney

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**SAN ANTONIO OFFICE**

**Lawyers:**
- Nina Perales, Regional Counsel
- Marisol Perez, Staff Attorney
- Diego Bernal, Staff Attorney
- David Urias, Staff Attorney
- David Hinojosa, Staff Attorney

**Title I: Employment**

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Litigation Overview

The past fiscal year 2005-06 has been full of changes in MALDEF's litigation program.

For the first time in two decades, MALDEF presented an oral argument to the United States Supreme Court. In Session v. Perry, San Antonio Regional Counsel Nina Perales, representing the American GI Forum, challenged the Texas Congressional redistricting plan. Nina and her team did a tremendous job and we await the Court's decision by the end of the term in June.

The Litigation Department Report more fully describes the breadth and extent of MALDEF's litigation. By necessity, it is a snapshot of where we are and have been over the past twelve months. It describes employment matters for undocumented workers in the Southeast, educational equity litigation in the Southwest, day laborer litigation in the West and voting rights work in the Midwest. One case that stands out in particular is New Hampshire v. Ramirez. Last summer, after two local chiefs of police arrested undocumented individuals for "trespassing" in the state by virtue of their lack of legal presence in the United States, our Southeast Regional office filed a brief with the state court outlining the constitutional problems with local law enforcement of federal immigration laws. We foresaw that, if allowed in New Hampshire, this tactic could spread across the nation. When Judge L. Phillips Runyon III threw out the charges and stated that any future such charges would be thrown out of his court, he cited MALDEF's arguments. A small case but one with national implications.

MALDEF has also attracted significant new legal talent in the past year. We are pleased to welcome Cynthia Valenzuela as our Litigation Director. A former Assistant U.S. Attorney in Los Angeles and voting rights litigator in the Civil Rights Division at "Main Justice", Cynthia brings dedication and experience to head our litigation efforts. Another key addition to MALDEF is Ricardo Meza as the Chicago Regional Counsel. Rich is also a former U.S. prosecutor and was formerly with the Chicago office in the early 1990s.

At the same time, the MALDEF litigation team had many departures including Tom Saenz, former vice president for litigation and Maria Valdez and Hector Villagra, the regional counsels in Chicago and Los Angeles. All three went on to major new professional heights as counsel to Mayor Antonio Villaraigosa, U.S. Magistrate-Judge for the Northern District of Illinois and new Orange County Director for the American Civil Liberties Union.

MALDEF continues to have the unique support and contribution to its litigation program from Fried, Frank, Harris, Shriver and Jacobson. This year, the Fried, Frank Fellowship brings us Carlos Becerra to the Chicago office. Shaheena Ahmad Simons continues with MALDEF in the Washington, D.C. office. In 2007, we will receive two Fried, Frank fellows.
Moving forward, our Litigation Director and Regional Counsels, with feedback from the Program and Planning Committee, have developed a litigation plan focused on language and immigration that spans all of our litigation areas. It updates and more sharply focuses our existing long-term litigation plan documents. Whether or not there is going to be comprehensive immigration reform legislation coming from Washington, D.C., immigrant rights will continue to be adjudicated in court, whether day laborer First Amendment issues or the role of local police in enforcing immigration laws. The future of our community is in education and our litigation program necessarily devotes significant attention to school finance, English language learning, and other issues.

We have much to accomplish. As we finish replenishing MALDEF’s litigation talent and resources and develop new partnerships, MALDEF’s litigation team will aggressively pursue litigation that promotes and preserves the rights of the Latino community.
**TITLE I: EMPLOYMENT**

NT/1020  
Brionez, et al. v. United States Department of Agriculture (USDA),  
No. C01-3969-CW (U.S. Dist. Ct., N.D. Cal.).

In this case we represent Latino plaintiffs who allege that the USDA hiring and promotions processes discriminated against proposed class members in violation of Title VII, and resulted in the under representation of Latinos in Region 5 of the U.S. Forest Service, an agency within the USDA.

On behalf of Hispanic U.S. Forest Service employees in Region 5 and their employee organization, the Regional Hispanic Working Group, we moved for the district court to find the USDA and the U.S. Forest Service in contempt of court for violating a 2002 court-approved settlement agreement. The USDA entered into the agreement to resolve the plaintiffs’ complaints of persistent and systematic discrimination in hiring Latino employees in California. This region has been subject to various agreements to eliminate discrimination against Latinos since 1990, but has failed to take meaningful steps to eliminate barriers to increased Latino representation in its workforce. According to the 2000 U.S. Census, approximately 27 percent of the total civilian labor force in California is Latino. In 2002, Region 5’s permanent workforce in California was only nine percent. More than three years after the 2002 agreement, the Latino representation in Region 5’s permanent workforce remains unchanged. U.S. District Court Judge Claudia Wilken considered the motion for enforcement on February 10, 2006.

On March 30, 2006, Judge Wilken issued a written ruling finding that the Forest Service has failed to remove discriminatory barriers to hiring and promotion of Hispanics in Region 5, thereby breaching specific terms of the Settlement Agreement. Judge Wilken ordered much of the relief we asked for in our motion for enforcement, including the hiring of an outside recruiter, the creation of a special, independent position responsible for review of hiring and promotion decisions, and a one-year extension of the Agreement. We will continue to vigilantly monitor enforcement of the Agreement, and expect Judge Wilken’s ruling to form the basis for better progress in the Region.

Denise Hulet  
Christopher Ho  
Willie Nguyen  
Employment Law Center  
Co-counsel

Shaheena Ahmad Simons  
Washington DC Office  
Diego Bernal  
San Antonio, TX Office

SA/1038  
Kossman Contracting Co. v. City of Houston,  
No. H-96-3100 (U.S. Dist. Ct., S.D. Tex.).

In this federal lawsuit, a white contractor challenges Houston's affirmative action plan for city contracts. The contractor complains that the city's good-faith goals for city contracts and the requirement that prime contractors obtain bids from minority and women business enterprises give those firms an unfair advantage. More than sixty percent of Houston residents
are minorities, with Latinos the largest group. Prior to 1984, less than one percent of the city's budget for construction, professional services and vendors went to minority or women business enterprises (MWBE). In 1985, the city council established policies to increase utilization of local MWBEs in city procurement. The program was subsequently amended in 1995 after a disparity study was conducted. The plan is not a set-aside program but contains reasonable, good-faith goals that correlate with MWBE availability in the Houston area. Since 1985, participation of MWBEs in city contracts have dramatically increased.

On December 4, 1997, MALDEF moved to intervene on behalf of the Mexican American Contractors Association (MACA) and an individual Latino contractor. The court denied our request for intervention, but invited MACA to participate as amicus curiae. On February 9, 1998, the court ordered the City of Houston to submit all its evidence of discrimination against minorities and women by March 19, 1998. In response, our clients submitted a brief describing the history of discrimination by the City of Houston against Latinos in contracting, public employment, public education, housing, and public accommodations. On April 3, 1998, the plaintiff filed its motion for summary judgment, arguing that the city's affirmative action plan in city construction contracting was unconstitutional. On May 1, 1998, we filed an amicus brief on behalf of our clients arguing that strict scrutiny did not apply to the city's affirmative action plan because minorities were not given any preferential treatment and that the city's inclusive recruitment efforts were lawful business concerns.

In March 2004, the district court denied the plaintiffs' motion for summary judgment. In April 2004, plaintiffs appealed that ruling to the 5th Circuit Court of Appeals. On February 3, 2005, the Court heard oral argument and ultimately denied the plaintiffs' summary judgment motion.

On November 18, 2005, the District Court held a pretrial conference and ordered the parties to begin the process of exchanging preliminary information, including chronologies detailing the development and implementation of the affirmative action program and the harms allegedly suffered as a result.

Diego Bernal
MALDEF San Antonio Office


On October 12, 2001, we filed this case against Quietflex Manufacturing Company, a Houston-based company that manufactures air conditioning ducts. We represent approximately 80 Latino employees who are segregated from the rest of the employees, work under the most difficult conditions, have the most limited opportunities for advancement, and are paid at a substantially lower rate than non-Latino workers with similar positions. In addition, we have challenged the company's enforcement, against Latinos but not others, of an English language fluency requirement for transfer into more desirable departments. We seek to represent a class of over 300 Latino employees who are currently working, or have worked
for Quietflex in the past. We also filed a related lawsuit, *Aleman*, to protect the interests of our 80 individual clients, each of whom filed separate charges with the federal Equal Employment Opportunity Commission (EEOC). The EEOC intervened in the case in fall 2002.

In 2004, we finished taking and defending approximately 90 depositions in this case. During the process of discovery, Quietflex consistently sought to intimidate the plaintiffs by asking them for information related to their immigrant status. Quietflex argued that it had a right to question plaintiffs about their immigration status pursuant to the recent Supreme Court ruling in *Hoffman Plastic Compounds, Inc. v. NLRB*, in which undocumented litigants were denied certain forms of relief under the Fair Labor Standards Act. In one of the few cases to take up this issue since the *Hoffman Plastics* decision, and through a series of protective motions, briefs and hearings, we were able to secure orders restricting Quietflex from questioning the plaintiffs' immigration status in deposition or through production requests in exchange for a sealed list of plaintiffs who would waive their claim for damages for a two-week period in 2000 during which they were improperly fired.

We were also successful in defeating three motions for summary judgment filed by Quietflex against our individual clients and preserving the majority of claims for an additional seven of our clients who were the target of summary judgment motions.

