

BEFORE THE GOVERNING BOARD OF THE  
LYNWOOD UNIFIED SCHOOL DISTRICT  
LOS ANGELES COUNTY, CALIFORNIA

In the Matter of:

CERTIFICATED LAYOFFS FOR THE  
LYNWOOD UNIFIED SCHOOL DISTRICT  
DUE TO REDUCTION OR  
DISCONTINUATION OF PARTICULAR  
KINDS OF SERVICE EFFECTIVE JULY 1,  
2009.

OAH Case No. 2009030803

**PROPOSED DECISION**

Daniel Juárez, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on April 24, 2009, in Lynwood, California.

Darren C. Kameya and Dulcinea A. Grantham, Attorneys at Law, Lozano Smith, represented the Lynwood Unified School District (LUSD).

All Respondents at issue in this matter are listed in Appendix I. (See Factual Finding 3, note 1 for an explanation of Appendix I.)

Glenn Rothner and Richa Amar, Attorneys at Law, Rothner, Segall, Greenstone & Leheny, represented those Respondents listed in Appendix II (Respondents). Counsels Rothner and Amar did not represent all Respondents.

Respondents listed in Appendix I that not listed in Appendix II represented themselves (Other Respondents). Despite being served with the jurisdictional documents, including the Accusation and Notice of Hearing, Other Respondents were not present on the day of hearing. Neither party offered a separate listing of the names of Other Respondents.

The parties submitted the matter for decision on April 24, 2009.

**FACTUAL FINDINGS**

1. Dhyan Lal, LUSD Superintendent, filed the Accusations in the official capacity of Superintendent. LUSD served the Accusations on all Respondents timely.

2. LUSD dismissed the Accusation as to Respondents Francye Kyle, Ruth Rodriguez, Patrice Perry, Sandra Del Castillo, Maristella LaMorena, Tannis Little, and April Ward.

3. At hearing, LUSD confirmed that, despite her inclusion on its list of Respondents (Appendix I)<sup>1</sup>, Viraseni Wu is not a Respondent in this matter; she is not a part of this hearing.

4. LUSD also asserted that Respondent Zulma Chavez was omitted from its list of Respondents (Appendix I) by oversight. LUSD requested that Respondent Zulma Chavez be added to the list of Respondents at issue in this matter. That request was granted and the Administrative Law Judge and the parties proceeded at hearing with Respondent Zulma Chavez included in Appendix I.

5. Respondents and Other Respondents are employed as probationary or permanent certificated employees of LUSD.

6. On March 2, 2009, by resolution, the LUSD Board of Education (the Board) determined to reduce and/or discontinue certain services within the school district, and directed the Superintendent to give notice to certificated employees that their services would not be needed for the 2009-2010 school year.

7. On March 13, 2009, the Superintendent notified the Board and Respondents and Other Respondents in writing, that it was his recommendation that all Respondents be notified that all Respondents' services would not be required for the 2009-2010 school year. The written notice stated the reasons for the lay-off and informed each Respondent of his or her right to request an administrative hearing.

8. Respondents and Other Respondents requested an administrative hearing to determine if there was cause for not reemploying them for the 2009-2010 school year.<sup>2</sup>

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<sup>1</sup> LUSD counsel provided the court with the list of Respondents as it appears in Appendix I. Appendix I lists those Respondents originally identified for layoff in this proceeding. The list shows 113 teachers by name. The names in Appendix I with strikethroughs (37) indicate Respondents whom LUSD no longer seeks to layoff. Those names in Appendix I without strikethroughs (76) are those LUSD has identified for layoff in this proceeding. The inclusion of Respondent Zulma Chavez in Appendix I (see Factual Finding 4), modifies the number of Respondents at issue in this proceeding to 77.

<sup>2</sup> Not all Respondents filed timely requests for hearing. In its opening brief, LUSD asserted that Respondents Benjamin Martinez, Adam Raymond, and Ruth Rodriguez filed untimely requests for hearings. Also in its opening brief, LUSD reserved its right to move for their dismissal on a jurisdictional basis. LUSD, however, failed to move for their dismissal at hearing. Therefore, Respondents Benjamin Martinez's, Adam Raymond's, and Ruth Rodriguez's untimely requests for hearing do not result in their dismissal, based on their untimely filings.

