

1 GIRARD & VINSON, LLP
CHRISTIAN M. KEINER, SBN 95144
2 MICHELLE L. CANNON, SBN 172680
1006 Fourth Street, Eighth Floor
3 Sacramento, CA 95814-3326
Telephone: (916) 446-9292

4 Attorneys for Defendant
5 TWIN RIDGES ELEMENTARY SCHOOL DISTRICT

6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 PLANS, Inc.,) Case No. CIV. S-98-0266 FCD PAN
12)
Plaintiffs,)
13 v.) DEFENDANT TWIN RIDGES
14 SACRAMENTO CITY UNIFIED SCHOOL) ELEMENTARY SCHOOL DISTRICT'S
DISTRICT, TWIN RIDGES ELEMENTARY) OBJECTIONS TO PRETRIAL
15 SCHOOL DISTRICT, DOES 1-100,) CONFERENCE ORDER
16 Defendants.) Trial Date: September 12, 2005
17)

18 Defendant TWIN RIDGES ELEMENTARY SCHOOL DISTRICT (hereafter "Defendant" or
19 "TRESD") objects to the Pretrial Conference Order of February 18, 2005, as follows:

20 1. TRESD respectfully objects to Section IV, Disputed Facts. Disputed Facts numbers
21 3 and 5 (and the subparts thereunder) are different than the Disputed Facts jointly submitted by the
22 parties on February 1, 2005. (See Joint Pretrial Statement, pp. 3-4.) Additionally, the Court's
23 Disputed Facts numbers 3 and 4 are different from the disputed factual issues submitted to the Court
24 separately by Plaintiff on February 1, 2005. (See Plaintiff's Separate Statement of Disputed Material
25 Facts.) The Disputed Facts, numbers 3 and 4, are also different than the Court's previous Pretrial
26 Conference Order.

27 TRESD respectfully requests these facts be revised to conform to the previous pre-trial order
28 and to the parties written submissions to the Court, wherein Yuba River Charter School was the only

1 TRES D school at issue. Otherwise, as facts numbers 3 and 4 currently read, the curricular and extra-
2 curricular activities at TRES D schools, other than Yuba River, are at issue at trial as well. Plaintiff's
3 counsel raised this issue for the first time at the second pretrial status conference held on February 11,
4 2005. Without prior notice of this expansion of the factual issues, TRES D had not listed any witnesses
5 or exhibits for trial from any charter school other than Yuba River Charter School. Under the current
6 Order, TRES D will be severely prejudiced and unable to present any evidence on these factual issues.

7 If the Court is unwilling to revert Disputed Facts numbers 3 and 4 in the Final Pretrial
8 Conference Order to the previous version(s), TRES D respectfully requests it be granted leave to amend
9 its witness list to include a witness from other specified TRES D schools. An amended witness list is
10 attached hereto as Attachment A. The added witness, Principal Deborah Lenny at Golden Valley
11 Charter School, has previously been disclosed to Plaintiff.

12 2. TRES D respectfully objects to the inclusion of Plaintiff's witness and exhibit lists as
13 attachments C and D to the Pretrial Conference Order of February 18, 2005. Plaintiff did not file these
14 lists with the Court. As such, TRES D asserts they should be excluded. In the alternative, the first four
15 witnesses on Plaintiff's witness list, Dr. Chrystal Olsen, Robert L. Anderson, Betty Staley and Dr.
16 Douglas Sloan, must be stricken as these are Defendants' past/current expert witnesses and are not
17 properly listed as witnesses by Plaintiff. Plaintiff's counsel himself agreed that he intended to strike
18 Defendants' experts during the second pretrial conference held on February 11, 2005. This deletion
19 was acknowledged by the Court at the Pretrial Conference on February 11, 2005.

20 3. TRES D respectfully objects to Section XVI, Separate Trial of Issues. There is no claim
21 for punitive damages in this case, nor is there a jury. This language should be stricken from the Order.

