

Ninth Circuit Case No. 17-55180

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTEN BIEL,
Plaintiff/Appellant,

vs.

ST. JAMES CATHOLIC SCHOOL, A CORPORATION,
Defendant/Appellee.

On Appeal from the
United States District Court for the Central District of California
Case No. 2:15-cv-04248 TJH (ASx)
Honorable Terry J. Hatter, Jr., Judge Presiding

**APPELLEE’S SUPPLEMENTAL EXCERPTS OF RECORD
VOLUME 1 OF 3
PAGES 1-57**

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St. James Catholic School

INDEX**APPELLEE'S SUPPLEMENTAL EXCERPTS OF RECORD****NO. 17-55180**

Docket No.	Date	Description	Volume of SER	Pages of SER
67	10/6/16	Declaration of Veronica Fermin in Support of Defendant's Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment against Plaintiff and Exhibits A-G in Support Thereof	1	1-3
67-1/ 67-2	10/6/16	Exhibit A – Declaration of Sister Mary Margaret Kreuper (Part 1 and 2)	1	4-57
67-3/ 67-4	10/6/16	Exhibit B – Deposition of Kristen Biel (Part I and II)	2	58-119
67-5/ 67-6	10/6/16	Exhibit C – Deposition of Sister Mary Margaret Kreuper (Part 1)	3	120-171
67-7	10/6/16	Exhibit D – Deposition of Janell O'Dowd	3	172-176
67-8	10/6/16	Exhibit E – Deposition of Kathleen McDermott	3	177-183
67-9	10/6/16	Exhibit F – Deposition of Sister Lana Chang	3	184-189
67-10	10/6/16	Exhibit G – Meet and Confer Letter to Plaintiff's Counsel	3	190-191

/	/	Civil Docket for U.S. District Court, Central District of California, Western division, Case No. 2:15-cv-04248-TJH-AS	3	192-206
/	/	Certificate of Service	3	207-208

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 as St. James School, a corp.)

10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**

13 KRISTEN BIEL, an individual,

14 Plaintiff,

15 vs.

16 ST. JAMES SCHOOL, A CORP, a
 California non-profit corporation;
 17 and DOES 1-50, inclusive,

18 Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
 Magistrate Judge: Alka Sagar

**DECLARATION OF VERONICA
 FERMIN IN SUPPORT OF
 DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT OR, IN
 THE ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT AND
 EXHIBITS IN SUPPORT THEREOF**

*[Filed and Served Concurrently with
 Defendant's Notice of Motion and Motion
 for Summary Judgment or, in the
 Alternative, Partial Summary Judgment,
 Separate Statement of Uncontroverted
 Facts and Conclusions of Law,
 [proposed] Order, [proposed] Judgment]*

Date: November 7, 2016
 Time: UNDER SUBMISSION

Complaint Filed: 06/05/2015
 Trial Date: 01/10/2017

DECLARATION OF VERONICA FERMIN

I, VERONICA FERMIN, declare as follows:

1. That I am an attorney at law duly licensed to practice before all courts of the State of California, and an associate at the law firm of Sullivan, Ballog & Williams, LLP, attorneys of record for Defendant, ST. JAMES CATHOLIC SCHOOL (hereinafter "Defendant"). If called upon to testify as to the matters set forth herein, I could and would competently testify thereto.

2. I make this declaration in support of Defendant's Motion for Summary Judgment or, alternatively Partial Summary Judgment against Plaintiff, KRISTEN BIEL (hereinafter "Plaintiff").

3. Attached hereto as Exhibit "A" is a true and correct copy of the Declaration of Sister Mary Margaret Kreuper in support of Defendant's Motion for Summary Judgment or, alternatively Partial Summary Judgment against Plaintiff.

4. Attached hereto as Exhibit "B" is a true and correct copy of relevant portions of the deposition transcript of Plaintiff.

5. Attached hereto as Exhibit "C" is a true and correct copy of relevant portions of the deposition transcript of Sister Mary Margaret Kreuper.

6. Attached hereto as Exhibit "D" is a true and correct copy of relevant portions of the deposition transcript of Janelle O'Dowd.

7. Attached hereto as Exhibit "E" is a true and correct copy of relevant portions of the deposition transcript of Kathleen McDermott.

8. Attached hereto as Exhibit "F" is a true and correct copy of relevant portions of the deposition transcript of Lana Chang.

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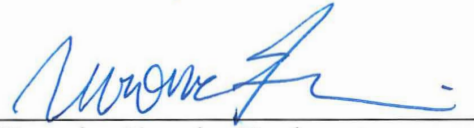
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Case 2:15-cv-04248-TJH-AS Document 67 Filed 10/06/16 Page 3 of 3 Page ID #:519

1 9. Attached hereto as Exhibit "G" is a true and correct copy of my attempt
2 to meet and confer with Plaintiff's counsel regarding this Motion per Local Rule 7-3.

3 I declare under penalty of perjury under the laws of the state of California that
4 the foregoing is true and correct. Executed on this 5 day of October, 2016 in
5 Santa Ana, California.

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7 
8 Veronica Fermin, Declarant

Case 2:15-cv-04248-TJH-AS Document 67-1 Filed 10/06/16 Page 1 of 27 Page ID #:520

DECLARATION OF MARY MARGARET KREUPER

I, MARY MARGARET KREUPER, declare as follows:

1. I am currently the Principal at St. James Catholic Elementary School. I have been the principal at St. James School for the past 27 years. I am a vowed member of a religious congregation of the Roman Catholic Church. If called upon to testify, I could and would competently do so under oath as to the truth of the matters asserted herein.

2. I make this declaration in support of the Motion for Summary Judgment or, in the alternative, Motion for Summary Adjudication made by Defendants in this case.

3. St. James Catholic School is a private, Catholic elementary school located in Torrance, CA that provides education rooted in Catholic values from Kindergarten to the 8th grade level. It is the parish school for St. James Catholic Church in Redondo Beach and, as such, is a religious, non-profit organization. It operates as part of the overall ministry of St. James Catholic Church in Redondo Beach, CA. In other words, the school is one of several ministries that comprises the St. James Catholic Church parish.

4. During the 2013-2014 school year, Ms. Biel taught the 5th grade at St. James Catholic School.

5. Every teacher employed at St. James Catholic School is required to sign an employment agreement entitled, 'Faculty Employment Agreement-Elementary, Department of Catholic Schools of the Archdiocese of Los Angeles.' This agreement, which is distributed by the Archdiocese, outlines the terms and conditions of every teacher's employment at St. James Catholic School. Every agreement outlines the mission of St. James School, which is to develop and promote a Catholic school faith community within the philosophy of Catholic education as implemented at the School, and the doctrines, laws, and norms of the Catholic Church. It is also stated that all duties and responsibilities of each teacher at St. James are to be performed within the

Case 2:15-cv-04248-TJH-AS Document 67-1 Filed 10/06/16 Page 2 of 27 Page ID #:521

1 School's overriding commitment to developing its faith. Accordingly, it is my
2 preference that the teachers at St. James are practicing Catholics. Further, as stated in
3 each agreement, each teacher is employed on an annual basis with no guarantee of
4 renewal of the employment agreement for the following year. The Principal alone has
5 the sole discretion with respect to renewing or offering employment contracts. The
6 employment contract states that the School will give written notice on May 15 of the
7 present school year regarding whether it intends to offer a new employment contract
8 to the teacher for the following school year. Attached hereto as **Exhibit A-1** is a true
9 and correct copy of the employment agreement that governed Plaintiff's employment
10 for the 2013-2014 school year.

11 6. The job duties for every teacher are outlined in each employment
12 agreement. Each teacher is expected to "model, teach, and promote behavior in
13 conformity to the teaching the Roman Catholic Church." As stated in every teacher
14 employment agreement at St. James Catholic School, every teacher is expected to
15 model and promote behavior in conformity to the teachings of the Catholic Church in
16 faith and morals. Further, it is every teacher's duty to develop, promote, and
17 implement the Catholic faith through their daily teachings.

18 7. Plaintiff taught the subject of Religion to her students at least four days a
19 week. She was required to dedicate a minimum of 200 minutes every week to the
20 subject of Religion. The curriculum for the Religion course was grounded upon the
21 norms and doctrines of the Catholic Faith, including the sacraments of the Catholic
22 Church, social teachings according to the Catholic Church, morality, the history of
23 Catholic saints, Catholic prayers, and the overall Catholic way of life. Plaintiff was
24 required to teach her Religion course from the textbook entitled "Coming to God's
25 Life." Attached hereto as **Exhibit A-2** is a true and correct copy of the cover page and
26 table of contents of the textbook.

27 8. Moreover, Plaintiff was required to incorporate Catholic values and
28 traditions throughout all subject areas, not just during the Religion course. In fact,

Case 2:15-cv-04248-TJH-AS Document 67-1 Filed 10/06/16 Page 3 of 27 Page ID #:522

1 two requirements included in all standard teacher evaluation reports for the school
2 were 1) incorporating “signs, sacramental, traditions of the Roman Catholic Church in
3 the classroom,” and 2) infusing “Catholic values through all subject areas.” During
4 the 2013-2014 school year, I evaluated Plaintiff on her ability to incorporate these
5 factors while she taught the subject of Math. Attached hereto as **Exhibit A-3** is a true
6 and correct copy of the evaluation report I completed for Plaintiff on
7 November 12, 2013.

8 9. During the 2013-2014 school year, every teacher at St. James, including
9 Plaintiff, was required to pray with their students every day. In addition, Plaintiff was
10 required to accompany her students to Mass once a month.

11 10. In order to prepare teachers as religious educators and to develop their
12 skills, I required each teacher, including Plaintiff, to attend a Catholic education
13 conference every other year called the Los Angeles Religious Education Congress. At
14 this conference, the teachers learned different methods and techniques in
15 incorporating God into their teachings in order to enable them to become better
16 religious educators.

17 11. Throughout the 2013-2014 school year, I instructed Plaintiff to follow
18 certain teaching methods and practices that were consistent with St. James’ teaching
19 philosophy. I counseled Plaintiff on numerous occasions regarding these issues,
20 which included classroom management, test-taking procedures, and homework policy.
21 For instance, at St. James School, students were not permitted to re-take exams in
22 order to obtain a higher grade on the exam. However, I learned that Plaintiff allowed
23 her students to re-take exams if they were not satisfied with their prior grade on the
24 exam.

25 12. I also required Plaintiff to inform the parents of the students’ test
26 schedule so that they could help the students prepare for the tests. However, I learned
27 that Plaintiff failed to communicate the students’ test schedule to the parents.

28 13. In preparation for exams, Plaintiffs’ students were required to complete

Case 2:15-cv-04248-TJH-AS Document 67-1 Filed 10/06/16 Page 4 of 27 Page ID #:523

1 study guides. Plaintiff was required to correct the students' study guides prior to the
2 exams so that they could study accurate study guides in preparation for the exams.
3 However, Plaintiff failed to correct her students' study guides prior to exams causing
4 incorrect answers on the exams. As such, I verbally counseled Plaintiff regarding her
5 failure to correct the study guides throughout the school year.

6 14. Plaintiff was also required to teach from a workbook titled Simple
7 Solutions. In the fall of 2013, I learned that Plaintiff was not using the workbook as I
8 had asked. Again, I instructed Plaintiff on numerous occasions to use the Simple
9 Solutions workbook when teaching her students.

10 15. Throughout the 2013-2014 school year, I met with Plaintiff in my office
11 every week, and sometimes twice a week, to discuss performance-related issues.
12 During these meetings, I took handwritten notes to document the issues I went over
13 with her. I placed a checkmark next to each topic that we re-visited. Attached hereto
14 as **Exhibit A-4** is a true and correct copy of my handwritten notes during our
15 meetings. Per my notes, I addressed: (1) the level of noise in Plaintiff's classroom on
16 at least six occasions; (2) the condition of her classroom on at least nine occasions;
17 (3) the fact that she permitted students to erase their work habits for missed homework
18 assignments on at least five occasions; (4) her failure to inform parents of the test
19 schedule on at least two occasions; and (5) her failure to correct the students' study
20 guides prior to tests on at least two occasions.

21 16. I also reviewed Plaintiff's lesson plans on a weekly basis and wrote
22 comments and suggestions on them regarding her persistent classroom issues.
23 Attached as **Exhibit A-5** is a true and correct copy of Plaintiff's lessons where I made
24 handwritten comments and suggestions regarding her performance issues.

25 17. In April 2014, following Easter break, Plaintiff told me that she believed
26 she had breast cancer and would need to undergo some tests. I was sympathetic to
27 Plaintiff's situation as I was also faced with the same medical condition. In 2010, I
28 was diagnosed with breast cancer and I underwent a surgical procedure to treat my

Case 2:15-cv-04248-TJH-AS Document 67-1 Filed 10/06/16 Page 5 of 27 Page ID #:524

1 cancer and continued to be in treatment.

2 I declare under penalty of perjury under the laws of the state of California that
3 the foregoing is true and correct. Executed on this 9th day of September, 2016 in
4 Torrance, California.

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7 Sr. Mary Margaret Kreuper, Declarant
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EXHIBIT A-1 TO DECLARATION OF MARY MARGARET KREUPER

EXHIBIT A PAGE 9

FACULTY EMPLOYMENT AGREEMENT—ELEMENTARY

**Exempt Full Time
Department of Catholic Schools
Archdiocese of Los Angeles**

Name of School: ST. JAMESName of Teacher: KRISTEN BIELStart Date: AUGUST 26, 2013 End Date: JUNE 30, 2014

1. **Term.** The School ("School") and you (the "Teacher") make this Employment Agreement ("Agreement"), effective on the date below, for the work period shown above (the "Term"), for you to serve as a member of our faculty.
2. **Philosophy.** It is understood that the mission of the School is to develop and promote a Catholic School Faith Community within the philosophy of Catholic education as implemented at the School, and the doctrines, laws and norms of the Catholic Church. All duties and responsibilities of the Teacher shall be performed within this overriding commitment.
3. **Duties.** Your duties shall be those of a full-time or part-time faculty member as specified in the **Compensation and Benefits Supplement** which is an integral part of this Agreement. You shall use your best professional efforts and skills to perform your duties in a diligent, energetic, competent, and ethical manner, consistent with the School's established philosophy and its policies, directives and expected practices. You acknowledge and agree that the School retains the right to operate within the philosophy of Catholic education and to retain teachers who demonstrate an ability to develop and maintain a Catholic School Faith Community. You understand and accept that the values of Christian charity, temperance and tolerance apply to your interactions with your supervisors, colleagues, students, parents, staff and all others with whom you come in contact at or on behalf of the School. Accordingly, you are expected to model, teach, and promote behavior in conformity to the teaching of the Roman Catholic Church. Your duties shall include careful preparation and planning for each class consistent with School and departmental curriculum; diligent review and evaluation of student work and related communication to students and parents; and conferring with students, the administration, and parents as needed regarding each student's progress and development. You also shall attend faculty/staff meetings and conferences, including those prior to and following the School's regular academic year, participate in School activities including School liturgical activities, as requested, and complete other duties as assigned. You agree to maintain the levels of competency in subject matter, teaching methods, classroom management, and student supervision required by the School whether on your own initiative or at the direction of the School. Your duties and job assignment may be revised during the Term to meet the School's needs. In the event the School's operations are extended by reason of fire, disaster, act of God, act of public authority or any other necessity or emergency cause, your services may be suspended for the time period and rescheduled as needed to complete the full School year.
4. **Policies.** You shall be familiar with, and comply with the School's personnel policies and procedures as they may be adopted or amended from time-to-time, including policies in the faculty handbook. You should refer to such documents for information relating to your employment, duties, and benefits. You shall be familiar with, abide by, and assist and cooperate with School administration in enforcing, the School's policies for students and families whether outlined in our handbook(s), our School policies, or other directives and expected practices (together "Policies"). You acknowledge that a copy of the faculty handbook has been made available to you. You understand and acknowledge that the policies do not constitute a contractual agreement with you.
5. **Introductory Period.** There is an introductory period for a newly hired or transferred teacher. The introductory period is a minimum of 90 calendar days, and may be extended, in writing, for up to another 90 calendar days at the discretion of the principal. During the introductory period this Agreement is at will; therefore, it can be terminated at any time, for any reason, without any notice. The Principal shall complete a performance appraisal at the end of the introductory period. Upon satisfactory completion of



the introductory period, employment will be continued through any remaining term of this Agreement except as noted under "Termination."

6. Termination. Your employment, and this Agreement, may be terminated during the Term without payment of salary or benefits beyond such date of termination, for any of the following reasons:

- I. The School may terminate for "cause," without any prior notice. Such "cause" shall be determined by the School within its reasonable judgment and shall include but not be limited to:
 - a) Failure to meet any of your duties as described in Paragraphs 3 and 4 above.
 - b) Inappropriate physical or social contact with students during school or otherwise.
 - c) Unprofessional or unethical conduct, insubordination, unauthorized disclosure of confidential information, or habitual or unreasonable tardiness or absence from duties.
 - d) Any criminal, immoral or unethical conduct that relates to your duties as a teacher or brings discredit upon the school or the Roman Catholic Church.
 - e) Unauthorized possession of, or working under the influence of, illegal drugs, intoxicants, or alcohol.
 - f) Threatening or causing bodily harm to others or other coercive and or intimidating acts, or any verbal or physical harassment.
 - g) Having a diploma, credential, permit, license or certificate denied, revoked or suspended.
 - h) Falsification of documents, false or misleading information on an application, resume, personnel record, professional or character reference, academic transcript, degree, or credential.
 - i) Any other breach of the terms of this Agreement.
- II. Either you or the School may terminate this Agreement without cause, for any reason within the sole discretion of the terminating party, upon 30 calendar days' prior written notice to the other party in a manner that is consistent with applicable law and on a time frame that is mutually agreeable to you and the Principal. However, you may not terminate employment under this Agreement if the termination is effective during the 30 days immediately prior to the beginning of the school year except by mutual agreement with the Principal. You acknowledge that a breach by you of this provision is a grave ethical violation, may harm the educational program for the students and may cause expenses and damages to the School.
- III. The School may terminate your employment if you are unable to perform the essential functions of your position and reasonable accommodation is not available or required under applicable laws.

The School's failure to invoke its right of termination on one occasion for the occurrence of a matter constituting a basis for discharge shall not affect the right of the School to invoke discharge when the same or a different basis for termination arises at a later date.

7. Renewal. Future employment will be determined on a year-to-year basis. It is agreed that you will give written notice to the School, on or before April 1, 20____, stating whether or not you wish to renew the Agreement. The School will give you written notice, on or before May 15, 20____, stating whether or not it intends to renew the Agreement for the following year. In the absence of a notice by either party, this agreement will lapse under its own terms. The Principal alone, with the approval of the Pastor, has the final and sole authority with respect to offering contracts. This Agreement is contingent upon sufficient School enrollment and the School's financial condition. If the enrollment or the School's financial condition does not justify the staffing, the Principal has discretionary power to make decisions regarding personnel reduction including, but not limited to, modification or cancellation of this Agreement. Notwithstanding this, if the School closes for any reason, this Agreement will be considered terminated on the date of the closure. You understand that tenure is not granted by Archdiocesan Schools and upon expiration or termination of the Agreement for any reason you shall have no right to



employment or preferential treatment regarding employment at any other Archdiocesan School. There is no implied duty by you or the School to renew this Agreement, and no cause whatsoever is required by either party for non-renewal. Any other arrangement with respect to renewal, extension or duration of employment is valid only if in writing, executed by you and the Principal, with the approval of the Pastor.

8. Severability. If, for any reason, any one or more of the provisions of this Agreement shall be held or deemed to be legally invalid or unenforceable, that shall not have any effect on any of the other provisions of this Agreement, all of which shall remain in full force and effect.

9. Entire Agreement. This Agreement and the attached **Compensation and Benefits Supplement** contain the complete and entire agreement between you and the School, and it supersedes all prior offers, agreements, commitments, understandings, whether oral or written. No changes to this Agreement may be made except by a document signed by you and the Principal, with approval of the Pastor.

10. Applicable Law. This Agreement is entered into under, and governed by, the laws of the State of California.

11. Dispute Resolution and Grievances. You and the School agree to attempt to resolve any disputes in good faith. Any unresolved dispute between you and the School arising out of or in any way related to your employment or the termination thereof, shall be subject to the Grievance Procedures promulgated by the Archdiocesan Department of Catholic Schools and no legal actions may be taken until all procedures have been fully discharged. This clause is intended to provide a speedy, economical and exclusive forum for resolving claims; its existence shall not imply any limitations upon the School's right to manage its affairs or terminate any employment.

12. Condition Precedent. It is agreed that a condition precedent of this Agreement is the receipt of the Criminal Record Summary report from the California Department of Justice and the Federal Bureau of Investigation, the completion of the I-9 Form from the Immigration and Naturalization Service, and the completion of the other relevant health and document requirements of the school.

By: Sister Mary Margaret SR. MARY MARGARET 5/28/2013
Principal's Signature Print Name Date

I accept a position as Grade 5 TEACHER at ST. JAMES SCHOOL
School on each and all of the terms and conditions set forth in the above Agreement and the attached
Compensation and Benefits Supplement.

By: Kristen Biel Kristen Biel 5/24/13
Teacher's Signature Print Name Date

Approval by Pastor required:
Mgr. Michael Meyers Msgr. Michael Meyers 5/28/13
Pastor's Signature Print Name Date



FACULTY COMPENSATION AND BENEFITS SUPPLEMENT**Elementary—Exempt Full Time
Department of Catholic Schools
Archdiocese of Los Angeles****13. School Day and Work Schedule.****Full Time Faculty**

As a full time teacher, you understand that there will be approximately 8 hours of work at the School each regular class day. You will also devote additional time to other assigned school responsibilities and in preparation and assessment activities at hours not during the regular class day. The School's regular class day is from 7:30 a.m. to 3:45 p.m.

14. Base Compensation.

Base Salary: \$ 34,970

15. Additional Compensation For Designated Responsibility (If Any):

Note: Calculations and Additional Compensation for designated responsibility are based on anticipated time commitment and skills.

<u>Responsibility</u>	<u>Additional Compensation</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Additional Compensation: \$ _____	

16. Payment Schedule.

Compensation for all faculty will be distributed on a semi-monthly bi-weekly schedule beginning August 30, 2013 and ending June 20, 2014.

17. Education And Professional Growth Requirements:

34,970 ÷ 22

In accordance with the regulations for salary placement and professional growth requirements, you agree that you will complete the following requirements to be eligible to be offered an employment agreement for the next school year.

- ≤ _____
- ≤ _____
- ≤ Enroll in California Teaching Credential program.
- ≤ Complete at least _____ units toward a California Teaching Credential.
- ≤ California Teaching Credential program must be completed by July 1, 20____ for an Elementary School Faculty Employment Agreement to be offered for the 20____ - 20____ academic year.

18. Available Benefits.

See Department of Catholic Schools Lay Employees Benefit Guide



Sick Days: Full-time Faculty: 10 days per school year.

Sister Mary Margaret SR. MARY MARGARET 5/28/2013
Principal's Signature Print Name Date

Kristen Biel Kristen Biel 5/24/13
Teacher's Signature Print Name Date

Approval by Pastor required:

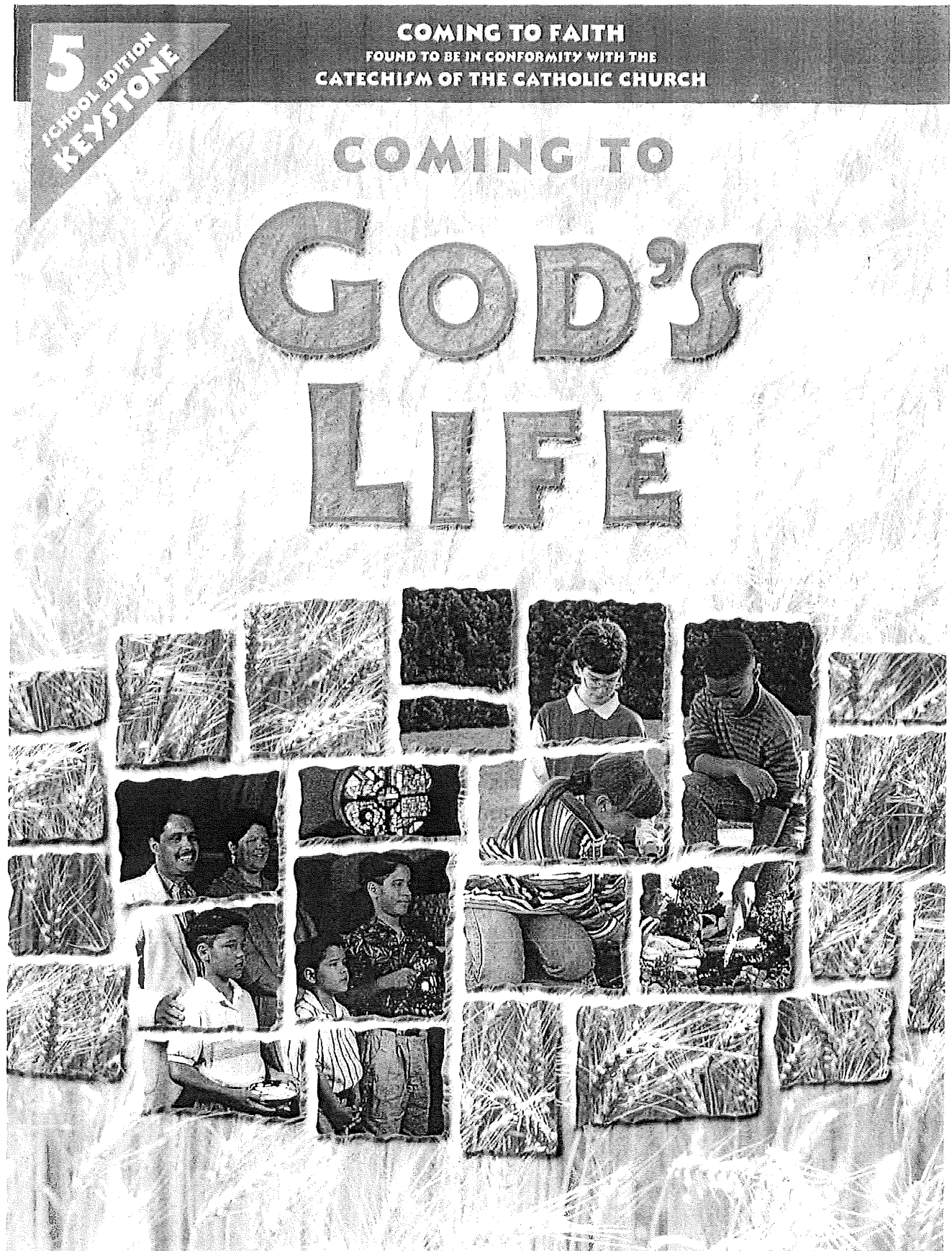
Msgr. Michael Meyers Msgr. Michael Meyers 5/28/13
Pastor's Signature Print Name Date

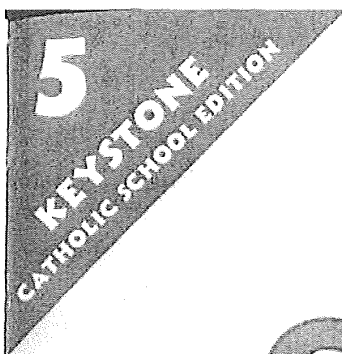
Give copy to the faculty member and file the original in his/her personnel file.



EXHIBIT A-2 TO DECLARATION OF MARY MARGARET KREUPER

EXHIBIT A PAGE 15





SADLIER'S
Coming to Faith Program

COMING TO GOD'S LIFE

Dr. Gerard F. Baumbach
Dr. Eleanor Ann Brownell
Moya Gullage
Joan B. Collins
Helen Hemmer, I. H. M.
Gloria Hutchinson
Dr. Norman F. Josaitis
Rev. Michael J. Lanning, O. F. M.
Dr. Marie Murphy
Karen Ryan
Joseph F. Sweeney

The Ad Hoc Committee
to Oversee the Use of the Catechism,
National Conference of Catholic Bishops,
has found this catechetical text to be
in conformity with the
Catechism of the Catholic Church.

with

Dr. Thomas H. Groome
Boston College

Official Theological Consultant

The Most Rev. Edward K. Braxton, Ph. D., S. T. D.

Scriptural Consultant

Rev. Donald Senior, C. P., Ph. D., S. T. D.

Catechetical and Liturgical Consultants

Dr. Gerard F. Baumbach
Dr. Eleanor Ann Brownell

Pastoral Consultants

Rev. Msgr. John F. Barry
Rev. Virgilio P. Elizondo, Ph.D., S. T. D.

Catechetical Assessment Consultant

Dr. George Elford



William H. Sadlier, Inc.
9 Pine Street
New York, New York 10005-1002

EXHIBIT A PAGE 17

CONTENTS

Opening Letter	3
Prayer Service	8
Called to Life	9

Jesus the Good Shepherd
Life in all its fullness
John 10:7–15

Faith Alive at Home and in the Parish

Unit 1 Jesus Christ Blesses Our Lives **page**

Doctrine: Catholic Teaching

1 Jesus Christ Reveals God	14
Jesus Christ, human and divine	<i>Our Catholic Identity:</i> Church art, an aid to prayer
God's love in our lives	
John 10:11; 11:1–44; Matthew 8:23–27;	
1 John 4:8	Faith Alive at Home and in the Parish
2 Jesus Christ and the Kingdom of God	24
The kingdom of God	<i>Our Catholic Identity:</i> Catholic migrant ministry;
The good news of God's love	Saint Teresa of Avila
Luke 4:16–22; 7:18–22;	
Matthew 6:10; 22:34–40	Faith Alive at Home and in the Parish
3 Jesus Christ Blesses Our Lives	34
Jesus welcomed all people	<i>Our Catholic Identity:</i> Washing of feet on
Jesus forgave and healed	Holy Thursday
Matthew 8:5–11; Luke 5:17–26;	
23:34; John 13:1–7	Faith Alive at Home and in the Parish
4 The Church Carries on Jesus' Mission	44
A welcoming and serving Church	<i>Our Catholic Identity:</i> Parish communities;
A healing and forgiving Church	joining a parish
Acts 2:1–13; Matthew 20:28;	
John 13:31–35; 1 Corinthians 12:26;	Faith Alive at Home and in the Parish
Acts 3:1–10; Acts 4:34	
5 The Sacraments and the Church	54
Jesus, the sacrament of God	<i>Our Catholic Identity:</i> The Catholic family;
Seven effective signs	Saint Joseph
Luke 12:54–56; Colossians 1:15;	
Matthew 1:19; Psalm 103:8, 11, 13	Faith Alive at Home and in the Parish
6 Celebrating Reconciliation	64
The good news of God's forgiveness	
Examining our conscience	Faith Alive at Home and in the Parish
John 20:19–23	
7 Celebrating Eucharist	70
Jesus, our Bread of Life	
Eucharist, meal and sacrifice	Faith Alive at Home and in the Parish
2 Kings 4:1–7; 1 Corinthians 10:16–17;	
11:24; John 6:35	

Unit 1 Review and Unit 1 Test—see page 260

Unit 2	Sacraments of Initiation	page
Doctrine: Catholic Teaching		
8 Jesus Christ Brings Us Life (Baptism)		76
Reborn of water and the Holy Spirit	<i>Our Catholic Identity: The baptismal register; other sacramental records</i>	
Living our baptismal promises		
John 3:1–21; Matthew 28:19	Faith Alive at Home and in the Parish	
9 Jesus Christ Strengthens Us (Confirmation)		86
Sealed with the Holy Spirit	<i>Our Catholic Identity: Fruits of the Holy Spirit</i>	
Pentecost; witnessing to our faith		
John 14:16; Acts 1:7–14; 2:1–13	Faith Alive at Home and in the Parish	
10 Jesus Christ Feeds Us (Eucharist)		96
The Last Supper	<i>Our Catholic Identity: The gifts of bread and wine</i>	
The real presence of Jesus		
John 6:1–13, 22–58, 35, 41–43, 51–53, 60, 66; 1 Corinthians 11:23–25	Faith Alive at Home and in the Parish	
11 Our Church Celebrates the Eucharist (The Mass)		106
Liturgy of the Word	<i>Our Catholic Identity: Receiving Communion under both kinds</i>	
Liturgy of the Eucharist		
1 Corinthians 10:16–17	Faith Alive at Home and in the Parish	
12 The Church Remembers (Liturgical Year)		116
Seasons of the Church year	<i>Our Catholic Identity: Liturgical colors; liturgical time</i>	
Feast days of Mary and the saints		
Ecclesiastes 3:1–4; Mark 1:15; Luke 1:39–56	Faith Alive at Home and in the Parish	
13 Celebrating Advent		126
Promise of a Savior		
Preparing for Jesus, our Savior	Faith Alive at Home and in the Parish	
Isaiah 9:1, 5, 6; 11:2; 61:1,3; Luke 1:26–33		
14 Celebrating Christmas		132
Jesus, Savior of all people		
Jesus, one of us	Faith Alive at Home and in the Parish	
Matthew 1:18–22; Luke 2:6–16, 21–32		
Unit 2 Review and Unit 2 Test—see page 262		
First Semester Review and First Semester Test—see page 264		

Unit 3	Sacraments of Healing and Service	page
Doctrine: Catholic Teaching		
15 Jesus Christ Forgives Us (Reconciliation)		138
Jesus' mission of forgiveness	<i>Our Catholic Identity:</i> Seal of confession;	
Celebrating God's forgiveness	Saint John Nepomucen	
Isaiah 44:22; John 8:1-11	Faith Alive at Home and in the Parish	
16 Jesus Christ Helps Us in Sickness and Death (Anointing of the Sick)		148
Jesus' mission of healing	<i>Our Catholic Identity:</i> Preparing for a sick call	
Caring for the sick and dying	Faith Alive at Home and in the Parish	
John 9:1-6; James 5:14-15;		
Numbers 6:24-26		
17 Jesus Christ Helps Us to Love (Matrimony)		158
Matrimony, a covenant of love	<i>Our Catholic Identity:</i> Ministers of marriage;	
Practicing unselfish love	exchange of rings	
John 2:1-11; 1 Corinthians 13:4-5	Faith Alive at Home and in the Parish	
18 Jesus Christ Calls Us to Serve (Holy Orders)		168
Jesus Christ gives us leaders	<i>Our Catholic Identity:</i> Permanent deacons;	
Bishops, priests, and deacons	Bishop James Healy	
Mark 10:35-45; 11:43	Faith Alive at Home and in the Parish	
19 We Share Jesus Christ's Priesthood (Ministry)		178
The priesthood of the faithful	<i>Our Catholic Identity:</i> Young missionaries and	
Vocations in our Church	evangelization	
Matthew 28:19-20	Faith Alive at Home and in the Parish	
20 Celebrating Lent		188
Jesus prepares for His ministry	Faith Alive at Home and in the Parish	
Lenten practices		
Matthew 4:1-11		
21 Celebrating Easter		194
Jesus' final entry into Jerusalem	Faith Alive at Home and in the Parish	
Holy Week and the Easter Triduum		
Mark 11:1-11		
Unit 3 Review and Unit 3 Test—see page 268		

Unit 4 A Community of Faith, Hope, and Love	page
Doctrine: Catholic Teaching	
22 Becoming a Catholic (The Marks of the Church)	200
One, holy, catholic, and apostolic	<i>Our Catholic Identity: Pilgrimages;</i>
Living the four marks of the Church	World Youth Day
John 17:20–21; Ephesians 2:20; 4:5–6;	
Leviticus 19:2; Mark 16:15	Faith Alive at Home and in the Parish
23 All People Are God's People	210
Respecting other religions	<i>Our Catholic Identity: Profile of a witness —</i>
Working against prejudice	Sister Thea Bowman
Genesis 1:26–31	Faith Alive at Home and in the Parish
24 The Gift of Faith	220
The virtue of faith	<i>Our Catholic Identity: Saints Andrew Kim,</i>
The Apostles' Creed	Lawrence Ruiz, and Lawrence the deacon
John 6:51, 60, 66–69;	
Matthew 14:22–33; James 2:14–17	Faith Alive at Home and in the Parish
25 God Fills Us With Hope	230
The virtue of hope	<i>Our Catholic Identity: Paschal candle;</i>
Mary, a sign of hope	the alpha and omega
John 20:1–18, Romans 8:38–39	
Matthew 28:20; Revelation 22:13	Faith Alive at Home and in the Parish
26 The Gift of God's Love	240
The virtue of love	<i>Our Catholic Identity: Catholic ministry to</i>
The Works of Mercy	prisoners
Luke 10:30–35; Matthew 25:31–40;	
1 John 4:7–11; 1 Corinthians 13:4–7, 13	Faith Alive at Home and in the Parish
27 Sacramentals	250
Blessings and holy objects	
The rosary	Faith Alive at Home and in the Parish
28 Celebrations for the Year	256
Mass of the Holy Spirit	
We Honor Our Immaculate Mother	
A Way of the Cross	
29 Unit 1 Review—Unit 1 Test	Family/Catechist Communication. 260
30 Unit 2 Review—Unit 2 Test	Family/Catechist Communication. 262
31 First Semester Review—First Semester Test	264
32 Unit 3 Review—Unit 3 Test	Family/Catechist Communication. 268
33 Unit 4 Review—Unit 4 Test	270
34 Second Semester Review—Second Semester Test	272
Day of Retreat	276
Sharing Our Faith as Catholics	282
Prayers and Practices	288
End of Year Prayer	294
Coming to God's Life Glossary	296
Index	300
Sacrament of Reconciliation	Back Cover

EXHIBIT A-3 TO DECLARATION OF MARY MARGARET KREUPER

EXHIBIT A PAGE 22

Archdiocese of Los Angeles
Elementary School Classroom Observation Report

Teacher: Kristen
Principal: Sm-m
Grade: 5
Subject: Math

School: St. James
City: Glendale
School Year: 2013-14
Date: Nov. 12, 2013

Innovating	Implementing	Emerging	Not Exhibiting
Adjusts and creates new strategies for unique student needs and situations during the lesson.	Uses strategies at appropriate time, in the appropriate manner.	Attempts to use strategy but uses it incorrectly or at the wrong time.	Strategy was called for but not exhibited.