9. The recommendation that Respondents be terminated from employment was not related to their competency as teachers.

10. The Board's resolution number 08-09/17, dated March 2, 2009, proposed a layoff of 119 full-time equivalent (FTE) positions. Thereafter, on April 21, 2009, the Board, pursuant to resolution number 08-09/31, proposed to modify the earlier resolution number 08-09/17, specifically to rescind a certain number of the reductions proposed in the earlier resolution. Pursuant to the Board's second resolution, the final reductions it seeks (those at issue in this proceeding) are 96 FTE positions.

11. The services at issue were "particular kinds of services" that could be reduced or discontinued within the meaning of Education Code section 44955. The Board's decision to reduce or discontinue these particular kinds of services was not arbitrary or capricious, but constituted a proper exercise of discretion.

12. The reduction or discontinuation of particular kinds of services related to the welfare of LUSD and its pupils. The reduction or discontinuation of particular kinds of services was necessary to decrease the number of certificated employees of LUSD, as determined by the Board.

13. LUSD maintains a seniority list that contains employees' seniority dates (first date of paid service), current assignments and locations, credentials, and authorizations.

14. To assure the accuracy of the seniority list, LUSD requested Respondents and Other Respondents in writing to verify and confirm, or seek corrections to, that information maintained by LUSD on its seniority list. LUSD considered all responses thereto.

15. LUSD used the seniority list to determine who would be laid off for each kind of service reduced or eliminated. LUSD then checked all Respondents' credentials to determine whether they could "bump" other employees.

16. In various cases, several Respondents shared a first date of paid service and LUSD was required to apply the tie breaker criteria approved by the Board.

17. The Board's resolution number 08-09/18 established tie breaker criteria to determine the order of termination for employees who first rendered paid service to LUSD on the same day. In developing and approving the tie breaker criteria, the Board determined that these criteria best served the needs of LUSD and its students, and would be applied, effective the 2009-2010 school year.

18. At hearing, Respondents and Other Respondents did not argue persuasively that LUSD applied the tie breaker criteria inappropriately or that the criteria were unfair or otherwise inappropriate. The evidence established that the tie breaker criteria were fair and applied fairly to Respondents and Other Respondents.

19. Through the examination of LUSD's witnesses, Respondent's counsel highlighted an error in the seniority list, particularly as to the seniority date of Respondent Saswati Bhattacharyay, when compared with LUSD's tie breaker analysis. LUSD conceded that Respondent Bhattacharyay's seniority date, showing on the seniority list as August 23, 2006 was wrong, and should be August 28, 2006, as listed in LUSD's tie breaker analysis. That error did not establish that the seniority list and the tie breaker analysis document were unreliable, in wholesale fashion, as argued by Respondent's counsel. The evidence did not establish that the error in Respondent Bhattacharyay's seniority date impacted her layoff.

20. LUSD skipped all teachers providing services as deans and in positions identified by the acronym TOSA, meaning "teachers on special assignment." That is, LUSD does not seek to layoff teachers who are working as deans or in TOSA positions, regardless of the fact that they may be junior in seniority to other Respondents who are being laid off. To support its proposed skipping of these teachers, LUSD proffered the job descriptions for these two positions and explained that teachers serving in these two roles possess specialized and unique skills, training, and experience that Respondents and Other Respondents do not possess, but are required, to do the jobs of dean and TOSA positions. Respondents argued at hearing that such skipping, as LUSD proposed, was contrary to Education Code section 44955, subdivision (d)(1). Respondents' argument was not successful. (See Legal Conclusion 7.)

21. The minimum qualifications for both dean and TOSA positions require 1) permanent status in LUSD, 2) a valid teaching credential (any credential is sufficient), 3) three years of successful teaching experience, and 4) possession of NCLB Highly Qualified Status. The evidence did not conclusively establish what the acronym NCLB means, however, it was established that the minimum qualifications did not, by themselves, disqualify many, if any, Respondents or Other Respondents.

