

1 Paul D. Fogel (SBN 70859)
pfogel@reedsmith.com
2 Raymond A. Cardozo (SBN 173263)
rcardozo@reedsmith.com
3 Adam M. Forest (267626)
aforest@reedsmith.com
4 REED SMITH LLP
101 Second Street, Suite 1800
5 San Francisco, CA 94105
Tel: 415.543.8700 Fax: 415.391.8269

6 John R. Yeh (SBN 154576)
7 E-mail: jyeh@bwslaw.com
Donald A. Velez (SBN 143132)
8 E-mail: dvelez@bwslaw.com
BURKE, WILLIAMS & SORENSEN, LLP
9 2440 West El Camino Real, Suite 620
Mountain View, CA 94040-1499
10 Tel: 650.327.2672 Fax: 650.688.8333

11 Attorneys for Respondents
12 LOS ALTOS SCHOOL DISTRICT; BOARD
OF TRUSTEES OF THE LOS ALTOS
13 SCHOOL DISTRICT; and TIM JUSTUS

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF SANTA CLARA

16 BULLIS CHARTER SCHOOL,

17 Petitioner,

18 v.

19 LOS ALTOS SCHOOL DISTRICT; BOARD
20 OF TRUSTEES OF THE LOS ALTOS
SCHOOL DISTRICT; and TIM JUSTUS, in
21 his capacity as District Superintendent,

22 Respondents.

Case No. 109CV144569

**RESPONDENTS' FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO PETITIONER
BULLIS CHARTER SCHOOL**

Date: June 6, 2012
Time: 8:30 a.m.
Dept: 2

Judge: Hon. Patricia Lucas

23 PROPOUNDING PARTY: Respondents LOS ALTOS SCHOOL DISTRICT; BOARD OF
24 TRUSTEES OF THE LOS ALTOS SCHOOL DISTRICT; and TIM
25 JUSTUS.

26 RESPONDING PARTY: Petitioner, BULLIS CHARTER SCHOOL.

27 SET NUMBER: One

1 Pursuant to California Code of Civil Procedure sections 2031.010 *et seq.*, Respondents Los
2 Altos School District, Board of Trustees of the Los Altos School District, and Tim Justus, in his
3 capacity as District Superintendent, request that Petitioner Bullis Charter School (“Petitioner”)
4 answer in writing, under oath, the following Requests for Production of Documents (“Requests”),
5 and produce for inspection and/or copying, each of the items, documents and/or things falling within
6 the categories set forth below, within thirty (30) days of service of these Requests. Petitioner’s
7 responses, as well as the documents, items and/or things requested in these Requests, shall be
8 produced to Reed Smith LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105.

9 **DEFINITIONS**

10 As used in these Requests, the following definitions shall apply unless otherwise noted:

11 1. “YOU,” “YOUR,” “PETITIONER,” and “BCS” means Petitioner Bullis Charter School
12 and its counsel, consultants, advisors, agents, representatives, employees, and all other PERSONS or
13 entities acting on its behalf.

14 2. “RESPONDENTS” means Respondents Los Altos School District, the Board of Trustees
15 of the Los Altos School District, and Tim Justus, together and individually.

16 3. “ALL” means any and all.

17 4. “DOCUMENT” means any written, printed, typed, or other visual or oral matter of any
18 kind or nature, whether sent or received, including, without limitation, all memoranda, reports, notes,
19 transcripts, letters, envelopes, telegrams, cables, telexes, telephone bills, messages, work papers,
20 diaries, desk calendars, appointment books, brochures, drafts, minutes or transcriptions of meetings
21 and other communications of every type, and all mechanical or electrical sound recordings, magnetic
22 or video tapes, or other material on which information can be stored or obtained. *See* Evid. Code §§
23 250, 255. The term “DOCUMENT” shall also include copies of any such documents upon which
24 appears any notation, handwriting, or other additions not on the original. *See* Cal. Evid. Code § 260.
25 The term “DOCUMENT” includes all documents in YOUR care, custody, or control, or of which
26 YOU have knowledge, whether or not YOU currently have such documents in YOUR care, custody,
27 possession, or control, and all documents available to you, whether or not such documents are in
28 YOUR custody or possession. The term “DOCUMENT” includes all types of electronically stored

1 information (“ESI”), including emails and text messages. All ESI must be produced in its native
2 format with all metadata intact.