22 Respectfully submitted,

23 GIRARD & VINSON, LLP

24
25 Date: March 14, 2005.

26 By /s/ Michelle L. Cannon
27 MICHELLE L. CANNON
28 Attorneys for Defendant TWIN RIDGES
ELEMENTARY SCHOOL DISTRICT

ATTACHMENT "A"

Defendants' Amended Witness List

Sacramento City Unified School District Witnesses:

1. Lisa Broadkey: parent. Defendants anticipate Ms. Broadkey will testify regarding the program at John Morse.

2. Chris Chavez: teacher. Defendants anticipate Ms. Chavez will testify regarding the program at John Morse.

3. Cheryl Eining: principal. Defendants anticipate Ms. Eining will testify regarding the Waldorf methods program at John Morse.

4. David Kuchera: parent. Defendants anticipate Mr. Kuchera will testify regarding the program at John Morse.

5. Jane Marks: parent. Defendants anticipate Ms. Marks will testify regarding the program at John Morse.

6. Susan Miller: administrator. Defendants anticipate Ms. Miller will testify as to the oversight and operation of John Morse.

7. Lauren Rice: teacher. Defendants anticipate Ms. Rice will testify regarding the program at John Morse.

8. Barbara Warren: teacher. Defendants anticipate Ms. Warren will testify regarding the program at John Morse.

9. Chris Whetstone: parent and teacher. Defendants anticipate Mr. Whetstone will testify regarding the program at John Morse.

Twin Ridges Elementary School District Witnesses:

10. Caleb Buckley: administrator. Defendants anticipate Mr. Buckley will testify regarding the Waldorf methods program at Yuba River.

11. Marshall Goldberg: parent. Defendants anticipate Mr. Goldberg will testify regarding the program at Yuba River.

12. Frank Lawrence: parent. Defendants anticipate Mr. Lawrence will testify regarding the program at Yuba River.

1 13. John Lee: parent. Defendants anticipate Mr. Lee will testify regarding the program at
2 Yuba River.

3 14. Deborah Lenny: principal. Defendants anticipate Ms. Lenny will testify regarding the
4 program at Golden Valley Charter School.

5 15. Jill Messier: teacher. Defendants anticipate Ms. Messier will testify regarding the upper
6 grades program at Yuba River.

7 16. Carol Nimick: teacher. Defendants anticipate Ms. Nimick will testify regarding the
8 primary grades program at Yuba River.

9 17. David Taylor: superintendent. Defendants anticipate Mr. Taylor will testify regarding
10 the oversight and operation of Waldorf methods schools in Twin Ridges.

11 **Defendants' Expert Witnesses:**

12 18. Robert Anderson: California Dept. of Education. Defendants anticipate Mr. Anderson
13 will testify as a percipient and an expert witness regarding the California State Curriculum
14 Frameworks and the curriculum of both schools at issue.

15 19. Dr. Douglas Sloan: Professor Emeritus, Teachers College, Columbia University.
16 Defendants anticipate Dr. Sloan will testify as a percipient and expert witness regarding religion,
17 philosophy, education, and anthroposophy.

18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the county of Sacramento, state of California. I am over the age of 18 and not a party to the within action; my business address is 1006 Fourth Street, Eighth Floor, Sacramento, California 95814-3326.

On March 14, 2005, I served the foregoing document described as DEFENDANT TWIN RIDGES ELEMENTARY SCHOOL DISTRICT’S OBJECTIONS TO PRETRIAL CONFERENCE ORDER on the following interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

FREDERICK J DENNEHY
WILENTZ GOLDMAN AND SPITZER
90 WOODBRIDGE CENTER DRIVE
WOODBIDGE NJ 07095

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the state of California that the above is true and correct.

Executed on March 14, 2005, at Sacramento, California.

/s/ Angela Knight
Angela Knight
(Original signature retained by attorney Michelle L. Cannon)