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APR 23 2002

Davis Wright Tremaine
By: _____

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PARENTS INVOLVED IN)	No. 01-35450
COMMUNITY SCHOOLS, a)	
Washington nonprofit corporation,)	DECLARATION OF MICHAEL
)	MADDEN IN RESPONSE TO
Appellant,)	APPELLANT'S "EMERGENCY"
)	MOTION FOR AN INJUNCTION
vs.)	
)	
SEATTLE SCHOOL DISTRICT)	
NO. 1, a Political subdivision of the)	
State of Washington, et al.,)	
)	
Appellees.)	

1. I am counsel for the appellees, Seattle School District No. 1, *et al*, in this matter and have personal knowledge of the facts stated herein.

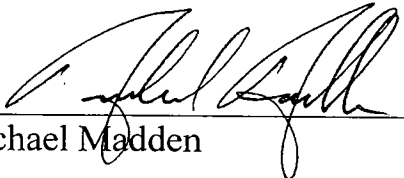
2. On Sunday, April 21st at 3:20 PM PDT, I electronically transmitted the letter, a true and correct copy of which is attached hereto as

exhibit 1, to counsel for appellant PICS. A true copy of my accompanying electronic mail message is attached hereto as exhibit 2.

3. As stated in exhibit 1, the District has not sent or threatened to send notices of high school assignments to parents and students, based on the integration tie-breaker invalidated by the panel in this case, pending resolution of PICS' motion for an injunction.

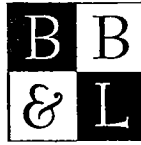
I declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed at Seattle, Washington, this 23 of April, 2002.



Michael Madden

w:\wdclient\1422\00006\mm207391.doc



Bennett Bigelow & Leedom, P.S.

Michael Madden
Attorney

April 21, 2002

VIA ELECTRONIC & U.S. MAIL

Daniel B. Ritter, Esq.
Harry J.F. Korrell, Esq.
Davis Wright Tremaine LLP
1501 Fourth Avenue, Ste. 2600
Seattle, Washington 98101-1688

Re: *PICS v. Seattle School District No. 1, et al.*
Ninth Circuit No. 01-35450

Dear Counsel:

In response to Mr. Korrell's letter of April 19th, I understand that you will be filing an emergency motion for an injunction prohibiting the use of the integration tie-breaker in the 2002-03 high school assignments. As indicated in my letter of April 18th, we believe that such a motion is a necessary step in this litigation.

You asked for assurance that no assignments will be made or letters sent to parents until this motion can be decided. As stated in my earlier letter, assignments using the tie-breaker were completed just before the Court of Appeals' decision was issued. However, no letters have been sent notifying parents/students of those assignments. As I also indicated, such letters will not be ready for mailing in the normal course until the end of April. The District certainly does not intend to send them earlier in order to circumvent the judicial process. We also will not send the letters in the face of a motion for an injunction, at least where it appears that you intend to proceed expeditiously in this regard.

Finally, you asked if we will oppose your motion. Although I have not seen the motion and therefore do not know exactly what relief you will be requesting, I can say this. We expect that our petition for rehearing will cross your motion for an injunction, and we anticipate that our opposition to PICS' request for an injunction will be limited to the legal grounds stated in the rehearing petition and earlier briefs.

EXHIBIT 1-1

{1422.00006/MM207307.DOC, Ver. 1}

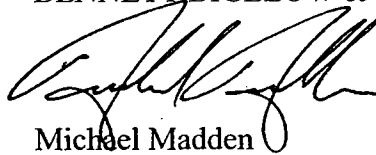
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Daniel B. Ritter, Esq.
Harry J. F. Korrell, Esq.
April 21, 2002
Page 2

I trust that this responds to your concerns. Please let me know if it does not.

Very truly yours,

BENNETT BIGELOW & LEEDOM, P.S.

A handwritten signature in black ink, appearing to read "Michael Madden", written over the printed name below.

Michael Madden

MM:kjs

cc: Mark Green, Esq.

Mike Madden

From: Mike Madden
Sent: Sunday, April 21, 2002 3:20 PM
To: Harry Korrell (E-mail)
Cc: Mark S. Green Esq. (E-mail)
Subject: PICS v. Seattle Public Schools (MM207307.DOC;1)



MM207307.DOC

Response to your letter of Friday. Hard copy to follow.

EXHIBIT 2

Michael Madden
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Seattle WA 98104
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