From November 5 to 12, 2004, we presented evidence and testimony in the hearing on our motion for class certification. After the hearing, we briefed the class certification issue extensively, as the issues presented in the case are at the forefront of national debate in employment discrimination law. On March 10, 2005, we presented final arguments to the court regarding class certification. Both parties then presented supplemental expert reports related to the calculation of back pay, and we took and defended final expert depositions on that issue. We provided final briefing to the court on the issue of class certification on April 11, 2005.

In June, July and August 2005 we filed a number of motions in preparation for trial, including: a motion for partial summary judgment on Plaintiff's claims brought under the Fair Labor Standard Act; a Daubert motion to strike the expert report and testimony of Defendant’s expert on the Fair Labor Standards Act; a motion for summary judgment on the issue of Defendants’ Goodman Manufacturing Company and Quietflex Manufacturing Company constituting an integrated enterprise; motion for leave to file recently produced evidence relevant to the issue of class certification. In October, 2005, we filed our motion asking the court to consider our request to proceed as a “collective action” under the FLSA.

On March 31, 2006, the court ruled on a number of these pending motions. The court granted our motion for leave to file our request to certify a collective action under FLSA. This means that we will present claims regarding the company's failure to pay overtime wages on behalf of 80 plaintiffs for a period of seven years.
The court denied Quietflex's motion for summary judgment on our FLSA claims, rejecting the defendants' argument that our clients should be precluded from pursuing a FLSA action because they could not specify each and every workweek that they had been improperly compensated for overtime and for nonproduction work. The court noted that we had presented "extensive evidence," including years of payroll records and timecard reports, that showed that our clients had indeed been compensated in a manner that may violate the FLSA.

The court denied Quietflex's motion to dismiss nineteen of our proposed class members. Defendants had argued that dismissal was proper because these claimants had not presented themselves for depositions. We successfully argued that, at this stage of the litigation, dismissal was premature even if defendants had not been able to depose these individuals. It was unlikely, the court noted, that lack of direct testimony from these workers would prejudice Quietflex, as they had already taken the depositions of over seventy plaintiffs in this case - all of whom had testified consistently about the conditions at Quietflex.

The court denied our motion for the certification of a class as it is presently defined. The court's chief concern in denying our request for certification of the Title VII class appears to be the fact that the class seeks class-wide punitive damages. In its ruling, the court requested that both parties address whether the class can be partially certified in order to differentiate between our clients' claim for injunctive relief and backpay and the claim for punitive damages. The court granted our motion to file supplemental briefing on the issue and to re-open discovery for the purpose of challenging Quietflex's assertion that it has abated its policy of segregating Latinos into the disfavored department.

The court has set a hearing for April 17, 2006, to discuss the implications of its rulings and to set a new docket calendar. We expect the court will set a date for mediation some time in the next few months.

David Urias
Marisol Perez
Nina Perales
MALDEF San Antonio Office

Gonzalez v. Abercrombie & Fitch Co.
No. C 03-02817-SI (U.S. Dist. Ct., N.D. Cal.).

We filed this federal class action suit in 2003 on behalf of young people of color who were refused sales positions or were terminated by the national clothing retailer Abercrombie & Fitch. The lawsuit charged the company with violating federal and state anti-discrimination laws by systematically recruiting, hiring, and maintaining an overwhelmingly white sales force.

We reached a class settlement in November 2004. The settlement covers both people of color and women, who filed a class gender discrimination case when settlement was reached. This settlement includes significant changes in Abercrombie hiring and personnel practices, establishes goals for hiring and promotion, includes appointment of a case monitor,
requires diversity in Abercrombie marketing materials, and established a $40 million fund for class members who filed claims.

The final fairness hearing took place before Hon. Susan Illston on April 14, 2005. The court approved the settlement and congratulated plaintiffs Eduardo Gonzalez and Patrice Douglas, who were in attendance, for having “done a public service.” Plaintiffs’ counsel and a court-approved monitor continue to track Abercrombie’s progress under the consent decree, and the company recently submitted its first semi-annual monitoring report, as required by the agreement. The $40 million class member settlement fund was distributed to more than 16,000 claimants in December 2005.

Lieff, Cabraser, Heimann & Bernstein
NAACP Legal Defense & Educational Fund
Asian Pacific American Legal Center
Kohn, Swift & Graf, P.C.
Gottesman & Associates
Rainbow/PUSH Coalition
Co-counsel

Shaheena Ahmad Simons
MALDEF Washington, DC Office

AT/1103  Reyes v. Tandem Health at West Altamonte, No. 150-2003-02121C (EEOC).

The EEOC made a finding of discrimination on the employer’s English only workplace policy, which required employees to speak English in all areas of the healthcare facility, including during breaks. Our client is a monolingual housekeeper who was fired from the healthcare facility. The employer then offered, and our client accepted, reinstatement. The case resolved in conciliation. In addition to reinstatement, our client received payment for her medical bills, expungement of her records, back pay, full restoration of benefits and seniority, accrual of vacation time and other benefits during the time she was fired, among other things. In addition, we obtained mandatory diversity training for her supervisor and others, and a formal policy has been ordered to be posted in the workplace stating it is a direct result of the EEOC investigation and subsequent finding. Settlement was finalized and the matter has been closed.


Before the Georgia Workers’ Compensation Board, we represent three injured Latino workers who work at a slaughterhouse in southern Georgia. Their benefits were cut off after their injuries were at a point of returning to light duty work, and the employer alleged that they could not be reinstated because of their perceived undocumented immigration status. We have conducted a number of depositions, and have filed motions to compel discovery for all of our clients. Discovery is proceeding and hearings are pending.
In the last quarter we conducted additional depositions and exchanged additional written discovery motions. The motions will be heard at a later hearing. On November, 16, 2005, we received a favorable ruling regarding the taking of a deposition of a key supervisor at Shapiro who now works for the insurer in Pennsylvania. The ruling was appealed and oral argument took place on February 28, 2006. We received a favorable ruling and are now proceeding with discovery again.

Robert Freyre
Moskowitz & Carraway
Co-counsel

Tisha Tallman
Erik Meder
MALDEF Atlanta Office

AT/1106 EEOC v. Oglethorpe University, Civil Action No. 05 CV 0711, (N.Dist.GA).

The EEOC filed a federal class action suit against Oglethorpe University based on the complaint we filed on behalf or Latina housekeepers. Our clients were discharged and/or suffered retaliation as a result of the university’s English Only and English proficiency policies. In April, 2006, MALDEF plans on filing documents to join the EEOC in this lawsuit. We are submitting a motion in intervention along with a complaint. The EEOC, while naming our clients and a class within the facts of the complaint, did not specifically name our clients in the title as plaintiffs, therefore we are intervening as their attorneys to preserve their individual interests. In addition to the relief sought by the EEOC, we have asked for additional relief specific to our clients including relief related to retaliation based on wrongful discharge and constructive discharge, and harassment.

Lakisha Duckett, Counsel for Plaintiff EEOC
Pamela Alfred-George
Robert Dworkin
EEOC Atlanta
Co-counsel

Tisha Tallman
Helen Kim
Counsel for Individual Plaintiff
Intervenors
MALDEF Atlanta Office

NT/1111 Gloria Nogales-Talley v. Santa Ana Unified School District,
No. CV 04 7993 (U.S. Dist. Ct., C.D. Cal.).

This is a First Amendment and Title VII discrimination case brought by a school principal challenging her dismissal after a very contentious and publicly debated school board recall election. Ms. Nogales-Talley, like other Latino school personnel subjected to an unprecedented wave of harassment, grievances, demotions and dismissals, publicly supported a Latino incumbent school board member who was recalled. She alleged that her firing was part of a concerted effort to rid the district of administrative employees who supported the recalled school board member.
On January 17, 2006, the case proceeded to trial before United States District Court Judge Margaret Morrow. After a hard-fought two week jury trial, the jury found that defendant knew that Ms. Nogales-Talley supported the Latino incumbent school board member, but decided that her termination was not substantially motivated by her political participation. Therefore, the jury rendered a verdict in defendant’s favor.

Ricardo Meza
Alonzo Rivas
MALDEF Chicago Office

NT/1114    Quintanilla v. Kozloff,
No. 05cv-01017-JFM (U.S. Dist. Ct., M.D. Penn.).

This is a tenure denial case against Bloomsburg University, a university in the Pennsylvania State System of Higher Education. We represent a Latino history professor who alleges that the university veered significantly from its normal tenure review process to deny him tenure. We are still in the discovery phase of the case. Fact discovery was extended to June 28, 2006. MALDEF will be scheduling depositions in April 2006 and at the same time will explore the possibility of settling this matter.

Marc F. Lovecchio of Campana
Lovecchio and Marrone
Co-counsel

Alonzo Rivas
Ricardo Meza
MALDEF Chicago Office

SA/1115    Rodriguez v. Maricopa County Cmty. Coll. Dist.,
No. CIV-04-2510-PHX-EHC (U.S. Dist. Ct., D. Ariz.).

On November 12, 2004, we filed a class action complaint on behalf of Latino faculty and staff of the Maricopa County Community College District, charging the District with subjecting them to a hostile work environment. The District’s Latino employees were on the receiving end of harassing e-mails disparaging immigrants, Latinos, and other minority groups, sent to them by a white member of the faculty. In addition, the District’s own official Internet page included a link to the faculty member’s website, also replete with racially offensive material.

The suit followed an investigation by the Equal Employment Opportunity Commission (EEOC), which issued a Letter of Determination and found reason to believe the District violated federal discrimination law. The EEOC concluded the District “was fully aware that the e-mail, along with its own website, were the avenues used by the white staff member to make disparaging comments about Hispanics.”

On May 5, 2005, we filed a motion for class certification. On January 13, 2006, the District Court granted class certification.

