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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

13 PLANS, Inc.,) Case No. CIV. S-98-0266 FCD PAN
14) Plaintiffs,) Date: April 1, 2005
15 v.) Time: 10:00 a.m.
Place: Courtroom 2
16 SACRAMENTO CITY UNIFIED SCHOOL) DECLARATION OF MICHELLE L.
DISTRICT, TWIN RIDGES ELEMENTARY) CANNON IN SUPPORT OF MOTIONS IN
17 SCHOOL DISTRICT, DOES 1-100,) LIMINE
18 Defendants.)
19 _____)

20 I, Michelle L. Cannon, declare as follows:

21 1. I am an attorney at law duly authorized to practice in the United States District
22 Court, Eastern District of California, and I am one of the attorneys of record for Defendant TWIN
23 RIDGES ELEMENTARY SCHOOL DISTRICT (hereafter "TRESD").

24 2. Over the course of this litigation TRESD and SACRAMENTO CITY UNIFIED
25 SCHOOL DISTRICT (hereafter "SCUSD") (collectively "Districts") propounded four sets of
26 interrogatories to Plaintiff requesting names, addresses and telephone numbers for witnesses with
27 information relevant to Plaintiff's allegations in this case.

28 . . .

1 3. On August 4, 2003, Districts propounded Interrogatories, Set No. 3, on Plaintiff.

2 4. Plaintiff failed to adequately respond to these interrogatories and a motion to compel
3 was necessary.

4 5. The first hearing on the motion to compel was held on December 3, 2003, Magistrate
5 Judge Nowinski presiding. Plaintiff was ordered to provide the requested information and to pay \$625
6 in sanctions to Districts.

7 6. Plaintiff failed to comply with the court's order and a second motion to compel with
8 a request for dismissal was filed by Districts.

9 7. On February 4, 2004, Magistrate Nowinski again ordered Plaintiff to provide a full
10 response to Districts' discovery requests.

11 8. Plaintiff supplied minimal further discovery responses, but has never paid the monetary
12 sanction ordered by the Court.

13 9. Plaintiff's counsel was specifically told by Magistrate Nowinski at a follow-up order
14 to show cause hearing regarding dismissal on February 25, 2004, that he would not be allowed to call
15 witnesses at trial who were not disclosed to Defendants during discovery.

16 10. Districts propounded two sets of Requests for Production of Documents under
17 Federal Rules of Civil Procedure, rule 34, requiring the disclosure and production of all documentary
18 evidence supporting Plaintiff's claims in this case.

19 11. Most recently, Districts propounded Request for Production of Documents, Set No.
20 Two, on August 4, 2003.

21 12. Plaintiff failed to adequately respond to this request and produced no documents.

22 13. Thus, a motion to compel was necessary. The first hearing on the motion to compel
23 was held on December 3, 2003, Magistrate Judge Nowinski presiding.

24 14. Plaintiff was ordered to provide the requested information and was ordered to pay \$625
25 in sanctions to Districts.

26 15. Plaintiff failed to comply with the court's order and a second motion to compel with
27 a request for dismissal sanctions was filed by Districts.

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