22. LUSD persuasively established at hearing that the major duties and responsibilities listed in the job descriptions for both dean and TOSA positions are duties that go beyond teacher duties and are not typical of regular teacher duties. For example, a dean's duties and responsibilities include, among others, handling "referrals from attendance office involving truancy, attendance investigations and habitual tardies," "[a]dmission of students to school . . . meets with parents and guardians and writes admittance form to submit to counselor," "maintains a school detention/discipline program," and "prepares preliminary probation/court reports for students." The duties and responsibilities of a teacher in a TOSA position include, among others, being "[d]irectly responsible for working with the School Site Council including providing leadership to staff members in cooperatively planning, organizing, implementing and evaluating the School Plan and the School Improvement Plan," "[d]irectly responsible for assisting the School Site Council including all other staff members in writing and implementing the comprehensive school plan," "[d]irectly responsible for procurement of supplemental materials, supplies, and equipment funded by Federal and State programs," and "[d]irectly responsible for planning and coordinating all Federal [and] State program staff development." In addition to these specialized duties,

teachers in these two positions also teach students. No Respondent presented evidence establishing his or her competence to effectuate the duties of a dean or TOSA position.

23. While LUSD ranked certain permanent employees with the same seniority dates, after applying the tie breaker criteria, and probationary English teachers with a seniority date of July 1, 2008, LUSD did not rank probationary employees sharing the seniority dates of August 28, 2006, August 29, 2007, and teachers who did not teach English but were counselors who shared the seniority date of July 1, 2008. All these unranked probationary teachers were subject to layoff and none were retained by virtue of this hearing. Respondent's counsel argued that LUSD is obligated to rank these teachers, pursuant to Education Code section 44955, subdivision (b). LUSD argued persuasively that such a ranking is unnecessary for the purposes of this proceeding. (See Legal Conclusion 8.)

24. Respondent Doris Obi argued that her seniority date should be November 8, 2006, instead of November 27, 2006, as LUSD maintains, because she asserted that the earlier date is when she was sent to the classroom to begin teaching. As evidence in support of her position, and in addition to her testimony, Respondent Obi presented documentation of her teaching credential at the time, namely an Internship Multiple Subject Teaching Credential with effective dates of November 17, 2006 to December 1, 2008. That evidence was insufficient to establish Respondent Obi's claim.

25. Respondents David Morales, Erica Munn, Lisa Williams-Owens, Darlene Wonggaew, and Saswati Bhattacharyay all testified as to their qualifications, but failed to present sufficient evidence to effect any change as to their layoff.

26. No certificated employee junior to any Respondent was retained to perform any services that any Respondent was certificated and competent to render.

## LEGAL CONCLUSIONS

1. The parties met all notice and jurisdictional requirements set forth in Education Code sections 44949 and 44955.

2. Cause exists to sustain LUSD's action to reduce or discontinue 96 full-time equivalent positions, as set forth in by the Board's resolution, for the 2009-2010 school year, pursuant to Education Code sections 44949 and 44955, as set forth in Factual Findings 1-26, and Legal Conclusions 3-9.

3. Education Code section 44955 states, in pertinent part:

[¶] . . . [¶]

(b) whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, or . . . when in the opinion of the governing board of the district it shall have become

necessary by reason of any of these conditions to decrease the number of permanent employees in the district, the governing board may terminate the services of not more than a corresponding percentage of the certificated employees of the district, permanent as well as probationary, at the close of the school year. Except as otherwise provided by statute, the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

[¶] . . . [¶]

As between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof. Upon the request of any employee whose order of termination is so determined, the governing board shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group. This requirement that the governing board provide, on request, a written statement of reasons for determining the order of termination shall not be interpreted to give affected employees any legal right or interest that would not exist without such a requirement.

(c) Notice of such termination of services shall be given before the 15th of May in the manner prescribed in Section 44949, and services of such employees shall be terminated in the inverse of the order in which they were employed, as determined by the board in accordance with the provisions of Sections 44844 and 44845. In the event that a permanent or probationary employee is not given the notices and a right to a hearing as provided for in Section 44949, he or she shall be deemed reemployed for the ensuing school year.

The governing board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render. However, prior to assigning or reassigning any certificated employee to teach a subject which he or she has not previously taught, and for which he or she does not have a teaching credential or which is not within the employee's major area of postsecondary study or the equivalent thereof, the governing board shall require the employee to pass a subject matter competency test in the appropriate subject.

(d) Notwithstanding subdivision (b), a school district may deviate from terminating a certificated employee in order of seniority for either of the following reasons:

(1) The district demonstrates a specific need for personnel to teach a specific course or course of study . . . and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess.

4. Education Code section 44949 states, in pertinent part:

(a) No later than March 15 and before an employee is given notice by the governing board that his or her services will not be required for the ensuing year for the reasons specified in Section 44955, the governing board and the employee shall be given written notice by the superintendent of the district or his or her designee, or in the case of a district which has no superintendent by the clerk or secretary of the governing board, that it has been recommended that the notice be given to the employee, and stating the reasons therefor.