On January 26, 2006, the Defendants filed a Petition for Permission to Appeal to the Ninth Circuit Court of Appeals. We filed our Answer on February 8, 2006. On February 16,
2006, Defendants supplemented their Petition with a letter to the clerk of the Ninth Circuit. On February 23, 2006, we responded to Defendant’s supplemental letter.

David Gomez  
Michael Petitti  
Gomez & Petitti  
A Professional Corporation  
Co-counsel  

LA/1119  Sanchez v. Pactiv, (EEOC)

In 2005, MALDEF filed a charge with the Equal Employment Opportunity Commission on behalf of two monolingual Spanish-speaking women who were terminated from their employment at a factory where they packaged products after they believed that the company where they worked adopted an English Only policy. EEOC investigated and determined that these and other employees were laid off for legitimate economic reasons, maintained a largely Latino and Spanish language dominant workforce and did not adopt an English Only policy for workers. On January 29, 2006 EEOC issued a right to sue letter. We are seeking a legal referral for the two plaintiffs.

Cynthia Valenzuela  
MALDEF National Office

AT/1122  Medrano (deceased) v. I.D.I. Shutters & Locks (GA), Claim No. 658-06-5421. (Amicus Brief)

In October 2005, we wrote an amicus brief in support of the deceased’s mother who sought but was denied partial dependency death benefits for her son’s death. Rene Medrano was electrocuted while working as a gutter cleaner when his ladder fell against an electrical wire. The employer sent his body to the wrong region in Mexico and then refused to pay partial dependency death benefits. His mother, who relied heavily on remittances sent by her son over the course of four years, remained without money to pay for a grave marker five years after his death. We argued for the acceptance of remittances as a form of proving partial dependency. In a favorable ruling, the Administrative Law Judge of the GA Worker’s Compensation Board found that evidence of remittances could establish partial dependency. As a result the mother was granted survivor benefits.

Tisha Tallman  
MALDEF Atlanta Office

AT/1123  Martines v. Worley & Sons Construction, No. A05A1985

MALDEF is seeking Georgia Supreme Court review of a case in which an employer cut off workers’ compensation benefits to an unauthorized immigrant worker who was not able to take a driving assignment because he was unable to obtain a Georgia driver’s license. We are drafting an amicus brief in support of the injured, undocumented worker claimant. We
are arguing the questions of (1) offer and acceptance of light duty work and (2) whether the employer acted with unclean hands. The outcome will affect workers’ compensation benefits to undocumented workers at the light duty stage, an issue of first impression for the Georgia Supreme Court. This case may affect the outcome of our pending workers’ compensation case (Perez v. Shapiro).

Tisha Tallman
MALDEF Atlanta Office


MALDEF joined an amicus brief authored by The Impact Fund in opposition to an “opt-in” procedure for discovery of percipient witnesses and potential class members. The brief examines the harms of such a procedure and explains why an opt-in procedure is a cumbersome and unnecessary procedural hurdle which will impede the investigation of their certification. Specifically, the brief argues that the opt-in procedure is inconsistent with California’s strong public policy favoring class actions, is inconsistent with California class action law and procedure, and will undermine the enforcement of civil rights by deterring victims of discrimination from participation because of fear of retaliation, and by increasing the time and expense of litigation. The brief was filed on March 1, 2006.

Other organizations listed on the brief include: Asian Law Caucus, Disability Rights Advocates, Disability Rights and Education Fund, Equal Justice Society, Equal Rights Advocates, Lawyer’s Committee for Civil Rights of the San Francisco Bay Area, Legal Aid Society – Employment Law Center, Public Counsel, Western Center on Law and Poverty.

Cynthia Valenzuela
MALDEF National Office
TITLE II: EDUCATION

SA/2016 United States and CRUCIAL v. Ector County ISD, et al.,
No. MO:70-CV-CA-64 (U.S. Dist. Ct., W.D. Tex.).

In this desegregation case dating back to the 1970s, we represent CRUCIAL, a local
group of Latino and African American parents formed to address the unequal educational
opportunities offered in Ector County ISD (Odessa, Texas) as a result of the segregation of
minority children in the public schools.

On June 30, 2005, the district court held a status hearing and ordered the parties to
brief the issue whether the District was complying in good faith with the desegregation plan
and whether the vestiges of discrimination were removed to the extent practicable. We served
over seventy requests for production of documents on the school district. The district court
denied our motion to depose the ECISD Superintendent and board members and also denied
our Motion for Reconsideration. On October 28, 2005, we filed our response to the District’s
motion for unitary status. We set out the District’s failure to comply with the plan and its
failure to remove the vestiges of discrimination in student assignments, faculty and staff
assignments, the bilingual education program, access to the gifted and talented program, and
educational quality. We also persuaded the District to undergo a desegregation analysis by the
Intercultural Development and Research Association (IDRA). IDRA’s report was filed with
the Court on January 17, 2006. On February 7, 2006, the parties submitted an amended,
agreed scheduling order which was accepted by the court. Mediation is scheduled for April
11-13, 2006. On June 15, 2006, the court will hold a final hearing on the unitary status of the
District.

David G. Hinojosa
MALDEF San Antonio Office

CH/2019 United States v. Chicago Pub. Schools,
No. 80-C-5124 (U.S. Dist. Ct., ND. Ill.).

In this case, MALDEF and the ACLU continue to monitor the Chicago Public
Schools’ (CPS) compliance with the modified desegregation consent decree. On September
16, 2005, MALDEF, the ACLU, and the Lawyers’ Committee for Civil Rights filed an amicus
brief in support of DOJ’s motion for an order to show cause. The DOJ motion challenged
CPS’s argument that it can count programs that are funded exclusively from state and federal
funds, such as bilingual education, pre-kindergarten, etc, as part of the compensatory and
supplemental programs it must offer under the consent decree to poor, racially identifiable
minority schools.
On May 15, 2006, the district court will hold an evidentiary hearing to review the viability of the consent decree. In preparation for the hearing, MALDEF and the other amici will meet with minority parent groups to educate them about the decree’s provisions and the pending issues. MALDEF will be present at the hearing in May 2006.

Alonzo Rivas
Ricardo Meza
MALDEF Chicago Office

CH/2022  Noyola v. Chicago Sch. Reform Bd. Of Trustees,
No. 97-CH-16221 (Cook County Cir. Ct., Chancery Div.).

We continue to monitor compliance by the Chicago Public Schools with the settlement we reached in 2001 regarding education funding. We challenged the Chicago Public Schools’ (CPS) failure to make Illinois funds (Chapter 1 funds) available to schools with low-income students. We are working closely with Parents United for Responsible Education (PURE). We are evaluating whether we need to meet with Chicago Board of Education attorneys regarding compliance.

Alonzo Rivas
Ricardo Meza
MALDEF Chicago Office

SA/2037  Mendoza v. Tucson Unified Sch. Dist.,
No. CIV 74-204 TUC DCB (U.S. Dist. Ct., D. Ariz.).

This lawsuit challenged Tucson Unified School District’s discriminatory treatment and segregation of Latino and African American children. In 1978, the parties reached a court-approved settlement agreement that provided for certain desegregation measures, including racial balance requirements, an independent monitoring committee, and ongoing court monitoring of school district actions that affect the racial composition of the schools. After we reached the settlement, local counsel undertook primary responsibility for monitoring the school district’s compliance. In 1992, the Latino plaintiffs successfully halted the closing of a high school in a predominantly Latino area of the district. In 1996, local counsel became inactive and we once again took the lead in monitoring the district’s compliance.

On January 14, 2005, TUSD filed a Petition for Unitary Status. On June 30, 2005, the TUSD filed a Motion to Define the Scope of the Unitary Status Proceeding. The District argued that the terms of the Stipulation of Settlement of 1978 were very narrow and that a review of the Green factors (student/faculty/staff assignments, facilities, transportation, and extra-curricular activities) was unnecessary for the court to determine the unitary status of the District.

On December 22, 2005, we filed a Response on behalf of the Mendoza Plaintiffs, asking the court not to limit the scope of its inquiry as proposed by the District. On June 1, 2005, we also filed a Motion to Compel Production of Documents. On February 6, 2006, the court issued an Order and agreed to a large extent with our interpretation of the Stipulation of Settlement. The court agreed that the quality of the bilingual education program is at issue.
and also stated the court must review the Green factors in order to determine whether the district has achieved unitary status. The court also ordered the District to produce certain documents and ordered the Mendoza Plaintiffs to file their response to the District’s Petition for Unitary Status no later than four months following the Order. On March 9, 2006, the court held a conference call among the parties to discuss the appointment of a special master and mediation. On March 13, 2006, the court issued a subsequent order clarifying the role of the special master and asked the parties to confer about potential mediators and special masters no later than June 13, 2006.

David G. Hinojosa
MALDEF San Antonio Office


We represent Latino intervenors in this statewide desegregation case filed in 1971 in order to ensure that school districts with large numbers of Latino students comply with the court’s desegregation order. The court's 1981 remedial order had far-reaching effects on pupil placement and equal educational opportunity, including the implementation of bilingual education. Although a portion of this remedial order was reversed by the Fifth Circuit in June 1982, the district court’s decision nevertheless led to positive changes not only in the state law, but also with regard to the delivery of bilingual education.

On March 4, 2004, the district court took up a motion to intervene filed by Hearne Independent School District and a subsequent motion for enforcement filed by the United States Department of Justice. In its motion, Hearne ISD and the Justice Department allege that nearby Mumford ISD has engaged in practices intended to steal away Anglo students from Hearne, creating a racial imbalance, and that the Texas Education Agency failed to enforce the transfer provisions of the remedial order in this case. As a result, the Anglo student population of Hearne ISD has dropped from over 50 percent Anglo to under 30 percent in the past several years.