WCEA (Catholic Identity Factors) Check if observed

☐ Innovating

☐ Implementing

☐ Emerging

☐ Not Exhibiting

- ☒ There is visible evidence of signs, sacramental, traditions of the Roman Catholic Church in the classroom.
☒ Curriculum includes Catholic values infused through all subject areas. Respect -
☒ Integrates Schoolwide Learning Expectations

Observation Comments: _____

Objective to be Observed: *California Standards for the Teaching Profession*

For the following 5 standards, check if observed

Standard 1: Engaging and Supporting All Students in Learning

☐ Innovating

☐ Implementing

☐ Emerging

☐ Not Exhibiting

- ☒ 1.1 Using knowledge of students to engage them in learning
☐ 1.2 Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests
☐ 1.3 Connecting subject matter to meaningful, real-life contexts
☒ 1.4 Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs
☒ 1.5 Promoting critical thinking through inquiry, problem solving, and reflection
☒ 1.6 Monitoring student learning and adjusting instruction while teaching

Observation Comments: _____

Standard 2: Creating and Maintaining Effective Environments for Student Learning

☐ Innovating

☐ Implementing

☐ Emerging

☐ Not Exhibiting

- ☒ 2.1 Promoting social development and responsibility within a caring community where each student is treated fairly and respectfully
☒ 2.2 Creating physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students with teacher.
☒ 2.3 Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe Very good -
☒ 2.4 Creating a rigorous learning environment with high expectations and appropriate support for all students
☒ 2.5 Developing, communicating, and maintaining high standards for individual and group behavior
☒ 2.6 Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn

Created: 2012-07-03

there is a variety of work displayed.

☒ 2.7 Using instructional time to optimize learning

Co-ordinates give example.

Observation Comments: _____

Standard 3: Understanding and Organizing Subject Matter for Student Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 3.1 Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks
- ☒ 3.2 Applying knowledge of student development and proficiencies to ensure student understanding of subject matter
- ☒ 3.3 Organizing curriculum to facilitate student understanding of the subject matter
- ☒ 3.4 Utilizing instructional strategies that are appropriate to the subject matter
- ☒ 3.5 Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make subject matter accessible to all students
- ☐ 3.6 Addressing the needs of English learners and students with special needs to provide equitable access to the content

Observation Comments: _____

Standard 4: Planning Instruction and Designing Learning Experiences for All Students

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 4.1 Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction
- ☒ 4.2 Establishing and articulating goals for student learning
- ☐ 4.3 Developing and sequencing long-term and short-term instructional plans to support student learning
- ☒ 4.4 Planning instruction that incorporates appropriate strategies to meet the learning needs of all students
- ☒ 4.5 Adapting instructional plans and curricular materials to meet the assessed learning needs of all students

Varied Lots of different types of strategies.

Observation Comments: _____

Standard 5: Assessing Students for Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 5.1 Applying knowledge of the purposes, characteristics, and uses of different types of assessments
- ☒ 5.2 Collecting and analyzing assessment data from a variety of sources to inform instruction
- ☒ 5.3 Reviewing data, both individually and with colleagues, to monitor student learning
- ☒ 5.4 Using assessment data to establish learning goals and to plan, differentiate, and modify instruction
- ☒ 5.5 Involving all students in self-assessment, goal setting, and monitoring progress
- ☒ 5.6 Using available technologies to assist in assessment, analysis, and communication of student learning
- ☒ 5.7 Using assessment information to share timely and comprehensible feedback with students and their families

IOWA

Formal Assessment

Observation Comments: _____

Commendations: _____

Recommendations: _____

Created: 2012-07-03

what about the people whose # is not up there?

Phase anyone have left?

I submit this report in accordance with the schedule and procedures established by the Department of Catholic Schools as described in the *Administrative Handbook*.

Principal Signature: Sister Mary Margaret

Date: 11/13/2013

I have read this report and discussed it with the principal. My signature does not necessarily imply agreement this observation report. I understand that I am free to attach to this observation report any written reactions I may have within one week of today's date.

Teacher Signature: Kristen Bul

Date: 11/18/2013

**This observation form is used in conjunction with the California Standards for the Teaching Profession

Observed:

① Many things on desks
 Kleenex ^{Box} & markers, Julia
 Pencil Sharpener
 Water bottles
 Books etc under desks in aisle - fire etc.
 Binder
 Staple removers - Tape (scotch)

Have a zipper-bag for items
 Work on organization -

Do the students work in SS books?

Never allow them to color the pages
 of the book -

Give page ahead
 of time. Do problems
 that would be
 troublesome.

10
 +
 2
 12

Julia then
 Francesca (look at)

laneei
 Created: 2012-07-03

Good review of Music rules -

EXHIBIT A-4 TO DECLARATION OF MARY MARGARET KREUPER

EXHIBIT A PAGE 26

Missing Homework

1. Depth (most imp't)

I think you are a creative teacher.

2. Observations -

Lydia

- kids asking for the opportunity to take tests over.

- study guide lesson was taught - study guide given
"We can't do this, this is too hard."

Homework
Notes

- Test schedule - Parents were happy to see the test schedule in notebooks (Hmwk)

Hmw. missing - meeting OK done ✓ *

3. Creative teacher - who has a diff. philos.

MSGR.MMEYERS@

LA-ARCHD

.org

Principal.

9- 12 compile art - Leanne
- Wendy Harker - said OK

Did not give students test schedule

Meetings w/ Cindy & Kathleen

Grading work habit grades
 Habit Habit / Behavior chart

✓✓✓ ② Condition of Room - Things All over floor

✓ 3 Pens & Markers taped to desks -

Honor Roll - (Janelle)

✓ Setting up paper format (Brent)

0 Report cards / duplicates

✓✓✓ Level of Noise

Internet Project (no) 3rd & 4th
 (examples)

✓✓✓ Pen for math - pink - purple -

Missing homework as a being it *
 in the next day - !

Not wanting to take responsibility
 for students' behavior.

Change up format of
texts

Children MAY NOT have all
of that STUFF on their
books.

Study guides were still not
correct.

Student Council application -
Grades were different or
duplicates than on report cards.

2nd Tris Mosler

Changed grades on degree. (WH P.E.H.)
after I saw them.

1st Trimester - some did not earn
WH P.E.H.

may - Could not offer contract.

Math - pacing... he sure skills
are mastered -

Grades - Group - Plays - (Religion)

✓✓✓ Communication - e-mail not to parent

Technology - needs to be curriculum
related.

✓✓ Water bottles

Grades for group work -

6/20/14 Talked about 5th not being a good fit.
Kristen agreed.

Comments: - Math facts & Reading
Summer

Duplicator - De Senova H. Roll

6-17-2014 Comments did not include
Math facts & Summer Reading!

EXHIBIT A-5 TO DECLARATION OF MARY MARGARET KREUPER

EXHIBIT A PAGE 31

Week Of: September 23-27

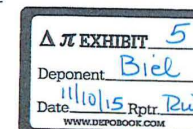
Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,
SLE(s)	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.
Materials	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill
Activity	Read p. 18-21 do exercises on p. 21	Read p. 22-23, do exercises on p. 23	Read p. 24-25, do unit checkup	English quiz Unit 1, journal	Unit 1 Test, Journal
Assessment	Extra practice p. 36 a,b,c all	Extra practice p. 39, a.b.c all		English quiz unit 1, journal	Unit 1 test, journal
Homework	Glencoe p. 59-60		Glencoe p. 61-62		
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	5.OA1.2.3, 5NBT.3.5.6.7	5.OA1.2.3, 5NBT.3.5.6.7	5.OA1.2.3, 5NBT.3.5.6.7	5.OA1.2.3, 5NBT.3.5.6.7	5.OA1.2.3, 5NBT.3.5.6.7
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,
Activity	Read p. 42-43, do 5-28 on p. 43	Read p. 44-45, do 5-20 on p. 45	Read p. 46-47, do 8-28 on p. 47	Diagnostic checkpoint p. 50, #1-24	Read p. 52-54, dp 9-42 even
Assessment	Mental math	tables	add and subtract equations	<i>Grade?</i>	estimation strategies
Homework	Simple Solutions lesson 8, p. 16	Simple Solutions lesson 9, p. 18	Simple Solutions lesson 10, p. 20		
Time/Subject	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill
Activity	Read p. 28-29, do p. 30 #'s 1-20	Review words, do p. 31	Review words, mock test	Spelling test Unit 3	Read p. 32-33, say words aloud
Assessment				Spelling test Unit 3	
Homework	worksheet p. 8	worksheet p. 9	worksheet p. 10		
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					5RI.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2
SLE(s)					2 a. b. c., 5 d.
Materials					Reading test 2, Faith and Eddie

Objective

?

EXHIBIT A PAGE 32

SER 32



Case 2:15-cv-04248-TJH-AS Document 67-2 Filed 10/06/16 Page 2 of 27 Page ID #:548

32 of 191

SER 32

*Be sure to
let the students
know the
test schedule.
Ann*

Activity Assessment Homework	Reading test, Faith and Eddie				
Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Finish reading Faith and Eddie p. 55-58	MUSIC	Discuss Story	Test review, story and vocab	American Will Be
Activity	workbook p. 12	MUSIC	workbook p. 17-18		Define key terms, do worksheet p. 5
Assessment					
Homework	Do p. 13 wkbk		Selection test practice p. 15-16 wkbk		
Time/Subject	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	5RF.3, 5L.1.2.4		5RF.3, 5L.1.2.4	5RF.3, 5L.1.2.4	
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Vocabulary workshop, Sadlier-Oxford	MUSIC	Vocabulary workshop, Sadlier-Oxford	Vocabulary workshop, Sadlier-Oxford	Science, McGraw-Hill
Activity	Read p. 16, do all three sections	MUSIC	Read p. 17, do 1-12 and Test review	Vocab test Vocab test	Give out Ch. 1 study guide
Assessment	Number it from 1-12				
Homework					
Time/Subject	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					
SLE(s)	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	Test review, p. 24-33	Test Chapter 2	Read p. 34-37, define faith words	Read p. 39-40, Discuss Jesus the servant	Read p. 42-43, chapter review
Assessment		Test Chapter 2	Next Test Tuesday		Next test Tuesday
Homework	Study for test				
Time/Subject	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Art
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					
SLE(s)	2 a., 3c., 4 a-c, 5d.	COMPUTER	2 a., 3c., 4 a-c, 5d.	2 a., 3c., 4 a-c, 5d.	Fall Leaves Art Project
Materials	American Will Be	COMPUTER	American Will Be	American Will Be	
Activity	Chapter 1 test review	COMPUTER	Chapter 1 test	Chapter 2, lesson 1 read p. 28-33	
Assessment	pick sticks to call out questions on the study guide, pass out point cards		Chapter 1 test	Do Questions on p. 33, 1-4,	
Homework					
Time/Subject	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:20-3:00 Art - 3:00-3:15 Reward Time
Objective					
CCCS					

EXHIBIT A PAGE 33

SER 33

SER 33

SLE(s)	2 a.b.d.e.,4c.,5d.,6a.b.c.	COMPUTER	2 a.b.d.e.,4c.,5d.,6a.b.c.	2 a.b.d.e.,4c.,5d.,6a.b.c.	Fall Leaves Art Project
Materials	Science, McGraw-Hill	COMPUTER	Science, McGraw-Hill	Science, McGraw-Hill	
Activity	Read p. 24-27, do worksheet p. 18	COMPUTER	Read p. 28-29, do worksheet 19	Discuss parts of a plant do wkst. P. 20	
Assessment					
Homework	Finish wkst. P. 18		finish wkst. 19		

Thanks Kristin!
Ann

Week Of: November 4-8, 2013

Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, SL.1.2.3.4,	SRF.3, SL.1.2.3.4,	SRF.3, SL.1.2.3.4,	SRF.3, SL.1.2.3.4,	SRF.3, SL.1.2.3.4,
SLE(s)	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.
Materials	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill
Activity	Read p. 150-151, do p. 151 6-20	Read p. 152-153, do p. 153, 6-25	Read p. 154-155, do p. 155, 6-20	Read p. 156-157, do p. 157, 6-20	Read p. 158-159, do p. 159, 6-20
Assessment					Verb quiz
Homework	Glencoe p. 81-82		Glencoe p. 83-84		
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	50A.1.2.3, 5NBT.1.2.3.4.5, 5MD.2, 5G.1-3	50A.1.2.3, 5NBT.1.2.3.4.5, 5MD.2, 5G.1-3	50A.1.2.3, 5NBT.1.2.3.4.5, 5MD.2, 5G.1-3	50A.1.2.3, 5NBT.2.5.6, 5NF, 5.6.	50A.1.2.3, 5NBT.2.5.6, 5NF, 5.6.
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,
Activity	Do p. 112-113 Practice test, review answers	Do more practice p. 116-117, review ans.	Chapter 3 test, SS Quiz	Chapter 4, Diagnosing readiness	Multiplication Properties
Assessment	Do p. 114-115 Practice test, review answers	Do Problem solving p. 118-119, review ans.	Chapter 3 test, SS Quiz	p. 122-123 all, review answers	p. 126-127, Do Ex. On p. 127, 1-24
Homework	Simple Solutions lesson 26, p. 52	Simple Solutions lesson 27, p. 54	Simple Solutions lesson 28, p. 56	Simple Solutions lesson 29, p. 58	
Time/Subject	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill
Activity	Read words p. 64, unit 10, do p. 65	Read words, do p. 66 1-20	Do p. 67 core, 1-20, content 1-8	Spelling test Unit 10	Read p. 68 say words aloud, compound wds.
Assessment			Mock test	Spelling test Unit 10	Unit 11
Homework	workbook p. 32	worksheet p. 33	study for test tomorrow		
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					5RL.1.2.3.5.6, 5RI.2.5.6.8, SRF.3.4, SSL.1.2
SLE(s)					2 a. b. c., 5 d.
Materials					Fantastic Voyage - Scott Foresman
Activity					Test Diver and the Dolphins
Assessment					Read p. 153-155
Homework					
Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT

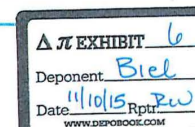


EXHIBIT A PAGE 35

SER 35

Case 2:15-cv-04248-TJH-AS Document 67-2 Filed 10/06/16 Page 5 of 27 Page ID #:551

35 of 191

SER 35

CCCS	SRL.1.2.3.5.6, SRL.2.5.6.8, 5RF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, 5RF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, 5RF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, 5RF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, 5RF.3.4, SSL.1.2
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Fantastic Voyage - Scott Foresman	MUSIC	Fantastic Voyage - Scott Foresman	Fantastic Voyage - Scott Foresman	American Will Be
Activity	Read p. 134-135, discuss steps in a process	MUSIC	Read diver and the dolphins p. 137-150	test review	Read lesson 1, p. 80-83, answer questions
Assessment	see p. 136, make index cards			test review	Chapter 4 lesson 1, questions 1-4 index cards
Homework	workbook p. 51	workbook p. 52	workbook p. 58	workbook p. 55-56	
Time/Subject	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	5RF.3, SL.1.2.4		5RF.3, SL.1.2.4	5RF.3, SL.1.2.4	
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Vocabulary workshop, Sadlier-Oxford	MUSIC	Vocabulary workshop, Sadlier-Oxford	Vocabulary workshop, Sadlier-Oxford	Science, McGraw-Hill
Activity	Read p. 54-55, say definitions aloud unit 7	MUSIC	Do p. 57-58 synonyms & antonyms	Vocab test, unit 7	Read p. 58-61, discuss different types of plants
Assessment	do p. 56			Vocab test, unit 7	
Homework	Make index cards		Do p. 59, and Study index cards		
Time/Subject	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					
SLE(s)	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	Chapter 8, read p. 76-77, make haiku	Read p. 78-79, discuss Baptism	Read p. 80-81, discuss rebirth	Read p. 82-84, do test review	Chapter 8 test
Assessment	about water and life			Review for test	Chapter 8 test
Homework				Crossword study guide	
Time/Subject	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Art
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS		Science test review			
SLE(s)	2 a., 3c., 4 a-c, 5d.	COMPUTER	2 a., 3c., 4 a-c, 5d.	2 a., 3c., 4 a-c, 5d.	Value pumpkins, yellow, orange, brown
Materials	American Will Be	COMPUTER	American Will Be	American Will Be	pumpkins on white paper separated with diagonal lines
Activity	Pass out study guide, work on answers	COMPUTER	Chapter 3 test	Read p. 76-79, discuss pictures	
Assessment			Chapter 3 test		
Homework	Finish worksheets- study	Pass out Study guide Ch. 3		pass out worksheets	
Time/Subject	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:20-3:00 Art - 3:00-3:15 Reward Time
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					
SLE(s)	2 a.b.d.e., 4c., 5d., 6a.b.c.	COMPUTER	2 a.b.d.e., 4c., 5d., 6a.b.c.	2 a.b.d.e., 4c., 5d., 6a.b.c.	Value pumpkins, yellow, orange, brown
Materials	Science, McGraw-Hill	COMPUTER	Science, McGraw-Hill	Science, McGraw-Hill	
Activity	Chapter 2, topic 4, lesson 3 read p. 50-53	COMPUTER	Read p. 54-55 discuss animal life cycles	Read p. 56, make index cards discuss plants with seeds	
Assessment	Do questions on p. 53, make index cards				
Homework					

Be sure to do study guides to go with each test.

EXHIBIT A PAGE 36

SER 36

Case 2:15-cv-04248-TJH-AS Document 67-2 Filed 10/06/16 Page 6 of 27 Page ID #:552

36 of 191

SER 36

Week Of: November 18-22, 2013

Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,
SLE(s)	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.
Materials	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill
Activity	Read p. 164-165, do p. 165, 5-20	Glencoe p. 95-98 irregular verbs	Read p. 166-167, do p. 167, 6-20	Test Review - verbs Unit 5	Test - Verbs Unit 5
Assessment					
Homework	Glencoe p. 93-94		Glencoe p. 101-102		
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6.	5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6.	5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6.	5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6.	5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6.
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,
Activity	Read p. 138-139, do ex. 5-29	Read p. 140-141, do ex on p. 142, 10-32	Read p. 144-145, do ex. 1-8, 55 quiz	Read p. 146-147, do ex. 6-27	Read p. 148-149, do ex. 14-30
Assessment	Review answers	Review answers	review answers	Review answers	review answers
Homework	Simple Solutions lesson 32, P. 64	Simple Solutions lesson 33, p. 66	Simple Solutions lesson 34, p. 68	Simple Solutions lesson 35, p. 70	
Time/Subject	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill
Activity	Read p. 72-74, do p. 72	Do p. 73	Do p. 74	Spelling test Unit 12	Spelling test Unit 12
Assessment					
Homework	workbook p. 38-39	worksheet p. 40	worksheet p. 41-42		
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					5RL.1.2.3.5.6, 5RI.2.5.6.8, SRF.3.4, 5SL.1.2
SLE(s)					2 a. b. c., 5 d.
Materials					Fantastic Voyage - Scott Foresman
Activity					Reading Test Dwaina Brooks
Assessment					Read p. 194-195
Homework					
Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT



EXHIBIT A PAGE 37

SER 37

SER 37

CCCS	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Fantastic Voyage - Scott Foresman	MUSIC	Fantastic Voyage - Scott Foresman	Fantastic Voyage - Scott Foresman	American Will Be
Activity	Read p. 178-179,	MUSIC	Read Dwaina Brooks, p. 181-191	Test review story and vocab.	Read p. 104-108 chapter 5
Assessment	Read p. 180 make flash cards of vocab.				do questions on p. 108, 1-4 and index cards
Homework	workbook p. 71	workbook p. 72	workbook p. 78	workbook p. 75-76	
Time/Subject	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, SL.1.2.4		SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Vocabulary workshop, Sadlier-Oxford	MUSIC	Vocabulary workshop, Sadlier-Oxford	Vocabulary workshop, Sadlier-Oxford	Science, McGraw-Hill
Activity	do p. 66	MUSIC	do p. 67	Do p. 69	Read p. 78-79, do questions on p. 79
Assessment					1-5.
Homework					
Time/Subject	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					
SLE(s)	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	Chapter 10, Read p. 96-97, Do exercise on p. 97	Read p. 98-99, Discuss Eucharist	Read p. 100-101, Discuss Last Supper	Read p. 102-104, Do p. 105 Test review	Chapter 10 test
Assessment				Review for test	Chapter 10 test
Homework				Crossword study guide	
Time/Subject	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Art
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS		Science test review			
SLE(s)	2 a., 3c., 4 a-c, 5d.	COMPUTER	2 a., 3c., 4 a-c, 5d.	2 a., 3c., 4 a-c, 5d.	Hands on Art
Materials	American Will Be	COMPUTER	American Will Be	American Will Be	
Activity	Do chapter review p. 100-101	COMPUTER	Chapter 4 test	Read p. 102-103 discuss exploration	
Assessment	work on study guide, ch. 4			pass out worksheets	
Homework	Test Wednesday	Pass out Study guide Ch. 3			
Time/Subject	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:20-3:00 Art - 3:00-3:15 Reward Time
Objective					
CCCS					
SLE(s)	2 a.b.d.e., 4c., 5d., 6a.b.c.	COMPUTER	2 a.b.d.e., 4c., 5d., 6a.b.c.	2 a.b.d.e., 4c., 5d., 6a.b.c.	Hands on Art
Materials	Science, McGraw-Hill	COMPUTER	Science, McGraw-Hill	Science, McGraw-Hill	
Activity	Read p. 70-73, discuss pollination	COMPUTER	Do experiment on p. 74, parts of a seed	Read p. 74-77, discuss how seeds travel	
Assessment	pass out worksheets				
Homework					

EXHIBIT A PAGE 38

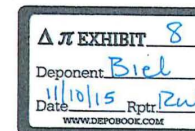
SER 38

Week Of: December 9-13, 2013

Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,
SLE(s)	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.
Materials	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill
Activity	Read p. 214-215, discuss interview process	Read p. 216-217, have students interview	Read p. 218-219, discuss writing an article	Read p. 220-222, do unit checkpoint p. 222	Share interview articles, discuss pros
Assessment	talk about collecting information.	row partner for a subject.	discuss how to prepare an article.	Write interview article	and cons, for next time.
Homework					
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6.	5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6.	5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6.	5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6.	5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6.
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,
Activity	Christmas Program rehearsal	Christmas Program rehearsal	Simple Solutions Quiz # 5	Review SS Quiz answers	Review Simple Solutions homework
Assessment			review answers		Lesson 46
Homework			Christmas Program No Homework	Simple Solutions lesson 46, p. 92	
Time/Subject	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting
Objective(s)	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Spelling/McGraw-Hill	Spelling/McGraw-Hill	Spelling/McGraw-Hill	Spelling/McGraw-Hill	Spelling/McGraw-Hill
Activity	Christmas Program Rehearsal	Christmas Program Rehearsal	Read p. 89 do 1-20	Read p. 90 do 1-20, Read p. 91, do 1-20	Unit 14 test
Assessment					Unit 14 test
Homework			No Homework Christmas Program	Workbook 47-48	
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					5RL.1.2.3.5.6, 5RI.2.5.6.8, SRF.3.4, 5SL.1.2
SLE(s)					2 a. b/c, 5 d.
Materials					Fantastic Voyage - Scott Foresman
Activity					Reading Test Missing Links
Assessment					
Homework					
Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies

EXHIBIT A PAGE 39

SER 39



39 of 191

SER 39

Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Fantastic Voyage - Scott Foresman	MUSIC	Fantastic Voyage - Scott Foresman	Fantastic Voyage - Scott Foresman	American Will Be
Activity	Read p. 216-217	MUSIC	Read Missing Links P. 220-230	Test review story and vocab.	Read p. 104-108 chapter 5
Assessment					do questions on p. 108, 1-4 and index cards
Homework	workbook p. 91	workbook p. 92	workbook p. 93	workbook p. 95-96	
Time/Subject	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	5RF.3, 5L.1.2.4		5RF.3, 5L.1.2.4	5RF.3, 5L.1.2.4	5RF.3, 5L.1.2.4
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Read p. 76-77, review Vocab words and definitions Unit 9, do p. 78	MUSIC	Vocabulary workshop, Sadlier-Oxford	Vocabulary workshop, Sadlier-Oxford	Science, McGraw-Hill
Activity		MUSIC	Do p. 79-81	Vocabulary test unit 9	Read p. 78-79, do questions on p. 79
Assessment					1-5.
Homework	Make flash cards for unit 9		Study for test		
Time/Subject	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					
SLE(s)	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	Read p. 106-107, do windsock activity	Read p. 108-109, finish windsock activity	Read p. 110-113, discuss communion	Read p. 114-115, do test review activity	Chapter 11 test
Assessment				Review for test	Chapter 11 test
Homework				Crossword study guide	
Time/Subject	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Art
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					
SLE(s)	2 a., 3c., 4 a-c, 5d.	Science test review	2 a., 3c., 4 a-c, 5d.	2 a., 3c., 4 a-c, 5d.	Hands on Art
Materials	American Will Be	COMPUTER	American Will Be	American Will Be	
Activity	Work on study guides and worksheets for Chapter 4	COMPUTER	Work on study guides and worksheets for Chapter 4	Go over study guides and correct worksheets for Chapter 4	
Assessment					
Homework					
Time/Subject	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:20-3:00 Art - 3:00-3:15 Reward Time
Objective					
CCCS					
SLE(s)	2 a.b.d.e., 4c., 5d., 6a.b.c.	COMPUTER	2 a.b.d.e., 4c., 5d., 6a.b.c.	2 a.b.d.e., 4c., 5d., 6a.b.c.	Hands on Art
Materials	Science, McGraw-Hill	COMPUTER	Science, McGraw-Hill	Science, McGraw-Hill	
Activity	Work on study guides and worksheets Topic 4	COMPUTER	work on study guides and worksheets topic 4	Take topic 4 test	
Assessment					

EXHIBIT A PAGE 40

SER 40

Week Of: January 20-24

Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:50-9:00 English/Writing	8:50-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:25-9:00 English/Writing
Objective(s)	SWBAT- know and understand how to write with descriptive adjectives.	SWBAT- know and understand how to write with descriptive adjectives.	SWBAT- know and understand how to write with descriptive adjectives.	SWBAT- know and understand how to write with descriptive adjectives.	SWBAT- know and understand how to write with descriptive adjectives.
CCCS	SRF.3, SL.1.2.3.4,	SRF.3, SL.1.2.3.4,	SRF.3, SL.1.2.3.4,	SRF.3, SL.1.2.3.4,	SRF.3, SL.1.2.3.4,
SLE(s)	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.
Materials	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill
Activity	MLK no school	Read p. 260-261, discuss story "from Zeely"	Read p. 262-264, discuss "from Zeely"	Read p. 265-267, discuss descriptive writing, give examples, brainstorm	Take ACRE test
Assessment					Take ACRE test
Homework			Glencoe p. 61-62		
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication	SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication	SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication	SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication	SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication
CCCS	5.OA1.2.3, SNBT.3.5.6.7	5.OA1.2.3, SNBT.3.5.6.7	5.OA1.2.3, SNBT.3.5.6.7	5.OA1.2.3, SNBT.3.5.6.7	5.OA1.2.3, SNBT.3.5.6.7
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,
Activity	MLK no school	Do p. 158-159, More practice	Chapter 4 Test	Take ACRE test	Finish ACRE test
Assessment					
Homework	s.s. lesson 54	Worksheet triple digit multiplication	s.s. lesson 55		
Time/Subject	10:00-10:55 Spelling/Handwriting	10:00-10:55 Spelling/Handwriting	10:00-10:55 Spelling/Handwriting	10:00-10:55 Spelling/Handwriting	10:00-10:55 Spelling/Handwriting
Objective(s)	SWBAT- know and understand the spelling words of unit 17, adding -s or -es	SWBAT- know and understand the spelling words of unit 17, adding -s or -es	SWBAT- know and understand the spelling words of unit 17, adding -s or -es	SWBAT- know and understand the spelling words of unit 17, adding -s or -es	SWBAT- know and understand the spelling words of unit 17, adding -s or -es
CCCS	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill
Activity	MLK no school	Do p. 102, 1-20	Do p. 103, core 1-20, content 1-8	Spelling test Unit 17	Spelling test Unit 17
Assessment					
Homework		worksheet p. 57	worksheet p. 10		
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					Terabithia, and memorize facts and vocabulary.
SLE(s)					SR.1.2.3.5.6, SR.1.2.5.6.8, SRF.3.4, SSL.1.2
Materials	MLK no school				2 a. b. c., 5 d.
Activity					Bridge to Terabithia
Assessment					Test chapter 5-8
Homework					Vocab. test review 9-12
Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies
Objective	SWBAT - comprehend the story Bridge to Terabithia, and memorize facts and vocabulary.	SWBAT - comprehend the story Bridge to Terabithia, and memorize facts and vocabulary.	SWBAT - comprehend the story Bridge to Terabithia, and memorize facts and vocabulary.	SWBAT - comprehend the story Bridge to Terabithia, and memorize facts and vocabulary.	SWBAT - know and understand Portuguese, Spanish, French, Dutch,
CCCS	SR.1.2.3.5.6, SR.1.2.5.6.8, SRF.3.4, SSL.1.2	SR.1.2.3.5.6, SR.1.2.5.6.8, SRF.3.4, SSL.1.2	SR.1.2.3.5.6, SR.1.2.5.6.8, SRF.3.4, SSL.1.2	SR.1.2.3.5.6, SR.1.2.5.6.8, SRF.3.4, SSL.1.2	SR.1.2.3.5.6, SR.1.2.5.6.8, SRF.3.4, SSL.1.2
SLE(s)	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Bridge to Terabithia	MUSIC	Bridge to Terabithia	Bridge to Terabithia	American - Will Be
Activity	MLK no school	MUSIC	Read chapter 7	Read chapter 8	Work on study guide and worksheets
Assessment					Chapter 5
Homework	Do p. 13 w/bk				
Time/Subject	12:10-12:30 Reading/Journey/Vocab.	12:10-12:30 Reading/Journey/Vocab.	12:10-12:30 Reading/Journey/Vocab.	12:10-12:30 Reading/Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT - know and understand the vocab words to units 9-12	SWBAT - know and understand the vocab words to units 9-12	SWBAT - know and understand the vocab words to units 9-12	SWBAT - know and understand the vocab words to units 9-12	SWBAT - know and understand how seeds develop, grow, and reproduce for a plant.
CCCS	SRF.3, SL.1.2.4		SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	

Be sure to correct S.G.

