

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

7 John R. Yeh (SBN 154576)
E-mail: jyeh@bwslaw.com
8 Donald A. Velez (SBN 143132)
E-mail: dvelez@bwslaw.com
9 BURKE, WILLIAMS & SORENSEN, LLP
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
SPECIAL INTERROGATORIES 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
JUSTUS.

25 RESPONDING PARTY: Petitioner, BULLIS CHARTER SCHOOL.

26 SET NUMBER: One
27
28

1 Pursuant to California Code of Civil Procedure sections 2030.010 *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 answer in writing,
4 under oath, within thirty (30) days after service hereof, the following Special Interrogatories
5 (“Interrogatories”). In answering, Petitioner is required to furnish all information that is available to
6 it, regardless of whether this information is possessed by Petitioner, its agent(s), its attorney(s), or
7 anyone else. If any of these Interrogatories cannot be answered in full, Petitioner must answer to the
8 extent possible, specifying the reason for its inability to answer the remainder and stating whatever
9 information, knowledge, or belief it has concerning the unanswered portion. Petitioner’s responses
10 to these Interrogatories shall be produced to Reed Smith LLP, 101 Second Street, Suite 1800, San
11 Francisco, CA 94105.

12 **DEFINITIONS**

13 As used in these Interrogatories, the following definitions shall apply unless otherwise noted:

- 14 1. “YOU,” “YOUR,” “PETITIONER,” and “BCS” means Petitioner Bullis Charter School
15 and its counsel, consultants, advisors, agents, representatives, employees, and all other PERSONS or
16 entities acting on its behalf.
- 17 2. “RESPONDENTS” means Respondents Los Altos School District, the Board of Trustees
18 of the Los Altos School District, and Tim Justus, together and individually.
- 19 3. “ALL” means any and all.
- 20 4. “DOCUMENT” means any written, printed, typed, or other visual or oral matter of any
21 kind or nature, whether sent or received, including, without limitation, all memoranda, reports, notes,
22 transcripts, letters, envelopes, telegrams, cables, telexes, telephone bills, messages, work papers,
23 diaries, desk calendars, appointment books, brochures, drafts, minutes or transcriptions of meetings
24 and other communications of every type, and all mechanical or electrical sound recordings, magnetic
25 or video tapes, or other material on which information can be stored or obtained. *See* Evid. Code §§
26 250, 255. The term “DOCUMENT” shall also include copies of any such documents upon which
27 appears any notation, handwriting, or other additions not on the original. *See* Cal. Evid. Code § 260.
28 The term “DOCUMENT” includes all documents in YOUR care, custody, or control, or of which

1 YOU have knowledge, whether or not YOU currently have such documents in YOUR care, custody,
 2 possession, or control, and all documents available to you, whether or not such documents are in
 3 YOUR custody or possession. The term “DOCUMENT” includes all types of electronically stored
 4 information (“ESI”), including emails and text messages. All ESI must be produced in its native
 5 format with all metadata intact.

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

11 6. “IDENTIFY” when used in reference to a PERSON means to give, to the extent known,
 12 the PERSON’S (a) full name, (b) address, (c) telephone numbers (home and business), (d) email
 13 addresses (personal and business), (e) and description of the PERSON’S relationship to YOU.

14 7. “PERSON” or “PERSONS” means a natural person, firm, association, organization,
 15 partnership, business, trust, limited liability company, corporation, or public entity.

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

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

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

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

1 **SPECIAL INTERROGATORIES**

2
3 **INTERROGATORY NO. 1:** Do YOU contend that the ACTION involved an
4 IMPORTANT RIGHT? [For purposes of these Interrogatories, “IMPORTANT RIGHT” means a
5 right of societal importance, including but not limited to, any right conferred by the California
6 constitution, California statute, Federal statute, common law, or administrative law.] If so, please
7 describe with particularity any such right YOU contend the ACTION involved.
8

9 **INTERROGATORY NO. 2:** Please IDENTIFY all DOCUMENTS CONCERNING and
10 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.
11

12 **INTERROGATORY NO. 3:** Do YOU contend that the ACTION at any time conferred a
13 benefit on the general public or a large class of persons? If so, please describe with particularity any
14 such benefit YOU contend the ACTION conferred.
15

16 **INTERROGATORY NO. 4:** Please IDENTIFY all DOCUMENTS CONCERNING and
17 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.
18

19 **INTERROGATORY NO. 5:** Do YOU contend that the ACTION was necessary to
20 ENFORCE the IMPORTANT RIGHT YOU identified in response to Interrogatory No. 1? If so,
21 please state all facts in support of YOUR contention.
22

23 **INTERROGATORY NO. 6:** Please IDENTIFY all DOCUMENTS CONCERNING and
24 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.
25

26 **INTERROGATORY NO. 7:** Do YOU contend that the ACTION imposed a FINANCIAL
27 BURDEN on YOU? [For purposes of these Interrogatories, “FINANCIAL BURDEN” means
28

1 financial expenses out of proportion with YOUR individual financial stake in the ACTION.] If so,
2 please state all facts in support of YOUR contention.