[¶] . . . [¶]

(b) The employee may request a hearing to determine if there is cause for not reemploying him or her for the ensuing year.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency therein, except that all of the following shall apply:

(1) The respondent shall file his or her notice of defense, if any, within five days after service upon him or her of the accusation and he or she shall be notified of this five-day period for filing in the accusation.

[¶] . . . [¶]

(3) The hearing shall be conducted by an administrative law judge who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof. The proposed decision shall be prepared for the governing board and shall contain a determination as to the sufficiency of the cause and a recommendation as to disposition. However, the governing board shall make the final determination as to the

sufficiency of the cause and disposition. None of the findings, recommendations, or determinations contained in the proposed decision prepared by the administrative law judge shall be binding on the governing board. Nonsubstantive procedural errors committed by the school district or governing board of the school district shall not constitute cause for dismissing the charges unless the errors are prejudicial errors. Copies of the proposed decision shall be submitted to the governing board and to the employee on or before May 7 of the year in which the proceeding is commenced.

5. The services identified in the Board's resolution numbers 08-09/17 and 08-09/31 are particular kinds of services that the Board can reduce or discontinue under Education Code section 44955. The Board's decision to reduce or discontinue the identified services was not arbitrary or capricious; it was a proper exercise of its discretion. Cause for the reduction or discontinuation of services relates solely to the welfare of LUSD's schools and pupils within the meaning of Education Code section 44949. LUSD identified the certificated employees providing the particular kinds of services that the Board directed to be reduced or discontinued.

6. A school district may reduce services within the meaning of Education Code section 44955, subdivision (b), "either by determining that a certain type of service to students shall not, thereafter, be performed at all by anyone, or it may 'reduce services' by determining that proffered services shall be reduced in extent because fewer employees are made available to deal with the pupils involved." (*Rutherford v. Board of Trustees* (1976) 64 Cal.App.3d 167, 178-179.)

7. Respondents argued that the skipping of the deans and TOSA teachers was contrary to Education Code section 44955, subdivision (d)(1). Specifically, Respondents argued that dean and TOSA positions were not "a specific course or course of study," and thus, dean and TOSA positions do not qualify for the statutorily allowed skipping. However, Respondents interpret the statutory provision too narrowly. "The general rule is that any reduction in staff is to be made according to seniority. However, the exception to that rule permits retention of an employee holding a special credential or *needed skill*, even though that retention results in termination of the senior employee." (*Santa Clara Federation of Teachers v. Governing Board of Santa Clara Unified School District* (1981) 116 Cal.App.3d 831, 843 [italics added].) In *Duax v. Kern Community College District* (1987) 196 Cal.App.3d 555, the court considered a college district's standard of teacher competence as it had defined it for its own needs, and ruled that such discretionary decisions must be left to the special competence of that district. (*Duax v. Kern Community College District, supra*, 196 Cal.App.3d 555, 565 [citing *Martin v. Kentfield School District* (1983) 35 Cal.3d 294, 299]; see also *King v. Berkeley Unified School District* (1979) 89 Cal.App.3d 1016, 1023.) The law allows a district to skip employees who possess unique or specialized skills that a district deems necessary to its programs. (*Santa Clara Federation of Teachers v. Governing Board, supra*, at 843.) Here, LUSD may identify deans and those in TOSA positions as positions that it needs to maintain, despite the layoffs, and it has reasonably and appropriately decided that teachers currently in those positions possess unique skills and

experience that it must retain to effectuate the duties of deans and TOSA positions. Saliently, the duties of these two positions go beyond what regular teachers are asked to do. The positions evidence the need for supervisory skills, knowledge and maintenance of specialized school-wide needs, knowledge of specialized federal and state program requirements, and accepting direct responsibility for planning and coordinating school-wide functions, including specialized program staff development, among others. The evidence established that such duties are unique and not shared by regular teachers. Respondents did not establish that, pursuant to their backgrounds and training, any of them could act as dean or in a TOSA position. LUSD sufficiently established that its particular needs warranted the skipping of teachers in positions of deans and TOSA designations, and it is concluded here, that such skipping is lawful.