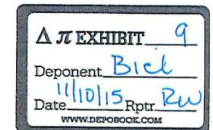


EXHIBIT A PAGE 41

SER 41

Case 2:15-cv-04248-TJH-AS Document 67-2 Filed 10/06/16 Page 11 of 27 Page ID #:557

41 of 191

SER 41

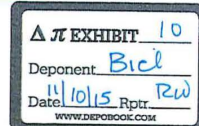
SLE(s)	2 a. b. c. 5 d.	2 a. b. c. 5 d.	2 a. b. c. 5 d.	2 a. b. c. 5 d.	2 a. b. c. 5 d.
Materials	Vocabulary workshop, Sudler-Oxford	Vocabulary workshop, Sudler-Oxford	Vocabulary workshop, Sudler-Oxford	Vocabulary workshop, Sudler-Oxford	Vocabulary workshop, Sudler-Oxford
Activity	MLK no school	Unit review 9-12, do p. 100-101	Unit review 9-12, do p. 100-101	Unit review 9-12, do p. 100-101	Unit review 9-12, do p. 100-101
Assessment	MUSIC	MUSIC	MUSIC	MUSIC	MUSIC
Homework	MLK no school	Unit review 9-12, do p. 100-101	Unit review 9-12, do p. 100-101	Unit review 9-12, do p. 100-101	Unit review 9-12, do p. 100-101
Time/Subject	145-230	145-230	145-230	145-230	145-230
Objective	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth
CCCS	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	MLK no school	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133
Assessment	MLK no school	MLK no school	MLK no school	MLK no school	MLK no school
Homework	MLK no school	MLK no school	MLK no school	MLK no school	MLK no school
Time/Subject	145-230	145-230	145-230	145-230	145-230
Objective	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth
CCCS	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	MLK no school	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133
Assessment	MLK no school	MLK no school	MLK no school	MLK no school	MLK no school
Homework	MLK no school	MLK no school	MLK no school	MLK no school	MLK no school
Time/Subject	230-310	230-310	230-310	230-310	230-310
Objective	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth
CCCS	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	MLK no school	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133
Assessment	MLK no school	MLK no school	MLK no school	MLK no school	MLK no school
Homework	MLK no school	MLK no school	MLK no school	MLK no school	MLK no school
Time/Subject	310-315	310-315	310-315	310-315	310-315
Objective	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth	SWBAT - Know and understand the meaning behind Christmas and Christ's birth
CCCS	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	MLK no school	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133	Chapter 14, read p. 122-133, do exercise on p. 133
Assessment	MLK no school	MLK no school	MLK no school	MLK no school	MLK no school
Homework	MLK no school	MLK no school	MLK no school	MLK no school	MLK no school

EXHIBIT A PAGE 42

Week Of: January 27-31 2014

Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing
Objective(s)	SWBAT- know and understand how to write with descriptive adjectives.	SWBAT- know and understand how to write with descriptive adjectives.	SWBAT- know and understand how to write with descriptive adjectives.	SWBAT- know and understand how to write with descriptive adjectives.	SWBAT- know and understand how to write with descriptive adjectives.
CCCS	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,	SRF.3, 5L.1.2.3.4,
SLE(s)	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.
Materials	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill
Activity	Write Sr. Mary Margaret a letter	Read p. 268-269, discuss sensory details	Read p. 270-271, make a checklist of sensory writing, brainstorm words	Read p. 265-267, discuss descriptive	Read p. 274-277 writing a description
Assessment			Glencoe p. 61-62	Read 272-273 classifying sensory details	begin first draft of description writing
Homework				discuss editing details	
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.
CCCS	5.OA1.2.3, SNF 1.2.3.5., SMD 1.2.5NBT.3.5	5.OA1.2.3, SNF 1.2.3.5., SMD 1.2.5NBT.3.5	5.OA1.2.3, SNF 1.2.3.5., SMD 1.2.5NBT.3.5	5.OA1.2.3, SNF 1.2.3.5., SMD 1.2.5NBT.3.5	5.OA1.2.3, SNF 1.2.3.5., SMD 1.2.5NBT.3.5.6.7
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,
Activity	Read p. 168-169, do 5-30 on p. 169	Read p. 170-171, do 10-30 on p. 171	Read p. 172-174, do 7-37 odd on p. 174	Read p. 176-177, do 1-7 On p. 177	read p. 178-180, do 6-32 on p. 180.
Assessment			SS Math Quiz # 7		
Homework	Math workbook 5-1	NO HOMEWORK DAY!	s.s. lesson 56	Math workbook 5-3	
Time/Subject	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting
Objective(s)	SWBAT- know and understand the words from unit 13-17 review	SWBAT- know and understand the words from unit 13-17 review	SWBAT- know and understand the words from unit 13-17 review	SWBAT- know and understand the words from unit 13-17 review	SWBAT- know and understand the words from unit 13-17 review
CCCS	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill
Activity	Do p. 104-105, unit 13-14 words.	Do 105-106, unit 15-16-17	Do p. 107, 1-20	Spelling test Unit 18	Read p. 116, say unit 19 words aloud.
Assessment					
Homework			Study for unit test		
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2
SLE(s)					2 a. b. c., 5 d.
Materials					Bridge to Terabithia
Activity					Test chapters 9-11
Assessment					Spectrum reading p. 4-5, Australia's giant
Homework					Toads

EXHIBIT A PAGE 43



Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials	Bridge to Terabithia	MUSIC	PE	Bridge to Terabithia	America Will Be
Activity	Read chapter 9-10	MUSIC	PE	Read ch. 11	Read p. 132-135, do p. 135
Assessment			PE	Test review ch. 9-11	questions 1-4
Homework					
Time/Subject	12:10-12:30 Reading/Journey/Vocab.	12:10-12:30 Reading/Journey/Vocab.	12:10-12:30 Reading/Journey/Vocab.	12:10-12:30 Reading/Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS	SRF.3, SL.1.2.4		SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	2 a. b. c., 5 d.
SLE(s)	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	Science, McGraw-Hill
Materials	Vocabulary workshop, Sadlier-Oxford	MUSIC	PE	Vocabulary workshop, Sadlier-Oxford	Read p. 82-83, do flash cards for science words
Activity	Unit 13 - Read p. 106-107, do p. 108	MUSIC	PE	Vocab test unit 13	
Assessment			PE	Vocab test unit 13	
Homework	Make flash cards unit 13				
Time/Subject	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion
Objective	SWBAT- know and understand reconciliation	SWBAT- know and understand reconciliation	SWBAT- know and understand reconciliation	SWBAT- know and understand reconciliation	SWBAT- know and understand reconciliation
CCCS					
SLE(s)	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	Read p. 140-141, discuss forgiveness	Read p. 142-143, discuss sacrament of healing	Read p. 144-146, do p. 146 review	Chapter 15 test	Read p. 148-149, discuss sickness and death
Assessment			Test review		
Homework	Study for test				
Time/Subject	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Art
Objective	SWBAT- know and understand Spanish, French, and English Colonization and Settlement.	SWBAT- know and understand Spanish, French, and English Colonization and Settlement.	SWBAT- know and understand Spanish, French, and English Colonization and Settlement.	SWBAT- know and understand Spanish, French, and English Colonization and Settlement.	SWBAT
CCCS					
SLE(s)	2 a., 3c., 4 a-c, 5d.	COMPUTER	2 a., 3c., 4 a-c, 5d.	2 a., 3c., 4 a-c, 5d.	Fall Leaves Art Project
Materials	American Will Be	COMPUTER	American Will Be	American Will Be	
Activity	Chapter 5 Game Show Jeopardy	COMPUTER	Chapter 5 test	Chapter 6, read p. 126-131, do p. 131	
Assessment	Chapter 5 review, p. 124-125			questions 1-4	
Homework					
Time/Subject	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:20-3:00 Art - 3:00-3:15 Reward Time
Objective	SWBAT- know and understand how seeds develop, grow, and reproduce for a plant.	SWBAT- know and understand how seeds develop, grow, and reproduce for a plant.	SWBAT- know and understand how seeds develop, grow, and reproduce for a plant.	SWBAT- know and understand how seeds develop, grow, and reproduce for a plant.	
CCCS					
SLE(s)	2 a.b.d.e., 4c., 5d., 6a.b.c.	COMPUTER	2 a.b.d.e., 4c., 5d., 6a.b.c.	2 a.b.d.e., 4c., 5d., 6a.b.c.	
Materials	Science, McGraw-Hill	COMPUTER	Science, McGraw-Hill	Science, McGraw-Hill	Fall Leaves Art Project

EXHIBIT A PAGE 44

SER 44

Activity Assessment Homework
READ p. 76-77, discuss cycle of a conifer
COMPUTER
Read p. 78-79, discuss seeds we can eat
Do review questions on p. 79, 1-4
Read p. 80-81, discuss tree rings

*Remember, we
have "talked" on
about "thing"
deck —*

EXHIBIT A PAGE 45

Week Of: February 17-21-2014

Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing
Objective(s)	SWBAT - know and understand the usage of pronouns	SWBAT - know and understand the usage of pronouns	SWBAT - know and understand the usage of pronouns	SWBAT - know and understand the usage of pronouns	SWBAT - know and understand the usage of pronouns
CCCS		SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a.	SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a.	SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a.	SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a.
SLE(s)					
Materials	PRESIDENTS DAY	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill
Activity		Read p. 304-305, do p. 305 #6-20	Read p. 306-307, do p. 307 # 6-20	Read p. 3080309, do p. 309 #5-20	Read article "Should everyone get a Trophy?" Write a one paragraph opinion piece yes or no.
Assessment		Glencoe p. 112-113	Worksheet we and us		
Homework					
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.	SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.
CCCS		5.OA1.2.3, SNF 1.2. 3. 5., SMD 1.2.5NBT.3.5.5	5.OA1.2.3, SNF 1.2. 3. 5., SMD 1.2.5NBT.3.5.5	5.OA1.2.3, SNF 1.2. 3. 5., SMD 1.2.5NBT.3.5.5	5.OA1.2.3, SNF 1.2. 3. 5., SMD 1.2.5NBT.3.5.6.7
SLE(s)		2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	PRESIDENTS DAY	Scott Foresman book, Diagnostic Checkpoint on p. 198.	Scott Foresman book, Chapter 5 practice test p. 199	Scott Foresman book, Chapter 5 test	Scott Foresman book, Chapter 5 test review
Activity					check wrong answers go over questions
Assessment		Math workbook 5-12	s.s. lesson 60	ss lesson 61	
Homework					
Time/Subject	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting
Objective(s)	SWBAT- know and understand the spelling words in unit 21, ar and er sounds.	SWBAT- know and understand the spelling words in unit 21, ar and er sounds.	SWBAT- know and understand the spelling words in unit 21, ar and er sounds.	SWBAT- know and understand the spelling words in unit 21, ar and er sounds.	SWBAT- know and understand the spelling words in unit 21, ar and er sounds.
CCCS		SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	SRF.3, SL.1.2.4
SLE(s)		2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials		Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill
Activity	PRESIDENTS DAY	Read p. 124, do p. 125 1-20	do p. 126 1-20	Spelling test Unit 21	Unit 21 test review
Assessment					
Homework		worksheet p. 71	worksheet p. 72		
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					5.OA1.2.3, SNF 1.2. 3. 5., SMD 1.2.5NBT.3.5.6.8, SRF.3.4, SSL.1.2
SLE(s)					2 a. b. c., 5 d.
Materials	PRESIDENTS DAY				Spectrum Reading page 8-9
Activity					



I enjoyed reading these. Thanks, Ann

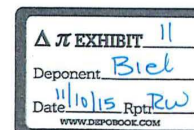


EXHIBIT A PAGE 46

SER 46

Case 2:15-cv-04248-TJH-AS Document 67-2 Filed 10/06/16 Page 16 of 27 Page ID #:562

46 of 191

SER 46

Assessment Homework					
Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT - know and understand Spanish, French, and English Colonization and Settlement.
CCCS		SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2	SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2
SLE(s)		MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials		MUSIC	PE	DEAR TIME - ISLAND READING	American Will Be
Activity	PRESIDENTS DAY	MUSIC	PE		Complete all unfinished worksheets
Assessment			PE		Ch 6.
Homework					
Time/Subject	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT - know and understand how seeds develop, grow, and reproduce for a plant.
CCCS			SRF.3, SL.1.2.4	SRF.3, SL.1.2.4	
SLE(s)		MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials		MUSIC	PE	Vocabulary workshop, Sadlier-Oxford	Science, McGraw-Hill
Activity	PRESIDENTS DAY	MUSIC	PE	Vocab test unit 16	Ch 6 chapter review
Assessment			PE		Unit 2 test next Tuesday
Homework					
Time/Subject	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion
Objective	SWBAT- know and understand the meaning behind service of others	SWBAT- know and understand the meaning behind service of others	SWBAT- know and understand the meaning behind service of others	SWBAT- know and understand the meaning behind service of others	SWBAT- know and understand the meaning behind service of others
CCCS					
SLE(s)		1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials		Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	PRESIDENTS DAY	Ch 18, read p. 168 discuss how a priest helps others	Ch 18, read p. 170-171, answer the questions on p. 171	Ch 18, read p. 172-173, divide the class in 4 groups and have them draw a symbol for their ministry.	Ch 18 Test
Assessment					
Homework					
Time/Subject	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Art
Objective	SWBAT - know and understand Spanish, French, and English Colonization and Settlement.	SWBAT - know and understand Spanish, French, and English Colonization and Settlement.	SWBAT - know and understand Spanish, French, and English Colonization and Settlement.	SWBAT - know and understand Spanish, French, and English Colonization and Settlement.	SWBAT
CCCS					
SLE(s)			2 a., 3c., 4 a-c, 5d.	2 a., 3c., 4 a-c, 5d.	Art Project
Materials	PRESIDENTS DAY	COMPUTER	American Will Be	American Will Be	
Activity		COMPUTER	Ch 6 study guide review	Ch 6 study guide review	
Assessment					
Homework					
Time/Subject	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:20-3:00 Art - 3:00-3:15 Reward Time
Objective	SWBAT - know and understand how seeds develop, grow, and reproduce for a plant.	SWBAT - know and understand how seeds develop, grow, and reproduce for a plant.	SWBAT - know and understand how seeds develop, grow, and reproduce for a plant.	SWBAT - know and understand how seeds develop, grow, and reproduce for a plant.	
CCCS					

EXHIBIT A PAGE 47

SER 47

SER 47

SLE(s)		COMPUTER	2 a.b.d.e.,4c.,5d.,6a.b.c.	2 a.b.d.e.,4c.,5d.,6a.b.c.	Art Project
Materials	PRESIDENTS DAY	COMPUTER	Science, McGraw-Hill	Science, McGraw-Hill	
Activity		COMPUTER	Ch 2 study guide review	Ch 2 study guide review	
Assessment					
Homework					

Be sure to
Correct so the
students will have
something to study
(correctly)
Thanks

Week Of: March 3-7-2014

Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing
Objective(s)	SWBAT - know and understand how to write a persuasive essay	SWBAT - know and understand how to write a persuasive essay	SWBAT - know and understand how to write a persuasive essay	SWBAT - know and understand how to write a persuasive essay	SWBAT - know and understand how to write a persuasive essay
CCCS	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.
SLE(s)	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.
Materials	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill
Activity	Read p. 330-331, discuss elements to a persuasive essay	Read p. 332-336, answer questions with whole class discuss thinking like a writer	Read p. 337, brainstorm essay ideas	Read p. 340-341, discuss facts and opinions	Read p. 342-343, start a checklist and graphic organizer.
Assessment					
Homework					
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT- know and practice Multiplying and Dividing Decimals	SWBAT- know and practice Multiplying and Dividing Decimals	SWBAT- know and practice Multiplying and Dividing Decimals	SWBAT- know and practice Multiplying and Dividing Decimals	SWBAT- know and practice Multiplying and Dividing Decimals
CCCS	5.OA.1, 5.NTB.1,3,5, 6, 7, 5MD.1,2,	5.OA.1, 5.NTB.1,3,5, 6, 7, 5MD.1,2,	5.OA.1, 5.NTB.1,3,5, 6, 7, 5MD.1,2,	5.OA.1, 5.NTB.1,3,5, 6, 7, 5MD.1,2,	5.OA.1, 5.NTB.1,3,5, 6, 7, 5MD.1,2,
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,
Activity	Read p. 222-223, do p. 223, 8-27 even	Diagnostic checkpoint p. 225	MASS	Read p. 226-227, do P. 227, 7-30 odd	Read p. 230-231, do p. 231, 5-29 odd
Assessment					
Homework	Workbook p. 6-5	ss lesson 65		Workbook p. 6-6	
Time/Subject	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting
Objective(s)	SWBAT- know and understand the spelling words that are often mispronounced	SWBAT- know and understand the spelling words that are often mispronounced	SWBAT- know and understand the spelling words that are often mispronounced	SWBAT- know and understand the spelling words that are often mispronounced	SWBAT- know and understand the spelling words that are often mispronounced
CCCS	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill
Activity	Read p. 132, pronounce words whole class	Do p. 134, 1-20	Do p. 135, core, 1-20, content, 1-8, and review, 1-6	Spelling test Unit 23	Review Spelling test Unit 23
Assessment	Do p. 133, core and content		worksheet p. 79	Spelling test Unit 23	
Homework	worksheet p. 77	worksheet p. 78			
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT
CCCS					Kate Shelley
SLE(s)					SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, 5SL.1.2
Materials					2 a. b. c., 5 d.
Activity					Spectrum Reading page 12-13
Assessment					Kate Shelley test
Homework					

EXHIBIT A PAGE 49

SER 49



Case 2:15-cv-04248-TJH-AS Document 67-2 Filed 10/06/16 Page 19 of 27 Page ID #:565

49 of 191

SER 49

Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies
Objective	SWBAT know and understand the story	SWBAT know and understand the story	SWBAT know and understand the story	SWBAT know and understand the story	SWBAT- know and understand Life in the
CCCS	Kate Shelley	Kate Shelley	Kate Shelley	Kate Shelley	Southern Colonies
SLE(s)	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	2 a. b. c., 5 d.
Materials	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	American Will Be
Activity	Reading Fantastic Voyage	MUSIC	PE	Reading Fantastic Voyage	worksheets (test next Wednesday)
Assessment	Read p. 264, do flash cards, read the story	MUSIC	PE	Finish reading "Kate Shelley" p. 274-280	
Homework	"Kate Shelley" p. 266-273		PE	review for test	
Time/Subject	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT	SWBAT	SWBAT	SWBAT	know and understand weather,
CCCS			5RF.3, 5L.1.2.4	5RF.3, 5L.1.2.4	weather patterns, and layers of the atmosphere.
SLE(s)		MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials		MUSIC	PE		Science, McGraw-Hill
Activity	DEAR TIME/ READING JOURNEY	MUSIC	PE	DEAR TIME/READING JOURNEY	Work on study guide topic 1-2
Assessment			PE		
Homework			PE		
Time/Subject	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion
Objective	SWBAT- know and understand the meaning behind Lent and reflection	SWBAT- know and understand the meaning behind Lent and reflection	SWBAT- know and understand the meaning behind Lent and reflection	SWBAT- know and understand the meaning behind Lent and reflection	SWBAT- know and understand the meaning behind Lent and reflection
CCCS					
SLE(s)	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book	Coming To God's Life book
Activity	Read p. 188-189, discuss celebrating Lent	Read p. 190-191, discuss Jesus' 40 days in the desert and fasting	Read p. 192-193, Discuss Lent service	Chapter 20 test review	Chapter 20 test
Assessment	Skit		Test review		
Homework			Crossword study guide		
Time/Subject	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Art
Objective	SWBAT- know and understand Life in the Southern Colonies	SWBAT- know and understand Life in the Southern Colonies	SWBAT- know and understand Life in the Southern Colonies	SWBAT- know and understand Life in the Southern Colonies	SWBAT
CCCS					
SLE(s)	2 a., 3c., 4 a-c, 5d.	COMPUTER	2 a., 3c., 4 a-c, 5d.	2 a., 3c., 4 a-c, 5d.	Art Project
Materials	American Will Be	COMPUTER	American Will Be	American Will Be	
Activity	Read p. 167-173, discuss Slavery in the southern colonies worksheets	COMPUTER	Answer questions on p. 173, 1-4 make flash cards for Key terms.	Read Flow lines p. 174-175	HALF DAY
Assessment				work on worksheets	
Homework					
Time/Subject	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:20-3:00 Art - 3:00-3:15 Reward Time
Objective	SWBAT- know and understand weather, weather patterns, and layers of the atmosphere.	SWBAT- know and understand weather, weather patterns, and layers of the atmosphere.	SWBAT- know and understand weather, weather patterns, and layers of the atmosphere.	SWBAT- know and understand weather, weather patterns, and layers of the atmosphere.	
CCCS					
SLE(s)	2 a.b.d.e., 4c., 5d., 6a.b.c.	COMPUTER	2 a.b.d.e., 4c., 5d., 6a.b.c.	2 a.b.d.e., 4c., 5d., 6a.b.c.	Art Project
Materials	Science, McGraw-Hill	COMPUTER	Science, McGraw-Hill	Science, McGraw-Hill	

EXHIBIT A PAGE 50

SER 50

Activity	Topic 2, Water in the Air	COMPUTER	Do p. 117 questions, 1-5	Topic 1-2, study guide quiz next week	HALF DAY
Assessment	Read p. 112-117, discuss cloud formation				
Homework					

*Read p. 112-117
discuss cloud formation*

EXHIBIT A PAGE 51

Week Of: April 7-11-2014

Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing
Objective(s)	SWBAT - know and understand how to write an adventure story	SWBAT - know and understand how to write an adventure story	SWBAT - know and understand how to write an adventure story	SWBAT - know and understand how to write an adventure story	SWBAT - know and understand how to write an adventure story
CCCS	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.
SLE(s)	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.
Materials	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Read p. 415-416, proofread story
Activity	Work on rough draft, adventure story	Prepare for Rite of Reconciliation	Writing in journal, and share topic: If you opened your own restaurant what would you cook what is the menu?	Read 413-414, revise story, change vivid verbs and adjectives, peer edit	peer editing finish rough draft
Assessment					turn in rough draft
Homework					
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT- know and understand factors and divisibility and fractions	SWBAT- know and understand factors and divisibility and fractions	SWBAT- know and understand factors and divisibility and fractions	SWBAT- know and understand factors and divisibility and fractions	SWBAT- know and understand factors and divisibility and fractions
CCCS	5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.	5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.	5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.	5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.	5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.
SLE(s)					
Materials	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,
Activity	Read p. 266-267, do p. 267, 7-23	Read p. 268-269, do p. 269, 1-5	Do diagnostic checkpoint p. 270	Read p. 272-273, do p. 273, 6-23	Read p. 274-275 do p. 275, # 5-22
Assessment					
Homework	workbook p. 7-4	Simple solutions Lesson 69		workbook 7-6	
Time/Subject	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting
Objective(s)	SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with	SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with	SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with	SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with	SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with
CCCS	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.
Materials	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Read p. 164, say words aloud, give meanings
Activity	Read p. 160-161, do p. 161, 1-20, 1-8	Do p. 162, 1-20	Do p. 163, all	Spelling test Unit 28	
Assessment					
Homework	worksheet 95	worksheet p. 96	worksheet p. 97		
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT - know and understand the story.
CCCS					Identified race and skill lesson summarizing.
SLE(s)					5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2
Materials					
Activity					
Assessment					
Homework					

*Printer, please let me see your corrected tests.
Thanks, Ann*

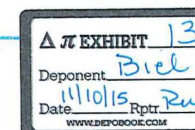


EXHIBIT A PAGE 52

SER 52

Case 2:15-cv-04248-TJH-AS Document 67-2 Filed 10/06/16 Page 22 of 27 Page ID #:568

52 of 191

SER 52

Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies
Objective	SWBAT know and understand the story Jr.	SWBAT know and understand the story Jr.	SWBAT know and understand the story Jr.	SWBAT know and understand the story Jr.	SWBAT know and understand Life in the
CCCS	Iditarod race and skill lesson summarizing.	Iditarod race and skill lesson summarizing.	Iditarod race and skill lesson summarizing.	Iditarod race and skill lesson summarizing.	New England Colonies
SLE(s)	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	
Materials	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Activity	Reading Fantastic Voyage	MUSIC	PE	Reading Fantastic Voyage	American Will Be
Assessment	Read p. 384-397, review vocabulary	MUSIC	PE	Test Jr. Iditarod Race	Work on Chapter 8 worksheets
Homework	make flash cards		PE		
Homework	workbook p. 162	workbook p. 1168	workbook p. 165-166		
Time/Subject	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT know and understand weather,
CCCS			5RF.3, 5L.1.2.4	5RF.3, 5L.1.2.4	weather patterns, and layers of the atmosphere.
SLE(s)		MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials		MUSIC	PE		Science, McGraw-Hill
Activity	DEAR TIME READING JOURNEY	MUSIC	PE	DEAR TIME/READING JOURNEY	Topic 3 quiz
Assessment			PE		
Homework					
Time/Subject	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion
Objective	SWBAT- know and understand the	SWBAT- know and understand the	SWBAT- know and understand the	SWBAT- know and understand the	SWBAT- know and understand the
CCCS	meaning behind becoming a Catholic	meaning behind becoming a Catholic	meaning behind becoming a Catholic	meaning behind becoming a Catholic	meaning behind becoming a Catholic
SLE(s)	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming to God's Life	Coming to God's Life	Coming to God's Life	Coming to God's Life	Coming to God's Life
Activity	Chapter 24, read p. 220-223	Read p. 224-225, review and discuss	Read p. 226-228, do chapter review	Chapter 24 Test review	Chapter 24 test
Assessment	discuss faith	The Apostles' Creed	on p 229		
Homework			Do crossword puzzle study guide		
Time/Subject	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Art
Objective	SWBAT- know and understand Life in the	SWBAT- know and understand Life in the	SWBAT- know and understand Life in the	SWBAT- know and understand Life in the	SWBAT
CCCS	New England Colonies	New England Colonies	New England Colonies	New England Colonies	
SLE(s)	2 a., 3c., 4 a-c, 5d.	COMPUTER	2 a., 3c., 4 a-c, 5d.	2 a., 3c., 4 a-c, 5d.	Art Project
Materials	American Will Be	COMPUTER	American Will Be	American Will Be	
Activity	Read p. 194-195, do review #1-4, p. 195	COMPUTER	Read p. 198-201, do review # 1-4 p. 201	HANDS ON ART	Easter Bunny art
Assessment	Lesson 3		Lesson 4		
Homework					
Time/Subject	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:20-3:00 Art - 3:00-3:15 Reward Time
Objective	SWBAT- know and understand weather,	SWBAT- know and understand weather,	SWBAT- know and understand weather,	SWBAT- know and understand weather,	
CCCS	weather patterns, and layers of the atmosphere.	weather patterns, and layers of the atmosphere.	weather patterns, and layers of the atmosphere.	weather patterns, and layers of the atmosphere.	
SLE(s)	2 a.b.d.e.,4c.,5d.,6a.b.c.	COMPUTER	2 a.b.d.e.,4c.,5d.,6a.b.c.	2 a.b.d.e.,4c.,5d.,6a.b.c.	Art Project
Materials	Science, McGraw-Hill	COMPUTER	Science, McGraw-Hill	Science, McGraw-Hill	Easter Bunny Art

EXHIBIT A PAGE 53

Activity	Read p. 120-125, work on worksheets	COMPUTER	Read p. 126-129, do review # 1-5	HANDS ON ART
Assessment		Test Review Topic 2	Test review	
Homework				

EXHIBIT A PAGE 54

Week Of: April 28-May 2-2014

Days of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Notes:					
Time/Subject	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing	8:05-9:00 English/Writing
Objective(s)	SWBAT - know and understand how to use prepositions	SWBAT - know and understand how to use prepositions	SWBAT - know and understand how to use prepositions	SWBAT - know and understand how to use prepositions	SWBAT - know and understand how to use prepositions
CCCS	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.	SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.
SLE(s)	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.	2 a.c., 5 d., 6 a.
Materials	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill	Language Arts Today, McGraw-Hill
Activity	Read p. 430-431, do p. 431, 6-20	Read p. 432-433, do p. 433, 6-20	Read p. 434-435, do p. 435, 6-20	Read p. 436-437 do p. 437, 6-20	Read p. 438-439, do p. 439, 6-20
Assessment					
Homework	Glencoe p. 149-150	Glencoe, p. 151-152	Glencoe p. 159-160	Glencoe p. 161-162	
Time/Subject	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math	9:00-10:00 Math
Objective(s)	SWBAT- know and understand factors and divisibility and fractions	SWBAT- know and understand factors and divisibility and fractions	SWBAT- know and understand factors and divisibility and fractions	SWBAT- know and understand factors and divisibility and fractions	SWBAT- know and understand factors and divisibility and fractions
CCCS	5.OA.1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.	5.OA.1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.	5.OA.1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.	5.OA.1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.	5.OA.1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, 2 a., 5 d., 6 a.
Materials	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,	Scott Foresman book,
Activity	Read p. 282-283, do p. 283, 8-30	Read p. 284-285, do p. 285, #9-22	Do cumulative review p. 287	Read p. 288-289, do p. 289, 1-11	Do Diagnostic Checkpoint p. 290
Assessment					
Homework	workbook p. 7-11	workbook 7-12	simple solutions Lesson 71	Simple Solutions Lesson 72	
Time/Subject	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting	10:20-10:55 Spelling/Handwriting
Objective(s)	SWBAT- know and understand the spelling words in unit 25-29, review	SWBAT- know and understand the spelling words in unit 25-29, review	SWBAT- know and understand the spelling words in unit 25-29, review	SWBAT- know and understand the spelling words in unit 25-29, review	SWBAT- know and understand the spelling words in unit 25-29, review
CCCS	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4	SRF.3, 5L.1.2.4
SLE(s)	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	2 a., 5 d., 6 a.	
Materials	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	Spelling, McGraw-Hill	
Activity	Read p. 168, do p. 168	Do p. 169	do p. 170-171	Spelling test Unit 30	
Assessment					
Homework	worksheet 101-102	worksheet p. 103-104	worksheet p. 105-106		
Time/Subject	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Spanish	10:55-11:25 Reading
Objective	SWBAT	SWBAT	SWBAT	SWBAT	SWBAT - know and understand the story
CCCS					Heart of a runner and skill lesson summarizing.
SLE(s)					5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2
Materials					
Activity					Reading test Heart of a runner
Assessment					
Homework					

Remember about things in the class



EXHIBIT A PAGE 55

SER 55

Case 2:15-cv-04248-TJH-AS Document 67-2 Filed 10/06/16 Page 25 of 27 Page ID #:571

55 of 191

SER 55

Time/Subject	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Reading	11:25-12:10 Social Studies
Objective	SWBAT know and understand the story	SWBAT know and understand the story	SWBAT know and understand the story	SWBAT know and understand the story	SWBAT know and understand Life in the
CCCS	Heart of a runner and skill lesson summarizing.	Heart of a runner and skill lesson summarizing.	Heart of a runner and skill lesson summarizing.	Heart of a runner and skill lesson summarizing.	Middle Colonies
SLE(s)	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2	2 a. b. c., 5 d.
Materials	2 a. b. c., 5 d.	MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	American Will Be
Activity	Reading Fantastic Voyage	MUSIC	PE	Reading Fantastic Voyage	Finish reading p. 212, do review, #1-4,
Assessment	Read p. 426-449, review vocabulary	MUSIC	PE	Test review heart of a runner	p. 212, start lesson 1 worksheets
Homework	make flash cards	workbook p. 188	workbook 185-186		Lesson 1
Time/Subject	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Reading Journey/Vocab.	12:10-12:30 Science
Objective	SWBAT	SWBAT	SWBAT	SWBAT	know and understand weather,
CCCS			5RF.3, 5L.1.2.4	5RF.3, 5L.1.2.4	weather patterns, and layers of the atmosphere.
SLE(s)		MUSIC	2 a. b. c., 5 d.	2 a. b. c., 5 d.	2 a. b. c., 5 d.
Materials		MUSIC	PE		
Activity	DEAR TIME READING JOURNEY	MUSIC	PE	DEAR TIME/READING JOURNEY	Pass out unit 3 study guide, work on
Assessment			PE		with row partner
Homework					
Time/Subject	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion	1:05-1:45 Religion
Objective	SWBAT know and understand the	SWBAT know and understand the	SWBAT know and understand the	SWBAT know and understand the	SWBAT know and understand the
CCCS	meaning behind becoming a Catholic	meaning behind becoming a Catholic	meaning behind becoming a Catholic	meaning behind becoming a Catholic	meaning behind becoming a Catholic
SLE(s)	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.	1 a-d, 2 a-c, 3 a-c, 5d.
Materials	Coming to God's Life	Coming to God's Life	Coming to God's Life	Coming to God's Life	
Activity	Chapter 26, read p. 240-241, do activity	Read p. 242-245, discuss the love that Jesus	Read p. 246-247, do activity on p. 248-249	Chapter 26 test review	Test Chapter 26
Assessment	on p. 241, writing a letter	teaches us.			
Homework			Do crossword puzzle study guide		
Time/Subject	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Social Studies	1:45-2:30 Art
Objective	SWBAT know and understand Life in the	SWBAT know and understand Life in the	SWBAT know and understand Life in the	SWBAT know and understand Life in the	SWBAT
CCCS	Middle Colonies	Middle Colonies	Middle Colonies	Middle Colonies	
SLE(s)	2 a., 3c., 4 a-c, 5d.	COMPUTER	2 a., 3c., 4 a-c, 5d.	2 a., 3c., 4 a-c, 5d.	Art Project
Materials	American Will Be	COMPUTER	American Will Be	American Will Be	
Activity	Review Study Guide and worksheets	COMPUTER	Chapter 8 test	Chapter 9 The Middle Colonies, Read p	NO SCHOOL
Assessment	Pass back chapter review			208-212	
Homework	Study for Chapter 8 test	Study for Chapter 8 test			
Time/Subject	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:30-3:10 Science	2:20-3:00 Art - 3:00-3:15 Reward Time
Objective	SWBAT know and understand weather,	SWBAT know and understand weather,	SWBAT know and understand weather,	SWBAT know and understand weather,	
CCCS	weather patterns, and layers of the atmosphere.	weather patterns, and layers of the atmosphere.	weather patterns, and layers of the atmosphere.	weather patterns, and layers of the atmosphere.	
SLE(s)	2 a.b.d.e.,4c.,5d.,6a.b.c.	COMPUTER	2 a.b.d.e.,4c.,5d.,6a.b.c.	2 a.b.d.e.,4c.,5d.,6a.b.c.	Art Project
Materials	Science, McGraw-Hill	COMPUTER	Science, McGraw-Hill	Science, McGraw-Hill	

EXHIBIT A PAGE 56

NO SCHOOL

Topic 4 quiz

review of topic 4

COMPUTER

Pass out topic 4 study guide

Activity
Assessment
Homework

EXHIBIT A PAGE 57

Ninth Circuit Case No. 17-55180

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTEN BIEL,
Plaintiff/Appellant,

vs.

ST. JAMES CATHOLIC SCHOOL, A CORPORATION,
Defendant/Appellee.

On Appeal from the
United States District Court for the Central District of California
Case No. 2:15-cv-04248 TJH (ASx)
Honorable Terry J. Hatter, Jr., Judge Presiding

**APPELLEE'S SUPPLEMENTAL EXCERPTS OF RECORD
VOLUME 2 OF 3
PAGES 58-119**

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INDEX**APPELLEE'S SUPPLEMENTAL EXCERPTS OF RECORD****NO. 17-55180**

Docket No.	Date	Description	Volume of SER	Pages of SER
67	10/6/16	Declaration of Veronica Fermin in Support of Defendant's Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment against Plaintiff and Exhibits A-G in Support Thereof	1	1-3
67-1/ 67-2	10/6/16	Exhibit A – Declaration of Sister Mary Margaret Kreuper (Part 1 and 2)	1	4-57
67-3/ 67-4	10/6/16	Exhibit B – Deposition of Kristen Biel (Part I and II)	2	58-119
67-5/ 67-6	10/6/16	Exhibit C – Deposition of Sister Mary Margaret Kreuper (Part 1)	3	120-171
67-7	10/6/16	Exhibit D – Deposition of Janell O'Dowd	3	172-176
67-8	10/6/16	Exhibit E – Deposition of Kathleen McDermott	3	177-183
67-9	10/6/16	Exhibit F – Deposition of Sister Lana Chang	3	184-189
67-10	10/6/16	Exhibit G – Meet and Confer Letter to Plaintiff's Counsel	3	190-191

/	/	Civil Docket for U.S. District Court, Central District of California, Western division, Case No. 2:15-cv-04248-TJH-AS	3	192-206
/	/	Certificate of Service	3	207-208

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 2:15-cv-04248 (TJH) (ASx)
	)	
ST. JAMES SCHOOL, A CORP, a	)	
California non-profit	)	
corporation, and DOES 1-50,	)	
inclusive,	)	
	)	
Defendants.	)	

DEPOSITION OF

KRISTEN BIEL

TUESDAY, NOVEMBER 10, 2015

400 North Tustin Avenue, Suite 120
Santa Ana, California

Reported by: ROBERTA WIMBERLY, CSR No. 4882



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EXHIBIT B PAGE 58

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
14

- 1 Q You studied dance?
- 2 A I'm sorry.
- 3 Q Did you study dance?
- 4 A Yes.
- 5 Q Okay. You were eventually hired as a substitute
- 6 teacher at St. James. Right?
- 7 A Yes.
- 8 Q Do you recall the month and year?
- 9 A March of 2013 to June of 2013.
- 10 Q As a substitute?
- 11 A Long-term sub.
- 12 Q What do you mean by "long-term sub"?
- 13 A A substitute teacher sometimes can substitute for
- 14 just one day. A long-term sub is like a full-time
- 15 teacher. I'm there every day all the time teaching, but
- 16 for somebody who is out, usually because they are
- 17 pregnant.
- 18 Q Who was out during that time, what teacher?
- 19 A I don't remember her name. Sorry.
- 20 Q Was she on maternity leave?
- 21 A Yes.
- 22 Q So you were first hired as a substitute teacher
- 23 at St. James in March of 2013. Right?
- 24 A Yes.
- 25 Q And your term ended in June of 2013?