3
4 **INTERROGATORY NO. 8:** Please IDENTIFY all DOCUMENTS CONCERNING and
5 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

6
7 **INTERROGATORY NO. 9:** To date, how much have YOU paid YOUR attorneys to
8 represent YOU in the ACTION?

9
10 **INTERROGATORY NO. 10:** Please IDENTIFY all DOCUMENTS CONCERNING and
11 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

12
13 **INTERROGATORY NO. 11:** Please state the occupations of the parents whose children
14 have attended BCS from the commencement of the 2009-2010 school year until the present.

15
16 **INTERROGATORY NO. 12:** Please IDENTIFY all DOCUMENTS CONCERNING and
17 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

18
19 **INTERROGATORY NO. 13:** Please state the average annual income of all parents whose
20 children have attended BCS from the commencement of the 2009-2010 school year until the present.

21
22 **INTERROGATORY NO. 14:** Please IDENTIFY all DOCUMENTS CONCERNING and
23 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

24
25 **INTERROGATORY NO. 15:** Please state the average NET WORTH of the parents whose
26 children have attended BCS from the commencement of the 2009-2010 school year until the present.

27 [For purposes of this Interrogatory, “NET WORTH” means the total current value of all assets,
28 including liquid and illiquid accounts, stocks, bonds, partnership interests, securities, certificates of

1 deposit, interests in promissory notes, bills of exchange or other commercial paper, patents, trade
2 names, trademarks, copyrights, joint ventures or other business enterprises, and any real and chattel
3 property, minus the total current value of all debts and liabilities.]
4

5 **INTERROGATORY NO. 16:** Please IDENTIFY all DOCUMENTS CONCERNING and
6 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.
7

8 **INTERROGATORY NO. 17:** Please describe any lists that YOU maintain or have
9 maintained from the date six months prior to the filing of the ACTION until the present to track
10 whether the parents of children who attend BCS have donated to BCS and/or the Bullis-Purissima
11 Elementary School Foundation.
12

13 **INTERROGATORY NO. 18:** Please IDENTIFY all DOCUMENTS CONCERNING and
14 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.
15

16 **INTERROGATORY NO. 19:** Please describe all communications that YOU or the Bullis-
17 Purissima Elementary School Foundation have made from the date six months prior to the filing of
18 the ACTION until the present to parents of children who attend BCS or parents of prospective BCS
19 pupils that refer to donations or potential donations to BCS and/or the Bullis-Purissima Elementary
20 School Foundation.
21

22 **INTERROGATORY NO. 20:** Please IDENTIFY all DOCUMENTS CONCERNING and
23 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.
24

25 **INTERROGATORY NO. 21:** Please state the average amount that parents of children who
26 attend BCS have donated to BCS and/or the Bullis-Purissima Elementary School Foundation from
27 January 1, 2008 until the present.
28

1 **INTERROGATORY NO. 22:** Please IDENTIFY all DOCUMENTS CONCERNING and
 2 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

3
 4 **INTERROGATORY NO. 23:** Please state the amount of the twenty-five largest donations
 5 to BCS and/or the Bullis-Purissima Elementary School Foundation from January 1, 2008 until the
 6 present.

7
 8 **INTERROGATORY NO. 24:** Please IDENTIFY all DOCUMENTS CONCERNING and
 9 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

10
 11 **INTERROGATORY NO. 25:** Please describe with particularity the fee agreement(s) that
 12 YOU have with any attorneys that have represented or now represent BCS.

13
 14 **INTERROGATORY NO. 26:** Please IDENTIFY all DOCUMENTS CONCERNING and
 15 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

16
 17 **INTERROGATORY NO. 27:** Please describe the amount and source(s) of any funding
 18 YOU received from the Bullis-Purissima Elementary School Foundation, any parent/teacher
 19 association(s) or booster organization(s) from 2004 until the present.

20
 21 **INTERROGATORY NO. 28:** Please IDENTIFY all DOCUMENTS CONCERNING and
 22 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

23
 24 **INTERROGATORY NO. 29:** Please describe with particularity YOUR efforts to recruit
 25 students to enroll in BCS from 2004 until the present, including but not limited to any in-person,
 26 paper, or electronic marketing efforts and the languages in which such materials were written or
 27 meetings were held.