Following a five-day trial in January 2005, the court issued its order and judgment in July 2005. On August 4, 2005, the court issued an injunction in favor of the United States and Hearne ISD Plaintiff-Intervenors, enjoining TEA from further funding Anglo student transfers from Hearne ISD to Mumford ISD. On August 8, 2005, Mumford ISD filed its Motion for Emergency Stay with the Fifth Circuit Court of Appeals after its Motion for Stay with the district court was denied. The Fifth Circuit granted the stay and Mumford and TEA appealed the case to the Fifth Circuit. On October 18, 2005, MALDEF filed an amicus brief seeking affirmance of the district court’s decision after our attempt to file a brief as plaintiff intervenors was rejected by the Fifth Circuit. On October 25, 2005, the Fifth Circuit heard oral arguments and a decision is still pending.

On September 23, 2004, another group of small districts (Harrold ISD and Samnorwood ISD), parents, and a membership organization (STAR-Texas) filed a motion to intervene with the intent of overturning the transfer provisions of the remedial order. The Court allowed the districts to proceed but we successfully opposed the intervention of STAR-
TEXAS, an organization formed to overturn the student transfer provisions of the statewide desegregation order. In this intervention, on August 29, 2005, we filed a response to TEA’s Partial Motion to Dismiss, supporting the dismissal of intervenors’ claims which seek to attack the desegregation order as a whole. We are awaiting a decision from the court. Trial is set for June 7, 2006.

On February 4, 2006, MALDEF and META filed a Motion for Further Relief on behalf of Intervenors LULAC and GI Forum with the court. In our motion, we assert that the State of Texas has failed to monitor, supervise and enforce the bilingual education program as required by state and federal law. On February 23, 2006, the State filed a response seeking dismissal of the claim on jurisdictional grounds. On March 6, 2006, we filed a reply and currently await a decision.

Multicultural Education, Training and Advocacy, Inc. (META) Co-counsel

SA/2049  Carabajal v. Albuquerque Public Schools,

In this 1998 case, we continue to monitor the district’s compliance with a settlement agreement concerning the implementation of the bilingual education program. In January 2006, plaintiffs agreed with defendants to extend the settlement agreement for one year and removed the district’s obligations under two separate provisions.

META Co-counsel

We filed this action on March 29, 2000, challenging the state of California’s allocation of new school construction funds under Proposition 1A, a state bond enacted by voters in November 1998. The state refused to distribute funds based on the need-based priority system set forth in the statute. It replaced the statutory priority system with a “first-come, first-served” system that prejudiced students in overcrowded school districts in heavily congested urban areas like LAUSD.

We challenged the state’s distribution of funds on constitutional grounds as violating the state obligation to provide fundamentally equivalent education across the state, and on statutory grounds as violating the needs-driven legislation implementing the bond.

We then entered negotiations with the state and agreed on a settlement. As a result of the settlement, LAUSD received about $600 million in much-needed new school construction funds.

The trial court awarded plaintiffs’ counsel attorney fees, including approximately $250,000 for MALDEF. The state has appealed the award. On June 21, 2005, the state’s
appeal from the grant of attorney fees was taken under submission. The Ninth Circuit remanded certain issues to the district court. On March 9, 2006, the parties filed a joint status conference statement regarding unresolved issues remanded by the Ninth Circuit. On March 14, 2006 the court held a status conference. The court set a briefing schedule culminating in an August 23, 2006, hearing date.

English, Munger & Rice
Asian Pacific American Legal Center
Co-counsel

Cynthia Valenzuela
MALDEF National Office

CH/2063 Cortez v. Calumet Park School Dist. #132,
No. 1:01-CV-82011 (U.S. Dist. Ct., N.D. Ill.).

This suit was filed against a suburban school district and the Illinois State Board of Education for failure to provide adequate bilingual services to Latino English language learners. MALDEF reached a settlement agreement with the parties in October 2005 that requires the district to improve its bilingual programs. The settlement includes a commitment from the district to improve their bilingual programs in the manner that MALDEF and their consultant specifically proposed. Additionally, the settlement agreement provides that the State Board will monitor the district's compliance with the terms of the settlement, will issue periodic reports regarding the conditions of the bilingual programs, and will continue to provide technical assistance to the district by assigning a consultant to the district from the State Board's department of English Language Learners.

We filed a motion for preliminary approval of the settlement agreement. On January 9, 2006 a preliminary approval of the settlement agreement was entered and a fairness hearing was held. In April 2006, MALDEF intends to submit its fee petition which will effectively terminate all proceedings.

Alonzo Rivas
Ricardo Meza
MALDEF Chicago Office

SA/2068 Hopson v. Nelson, No. CC-03-077 (Dist. Ct, 229th J.D., Tex.).

In this case, we represent a group of property-poor districts who intervened as defendants. This is yet another challenge by parents in wealthy school districts out to seek the dismantling of Texas' school finance system. Further proceedings have been stayed pending the outcome of West Orange Cove.

David Hinojosa
MALDEF San Antonio Office
MALDEF joined a challenge to the opening of a new school on an unsafe former industrial site. On October 12, 2004, the substance of the suit was resolved when the Dist. Ct. approved the settlement agreement. After the approval of the settlement, plaintiffs filed a petition for attorney's fees and costs. On August 5, 2005 the District Court denied the petition.

On August 29, 2005 we filed a motion to reconsider arguing that the court failed to consider the arguments we raised in our reply brief. We contend that as prevailing parties under this settlement, 42 USC § 1988 gives the court jurisdiction to adjudicate their motion for fees despite the court's statement in the settlement and order of dismissal that plaintiffs are "barred and permanently enjoined...from prosecuting, commencing, or pursuing any proceedings" on claims arising from the complaint. We further argue that the settlement did not release the defendants of all claims for costs and expenses, that the lack of specific reference to attorney's fees in the settlement order of dismissal does not create a legal presumption that fees were waived, and that the party wishing to foreclose a claim for fees under § 1988 must negotiate a provision where the other party explicitly waives that right.

On March 29, 2006, the district court denied plaintiffs' motion for reconsideration for payment of attorneys' fees. This ruling terminates the proceedings at the district court.

Alonzo Rivas
Ricardo Meza
MALDEF Chicago Office

In this continuation of the Edgewood cases, we represent twenty-two low-wealth school districts that intervened in a challenge by wealthy school districts to the $1.50 tax cap in the Texas school finance system. The case is, in effect, a challenge to the entire Texas school finance system, including the hard-fought remedy of equalization of school funding across school districts in the state. After the case was dismissed on procedural grounds, the wealthy districts appealed and, in May 2003, the Texas Supreme Court ruled that the wealthy school districts could go forward on their theory that funding at the $1.50 tax cap is inadequate to meet either the accreditation standards imposed by the state government, or to meet the state constitutional standard providing for a "general diffusion of knowledge." We continued to add school districts to our growing list of clients and, in January 2004, filed a motion to dismiss the plaintiffs' attack on equitable funding, which was denied.

In February 2004, we filed an amended answer with cross-claims against the state, staking out our position in the lawsuit as both defendant-intervenors and cross-claimants. We defended the equalization provisions of the current school finance system from any attempt to
dismantle them in this lawsuit, and argued for greater equity and adequacy in the system from the perspective of the low-wealth, predominantly Latino districts we represent. We tried the case in August and September 2004. On December 1, 2004, the trial court’s issued judgment in our favor, except for the equity claim related to instructional costs, the parties appealed the case to the Supreme Court of Texas.

On April 15, 2005, we filed our Appellant’s brief. On May 9, 2005, we filed our response brief to the State’s appeal. On June 6, 2005, we filed a reply brief. On July 6, 2005, we argued before the Texas Supreme Court. On November 22, 2005, the Supreme Court issued its opinion. Although the Supreme Court accepted our arguments concerning the justiciability of the school finance claims in the litigation and the standing of the districts to bring school finance claims, and upheld the wealth-sharing provisions of the finance system, the Court failed to find the system unconstitutionally inadequate or inequitable. The Court did agree with the West Orange-Cove Plaintiff districts that school districts lacked meaningful discretion in setting their local tax rates, and therefore violated Article VIII of the Texas Constitution. The Supreme Court ordered the State to remedy the constitutional violation by June 1, 2006. Governor Perry has called a special session to address the issue of school finance starting April 17, 2006.

On March 31, 2006, we filed a Motion for Attorneys’ Fees seeking $1.2 million because of the intertwined nature of the adequacy and tax claims, and because the Court upheld the wealth-sharing provisions of the current school finance system.

David Hinojosa
Nina Perales
MALDEF San Antonio Office

NT/ 2090 Los Angeles Conservancy v. Los Angeles Unified Sch. Dist., No. BS 093776 (Los Angeles County Superior Ct).

On November 23, 2004, the Los Angeles Conservancy filed a California Environmental Quality Act suit to prevent the construction of three schools on the site of the Ambassador Hotel. For the preceding two years, we had advocated for the Los Angeles Unified School District to build schools on the site quickly and cost effectively to relieve the severe overcrowding in the Ambassador neighborhood. The Conservancy lobbied the school district to pursue costly, time-consuming construction options to preserve the old building on the site. Although the LAUSD intends to preserve part of the building and allocate $15 million toward preserving the hotel, the Conservancy sued, seeking more preservation. On December 14, 2004, we filed a motion to intervene in the suit to protect the rights of the school children. We sought intervention to argue that the children were in dire need of schools and that the Conservancy’s petition should be denied. We sought intervention on behalf of two LAUSD students: (1) Maxwell Kennedy, the son of Robert F. Kennedy, and (2) Paul Schrade, a friend of Robert F. Kennedy. On February 23, 2004, the court granted our motion to intervene on behalf of the students, but denied our motion to intervene on behalf of Maxwell Kennedy and Paul Schrade.
On April 1, 2005, the Court heard the Conservancy’s motion for a preliminary injunction, which sought to prevent the LAUSD from doing any construction on the site while the suit was pending. We opposed this motion. On July 21, 2005, the students prevailed in Los Angeles Superior Court as the Court denied the Conservancy’s petition on all grounds.