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EXHIBIT B PAGE 59

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
15

- 1 A Yes.
- 2 Q What grade did you teach during that time period?
- 3 A First grade.
- 4 Q Did you teach the first grade by yourself during
- 5 those few months?
- 6 A I was a team teacher. I taught two days a week
- 7 and Alisa taught three days a week.
- 8 Q Alisa? What is her last name?
- 9 A Gobey. I can't recall her last name. It's
- 10 difficult to remember.
- 11 Q She taught three days a week?
- 12 A Yes.
- 13 Q Was she a long-term sub, too?
- 14 A No. She was a permanent teacher.
- 15 Q Was she the one who was on maternity leave?
- 16 A No.
- 17 Q Who were you subbing for that was on maternity
- 18 leave?
- 19 A I don't remember her name.
- 20 Q But she was a first grade teacher?
- 21 A Yes. They shared the position.
- 22 Q I see. So Alisa shared the first grade teaching
- 23 position with this other teacher that went on maternity
- 24 leave?
- 25 A Yes.



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EXHIBIT B PAGE 60

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
17

- 1 long-term sub?
- 2 A No.
- 3 Q You know who Sister Mary Margaret is. Right?
- 4 A Yes.
- 5 Q Did she hire you?
- 6 A Yes.
- 7 Q Was she your supervisor?
- 8 A Yes.
- 9 Q You know who Father Meyers is?
- 10 A Yes.
- 11 Q Was he ever your supervisor?
- 12 A Not that I know of.
- 13 Q After your long-term substitute -- after you
- 14 subbed for the first grade -- that ended in June of 2013.
- 15 Right?
- 16 A Yes.
- 17 Q Were you then hired as a full-time teacher?
- 18 A Yes.
- 19 Q Who hired you?
- 20 A Sister Mary Margaret.
- 21 Q Do you know when she hired you as a full-time
- 22 teacher?
- 23 A June of 2013.
- 24 Q For what position?
- 25 A Fifth grade teacher.



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EXHIBIT B PAGE 61

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
18

1 (Exhibit 1 was marked for identification by the
2 court reporter.)

3 BY MS. FERMIN:

4 Q Kristen, if you would look over this document and
5 let me know when you're done.

6 A Explain "look over." Do you want me to full on
7 read it or do you want me to glance at it?

8 Q I want you to tell me if you recognize it. Do
9 you recognize the document?

10 A Yes.

11 Q Okay. What is it?

12 A An employment contract.

13 Q Is this your employment contract for the
14 2013-2014 school year at St. James?

15 A I believe so.

16 Q On page 5 -- yes, on page 5, is that your
17 signature?

18 A It looks like my signature.

19 Q Do you recall signing an employment contract
20 prior to teaching the 2013 to 2014 school year at
21 St. James?

22 A Ask the question again.

23 Q Do you recall signing an employment contract
24 before you started teaching at St. James full time?

25 A Yes.



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EXHIBIT B PAGE 62

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
19

- 1 Q Does this look like the contract that you signed?
- 2 A It looks like it.
- 3 Q Do you have any reason to believe it's not the
- 4 contract that you signed?
- 5 A Not at this time.
- 6 Q Was it your understanding this contract was for
- 7 the 2013 to 2014 school year?
- 8 A Yes.
- 9 Q And that the start date of your employment,
- 10 according to this contract, was August 26, 2013, at the
- 11 top?
- 12 A Yes.
- 13 Q And the end date of this employment contract was
- 14 June 30th, 2014, as indicated at the top of the contract?
- 15 A That's what it says.
- 16 Q Was that your understanding?
- 17 A As I look at it now.
- 18 Q Did you have a different understanding when you
- 19 signed the contract?
- 20 A Not that I can recall.
- 21 Q Was it your understanding at the time that you
- 22 signed this contract that the terms of your employment
- 23 were contained in this document?
- 24 A I'm sorry. Rephrase the question.
- 25 MS. FERMIN: Can you read it back, please.



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EXHIBIT B PAGE 63

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
20

1 (Record read as follows:

2 "Q Was it your understanding at the time
3 that you signed this contract that the terms
4 of your employment were contained in this
5 document?")

6 MS. SHOEMAKER: Objection; vague and ambiguous.
7 It calls for a legal contention.

8 BY MS. FERMIN:

9 Q Do you understand the question?

10 A Not really, no.

11 Q Does this contract contain the terms of your
12 employment at St. James?

13 MS. SHOEMAKER: Same objections.

14 THE WITNESS: It appears to.

15 BY MS. FERMIN:

16 Q What did you think the significance of this
17 contract was when you signed it?

18 A I don't understand the question.

19 Q You signed this document?

20 A Yes.

21 Q And presumably you read it.

22 A Yes.

23 Q Was it your understanding that this document
24 outlined the terms of your employment at St. James?

25 MS. SHOEMAKER: Same objections; vague and



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EXHIBIT B PAGE 64

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
21

1 ambiguous, calls for a legal contention. You can answer

2 her question.

3 THE WITNESS: Yes.

4 BY MS. FERMIN:

5 Q Was it your understanding that your employment
6 with St. James ended as of June 30th, 2014?

7 A No, that's not what my understanding was.

8 Q What was your understanding?

9 A That I would continue teaching there at
10 St. James.

11 Q Indefinitely?

12 A As far as I knew. I thought, yes, I would be
13 teaching there for a while.

14 Q Was it your understanding that tenure was not
15 granted to any teacher at St. James?

16 A Yes.

17 Q If you can turn to paragraph 7 of this contract.
18 The last sentence where it says "You understand that
19 tenure is not granted," do you see that?

20 A Yes.

21 Q Can you read that to yourself until the end of
22 the seventh paragraph and let me know when you're done.

23 A I understand what I read.

24 Q Is it your understanding that you needed to renew

25 this contract in order to teach for the following school



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EXHIBIT B PAGE 65

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
22

1 year?

2 A It says that in the contract.

3 Q Did you read that portion before you signed it?

4 A I don't recall.

5 Q You don't recall reading that portion?

6 A No.

7 Q Do you recall reading the contract before you
8 signed it?

9 A I don't recall sitting down and actually while
10 she was waiting there signing it. I don't recall doing
11 that at that time.

12 Q Did you ever read the contract before you signed
13 it?

14 A Yes, I did.

15 Q The entire contract?

16 A I think so.

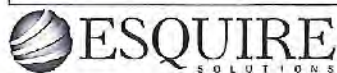
17 Q Is it your understanding that you were not
18 guaranteed employment for the following school year at
19 St. James?

20 A Yes.

21 Q Were you compensated in full for the 2013 school
22 year -- I'm sorry -- 2013-2014 school year?

23 A Was I compensated for the 2014 year?

24 Q For the entire school year from August to June of
25 2014.



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EXHIBIT B PAGE 66

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
23

1 A I was paid -- I believe my last check was June --
2 was it June 6th? She did pay me while I was out having
3 chemo. But I don't recall getting a check for June 30th.

4 Q Do you have a contention that you are owed unpaid
5 wages for the 2013-2014 school year?

6 A Can you rephrase that?

7 MS. FERMIN: Can you read that back, please.

8 (Record read as follows:

9 "Q Do you have a contention that you
10 are owed unpaid wages for the 2013-2014
11 school year?"

12 THE WITNESS: I don't think so.

13 BY MS. FERMIN:

14 Q You were paid in full for that school year?

15 A I'm not sure if I got a last check.

16 Q When was the last check that you received?

17 A The one that I remember was June -- it had a
18 June 6th date on it.

19 Q You weren't working in June?

20 A I came to the school and worked after school
21 grading papers, yes.

22 Q In June?

23 A Yes.

24 Q In June you graded papers?

25 A Yes.



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EXHIBIT B PAGE 67

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
24

1 Q Are you claiming that St. James School owes you
2 unpaid wages?

3 A Again, the same question. I'm sorry. I'm not
4 sure. I'd have to check my records.

5 Q What records would you check?

6 A My last paycheck stub.

7 Q St. James is a Catholic school. Right?

8 A Yes.

9 Q Are you Catholic?

10 A Yes.

11 Q Was it your understanding that as a Catholic
12 school St. James had the goal of incorporating the faith
13 into their curriculum?

14 A Yes.

15 Q As a Catholic school St. James promoted and
16 developed the Catholic faith amongst its elementary school
17 students?

18 A Are you asking me to agree?

19 Q Is that your understanding?

20 A Yes.

21 Q As a teacher at St. James your duties encompassed
22 promoting and furthering the Catholic faith amongst your
23 students?

24 MS. SHOEMAKER: Objection; vague and ambiguous.

25 BY MS. FERMIN:



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EXHIBIT B PAGE 68

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
25

- 1 Q Is that your understanding?
- 2 A What do you mean by "promoting and furthering"?
- 3 Q Incorporating it into the curriculum.
- 4 A We prayed every day, yes.
- 5 Q You prayed with your students?
- 6 A Yes.
- 7 Q In the morning or at the end of the day?
- 8 A Both.
- 9 Q Twice a day?
- 10 A Yes.
- 11 Q Did you teach your students any Catholic prayers?
- 12 A They already knew them. I didn't need to teach
- 13 them anything. And I had prayer leaders. The prayers
- 14 that were said in the classroom were said mostly by the
- 15 students. We had prayer leaders. That was like a job.
- 16 Q Did you pray the Hail Mary with your students?
- 17 A We did.
- 18 Q The Lord's Prayer?
- 19 A We did, yes.
- 20 Q Those are Catholic prayers, aren't they?
- 21 A Hail Mary is.
- 22 Q The Lord's Prayer is not a Catholic prayer?
- 23 A It's a Christian prayer.
- 24 Q But used in mass. Right?
- 25 A Yes, but used in mass of other Christian



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EXHIBIT B PAGE 69

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
26

1 religions, as well.

2 Q Going back to Exhibit 1, the second paragraph
3 that is entitled "Philosophy," can you read that to
4 yourself and let me know when you're done.

5 A I understand.

6 Q Was it your understanding that as a teacher you
7 performed your duties with this overriding mission of the
8 school in mind to develop and promote the Catholic faith?

9 MS. SHOEMAKER: Objection; vague and ambiguous,
10 legal contention. You can answer.

11 THE WITNESS: Can you rephrase the question?

12 BY MS. FERMIN:

13 Q Was it your understanding that as a teacher at
14 St. James you had to abide with the school's mission in
15 promoting and developing the Catholic faith within the
16 school?

17 A Yes.

18 Q Did you teach the subject of religion to your
19 fifth graders at St. James?

20 A Yes.

21 Q How often per week did you teach religion?

22 A Four days.

23 Q Four days a week?

24 A Uh-huh.

25 Q How long would these religion classes last?



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EXHIBIT B PAGE 70

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
27

- 1 A 30 minutes, approximately.
- 2 Q 30 minutes each day four days a week?
- 3 A Approximately. Sometimes they were longer and
- 4 sometimes they were shorter. It depends on the schedule.
- 5 Q What did this religion curriculum entail?
- 6 A Reading from a workbook and answering questions
- 7 from the workbook.
- 8 Q What was the name of the workbook?
- 9 A I don't recall.
- 10 Q Was it called "Coming To God's Life"?
- 11 A I'm not sure. It's the curriculum that Sister
- 12 Mary Margaret gave me. It's what they teach at that
- 13 school.
- 14 Q Would you recognize it if you saw the book?
- 15 A Probably.
- 16 Q "Coming to God's Life" doesn't ring a bell as
- 17 that being the workbook?
- 18 A I don't recall the name.
- 19 Q So your lessons for religion were done from this
- 20 curriculum workbook?
- 21 A Yes.
- 22 Q What kind of lessons were in this workbook?
- 23 A Religion lessons.
- 24 Q Can you give me an example?
- 25 A Telling the story of Jesus, telling the stories



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EXHIBIT B PAGE 71

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
28

1 of the disciples. Just the stories of the Bible.

2 Q Was this a Catholic workbook?

3 A I think so.

4 Q Did you teach your students any songs, religious
5 songs?

6 A I don't recall teaching them anything. They may
7 know songs and sing them, but I don't recall teaching them
8 any. I don't remember.

9 Q Did you teach your students about the
10 significance of lent?

11 A I'm sorry. What?

12 Q The significance of lent?

13 A Oh, we did talk about lent.

14 Q What did you talk about regarding lent?

15 A I followed the instructions in the book.

16 Q Which entailed the significance of lent?

17 A Yes.

18 Q What about Easter? Did you teach your students
19 the significance of Easter?

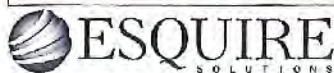
20 A Yes.

21 Q What about Catholic practices like the Eucharist
22 and confession?

23 A Yes.

24 Q You taught your students the significance --

25 A That was in the book.



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EXHIBIT B PAGE 72

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
29

1 Q -- of the Eucharist and confession?

2 A That was in the book, yes. But the kids -- I'm

3 sorry. Never mind.

4 Q Did you give tests based on this religious
5 workbook?

6 A Yes.

7 Q How often would you give tests?

8 A Weekly.

9 Q Did you ever attend mass with your students?

10 A Yes.

11 Q Where was mass held?

12 A It was kind of a multi-purpose room.

13 Q It was school mass, I'm assuming.

14 A Yes. The church and the school are not
15 connected.

16 Q So it was a mass just with the St. James
17 students?

18 A Yes.

19 Q Okay. How often did school mass take place?

20 A Once a month.

21 Q You attended the school mass with your students?

22 A Yes.

23 MS. FERMIN: I'm going to mark this as Exhibit

24 No. 2.

25 (Exhibit 2 was marked for identification by the



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EXHIBIT B PAGE 73

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
30

1 court reporter.)

2 BY MS. FERMIN:

3 Q Have you seen this document before?

4 A I saw something similar to it. I'm not sure if
5 it's exactly the same one or not.

6 Q But you've seen something like this before?

7 A Uh-huh.

8 Q What is it?

9 A A schedule of hours.

10 Q Hours for what?

11 A Of required teaching.

12 Q For each subject?

13 A It looks like it.

14 Q Were you given a document like this?

15 A Yes.

16 Q Was it your understanding that for these subjects
17 you were required to teach a certain number of minutes per
18 week?

19 A Yes.

20 Q For the fifth grade in the fifth grade column,
21 religion shows 200 minutes per week.

22 A Yes.

23 Q Is that right?

24 A That's what it says.

25 Q Was it your understanding that you had to abide



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EXHIBIT B PAGE 74

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
31

- 1 by that as a teacher?
- 2 A Yes.
- 3 Q That you had to teach religion for approximately
- 4 200 minutes per week?
- 5 A Is that what it says? Per week?
- 6 Q Weekly time allotments at the top.
- 7 A Okay.
- 8 Q Was that your understanding?
- 9 A Yes.
- 10 Q When you went to school mass with your students,
- 11 was it Father Meyers who conducted mass?
- 12 A Not always.
- 13 Q But it was always led by a Catholic priest?
- 14 A No.
- 15 Q Who was it led by if not a priest?
- 16 A Sister Mary Margaret and Sister Lana.
- 17 Q What was your role during school masses?
- 18 A To make sure the kids were quiet and in their
- 19 seats.
- 20 Q Did your students ever participate in mass?
- 21 A Yes.
- 22 Q In what way?
- 23 A They would bring the gifts.
- 24 Q Who trained them on bringing the gifts?
- 25 A They were trained from previous years.



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EXHIBIT B PAGE 75

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
32

1 Q Did you go over with your students on how to
2 present the gifts in mass?

3 A As far as rehearsal? I don't think we did
4 rehearsal. Most of them know how to do it already.

5 Q So you did not go over how to present gifts?

6 A I don't remember. Maybe we quickly did
7 something, or not. I don't remember. It wasn't that
8 often.

9 Q Just for the record, when you say "gifts," you
10 are referring to the Eucharist. Right?

11 A Yes.

12 Q How often would your class present the gifts at
13 school mass?

14 A It was only twice a year.

15 Q That they would present the gifts?

16 A Yes, something like that. Not very often. It
17 was kind of a volunteer thing if the kids wanted to do it.

18 Q During these school masses you mentioned that you
19 made sure that the kids were quiet and sitting down and
20 behaving during mass. Right?

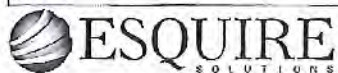
21 A Yes.

22 Q Did your students pray during school mass?

23 A Yes.

24 Q Did you pray, too?

25 A Yes.



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EXHIBIT B PAGE 76

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
33

1 MS. FERMIN: I'm going to mark this as Exhibit 3.
2 (Exhibit 3 was marked for identification by the
3 court reporter.)
4 THE WITNESS: This is Virtus.
5 BY MS. FERMIN:
6 Q I'm sorry.
7 A Sorry.
8 Q Do you recognize this certificate?
9 A Yes.
10 Q Did you receive this certificate?
11 A Yes.
12 Q What was it for?
13 A Virtus.
14 Q V-i-r-t-u-s?
15 A Yes.
16 Q What is Virtus?
17 A A training for child abuse.
18 Q This was required by St. James?
19 A Yes.
20 Q Prior to your employment. Right?
21 A Yes, I guess.
22 Q Did you take any other training seminars for
23 St. James?
24 A We went to a religious conference together.
25 Q Is that called Congress?



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EXHIBIT B PAGE 77

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
35

- 1 A Yes.
- 2 Q What took place at this conference?
- 3 A We took classes.
- 4 Q What kind of classes?
- 5 A Education classes mostly.
- 6 Q How long was this conference?
- 7 A About four or five hours.
- 8 Q Just one day?
- 9 A Yes.
- 10 Q What did they teach you?
- 11 A Different techniques on teaching and
- 12 incorporating God.
- 13 Q Who were the instructors?
- 14 A I do not know.
- 15 Q Were they priests or sisters?
- 16 A No, not all of them.
- 17 Q Was the focus of this conference how to develop
- 18 your skills as a religious educator?
- 19 A I don't remember what the focus was. Sorry. I
- 20 don't know.
- 21 Q Well, you said they taught you different
- 22 techniques and incorporating God.
- 23 A That's what I remember about it.
- 24 Q Was this a Catholic conference?
- 25 A I'm not sure if it was Catholic or not.



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EXHIBIT B PAGE 78

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
37

1 that.

2 Q Other than this religious conference, did you
3 attend any other conferences or training for your
4 employment at St. James?

5 A Not that I remember.

6 MS. FERMIN: I'm going to mark this as Exhibit

7 No. 4.

8 (Exhibit 4 was marked for identification by the
9 court reporter.)

10 BY MS. FERMIN:

11 Q Do you recognize this document?

12 A Yes.

13 Q What is it?

14 A Observation report.

15 Q Was this a performance review --

16 A Yes.

17 Q -- that was taken of you during your employment
18 at St. James?

19 A Yes.

20 Q At this time you were teaching the fifth grade?

21 A Yes.

22 Q Is that your signature on the last page?

23 A It looks like it.

24 Q Do you recall signing this?

25 A I don't recall, but I guess I did.



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EXHIBIT B PAGE 79

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
38

1 Q Did Sister Mary Margaret sit in your classroom
2 and observe your teaching?

3 A Yes.

4 Q And she reduced her observations to this
5 document?

6 A Yes.

7 Q Did you go over this document with her?

8 A I may have.

9 Q Did you go over it with her in her office or in
10 your classroom after the observation?

11 A I don't remember.

12 Q But you remember talking to her about this?

13 A Yes.

14 Q On the first page under "WCEA Catholic Identity
15 Factors," do you see that section?

16 A Uh-huh.

17 Q There is a box that Sister Mary Margaret checked.
18 "There is visible evidence of signs, sacrament, traditions
19 of the Roman Catholic church in the classroom." Do you
20 see that?

21 A Uh-huh.

22 Q She check marked it?

23 A Okay.

24 Q Was it your understanding that was a requirement
25 in teaching?



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EXHIBIT B PAGE 80

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
39

1 A Well, it was a requirement -- yes.

2 Q Yes?

3 A Yeah.

4 Q And then in the second box she checked

5 "Curriculum includes Catholic values infused through all

6 subject areas." Was it your understanding that was also a

7 requirement for you as a teacher?

8 A Yes.

9 Q She writes "Respect" next to that sentence. Do
10 you have a recollection of what she meant by that?

11 MS. SHOEMAKER: Calls for speculation. You can
12 answer.

13 THE WITNESS: No, I don't remember.

14 BY MS. FERMIN:

15 Q These boxes that are listed on this document,
16 they are all requirements or factors that you were
17 evaluated on as a teacher at St. James. Right?

18 A I'm sorry. What?

19 MS. FERMIN: Can you reread the question, please.
20 (Record read as follows:

21 "Q These boxes that are listed on this
22 document, they are all requirements or
23 factors that you were evaluated on as a
24 teacher at St. James. Right?")

25 MS. SHOEMAKER: Calls for speculation, vague and



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EXHIBIT B PAGE 81

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
40

1 ambiguous. You can answer, if you know.

2 THE WITNESS: Well, I guess.

3 BY MS. FERMIN:

4 Q Sister Mary Margaret checked "Curriculum includes
5 Catholic values infused through all subject areas." How
6 did you do that in all subject areas?

7 A I'm sorry. Which one is that?

8 Q The second box at the top.

9 A Well, she was -- I'm sorry. Ask the question
10 again.

11 Q How did you infuse or incorporate Catholic values
12 in all your subjects?

13 A Well, she was there for the math portion. I
14 don't remember how we did it.

15 Q But it was your understanding that you had to
16 incorporate Catholic values in all subjects?

17 A Yes. But it looks like I did. I just don't
18 remember.

19 Q On the last page Sister Mary Margaret has some
20 handwritten observations. Do you see that?

21 A Yes.

22 Q The first one she writes, "Many things on desks,"
23 and then she puts a list, Kleenex box, markers, pencil
24 sharpeners, water bottles, books, et cetera, binder,
25 staple. Do you recall discussing this with her?



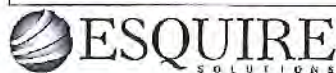
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EXHIBIT B PAGE 82

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
41

- 1 A Yes.
- 2 Q Was it in your classroom or was it in her office?
- 3 A I don't remember.
- 4 Q Was it immediately after she did this
- 5 observation?
- 6 A No, not that I remember.
- 7 Q What did Sister tell you about this observation?
- 8 A I'm sorry. I don't understand. What do you mean
- 9 what did she tell me?
- 10 Q You remember having this discussion with Sister
- 11 about many things on the desk. Right?
- 12 A Yes.
- 13 Q Okay. What did she tell you about that?
- 14 A What she wrote. She wrote it down.
- 15 Q What did she say?
- 16 A I don't remember exactly what she said.
- 17 Q How about generally?
- 18 A She wanted me to work on having the kids not have
- 19 so many things on their desk.
- 20 Q When did she tell you this?
- 21 A I don't remember.
- 22 Q Was it in November of 2013?
- 23 MS. SHOEMAKER: Asked and answered. You can
- 24 answer again.
- 25 THE WITNESS: I don't remember when she presented



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EXHIBIT B PAGE 83

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
42

1 this to me.

2 BY MS. FERMIN:

3 Q How many times did she talk to you about having
4 many things on the children's desks?

5 A I don't know.

6 Q Was it more than once?

7 A Yes.

8 Q More than five times?

9 A Not that I think, no.

10 Q Less than five times?

11 A I think so. I'm not sure.

12 Q You don't recall when she had this conversation
13 with you?

14 A No.

15 Q How about where?

16 A No.

17 Q Did you disagree with her when she told you that
18 she wanted the children's desks to be neater?

19 A No.

20 Q She then writes "Have a zipper bag for items.
21 Work on organization." Do you see that?

22 A Yes.

23 Q Did she talk to you about working on being more
24 organized?

25 A She wanted the children to put their pens in a



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EXHIBIT B PAGE 84

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
43

1 zipper bag and then keep it in their desk.

2 Q She told you this?

3 A Yes. And I told my students that.

4 Q Did you think that your students' desks were
5 cluttered?

6 A I don't -- no.

7 Q You didn't?

8 A I didn't think so.

9 Q Did you think that your classroom was cluttered?

10 A No.

11 Q So when Sister Mary Margaret talked to you about
12 having many things on the students' desks and
13 disorganization, you disagreed with her?

14 A No, I didn't disagree with her.

15 Q Did you agree with her?

16 A I didn't agree. I said I would work on it.

17 Q In the next comment she says "Do the students
18 work in SS books." What are SS books?

19 A I'm assuming it was the extra math book she
20 wanted them to work on.

21 Q What are these extra math books?

22 A Extra math lessons besides the math books.
23 "Simple Solutions" is the name of it.

24 Q Is it a supplement?

25 A Yes.



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EXHIBIT B PAGE 85

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
44

1 Q Were your students working in the "Simple
2 Solutions" book?

3 A Yes.

4 Q She then writes "Never allow them to color the
5 pages of the book." Did she talk to you about this?

6 A I don't recall that one.

7 Q She writes the name Julia Francesca. Do you see
8 that?

9 A Yes.

10 Q Who is that?

11 A Julia Thowel and Francesca. Those are two
12 separate students.

13 Q Of yours?

14 A Yes.

15 Q Did Sister Mary Margaret talk to you about Julia
16 and Francesca?

17 A I don't remember anything about this, no.

18 Q Were the students required to work in their
19 "Simple Solutions" book?

20 A Yes.

21 Q Did Sister Mary Margaret ever meet with you in
22 her office regarding your teaching style?

23 A Yes.

24 Q How often would she meet with you?

25 A At first not very often.



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EXHIBIT B PAGE 86

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
45

1 Q When did that change?

2 A I don't recall. Maybe January, February.

3 January maybe.

4 Q How often did she meet with you in her office
5 regarding your teaching starting in January?

6 A We met weekly.

7 Q Was it just you and her --

8 A Yes.

9 Q -- or was somebody else present? What did Sister
10 tell you during these meetings?

11 A I don't understand. What do you mean "what"?

12 Q What did you talk about?

13 A Different things.

14 Q Like what?

15 A A bunch of different things. I don't recall
16 specifically anything. She just wanted to meet with me
17 weekly to help me fine tune my tests.

18 Q So she met with you every week and you talked
19 about fine tuning your tests?

20 A Yes.

21 Q Nothing else?

22 A Well, there may have been other things, but that
23 was the main reason I would meet with her, is her to go
24 over the tests.

25 Q What did she say about your tests?



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EXHIBIT B PAGE 87

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
47

1 testing and that the students were understanding and
2 learning.

3 Q Did you allow your students to take tests over?

4 A Not that I recall.

5 Q Did Sister Mary Margaret ever tell you that you
6 shouldn't allow your students to take tests over or repeat
7 tests?

8 A She mentioned it.

9 Q What did she say?

10 A I don't exactly remember.

11 Q But she told you that students were not allowed
12 to repeat or retake tests?

13 A To retake the same test, yeah.

14 Q And you were not doing that?

15 A No.

16 MS. SHOEMAKER: Counsel, I want to take a quick
17 five-minute break.

18 MS. FERMIN: Sure.

19 MS. SHOEMAKER: Thank you.

20 (Recess taken.)

21 BY MS. FERMIN:

22 Q Ms. Biel, we are back on the record. You
23 remember that you are still under oath. Right?

24 A Yes.

25 Q We were talking about Sister's instruction that



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EXHIBIT B PAGE 88

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
51

1 Q Describe what was on the board.

2 A It was a poster that showed the daily homework
3 and showed them that they had tests at the end of the week
4 or when their next test was.

5 Q Did you ever give anything to the parents to let
6 them know when the tests would be given?

7 A I don't remember.

8 Q Did students have notebooks that they brought
9 home?

10 A Yes.

11 Q Did you ever put test schedules in these
12 notebooks for the parents to see?

13 A I don't know if I did. It was required that the
14 students wrote in their homework books.

15 Q Did you check the students' homework books?

16 A Yes.

17 Q How often?

18 A Pretty much every day.

19 Q Did you make sure that the test schedules were in
20 the students' homework books?

21 A I don't recall making sure. That was their
22 responsibility.

23 MS. SHOEMAKER: I'm sorry. Are you distracted at
24 all?

25 THE WITNESS: Yeah. I'm sorry. Yeah, the



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EXHIBIT B PAGE 89

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
52

1 talking. Sorry.

2 MS. FERMIN: Off the record.

3 (Recess taken.)

4 BY MS. FERMIN:

5 Q Did Sister Mary Margaret ever tell you to make
6 sure the parents received the test schedule?

7 A Not that I remember.

8 Q Do you know what a work habit is?

9 A Yes.

10 Q What is that?

11 A It's a behavior system.

12 Q Describe the system.

13 A It's a system set up by Sister Mary Margaret.

14 Q Can you describe it?

15 A Work habits include finishing homework,
16 completing projects, and cleanliness.

17 Q Would they receive some kind of grade or mark
18 regarding these work habits?

19 A Yes.

20 Q Where?

21 A It was mostly on cards.

22 Q Would you write these cards out?

23 A The children marked on their cards.

24 Q What did they do with the cards?

25 A It was kept in the back of the room in a little



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EXHIBIT B PAGE 90

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
53

- 1 card case.
- 2 Q So these cards would show whether a student fails
- 3 to submit homework or complete a project or was
- 4 reprimanded for some other behavior problem?
- 5 A Yes.
- 6 Q Who wrote them on the cards? Was it you or the
- 7 student?
- 8 A The student wrote them on the card, yes.
- 9 Q They would put it in the card box?
- 10 A Yes.
- 11 Q What would you do with these markings? Would you
- 12 call the parent, put it in a report card?
- 13 A I looked at them weekly, and if there were
- 14 problems, I let the parents know, and then I reviewed them
- 15 for the grades at the trimester end.
- 16 Q When you had these meetings with Sister Mary
- 17 Margaret, did she ever talk to you about how you handled
- 18 work habits in your classroom?
- 19 A Yes.
- 20 Q What did she say about them?
- 21 A She gave me suggestions on how to use the work
- 22 habits either through a book or card system.
- 23 Q What else did she talk to you about regarding
- 24 your work habit system?
- 25 A I don't know what you mean. I don't understand.



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EXHIBIT B PAGE 91

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
54

1 Q Did she say anything else about your work habit
2 system?

3 A She was working on that with me.

4 Q Why?

5 A Because it's her system.

6 Q Did she have a problem with how you were
7 implementing this work habit system?

8 A I don't think she had a problem. I think she had
9 suggestions on what to do. She suggested I do something
10 to make it work better.

11 Q What was not working correctly about it?

12 A Well, the card system ended up being what we
13 decided to use instead of just making a list in the back.
14 It began with a list, and then she suggested doing a card
15 system. That's what we ended up doing.

16 Q Where was this list?

17 A In the back of the room on the desk.

18 Q In a book? On a piece of paper?

19 A On a piece of paper in a little folder.

20 Q What issue did she have with having the work
21 habits on a list in the back of the room?

22 A I don't understand. She didn't have an issue
23 with that.

24 Q Why did she want it changed to the card system?

25 MS. SHOEMAKER: Calls for speculation.



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EXHIBIT B PAGE 92

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
55

1 THE WITNESS: I don't know. She felt it wasn't
2 working and she liked the card system better.

3 BY MS. FERMIN:

4 Q Were students allowed to erase their work habits
5 from the list that you had in the back of the room?

6 A I don't know. It depends on the situation, I
7 guess.

8 Q In what situation would it be appropriate for
9 students to erase their work habit?

10 A I don't remember. Things happen. So many things
11 happen during the school year with kids and all the things
12 they go through.

13 Q So you would allow your students, depending on
14 the situation, to erase their work habit from the list in
15 the back of the room?

16 A I'm not remembering if it was allowed or what I
17 did. I don't remember exactly the system. I don't know.

18 Q You don't remember whether you let your students
19 erase their work habits depending on certain situations?

20 A It wasn't common.

21 Q Did it happen?

22 A It may have. I don't remember.

23 Q Did Sister Mary Margaret comment on the fact that
24 students in your classroom would erase their names from
25 the work habit list?



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EXHIBIT B PAGE 93

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
57

1 A I mean if their grade was a certain percentage --
2 if their grades were a certain percentage -- I don't
3 remember exactly -- at a certain percentage, then they
4 were able to be on the honor roll.

5 Q Were students placed on the honor roll once
6 during a school year?

7 A Every trimester.

8 Q For the first trimester in 2013, how many of your
9 students made it on the honor roll?

10 A All but one.

11 Q What about for the second trimester?

12 A I don't recall how many.

13 Q Was it the same as the first?

14 A No.

15 Q Did Sister Mary Margaret comment on how many of
16 your students made it on the honor roll in the first
17 trimester?

18 A She said that's a lot.

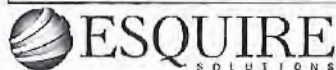
19 Q What about for the third trimester? How many of
20 your students made it on the honor roll?

21 A I honestly don't remember.

22 Q Was it the same as the first?

23 A No.

24 Q Did Sister Mary Margaret ever talk to you about
25 the level of noise in your classroom?



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EXHIBIT B PAGE 94

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
58

- 1 A Yes.
- 2 Q What did she say to you about that?
- 3 A She felt that they needed to sit in their seats
- 4 and be quiet.
- 5 Q "They" meaning your students?
- 6 A Yes.
- 7 Q Did she tell you this in your classroom or in her
- 8 office?
- 9 A I don't recall where it was.
- 10 Q How many times did she address this with you?
- 11 A I don't recall. A few.
- 12 Q More than once?
- 13 A Yes.
- 14 Q More than five times?
- 15 A Probably not, no.
- 16 Q Was this one of the things that you guys talked
- 17 about in her office during your weekly meetings?
- 18 A It could be, I guess. It could be one. I don't
- 19 remember.
- 20 Q At St. James what was the highest grade you
- 21 taught as a substitute?
- 22 A At St. James?
- 23 Q Yes.
- 24 A Fifth grade.
- 25 Q That's in 2013?



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EXHIBIT B PAGE 95

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
59

- 1 A Oh, as a substitute. I'm sorry. First grade.
- 2 Q What about at the other schools that you subbed
- 3 at? What was the highest grade?
- 4 A Eighth grade.
- 5 Q Was your job at St. James as a fifth grade
- 6 teacher your first full-time teaching position?
- 7 A Yes.
- 8 Q In the 2013-2014 school year, was that the first
- 9 time you were solely responsible for a class?
- 10 A Yes.
- 11 MS. FERMIN: I'll mark this as Exhibit 5.
- 12 (Exhibit 5 was marked for identification by the
- 13 court reporter.)
- 14 BY MS. FERMIN:
- 15 Q Does this look familiar to you?
- 16 A Yes.
- 17 Q Is this one of your lesson plans for the fifth
- 18 grade?
- 19 A Yes.
- 20 Q Your lesson plans typically looked like this in
- 21 terms of the chart and the subject in color. Correct?
- 22 A The color code was my idea, yeah.
- 23 Q The week at the top of the lesson plan?
- 24 A Uh-huh.
- 25 Q And these were your plans that you created for



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EXHIBIT B PAGE 96

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
61

1 A Sometimes I did.

2 Q Did you handwrite your notes or did you type them
3 on a computer?

4 A I handwrote them.

5 Q Do you still have those notes?

6 A I don't have them anymore, no.

7 Q What did you do with them?

8 A I don't remember what happened to my notebook.

9 Q Did Sister Mary Margaret take notes during these
10 meetings?

11 A I don't remember. Sometimes maybe.

12 Q Have you seen those notes?

13 A All of her notes? I've seen some. She's given
14 me some on a little sticky.

15 Q Other than her notes that she gave you on little
16 stickies, did you see any other handwritten notes by
17 Ms. Biel regarding your meetings?