3 5. “IDENTIFY” when used in reference to a DOCUMENT means to give, to the extent
4 known, the following information: (a) the type of DOCUMENT, (b) the general subject matter of the
5 DOCUMENT, (c) the date of the DOCUMENT, (d) the authors and recipients of the DOCUMENT,
6 (e) the location of the DOCUMENT, (f) the identity of the person who has custody of the
7 DOCUMENT, and (g) whether the DOCUMENT has been destroyed.

8 6. “PERSON” or “PERSONS” means a natural person, firm, association, organization,
9 partnership, business, trust, limited liability company, corporation, or public entity.

10 7. “COMMUNICATION(S)” means and includes ALL spoken, written, visual or electronic
11 transmission of information, including but not limited to DOCUMENTS, conversations, meetings,
12 discussions and telephone calls and any other process by which information is transmitted. The
13 words “COMMUNICATE,” “COMMUNICATED” and “COMMUNICATING” mean to make,
14 have made or be making a COMMUNICATION.

15 8. “CONCERNING” means and includes the following terms: comprising, constituting,
16 containing, dealing with, discussing, evidencing, demonstrating, establishing, pertaining to, prepared
17 for, reflecting, referring, mentioning, relating to, and showing.

18 9. “REFER,” “REFERS,” or “REFERRING” means to mention, name, identify, attach,
19 indicate, quote, summarize, specify, allude to, call attention to, cite, comment upon, direct attention
20 to, invoke, make note of, point out, or touch upon.

21 10. “ACTION” refers to above-captioned legal action, including all proceedings in the
22 California Courts of Appeal.

23 11. “ENFORCE” means to accomplish, administer, administrate, apply, carry out, coerce,
24 compel, demand, discharge, exact, force upon, fortify, fulfill, impel, implement, impose, invoke,
25 protect, prosecute, support, or urge.

1 INSTRUCTIONS

2 If YOU do not have possession, custody, or control of any DOCUMENTS described in any
3 one or more of the following Requests, a written statement that YOU do not have possession,
4 custody, or control of any such DOCUMENTS and the name and address of the PERSON who does
5 have possession, custody, or control of such DOCUMENTS is a sufficient response to the request.
6 However, production of such DOCUMENTS shall be required if YOU or any of YOUR agents,
7 employees, servants, or representatives have possession, custody, or control of the same. Unless the
8 request specifically directs production of the originals of the DOCUMENTS, delivery of an accurate,
9 legible and complete photocopy of the DOCUMENTS requested to the attorney is a sufficient
10 response to the request.

11 DOCUMENTS produced shall be organized and designated to correspond to the categories in
12 the request or produced as they are kept in the usual course of business.

13 RESPONDENTS further request that:

14 1. If any requested DOCUMENT or other thing is no longer in YOUR possession,
15 custody, or control, state whether it was lost, destroyed or otherwise disposed of and describe the
16 circumstances of such disposition;

17 2. If YOU contend that any requested DOCUMENT is privileged and therefore not
18 subject to production, identify the DOCUMENT in YOUR written response by describing the
19 DOCUMENT sufficiently to allow DEFENDANT to move the court to compel its disclosure. The
20 description should include, but not be limited to, the following information:

- 21 (a) The name of the PERSON who prepared the DOCUMENT;
- 22 (b) The name of each PERSON to whom the DOCUMENT was addressed and/or
23 distributed;
- 24 (c) The date of the DOCUMENT;
- 25 (d) The description of the general nature of the DOCUMENT;
- 26 (e) The specific privilege(s) which YOU contend applies to the DOCUMENT;
- 27 (f) The ground upon which YOU rely to establish the privilege as to the
28 DOCUMENT;

1 3. Identify and produce any unprivileged portion of each DOCUMENT YOU contend is
2 privileged; and

3 4. If YOU object to the production of any DOCUMENT on any ground(s), such
4 objection(s) must be fully and specifically stated, including the ground(s) therefore.