8. Respondents unsuccessfully argued that LUSD is obligated to rank the probationary teachers with seniority dates of August 28, 2006, August 29, 2007, and certain probationary teachers who shared the seniority date of July 1, 2008. (Factual Finding 23.) Respondents' counsel pointed to Education Code section 44955, subdivision (b), and argued that its language mandates that they be ranked (relevant to this analysis is the following language: "[a]s between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof"). Respondents argued that the Legislature's mandate that the Board "determine the order of termination" requires ranking of the particular Respondents. However, the statute's wording regards the order of *termination*. LUSD aptly argued that there is no *order* of termination as to these Respondents since they are all to be laid off. Moreover, in argument, Respondent's counsel conceded that the purpose for ranking these Respondents was to provide some order to their potential re-hire at a later time. Their re-hire is not at issue in this proceeding. The issue in this hearing is whether LUSD complied with the law in its proposed layoff of Respondents and Other Respondents. As noted in the legal conclusions above, LUSD so complied and established cause to sustain its Accusation against Respondents. Thus, LUSD was not required to rank those Respondents at issue in Factual Finding 23, and it may proceed with its layoff of those employees in the absence of such ranking.

9. No junior certificated employee is scheduled to be retained to perform services that a more senior employee is certificated and competent to render.

## ORDER

1(a). The Accusation served on Respondents (those Respondents without strikethrough in Appendix I), is sustained, with the exceptions of Respondents Francye Kyle, Ruth Rodriguez, Patrice Perry, Sandra Del Castillo, Maristella LaMorena, Tannis Little, and Viraseni Wu.

1(b). The Accusations against Respondents Francye Kyle, Ruth Rodriguez, Patrice Perry, Sandra Del Castillo, Maristella LaMorena, Tannis Little, and Viraseni Wu are dismissed.

1(c). Notice shall be given to Respondents, other than those excepted above, as required by law, that their services will be terminated at the close of the 2008-2009 academic year. Notice shall be given in inverse order of seniority.

Dated: May 4, 2009

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DANIEL JUAREZ  
Administrative Law Judge  
Office of Administrative Hearings

APPENDIX I  
RESPONDENTS IN OAH CASE NO. 2009030803

**List of 76 Respondents**  
(Previously 113 – Rescissions indicated by Strikethrough)

	<del>Abbass, Lorraine</del>
1.	Aceves, Celia P.
2.	Aguilar, Domitila
3.	Avalos, Maria Del Pilar
	<del>Ayala, Sergio</del>
	<del>Bazos, Bessie C.</del>
4.	Bell, Kimberly
5.	Benavides, Claudia
6.	Bhattacharyay, Saswati
	<del>Bonilla, David</del>
7.	Bournes, Anaiah
8.	Brooks, Rosalie
	<del>Brown, Kimberly</del>
9.	Byrne, Alissa
10.	Cabrera, Anita
11.	Cailler, Mathieu
12.	Campos, Rosa E.
13.	Canovas, Elena
14.	Carter, Stacey
	<del>Castillo, Claudia</del>
	<del>Chavez, Javier</del>
15.	Chou, Hwalin
	<del>Cortez, John</del>
	<del>Cruz, Christina</del>
16.	De la Cruz, David
17.	Del Castillo, Sandra
18.	De la Torre, Yasmin
	<del>Dhunna, Anita</del>
19.	Duthorn, Andrea
20.	Eduard, Billy
21.	Ellis, Tracy
22.	Esqueda Madrid, Eileen
	<del>Fonseca, Maribel</del>
	<del>Fowler, Loretta</del>
	<del>Fox, Marivie</del>
	<del>Franco, Corina</del>
	<del>George, Linda</del>

23.	Giacoman, Shirley
	<del>Gonzalez, Elizabeth</del>
24.	Gonzalez, Susana
25.	Goodwin, Emily
26.	Grullon, Tania
27.	Harris, Matthew
	<del>Hernandez, Tania</del>
	<del>Honore, Anwar</del>
28.	Johnson, Chadron
	<del>Johnson, Jane</del>
	<del>Jones, Dorothy</del>
29.	Joung, Hannah
30.	Kyle, Francye
31.	Lamorena, Maristella
	<del>Landon, Donna</del>
32.	Lee, Gina
33.	Lee, Katherine
34.	Legaspi, Norma
	<del>Lettries, James</del>
	<del>Light, Roger</del>
	<del>Lindsey, Merian</del>
35.	Little, Tannis
36.	Lomeli, Elizabeth
37.	Lopez, Claudia
	<del>Luna, Osear</del>
38.	Macias, Maria C.
	<del>Mahaffey, Kristen L.</del>
39.	Manjarrez, Patricia Ann
	<del>Marquez, Raquel</del>
	<del>Martinez, Benjamin</del>
40.	Mattessich, Annie
41.	McMahon, Marie T.
42.	Miller, Jason
43.	Molles, Kristen A.
	<del>Monreal, Araceli</del>
44.	Montenegro, Danielle
45.	Morales, David
	<del>Morales, Flavio</del>
46.	Munn, Erica
47.	Murphy, Caitlin
48.	Myers, Leomia
49.	Navarro, Anjanette
	<del>Nguyen, Tina</del>