18 A I'm sorry. Can you ask the question again?

19 Q Other than her notes on stickies, did you see any
20 other handwritten notes?

21 A I may have.

22 Q Okay. Before the break I marked as Exhibit 5
23 some of your lesson plans. Do you still have that?

24 A It's right here, yes.

25 Q Before the break you said that these were your



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EXHIBIT B PAGE 97

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
62

1 lesson plans for the week of September 23rd to

2 September 27th of 2013.

3 A '13, yes. Wait. 2013, yes.

4 Q Just going over these lesson plans, you created
5 the text that is under each time. Is that right?

6 A I created the text? You mean the books or --

7 Q On this document --

8 A I typed it in, yes.

9 Q These are your plans that you created?

10 A Yes.

11 Q What was the procedure at St. James when you
12 created lesson plans? Did you submit them? Did you have
13 to submit them?

14 A Yes.

15 Q To who?

16 A Sister Mary Margaret.

17 Q Every week?

18 A Yes.

19 Q What day would you have to submit it to
20 Sister Mary Margaret?

21 A I don't recall the exact date. We would usually
22 give them to her a week before.

23 Q And then what would she do with your lesson
24 plans?

25 A She would review them.



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EXHIBIT B PAGE 98

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
63

1 Q And make comments on them?

2 A Yes.

3 Q And then return them to you?

4 A Yes.

5 Q When she returned the lesson plans to you, did

6 you ever have any conversation with her regarding her

7 comments?

8 A Usually I would do what she said. I don't recall

9 ever -- she would make the notes, and I would do it.

10 Q How did she return your lesson plans?

11 A I'm sorry. What?

12 Q How would she return your lesson plans to you?

13 A They were in a binder, like a folder, and so I

14 would give them to her, she would review them and hand

15 them back to me.

16 Q Personally?

17 A Sometimes personally. Sometimes she would leave

18 them in my box.

19 Q Did you ever have a conversation with her

20 regarding the lesson plans that you submitted to her after

21 she reviewed them?

22 A I don't recall a specific conversation.

23 Q On page 2 of Exhibit 5, there are handwritten

24 notes at the top. Do you see that?

25 A Yes.



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EXHIBIT B PAGE 99

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
64

- 1 Q That is Sister Mary Margaret's note?
- 2 A Yes.
- 3 Q It says "Be sure to let the students know the
- 4 test schedule."
- 5 A Yes.
- 6 Q Did she have a conversation with you regarding
- 7 this critique?
- 8 A She may have. I don't recall a specific
- 9 conversation.
- 10 Q What did you do in response to this comment?
- 11 A I put up a board and had the tests marked on the
- 12 board. This was September, so it was the beginning of the
- 13 year.
- 14 Q On the same page under the religion subject
- 15 matter, there is a "materials" reference there, "Coming to
- 16 God's Life" book.
- 17 A Okay.
- 18 Q Was that the textbook that you taught out of for
- 19 the religion course?
- 20 A I guess so. It was the workbook.
- 21 Q Do you recognize that to be the workbook?
- 22 A I'm not 100 percent sure exactly what it was
- 23 called, but it probably was. We didn't work out of
- 24 anything else but a workbook.
- 25 Q You wrote that title under "Materials." Right?



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EXHIBIT B PAGE 100

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
65

- 1 A Yes, I'm the one that wrote that.
- 2 MS. FERMIN: I'm going to mark this as Exhibit 6.
- 3 (Exhibit 6 was marked for identification by the
- 4 court reporter.)
- 5 BY MS. FERMIN:
- 6 Q This is another one of your lesson plans at
- 7 St. James?
- 8 A Yes.
- 9 Q For the week of November 4 to 8, 2013?
- 10 A Yes.
- 11 Q On the second page there is another handwritten
- 12 note from Sister Mary Margaret. Correct?
- 13 A Uh-huh.
- 14 Q Is that yes?
- 15 A Yes, I see it. Yes.
- 16 Q It says "Be sure to do study guides together and
- 17 correct."
- 18 A Okay.
- 19 Q Do you recall seeing that note on this lesson
- 20 plan?
- 21 A I see it now. I'm sure -- yes.
- 22 Q Do you have any reason to believe that this note
- 23 wasn't on your lesson plan when it was returned to you?
- 24 A No.
- 25 Q Do you use study guides in your classroom?



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EXHIBIT B PAGE 101

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
66

- 1 A Yes.
- 2 Q What are the study guides?
- 3 A What do you mean what are the study guides?
- 4 Q What are they?
- 5 A They help the students prepare for a test.
- 6 Q Do you create the study guides?
- 7 A Some of them I did.
- 8 Q Who filled out the study guides?
- 9 A The students.
- 10 Q You would correct them?
- 11 A We would correct them as a class.
- 12 Q Do you know why Sister Mary Margaret remarked on
- 13 this lesson plan to make sure to correct the study guides?
- 14 MS. SHOEMAKER: Calls for speculation.
- 15 THE WITNESS: I don't know why.
- 16 BY MS. FERMIN:
- 17 Q Did she have a conversation with you at any point
- 18 in time, including in your weekly meetings, regarding your
- 19 use of study guides in the classroom?
- 20 A Not anything specific I can remember.
- 21 Q Did she ever have a conversation with you at any
- 22 point in time, including your meetings with her --
- 23 including your weekly meetings with her regarding you not
- 24 correcting your study guides?
- 25 A She may have mentioned it.



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EXHIBIT B PAGE 102

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
67

1 MS. FERMIN: I'm going to mark this as Exhibit 7.
2 (Exhibit 7 was marked for identification by the
3 court reporter.)

4 BY MS. FERMIN:

5 Q This is another lesson plan for the week of
6 November 18 through 22. Is that right?

7 A Yes.

8 Q On the second page under the religion section --
9 this is the curriculum for the religion course. Right?

10 A Yes.

11 Q Where it says "Discuss Eucharist" in the second
12 column -- do you see that?

13 A Yes.

14 Q And then in the next section, the third column
15 says "Discuss Last Supper."

16 A Okay.

17 Q Are these topics that you would teach during your
18 religion course?

19 A Yes.

20 Q What is the Last Supper? That's from the Bible.
21 Right?

22 A Yes.

23 MS. FERMIN: I'll mark this as 8.

24 (Exhibit 8 was marked for identification by the
25 court reporter.)



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EXHIBIT B PAGE 103

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
68

1 BY MS. FERMIN:

2 Q This is your lesson plan for December 9 to

3 December 13, 2013?

4 A Okay.

5 Q On the second page under religion, the religion

6 course, third column, it says "Discuss communion."

7 A Yes.

8 Q This, again, is another topic you would teach as

9 part of the religion curriculum?

10 A Yes.

11 MS. FERMIN: I'm going to mark this as Exhibit

12 No. 9.

13 (Exhibit 9 was marked for identification by the

14 court reporter.)

15 BY MS. FERMIN:

16 Q This lesson plan is for January 20 to 24.

17 Correct?

18 A Yes.

19 Q Sister Mary Margaret writes another comment in

20 the right-hand column, "Be sure to correct study guides."

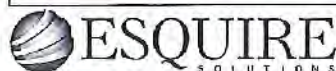
21 Do you see that?

22 A I see it, yes.

23 Q Do you recall her commenting about your use of

24 study guides at this point in time?

25 MS. SHOEMAKER: Vague and ambiguous.



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EXHIBIT B PAGE 104

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
69

- 1 THE WITNESS: I don't recall a specific
2 conversation. This was important to her.
3 BY MS. FERMIN:
4 Q I'm sorry.
5 A This was important to her, I guess. She wrote
6 it.
7 Q Your correcting the study guides?
8 A She wrote it.
9 Q But she didn't talk to you about you correcting
10 study guides?
11 A I'm sorry. I don't understand the question.
12 Q Did she talk to you about correcting study
13 guides?
14 A She may have.
15 Q Again, in January of 2014?
16 A I don't remember a specific date.
17 Q Did you do anything different in response to
18 Sister Mary Margaret's critique regarding your use of
19 study guides?
20 A Yes.
21 Q What did you do differently?
22 A I would go over the study guides in the class
23 with the children before the test.
24 Q Would you correct the study guides?
25 A Sometimes I would grade them, but most of the



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EXHIBIT B PAGE 105

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
70

1 time they did not count as a grade. They were counted as
2 work done. They weren't graded like a test.

3 Q So you wouldn't correct the study guides on a
4 consistent basis?

5 MS. SHOEMAKER: That misstates prior testimony.

6 BY MS. FERMIN:

7 Q Is that right?

8 MS. SHOEMAKER: Can you repeat the question?

9 MS. FERMIN: Can you reread the question, please.

10 (Record read as follows:

11 "Q So you wouldn't correct the study
12 guides on a consistent basis?"

13 THE WITNESS: We did it together as a class.

14 BY MS. FERMIN:

15 Q Every week?

16 A Yes.

17 MS. FERMIN: This is marked as Exhibit 10.

18 (Exhibit 10 was marked for identification by the
19 court reporter.)

20 BY MS. FERMIN:

21 Q This is another one of your lesson plans for
22 January 27 to 31, 2014. Right?

23 A Yes.

24 Q On the last page Sister Mary Margaret writes
25 another note. It says "Remember we have talked about



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EXHIBIT B PAGE 106

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
71

- 1 things on desk."
- 2 A Okay.
- 3 Q Do you recall her talking to you about things on
- 4 the students' desks in January of 2014?
- 5 A I don't remember the exact date. She may have
- 6 mentioned it.
- 7 Q Did you do anything different in regards to
- 8 Sister's remark here in January?
- 9 A I don't remember specifically what we did, but if
- 10 she asked something, I did it.
- 11 Q Did you change the condition of your students'
- 12 desks from November of 2013 when Sister Mary Margaret gave
- 13 you that observation report?
- 14 A Yes.
- 15 Q Sister Mary Margaret told you to organize your
- 16 students' desk at least on two occasions, one in November
- 17 and one in January of 2014. Right?
- 18 A Yes.
- 19 MS. FERMIN: This is Exhibit 11.
- 20 (Exhibit 11 was marked for identification by the
- 21 court reporter.)
- 22 BY MS. FERMIN:
- 23 Q This is another lesson plan of yours for
- 24 February 17th to the 21st of 2014. Is that right?
- 25 A Yes.



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EXHIBIT B PAGE 107

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
72

1 Q On the last page Sister Mary Margaret writes
2 another comment, "Be sure to correct so the students will
3 have something to study correctly." This was in regards
4 to your use of the study guides?

5 A I guess.

6 Q Was that your understanding?

7 A I guess, by reading this.

8 Q So on at least three lesson plans Sister Mary
9 Margaret commented on your use of the study guides in the
10 classroom?

11 A Yes.

12 (Exhibit 12 was marked for identification by the
13 court reporter.)

14 BY MS. FERMIN:

15 Q Exhibit 12 is another lesson plan dated March 3rd
16 through the 7th, 2014. Right?

17 A Yes.

18 Q On the last page Sister Mary Margaret again
19 writes "Be sure that SG are corrected." That's in
20 relation to the study guides again?

21 MS. SHOEMAKER: Calls for speculation.

22 THE WITNESS: I'm not sure. I don't know.

23 BY MS. FERMIN:

24 Q Do you have any idea what she is talking about
25 here?



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EXHIBIT B PAGE 108

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
74

1 BY MS. FERMIN:

2 Q Was there a particular reason why she wanted --

3 A I have no idea.

4 Q -- why she wanted to see your corrected tests?

5 Were you correcting the tests consistently?

6 A Yes.

7 Q On the second page under the religion heading,
8 you write "No one understands the meaning behind becoming
9 a Catholic." Do you see that?

10 A No. Where?

11 Q Under the religion subject. It says "No one
12 understands the meaning behind becoming a Catholic." Was
13 that another topic that you addressed or taught to your
14 children in the religion curriculum?

15 A Yes.

16 Q What entailed that lesson?

17 A I don't remember. Sorry. It was too long ago.

18 Q That topic is covered in the "Coming to God's
19 Life" workbook?

20 A Yes.

21 (Exhibit 14 was marked for identification by the
22 court reporter.)

23 BY MS. FERMIN:

24 Q Exhibit 14 is the last one. This is another
25 lesson plan from April 22nd, 2014.



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EXHIBIT B PAGE 109

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
75

1 A Uh-huh.

2 Q Yes?

3 MS. SHOEMAKER: Say yes.

4 THE WITNESS: Yes. I'm sorry.

5 BY MS. FERMIN:

6 Q At the bottom Sister Mary writes another comment
7 about remember things on desks. Do you recall receiving
8 this comment on the study guides?

9 A I don't recall, no. I don't remember all these
10 comments.

11 Q Did Sister Mary Margaret talk to you as of April
12 2014 regarding things on your students' desks?

13 A Not that I remember.

14 Q Sister Mary Margaret addressed her concerns
15 regarding the condition of your students' desks on
16 numerous occasions. Right?

17 MS. SHOEMAKER: Vague and ambiguous.

18 BY MS. FERMIN:

19 Q Is that right?

20 A Not that I'm aware.

21 Q She never addressed that in --

22 A I didn't say that.

23 Q I'm sorry.

24 A I didn't say that.

25 MS. FERMIN: Can you read the question back,



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EXHIBIT B PAGE 110

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
76

1 please.

2 (Record read.)

3 BY MS. FERMIN:

4 Q Did Sister Mary Margaret address on more than one
5 occasion her concerns regarding the condition of your
6 students' desks?

7 A Yes.

8 Q As late as May of 2014. Right?

9 A Yes.

10 Q Did Sister Mary Margaret address her concerns
11 regarding your use of the study guides on more than one
12 occasion?

13 A Yes.

14 Q The last concern being addressed as late as March
15 of 2014. Right?

16 A Yeah. I'm not sure if that meant study guides or
17 not. I'm not sure on March.

18 Q The SG --

19 A Yeah. I'm not sure what that is.

20 Q Sister Mary Margaret addressed her concerns
21 regarding you correcting your students' tests on more than
22 one occasion with you. Is that correct?

23 A I'm sorry. Ask that question again.

24 MS. FERMIN: Can you read that back?

25 (Record read as follows:



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EXHIBIT B PAGE 111

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
105

1 Q May 23rd?

2 A Yeah. It was that Memorial Day weekend.

3 Q How did you pick that date?

4 A My first chemo date was the 27th. It just made
5 sense since it was Memorial Day weekend, the next week
6 have off and get ready for my chemo.

7 Q You picked to be off one week before your first
8 chemo treatment?

9 A It wasn't really a week. It was maybe Tuesday, I
10 think. On a Tuesday.

11 Q In any case, you decided on this date for your
12 last day teaching for the fifth grade?

13 A I think Sister Mary Margaret and I decided
14 together.

15 Q When did you decide with Sister Mary Margaret
16 that May 23rd would be your last day?

17 A I don't recall.

18 Q Was it during the same conversation when you told
19 her that your doctor recommended chemo and then surgery
20 and then chemo?

21 A I don't remember.

22 Q You stopped teaching before Memorial Day weekend
23 or after?

24 A The Thursday before.

25 Q Did you have a box at school, an inbox?



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EXHIBIT B PAGE 112

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
106

- 1 A Yes.
- 2 Q How often would you check it?
- 3 A Daily.
- 4 Q Even up until May 23rd?
- 5 A Yes.
- 6 Q How about after you stopped teaching? Did you
- 7 check your box?
- 8 A I checked my box as long as it had my name on it
- 9 in case people wanted to leave notes and things. People
- 10 left me notes and papers. So I did check it. When I came
- 11 in to grade papers, I would check it.
- 12 Q You mentioned after your last day of teaching,
- 13 which was the Thursday before Memorial Day weekend, you
- 14 would come in and continue to work but not teach.
- 15 A Right.
- 16 Q What would you do after you stopped teaching?
- 17 A I would grade some tests and load the grades onto
- 18 the computer.
- 19 Q Who was teacher that took over your classroom?
- 20 A I don't remember her name.
- 21 Q Did Sister Mary Margaret know that you continued
- 22 to grade tests and load them onto the computer?
- 23 A Yes.
- 24 Q Did you have a conversation with her regarding
- 25 this?



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EXHIBIT B PAGE 113

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
108

1 A I don't.

2 Q On Exhibit 18, the third paragraph, Sister Mary
3 Margaret writes, "We had many conversations about your
4 classroom management." Is that a true statement?

5 A I don't know if we had many conversations. We
6 had some.

7 Q Which took place in her office during your weekly
8 meetings?

9 A Yes.

10 Q And then she says, "I have tried to offer
11 suggestions which I thought would help you." Is that
12 true?

13 MS. SHOEMAKER: Calls for speculation. You can
14 answer.

15 THE WITNESS: Yes.

16 BY MS. FERMIN:

17 Q And then in the third paragraph she says, "I do
18 think you are better suited for a position in the primary
19 grades." She told you that before -- she had told you
20 that. Right?

21 A Like I said, I never received this letter. So I
22 don't know.

23 Q Apart from this letter?

24 A She didn't tell me that, no. I mean I didn't
25 really know anything until June 6th.



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EXHIBIT B PAGE 114

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
113

1 A Yes.

2 Q Was this the letter that you were referring to
3 after your June 6th meeting with Sister Mary Margaret?

4 A Yes.

5 Q Why did you write this letter to Sister?

6 A She asked me to.

7 Q For what purpose?

8 A I don't know what her purpose was. She didn't
9 tell me.

10 Q At that June 6th meeting she told you that she
11 was looking for someone else to take your job, to replace
12 you?

13 MS. SHOEMAKER: Misstates prior testimony. You
14 can answer.

15 THE WITNESS: I'm not sure that's the exact
16 wording, but something close to that, I guess.

17 BY MS. FERMIN:

18 Q You said that she wanted you to write a letter
19 about things she thought you needed to improve on.

20 A Uh-huh.

21 Q The first item on your letter is student desks.
22 Do you see that?

23 A I do, yeah.

24 Q You write that moving forward you would not have
25 as many things on your students' desks. Right?



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EXHIBIT B PAGE 115

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
114

1 A I explained starting from day one classroom desks
2 will have nothing attached to any part of them, all items
3 will be kept in a pouch behind and space inside. Only a
4 mechanical pen, eraser, blue or black pen and red
5 correcting pen will be allowed on the desk.

6 Q Sister Mary Margaret had addressed this with you
7 on more than one occasion throughout the school year?

8 A Yes.

9 Q The next section is homework. Any missing
10 homework will result in a work habit?

11 A Yes.

12 Q What did Sister Mary Margaret tell you about her
13 concerns regarding your work habit procedure?

14 A She wanted me to follow her procedure, and this
15 work habit procedure she wanted me to follow specifically.
16 So I let her know that I will follow her work habit
17 specifically, her procedure.

18 Q Were you not following her procedure prior to
19 this?

20 A No, I believe I was following it.

21 Q Sister Mary Margaret told you that she had
22 concerns regarding your work habit procedure prior to June
23 2014?

24 A I'm sorry. Ask that again. I'm sorry. What was
25 your question?



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EXHIBIT B PAGE 116

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
115

1 MS. FERMIN: Can you repeat it, please.

2 (Record read as follows:

3 "Q Sister Mary Margaret told you that

4 she had concerns regarding your work

5 habit procedure prior to June 2014?")

6 THE WITNESS: Yes.

7 BY MS. FERMIN:

8 Q Under procedural changes in the middle of the
9 paragraph, you write, "I will utilize the wonderful book
10 you've created for me."

11 A Yes.

12 Q What was that book?

13 A Sister Mary Margaret had, I guess, prepared a
14 book for following work habits and she wanted me -- she
15 wanted me to follow that book precisely.

16 Q Was it the book of guidelines?

17 A I think so.

18 Q Procedures?

19 A Something like that.

20 Q Did the book have a name?

21 A No.

22 Q When did she give you this book?

23 A I don't recall the exact date.

24 Q Was it in June 2014?

25 A It was pretty recent to that time.



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EXHIBIT B PAGE 117

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
138

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I, KRISTEN BIEL, do hereby declare under penalty of perjury that I have read the foregoing transcript of my deposition; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____,
20____, at _____, _____
(City) (State)

KRISTEN BIEL



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EXHIBIT B PAGE 118

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
139

REPORTER'S CERTIFICATE

I, the undersigned, a Certified Shorthand
Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before
me at the time and place herein set forth; that any
witnesses in the foregoing proceedings, prior to
testifying, were placed under oath; that a verbatim record
of the proceedings was made by me using machine shorthand
which was thereafter transcribed under my direction;
further, that the foregoing is an accurate transcription
thereof.

I further certify that I am neither financially
interested in the action nor a relative or employee of any
attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed
my name.

Dated: _____



ROBERTA WIMBERLY
CSR No. 4882



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EXHIBIT B PAGE 119

Ninth Circuit Case No. 17-55180

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTEN BIEL,
Plaintiff/Appellant,

vs.

ST. JAMES CATHOLIC SCHOOL, A CORPORATION,
Defendant/Appellee.

On Appeal from the
United States District Court for the Central District of California
Case No. 2:15-cv-04248 TJH (ASx)
Honorable Terry J. Hatter, Jr., Judge Presiding

**APPELLEE'S SUPPLEMENTAL EXCERPTS OF RECORD
VOLUME 3 OF 3
PAGES 120-208**

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St. James Catholic School

INDEX**APPELLEE'S SUPPLEMENTAL EXCERPTS OF RECORD****NO. 17-55180**

Docket No.	Date	Description	Volume of SER	Pages of SER
67	10/6/16	Declaration of Veronica Fermin in Support of Defendant's Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment against Plaintiff and Exhibits A-G in Support Thereof	1	1-3
67-1/ 67-2	10/6/16	Exhibit A – Declaration of Sister Mary Margaret Kreuper (Part 1 and 2)	1	4-57
67-3/ 67-4	10/6/16	Exhibit B – Deposition of Kristen Biel (Part I and II)	2	58-119
67-5/ 67-6	10/6/16	Exhibit C – Deposition of Sister Mary Margaret Kreuper (Part 1)	3	120-171
67-7	10/6/16	Exhibit D – Deposition of Janell O'Dowd	3	172-176
67-8	10/6/16	Exhibit E – Deposition of Kathleen McDermott	3	177-183
67-9	10/6/16	Exhibit F – Deposition of Sister Lana Chang	3	184-189
67-10	10/6/16	Exhibit G – Meet and Confer Letter to Plaintiff's Counsel	3	190-191

/	/	Civil Docket for U.S. District Court, Central District of California, Western division, Case No. 2:15-cv-04248-TJH-AS	3	192-206
/	/	Certificate of Service	3	207-208

Mary M. Kreuper

November 12, 2015

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3
4
5 KRISTEN BIEL, an individual,)

6 Plaintiff,)

7 vs)

Case No. 15-cv-

) 04248-TJH (ASx)

8 ST. JAMES SCHOOL, A CORP., a)

9 California corporation; and)

DOES 1-50, inclusive,)

10 Defendants.)

Volume I

11
12
13
14
15 DEPOSITION OF MARY M. KREUPER

16 Woodland Hills, California

17 Thursday, November 12, 2015

18
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22
23
24 Reported by: Alla Ponto
CSR No. 11046

25 NDS Job No.: 174564

1

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EXHIBIT C PAGE 120

Mary M. Kreuper

November 12, 2015

1 A. Twenty-seven years.

2 Q. Where is -- strike that.

3 What is St. James?

4 A. St. James is a Catholic elementary school.

5 Q. Is it affiliated with the St. James Church in
6 Torrance?

7 A. Yes, it is.

8 Q. What's the --

9 A. Redondo Beach.

10 Q. St. James Church in Redondo Beach has an
11 affiliation with the St. James School in Torrance?

12 A. That's correct.

13 Q. What is the affiliation?

14 A. It's a parish school.

15 Q. Have you always been employed for the last
16 27 years at St. James, the parish school, as opposed to
17 St. James, the parish?

18 A. Yes.

19 Q. What is your current role at St. James?

20 A. I am the principal of the school.

21 Q. How long have you been the principal?

22 A. 27 years.

23 Q. 27 years ago, that would be 1993?

24 A. No, earlier. It was about '88/'89 school year.

25 Q. I am bad at math. And you have always been

11

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EXHIBIT C PAGE 121

Mary M. Kreuper

November 12, 2015

1 A. Nine.

2 Q. Has the school generally looked the same
3 structure-wise in the 20 years you have been there?
4 Meaning, has it always been a parish school that taught
5 nine grades?

6 A. Yes.

7 Q. What grades are taught there?

8 A. K to 8.

9 Q. How many classes?

10 A. Nine.

11 Q. So one class per grade?

12 A. That's correct.

13 Q. Has there always been one class per grade?

14 A. No.

15 Q. When was it different?

16 A. When -- let's see. Years before I came there,
17 they had three grades of each class.

18 Q. Okay.

19 A. It went down to two, and then it went down to
20 one.

21 Q. Do you know when it went down to one?

22 A. Before I came. I'm not sure.

23 Q. In the 27 years you have been there, there's
24 been one class per grade; correct?

25 A. That's correct.

20

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EXHIBIT C PAGE 122

Mary M. Kreuper

November 12, 2015

1 A. Define work performance.

2 Q. Her job performance in the broadest, sort of,
3 spectrum.

4 My understanding is she wasn't asked back,
5 according to the verified discovery responses, due to
6 her job performance.

7 Did you have any issues with her job
8 performance from August to November?

9 A. Yes.

10 Q. What issues did you have?

11 A. Classroom management, grading, policy.

12 Q. Grading policy?

13 A. No. Grading, and then policy.

14 Q. Okay. Any other issues?

15 A. That's pretty much it.

16 Q. What classroom management did you observe?

17 A. I observed a chaotic environment, lots of
18 talking, lots of getting out of their seats with
19 seemingly no purpose, just because they wanted to go
20 visit a friend. I observed much clutter in the
21 classroom and mostly on and around the students' desks.

22 Q. Okay. Any other issues with classroom
23 management?

24 A. Yes. We have a homework policy.

25 Q. Okay.

72

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EXHIBIT C PAGE 123

Mary M. Kreuper

November 12, 2015

1 A. And if a child misses five homeworks, they are
2 asked to serve a homework room. They have to come on
3 Tuesday, Wednesday and Thursday and do their homework in
4 a specific homework room.

5 Mrs. Biel -- and she had a homework notebook.
6 When they have missing homeworks, they put their name in
7 a book so that they know when they get five,

8 If they brought the homework in the next day
9 or the following day, she would allow them to erase
10 their name as having handed it in.

11 Q. Okay. Any other issues with classroom
12 management?

13 A. Those are the biggest ones.

14 Q. The chaotic environment, is that something
15 that you noticed from day one?

16 A. No. Probably two weeks into it, maybe.

17 Q. How did you observe the issue?

18 A. Walkthroughs and walk-bys of her classroom.

19 Q. How frequently were you doing walkthroughs
20 during that 1st trimester?

21 A. I probably did, maybe, one a week.

22 Q. 15 minutes?

23 A. More or less.

24 Q. Are you walking through all of your classes?

25 A. Yes.

73

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EXHIBIT C PAGE 124

Mary M. Kreuper

November 12, 2015

1 Q. Throughout the school?

2 A. Correct.

3 Q. And you walk by?

4 A. Yes.

5 Q. What is a walk-by?

6 A. If I had to go to the 4th grade classroom,
7 which is right next door, I would walk by Kristen's
8 classroom, and I would look in, and I would notice.

9 Q. Got you. The chaotic environment started two
10 weeks in.

11 Did it continue through that 1st trimester?

12 A. Yes.

13 Q. So every time you did a walkthrough or
14 walk-by, you would notice a chaotic environment?

15 A. I would notice it when -- if I walked in. But
16 as soon as they saw me, they stopped. So it didn't
17 carry on.

18 Q. Every time you did a walkthrough or a walk-by,
19 did you notice a chaotic environment in her 5th grade
20 class?

21 A. The majority of the time.

22 Q. Okay. Much clutter around the students'
23 desks -- was that a problem from day one?

24 A. No. I think it was -- it started, again,
25 about two weeks into it.

74

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EXHIBIT C PAGE 125

Mary M. Kreuper

November 12, 2015

1 Q. Explain to me a little bit about what you mean
2 by clutter.

3 A. The students were allowed to have little
4 baskets that they taped to the side of their desks,
5 several baskets, and then they would put their pens in
6 there. They had many, many pens and pencils. They had
7 erasers on their desks, they had pencils, they had
8 Kleenex, they had water bottles, and lot of clutter on
9 their desks.

10 Q. Okay. Every student in the class?

11 A. The majority of them, yes.

12 Q. Water bottles -- are they not allowed to have
13 water bottles at their desk?

14 A. It's not a usual kind of a thing that students
15 have. We have drinking fountains. They can go out and
16 get a drink if they want.

17 Q. Can they have a water bottle at the desk?

18 A. If the teacher allows them to do it.

19 Q. Do you prevent the teachers from allowing
20 students to have water bottles at their desk?

21 A. I asked them not to.

22 Q. Is that a policy somewhere?

23 A. Not written.

24 Q. Why do you not want them to have water bottles
25 at their desk?

75

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EXHIBIT C PAGE 126

Mary M. Kreuper

November 12, 2015

1 A. Because, again, it causes the clutter, it
2 spills. They have an opportunity to have a drink
3 whenever they want to.

4 Q. Did you have any problems with water bottles
5 spilling in Mrs. Biel's classroom?

6 A. I didn't have a problem, but they did
7 sometimes spill.

8 Q. How many times did they spill?

9 A. I don't know. Two or three that I saw; so I
10 don't know if it happened after that.

11 Q. They had erasers on their desks. Are they not
12 allowed on have erasers on their desks?

13 A. They can have one, but it was a lineup of
14 different kinds of erasers, and then they had a special
15 kind that they traded during class.

16 Q. Okay. This is every student?

17 A. No, I don't think every student, but the
18 majority of students.

19 Q. They would have a line of erasers?

20 A. A line of erasers, pencil sharpeners, those
21 little tiny ones that they have or Hello Kitty ones or
22 whatever kind.

23 Q. They had water bottles, erasers, pens and
24 pencils. Okay.

25 Were they not allowed to have these objects on

76

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EXHIBIT C PAGE 127

Mary M. Kreuper

November 12, 2015

1 their desks?

2 A. Their desks are small; so they can have a pen
3 or a pencil, whatever they needed. But to have all the
4 rest of it on there, no. It shouldn't have been like
5 that.

6 Q. What is the policy at St. James on how many
7 pens they can have at their desk?

8 A. I don't think there's any written policy.

9 Q. What about erasers?

10 A. Well, one eraser, one pen, one pencil.

11 Q. That's the policy?

12 A. It's not written, but that's what I had asked
13 Kristen to do to limit the number of things they had on
14 their desks.

15 Q. Did any of the other students in any other
16 grades have clutter on their desks?

17 A. Not to the extent that they did. They didn't
18 have things that attached on the desks.

19 Q. So these things are attached on the desks,
20 baskets that they keep their supplies in; correct?

21 A. Yes.

22 Q. And Mrs. Biel allowed them to do that?

23 A. Yes.

24 Q. And you had a problem with that?

25 A. I had a problem with the number of things on

77

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EXHIBIT C PAGE 128

Mary M. Kreuper

November 12, 2015

1 Q. Did you ever take any video of the chaotic
2 environment?

3 A. No.

4 Q. Water bottles, pencils, pens, erasers on their
5 desks.

6 Did they have any other -- did they have any
7 other things that caused clutter on their desks?

8 A. Kleenex and pencil sharpeners.

9 Q. Okay. Anything else?

10 A. Not that I can think of.

11 Q. If I understand, they are not prohibited from
12 having these objects on their desks. They just had too
13 much of it; is that fair?

14 A. That's fair.

15 Q. Was this a problem that continued throughout
16 the 1st trimester?

17 A. Yes.

18 Q. Homework policy.

19 When did you first notice that there was --
20 Ms. Biel was doing -- had a problem with the homework
21 policy?

22 A. I noticed that the 5th graders never were in
23 homework room.

24 Q. Okay. How did you know, though, that she was
25 allowing kids to erase their names from the homework

79

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EXHIBIT C PAGE 129

Mary M. Kreuper

November 12, 2015

1 book?

2 A. I think one of the students told me.

3 Q. Which student?

4 A. I don't know. I don't remember which student.

5 Q. Uh-huh.

6 A. I don't remember that.

7 Q. How -- other than maybe one student told you
8 they were allowed to erase their names, how do you know
9 Ms. Biel was allowing students to erase their names from
10 the homework book?

11 A. When I asked her about it, she said, "Well, I
12 won't do that anymore."

13 Q. What did you ask her?

14 A. "Are you allowing children to erase their
15 names in the homework notebook?"

16 And she said, "Yes, but I won't do that any
17 more."

18 Q. And when did you have this conversation with
19 her?

20 A. Probably sometime in the 1st trimester.

21 Q. What caused you to have that conversation with
22 her?

23 A. I heard that -- I saw that no one was in the
24 homework room in 5th grade, and I think one of the
25 students told me that, that they were allowed to do

80

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EXHIBIT C PAGE 130

Mary M. Kreuper

November 12, 2015

1 Q. You don't know one way or the other?

2 A. No. That's right.

3 Q. Did you see 5th graders in the homework room
4 after this conversation with Mrs. Biel?

5 A. No.

6 Q. Do you believe that she was still allowing
7 students to erase their name from the homework book?

8 A. My experience tells me that children in every
9 grade go to homework room.

10 Q. You assumed that she was still allowing it to
11 happen?

12 A. I am not sure.

13 Q. Anyone tell you that she was allowing it to
14 happen after the conversation?

15 A. No.

16 Q. Did you talk to Mrs. Biel about the chaotic
17 environment?

18 A. Yes.

19 Q. How many times you think you talked to her
20 about it?

21 A. It probably came up in the times that I met
22 with her.

23 Q. How often would you meet with her in the 1st
24 trimester?

25 A. Probably once every two weeks or so.

82

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EXHIBIT C PAGE 131

Mary M. Kreuper

November 12, 2015

1 Q. Why were you meeting with her then?

2 A. She would bring her lesson plans, or I would
3 want to see her about the clutter that I saw on the
4 desks or that kind of thing.

5 Q. Did you talk to her about the clutter
6 throughout the 1st trimester?

7 A. Yes.

8 Q. Did the chaotic environment improve during the
9 1st trimester or get worse from the first time you
10 noticed it?

11 A. I think it stayed the same.

12 Q. What about the clutter? Did it stay the same?

13 A. Yes.

14 Q. The homework policy we discussed. Okay.

15 What is the grading issues that you had in the
16 1st trimester?

17 A. All the students in her classroom with the
18 exception of one was on the honor roll.

19 Q. It's because they are all doing their
20 homework; right?

21 A. Right.

22 Q. Every single one was on the honor roll?

23 A. Except one.

24 Q. How does one get on the honor roll at
25 St. James?

83

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EXHIBIT C PAGE 132

Mary M. Kreuper

November 12, 2015

1 (Plaintiff's Exhibit 3 was marked for
2 identification by the court reporter
3 and is attached hereto.)

4 BY MR. BROCK:

5 Q. Have you seen this document before?

6 A. Yes, I have.

7 Q. Can you tell me what this document is.

8 A. This is the observation report that I did for
9 Kristen.

10 Q. Okay. When did you perform this report?

11 A. In November.

12 Q. 2013?

13 A. Yes.

14 Q. This would have been after the 1st trimester?

15 A. Yes.

16 Q. It says, "2:10, Excell."

17 Can you tell me what that mean?

18 A. After I did this report, Kristen asked me if I
19 would come up to the computer lab and see an Excell
20 class that she was going to do. Graphics. I said,
21 "Yes."