On September 27, 2005, MALDEF, along with other civil rights groups, filed a motion to intervene in this case. The intervention is on behalf of a racially and ethnically diverse group of parents who are active members of the Capistrano community and whose children are currently enrolled in CUSD schools. The parents support the Capistrano Unified School District’s (CUSD) ability to consider race to avoid segregated schools when it redraws attendance boundaries to accommodate the opening of a new high school.

In June 2005, an organization opposed to CUSD’s assignment policy filed the lawsuit in the Superior Court of California, alleging that the school district violated California law by considering the avoidance of "racially, ethnically, and socio-economically identifiable schools" as one of nine factors in its decision making process for the school district’s new attendance boundaries.

Over the past 14 years the school district has built 29 new schools in response to the fast growing student population and the resultant overcrowding of existing schools. The school district began construction of a new high school in San Juan Capistrano named San Juan Hills High School. Scheduled to open in August 2006, San Juan Hills is the district’s sixth high school and likely to be the last high school built in the district in the foreseeable future.

The opening of San Juan Hills High School required the school district to analyze and redraw attendance boundaries to balance high school student enrollment among all of the high schools and to align middle to high school feeder patterns. In accordance with board policy, the school district considered race as one of numerous factors in the drawing of these attendance boundaries, insofar as it was necessary to avoid racially, ethnically and socio-economically identifiable schools. This continued consideration of race is necessary because of persistent residential segregation, with poorer, largely minority neighborhoods increasingly surrounded by expensive beachfront properties and planned communities.

On October 21, 2005, the trial court denied defendant-intervenors motion to intervene. On November 14, 2005, defendant-intervenors filed a notice of appeal and a writ for supersedeas. On February 7, 2006, the Ninth Circuit granted the petition staying all trial proceedings pending final determination of the appeal. After PLF agreed to intervention by defendant-intervenors, the court of appeals ordered the trial court to grant intervention. Notices of motions and supporting papers for summary judgment are to be filed on June 9, 2006, oppositions on July 14, 2006, and reply briefs on August 4, 2006.
Rubio v. Turner Unified School District, No. 05-2522-CM (U.S. Dist., Kansas)

Zachary Rubio, an 11th grader attending a public alternative school in Kansas City, Kansas, was suspended by the school principal solely for speaking Spanish in a non-classroom setting in November 2005. On December 9, 2005, a local attorney filed a complaint on behalf of Zach Rubio against the Turner USD alleging violations of his equal protection rights, right to be free from discrimination under Title VI, and various state rights. On January 24, 2006, the school district filed a Motion to Dismiss. We joined the local attorney and assisted him in amending the complaint and bringing first amendment claims and substantive due process complaints. On February 28, 2006, the Amended Complaint and the Response to the Motion to Dismiss were filed. We are currently seeking Latino parents whose children were also harmed by the district's policy and hope to proceed in the litigation with our own clients.

American Civil Rights Foundation v. Los Angeles Unified School District, No. BC341341 (Los Angeles Co. Sup. Ct.).

On behalf of parents, students, and teachers, MALDEF and other civil rights groups moved to intervene in two lawsuits, both entitled American Civil Rights Foundation v. Los Angeles Unified School District. As proposed defendant-intervenors, we seek to stop an effort by the Pacific Legal Foundation to dismantle desegregation programs within the Los Angeles Unified School District (LAUSD).

The cases were filed in October 2005. One case challenges the use of race in student admission to magnet schools and in a voluntary busing program. The other case challenges the use of race when assigning teachers to district schools after being hired.

LAUSD is obligated by a 1981 court order in which the district agreed to a voluntary desegregation plan that created the magnet school program, which attracts diverse student populations to specific schools and can serve as a model of academic excellence for the rest of the district.
On January 27, 2006, the proposed defendant-intervenors (including MALDEF) filed the motion for leave to file complaint and complaint. The teacher assignment case has been stayed pending resolution of a federal lawsuit raising similar challenges. On March 7, 2006, we were granted leave to intervene in the student admission to magnet schools case.

NAACP Legal Defense Fund
ACLU Foundation of Southern California
Asian Pacific American Legal Center
Hadsell & Stormer
Public Counsel
Co-counsel

AT/2097  Consortium for Adequate School Funding in Georgia, Inc., et al. v. The State of Georgia, et al., Civil Action No. 2004CV91004, (In the Superior Court of Fulton County, State of Georgia)

On September 14, 2004, the Consortium for Adequate School Funding in Georgia, Inc. (the “Consortium”), a coalition of 51 local school systems, along with 5 of its member systems and 33 students and 17 parents in these systems, filed a lawsuit against the State of Georgia. The complaint contends that the State is failing to provide an adequate education for every student in Georgia, as expressly required by the Georgia Constitution. Specifically, Plaintiffs’ contend that the State has chronically under funded the public school system through the Quality Basic Education (QBE) Formula, which was established to provide an “equitable public education finance structure which ensures that every student has an opportunity for a quality basic education, regardless of where the student lives...” O.C.G.A. § 20-2-131(3).

In November, 2004, the State filed a Motion to Dismiss and in January, 2005, Plaintiffs responded. In June of 2005, oral arguments were heard before Senior Judge Long in Fulton County and on October 28, 2005, Judge Long issued an order rejecting the State’s Motion to Dismiss. Currently, it appears that the lawsuit will continue to trial and discovery is scheduled to begin on or around May 2006.

MALDEF and the Consortium are continuing to discuss how and in what capacity MALDEF will join in this on-going lawsuit. The Consortium has indicated an interest in MALDEF finding individual limited English proficient plaintiffs and joining as counsel on their behalf; we have also discussed joining as general counsel but offering our work and expertise in the LEP portion of the lawsuit. MALDEF attorneys and the Consortium have agreed to look further into the matter and meet in the next few weeks to discuss and finalize arrangements.

Amy Totenberg
Tom Cox
Joe Martin
Counsel on behalf of the Consortium

Tisha Tallman
Helen Kim
MALDEF Atlanta Office
TITLE III: POLITICAL ACCESS

CH/3050  King v. Illinois State Board of Elections, 95 C 827 (U.S. Dist. Ct. N.D. of Ill) & Ill Court of Claims No. 06 CC 3029

On March 20, 2006, MALDEF and co-counsel filed a claim with the Illinois Court of Claims in order collect an award of unpaid attorneys’ fees. MALDEF was awarded attorneys’ fees in the King case which involved defending a challenge to the congressional map which provided for one Latino-majority congressional district. MALDEF is owed $239,387.03.

Robert Libman of Miner Barnhill & Galland Co-counsel
Carlos Becerra Ricardo Meza MALDEF Chicago Office

CH/3087  Gonzales v. City of Aurora, No. 02 C 8346, U.S. Dist. Ct. N.D. Ill.).

After the 2000 Census, the City of Aurora redrew the City’s Aldermanic wards per state law. MALDEF presented the City Council with Ward maps that would have allowed for Latino majority districts in as many as three wards. The City Council passed a ward map with only one Latino majority ward. MALDEF brought a Section 2 dilution suit against the city. After requesting two rounds of briefing on Defendants’ motion for summary judgment, the court ruled in favor of Defendants.

On March 27, 2006, we filed a motion for reconsideration of defendant’s summary judgment motion. The district court has taken our motion under advisement and has required defendants to respond by April 13, 2006 and MALDEF to file its reply by April 20, 2006.

Jorge Sanchez Despres, Schwartz, and Geoghegan Co-counsel
Alonzo Rivas Ricardo Meza Carlos Becerra MALDEF Chicago Office

SA/3104  Session v. Perry, Nos. 2:03-CV-354 Consolidated (U.S. Dist. Ct., E.D. Tex.); 03-1396 (U.S. S. Ct.).

Our challenge to the Texas Legislature’s 2003 statewide congressional "re-redistricting," which revised the court-ordered plan of 2001, was consolidated into this case. The consolidated case went to trial before a federal three-judge court in November and December 2003. We argued that the new redistricting plan violated the Voting Rights Act by failing to create seven Latino-majority districts in South Texas and by reducing the Latino voter population in Congressional District 23. On January 6, 2004, the court ruled in favor of the State and denied our claims; one judge dissented on the basis of our claims. We appealed the decision directly to the U.S. Supreme Court in January 2004.

On April 5, 2004, we filed our Jurisdictional Statement with the Supreme Court. The Supreme Court directed the State to respond, and the State filed a motion to affirm summarily.
We filed our opposition. On October 18, 2004, the Supreme Court vacated and remanded the case back to the District Court with instructions to reconsider its ruling in light of the recent partisan gerrymandering case, Vieth v. Jubilerer. On January 21, 2005, we filed our brief on remand on December 6, 2004 and presented argument to the district court.

On June 9, 2005, the district court issued its opinion on remand and reiterated its prior ruling that there were not legal or constitutional violations in the Texas redistricting plan. In August, we filed our notice of appeal and on October 3, 2005, we filed our jurisdictional statement.