50.	Obi, Doris
51.	Onesto, Joel
52.	Ornelas, Jacqueline
	<del>Palacio, Sandy</del>
	<del>Perez, Diane</del>
53.	Perry, Patrice
54.	Ponce, Yvonne
55.	Raymond, Adam
56.	Rinker, Jennifer
57.	Rodas, Adolfo
58.	Rodriguez, Dana
59.	Rodriguez, Ruth
60.	Romero, Fernando
61.	Schwadron, Steven
62.	Siegel, Shana
63.	Song, Yeon H.
	<del>Soto, Rita</del>
	<del>Srinivasan, Natarajan</del>
	<del>Teague, Jimise</del>
64.	Terrazas, Mario
65.	Torres, Liliana
66.	Uribe, Yajaira
67.	Urteage, Lupe
68.	Valdovinos, Arley
69.	Vallejo, Cynthia
70.	Vivar, Fidencio
71.	Vuong, Sophia
72.	Ward, April
73.	Washington, Julie
74.	Williams-Owens, Lisa
75.	Wonggaew, Darlene
76.	Wu, Viraseni
	<del>Wyatt, Patricia Ann</del>

77. Zulma Chavez (See Factual Finding 4.)

Appendix II  
Respondents Represented by Glenn Rothner, Esq.

- |                            |                              |
|----------------------------|------------------------------|
| 1. Aceves, Celia           | 22. Johnson, Chadron         |
| 2. Aguilar, Domitila       | 23. LaMorena, Maristella     |
| 3. Avalos, Maria Del Pilar | 24. Lee, Gina                |
| 4. Bell, Kimberly          | 25. Lee, Katherine           |
| 5. Benavides, Claudia      | 26. Legaspi, Norma           |
| 6. Bhattacharyay, Saswati  | 27. Little, Tannis           |
| 7. Brooks, Rosalie         | 28. Lomeli, Elizabeth        |
| 8. Byrne, Alissa           | 29. Lopez, Claudia           |
| 9. Cabrera, Anita          | 30. Manjarrez, Patricia      |
| 10. Campos, Rosa           | 31. Mattessich, Annie        |
| 11. Canovas, Elena         | 32. Montenegro, Danielle     |
| 12. Chavez, Zulma          | 33. Morales, David           |
| 13. Chou, Hwalin           | 34. Myers, Leomia            |
| 14. De La Torre, Yasmine   | 35. Navarro Scott, Anjanette |
| 15. Del Castillo, Sandra   | 36. Onesto, Joel             |
| 16. Eduad, Billy           | 37. Ornelas, Jacqueline      |
| 17. Ellis, Tracy           | 38. Perry, Patrice           |
| 18. Esqueda Madrid, Eileen | 39. Rinker, Jennifer         |
| 19. Giacomani, Shirley     | 40. Rodriguez, Dana          |
| 20. Gonzalez, Susana       | 41. Rodriguez, Ruth          |
| 21. Harris, Matthew        | 42. Siegel, Shana            |

Appendix II—continued  
Respondents Represented by Glenn Rothner, Esq.

43. Song, Yeon
44. Terrazas, Mario
45. Torres-Ramirez, Liliana
46. Uribe, Yajaira
47. Urteaga, Lupe
48. Vivar, Fidencio
49. Vuong, Sophia
50. Ward, April (Harris)
51. Williams-Owens, Lisa
52. Wonggaew, Darlene
53. Wu, Viraseni
54. Carter, Stacey
55. Joung, Hannah
56. Macias, Maria
57. Molles, Kirsten
58. Romero, Fernando
59. Raymond, Adam
60. Tania Grullen
61. Doris Obi