22 Q. Okay. "Subject: Math."

23 What does that mean?

24 A. That's the subject I observed.

25 Q. How long did you observe her teaching?

90

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EXHIBIT C PAGE 133

Mary M. Kreuper

November 12, 2015

1 teaching profession."

2 Do you know what that means?

3 A. Yes. It means that this is a template that is
4 used with the California teaching profession.

5 Q. Can you read into the record what it says on
6 the bottom under "observed"?

7 A. It says, "Observed many things on the desks,
8 Kleenex box, markers. Julia,"

9 Q. Who is Julia?

10 A. She's one of the students in there.

11 Q. Are you saying that that student had things on
12 the desk or all of the students had things on their
13 desks?

14 A. All the students had things on the desks. She
15 had an inordinate amount of markers on the desk.

16 Q. Okay.

17 A. It says:

18 "Pencil sharpeners, water
19 bottles, books, et cetera, under
20 the desks and in the aisle. It's
21 a fire hazard. Binders, staple
22 removers, tape, Scotch tape."

23 Now I am suggesting these
24 things: "Have a zipper bag for
25 these items. Work on

93

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EXHIBIT C PAGE 134

Mary M. Kreuper

November 12, 2015

1 organization. Do the students
2 work in their Simple Solution
3 books? Never allow the student
4 to color the pages of the book."

5 Q. "Julia," again?

6 A. Yes.

7 Q. Okay.

8 A. And "Francesca." And then, "Go over the page
9 ahead of time." I can't read that.

10 Q. Okay.

11 A. And at the end of it, she had a good review of
12 music rules.

13 Q. It says "plus 10 over 12"?

14 A. That's what I had suggested that she use as
15 her grading. If there were 12 items, then if they got
16 10 right, she put a plus 10 over 12. I thought it would
17 be easy for her to see that and be able to grade those.

18 Q. Did you feel this was a positive performance
19 evaluation?

20 A. Parts of it were.

21 Q. What parts weren't? Was that the parts that
22 you observed?

23 A. Yes.

24 Q. Did you meet with Ms. Biel to go over this
25 evaluation?

94

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EXHIBIT C PAGE 135

Mary M. Kreuper

November 12, 2015

1 A. Earlier you had mentioned the learning curve.

2 Q. Uh-uh.

3 A. And I observed these things and spoke to her
4 with the hope that that would be part of the learning
5 curve, but it didn't happen.

6 Q. Okay. She signs this November 18th.

7 Is there a break for the Christmas holiday?

8 A. Yes.

9 Q. When is that break?

10 A. Usually around the 19th or 20th of December.

11 Q. Until when?

12 A. Until January -- first week of January.

13 Q. From the date of this exam up until the 19th
14 or 20th of December, did you observe any other issues
15 with Ms. -- strike that.

16 Between this performance evaluation,
17 December 19th and 20th, did you observe any problems
18 with Ms. Biel's performance?

19 A. The same continued ones.

20 Q. Did you talk to her?

21 A. Yes.

22 Q. How many times do you think you talked to her
23 during that period of time?

24 A. Between November and Christmas vacation,
25 probably twice.

97

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EXHIBIT C PAGE 136

Mary M. Kreuper

November 12, 2015

1 (Plaintiff's Exhibit 4 was marked for
2 identification by the court reporter
3 and is attached hereto.)

4 BY MR. BROCK:

5 Q. Can you tell me what this document is?

6 A. When I spoke with Ms. Biel or met with her, I
7 would write down things that we talked about, things
8 that I wanted to bring up.

9 Q. Is this document -- is this what you wrote
10 down?

11 A. Yes.

12 Q. Are there any other -- any additional
13 documents, any more notebooks that you have concerning
14 conversations with Ms. Biel other than these four pages?

15 A. No.

16 Q. On the top it says, "missing homework"?

17 A. Uh-huh..

18 Q. Do you know when you started keeping notes of
19 conversations with Ms. Biel?

20 A. Probably after November.

21 Q. Did you keep notes of conversations with other
22 teachers?

23 A. No.

24 Q. Why did you start keeping them of Ms. Biel?

25 A. Because I was trying to help her to be a

99

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EXHIBIT C PAGE 137

Mary M. Kreuper

November 12, 2015

1 better teacher, and I wanted to be able to refer back to
2 things and to see if they had changed.

3 Q. Was she assigned mentors?

4 A. Yes.

5 Q. Who were her mentors?

6 A. Kathleen McDermott and Cynthia Wight.

7 Q. Why did you assign her mentors?

8 A. Every -- we call them departments. K, 1 and 2
9 meet weekly there; 3, 4 and 5 meet together; and 6, 7
10 and 8 meet together. They discuss upcoming things.
11 They discuss curriculum. They discuss procedures and
12 policies.

13 Q. Did you assign her a mentor at the beginning
14 of the school year?

15 A. Yes.

16 Q. Is that because she was a new teacher?

17 A. It was -- no. Everyone has a mentor. Those
18 two were -- they all do.

19 Q. I see. Did you assign Mrs. Biel a mentor
20 because of the issues that you had noticed with her job
21 performance?

22 A. No.

23 Q. Is there any way you can narrow down the time
24 frame, other than after November when you started
25 keeping notes?

100

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EXHIBIT C PAGE 138

Mary M. Kreuper

November 12, 2015

1 A. Would you repeat that question?

2 Q. You started keeping notes after November. I
3 want to know if there's any way you can narrow down that
4 time frame.

5 A. It was from November until May.

6 Q. Is this document in order? For instance,
7 you're writing as you talk to her. So the first page
8 would be the first conversation you had with her
9 continuing to the last? It's like a timeline?

10 A. They were my things that I spoke with her
11 about.

12 Q. But is it in order?

13 For instance, the first time you wrote
14 "missing homework," that would have been maybe one of
15 the first conversations you had with Ms. Biel when you
16 documented it. And then as you had conversations, you
17 just kept a timeline going. So the first page would be
18 maybe conversations you had in November, second page
19 would be conversations after that, and so forth?

20 A. Not exactly. I think I put that "missing
21 homework" up there because I wanted to remember to talk
22 with her about it again.

23 The checks were consistently. I talked with
24 her about those things consistently. So if in November
25 I mentioned something, say, the honor roll, then I

101

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EXHIBIT C PAGE 139

Mary M. Kreuper

November 12, 2015

1 would -- if that came up again, I would put a check,

2 For instance, "the level of noise" on Page 2,
3 there are several checks there because I kept noticing
4 it. So I would check that, and I would bring it up to
5 her again.

6 Q. Let's start with the first page. It says,
7 "missing homework."

8 Do you know when you wrote that?

9 A. No, I don't.

10 Q. It has one, two and three. It says, "health
11 most important"?

12 A. Uh-huh.

13 Q. What do you mean by that?

14 A. When she first told me that she had cancer, I
15 told her that her health was the most important thing.

16 Q. Do you know when she told you she had cancer?

17 A. The Monday after Easter vacation.

18 Q. Did you write then "health most important" the
19 Monday after Easter vacation?

20 A. Most likely I did.

21 Q. Sometime after that?

22 A. Yes.

23 Q. Did you start these notes after Easter
24 vacation?

25 A. No.

102

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EXHIBIT C PAGE 140

Mary M. Kreuper

November 12, 2015

1 Q. Is there a reason why the first page of this
2 document has "health most important"?

3 A. I think it's because that first page was
4 blank, and I had started already, and then I went back
5 and filled that in because I wanted to be sure that I
6 knew that I had told her that her health was the most
7 important thing.

8 Q. The second page of Exhibit 4, starting at the
9 top, is that the first thing you recall documenting then
10 about Mrs. Biel?

11 A. I don't think so. I think that was one of the
12 things that I talked with her about. One of the things
13 that I observed because I had subbed in there, there's
14 no test schedule, and so I wrote that, and then the
15 "Work habits" and "erasing, work habits, grades, and
16 behavior chart" that she had.

17 Q. Do you know when you wrote everything on the
18 second page?

19 A. No, I don't. It was over a period of time.

20 Q. Well, I am trying to understand the order of
21 it. So if I can find out which page you started with
22 and --

23 A. The honor roll would have been November.

24 Q. Second page?

25 A. Second page.

103

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EXHIBIT C PAGE 141

Mary M. Kreuper

November 12, 2015

1 Q. "Janelli"?

2 A. Uh-huh.

3 Q. November, here (indicating).

4 A. Uh-huh.

5 Q. What about "setting up" --

6 A. "Setting up paper format."

7 Q. Uh-huh.

8 A. There's a special format that the students use
9 to head their papers, and she wasn't doing that. They
10 could just do it wherever they wanted to.

11 Q. Do you know when you would have wrote that?

12 A. After the honor roll, November, in November.

13 Q. At the top it says, "Erasing work habit
14 grades, work habit chart." It has a "No. 2. Condition
15 of room. Things on floor, et cetera."

16 Do you know when you wrote all of this?

17 A. It was before the report cards.

18 Q. Before November?

19 A. Or during November, first part of November.

20 Q. But before you wrote "honor roll"; correct?

21 A. Correct.

22 Q. Then it says --

23 A. "Report card."

24 Q. "Report card," slash, "duplicate."

25 What do you mean by that?

104

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EXHIBIT C PAGE 142

Mary M. Kreuper

November 12, 2015

1 A. Her report cards -- they hand in their
2 duplicate report cards to me, and then they transfer the
3 grades onto their report cards.

4 So when I looked at them, I didn't notice any
5 kind of a glaring -- anything glaring. Then on the
6 report cards, when everyone was on the honor roll, I was
7 pretty shocked at that.

8 Q. Did you write that after the report cards came
9 out?

10 A. It was after the -- yes, it would have to be.

11 Q. What about "level of noise"?

12 A. It was -- again, I continued to notice the
13 level of noise.

14 Q. So I think I understand. So you write out all
15 of these things as they come up. And then the next time
16 you meet with her, if it's still a problem, you check
17 it?

18 A. That's right.

19 Q. "Pen for math."

20 What do you mean by that?

21 A. Students are not allowed to use pen for math.
22 They have to use a pencil.

23 Q. What does it say underneath that?

24 A. "Missing homework. Can they bring it in the
25 next day."

105

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EXHIBIT C PAGE 143

Mary M. Kreuper

November 12, 2015

1 Q. There's a star there. Why did you do that?

2 A. Because that was really an important policy.

3 We can't allow this -- I mean, if you don't have your

4 homework on the day that it's due, then it's missing.

5 Q. What do you say underneath that?

6 A. She was not wanting to take accountability for
7 student behavior.

8 Q. What do you mean by that?

9 A. I think, when I met with her, I would bring up

10 again the level of noise or the behavior in the

11 classroom, and she would say something to the effect,

12 "It doesn't bother me."

13 Q. Okay. Next page, "Change up format of tests."

14 A. I had asked, as time went on, to see all the
15 tests that she was giving because it was the same format
16 all the time.

17 Q. I see. Underneath that?

18 A. "Children may not have all that stuff on their
19 desks."

20 Q. Underneath that?

21 A. "Study guides are still not corrected."

22 Q. Underneath that?

23 A. "Student council applications. Grades were
24 different on the duplicates than on the report cards."

25 Q. Do you know when you would have wrote that?

106

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EXHIBIT C PAGE 144

Mary M. Kreuper

November 12, 2015

1 A. That was probably in springtime.

2 Q. March, April?

3 A. Yes.

4 Q. It says "2nd" --

5 A. "Trimester."

6 Q. When does the 2nd trimester start?

7 A. In January, maybe.

8 Q. What do you mean by "2nd trimester"?

9 A. We divide it into 1st, 2nd and 3rd.

10 Q. Does this mean you are starting to document
11 things now that occurred during the 2nd trimester?

12 A. No. That probably refers back to the student
13 council applications.

14 Q. What does it say underneath that?

15 A. "Change grades on duplicates, work habits and
16 behavior after I saw them."

17 Q. What do you mean by that?

18 A. Well, when I saw them, the grades appeared to
19 be different than they were on the report card when they
20 got their report card.

21 Q. She had changed the grades?

22 A. Apparently.

23 Q. Underneath that?

24 A. They did not -- some did not earn the work
25 habit and behavior grade which would have kept them off

107

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EXHIBIT C PAGE 145

Mary M. Kreuper

November 12, 2015

1 contract."

2 Q. Based on her job performance?

3 A. That's right.

4 Q. And those were during meetings you had with
5 her?

6 A. Yes.

7 Q. How frequently were you having meetings with
8 her?

9 A. After January, I met with her weekly.

10 Q. Did you set up these meetings, or did she
11 request them?

12 A. No, she didn't request them. I asked to see
13 her.

14 Q. Once a week?

15 A. Sometimes twice a week.

16 Q. Why did you ask to see her?

17 A. Because I wanted to check in with her to see
18 how she was doing with regards to all the things we
19 talked about.

20 Q. Did you check in with other teachers?

21 A. On those same issues?

22 Q. On any issues.

23 A. I check in with teachers regularly, yes.

24 Q. Did you have meetings once a week or twice a
25 week --

109

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EXHIBIT C PAGE 146

Mary M. Kreuper

November 12, 2015

1 parent."

2 What does that mean?

3 A. I asked all the teachers not to communicate
4 with parents via e-mail. I ask them to either have a
5 face-to-face conference or to telephone them.

6 Q. Was she having a problem with that?

7 A. She did it. She would e-mail the parents.

8 Q. Do you know how many times she e-mailed the
9 parents?

10 A. No, I don't.

11 Q. "Technology," what does that mean?

12 A. It needs to be curricular related.

13 She had asked me to come up and observe a
14 couple of things in the computer lab that she wanted to
15 do that were not necessarily related to the curriculum.

16 Q. "Water bottle," we know that. "Grades for
17 group work."

18 What did you mean by that?

19 A. That was the same as the religion.

20 Q. Then you have "6/2014" and "6-17-2014."

21 A. Uh-huh.

22 Q. Is there any reason why you dated these
23 particular issues?

24 A. No, there wasn't. No.

25 Q. From the time that she first started up until

111

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EXHIBIT C PAGE 147

Mary M. Kreuper

November 12, 2015

1 the Christmas break, did any parents express any issues

2 they had with Ms. Biel's work performance?

3 A. There were some parents who did come to me.

4 I'm not sure about the timeline.

5 Q. How many parents ever express to you concerns
6 about Ms. Biel's work performance?

7 A. There were four.

8 Q. Who were the parents?

9 A. Patty Schiappa.

10 Q. Uh-huh.

11 A. Mara Delgadillo, Jonnell O'Dowd, and there was
12 one other one. I don't recall the name.

13 Q. Do you recall what Patty told you?

14 A. Yes. That she was pleasantly surprised and
15 shocked that her son Nikko made the honor roll because
16 he was not an honor roll student.

17 Q. I'm sure Nikko --

18 A. Sorry?

19 Q. Go ahead.

20 A. And she came in and said that -- all of them
21 said it was the lack of structure in the classroom and
22 that they seemed to be able to do whatever they wanted
23 to do.

24 Q. Patty told you that about Ms. Biel?

25 A. Yes.

112

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EXHIBIT C PAGE 148

Mary M. Kreuper

November 12, 2015

1 Q. Mary -- Mara?

2 A. Mara. Her daughter is a bright girl and
3 certainly deserved to be on the honor roll. She didn't
4 have a problem with that. But it was the lack of
5 structure in the classroom. Her daughter found it hard
6 to study when there's so much noise in the classroom and
7 to work.

8 Q. And Jonnell O'Dowd?

9 A. She didn't correct the study guides. And so,
10 therefore, when they took their tests, some of the
11 answers that they gave on the test were incorrect
12 because they just studied the study guide.

13 Q. Okay.

14 A. That, and also the -- again, lack of
15 structure.

16 Q. Was Jonnell a teacher there?

17 A. Yes.

18 Q. What about Mara?

19 A. No.

20 Q. Patty?

21 A. No.

22 Q. What grade did Jonnell teach?

23 A. 7th grade.

24 Q. And the other parent, do you recall what her
25 complaints were?

113

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EXHIBIT C PAGE 149

Mary M. Kreuper

November 12, 2015

1 A. I think it was a him. It was basically the
2 same thing. It was -- the kids would come home with
3 stories about what they did and how they were able to
4 talk and take off their shoes in class and those kinds
5 of things.

6 Q. Parent complaints about teachers -- does that
7 happen on a pretty regular basis?

8 A. No.

9 Q. So the complaints that you had about
10 Mrs. Biel, was that unusual?

11 A. Yes.

12 Q. You don't recall the timing of any of these
13 complaints?

14 A. No.

15 Q. Other than these parents and Jomell, did any
16 other teachers complain about Mrs. Biel?

17 A. It wasn't so much a complaint as an
18 observation of what was going on in the classroom. Many
19 classes had to walk by her room in order to get to the
20 music room. And on occasion, teachers would say to me,
21 "Oh, it's so noisy in there." One of the teachers said
22 it was chaotic.

23 Q. Who was that?

24 A. Sister Lana.

25 Q. Did all the teachers make observations to you

114

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EXHIBIT C PAGE 150

Mary M. Kreuper

November 12, 2015

1 about what they saw in Mrs. Biel's classroom?

2 A. I don't think that they did. No, not all the
3 teachers. No.

4 Q. Did any parent praise Ms. Biel?

5 A. Not to me.

6 Q. To other people?

7 A. I don't know.

8 Q. Did any of the other teachers praise
9 Mrs. Biel?

10 A. Not for teaching.

11 Q. For what?

12 A. She made jewelry. A lot of the teachers
13 bought jewelry from her.

14 She would -- she would want to be involved in
15 the fun things that we did. For instance, we did a
16 flash dance -- not flash dance, flash mob. And she was
17 the one that instigated that, and she taught us the
18 dance to that. So those kind of things that other
19 teachers would say.

20 Q. Other than the four parents, other teachers,
21 did anyone else ever express to you any concerns that
22 they had with Ms. Biel?

23 A. Not that I recall.

24 Q. Is there any reason why you didn't do more
25 written formal evaluations of Ms. Biel other than the

115

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EXHIBIT C PAGE 151

Mary M. Kreuper

November 12, 2015

1 one in November?

2 A. I met with her regularly about two or three
3 times a week, and I would do my walkthroughs. To me,
4 speaking with her, I was trying to -- again, trying to
5 help her to develop some good classroom management
6 skills, and it was better -- I thought it would be more
7 helpful to talk with her.

8 Q. Okay. I will hand you a document we'll mark
9 as Exhibit 5.

10 (Plaintiff's Exhibit 5 was marked for
11 identification by the court reporter
12 and is attached hereto.)

13 BY MR. BROCK:

14 Q. Have you seen this document before?

15 A. Yes, I have.

16 Q. Can you tell me what this document is?

17 A. This is an intent to return form.

18 Q. Tell me what an intent to return form is.

19 A. In, most likely, February, first part of
20 March, I give everybody this paper because then that
21 gives me an indication of if I need to start looking for
22 teachers or if I need to fill spaces that would be
23 vacated by a teacher not returning.

24 Q. Do you know when you gave this form to
25 Ms. Biel?

116

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EXHIBIT C PAGE 152

Mary M. Kreuper

November 12, 2015

1 school year?

2 A. No, she didn't.

3 Q. There's some checked box on credentialing?

4 A. Uh-huh.

5 Q. Did any part of Ms. Biel's credentials play

6 any role in why she was not asked for the 2014/2015

7 school year?

8 A. No.

9 Q. All right. When did you decide that Ms. Biel

10 would not be returning for the next school year?

11 A. My tendency was in, say, March. When I found

12 out that she was wanting to return, I thought, well, you

13 know, I will work with her until to see if things

14 change. So probably in March I thought that I don't

15 think this is going to work out.

16 Q. Was there a particular event that happened

17 that caused you to make a decision that it's probably

18 not going to work out or was it just an accumulation of

19 things? What was it, if you can tell me?

20 A. I think it was the lack of doing the things

21 that I had asked her to do.

22 Q. In particular, what things?

23 A. Classroom, the orderliness or lack of in the

24 classroom, the chaoticness of the classroom -- that

25 never changed.

119

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EXHIBIT C PAGE 153

Mary M. Kreuper

November 12, 2015

1 I found out that she wasn't using a grammar
2 book that she was supposed to be using.

3 She was also not letting children work in the
4 Simple Solutions book, and I had asked her to do that.

5 I think -- I believe that she did do that
6 after I had said to her, "Let them work in the book."
7 It's a workbook.

8 Q. When you made the decision in March 2014, did
9 you communicate your decision to Ms. Biel at that time?

10 A. I think first I determined in my own mind I
11 don't think this is going to work. However, I continued
12 to try and work with her up through March and April.
13 And, then, finally it just wasn't going to work.

14 Q. Did you ever tell Ms. Biel she would not be
15 offered a contract prior to her going out on leave?

16 A. Before May 22nd. I said a couple of times,
17 "I'm going to find it difficult to offer you a
18 contract."

19 Q. You said that a couple of times?

20 A. Couple of times, uh-huh.

21 Q. And when is the first time you said that to
22 her?

23 A. Probably after this, probably the first part
24 of March.

25 Q. When is the second time?

120

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EXHIBIT C PAGE 154

Mary M. Kreuper

November 12, 2015

1 A. Probably -- maybe the first part of April, I
2 continued to meet with her to try and resolve these
3 issues, and it just wasn't working.

4 Q. Did you ever tell her she would not be offered
5 a contract prior to her going out on leave?

6 A. Yes -- no. Prior to her going out -- prior to
7 May 22nd.

8 Q. When Ms. Biel went out on leave, did you ever
9 tell her that she would not be offered a contract?

10 A. Yes, I did.

11 Q. When did you tell her?

12 A. When?

13 Q. Yes.

14 A. I don't remember. It was between April and
15 May. Yeah.

16 Q. Do you know when Ms. Biel told you she had
17 cancer?

18 A. Yes.

19 Q. When was that?

20 A. It was the Monday after Easter vacation.

21 Q. Do you know the date?

22 A. April -- probably the middle or toward the end
23 of April.

24 MR. BROCK: Let's take a break.

25 (Whereupon, at the hour of 12:36 P.M.,

121

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EXHIBIT C PAGE 155

Mary M. Kreuper

November 12, 2015

1 Can you tell me how frequently teachers went
2 out on a leave of absence that lasted longer than one or
3 two weeks?

4 A. Only for babies, and that was four of them.

5 Q. Had any teacher taken a leave of absence for
6 any medical condition other than pregnancy?

7 A. No.

8 Q. Four teachers in your 27 years went out on
9 maternity leave?

10 A. Correct.

11 Q. Okay.

12 A. And so Annie subbed for two days a week, not
13 the three that I said.

14 Q. Okay. Tell me when -- Ms. Biel told you she
15 had cancer following Easter break?

16 A. Yes.

17 Q. Do you know if it was a Monday?

18 A. Yes.

19 Q. Sometime in April?

20 A. Yes.

21 Q. Tell me how she told you.

22 A. She came in to my office, and she said that
23 during Easter vacation, she had found a lump on her
24 breast and went to the doctor, and they wanted to do
25 some tests, and they thought it was cancer.

124

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EXHIBIT C PAGE 156

Mary M. Kreuper

November 12, 2015

1 2013/2014 school year?

2 A. No, she didn't.

3 Q. When did she take off?

4 A. She said that her last day would be May 22nd.

5 Q. When did she inform you that her last day
6 would be May 22nd?

7 A. Probably a couple of weeks before that.

8 Q. Do you recall a specific date?

9 A. No, I don't.

10 Q. Was it during this late April, early May
11 conversation?

12 A. Probably a little bit after that. I think she
13 had to get more doctors' consults.

14 Q. Tell me about that conversation where she
15 informs you she would not be finishing the school year.

16 A. She said that she was going to undergo some
17 type of treatment. It was sort of vague. I don't know
18 that she had -- actually knew. She was going to undergo
19 some kind of treatment, and she needed to be -- her last
20 day needed to be May 22nd.

21 Q. Do you know how much notice that was?

22 A. Probably two weeks.

23 Q. Did she tell you how long she would be unable
24 to work?

25 A. It was vague. She wasn't quite sure.

127

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EXHIBIT C PAGE 157

Mary M. Kreuper

November 12, 2015

1 A. I told her I was not going to be able to offer
2 her a contract.

3 Q. When did you first tell her that?

4 A. It was before May 15th and -- I would say
5 probably early May.

6 Q. That's after the Easter break; correct?

7 A. Yes.

8 Q. Did you tell -- did you ever tell Ms. Biel
9 before the Easter Monday -- strike that.

10 Did you ever tell Ms. Biel before the Monday
11 after Easter, when she told you she might have cancer,
12 that she was not going to get a contract for the
13 following school year?

14 A. I mentioned on several occasions in early
15 January, February when I met with her, that because of
16 her performance, that I was going to find it very
17 difficult to offer her a contract.

18 Q. I understand that. Did you tell her, though,
19 prior to her informing you she might have cancer on that
20 Monday after Easter, that you made your decision and she
21 was not going to get a contract?

22 A. I told her that -- I said to her that this
23 didn't look like it was working out. No. I don't think
24 I ever said that I definitely was not going to rehire
25 her.

130

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EXHIBIT C PAGE 158

Mary M. Kreuper

November 12, 2015

1 A. Yes.

2 Q. When did you tell her that?

3 A. With that letter on May 15th and then before
4 leading up to it all those other times that I told her
5 that I would find it difficult, that I just didn't think
6 I could offer her a contract.

7 Q. But did you ever tell her she would not be
8 given a contract?

9 A. No.

10 Q. I will hand you a document that we will mark
11 as Exhibit 6.

12 (Plaintiff's Exhibit 6 was marked for
13 identification by the court reporter
14 and is attached hereto.)

15 BY MR. BROCK:

16 Q. Can you tell me what this document is?

17 A. This is my formal letter to her saying that I
18 would not be prepared to offer her a contract.

19 Q. When did you prepare this letter?

20 A. May 15th.

21 Q. Is this the first time you communicated to
22 Ms. Biel definitively that she would not be offered a
23 contract for the 2014/2015 school year?

24 A. Definitively, yes.

25 Q. You had hinted that you had trouble giving her

132

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EXHIBIT C PAGE 159

Mary M. Kreuper

November 12, 2015

1 a contract, but this is the first time you tell her she
2 ain't coming back?

3 A. I don't think I hinted. I think it was
4 stronger than a hint. Because when I say to somebody "I
5 am not" -- "I don't think I'm prepared" -- "I don't
6 think I am going to be able to offer you a contract,"
7 that's what I meant, and this was the formal declaration
8 of that.

9 Q. At any time prior to May 15, 2014, did you
10 tell Ms. Biel that you are not prepared to offer her a
11 contract for the 2014/2015 school year?

12 A. Yes.

13 Q. How did you -- did you write this document
14 before or after Ms. Biel told you two weeks prior to
15 May 22nd that that would be her last day?

16 A. Please repeat that.

17 Q. When you sent this document --

18 A. Yes.

19 Q. -- did you know Ms. Biel's last day of work
20 would be May 22nd?

21 A. Yes.

22 Q. She had already told you that May 22nd would
23 be her last day; correct?

24 A. Right.

25 Q. How did you present this document to Ms. Biel?

133

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EXHIBIT C PAGE 160

Mary M. Kreuper

November 12, 2015

1 A. As I do with any teacher, I put it in their
2 mailbox. I put letters or notes in their mailboxes.

3 Q. Where is their mailbox?

4 A. In the faculty room.

5 Q. Do you know if Ms. Biel got this letter?

6 A. No.

7 Q. You don't know?

8 A. I don't know.

9 Q. Did you ever follow up with Ms. Biel prior to
10 May 22nd when her last day of work was to ensure that
11 she got this letter?

12 A. No.

13 Q. Did you ever have a conversation with Ms. Biel
14 prior to May 22nd where she discussed receiving this
15 letter?

16 A. No.

17 Q. Did you -- when is the last time you looked in
18 her mailbox?

19 A. I don't actually look at it. If I have
20 something to put in it, I do. I don't make it a
21 practice to look at it. There's lots of things in
22 there.

23 Q. Do you still have her mailbox?

24 A. No. I mean, somebody else's name is there,
25 but it's there.

134

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EXHIBIT C PAGE 161

Mary M. Kreuper

November 12, 2015

1 Q. Did you clean out her mailbox?

2 A. I think it was cleaned out.

3 Q. Do you know who cleaned it out?

4 A. I think she did.

5 Q. Have you put letters like this in other
6 teachers' mailboxes, letters expressing -- strike that.

7 Have you put a letter to a teacher saying they
8 would not be offered a contract in one of their
9 mailboxes?

10 A. No.

11 Q. This is the first time?

12 A. Well, yes.

13 Q. Is there any reason why you didn't personally
14 deliver this letter to Ms. Biel?

15 A. That's not my ordinary way of communicating
16 with something like this. I usually put -- any notes or
17 something in the mailbox. That's my ordinary way of
18 doing it.

19 I did that because I felt that I had talked so
20 much with her, and there was nothing else left to say.
21 I think she knew that I wasn't prepared to offer the
22 contract, and this was the formal -- saying that I
23 wasn't.

24 Q. Why did you wait until May 15, 2014, to write
25 a letter to Ms. Biel advising her that she would not

135

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EXHIBIT C PAGE 162

Mary M. Kreuper

November 12, 2015

1 have a contract for the 2014/2015 school year?

2 A. That's the day that we have to let teachers
3 know.

4 Q. Who has mandated that to be the day?

5 A. It's in the contract, I believe.

6 Q. What contract?

7 A. On No. 7 on Page 2 at the bottom.

8 Q. Did you ever extend Mrs. Biel's introductory
9 period?

10 A. What does that mean?

11 Q. Part of the contract, Page 5, No. 5, there's
12 an introductory period for a newly hired or transferred
13 teacher. The introductory period is a minimum of 90
14 calendar days and may be extended in writing for up to
15 another 90 calendar days at the discretion of the
16 principal.

17 A. Uh-huh.

18 Q. Did you ever extend her introductory period?

19 A. I kept her until she requested that her last
20 day be the 22nd of May. Yes.

21 Q. Did you notify her in writing that her
22 introductory period would be extended by 90 days
23 after --

24 A. No.

25 Q. --- after the initial 90 days?

136

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EXHIBIT C PAGE 163

Mary M. Kreuper

November 12, 2015

1 2014/2015 school year following chemotherapy and
2 surgery?

3 A. I think we had conversations about that, but
4 it wasn't about the chemotherapy or her illness. It was
5 about her teaching and her classroom management.

6 Q. I will hand you a document. It's a series of
7 documents that we marked yesterday in Ms. Biel's
8 deposition. We'll mark them collective as 9.

9 (Plaintiff's Exhibit 9 was marked for
10 identification by the court reporter
11 and is attached hereto.)

12 BY MR. BROCK:

13 Q. Can you tell me what these documents are?

14 A. These are a copy of her lesson plans.

15 Q. What are the lesson plans?

16 A. The lesson plans are the outline for the week
17 of what the teacher intends that they -- she intends to
18 be taught during that course of that week.

19 Q. Do all teachers provide you a lesson plan?

20 A. Yes.

21 Q. Do you write notes on the plan for
22 suggestions?

23 A. Yes.

24 Q. Do you have any more plans for Ms. Biel other
25 than those?

152

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EXHIBIT C PAGE 164

Mary M. Kreuper

November 12, 2015

1 A. Ritterman.

2 Q. Ritterman. She also happened to teach 5th
3 grade; correct?

4 A. Yes, she did.

5 Q. Did you -- the difference -- how do I phrase
6 this? I don't want to be argumentative.

7 The problems that you had with Mrs. Biel's
8 work performance, did you chalk that up to a difference
9 in teaching philosophy, or did you consider her not a
10 capable teacher?

11 What did you attribute to the problems that
12 she had with that 5th grade class?

13 MS. FERMIN: Vague.

14 BY MR. BROCK:

15 Q. You can answer, if you understand.

16 A. Rephrase it.

17 Q. I am trying to understand -- did you attribute
18 anything about -- to why Ms. Biel had trouble with the
19 5th graders during that school year?

20 A. I think she was very permissible, and she was
21 not structured.

22 Q. Did you feel that was -- those were issues
23 that she could improve upon over time?

24 A. I tried to help her with those issues; but at
25 the end of the day, she was not able or capable or

156

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EXHIBIT C PAGE 165

Mary M. Kreuper

November 12, 2015

1 willing to make the changes.

2 Q. When you say she was not structured and
3 permissive, was that your opinion about her teaching
4 style, or was that just sort of an objective fact? I'm
5 trying to understand.

6 MS. FERMIN: Vague.

7 THE WITNESS: I think I know what you mean.

8 BY MR. BROCK:

9 Q. Yeah.

10 A. No. It was the reality that I saw. Every
11 time I walked by or went in or I subbed for her, I saw
12 it.

13 Q. How many times did you sub for her?

14 A. Three or four.

15 Q. Did you feel that the kids in her 5th grade
16 class didn't get a good educational experience during
17 that year?

18 A. From an educator's point of view, I don't
19 think they did. From their point of view and their
20 parents' point of view, they did.

21 Q. Why is that?

22 A. Because when children who never made the honor
23 roll are on the honor roll, the parents were ecstatic.

24 From my point of view, all the things that I
25 tried to help Kristen with and help her to be a better

157

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EXHIBIT C PAGE 166

Mary M. Kreuper

November 12, 2015

1 teacher, she didn't follow through on those which caused
2 her not to be a good 5th grade teacher, in my opinion.

3 Q. Could there be a difference of opinion based
4 on different types of teaching style that maybe she
5 was -- someone else could consider her a good teacher?

6 MS. FERMIN: Lack of foundation; calls for
7 speculation; incomplete hypothetical.

8 BY MR. BROCK:

9 Q. Do you understand?

10 A. Rephrase it for me.

11 Q. It's your opinion she wasn't a good teacher.
12 Parents thought she might have been or whatever.

13 Do you think your opinion is based on a
14 difference in teaching philosophy between the way
15 Mrs. Biel teaches and maybe the way you thought a
16 teacher should teach?

17 MS. FERMIN: Vague.

18 THE WITNESS: I was her supervisor, and I am
19 the one responsible for the education of the children.
20 So when I hear, you know, parents and other teachers
21 telling me about chaos that goes on in the room -- I
22 tell all the teachers that one of my expectations is
23 that they have a classroom that is conducive to
24 learning. And when parents come to me and say, "My
25 child is struggling because it's too noisy," or "They

158

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EXHIBIT C PAGE 167

Mary M. Kreuper

November 12, 2015

1 don't have their test schedules," or "They don't
2 have" -- whatever it is that they are giving an example
3 of, and when I see it and I experience that, then 5th
4 grade was not a good fit for her.

5 BY MR. BROCK:

6 Q. Did you feel like her 5th graders didn't learn
7 what they needed to learn in her classroom that year?

8 A. Yes, I think that's true.

9 Q. All the parents -- you just told me about
10 parents talking about chaos.

11 Are you talking about any additional parents
12 than the ones that you already told me about?

13 A. No, I think -- I can't say for sure. Someone
14 might have made a comment, but I don't know. Those are
15 the ones that formally came and spoke with me.

16 Q. Any parents send you an e-mail or anything in
17 writing about the problem that they had with Mrs. Biel?

18 A. No.

19 Q. You would agree -- it's your opinion that
20 Ms. Biel wasn't performing like she should have as a 5th
21 grader teacher; correct?