On December 12, 2005, the U.S. Supreme Court noted probable jurisdiction in our case and set the case on an accelerated schedule. We filed our Brief on the Merits on January 10, 2006 and the Reply Brief on March 22, 2006. After considering requests for oral argument by all four appellants in the consolidated appeals, the Supreme Court decided that it would hear from MALDEF and the attorneys for the Democratic congressional incumbents. On March 1, 2006, we presented oral argument to the Court. A decision is pending.

Nina Perales
David Urias
Diego Bernal
MALDEF San Antonio Office

CH/3105  **Gonzalez v. East Chicago, Indiana**, No. 2:03 CV 455 (U.S. Dist. Ct., E.D. Ind.).

As a result of federal and state court challenges to numerous anti-Latino voting practices, a special election for mayor of East Chicago was held on December 28, 2005. Our client, George Pabey, won and was sworn in as the first Latino mayor of East Chicago. Thereafter, the court dismissed the case.

Ricardo Meza
Carlos Becerra
MALDEF Chicago Office

CH/3110  **Vergara v. City of Waukegan**, No. 1:04 CV 06586 (U.S. Dist. Ct., N.D. Ill.).

MALDEF along with co-counsel brought this suit based on the actions of the City of Waukegan at the July 6, 2004 Waukegan City Council meeting, in which our clients were denied entry into the meeting to voice their dissatisfaction with a city ordinance relating to impoundment and towing of motor vehicles. It is our client's belief that the towing ordinance is being enforced in an unfair and discriminatory manner. In our challenge to the city's practice of denying the First Amendment rights of Latinos and African Americans to attend and participate in public hearings, the district court, on its own motion, struck the city's answer to the complaint for failure to fully respond. The case has been proceeding and numerous individuals have been deposed.
After several months of aggressive discovery, MALDEF amended the complaint to include a facial and an as applied challenge to the City of Waukegan’s “Outdoor Assemblies, Festivals, Parades and Similar Events” ordinance because that ordinance has deterred minority community leaders from engaging in protected First Amendment activity. Defense counsel has agreed to amend the Parade Ordinance and has approached us regarding possible settlement. On March 22, 2006 MALDEF and co-counsel met with our clients to discuss the status of the litigation and options regarding potential settlement.

Robert Libman of Miner Barnhill & Galland Co-counsel
Carlos Becerra Ricardo Meza MALDEF Chicago Office

LA/3114 Arizona League of United Latin American Citizens v. Brewer,
No. CV 04 2372 PHX EHX (U.S. Dist. Ct., Ariz.)

On November 1, 2004, we filed this federal suit, under the fourteenth Amendment and Section 2 of the Voting Rights Act, to prevent the Arizona Secretary of State from refusing to count provisional ballots cast during the November 2, 2004 election by voters outside their correct voting precinct. Under federal law, a provisional ballot is a fail safe ballot offered to voters whose eligibility to vote cannot be determined at the polling place. Once election officials verify the voter’s eligibility and registration within a specified period after the election, the provisional ballot must be counted. Yet, Arizona will only count provisional ballots that voters cast in the correct precinct; it will discard all other provisional ballots.

Following discovery and the filing of the State of Arizona’s summary judgment motion, in October, 2005, the parties stipulated to a dismissal without prejudice to re-file the complaint. The dismissal was based upon the lack of a record of discriminatory enactment or implementation of the provisional ballot provision.

John Trasvina
Joaquin G. Avila
MALDEF National Office

SA/3118 Ramos v. City of San Antonio,
No. SA-05-CA-0500 (U.S. Dist. Ct., W.D. Tex.)

On May 26, 2005, MALDEF filed this Section 5 enforcement action against the City of San Antonio to block the City’s plan to switch from touch screen voting machines to paper optical scan ballots for the June 7, 2005 municipal runoff election.

On May 27, 2005, the trial court held a hearing on our request for a temporary restraining order but did not rule on the motion. On May 31, 2005, we filed a renewed request for a TRO. On June 1, 2005, a three judge panel held a hearing on our renewed TRO motion. On June 7, 2005, the panel denied our request. On June 30, 2005, we filed an amended complaint after the election was held.
After a hearing on October 5, 2005, the district court dismissed the defendant officials who were named in their official capacity and ordered us to proceed against the government agencies in the case. On March 2, 2006, the district court entered our proposed scheduling order, setting the case for trial in January 2007. We are currently in settlement negotiations.

James Harrington
Texas Civil Rights Project

Nina Perales
MALDEF San Antonio Office

LA/3120 Juan D. Martinez, et al. v. Monterey County, California, et al.,
No. C 05-2950 JF (U.S. Dist. Ct. N.D. Cal.).

This action sought to require Monterey County to pre-clear a change in the method of accepting and certifying initiative petitions for the California ballot. At issue is California's Proposition 77, an initiative that would have established a Redistricting Commission composed of retired Judges. We opposed the measure on its merits. It was placed on the ballot despite having different text than the version approved by the Attorney General. We argued that this change in election administration practices required pre-clearance under Section 5 of the Voting Rights Act since it affected elections in four California counties covered under Section 5. Our federal challenge was stayed pending state proceedings we did not join.

In November, California voters overwhelmingly rejected Proposition 77. In February 2006, the state Supreme Court ruled that Proposition 77 was correctly placed before the voters and established a new substantial compliance standard for petition language. In light of the Supreme Court's ruling, we filed a joint motion to dismiss the case.

Joaquin Avila
MALDEF Attorney

AT/3122 HB 244 Voter ID Bill (GA) / Doe v. Catherine Cox, Secretary of State of Georgia, and Chair of the Georgia Election Board, Civil Action File No. 4:05-CV-0201-HLM.

When the bill was first proposed, the Atlanta office vigorously attempted to defeat it. After the bill was enacted, we engaged in efforts to persuade the Department of Justice to deny Section 5 pre-clearance. After the DOJ granted pre-clearance, we aggressively pursued pre-litigation strategies to find persons harmed by the law.

On September 19, 2005, this case was filed in the U.S. District Court for the Northern District of Georgia, challenging the Photo ID requirement in the 2005 amendment to O.C.G.A. § 21-2-417 (Act No. 53) and petitioning the court to declare the amendment unconstitutional, both on its face and as applied, and to enjoin its enforcement because it imposed an undue burden on the fundamental right to vote in violation of Art. II, § I, ¶ II of the Georgia Constitution, the Fourteenth and Twenty-Fourth Amendments to the United States Constitution, the Civil Rights Act of 1964 (42 U.S.C. § 1971 (a)(2)(A) and (a)(2)(B)), Section 2 of the Voting Rights Act of 1965 (42 U.S.C. § 1973(a)) and 42 U.S.C. §§ 1983 and 1988.
On October 6, 2005 the plaintiffs moved the court for a preliminary injunction enjoining the enforcement of the 2005 amendment to O.C.G.A. § 21-2-417. On October 18, 2005, the court granted plaintiffs’ motion. The court stated that the plaintiffs had demonstrated a substantial likelihood of success on two of their five claims: (1) that the Photo ID requirement unduly burdens the right to vote in violation of the equal protection clause of the U.S. Constitution; and (2) that it constitutes a poll tax. The court further found that the plaintiffs had demonstrated irreparable harm, that the threatened harm outweighed injury to the defendants, and that a preliminary injunction would serve the public interest.

On November 28, 2005 the district court granted the defendants’ motion to stay the proceedings in the district court pending a resolution of defendants’ interlocutory appeal of the district court’s October 18, 2005 Order to the Eleventh Circuit. In its response papers, plaintiffs did not oppose the motion and at the same time moved the district court to certify a question of state law to the Georgia Supreme Court. Given its order to stay the proceedings, the district court stated that such certification would be inappropriate at that time.

On February 9, 2006 the U.S. Court of Appeals for the Eleventh Circuit granted the plaintiffs-appellees’ motion to remand the case to the district court in light of the enactment of SB84 on January 26, 2006.

Bondurant, Mixson & Elmore
Doffenmyre, Shields, Canfield, Knowlés & Devine
ACLU of GA
Lawyers Committee for Civil Rights Under Law
NAACP LDF
AARP
Co-Counsel

Tisha Tallman
MALDEF Atlanta Office
TITLE IV: IMMIGRANTS’ RIGHTS

LA/4044  

In 2005, a federal court awarded $230,000 to our clients whose Oxnard home was invaded by armed INS officers without permission and who were questioned for 30 minutes following a pre-dawn raid. The agents were at the wrong house.

Now pending is the government’s motion to reduce the amount of attorney’s fees awarded by Judge Marshall to MALDEF and Fried Frank. Fried Frank attorneys prepared declarations, conducted research and filed our response. In October 2005, the government’s motion for Judge Marshall to reconsider her ruling was denied.

Diana Sen  
Gladys Limon  
Janice McAvoy of Fried Frank  
Co-Counsel

Cynthia Valenzuela  
MALDEF National Office

AT/4052  
Lopez v. City of Rogers (AK), No.01-5061 (U.S. Dist. Ct. W.D. Ark.).

We continue to monitor the settlement agreement reached to address racial profiling of Latinos in Rogers, Arkansas. We have addressed a number of the items set forth in the settlement and continue to monitor the working committee. As a means of monitoring the settlement, we are required to attend and have attended monthly committee meetings. We continue to attend the meetings and complete the settlement items. The settlement conditions are almost complete.

