

1 SUSAN R. DENIOUS, State Bar No. 155033
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
2 A Professional Corporation
400 Capitol Mall, 27th Floor
3 Sacramento, CA 95814-4416
Telephone: (916) 321-4500
4 Facsimile: (916) 321-4555

5 Attorneys for Defendant SACRAMENTO CITY
UNIFIED SCHOOL DISTRICT
6

7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 PLANS, Inc.,

12 Plaintiff,

13 v.

14 SACRAMENTO CITY UNIFIED
SCHOOL DISTRICT, TWIN RIDGES
15 ELEMENTARY SCHOOL DISTRICT,
DOES 1-100,

16 Defendants.
17

CASE NO. CIV.S-98-0266 FCD PAN

**OBJECTIONS BY DEFENDANT
SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT TO PORTIONS OF THE
PRETRIAL CONFERENCE ORDER FILED
FEBRUARY 18, 2005**

18 Defendant Sacramento City Unified School District presents the following
19 objections to the Court's Pretrial Conference Order filed February 18, 2005 ("Pretrial Order").
20

OBJECTION NO. 1: Regarding punitive damages provision

21 Defendant Sacramento City Unified School District objects to the inclusion of Item "XVI.
22 SEPARATE TRIAL OF ISSUES" contained on page 13 of the Pretrial Order filed February 18,
23 2005, which item states:

24 "Trial on issues solely related to the punitive damage claim will
25 immediately follow trial of the other issues if the jury finds such
26 damages are recoverable."

27 This item appears to have been included merely by clerical error, since there will be a bench trial
28 in this matter and no damages of any kind are sought. Instead, apart from fees and costs, Plaintiff

1 **PROOF OF SERVICE**

2 I, Lorraine Lippolis, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is 400 Capitol Mall, 27th Floor, Sacramento,
CA 95814-4416. On March 14, 2005, I served the within documents:

5 Objections by Defendant Sacramento city Unified School District to Portions of
6 the Pretrial Conference Order Filed on February 18, 2005

- 7 by transmitting via facsimile from (916) 321-4555 the above listed document(s)
8 without error to the fax number(s) set forth below on this date before 5:00 p.m. A
9 copy of the transmittal/confirmation sheet is attached.
- 10 by placing the document(s) listed above in a sealed envelope with postage thereon
11 fully prepaid, in the United States mail at Sacramento, California addressed as set
12 forth below.
- 13 by causing personal delivery by _____ of the document(s) listed above
14 to the person(s) at the address(es) set forth below.
- 15 by placing the document(s) listed above in a sealed _____ envelope
16 and affixing a pre-paid air bill, and causing the envelope to be delivered to a
17 _____ agent for delivery
- 18 by personally delivering the document(s) listed above to the person(s) at the
19 address(es) set forth below.

16 Frederick J. Dennehy
17 PRO HAC VICE
18 Wilentz Goldman and Spitzer
90 Woodbridge Center Drive
Woodbridge, NJ 07095

19 I am readily familiar with the firm's practice of collection and processing
20 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
21 Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
am aware that on motion of the party served, service is presumed invalid if postal cancellation
date or postage meter date is more than one day after date of deposit for mailing in affidavit.

22 I declare that I am employed in the office of a member of the bar of this court at
23 whose direction the service was made.

24 Executed on March 14, 2005, at Sacramento, California.

25 /s/ _____
26 Lorraine Lippolis