5 5. YOU are to divulge all information and DOCUMENTS which are in YOUR
6 possession, custody or control or which can be ascertained upon reasonable investigation of areas
7 within YOUR control. The knowledge of YOUR attorney is deemed to be YOUR knowledge so
8 that, apart from privileged matters, if YOUR attorney has knowledge of the information sought to be
9 elicited herein, said knowledge must be incorporated into these answers even if such information is
10 unknown to YOU individually.

11
12 **DOCUMENTS REQUESTED**

13
14 **REQUEST NO. 1:** Produce ALL DOCUMENTS YOU IDENTIFIED in YOUR responses
15 to RESPONDENTS' First Set of Special Interrogatories to Petitioner Bullis Charter School, served
16 concurrently with these Requests.

17
18 **REQUEST NO. 2:** Produce ALL admission applications YOU received from the
19 commencement of the 2008-2009 school year to the present.

20
21 **REQUEST NO. 3:** Produce ALL COMMUNICATIONS CONCERNING application or
22 admission to BCS, and BCS's responses to any such COMMUNICATIONS.

23
24 **REQUEST NO. 4:** Produce ALL DOCUMENTS CONCERNING the "public random
25 drawing" process that determines enrollment when the number of students who wish to attend BCS
26 exceeds BCS's capacity, as YOU use those terms on YOUR website's Frequently Asked Questions
27 (or "FAQ") webpage, including any video or other electronic recordings. (See
28

1 <http://www.bullischarterhschool.com/site/default.aspx?PageType=3&ModuleInstanceID=114&ViewID=7b97f7ed-8e5e-4120-848fa8b4987d588f&RenderLoc=0&FlexDataID=95&PageID=108>

2
3
4 **REQUEST NO. 5:** Produce ALL DOCUMENTS CONCERNING public usage of YOUR
5 website (<http://www.bullischarterhschool.com>), including but not limited to annual and monthly
6 number of visitors, physical visitor locations, and webmaster or other queries.

7
8 **REQUEST NO. 6:** Produce ALL DOCUMENTS CONCERNING advertisements YOU
9 have displayed online from January 1, 2008 until the present, including the internet address where
10 any such advertisements were displayed, and the length and cost of any such advertisement.

11
12 **REQUEST NO. 7:** Produce ALL DOCUMENTS CONCERNING advertisements YOU
13 physically displayed from 2008 until the present, including the location, venue, length and cost of
14 any such advertisement.

15
16 **REQUEST NO. 8:** Produce ALL DOCUMENTS CONCERNING special education
17 expenses YOU incurred, including ANY claims YOU submitted to the Santa Clara County Office of
18 Education, from January 1, 2005 until the present.

19
20 **REQUEST NO. 9:** Produce ALL DOCUMENTS CONCERNING ANY offers to purchase
21 Gardner-Bullis elementary school facilities, or any other elementary school facilities.

22
23 **REQUEST NO. 10:** Produce ALL DOCUMENTS CONCERNING student participation in
24 BCS-organized trips to Washington D.C., Costa Rica, London, China, or anywhere else beyond the
25 San Francisco Bay Area from January 1, 2008 to the present.

REED SMITH LLP
A limited liability partnership formed in the State of Delaware


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

REQUEST NO. 11: Produce ALL DOCUMENTS CONCERNING expenses YOU or YOUR students incurred during BCS-organized trips to Washington D.C., Costa Rica, London, China, or anywhere else beyond the San Francisco Bay Area from January 1, 2008 to the present.

REQUEST NO. 12: Produce ALL DOCUMENTS CONCERNING YOUR effort to amend YOUR charter to include a geographic preference for students residing in the Los Altos Hills or the former Bullis-Purissima school district.

DATED: July 30, 2012

BURKE, WILLIAMS & SORENSEN, LLP
REED SMITH LLP

By 
Paul D. Fogel (SBN 70859)
Raymond A. Cardozo (SBN 173263)
Adam M. Forest (SBN 267626)
Attorneys for Respondents
LOS ALTOS SCHOOL DISTRICT; BOARD OF TRUSTEES OF THE LOS ALTOS SCHOOL DISTRICT; and TIM JUSTUS