1 **INTERROGATORY NO. 30:** Please IDENTIFY all DOCUMENTS CONCERNING and
2 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

3
4 **INTERROGATORY NO. 31:** Please describe, for each individual year from 2004 until the
5 present, the physical location of any recruiting efforts identified in the preceding interrogatory,
6 including but not limited to (1) the zip codes of any recruiting or marketing material mailings; (2)
7 the zip codes where any recruiting or marketing materials were posted; and (3) the zip codes where
8 BCS held in-person recruiting meetings for prospective parents.

9
10 **INTERROGATORY NO. 32:** Please IDENTIFY all DOCUMENTS CONCERNING and
11 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

12
13 **INTERROGATORY NO. 33:** Please describe BCS’s admission and admission application
14 processes, and any changes thereto, for each year since 2004 until the present.

15
16 **INTERROGATORY NO. 34:** Please IDENTIFY all DOCUMENTS CONCERNING and
17 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

18
19 **INTERROGATORY NO. 35:** Please describe with particularity the “public random
20 drawing” process that determines enrollment when the number of students who wish to attend BCS
21 exceeds BCS’s capacity, as YOU use those terms on YOUR website’s Frequently Asked Questions
22 (or “FAQ”) webpage. (See [http://www.bullischarterhschool.com/site/default.aspx?PageType=3&
23 ModuleInstanceID=114&ViewID=7b97f7ed-8e5e-4120-848fa8b4987d588f&RenderLoc=0&
24 FlexDataID=95&PageID=108](http://www.bullischarterhschool.com/site/default.aspx?PageType=3&ModuleInstanceID=114&ViewID=7b97f7ed-8e5e-4120-848fa8b4987d588f&RenderLoc=0&FlexDataID=95&PageID=108))

25
26 **INTERROGATORY NO. 36:** Please IDENTIFY all DOCUMENTS CONCERNING and
27 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

1 **INTERROGATORY NO. 37:** Please IDENTIFY the PERSON(S) who administer or have
2 administered the “public random drawing” process described in Interrogatory No. 35, their
3 relationship to BCS, and the years in which such a drawing has been held.

4
5 **INTERROGATORY NO. 38:** Please IDENTIFY all DOCUMENTS CONCERNING and
6 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

7
8 **INTERROGATORY NO. 39:** Please IDENTIFY the PERSON(S) who were not admitted
9 as a result of the “public random drawing” process described in the preceding interrogatories for any
10 year in which such a drawing has been held.

11
12 **INTERROGATORY NO. 40:** Please IDENTIFY all DOCUMENTS CONCERNING and
13 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

14
15 **INTERROGATORY NO. 41:** Please state the number and percentage of students who
16 attend BCS that reside within the Los Altos School District.

17
18 **INTERROGATORY NO. 42:** Please IDENTIFY all DOCUMENTS CONCERNING and
19 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

20
21 **INTERROGATORY NO. 43:** For each student who has resided within the Los Altos
22 School District and who has attended BCS from the beginning of the 2009-2010 school year to the
23 present, please identify that student’s residential zip code.

24
25 **INTERROGATORY NO. 44:** Please IDENTIFY all DOCUMENTS CONCERNING and
26 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

1 **INTERROGATORY NO. 45:** Please describe with particularity any loan(s) to BCS
2 personnel and their purpose, including but not limited to a description of any goods or services
3 purchased with the loan proceeds.
4

5 **INTERROGATORY NO. 46:** Please IDENTIFY all DOCUMENTS CONCERNING and
6 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.
7

8 **INTERROGATORY NO. 47:** Did YOU pay the loan(s) referenced in Interrogatory No. 45
9 from funds received through public grants or private grants?
10

11 **INTERROGATORY NO. 48:** Please IDENTIFY all DOCUMENTS CONCERNING and
12 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.
13

14 **INTERROGATORY NO. 49:** Please describe with particularity the “Pro/Consulting
15 Services” that were rendered by the entities listed in line 24(a) of YOUR 2009 Internal Revenue
16 Service Form 990, as YOU use the term “Pro/Consulting Services” in that document, and
17 IDENTIFY the entities that performed these “services.”
18

19 **INTERROGATORY NO. 50:** Please IDENTIFY all DOCUMENTS CONCERNING and
20 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.
21

22 **INTERROGATORY NO. 51:** Please identify with particularity all efforts YOU have
23 undertaken from January 1, 2008 to the present to increase YOUR enrollment of students with
24 family incomes below \$100,000, students who are English Language Learning, students with special
25 needs, African-American students and Hispanic or Latino students.
26

27 **INTERROGATORY NO. 52:** Please IDENTIFY all DOCUMENTS CONCERNING and
28 PERSONS with knowledge CONCERNING YOUR contention in the preceding interrogatory.

