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6 Attorney for Plaintiff PLANS, INC.

FILED

MAY 28 2004

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
DEPUTY CLERK

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 PLANS, Inc.,
10 Plaintiff,

11 vs.

12 SACRAMENTO CITY UNIFIED SCHOOL
13 DISTRICT, TWIN RIDGES ELEMENTARY
14 SCHOOL DISTRICT, DOES 1-100,
15 Defendant

) Case No.: CIV. S-98-0266 FCD PAN

) NOTICE OF MOTION AND MOTION FOR
SUMMARY JUDGMENT, OR, IN THE
ALTERNATIVE, SUMMARY ADJUDICATION

) Date: June 25, 2004
Time: 10:00 a.m.
Courtroom: 2

17 TO EACH PARTY AND THERE ATTORNEY OF RECORD:

18 NOTICE IS GIVEN that on June 25, 2004, or as soon thereafter as counsel may be heard by the
19 above entitled Court, located in Courtroom 2, plaintiff will and hereby does move the court for summary
20 judgment on the ground that there is no genuine issue as to any material fact and that the moving party
21 entitled to judgment as a matter of law for the reason that, as a matter of law, Anthroposophy is a
22 religion for constitutional purposes under the First and Fourteenth Amendments of the United States
23 Constitution, and that, based upon the undisputed material facts and admissions of defendant's
24 employees, the use of the term Waldorf by defendants, the training of teachers at Anthroposophical
25 institutions at public expense, the admitted relationship between Anthroposophy and Waldorf education,
26 the conduct of spiritual events by teachers, and/or curriculum decisions based upon Anthroposophical
27 principles, each independently, and together, create an impermissible advancement of religion and/or
28 excessive entanglement between government and religion.

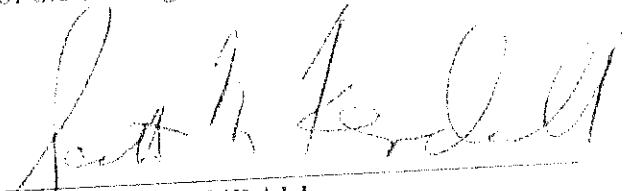
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Notice of Motion- 1

1 Plaintiff, therefore, prays for summary judgment and that this court grant its request for a
2 permanent injunction, enjoining the operation of public Waldorf schools, or Waldorf method schools.

3 In the alternative, plaintiff prays for summary adjudication on the issue of whether or not
4 Anthroposophy is a religion for the purposes of constitutional analysis under the First and Fourteenth
5 Amendments of the United States Constitution.

6 This motion is based upon this Notice of Motion and Motion, the accompanying Memorandum
7 of Points and Authorities in Support thereof, the Declaration of Jonathan P. Huber, the depositions of
8 Caitlan Cawley, Lee Pope, Betty Staley, Karen Giesler, Carol H. Nimick, Sally Roemer, David Taylor,
9 George Hoffecker, and Carol Fegte, all pleadings and papers on file in the action, and upon any such
10 matters as may be presented to the Court at the time of the hearing

11 Dated: May 28, 2004

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13 SCOTT M. KENDALL,
14 Attorney for Plaintiff PLANS, Inc.
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