Tisha Tallman  
MALDEF Atlanta Office

CH/4066  

On November 13, 2002, MALDEF, in conjunction with the Midwest Immigrant & Human Rights Center (MIHRC) and private attorney Steve Saltzman filed a suit against then U.S. Attorney General John Ashcroft and the then Immigration and Naturalization Service (INS) and on behalf of thousands of individuals who applied prematurely for legal permanent residence pursuant to Section 245(i) of the Immigration and Naturalization Act (INA) after being defrauded by self-styled immigration consultants. In this suit we alleged that the Chicago District Office of the INS violated the INS’s own regulations and instructions, and the Equal Protection and Due Process Clauses of the Fifth Amendment by accepting these applications for processing despite their knowledge of the widespread problem of people applying prematurely, retaining thousands of dollars in special processing and filing fees, and starting investigations against these applicants that eventually exposed most of them to deportation.
In June 2005, the court approved a settlement agreement after holding a fairness hearing. The agreement was intended to benefit the two plaintiff classes represented in this action by (1) having the INS (now CIS) delay deportation proceedings against those who had not received any notification of a deportation hearing, (2) terminating the deportation hearings of those going through deportation proceedings, (3) allowing all class members to apply for a credit of the fees they paid with their application, and (4) allowing class members to re-file their applications for permanent residency under Section 245(i) once a visa number becomes available for them. Settlement also provided that class members had six months from the date the settlement was approved by the court to apply to USCIS or USCICE for the benefits provided under this agreement, and one year from the to apply for credit of the fees they paid to USCIS. MALDEF continues to work with the immigration bar and community groups so they can comply with the filing deadlines set under the terms of the agreement.

Midwest Immigrant & Human Rights Center (MIHRC)    Alonzo Rivas
Steve Saltzman                   Ricardo Meza
Co-counsel                       MALDEF Chicago Office

SA/4079    Leiva v. Ranch Rescue, No. CC-03-077 (Jim Hogg County Dist. Ct.).

On June 26, 2003, we filed this case against a paramilitary, vigilante group and the rancher who invited them on his property to hunt and terrorize immigrants. Our two clients were traveling across the rancher's property, a desolate area of South Texas some 60 miles north of the border, when they were set upon by a group of heavily armed vigilantes in military garb. The vigilantes fired shots in the air, made threats, and chased our clients with a Rottweiler attack dog. One client was pistol whipped. Our clients then endured over an hour of interrogation, verbal abuse and humiliation, fearing the whole time for their lives. Near the end of the ordeal, the rancher personally insulted, threatened, and verbally abused them, before finally releasing them back onto the highway. They were subsequently picked up by the local sheriff's deputy and brought to immigration authorities. We obtained their release after they identified two vigilantes, who were then charged with assault and unlawful restraint. We sued the rancher, Ranch Rescue, and individual members of Ranch Rescue under tort theories of assault and battery, false imprisonment, intentional infliction of emotional distress and negligence.

On June 8, 2004, Casey Nethercott, one of the vigilantes, went to trial on charges of aggravated assault with a deadly weapon and unlawful possession of a weapon. He was convicted of felony weapons possession. On August 17, 2004, Nethercott was sentenced to five years in prison.

In November 2004, the defendant rancher agreed to settle with the plaintiffs for a payment of $100,000. With regard to Defendant Nethercott, in August 2005, plaintiffs were awarded 70 acres of Nethercott's land as part of the default judgment against him. In January 2006, the property was officially conveyed by an Arizona Court where the property was located. We continue to represent the plaintiffs in their immigration cases and obtained an extension of the visas for both individuals under the Trafficking Victims Protection Act. As a result, both plaintiffs have legal status until January 2007 and will have the opportunity to
apply for permanent legal residency after the Department of Homeland Security promulgates regulations under the statute.

Southern Poverty Law Center
De Anda Law Firm
Judge & Brim, P.C.
Co-counsel

Marisol Perez
Nina Perales
MALDEF San Antonio Office

SA/4080 Padilla v. Ridge, No. CA M-03-126 (U.S. Dist. Ct., S.D.Tex.)

In May 2003, we filed this suit on behalf of individuals who, having won their case for lawful permanent residency in Immigration Court, are forced by Department of Homeland Security (DHS) delays to wait months for proof of their legal status. Without documentation, they are unable to exercise their rights as lawful permanent residents, including their right to employment and their right to travel. We filed the suit as a class action on behalf of plaintiffs residing in the Houston, Harlingen and San Antonio districts of the U.S. Citizenship and Immigration Service of the Department of Homeland Security (USCIS).

The Department of Justice published an interim rule on January 31, 2005 specifically citing our case and attempting to moot the lawsuit with new regulations regarding the issuance of proof of status. On April 1, 2005, we submitted comments to the Department of Justice urging them to incorporate our recommendations for better and fairer implementation of the rule.

On February 10, 2005, defendants filed another motion urging the court to decertify the class action and/or dismiss the case in light of the new regulations. On March 5, 2005, we filed a Response arguing that the new regulations do not cure the delays faced by our clients. The motion remains pending.

In the Spring and Summer of 2005, we engaged in settlement talks with the government in both the Padilla and Santillan cases but were unable to reach a settlement. The District Court held this case in abeyance pending further rulings by the Santillan court in California.

After the federal court granted summary judgment and issued a memorandum and order entering a permanent injunction against the government in the Santillan litigation (see SA/4080 below), on January 5, 2006, we advised the Padilla Court that we were ready to proceed in the present litigation. The District Court held a status hearing on March 22, 2006 at which we argued that our South Texas clients, who are not part of the Santillan national class, be afforded similar relief or allowed to consolidate their claims with those in Santillan. The Court reserved a ruling and set a status conference for January 2007.

Texas Lawyers' Committee
Co-counsel

Marisol Perez
MALDEF San Antonio Office
This case is now before the Ninth Circuit where it is under review for alternative dispute resolution. We challenged the city's anti-solicitation ordinance as a violation of the First Amendment right of day laborers. We filed the action after a period of aggressive enforcement by police and a failure to implement reforms at the city-funded day labor hiring site. The city amended its ordinance after we filed, but we deemed the new version still constitutionally suspect. The city also commenced talks with day laborers, resulting in reforms at the hiring site, including the elimination of a fee previously charged of workers.

In August 2004, we filed a motion for a preliminary injunction to bar enforcement of the ordinance. The matter was fully briefed and submitted without argument. On January 14, 2005, the court issued the preliminary injunction. The parties filed cross-motions for summary judgment in February 2005. Before briefing was complete, the court issued an order to show cause why the preliminary injunction should not be deemed the final judgment in the case. Both parties responded and on May 13, 2005, Judge Otero granted plaintiff's permanent injunction. On June 14, 2005 defendants filed a notice of appeal to the Ninth Circuit. Also on June 14, 2005, plaintiffs filed an application for fees and expenses.

On August 22, 2005, Judge Otero granted plaintiffs' application for fees and expenses. On September 6, 2005, the City of Glendale filed a notice of appeal to the Ninth Circuit.

On October 13, 2005, defendant filed its opening brief for their appeal of the permanent injunction. Plaintiffs' answering brief was due on or before November 14, 2005.

In November 2005 we added Immigrant Civil Rights attorney Robert Rubin of the Lawyers' Committee for Civil Rights as co-counsel to this case as well as the Redondo Beach case.

As of January 31, 2006 the case has been involved in a mediation program with the Ninth Circuit Court of Appeals. The previous scheduling order for briefs to be submitted has been vacated.

Robert Rubin
Lawyers' Committee for Civil Rights of San Francisco
Co-counsel

Cynthia Valenzuela
MALDEF National Office


In July 2004, together with co-counsel, we filed the national class action suit on behalf of individuals who, having won their case for lawful permanent residency in Immigration Court, are forced by Department of Homeland Security (DHS) delays to wait months for proof of their legal status. This was the national case complimenting the class action case we filed in Texas, Padilla v. Ridge, No. CA M-03-126 (U.S. Dist. Ct., S.D.Tex.).
On October 14, 2004, Federal Judge Marilyn Hall Patel granted nationwide class certification to the suit, recognizing that all of the plaintiffs had been granted the status of lawful permanent resident by Immigration Judges or by the Board of Immigration Appeals but had been denied proof of their lawful status.

Like Padilla, heated discovery ensued between the plaintiffs and the government. In January and February, 2005 we defended nine clients’ depositions in San Francisco and two in Miami.

As we prepared to file our motion for summary judgment, the Department of Justice published an interim rule on January 31, 2005 specifically citing our case and attempting to moot the lawsuit with new regulations regarding the issuance of proof of status.

On February 11, 2005, the government filed a motion requesting that the court decertify the class or dismiss the case because of the new regulations. On April 1, 2005, we submitted comments to the Department of Justice urging them to incorporate our recommendations for better and fairer implementation of the rule. After an agreement by both parties to postpone our reply to the government’s motion, we entered into settlement negotiations. Among other issues, we negotiated for a requirement that DHS issue proper documentation to future class members within a limited time frame. We had several settlement conferences but were unable to reach an agreement.

On May 16, 2005, we responded to the government’s motion requesting decertification of the class. On June 16, 2005, we also filed a motion for summary judgement. On August 25, 2005, the Court granted our motion for summary judgment and ruled that the DHS policy of withholding documentation from persons already determined to be lawful permanent residents was arbitrary and capricious, and violated the DHS’s duty to issue documentation in a timely manner. The Court allowed the government time to propose a plan concerning the issuance of documentation to individuals defined in our class. The defendants proposed a plan with our input, and on December 22, 2005, the court issued a memorandum and order entering a permanent injunction against the government and ordering them to issue proof of documentation to the plaintiff class.

On February 16, 2006 the government filed an appeal on the certification of the class and the issuance of the injunction. The government will file its opening brief in June 2006, our reply will be due in July 2006.

