

Exhibit F

1 SCOTT M. KENDALL, Bar No. 166156
2 **McKINLEY & SMITH**
3 A Professional Corporation
3435 American River Dr., Suite B
4 Sacramento, CA 95864
Telephone: (916) 972-1333
Facsimile: (916) 972-1335
5 Attorneys for plaintiff PLANS, INC.

GILBERT AND VINSON
FEB 10 1998
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 PLANS, Inc.,
11 Plaintiffs,
12 v.
13 SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT, TWIN RIDGES ELEMENTARY
14 SCHOOL DISTRICT, DOES 1 - 100,
15 Defendants.

CASE NO. CIV. S-98-0266 FCD PAN
**RESPONSE TO REQUEST FOR
PRODUCTION OF DOCUMENTS**

16
17 Propounding Party: SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
18 Answering Party: PLANS, INC.
19 Set No: One

20 REQUEST NO. 1:

21 All documents which evidence, support, relate or refer to your allegation in Paragraph 1 of
22 the complaint that: "This action arises under the First and Fourteenth Amendments to the
23 Constitution of the United States; and U.S.C. Title 42, § 1983."

24 RESPONSE:

25 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
26 of production of documents for inspection; attorney-client privilege; attorney work product; overly
27 broad and ambiguous; burdensome and oppressive. Without waiving said objections, plaintiff

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1 responds as follows: Plaintiff will produce responsive unprivileged documents for inspection at a
2 reasonable time, place, and manner to be agreed upon.

3 REQUEST NO. 2:

4 All documents which evidence, support, relate or refer to your allegation in Paragraph 2 of
5 the Complaint that Plaintiff PLANS, Inc. is a non-profit California Corporation organized for the
6 purpose, amount other things, of educating the public regarding Waldorf education.

7 RESPONSE:

8 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
9 of production of documents for inspection. Without waiving said objections, plaintiff responds as
10 follows: Plaintiff will produce responsive documents for inspection at a reasonable time, place, and
11 manner to be agreed upon.

12 REQUEST NO. 3:

13 All documents which evidence, support, relate or refer to your allegation in Paragraph 2 of
14 the Complaint that "Members of PLANS include taxpayers that reside in the Sacramento City
15 Unified School District and the Twin Ridges Elementary School District."

16 RESPONSE:

17 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
18 of production of documents for inspection; attorney-client privilege.

19 REQUEST NO. 4:

20 All documents which evidence, support, relate or refer to your allegation in Paragraph 7 of
21 the Complaint that: "Plaintiff is informed and believes that defendants Sacramento City Unified
22 School District and Twin Ridges Elementary School District operate taxpayer funded Waldorf
23 schools at various locations within their districts and/or under their authority.

24 RESPONSE:

25 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
26 of production of documents for inspection; attorney-client privilege; attorney work product; overly
27 broad and ambiguous; burdensome and oppressive. Without waiving said objections, plaintiff

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1 responds as follows: Plaintiff will produce responsive unprivileged documents for inspection at a
2 reasonable time, place, and manner to be agreed upon.

3 REQUEST NO. 5:

4 All documents which evidence, support, relate or refer to your allegation in Paragraph 8 of
5 the Complaint that: "Plaintiff is informed and believes that a primary purpose and primary effect of
6 said operation of Waldorf schools is to advance religion, including the religious doctrines of
7 Anthroposophy."

8 RESPONSE:

9 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
10 of production of documents for inspection; attorney-client privilege; attorney work product; overly
11 broad and ambiguous; burdensome and oppressive. Without waiving said objections, plaintiff
12 responds as follows: Plaintiff will produce responsive unprivileged documents for inspection at a
13 reasonable time, place, and manner to be agreed upon.

14 REQUEST NO. 6:

15 All documents which evidence, support, relate or refer to your allegation in Paragraph 9 of
16 the Complaint that: "Members of PLANS are injured, as taxpayers, by such establishment of religion
17 in violation of the First and Fourteenth Amendments of the United States Constitution, and Article
18 XVI, § 5 and Article IX, § 8 of the California Constitution."

19 RESPONSE:

20 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
21 of production of documents for inspection; attorney-client privilege; attorney work product; overly
22 broad and ambiguous; burdensome and oppressive. Without waiving said objections, plaintiff
23 responds as follows: Plaintiff will produce responsive unprivileged documents for inspection at a
24 reasonable time, place, and manner to be agreed upon.

25 REQUEST NO. 7:

26 All documents which evidence, support, relate or refer to your allegation in Paragraph
27 11 of the Complaint that "Unless and until enjoined by this court, defendants Sacramento City
28 Unified School District and Twin Ridges will continue to operate Waldorf schools, thereby causing

1 great and irreparable injury in that such continuing conduct violates the rights of PLANS members
2 to be free from establishing religion through taxpayer funding in violation of the First and
3 Fourteenth Amendments of the United Constitution, and Article XVI, § 5 and Article IX, § 8 of the
4 California Constitution."

5 RESPONSE:

6 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
7 of production of documents for inspection; attorney-client privilege; attorney work product; overly
8 broad and ambiguous; burdensome and oppressive. Without waiving said objections, plaintiff
9 responds as follows: Plaintiff will produce responsive unprivileged documents for inspection at a
10 reasonable time, place, and manner to be agreed upon.