22 A. I don't think it's my opinion. What I have
23 done is I based it on fact. So the reality was that she
24 wasn't.

25 Q. Right. Is there an objective test that

159

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EXHIBIT C PAGE 168

Mary M. Kreupcr

November 12, 2015

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the _____ day of _____,
at _____,
(CITY) (STATE)

MARY M. KREUPCR

165

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EXHIBIT C PAGE 169

Mary M. Kreuper

November 12, 2015

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss:
3

4 I, ALLA PONTO, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 11046, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

166

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EXHIBIT C PAGE 170

Mary M. Kreuper

November 12, 2015

1 I further certify that I am not a relative or
2 employee or attorney or counsel of any of the parties,
3 nor am I a relative or employee of such attorney or
4 counsel, nor am I financially interested in the outcome
5 of this action.

6
7 IN WITNESS WHEREOF, I have subscribed my name
8 this 20th day of November, 2015.

9
10
11 

12 ALLA PONTO, CSR No. 11046

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167

Janell O'Dowd

January 28, 2016

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, AN INDIVIDUAL,

PLAINTIFF,

VS.

ST. JAMES SCHOOL, A CORP., A
CALIFORNIA CORPORATION; AND
DOES 1-50, INCLUSIVE,

DEFENDANTS.

CASE No. 15-cv-
04248-TJH (ASx)

DEPOSITION OF
JANELL O'DOWD
Volume 1
Torrance, California
Thursday, January 28, 2016

Reported By:
Maria A. Hasakian
CSR No. 8469
NDS Job No. 179228

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Page 1

EXHIBIT D PAGE 172

Janell O'Dowd

January 28, 2016

1 Q And then after that, it was primarily formal 2 evaluations? 3 A Correct. 4 Q One time per year? 5 A Once per year. 6 Q Do you prepare lesson plans each week for your 7 class? 8 A Yes. 9 Q And does Sister Mary Margaret review those each 10 week? 11 A Yes. 12 Q And does she comment on them each week? 13 A She does. 14 Q As recently as last year, did you have a formal 15 evaluation for your class by Sister Mary Margaret? 16 A I believe last year, yes. 17 Q How about for this year? 18 A No. 19 Q Is it possible that it just hasn't occurred 20 yet, the formal evaluation, for this school year? 21 A Correct. 22 Q Have you ever been assigned to mentor any other 23 teachers at St. James? 24 A Yes. 25 Q Are you currently mentoring any teachers? Page 17	1 In that first year each time you met? 2 A I would meet with her once a week for probably 3 about -- it would vary from week to week. 4 Q On average? 5 A 30 minutes to half an hour -- I mean, 6 30 minutes to an hour. 7 Q And that meeting was separate from the meeting 8 you had with her and Sister Lana? 9 A No, we met together. 10 Q And that three-person meeting was 30 minutes? 11 A Yes. 12 Q If there was ever any issue with Ms. Zimmerman, 13 would you have brought it to the attention of Sister Mary 14 Margaret? 15 MR. VASIN: I'm just going to object. It's 16 vague, ambiguous, and calls for speculation. 17 You're asking hypothetically? 18 MS. SHOEMAKER: Yes. 19 Q You can answer. 20 A So if I had a problem with Ms. Zimmerman, yes, 21 I would have gone to Sister. 22 *Q Approximately how many times did you have to go 23 to Sister Mary Margaret with issues that you had with 24 Ms. Zimmerman? 25 MR. VASIN: Well, I'm going to object at this Page 19
1 A No. I don't know if I was necessarily the 2 person in charge but I kind of -- like I was -- we worked 3 kind of as a team. 4 Q And who would be the head mentor of that group? 5 A It would have been Sister Lana. 6 Q Do you have any -- do you know why she would 7 have been the head mentor of that group? 8 A Why? She's an amazing teacher. 9 Q Do you remember the name of the last teacher 10 that the two of you mentored together? 11 A Courtney Zimmerman. 12 Q And she's still with St. James? 13 A Correct. 14 Q And it's my understanding that teachers get 15 assigned to mentor another teacher when they first start? 16 A Yes. 17 Q And how long did your managership of Courtney 18 Zimmerman last? 19 A Pretty much her first year. 20 Q And it stopped after that? 21 A We -- I mean, the three of us continue to meet 22 each day. So I think we continue to mentor each other. 23 Q But more formally? 24 A Formally for a year. 25 Q And how much time with Courtney would you spend Page 18	1 point. It invades Ms. Zimmerman's right to privacy. 2 It's not relevant to this lawsuit. It's not likely to 3 lead to the discovery of admissible evidence. 4 So I'm going to instruct the witness not to 5 answer at this point. 6 BY MS. SHOEMAKER: 7 Q Do you remember the school year when Ms. Biel 8 began teaching the fifth grade, what year that was? 9 A No. It was -- well, what -- like was it three 10 years ago? One, two, three. I don't remember. 11 Q We've alleged that it occurred in 2013 to 2014. 12 A Okay. 13 Q Does that sound about right? 14 A Uh-huh. 15 Q Yes? 16 A Yes. 17 Q And at that time, Mallory was in her class; is 18 that correct? 19 A Yes. 20 Q And during that 2013 to 2014 school year, did 21 you personally observe any problems with Ms. Biel's 22 teaching? 23 MR. VASIN: I'm just going to object as overly 24 broad, vague, ambiguous. 25 THE WITNESS: Yes. Page 20

Page 6

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EXHIBIT D PAGE 173

Janell O'Dowd

January 28, 2016

1 BY MS. SHOEMAKER:
 2 Q And what were those issues?
 3 A One, their calculators were being used for
 4 math. I had a problem with study guides not being
 5 corrected. I had a problem with the math workbook not
 6 being used. I had a problem with the use of the Simple
 7 Solution math workbooks, the classroom environment and I
 8 guess that the work not being challenging.
 9 Q Any other problems you can think of?
 10 A Not at this second.
 11 Q You said one of the problems was that they were
 12 using calculators for math?
 13 A Yes.
 14 Q What's the issue with that?
 15 A Long division. So this is -- I mean, fifth
 16 grade usually calculators aren't used. So it was just
 17 the type of problems the calculators were being used for.
 18 Q And then you said something about having issues
 19 with the study guides?
 20 A Uh-huh.
 21 Q What do you mean by that?
 22 A The students were given study guides after they
 23 completed a chapter. She was passing out the study
 24 guides, giving them class time to finish them but then
 25 never going back to correct the answer. So then when my

Page 21

1 daughter would bring the study guides to prepare for a
 2 test, they didn't have the correct answers on it. So
 3 then as a present, I was going back looking in the book
 4 trying to fix -- find the correct answers so that I could
 5 then help her study.
 6 Q And what book were you looking in?
 7 A This was social studies.
 8 Q A teacher book? Your daughter's school book?
 9 A No, my daughter's school book.
 10 Q To see -- to see if the answer she had in the
 11 study guide was correct?
 12 A Correct.
 13 Q So it's not like you had the teacher manual
 14 readily available?
 15 A No.
 16 Q And then you mentioned an issue with the math
 17 workbooks?
 18 A Uh-huh.
 19 Q What was that?
 20 A Our math workbook supplements our textbook and
 21 she was not using the math book. So they weren't having
 22 homework to reinforce the math skills that they were
 23 being taught during the day.
 24 Q So the issue was that the supplements weren't
 25 being used?

Page 22

1 A Correct.
 2 Q And what about the Simple Solution books?
 3 A She -- it's a consumable math workbook and they
 4 were not using it as a consumable. So they were using a
 5 piece of paper but then when she would go -- so the kids
 6 were doing it on paper. So then when the kids would have
 7 a test on it, there was no work in the workbook for the
 8 parents to review or you'd --
 9 Q Go ahead.
 10 A So you couldn't find your child's mistake or
 11 help them with a mistake.
 12 Q And what's a consumable?
 13 A You write in it. So like your textbook you
 14 would not write in. We can't -- we don't highlight our
 15 books but a workbook is a consumable because you write in
 16 it.
 17 Q And if it was on loose leaf paper, it'd be hard
 18 to keep all that work together?
 19 A Uh-huh, and I don't even think they had -- they
 20 got those back.
 21 Q The?
 22 A The loose leaf papers.
 23 Q And you mentioned you had an issue with the
 24 classroom environment?
 25 A Uh-huh.

Page 23

1 Q And what do you mean by that?
 2 A Very loud, noisy, sometimes I'd walk by and
 3 there'd be kids just, you know, walking or crawling on
 4 the floor. And just with their desks, they had taped
 5 pencil holders and things around their desk and just
 6 books on the -- in the aisle.
 7 Q How close was your classroom to Ms. Biel's
 8 classroom?
 9 A We were separated by, let's see, one, two, I
 10 think three classrooms.
 11 Q Could you hear noise from her classroom when
 12 you were in your classroom?
 13 A No.
 14 MR. VASIN: You answered the question.
 15 THE WITNESS: Okay.
 16 BY MS. SHOEMAKER:
 17 Q So when you state that the classroom was loud
 18 or noisy, you only heard this when you walked by the
 19 classroom; is that correct?
 20 A When I walked by or when I was in the computer
 21 lab.
 22 Q And where is the computer lab in reference to
 23 her classroom?
 24 A Right next door.
 25 Q Is the computer lab in between your two

Page 24

Janell O'Dowd

January 28, 2016

1 Q Any other students?
 2 A Not that I remember.
 3 Q And how many conversations did you have with
 4 A.W. about issues with Ms. Biel's teaching?
 5 A I drove to soccer practice with them in my car.
 6 So if I had -- if Mallory came home using her calculator
 7 in the car, I would say, is it true that you're allowed
 8 to use your calculator? And then how -- how are you able
 9 to use your calculator?
 10 The kids would talk about things that happened
 11 during the day. So I would just get in on the
 12 conversation and ask questions about, you know, the
 13 events.
 14 Q Was F.D. also in the car with these drives to
 15 soccer practice?
 16 A Not all of them.
 17 Q Is that where the conversations with F.D. would
 18 have taken place?
 19 A Yes.
 20 Q Do you recall discussing any issues, other than
 21 the one you previously told me about?
 22 A No.
 23 Q And approximately how many times did you have
 24 these conversations?
 25 A I don't know. September, October, November.

Page 37

1 Maybe 12 conversations. If I drove -- if I had to drive
 2 extra carpool, I mean, there would have been more.
 3 Q Did you have -- ever have any conversations
 4 about the issues with Ms. Biel's teaching with Sister
 5 Mary Margaret?
 6 A Yes.
 7 Q And approximately how many conversations did
 8 you have with her?
 9 A Probably about three.
 10 Q Do you remember when the first conversation
 11 took place?
 12 A It would have been sometime in the first
 13 trimester.
 14 Q And what was said in that conversation?
 15 A I don't -- I don't recall what specifically we
 16 talked about.
 17 Q What do you recall generally speaking about?
 18 A I know I spoke to her about three things. We
 19 talked about the math workbooks not being used. I talked
 20 to her about Mallory's progress report. I discussed the
 21 study guides with her and the math workbook.
 22 Q When do progress reports come out for the
 23 students?
 24 A Midway through the trimester. The first one
 25 comes out about Thanksgiving.

Page 38

1 Q When does --
 2 A Progress report or report card?
 3 Q Progress report.
 4 A Progress report. Sorry. It would be six weeks
 5 into school.
 6 Q So the first conversation took place
 7 approximately six weeks after the start of the school
 8 year?
 9 A I think I said first trimester that we -- I met
 10 with her the first trimester, during the first trimester.
 11 So that would have been before Thanksgiving.
 12 Q But you spoke to her about Mallory's progress
 13 report?
 14 A That was later in the year.
 15 Q So I'm just right now talking about this first
 16 conversation you had with her.
 17 A Okay.
 18 Q What was discussed at the first -- during the
 19 first conversation?
 20 A I don't remember the specifics.
 21 Q So the issues -- so --
 22 A If I -- no. It's probably the math workbook.
 23 MR. VASIN: Well --
 24 BY MS. SHOEMAKER:
 25 Q I don't want you to guess.

Page 39

1 MR. VASIN: Don't guess.
 2 THE WITNESS: Then, no, I don't.
 3 BY MS. SHOEMAKER:
 4 Q So you recall having approximately three
 5 conversations with Sister Mary Margaret?
 6 A Uh-huh.
 7 Q Yes?
 8 A Yes.
 9 Q And during those three conversations, within at
 10 least one conversation, you discussed the math workbooks,
 11 Mallory's progress report, study guides and math
 12 workbook?
 13 A Yes.
 14 Q You don't recall specifically which issues were
 15 discussed in which conversation?
 16 A No.
 17 Q And when you refer to Mallory's progress
 18 report, are you referring to her first progress report?
 19 A I'm not positive.
 20 Q And what would your problem have been with
 21 Mallory's progress report?
 22 A She had a behavior check.
 23 Q Do you remember when the second two
 24 conversations you had with Sister Mary Margaret took
 25 place?

Page 40

Janell O'Dowd

January 28, 2016

1 PENALTY OF PERJURY CERTIFICATE 2 3 I hereby declare I am the witness in the within 4 matter, that I have read the foregoing transcript and 5 know the contents thereof; that I declare that the same 6 is true to my knowledge, except as to the matters which 7 are therein stated upon my information or belief, and as 8 to those matters, I believe them to be true. 9 I declare being aware of the penalties of perjury, 10 that the foregoing answers are true and correct. 11 12 13 14 15 Executed on the _____ day of _____, 16 at _____, 17 (CITY) (STATE) 18 19 20 21 _____ 22 JANELL O'DOWD 23 24 25 Page 69	1 I further certify that I am not a relative or 2 employee or attorney or counsel of any of the parties, 3 nor am I a relative or employee of such attorney or 4 counsel, nor am I financially interested in the outcome 5 of this action. 6 7 IN WITNESS WHEREOF, I have subscribed my name 8 this _____ day of _____, 9 10 11 _____ 12 MARIA A. HASAKIAN, CSR No. 8469 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 71
1 STATE OF CALIFORNIA) 2) ss; 3 COUNTY OF LOS ANGELES) 4 5 I, MARIA A. HASAKIAN, do hereby certify: 6 That I am a duly qualified Certified Shorthand 7 Reporter, in and for the State of California, holder of 8 certificate number 8469, which is in full force and 9 effect and that I am authorized to administer oaths and 10 affirmations; 11 That the foregoing deposition testimony of the 12 herein named witness was taken before me at the time and 13 place herein set forth; 14 That prior to being examined, the witness named 15 in the foregoing deposition, was duly sworn or affirmed 16 by me, to testify the truth, the whole truth, and 17 nothing but the truth; 18 That the testimony of the witness and all 19 objections made at the time of the examination were 20 recorded stenographically by me, and were thereafter 21 transcribed under my direction and supervision; 22 That the foregoing pages contain a full, true 23 and accurate record of the proceedings and testimony to 24 the best of my skill and ability; 25 That prior to the completion of the foregoing deposition, review of the transcript was requested. Page 70	1 ERRATA SHEET 2 3 If any corrections to your deposition are necessary, 4 indicate them on this sheet, giving the change, page 5 number, line number and reason for change. 6 PAGE LINE FROM TO 7 Reason _____ 8 _____ 9 Reason _____ 10 _____ 11 Reason _____ 12 _____ 13 Reason _____ 14 _____ 15 Reason _____ 16 _____ 17 Reason _____ 18 _____ 19 Reason _____ 20 _____ 21 Reason _____ 22 _____ 23 Reason _____ 24 _____ 25 Signature of Deponent _____ Date _____ Page 72

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Page 19

EXHIBIT D PAGE 176

Kathleen McDermott

December 3, 2015

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
 3
 4
 5 KRISTEN BIEL, an individual,)
 6 Plaintiff,)
 7 vs) Case No.
 8 ST. JAMES SCHOOL, A CORP., a) 15-cv-04248-TJH (ASx)
 9 California corporation; and)
 10 DOES 1-50, inclusive,)
 11 Defendants.)
 12
 13
 14
 15 DEPOSITION OF KATHLEEN McDERMOTT
 16 Torrance, California
 17 Thursday, December 3, 2015
 18
 19
 20
 21
 22
 23
 24 Reported by: Gina Anne George
 25 CSR No. 11260
 NDS Job No.: 176678

1

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EXHIBIT E PAGE 177

Kathleen McDermott

December 3, 2015

1 that as a substitute.

2 Q And where did you have your meetings?

3 A Usually in my classroom, maybe fifth, but
4 normally it would have been in my room.

5 Q Do you have a bigger classroom?

6 A No.

7 Q You just like meeting in there?

8 A Third grade we couldn't meet there because the
9 homework is going on in that classroom and -- usually it
10 was just mine.

11 Q Okay. When does the school year start?

12 A August, end of August we start with meetings.

13 Q And it goes to what month?

14 A Halfway through June.

15 Q During Kristen Biel's first year teaching as a
16 fifth grade teacher, did you meet once a week from
17 August through June with her?

18 A No, she didn't finish out the year.

19 Q Until she left in May, did you meet with her
20 once per week?

21 A Yes, unless it wasn't possible because of
22 different schedules people had.

23 Q From that time August through May that you were
24 meeting with her once per week, was there any specific
25 topic that was often discussed or a certain issue that

30

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EXHIBIT E PAGE 178

Kathleen McDermott

December 3, 2015

1 she had that you had to go over multiple times with her?

2 A I talked with her at the beginning of the year
3 about behavior problems that I knew she was having, you
4 know. I asked her questions because she had come to me
5 about things. The other one was her classroom
6 maintenance.

7 Q When you say behavior problems, what do you
8 mean?

9 A The children were often out of control.

10 Q What do you mean by out of control?

11 A Not working, sometimes outside of the
12 classroom, having behavior problems, different things.

13 Q Would they ever get in physical altercations?

14 A No, but that's not -- that doesn't happen at
15 our school, so...

16 Q What do you mean, then, with problems outside
17 the classroom?

18 A Where the children wouldn't be following rules
19 and there would be different problems that I saw, other
20 people saw, and I talked with her about them.

21 Q Did you have this group of students the year
22 before Ms. Biel taught?

23 A I'm the only fourth grade teacher.

24 Q Is that a yes?

25 A Yes.

31

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EXHIBIT E PAGE 179

Kathleen McDermott

December 3, 2015

1 into her room about something that I just needed to pass
2 on to her and I would observe something and I could have
3 mentioned it then.

4 Q Did you ever discuss these issues with Sister
5 Mary Margaret?

6 A Yes.

7 Q When did you discuss those issues with her?

8 A If I knew there was problem and I knew Sister
9 would want to know, it would probably be because --
10 well, when I would talk with Kristen and there wasn't
11 any kind of change, I would brought up to Sister. I
12 wasn't Kristen's boss.

13 Q So if you saw an issue and discussed it with
14 Kristen at one of these meetings and you saw it wasn't
15 resolved, you would then bring it to Sister Mary
16 Margaret?

17 A Probably not that quickly. I probably would
18 have talked with Kristen about it again because I know
19 Sister herself would be checking in in the classroom
20 because she comes to our rooms, so I figure that would
21 be taken care of by sister, but I would have talked to
22 Kristen again by giving her other suggestions to try to
23 help.

24 Q Did Sister Mary Margaret ever ask you to
25 discuss some of these issues with Kristen?

35

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EXHIBIT E PAGE 180

Kathleen McDermott

December 3, 2015

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the _____ day of _____,
 at _____,
 (CITY) (STATE)

KATHLEEN McDERMOTT

62

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EXHIBIT E PAGE 181

Kathleen McDermott

December 3, 2015

1 STATE OF CALIFORNIA }
2 COUNTY OF ORANGE } ss:
3

4 I, GINA ANNE GEORGE, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 11260, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

63

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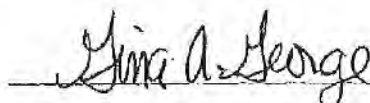
EXHIBIT E PAGE 182

Kathleen McDermott

December 3, 2015

1 I further certify that I am not a relative of
2 employee or attorney or counsel of any of the parties,
3 nor am I a relative or employee of such attorney or
4 counsel, nor am I financially interested in the outcome
5 of this action.

6
7 IN WITNESS WHEREOF, I have subscribed my name
8 this 16th day of December 2015.

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11 

12 GINA A. GEORGE, CSR No. 11260
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64

Sister Lana Chang

January 28, 2016

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, AN INDIVIDUAL,

PLAINTIFF,

VS.

ST. JAMES SCHOOL, A CORP., A
CALIFORNIA CORPORATION; AND
DOES 1-50, INCLUSIVE,

DEFENDANTS.

CASE No. 15-cv-
04248-TJH (ASx)DEPOSITION OF
SISTER LANA CHANG
Volume 1
Torrance, California
Thursday, January 28, 2016Reported By:
Maria A. Hasakian
CSR No. 8469
NDS Job No. 177678

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Page 1

EXHIBIT F PAGE 184

Sister Lana Chang

January 28, 2016

1 A Yes.
 2 Q And does Sister Mary Margaret review those
 3 lesson plans each week?
 4 A She does review them.
 5 Q Does she ever put comments on the lesson plans?
 6 A Yes.
 7 Q And when you say "informal classroom
 8 observations," what do you mean by that?
 9 A She comes into the classroom informally,
 10 unannounced and without a pre-identified purpose.
 11 Q Just to watch you teach or see how the
 12 classroom is running?
 13 A I think that's a by-product.
 14 Q Okay. When you have your formal evaluations,
 15 does Sister Mary Margaret give you any written
 16 information as a result of that formal evaluation? Does
 17 she put together a report or an idea of how you're doing?
 18 A She has.
 19 Q Okay. It's my understanding, after speaking
 20 with some of the other teachers, that some of the
 21 teachers have a mentorship with other teachers.
 22 Is that accurate?
 23 A Yes.
 24 Q And who's in your mentorship group?
 25 A Currently no one. We're assigned as mentors

Page 25

1 when there is a new member to the staff.
 2 Q During the 2013 to 2014 school year when
 3 Ms. Biel was a fifth grade teacher, did you have a -- did
 4 you mentor any teachers at that time?
 5 A No.
 6 Q Do you remember the last year that you had --
 7 you were mentoring a teacher?
 8 A The specific year, no.
 9 Q Within the last ten years?
 10 A Yes.
 11 Q Within the last five?
 12 A Probably.
 13 Q Do you remember which teacher you were assigned
 14 to mentor?
 15 A Yes.
 16 Q And who was that?
 17 A Courtney Zimmerman, grade six.
 18 Q Is Ms. Zimmerman still working for St. James?
 19 A Yes.
 20 Q Was there any other teacher assigned to be
 21 Ms. Zimmerman's mentor with you?
 22 A Yes.
 23 Q And who was that?
 24 A Junell O'Dowd.
 25 Q And what grade does Ms. O'Dowd teach?

Page 26

1 A Seventh.
 2 Q My understanding is, when they match up
 3 mentors, it's usually based on the grades you teach. Is
 4 that accurate?
 5 A Correct.
 6 Q Okay. During the 2013, 2014 school year when
 7 Ms. Biel was a fifth grade teacher, do you recall
 8 personally observing any problems with her teaching?
 9 MR. VASIN: I'm just going to object as overly
 10 broad, vague and ambiguous.
 11 THE WITNESS: It's hard to answer that. It's
 12 hard to answer because I wasn't her supervisor.
 13 BY MS. SHOEMAKER:
 14 Q I'm just asking about things you personally
 15 observed, not about what someone told you or what you
 16 spoke to someone about, just your own personal
 17 observations during that school year, not if she was a
 18 good or bad teacher.
 19 A Oh, okay. My personal observation was, to me,
 20 her classroom seemed very loud many times when my class
 21 walked by. We walked by once a week.
 22 Q Anything else that you recall personally
 23 observing?
 24 A I observed that her classroom seemed not in
 25 order or less in order than I would think it should be.

Page 27

1 Q Anything else you can recall?
 2 A I remember noticing that there -- that several
 3 times I saw students outside her classroom and they
 4 didn't seem -- they were just out there. And one time or
 5 sometimes I would say, "Why -- what are you doing?" And
 6 they -- they would say they're going to the bathroom.
 7 "Well, it doesn't look like you're going to the
 8 bathroom. It looks like you're standing there. So go to
 9 the bathroom and go back to your room."
 10 Q Anything else you can recall observing?
 11 A I would say -- I don't have any specifics.
 12 Q Nothing else you can recall?
 13 A Just in the way of observation, no.
 14 Q Okay. So the issues that you personally
 15 observed -- and I'm just going to go through those
 16 again -- was that the classroom seemed loud, that the
 17 classroom seemed not in order and sometimes you would see
 18 students outside the classroom; is that correct?
 19 A Now, I guess this would also be an observation.
 20 After Kristen Biel, when she did not complete the year,
 21 Sister Mary Margaret asked for volunteers to help
 22 her tidy up the room for the incoming substitute. And so
 23 I volunteered and I noticed that the English workbooks
 24 were -- well, they indicated very little usage. And
 25 because I teach English to the sixth and seventh graders

Page 28

Sister Lana Chang

January 28, 2016

1 as well as eighth grade, I -- I felt terrible that the
2 books were not very used. And I asked if I could take
3 those books and have the students use them the next year.
4 So I observed that the English workbooks had very little
5 use in them. That'd be an observation.

6 Q And this was -- you noticed this after she went
7 on her leave?

8 A Yes.

9 Q Okay. So the first thing you noticed was that
10 the classroom seemed loud when your class walked by
11 one time per week?

12 A Uh-huh. Uh-huh.

13 Q Yes?

14 A Yes. I'm sorry. I'm sorry.

15 Q It's okay.

16 Why would your class only walk one time per
17 week?

18 A Our music class is weekly and we needed to walk
19 by that class in order to reach it.

20 Q And when you walked by her classroom and you
21 said it seemed loud, was her classroom door opened or
22 closed?

23 A I couldn't say.

24 Q So it could have been opened or closed?

25 A Yes.

Page 29

1 Q And you also said that the classroom seemed not
2 in order or less in order.

3 A Yes.

4 Q What do you mean by that?

5 A I -- I would say that the student supplies
6 were -- were not kept in an orderly fashion. There were
7 things on the floor. There were things on the desk.
8 There were things under the desk. At the end of the day,
9 this was the case. During the day, this was the case.
10 There were things on the counter. It seemed not in
11 order.

12 Q And did you observe these things when you
13 walked by with your class?

14 A No, when I was in the classroom.

15 Q And why were you in her classroom?

16 A One time I was in her classroom in the early
17 part of the year because she thought that she did not
18 have the teacher's editions that she needed and I was
19 puzzled. And so I thought perhaps she didn't know what
20 they looked like, the particular book.

21 So I asked her if she would like me to go into
22 her classroom to look for them that day and I could do it
23 at a certain time. And I asked her if that would be all
24 right with her, if I went in that time. And she said yes
25 and so I went in. That was one time.

Page 30

1 And the students -- I don't know what they were
2 doing but I -- I looked for the books and I can't even
3 tell you if I found them.

4 And then another time she invited the teachers
5 into her room after school because we were going to be
6 having an in-service about how to use something. And she
7 offered her classroom as a place where we could all
8 gather and so we were all in her room that day after
9 school.

10 Q So you noticed that the classroom seemed not in
11 order during class hours as well as after school hours;
12 is that --

13 A Yes. Yes.

14 Q And when you say there were things on the
15 floor, what sort of things are you referring to?

16 A Anything. Pencils, erasers, markers, papers,
17 work product, books.

18 Q They were scattered around the floor?

19 A Just -- just anywhere, uh-huh.

20 Q And when you say there were things on the desk
21 that caused the classroom to seem not in order, what sort
22 of things are you referring to?

23 A The students had -- well, they made things out
24 of paper and/or whatever and had -- they decorated their
25 desks. And they had lots of supplies on and around their

Page 31

1 desks.

2 Q Such as pens and papers?

3 A Lots of pens.

4 Q Do you allow your students to keep pens at
5 their desk?

6 A Yes.

7 Q Do you have a limit on the number of pens they
8 can keep on their desk?

9 A Yes.

10 Q And what number is that?

11 A They may have one pen out -- they may have one
12 what they're using.

13 Q Do they keep any pens at the desk themselves,
14 not necessarily on top?

15 A In the desk.

16 Q In the desk?

17 A Yes. Yes, they do.

18 Q Do you have a number limit on the number of
19 pens they can keep inside their desk?

20 A Yes.

21 Q And how many pens is that?

22 A Well, it's a collection. It's what fits into
23 their zipper pouch and their tray.

24 Q Is this a rule that you personally came up with
25 or that the school mandates?

Page 32

Sister Lana Chang

January 28, 2016

1 A That they would not continue the habits that 2 they seemed to have in fifth grade. 3 Q And what habits were those? 4 A I would say their classroom behavior that would 5 be reflected in the noise and their classroom order and 6 their leaving the classroom. 7 Q I'm going back really quick to one thing. 8 You said that at the -- after Ms. Biel went on 9 leave, you noticed the English workbooks didn't look 10 used? 11 A Uh-huh. 12 Q Yes? 13 A Yes. Sorry. 14 Q What did you mean by that? 15 A There were many pages that were not completed. 16 Q The problems that you personally observed with 17 Ms. Biel, did you ever discuss any of those issues with 18 any of the students? 19 A No. 20 Q Did you ever discuss any of the issues with 21 Ms. Biel's teaching with Sister Mary Margaret? 22 A Can I answer that without a yes or a no? 23 Q Go ahead. 24 A Only because it was not a discussion. I might 25 have commented to her but it would not have been a back	1 just keep on schedule." 2 And I remember remarking to Sister Mary 3 Margaret that I found that phenomenal. 4 Q Did you ever have any conversations with 5 Ms. Biel about any of the issues with the classroom that 6 you saw? 7 A No. 8 Q Did you ever make any suggestions that she 9 could use to improve? 10 A I never offered any. 11 Q Were you aware, during the 2013, 2014 school 12 year, that it was Ms. Biel's first permanent teaching 13 position? 14 A Yes. 15 Q Would you agree that a first year, full-time, 16 permanent teaching position can be difficult? 17 A Yes. 18 Q Other than Ms. O'Dowd, which you testified 19 previously, did any other parents complain to you about 20 Ms. Biel? 21 A Not to me, no. 22 Q Did Ms. O'Dowd make any complaints to you, 23 other than the conversations you discussed previously, 24 that you referred to as just comments back and forth? 25 A My comments, yes, uh-huh.
1 and forth discussion. 2 Q And what are some of the comments that you 3 would have made to Sister Mary Margaret? 4 A One time when I told her that there was 5 somebody on the -- outside the classroom and I had no 6 idea what he was doing there. And I was not -- I told 7 her because I was not going to pursue it. I think I said 8 a few times that it was loud when we walked back and 9 forth. I mentioned the state of the room. I mentioned 10 the many supplies the students had. I brought to her 11 attention the English workbooks when I asked if I could 12 take them. I think one time I mentioned about a comment 13 that Kristen had made to me about her lesson plans. I 14 think that's all. 15 Q And what comment was that? 16 A She was -- she was walking across the yard with 17 a crate of books and I thought they looked like teacher's 18 editions. And so I had remarked that it looked like she 19 had been very busy that weekend. 20 And she said, oh, she was -- that she had done 21 her lesson plans for three weeks. 22 And I made the comment back to her, "Oh, my 23 word. How did you plan for three weeks? I plan for a 24 week and then I have to change everything even then." 25 And she told me that she just -- she said, "You	1 Q And what did Ms. O'Dowd say? 2 A Her -- her comments were often related to her 3 daughter's work, since she had a daughter in her class. 4 Q And what did Ms. O'Dowd tell you about that? 5 A She said that they -- that it's -- the student 6 work was often not corrected and that made it difficult 7 for her to help her child. She is the math teacher and 8 so she was -- she said that she was frustrated with how 9 the students were doing their math in fifth grade, 10 knowing that they were going to her in sixth grade. And 11 she would know that from her daughter. 12 She -- she had said that everyone -- almost 13 everyone in the class was on the honor roll and she 14 didn't think her daughter was ever going -- had ever 15 been -- she knew her daughter had never been on the honor 16 roll. She was certainly thrilled but she said she'd 17 never been on the honor roll and how could all these 18 students be on the honor roll. She said something about 19 the test but I don't recall what. 20 Q Anything else you can think of? 21 A From Jauell? 22 Q Correct. 23 A Well, she talked about the supplies. I guess 24 they had some kind of erasers and they were -- she 25 thought they were very concerned about collecting -- I

Page 38

Page 40

Sister Lana Chang

January 28, 2016

1 A Yes. 2 MR. VASIN: Objection. 3 THE WITNESS: Sorry. Yes. 4 MR. VASIN: Let me object. It's overly broad. 5 It's vague and ambiguous, lacks foundation, calls for 6 speculation. 7 BY MS. SHOEMAKER: 8 Q And why do you say that? 9 A She has more similar structure. 10 Q Do you think she's a better teacher than 11 Ms. Biel? 12 MR. VASIN: I'm just going to object to the 13 extent it calls for speculation, lacks foundation. It's 14 vague, ambiguous and overly broad. 15 THE WITNESS: I think she's a better fit. 16 BY MS. SHOEMAKER: 17 Q My question was whether you think she's a 18 better teacher? 19 A I don't know. 20 Q That's fair. 21 Would you have renewed Ms. Biel's contract if 22 you were in charge of the -- if you were in charge of 23 that? 24 MR. VASIN: Objection. Lacks foundation, calls 25 for speculation. It's argumentative.	1 MS. SHOEMAKER: So we'll stipulate to relieve 2 the court reporter of her duties under the federal rules 3 with respect to the handling of the original transcript. 4 It will be sent to counsel for the deponent's office, who 5 will make it available for the witness to sign and make 6 any changes. 7 Counsel will notify our office within 8 30 days -- is that okay? 9 MR. VASIN: That's fine. 10 MS. SHOEMAKER: -- of receipt of any changes 11 that have been made and that it's been signed under 12 penalty of perjury. Should it not be signed within that 13 time, it will be deemed signed by operation of 14 stipulation. 15 Counsel will maintain custody of the original 16 transcript and will produce it for all purposes including 17 trial. 18 Should the original transcript be lost or 19 misplaced, we will stipulate that a certified copy can be 20 used in lieu of the original for all purposes including 21 trial. 22 MR. VASIN: Agreed. 23 24 (Deposition ending at 12:51 p.m.) 25
1 THE WITNESS: I couldn't answer that. 2 BY MS. SHOEMAKER: 3 Q And why is that? 4 A I wouldn't know -- I don't know what I would 5 need to know as the person responsible for that decision. 6 MS. SHOEMAKER: I think I'm about finished. 7 I'm just going to look at my notes really quick. 8 Q What grade does Ms. Zimmerman teach again? 9 A Sixth. 10 Q The English workbooks that you said were not 11 used, are those grade-specific workbooks? 12 A Yes. 13 Q And they were for the fifth grade? 14 A They were the books the fifth graders used, 15 uh-huh. 16 Q Didn't you testify earlier that you wanted to 17 know if you could take those workbooks? 18 A Yes. 19 Q And what were you going to use them for? 20 A I had some students help me remove some of the 21 pages and then I used them just for supplementary 22 practice when they came to sixth grade. 23 MS. SHOEMAKER: I don't have any further 24 questions. 25 MR. VASIN: Okay. Nothing for me.	1 PENALTY OF PERJURY CERTIFICATE 2 3 I hereby declare I am the witness in the within 4 matter, that I have read the foregoing transcript and 5 know the contents thereof, that I declare that the same 6 is true to my knowledge, except as to the matters which 7 are therein stated upon my information or belief, and as 8 to those matters, I believe them to be true. 9 I declare being aware of the penalties of perjury, 10 that the foregoing answers are true and correct. 11 12 13 14 15 Executed on the _____ day of _____, 16 at _____ 17 (CITY) (STATE) 18 19 20 21 22 SISTER LANA CHANG 23 24 25

Page 16

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EXHIBIT F PAGE 188

Sister Lana Chang

January 28, 2016

1 STATE OF CALIFORNIA) 2) ss: 3 4 I, MARIA A. HASAKIAN, do hereby certify: 5 That I am a duly qualified Certified Shorthand 6 Reporter, in and for the State of California, holder of 7 certificate number 8469, which is in full force and 8 effect and that I am authorized to administer oaths and 9 affirmations; 10 That the foregoing deposition testimony of the 11 herein named witness was taken before me at the time and 12 place herein set forth; 13 That prior to being examined, the witness named 14 in the foregoing deposition, was duly sworn or affirmed 15 by me, to testify the truth, the whole truth, and 16 nothing but the truth; 17 That the testimony of the witness and all 18 objections made at the time of the examination were 19 recorded stenographically by me, and were thereafter 20 transcribed under my direction and supervision; 21 That the foregoing pages contain a full, true 22 and accurate record of the proceedings and testimony to 23 the best of my skill and ability; 24 That prior to the completion of the foregoing 25 deposition, review of the transcript was requested. Page 61	1 ERRATA SHEET 2 3 If any corrections to your deposition are necessary, 4 indicate them on this sheet, giving the change, page 5 number, line number and reason for change. 6 PAGE LINE FROM TO 7 Reason _____ 8 _____ 9 Reason _____ 10 _____ 11 Reason _____ 12 _____ 13 Reason _____ 14 _____ 15 Reason _____ 16 _____ 17 Reason _____ 18 _____ 19 Reason _____ 20 _____ 21 Reason _____ 22 _____ 23 Reason _____ 24 _____ 25 Signature of Deponent _____ Date _____ Page 63
1 I further certify that I am not a relative or 2 employee or attorney or counsel of any of the parties, 3 nor am I a relative or employee of such attorney or 4 counsel, nor am I financially interested in the outcome 5 of this action. 6 7 IN WITNESS WHEREOF, I have subscribed my name 8 this ____ day of _____, 9 10 11 12 MARIA A. HASAKIAN, CSR No. 8469 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 62	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 Page 17

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September 7, 2016

VIA EMAIL AND FACSIMILE

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 Fax No. 818 610-3030

Re: **Biel. Kristen v. St. James Elementary School**
 Our File No: 0004-238 BLW/MSV/NF

Dear Counsel:

Please allow this to serve as our formal attempt to meet and confer per Local Rule 7-3 regarding our pending motion for summary judgment or, in the alternative, partial summary judgment.

