

1 ARTURO J. GONZALEZ (BAR NO. 121490)  
(AGonzalez@mofocom)  
2 SUZANNA PACT BRICKMAN (BAR NO. 250891)  
(SBrickman@mofocom)  
3 MAGGIE MAYO (BAR NO. 259685)  
(MMayo@mofocom)  
4 MORRISON & FOERSTER LLP  
425 Market Street  
5 San Francisco, California 94105-2482  
Telephone: 415.268.7000  
6 Facsimile: 415.268.7522

7 Attorneys for Petitioner  
BULLIS CHARTER SCHOOL  
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF SANTA CLARA  
11

12 BULLIS CHARTER SCHOOL,  
13 Petitioner,

14 v.

15 LOS ALTOS SCHOOL DISTRICT; BOARD OF  
16 TRUSTEES OF THE LOS ALTOS SCHOOL  
DISTRICT; and TIM JUSTUS, in his capacity as  
District Superintendent,

17 Respondents.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CASE NO. 109CV144569**

**PETITIONER BULLIS  
CHARTER SCHOOL'S  
OBJECTIONS TO  
RESPONDENTS' EVIDENCE**

Hearing: September 29, 2009  
Time: 9:00 a.m.  
Dept: 1

The Honorable James P. Kleinberg

Petition Filed: June 10, 2009

1 Petitioner makes the following objections to the evidence offered by Respondent in its  
2 opposition brief:

3 (1) Shelly Lapkoff: Respondents cite her deposition testimony where she claims that she  
4 heard at a district finance committee meeting that Bullis Charter had delayed opening a seventh  
5 grade until 2010. (Opp. at 6:8.) This is hearsay.

<b>Court's Ruling on Objection 1:</b>	Sustained: _____ Overruled: _____
---------------------------------------	--------------------------------------

8  
9 (2) Traci Newell: Respondents have submitted two emails that she wrote to a District  
10 Board member after this suit was filed that discuss an alleged statement by a Bullis Board  
11 member. Those emails (attached as Exhibits A and B to the Newell deposition, which is Exhibit  
12 E to the Yeh Declaration), including the newspaper article referenced in the emails (which does  
13 not quote anyone) are hearsay.

<b>Court's Ruling on Objection 2:</b>	Sustained: _____ Overruled: _____
---------------------------------------	--------------------------------------

16  
17 (3) Ms. Newell testified about an online petition that she claims was signed by certain  
18 parents who did not want a middle school at Bullis. She claims those parents did not want a  
19 middle school, although she admits she never spoke to any of them. All of this is hearsay. It is  
20 also irrelevant. (Newell Dep. 15:7-17:7; Yeh Decl. Ex. E.)

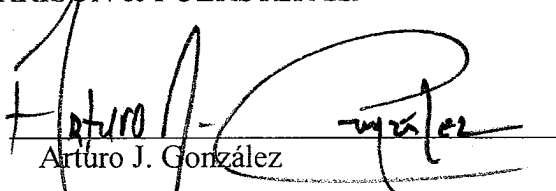
<b>Court's Ruling on Objection 3</b>	Sustained: _____ Overruled: _____
--------------------------------------	--------------------------------------

23  
24  
25  
26  
27  
28

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

Dated: September 22, 2009

ARTURO J. GONZÁLEZ  
SUZANNA PACT BRICKMAN  
MAGGIE MAYO  
MORRISON & FOERSTER LLP

By:   
Arturo J. González  
Attorneys for Petitioner  
Bullis Charter School