11 REQUEST NO. 8:

12 All documents which evidence, support, relate or refer to your allegation in Paragraph 12 of
13 the Complaint that: "Plaintiff has no adequate remedy at law for the injuries suffered, and to be
14 suffered in the future, in that it is possible to calculate a sum of money that will compensate plaintiff
15 and its members for the continuing violation of federal and state constitutional rights under color of
16 law."

17 RESPONSE:

18 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
19 of production of documents for inspection; attorney-client privilege; attorney work product; overly
20 broad and ambiguous; burdensome and oppressive. Without waiving said objections, plaintiff
21 responds as follows: Plaintiff will produce responsive unprivileged documents for inspection at a
22 reasonable time, place, and manner to be agreed upon.

23 REQUEST NO 9:

24 All documents which evidence, support, relate or refer to your allegation in Paragraph 16 of
25 the Complaint that: "By reason of defendants' acts and conduct as herein alleged, plaintiff, and its
26 members, were deprived of their rights, privileges, and immunities secured for them by the First
27 Amendment of the Constitution of the United States, all in violation of Title 42 of the United States
28 Code, Section 1983."

1 RESPONSE:

2 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
3 of production of documents for inspection; attorney-client privilege; attorney work product; overly
4 broad and ambiguous; burdensome and oppressive. Without waiving said objections, plaintiff
5 responds as follows: Plaintiff will produce responsive unprivileged documents for inspection at a
6 reasonable time, place, and manner to be agreed upon.

7 REQUEST NO. 10:

8 All documents identified by your responses to Interrogatories served herewith, or which
9 evidence, support, relate or refer to your responses to Interrogatories served herewith.

10 RESPONSE:

11 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
12 of production of documents for inspection; attorney-client privilege; attorney work product; overly
13 broad and ambiguous; burdensome and oppressive. Without waiving said objections, plaintiff
14 responds as follows: Plaintiff is unaware of any responsive documents.

15 REQUEST NO. 11:

16 All documents which evidence, support, relate or refer to any correspondence between you
17 or your agents and defendant or its agents.

18 RESPONSE:

19 Objection: Unable to comply as notice does not state a reasonable time, place, and manner
20 of production of documents for inspection; attorney-client privilege; attorney work product; overly
21 broad and ambiguous; burdensome and oppressive. Without waiving said objections, plaintiff
22 responds as follows: Plaintiff will produce responsive unprivileged documents for inspection at a
23 reasonable time, place, and manner to be agreed upon.

24 REQUEST NO. 12:

25 All documents which evidence, support, relate or refer to the corporate documents of
26 PLANS, Inc., including but not limited to the articles of incorporation and bylaws.

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6 reasonable time, place, and manner to be agreed upon.

7 Dated: September 9, 1998

McKINLEY & SMITH
A Professional Corporation

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10 By: 

SCOTT M. KENDALL,
Attorney for PLANS, Inc.

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7 Dated: September 9, 1998

McKINLEY & SMITH
A Professional Corporation

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10 By: 
11 SCOTT M. KENDALL,
12 Attorney for PLANS, Inc.

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PLANS, INC. v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT, et al.
United States District Court (Eastern District) Case No. CIV-S-98-0266 FCD PAN

AFFIDAVIT OF SERVICE

STATE OF CALIFORNIA)
) ss.
County of Sacramento)

THE UNDERSIGNED, being sworn, says that he/she is a citizen of the United States, over 18 years of age, employed in Sacramento County, and not a party to the within action; that affiant's business address is 3435 American River Drive, Suite B, Sacramento, CA 95864.

On **September 9, 1998**, I served the [X] original [X] a true copy [respectively] of the foregoing document(s):

(1) PLAINTIFF'S ANSWERS TO INTERROGATORIES, SET NO. ONE, FROM DEFENDANT S.C.U.S.D.; (2) PLAINTIFF'S ANSWERS TO INTERROGATORIES, SET NO. ONE, FROM DEFENDANT T.R.E.S.D.; (3) PLAINTIFF'S RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET NO. ONE, FROM S.C.U.S.D.; AND (4) PLAINTIFF'S RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET NO. ONE, FROM T.R.E.S.D.

on the parties involved addressed as follows:

Martin F. Fine, Esq.
SACRAMENTO CITY
UNIFIED SCHOOL DISTRICT
520 Capitol Mall
Sacramento, CA 95814

Representing: Defendant SACRAMENTO
CITY UNIFIED SCHOOL DISTRICT

Fax No. (916) 264-4190

David W. Girard, Esq.
GIRARD & VINSON
1676 N. California Blvd., Suite 450
Walnut Creek, CA 94596

Representing: Defendant TWIN RIDGES
ELEMENTARY SCHOOL DISTRICT

Fax No. (510) 935-7995

BY MAIL: I caused each envelope addressed as above, with postage thereon fully prepaid, to be sealed and placed for collection and mailing on that date following ordinary business practices of collection and processing correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

BY PERSONAL DELIVERY: I caused each such envelope to be delivered by hand to the offices of each addressee or to the addressee above.

BY FACSIMILE: By use of a facsimile machine, I served a copy of the within document(s) on the above-interested parties at the facsimile numbers listed above. The transmission was reported as complete without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting facsimile machine.

Executed on **September 9, 1998**, at Sacramento, California. STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct. FEDERAL: 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.


D. MITCHELLE JOHNSON