Texas Lawyers' Committee Cooley Godward, LLP Co-counsel

Marisol Perez MALDEF San Antonio Office

29
Comite de Jornaleros de Redondo Beach v. City of Redondo Beach, Nos. CV04-9396 CBM (U.S. Dist. Ct., C.D. Cal.), 05-55094 (U.S. Ct. App., 9th Cir.).

We filed this action on November 16th, 2004 on behalf of the day laborers in Redondo Beach. The suit challenges the city's anti-solicitation ordinance as a violation of the First Amendment rights of day laborers. We filed the case after the city began aggressively enforcing its ordinance through a sting operation in which officers posing as employers would pick up day laborers and transport them to jail. Two days after filing the case, we sought a temporary restraining order (TRO) to bar enforcement of the ordinance. The city stipulated that it would not enforce the law until the matter could be heard. On December 6, 2004, after briefing and argument, the court issued the requested TRO. On December 15th, after considering further briefing and argument, the court issued a preliminary injunction.

On October 7, 2005, defendants filed a motion for summary judgment. On October 17, 2005 we filed our motion for summary judgment. On December 5, 2005, the district court heard both motions. Trial is presently scheduled for June 20, 2006. We expect a ruling on the motions for summary judgment well before the trial date.

Lawyers Committee for Civil Rights of San Francisco
Co-counsel
Cynthia Valenzuela
MALDEF National Office


On March 4, 2005, we filed this suit on behalf of a group of immigrants who were violently assaulted, battered, detained, and threatened with death, by members of a vigilante group operating along the Arizona-Mexico border. The plaintiffs are five women and five men who were resting at a wash in Douglas, Arizona when they were accosted by defendant Roger Barnett, armed with a gun and accompanied by a large dog. Roger Barnett held the group captive at gunpoint, threatening that his dog would attack or that he would shoot anyone who tried to leave. During the encounter, Barnett kicked a plaintiff repeatedly as she was lying on the ground.

The suit charges Roger Barnett, his wife Barbara Barnett, his brother Donald Barnett and unknown co-conspirators with conspiring to violate the immigrants' civil rights. This is just one of many instances of violent vigilante activity along the Arizona-Mexico border, dozens of which have been reported to the Cochise County Sheriff, who has done nothing to stop it.

On October 31, 2005, we filed our first amended complaint to clarify and add claims against defendants and naming all plaintiffs, as some had previously filed by pseudonym.

In December 2005 and January 2006, we conferred with defendants and agreed upon a plan of discovery. Upon approval by the court, we began discovery in February 2006. On February 27, 2006 we filed our second amended complaint dismissing the County of Cochise and the Sheriff. On April 3, 2006, we responded to defendants’ request for production and
interrogatories. We expect to depose the Barnetts as well as local law enforcement officials in the coming months. Trial is set for Spring 2007.

Marisol Perez
David Urias
MALDEF San Antonio Office


In May, 2005, we filed this federal lawsuit on behalf of three undocumented high school students, Ruben Tarango, Carlos González and Sergio González, and an Albuquerque parent organization, “Padres Unidos.” The lawsuit contends that Albuquerque Public School Administrators, officers of the Albuquerque Police Department and a Border Patrol Agent violated the students’ constitutional rights, including the right to a public education, when the boys were seized, interrogated, searched, and ultimately turned over to the Border Patrol while they were on the grounds of the high school they attended. The three students subsequently appeared before an immigration court in El Paso, Texas and were ordered to leave the country by June 1, 2005. After filing the suit in Albuquerque, we negotiated with immigration officials for a parole for the students so that they could remain in the country while pursuing the litigation.

Since the filing of the case, we defended motions to dismiss filed by all defendants. In July 2005, we filed a motion to allow one of our minor client’s “next friend” to proceed anonymously because of his immigration status. On September 7, 2005 we argued all motions in court and received a favorable ruling from the district court. In December 2005, we began settlement discussions with the Albuquerque Public Schools.

In January 2006, we began limited discovery in the case to respond to the law enforcement officer’s assertion of qualified immunity. In February 2006, we again successfully negotiated extensions of our clients’ paroles so that they could remain in the country during the pendency of the litigation.

On April 6 and 7, 2006 we will take the depositions of the Albuquerque Police Department officers that we have sued in their individual capacities. On April 20, 2006 we will depose the Border Patrol Agent who seized our client, Carlos González, from his class. We have a settlement conference scheduled before a federal magistrate on April 21, 2006 regarding our suit against the Albuquerque Public Schools. Our qualified immunity discovery terminates on May 9, 2006. We expect to brief the qualified immunity issue thereafter and have a ruling from the court in late summer. Trial is set for Spring 2007.

David Urias
Marisol Perez
MALDEF San Antonio Office
Margaret Mengly Peredo Echalar, et al v. Robert L. Flanagan, Secretary of Maryland Department of Transportation, et al., (Cir. Ct. of Baltimore City, MD), 24-C-05-0099830G.

We filed a lawsuit in November of 2005 along with Casa de Maryland alleging that the Maryland Department of Transportation unconstitutionally denied foreign born Maryland residents identification cards and/or drivers' licenses under the state constitution. We have submitted written discovery requests to the state Attorney General’s Office who is representing the agency. The Attorney General’s Office had approached us about a potential settlement but we are no longer negotiating. We are now proceeding with discovery.

Casa de Maryland
Co-counsel
Tisha R. Tallman
Erik Meder
MALDEF Atlanta Office

Jese Ernesto Medellin v. Doug Dretke, Director, Tx. Dept. of Criminal Justice, Correctional Institutions Division, No. 04-5928 (U.S.S.Ct.). (Amicus Brief)

On January 24, 2006, MALDEF filed an amicus brief before the U.S. Supreme Court with other human rights organizations regarding U.S. compliance with the Vienna Convention on Consular Notification. This case relates to a Mexican national who was convicted of murder in 1993. Medellin was tried and convicted of capital murder and was sentenced to death. On April 29, 1997, after a number of appeals, Mexican consular authorities learned of Medellin's detention when he wrote to them from death row, and they began assisting him. The issue before the Court is: In a case brought by a Mexican national whose rights were adjudicated in the Avena Judgment, must a court in the United States apply as the rule of decision, notwithstanding any inconsistent United States precedent, the Avena holding that the United States courts must review and reconsider the national's conviction and sentence, without resort to procedural default doctrines?


Matthew Strieker
MALDEF National Office
TITLE VI: ACCESS TO JUSTICE


MALDEF filed an amicus brief in this case on July 26, 2005 after two police departments arrested and charged Latino immigrants with violating state trespass laws solely based on their perceived undocumented immigrant status. New Hampshire State Judge L. Phillips Runyon III dismissed all charges of criminal trespass, accepting MALDEF’s preemption argument that it is the role of the federal government, rather than the state, to enforce civil immigration laws.

Tisha R. Tallman
MALDEF Atlanta Office


MALDEF joined an amicus brief authored by O’Melveny & Meyers in support of marriage equality which was filed on January 10, 2006. The brief was filed on behalf of leading civil rights, community and legal organizations. The brief examines the serious harms of rules that discriminate against lesbians and gay men as a class, including the law limiting marriage to heterosexual couples only. Based on the most important equal protection principles in law, it explains why such rules require the most demanding constitutional review.

Other organizations listed on the brief include: Asian Pacific American Legal Center, Coalition for Humane Immigrant Rights, La Raza Centro Legal, Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, National Black Justice Coalition, and People for the American Way Foundation.

Cynthia Valenzuela
MALDEF National Office
**Part II Additional (not automatic) 3-Month Extension of Time - Must File Original and One Copy.**

<table>
<thead>
<tr>
<th>Type or print</th>
<th>Name of Exempt Organization</th>
<th>Employer identification number</th>
</tr>
</thead>
<tbody>
<tr>
<td>File by the extended due date for filing the return</td>
<td>MALDEF</td>
<td>74-1563270</td>
</tr>
</tbody>
</table>

**Check type of return to be filed** (File a separate application for each return)

- **Form 990**
- **Form 990-BL**
- **Form 990-EZ**
- **Form 990-PF**

**STOP:** Do not complete Part II if you were not already granted an automatic 3-month extension on a previously filed Form 8868.

- The books are in the care of **SHELLEY MALCHOK, DIRECTOR OF FINANCE**
- Telephone No □ (213) 629-2512 □ (213) 629-3549
- If the organization does not have an office or place of business in the United States, check this box □
- If this is for a **Group Return**, enter the organization's four digit Group Exemption Number (GEN) □
  - If this is for the whole group, check this box □
  - If it is for part of the group, check this box □

- If this is an additional 3-month extension of time until **MARCH 15, 2007**
- For calendar year □, or other tax year beginning **MAY 1, 2005** and ending **APRIL 30, 2006**
- If this tax year is for less than 12 months, check reason □ Initial return □ Final return □ Change in accounting period

**State in detail why you need the extension**

**Signature and Verification**

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

**Notice to Applicant - To Be Completed by the IRS**

- We have approved this application. Please attach this form to the organization's return.
- We have not approved this application. However, we have granted a 10-day grace period from the later of the date shown below or the due date of the organization's return (including any prior extensions). This grace period is considered to be a valid extension of time for elections or returns required to be filed with a timely return. Please attach this form to the organization's return.
- We have not granted this application. After considering the reasons stated in item 7, we cannot grant your request for an extension of time to the **DECEMBER 1, 2006**
  - We are not granting a 10-day grace period.

**Alternate Mailing Address** - Enter the address if you want the copy of this application for an additional 3-month extension returned to an address different than the one entered above.

- **Name**
  - MICHAEL W. DURAN, CPA
  - 1440 N. HARBOR BLVD., SUITE 800
  - FULLERTON, CA 92835-4121