

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY
STATE OF FLORIDA**

CITIZENS FOR STRONG SCHOOLS, INC.;
FUND EDUCATION NOW; LEAGUE OF
WOMEN VOTERS OF FLORIDA;
EUNICE BARNUM;
JANIYAH WILLIAMS;
JACQUE WILLIAMS;
SHEILA ANDREWS;
ROSE NOGUERAS; and
ALFREDO NOGUERAS;

Plaintiffs,

vs.

Case No. 09-CA-4534

FLORIDA STATE BOARD OF EDUCATION;
DON GAETZ, in his official capacity as the
Florida Senate President;
WILL WEATHERFORD, in his official capacity as
the Florida Speaker of the House of Representatives;
and PAM STEWART, in her official capacity
as Florida Commissioner of Education;

Defendants.

**AFFIDAVIT OF KATHLEEN OROPEZA,
ON BEHALF OF PLAINTIFF FUND EDUCATION NOW**

After being duly sworn, I state the following:

1. My name is Kathleen Oropeza and I am the president of Fund Education Now, a Plaintiff in the case of *Citizens for Strong Schools, Inc., et al. v. Florida State Board of Education, et al.*, Case No. 09-CA-004534.
2. On August 26 and 27, 2014, I discovered facts concerning Judge Angela C. Dempsey that cause me to believe that she is biased against the Plaintiff's position that the

Florida Tax Credit Program and the McKay Scholarship Programs are violations of Article IX of the Florida Constitution.

3. The facts are as follows:

- a. Judge Dempsey is a member of the Board of Directors of Catholic Charities, and a contributor to same.
- b. Judge Dempsey has been a speaker at Trinity Catholic School in Leon County, which is a recipient of funds from the Florida Tax Credit Scholarship Program and the McKay Scholarship Program as well as Step Up for Students which provides vouchers to Trinity Catholic School. (See Ex. A.)
- c. The Florida Catholic Conference was an amicus curiae in *Bush v. Holmes*, 919 So. 2d 392, 404 (Fla. 2006), and supported Opportunity Scholarship vouchers which were struck down by the Florida Supreme Court.
- d. Plaintiff's research has led her to discover a Catholic strategy for saving Catholic education through Florida-style Opportunity Scholarships. A 2011 report, *From Aspirations to Action*, provides the strategy for this Catholic position complete with "Opportunity Scholarship" model legislation and with getting rid of the Blaine/No Child language through-out the nation, which Plaintiff believes has made Judge Dempsey unable to be impartial in this case. Also, Rev. Larry Snyder, president of Catholic Charities USA, is listed as a Council Member of the National Leadership Roundtable on Church

Management, the organization which produced the position statement. (Ex. B, at 77.)

- e. On April 20, 2014, Face the Nation reported that Cardinals and Bishops of the Catholic Church are pushing vouchers as a solution to a public school report.

Cardinal Timothy Dolan, Archbishop of New York about Jeb Bush: "...And if you don't mind me blowing our own horn here," Dolan went on, "He says one of the best things going is Catholic education."

Potential 2016 heavyweight Jeb Bush during his tenure as Florida governor "was almost like for education what Franklin Roosevelt was for the economy," Cardinal Timothy Dolan, Archbishop of New York, told CBS News' Norah O'Donnell in a taped interview for Sunday's "Face the Nation."

"I found him remarkably innovative," the archbishop said of the former Republican governor. On education, "he said, 'Darn it, let's see what works. We can't do business as usual. We've gotta help our public schools, we know that they're terribly flawed. What can we do?' And he experimented and he went out on a limb."

4. These facts make me believe there is a continuing association between Judge Dempsey and the interests in my case through her relationship with the Catholic doctrine and position on vouchers for Catholic schools; Catholic Charities; Trinity Catholic School; and as a contributor to Catholic causes. Had I been aware of this relationship, I would have moved to disqualify her before she ruled in my case.

5. I do not base this motion on Judge Dempsey's religious beliefs, but rather on the positions of the organizations with which she is affiliated.

6. I do not believe Judge Dempsey can be impartial in determining whether Florida's private voucher programs are unconstitutional, and I believe that she should no longer serve as the Judge to decide the issues in this lawsuit.

KATHLEEN OROPEZA, on behalf of Plaintiff,
Fund Education Now

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of August, 2014 by Kathleen Oropeza, on behalf of FUND EDUCATION NOW, who is personally known to me or who produced _____ as identification and who did/did not take an oath.

SEAL

Notary Public, State of Florida
Printed Name: _____

My Commission Expires: _____

Commission No.: _____