At the recent pre-trial conference, Judge Hatter directed Defendant to file a motion for summary judgment regarding the issue of whether Plaintiff was a "minister" for purposes of the Ministerial Exception. As such we intend on moving for summary judgment as to all of Plaintiff's claims on grounds that her job duties qualified her as a "minister" under the Ministerial Exception, and, as such, Defendant is not liable for its employment-related decisions.

Further, we intend on moving for summary judgment as to Plaintiff's Fifth Cause of Action for Failure to Prevent Discrimination/Retaliation in Violation of the ADA and Plaintiff's Sixth Cause of Action for Wrongful Termination as there is no independent liability under federal law for these claims.

Lastly, we will also move for summary judgment as to all of Plaintiff's claims based on the grounds that Plaintiff cannot establish that Sr. Mary Margaret Kreuper's decision to not offer Plaintiff an employment contract was pretextual.

EXHIBIT G PAGE 190

Re: **Biel v. St. James Catholic School**

Date: September 7, 2016

Page 2

Please advise as to whether you will be dismissing any causes of action based upon the aforementioned grounds. If you would like to discuss this further, please feel free to contact me.

Very truly yours,

SULLIVAN, BALLOG & WILLIAMS, LLP

A handwritten signature in blue ink, appearing to read "Brian L. Williams".

BRIAN L. WILLIAMS

NIKKI FERMIN

ACCO,(ASx),APPEAL,CLOSED,DISCOVERY,MANADR

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:15-cv-04248-TJH-AS**

Kristen Biel v. St. James School, A Corp., et al
Assigned to: Judge Terry J. Hatter, Jr
Referred to: Magistrate Judge Alka Sagar
Case in other court: 9th CCA, 17-55180
Cause: 42:12101 Americans With Disabilities Act

Date Filed: 06/05/2015
Date Terminated: 01/17/2017
Jury Demand: Both
Nature of Suit: 445 Civil Rights:
Americans with Disabilities -
Employment
Jurisdiction: Federal Question

Plaintiff

Kristen Biel
an individual

represented by **Andrew Stephen Pletcher**
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V.

Defendant

St. James School, A Corp.
a California non-profit corporation

represented by **Veronica Fermin**
Ogletree, Deakins, Nash, Smoak &
Stewart
Park Tower, Suite 1500
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*ATTORNEY TO BE NOTICED***Defendant****Does***2-50, inclusive*represented by **Brian Lee Williams**

(See above for address)

*ATTORNEY TO BE NOTICED***Michael S Vasin**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****St. James Catholic School***a California non-profit corporation**also known as*

Doe 1

represented by **Brian Lee Williams**

(See above for address)

*ATTORNEY TO BE NOTICED***Michael S Vasin**

(See above for address)

*ATTORNEY TO BE NOTICED***Veronica Fermin**

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/05/2015	<u>1</u>	COMPLAINT Receipt No: 0973-15851026 - Fee: \$400, filed by plaintiff Kristen Biel. (Attorney Joseph M Lovretovich added to party Kristen Biel (pty:pla))(Lovretovich, Joseph) (Entered: 06/05/2015)
06/05/2015	<u>2</u>	CIVIL COVER SHEET filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 06/05/2015)
06/05/2015	<u>3</u>	Request for Clerk to Issue Summons on Civil Cover Sheet (CV-71) <u>2</u> ,

		Complaint (Attorney Civil Case Opening) <u>1</u> filed by plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 06/05/2015)
06/05/2015	<u>4</u>	NOTICE OF ASSIGNMENT to District Judge Terry J. Hatter, Jr and Magistrate Judge Alka Sagar. (esa) (Entered: 06/05/2015)
06/05/2015	<u>5</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (csa) (Entered: 06/05/2015)
06/05/2015	<u>6</u>	21 DAY Summons issued re Complaint <u>1</u> as to defendant St. James School, A Corp. (esa) (Entered: 06/05/2015)
06/05/2015	<u>7</u>	NOTICE OF DEFICIENCIES in Attorney Case Opening. The following error (s) was found: No Notice of Interested Parties has been filed. A Notice of Interested Parties must be filed with every partys first appearance. See Local Rule 7.1-1. Counsel must file a Notice of Interested Parties immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83-7. (esa) (Entered: 06/05/2015)
06/08/2015	<u>8</u>	NOTICE of Interested Parties filed by plaintiff Kristen Biel, identifying ST. JAMES SCHOOL, A CORP, a California non-profit corporation. (Lovretovich, Joseph) (Entered: 06/08/2015)
06/16/2015	<u>9</u>	MINUTE (IN CHAMBERS) - NEW CASE BEFORE JUDGE HATTER by Judge Terry J. Hatter, Jr: This action has been assigned to the calendar of the HONORABLE TERRY J. HATTER, JR., United States District Judge. Please include the initials TJH in all documents pertaining to this case, as documents are routed using the judge's initials, it is imperative that the correct initials TJH be used on all subsequent filings to prevent any delays in the processing of documents. Additional information about Judge Hatters procedures and schedules can be found on the court's website at www.cacd.uscourts.gov. (jp) (Entered: 06/16/2015)
06/23/2015	<u>10</u>	PROOF OF SERVICE Executed by Plaintiff Kristen Biel, upon Defendant St. James School, A Corp. served on 6/18/2015, answer due 7/9/2015. Service of the Summons and Complaint were executed upon Cheryl Hugo, person apparently in charge in compliance with California Code of Civil Procedure by substituted service on a domestic corporation, unincorporated association, or public entity and by also mailing a copy. Original Summons NOT returned. (Lovretovich, Joseph) (Entered: 06/23/2015)
07/22/2015	<u>11</u>	ANSWER to Complaint (Attorney Civil Case Opening) <u>1</u> JURY DEMAND. filed by Defendant St. James School, A Corp..(Attorney Daniel R Sullivan added to party St. James School, A Corp.(pty:dft))(Sullivan, Daniel) (Entered: 07/22/2015)
07/22/2015	<u>12</u>	NOTICE of Interested Parties filed by Defendant St. James School, A Corp., (Sullivan, Daniel) (Entered: 07/22/2015)
07/27/2015	<u>13</u>	Order Setting Final Pre-trial Conference and Referring Discovery by Judge Terry J. Hatter, Jr, that all discovery matters which become at issue are referred to Magistrate Judge Alka Sagar for his/her consideration. Please

		contact the courtroom deputy clerk to the Magistrate Judge regarding these matters. It is Ordered, pursuant to Rule 16 of the FRCP and Local Rule 16, that the Final Pretrial Conference is placed on the Court's calendar for 10/19/2015 at 10:00 AM. (jp) (Entered: 07/27/2015)
08/19/2015	<u>14</u>	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 5-7 days, filed by Plaintiff Kristen Biel.. (Lovretovich, Joseph) (Entered: 08/19/2015)
10/16/2015	<u>15</u>	MINUTE IN CHAMBERS - NOTICE TO ALL PARTIES OF COURT ORDER by Judge Terry J. Hatter, Jr: On the Courts own motion, the Final Pretrial Conference currently scheduled for 10/19/2015 is hereby ordered continued to 11/30/2015 at 10:00 AM. Counsel are reminded that all pretrial documents are due no later than 21 days before the final pretrial conference hearing date. (Pretrial documents: Memo of Contentions of Fact and Law, joint exhibit list, joint witness list, motion in limine and amended or proposed pretrial conference order) (jp) (Entered: 10/19/2015)
10/19/2015	<u>16</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Joseph M Lovretovich counsel for Plaintiff Kristen Biel. Adding Cathryn Shoemaker as counsel of record for Kristen Biel for the reason indicated in the G-123 Notice. Filed by plaintiff Kirsten Biel. (Lovretovich, Joseph) (Entered: 10/19/2015)
10/30/2015	<u>17</u>	STIPULATION to AMEND Complaint (Attorney Civil Case Opening) <u>1</u> filed by plaintiff Kristen Biel. (Attachments: # <u>1</u> Exhibit Exhibit A - FAC, # <u>2</u> Proposed Order)(Lovretovich, Joseph) (Entered: 10/30/2015)
11/06/2015	<u>18</u>	STIPULATION to Continue Final Pretrial Conference from 11/30/2015 to 3/29/2016 filed by plaintiff Kristen Biel. (Attachments: # <u>1</u> Proposed Order) (Lovretovich, Joseph) (Entered: 11/06/2015)
11/10/2015	<u>19</u>	ORDER by Judge Terry J. Hatter, Jr, re Stipulation to Continue the Final Pre-Trial Conference <u>18</u> . The Final Pretrial Conference is continued to March 28, 2016 at 10:00 a.m. The Court requires the parties to provide pretrial documents to the Court no later than 21 days before the currently scheduled final pretrial conference hearing date on March 28, 2016. (shb) (Entered: 11/10/2015)
11/10/2015	<u>20</u>	ORDER by Judge Terry J. Hatter, Jr, re Stipulation to Amend Complaint <u>17</u> . Plaintiff is granted leave to file the Proposed First Amended Complaint. The First Amended Complaint shall be filed within 10 days from the date of this Order. Defendants previously filed Answer shall be deemed the Answer to Plaintiffs First Amended Complaint. (shb) (Entered: 11/10/2015)
11/12/2015	<u>21</u>	FIRST AMENDED COMPLAINT against Defendant St. James School, A Corp. amending Complaint (Attorney Civil Case Opening) <u>1</u> , filed by plaintiff Kristen Biel(Lovretovich, Joseph) (Entered: 11/12/2015)
01/20/2016	<u>22</u>	STIPULATION to Continue Final Pre-Trial Conference from March 28, 2016 to August 25, 2016 filed by Defendant St. James Catholic School.

		(Attachments: # <u>1</u> Proposed Order Re: Stipulation to Continue Final Pre-Trial Conference)(Attorney Veronica Fermin added to party St. James Catholic School(pty:dft))(Fermin, Veronica) (Entered: 01/20/2016)
01/22/2016	<u>23</u>	ORDER by Judge Terry J. Hatter, Jr, GRANTING Stipulation to Continue Final Pretrial Conference, <u>22</u> . The Final Pretrial Conference is continued to 8/29/2016 10:00 AM before Judge Terry J. Hatter Jr. The Court requires the parties to provide a pretrial documents to the court no later than 21 days before the currently scheduled final pretrial conference hearing date. (shb) (Entered: 01/22/2016)
03/24/2016	<u>24</u>	NOTICE OF MOTION AND MOTION to Compel Answers to Interrogatories of St. James Catholic School filed by plaintiff Kristen Biel. Motion set for hearing on 4/28/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Supplement Joint Stipulation re Motion to Compel) (Lovretovich, Joseph) (Entered: 03/24/2016)
03/25/2016	<u>25</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents, In re: MOTION to Compel Answers to Interrogatories of St. James Catholic School <u>24</u> . The following error(s) was found: The notice of hearing on the Motion is incorrectly set before District Judge Terry J. Hatter in the docket text, but correctly noticed in the actual filing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (mkr) (Entered: 03/25/2016)
03/25/2016	<u>26</u>	RESPONSE BY THE COURT TO NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENTS, In re: MOTION to Compel Answers to Interrogatories of St. James Catholic School <u>24</u> . Counsel are directed to re-file the Motion before Magistrate Judge Alka Sagar, and file a Notice of Errata regarding setting the hearing incorrectly before District Judge Terry J. Hatter. (mkr) (Entered: 03/25/2016)
03/28/2016	<u>27</u>	NOTICE OF MOTION AND MOTION to Compel Answers to Interrogatories of St. James Catholic School filed by plaintiff Kristen Biel. Motion set for hearing on 4/28/2016 at 10:00 AM before Magistrate Judge Alka Sagar. (Attachments: # <u>1</u> Supplement Joint Stipulation re Motion to Compel, # <u>2</u> Supplement Notice of Errata)(Lovretovich, Joseph) (Entered: 03/28/2016)
03/28/2016	<u>28</u>	NOTICE OF ERRATA filed by Plaintiff Kristen Biel. correcting MOTION to Compel Answers to Interrogatories of St. James Catholic School <u>27</u> (Lovretovich, Joseph) (Entered: 03/28/2016)
03/31/2016	<u>29</u>	SCHEDULING NOTICE by Magistrate Judge Alka Sagar. A Telephone Conference re: MOTION to Compel Answers to Interrogatories of St. James Catholic School <u>27</u> is set for 4/4/2016 at 10:00 AM before Magistrate Judge Alka Sagar. The Courtroom Deputy Clerk will email counsel the call-in information. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (afe) TEXT ONLY ENTRY (Entered: 03/31/2016)

04/04/2016	<u>30</u>	MINUTES OF Telephone Conference re Discovery held before Magistrate Judge Alka Sagar. The Court held a telephonic conference re the parties Joint Stipulation on Plaintiff's motion to compel response to Interrogatories, filed on March 28, 2016 (Docket No. <u>27</u>). At the parties' request, the hearing on the motion to compel will remain on calendar for April 28, 2016 at 10:00 a.m. (See Minute Order for complete details) Court Recorder: Not Recorded. (afe) (Entered: 04/04/2016)
04/27/2016	<u>31</u>	MINUTES (IN CHAMBERS) Telephonic Conference re Discovery by Magistrate Judge Alka Sagar. The Court orders Defendants to - no later than May 4, 2016 - schedule the deposition of the first already- identified parent and either schedule the deposition of the second already-identified parent or provide Plaintiff's counsel with contact information for the second-already identified parent. The hearing date for Plaintiff's motion to compel <u>27</u> - on calendar for April 28, 2016 at 10:00 a.m. -is hereby vacated. (afe) (Entered: 04/27/2016)
05/18/2016	32	SCHEDULING NOTICE by Magistrate Judge Alka Sagar. A Telephone Conference is set for 5/18/2016 at 11:45 AM before Magistrate Judge Alka Sagar. The call-in information will be emailed to the parties. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (afe) TEXT ONLY ENTRY (Entered: 05/18/2016)
05/18/2016	<u>33</u>	MINUTES OF Telephonic Conference re Discovery held before Magistrate Judge Alka Sagar. Defendants' relevance objection is OVERRULED. (See Minute Order for complete details) Court Recorder: Not Recorded. (afe) (Entered: 05/18/2016)
05/23/2016	<u>34</u>	NOTICE of Appearance filed by attorney Michael S Vasin on behalf of Defendants Does, St. James Catholic School, St. James School, A Corp. (Attorney Michael S Vasin added to party St. James Catholic School(pty:dft), Attorney Michael S Vasin added to party St. James School, A Corp.(pty:dft), Attorney Michael S Vasin added to party Does(pty:dft))(Vasin, Michael) (Entered: 05/23/2016)
07/20/2016	<u>35</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Joseph M Lovretovich counsel for Plaintiff Kristen Biel. D. Aaron Brock is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by plaintiff KRISTEN BIEL. (Lovretovich, Joseph) (Entered: 07/20/2016)
08/08/2016	<u>36</u>	NOTICE of Appearance filed by attorney Brian Lee Williams on behalf of Defendants Does, St. James Catholic School, St. James School, A Corp. (Attorney Brian Lee Williams added to party St. James Catholic School (pty:dft), Attorney Brian Lee Williams added to party St. James School, A Corp.(pty:dft), Attorney Brian Lee Williams added to party Does(pty:dft)) (Williams, Brian) (Entered: 08/08/2016)
08/08/2016	<u>37</u>	JOINT Exhibit List filed by PLAINTIFF Kristen Biel.. (Lovretovich, Joseph) (Entered: 08/08/2016)

08/08/2016	<u>38</u>	Witness List filed by PLAINTIFF Kristen Biel.. (Lovretovich, Joseph) (Entered: 08/08/2016)
08/08/2016	<u>39</u>	MEMORANDUM of CONTENTIONS of FACT and LAW filed by PLAINTIFF Kristen Biel. (Lovretovich, Joseph) (Entered: 08/08/2016)
08/08/2016	<u>40</u>	PRE-TRIAL CONFERENCE ORDER filed by Plaintiff Kristen Biel (Lovretovich, Joseph) (Entered: 08/08/2016)
08/08/2016	<u>41</u>	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendant St. James Catholic School. (Williams, Brian) (Entered: 08/08/2016)
08/08/2016	<u>42</u>	NOTICE OF MOTION AND MOTION IN LIMINE (#1) to Exclude References to Liability Insurance filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude Any and All Reference to Defendant's Liability Insurance is Granted)(Williams, Brian) (Entered: 08/08/2016)
08/08/2016	<u>43</u>	NOTICE OF MOTION AND MOTION IN LIMINE (#2) to Exclude to Exclude Reference to the Sexual Abuse Scandal Involving The Catholic Church filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude Any and All Reference to Allegations Against the Catholic Church)(Williams, Brian) (Entered: 08/08/2016)
08/08/2016	<u>44</u>	NOTICE OF MOTION AND MOTION IN LIMINE (#3) to Exclude Reference to Complaints of Discrimination/Retaliation From Other Employees filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude any and all Reference to Other Complaints of Discrimination and/or Retaliation by Other Employees of St. James Catholic School)(Williams, Brian) (Entered: 08/08/2016)
08/08/2016	<u>45</u>	NOTICE OF MOTION AND MOTION IN LIMINE (#4) to Exclude Cumulative and/or Speculative Evidence of Emotional Distress Damages filed by Defendant St. James School, A Corp.. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude Reference to Cumulative and/or Speculative Evidence of Plaintiff's Emotional Distress Damages)(Williams, Brian) (Entered: 08/08/2016)
08/08/2016	<u>46</u>	NOTICE OF MOTION AND MOTION IN LIMINE to Exclude References to Plaintiff's Departure from Employment as a "Termination" <i>Motion In Limine</i> (#5) filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude Any and All Reference to the Use of the term "Termination" in Describing the end of Plaintiff's Employment)(Williams, Brian) (Entered: 08/08/2016)
08/08/2016	<u>47</u>	NOTICE OF MOTION AND MOTION IN LIMINE (#6) to Exclude the

		Testimony of Barbara Molina at Trial filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # 1 Proposed Order to Exclude the Testimony of Barbara Molina at Trial)(Williams, Brian) (Entered: 08/08/2016)
08/09/2016	48	NOTICE OF MOTION AND MOTION IN LIMINE (2) to Exclude REFERENCE TO PLEADINGS filed by plaintiff Kristen Biel. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Lovretovich, Joseph) (Entered: 08/09/2016)
08/09/2016	49	NOTICE OF MOTION AND MOTION IN LIMINE (1) to Exclude EVIDENCE OF COLLATERAL SOURCE filed by plaintiff Kristen Biel. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr.(Lovretovich, Joseph) (Entered: 08/09/2016)
08/09/2016	50	NOTICE OF MOTION AND MOTION IN LIMINE (3) to Exclude WITNESSES AND DOCUMENTS NOT PREVIOUSLY DISCLOSED filed by plaintiff Kristen Biel. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr.(Lovretovich, Joseph) (Entered: 08/09/2016)
08/09/2016	51	NOTICE OF MOTION AND MOTION IN LIMINE (4) to Exclude EVIDENCE OF UNRELATED MEDICAL HISTORY filed by plaintiff Kristen Biel. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr.(Lovretovich, Joseph) (Entered: 08/09/2016)
08/10/2016	52	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Miscellaneous Document 40 . The following error(s) was found: Incorrect event selected. The correct event is: Civil Events - select - Other Filings - select - Notices - select Notice of Lodging Proposed Pretrial Conference Order. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 08/10/2016)
08/18/2016	53	Notice of Appearance or Withdrawal of Counsel: for attorney Joseph M Lovretovich counsel for Plaintiff Kristen Biel. Adding Jared W. Beilke as counsel of record for Kristen Biel for the reason indicated in the G-123 Notice. Filed by plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/18/2016)
08/22/2016	54	OPPOSITION in opposition re: MOTION IN LIMINE (3) to Exclude WITNESSES AND DOCUMENTS NOT PREVIOUSLY DISCLOSED 50 filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 08/22/2016)
08/22/2016	55	OPPOSITION in opposition re: MOTION IN LIMINE (4) to Exclude EVIDENCE OF UNRELATED MEDICAL HISTORY 51 filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 08/22/2016)
08/23/2016	56	NOTICE OF NON-OPPOSITION to MOTION IN LIMINE (1) to Exclude

		EVIDENCE OF COLLATERAL SOURCE 49 filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/23/2016)
08/23/2016	57	NOTICE OF NON-OPPOSITION to MOTION IN LIMINE (2) to Exclude REFERENCE TO PLEADINGS 48 filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/23/2016)
08/23/2016	58	NOTICE OF NON-OPPOSITION to MOTION IN LIMINE (3) to Exclude WITNESSES AND DOCUMENTS NOT PREVIOUSLY DISCLOSED 50 filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/23/2016)
08/24/2016	59	OPPOSITION opposition re: MOTION IN LIMINE (#3) to Exclude Reference to Complaints of Discrimination/Retaliation From Other Employees 44 filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/24/2016)
08/24/2016	60	OPPOSITION re: MOTION IN LIMINE (#6) to Exclude the Testimony of Barbara Molina at Trial 47 filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/24/2016)
08/24/2016	61	OPPOSITION Opposition To Motion In Limine re: MOTION IN LIMINE to Exclude References to Plaintiff's Departure from Employment as a "Termination" <i>Motion In Limine</i> (#5) 46 filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/24/2016)
08/29/2016	63	MINUTES OF FINAL PRETRIAL CONFERENCE: Final Pretrial Conference held before Judge Terry J. Hatter, Jr: Following discussions with the parties, the Court will set the following dates: Discovery Cut-Off: October 26, 2016; Motion filing Cut-Off: November 26, 2016; Motions in limine filing Cut-Off: November 5, 2016; Jury Trial date: January 10, 2017 at 10:00 a.m. (5-7 days est.)-8 Hours each side. Court Recorder: Court Smart. (shb) (Entered: 08/31/2016)
08/30/2016	62	ORDER RE JURY INSTRUCTIONS by Judge Terry J. Hatter, Jr.: Jury Trial set for 1/10/2017 at 10:00 AM before Judge Terry J. Hatter Jr. It is Ordered that counsel shall prepare and file proposed jury instructions in accordance with the procedures set forth in this Order. Failure to comply with this Order shall subject counsel to sanctions, in addition to the instructions being returned to be properly prepared. The Court prefers instructions from Kevin F. OMalley, et al., Federal Jury Practice and Instructions (5th ed. Current edition), modified only if necessary to fit the circumstances of each case. Attached is a list of the Court's general civil jury instructions which will be given when applicable. (See order for further details). (shb) (Entered: 08/31/2016)
09/06/2016	64	FINAL PRETRIAL CONFERENCE ORDER GRANTING IN PART by Judge Terry J. Hatter, Jr (shb) (Entered: 09/06/2016)
10/06/2016	65	NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action filed by defendant St. James Catholic School. Motion set for hearing on 11/7/2016 at 08:30 AM before Judge Terry J. Hatter Jr. (Attachments: # 1 Proposed Order, # 2 Proposed

		Judgment) (Fermin, Veronica) (Entered: 10/06/2016)
10/06/2016	66	STATEMENT of Separate Statement of Uncontroverted Facts and Conclusions of Law NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action 65 filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 10/06/2016)
10/06/2016	67	DECLARATION of Veronica Fermin in support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action 65 filed by Defendant St. James Catholic School. (Attachments: # 1 Exhibit A (Part I), # 2 Exhibit A (Part II), # 3 Exhibit B (Part I), # 4 Exhibit B (Part II), # 5 Exhibit C (Part I), # 6 Exhibit C (Part II), # 7 Exhibit D, # 8 Exhibit E, # 9 Exhibit F, # 10 Exhibit G)(Fermin, Veronica) (Entered: 10/06/2016)
10/06/2016	68	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Statement (Motion related), 66 . The following error(s) was found: Other error(s) with document(s) are specified below: This document should be lodged and not e-filed. You may select the event Notice of Lodging under the civil events and go to Other Filings - select Notices and then select Notice of Lodging. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 10/07/2016)
10/11/2016	69	EX PARTE APPLICATION to Shorten Time for Hearing on to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date</i> filed by defendant St. James Catholic School. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Proposed Order) (Fermin, Veronica) (Entered: 10/11/2016)
10/13/2016	70	OPPOSITION to EX PARTE APPLICATION to Shorten Time for Hearing on to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date</i> 69 filed by Plaintiff Kristen Biel. (Attachments: # 1 Declaration Declaration of Cathryn Fund, # 2 Exhibit Exhibit A, # 3 Exhibit Exhibit B, # 4 Exhibit Exhibit C, # 5 Exhibit Exhibit D)(Lovretovich, Joseph) (Entered: 10/13/2016)
10/17/2016	71	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action 65 filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	72	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action 65 <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	73	STATEMENT of Controverted and Uncontroverted Facts NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action 65 <i>Opposition</i> filed by Plaintiff Kristen Biel.

		(Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	<u>74</u>	PLAINTIFF'S COMPENDIUM OF EVIDENCE 1 OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	<u>75</u>	PLAINTIFF'S COMPENDIUM OF EVIDENCE 3 OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	<u>76</u>	PLAINTIFF'S COMPENDIUM OF EVIDENCE 4 OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	<u>77</u>	PLAINTIFF'S COMPENDIUM OF EVIDENCE 2a OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	<u>78</u>	PLAINTIFF'S COMPENDIUM OF EVIDENCE 2b OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	<u>79</u>	PLAINTIFF'S COMPENDIUM OF EVIDENCE 2c OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	<u>80</u>	PLAINTIFF'S COMPENDIUM OF EVIDENCE 2d OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/17/2016	<u>81</u>	PLAINTIFF'S COMPENDIUM OF EVIDENCE 2e OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016)
10/18/2016	<u>82</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Statement (Motion related) <u>73</u> . The following error(s) was found: Incorrect event selected. The correct event is: Civil Events - Other Filings - Notices - Notice of Lodging and attach the Statement of Uncontroverted Facts and Conclusions of Law.. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 10/18/2016)

10/24/2016	83	REPLY in support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action 65 filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 10/24/2016)
10/24/2016	84	NOTICE OF LODGING filed <i>Defendant's Response</i> re Statement (Motion related) 73 (Attachments: # 1 Defendant's Response to Plaintiffs Separate Statement of Uncontroverted and Controverted Facts and Conclusions of Law in support of Her Opposition to Defendants Motion for Summary Judgment) (Fermin, Veronica) (Entered: 10/24/2016)
10/24/2016	85	DECLARATION of Veronica Fermin in support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action 65 <i>Reply Brief</i> filed by Defendant St. James Catholic School. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D)(Fermin, Veronica) (Entered: 10/24/2016)
10/24/2016	86	REQUEST FOR EVIDENTIARY OBJECTIONS TO PLAINTIFF'S COMPENDIUM OF EVIDENCE IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action 65 filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 10/24/2016)
10/25/2016	87	MINUTES IN CHAMBERS-ORDER AND NOTICE TO ALL PARTIES by Judge Terry J. Hatter, Jr: denying 69 EX PARTE APPLICATION to Shorten Time for Hearing Motion to Compel. The Court having read and considered said application, hereby DENIES Defendant's ex parte application and referring the motion to compel to Magistrate Judge Alka Sagar, as this application was filed before the close of discovery. The motion to compel and the mental examination may proceed on a schedule set by the Magistrate Judge. (shb) (Entered: 10/25/2016)
10/26/2016	88	NOTICE OF ERRATA filed by Defendant St. James Catholic School. correcting Memorandum of Contentions of Fact and Law 41 (Fermin, Veronica) (Entered: 10/26/2016)
10/26/2016	89	<i>CORRECTED</i> re: Memorandum of Contentions of Fact and Law 41 (Fermin, Veronica) (Entered: 10/26/2016)
11/01/2016	90	SCHEDULING NOTICE by Magistrate Judge Alka Sagar. A Telephone Conference re: re: EX PARTE APPLICATION to Shorten Time for Hearing on to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date</i> 69 is set for 11/3/2016 at 10:30 AM before Magistrate Judge Alka Sagar. The call-in information will be emailed to the parties. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (afe) TEXT ONLY ENTRY (Entered: 11/01/2016)
11/03/2016	91	ORDER RE: TELEPHONE CONFERENCE by Magistrate Judge Alka Sagar. The Court held a telephonic conference re EX PARTE APPLICATION to

		Shorten Time for Hearing to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date 69</i> . The Court will issue a separate order. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (afe) TEXT ONLY ENTRY (Entered: 11/03/2016)
11/03/2016	<u>92</u>	Minute Order re Order Re Schedule for Motion to Compel Plaintiff's Mental Examination held before Magistrate Judge Alka Sagar. On November 3, 2016, the Court conducted a telephonic conference. Plaintiff may file an opposition to Defendant's Motion to Compel Plaintiff's Mental Examination no later than November 9, 2016. Defendant may file a Reply no later than November 16, 2016. The matter will be submitted upon the filing of Defendant's Reply or the date on which it is due. (See Minute Order for complete details) Court Recorder: Not Recorded. (afe) (Entered: 11/03/2016)
11/09/2016	<u>93</u>	OPPOSITION to EX PARTE APPLICATION to Shorten Time for Hearing on to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date 69</i> filed by Plaintiff Kristen Biel. (Attachments: # <u>1</u> Declaration Declaration of Cathryn Fund)(Lovretovich, Joseph) (Entered: 11/09/2016)
11/16/2016	<u>94</u>	Notice of Withdrawal of Motion to Shorten Time for Hearing, <u>69</u> filed by Defendant St. James Catholic School. (Vasin, Michael) (Entered: 11/16/2016)
12/21/2016	<u>95</u>	MINUTE IN CHAMBERS-ORDER AND NOTICE TO ALL PARTIES by Judge Terry J. Hatter, Jr:Counsel are hereby notified that the above matter is set on the Court's calendar for Jury Trial on January 10, 2017, and now is vacated. The parties are advised that the court will be issuing an order regarding the motion for summary judgment in January. Accordingly, this Jury Trial is vacated. No appearances are necessary on January 10, 2017. (shb) (Entered: 12/21/2016)
01/17/2017	<u>96</u>	ORDER AND JUDGMENT by Judge Terry J. Hatter, Jr: GRANTING <u>65</u> MOTION for Summary Judgment in favor of St. James Catholic School, St. James School, A Corp. against Kristen Biel. MD JS-6. Case Terminated. (shb) (Entered: 01/18/2017)
01/20/2017	<u>97</u>	NOTICE OF LODGING filed re Order on Motion for Summary Judgment <u>96</u> (Attachments: # <u>1</u> Exhibit Judgment)(Vasin, Michael) (Entered: 01/20/2017)
01/24/2017	<u>98</u>	AMENDED ORDER AND JUDGMENT by Judge Terry J. Hatter, Jr, re Order on Motion for Summary Judgment <u>96</u> . It is Ordered that the motion for summary judgment be, and hereby is, Granted. It is Further Ordered, Adjudged, and Decreed that judgment be, and hereby is, Entered in favor of Defendant St. James School and against Plaintiff Kristen Biel. It is Further Ordered, Adjudged, and Decreed that Plaintiff Kristen Biel shall take nothing and that all parties shall bear their own costs. (See order for further details). (shb) (Entered: 01/24/2017)
02/10/2017	<u>99</u>	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by plaintiff Kristen Biel. Appeal of Order,, <u>98</u> . (Appcal Fec - \$505 Fec Paid, Receipt No. 0973-19344582.) (Lovretovich, Joseph) (Entered: 02/10/2017)

02/10/2017	100	REPRESENTATION STATEMENT re Notice of Appeal to 9th Circuit Court of Appeals 99 . (Lovretovich, Joseph) (Entered: 02/10/2017)
02/10/2017	101	Notice of Appearance or Withdrawal of Counsel: for attorney Joseph M Lovretovich counsel for Plaintiff Kristen Biel. Adding Andrew S. Pletcher as counsel of record for Kristen Biel for the reason indicated in the G-123 Notice. Filed by plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 02/10/2017)
02/13/2017	102	NOTIFICATION from Ninth Circuit Court of Appeals of case number assigned and briefing schedule. Appeal Docket No. 17-55180 assigned to Notice of Appeal to 9th Circuit Court of Appeals 99 as to Plaintiff Kristen Biel. (car) (Entered: 02/13/2017)

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Description:	Docket Report	Search Criteria:	2:15-cv-04248-TJH-AS End date: 12/20/2017
Billable Pages:	12	Cost:	1.20

CERTIFICATE OF SERVICE
Ninth Circuit Case No. 17-55180

I hereby certify that on December 20, 2017, I electronically filed the foregoing **APPELLEE'S SUPPLEMENTAL EXCERPTS OF RECORD VOLUMES 1 – 3, PAGES 1 - 208** with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

The following participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system:

Defendant/Appellee Court

Honorable Terry J. Hatter, Jr.
Courtroom 9B
United States District Court
Central District of California
350 W. 1st Street, 9th Fl.
Los Angeles, CA 90012

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**Courtesy Copy to Former Counsel
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I certify under penalty of perjury under the laws of the United States of American and the State of California that the foregoing is true and correct.

Signed at Costa Mesa, California this 20th day of December, 2017.

By: /S/ Veronica Fermin
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