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8 Attorneys for Defendants
 Los Angeles Unified School District
 9 and Austin Beutner

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 FOR THE COUNTY OF LOS ANGELES

DANNIS WOLIVER KELLEY
 444 W. OCEAN BLVD., SUITE 1070
 LONG BEACH, CA 90802

12 KESHARA SHAW; ALMA ROSA
 FARIAS DE SOLANO; JOSUE
 13 RICARDO GASTELUM-CAMPISTA;
 MARITZA GONZALEZ; RONNIE
 14 HEARD, JR.; DEYANIRA HOOPER;
 JUDITH LARSON; VICENTA
 15 MARTINEZ; AND AKELA WROTEN,
 JR.,

16 Plaintiff,

17 v.

18 LOS ANGELES UNIFIED SCHOOL
 19 DISTRICT; AUSTIN BEUTNER, Los
 Angeles Unified School District
 20 Superintendent; and DOES 1-25, inclusive.

21 Defendants, and,

22 UNITED TEACHERS LOS ANGELES,

23 Relief Defendant.
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 25
 26
 27
 28

Case No. 20STCV36489

[Assigned to Judge Yvette M. Palazuelos,
 Department 9]

**SUPERINTENDENT AUSTIN BEUTNER'S
 RESPONSES TO WRITTEN DISCOVERY
 REQUESTS PROPOUNDED BY
 PLAINTIFFS**

Trial: None set

Complaint Filed: September 24, 2020
FAC Filed: October 7, 2020

Exempt from filing fees pursuant to Gov.
 Code, § 6103.

1 PROPOUNDING PARTY: Keshara Shaw, et al.
2 RESPONDING PARTY: Superintendent Austin Beutner
3 SET NO.: Per Joint Stipulation and Order re: Informal Discovery
4 Conferences, signed February 25, 2021
5

6 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

7 **PRELIMINARY RESPONSE AND GENERAL OBJECTIONS**

8 Pursuant to California Code of Civil Procedure section 2030.210, et seq., Defendant
9 Superintendent Austin Beutner (“Superintendent”) makes the following responses and objections
10 to the Written Discovery Requests (“Requests”) propounded by Plaintiffs Keshara Shaw, Alma
11 Rosa Farias de Solano, Josue Ricardo Gastelum-Capista, Maritza Gonzalez, Ronnie Heard, Jr.,
12 Deyanira Hooper, Judith Larson, Vincenta Martinez, and Akela Wroten, Jr. (“Plaintiffs”). These
13 responses and objections are made solely for the purpose of this action. Each answer is subject to
14 all objections as to competence, relevance, materiality, propriety, and admissibility, all of which
15 are reserved and may be interposed at the time of trial.

16 The following responses are based on information presently available to Superintendent,
17 and no incidental or implied admissions are intended hereby. The fact that Superintendent has
18 answered part or all of the request is not intended and shall not be construed to be a waiver of all
19 or any part of any objection.

20 To the extent any or all of the Requests call for information which constitutes information
21 or material prepared in anticipation of litigation, or for trial, or information or material covered by
22 the work product doctrine, or which constitutes information which is privileged by virtue of the
23 attorney-client privilege, Superintendent objects to each and every such request.

24 Superintendent has made a diligent search and reasonable inquiry in order to gather
25 information responsive to these requests. Superintendent specifically reserves his right to
26 supplement his responses as needed.

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1 **RESPONSES TO WRITTEN DISCOVERY**

2 **WRITTEN DISCOVERY REQUEST NO. 1:**

3 Admit that the LAUSD’s implementation of DISTANCE LEARNING during the pandemic
4 has disproportionately impacted Black and Latino students.

5 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 1:**

6 Superintendent incorporates his preliminary response and general objections as if fully set
7 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
8 not full and complete in and of itself because it incorporates and requires reference to other
9 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).

10 Superintendent objects that this request is compound in violation of Code of Civil Procedure
11 section 2033.060, subdivision (f). Superintendent objects that this request is vague and ambiguous
12 with regard to the phrase “disproportionately impacted.” Superintendent objects to the extent this
13 request seeks information protected by the attorney client privilege and/or attorney work product
14 doctrine. Superintendent objects to this request to the extent that it seeks information protected
15 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
16 privilege, the official information privilege, and/or the deliberative process privilege.

17 **WRITTEN DISCOVERY REQUEST NO. 2:**

18 Admit that the LAUSD’s implementation of DISTANCE LEARNING during the pandemic
19 has disproportionately impacted students from low-income households.

20 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 2:**

21 Superintendent incorporates his preliminary response and general objections as if fully set
22 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
23 not full and complete in and of itself because it incorporates and requires reference to other
24 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).

25 Superintendent objects that this request is vague and ambiguous with regard to the phrase
26 “disproportionately impacted.” Superintendent objects to the extent this request seeks information
27 protected by the attorney client privilege and/or attorney work product doctrine. Superintendent
28 objects to this request to the extent that it seeks information protected from disclosure under the

1 Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process privilege, the official
2 information privilege, and/or the deliberative process privilege.

3 **WRITTEN DISCOVERY REQUEST NO. 3:**

4 Would YOU agree that, in general, a reduction in teacher work day hours is detrimental to
5 the education received by LAUSD students? Please explain in detail the basis for YOUR response.

6 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 3:**

7 Superintendent incorporates his preliminary response and general objections as if fully set
8 forth herein. Superintendent objects to this request to the extent that it seeks information protected
9 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
10 privilege, the official information privilege, and/or the deliberative process privilege.

11 Superintendent objects that this request is compound in violation of Code of Civil Procedure
12 section 2030.060, subdivision (f). Superintendent further objects to this request to the extent it
13 violates the right to confidentiality of its students and/or their parents under the California
14 Constitution and common law, and also violates the obligation to keep student records and
15 information confidential under state and federal law. (See Cal. Const. art. I, § 1; 20 U.S.C.
16 §§ 1232g *et seq.*; Ed. Code, §§ 49073 *et seq.*) Superintendent objects that this request is vague and
17 ambiguous with regard to the terms “in general,” “teacher work day hours” and “detrimental.”

18 Superintendent further objects that this request is overbroad and exceeds the scope of the permitted
19 limited preliminary injunction discovery. Superintendent objects that this request seeks
20 information that is neither relevant to Plaintiffs’ claims nor reasonably calculated to lead to the
21 discovery of admissible evidence. Superintendent objects to the extent this request seeks
22 information protected by the attorney client privilege and/or attorney work product doctrine.

23 Superintendent objects that this request assumes facts not established and is, therefore, vague,
24 ambiguous, and unintelligible. Superintendent objects to the extent this request seeks confidential
25 information relating to the development and/or presentation of LAUSD’s positions with respect to
26 employer-employee relations, confidential information that is used to contribute significantly to the
27 development of LAUSD’s positions with respect to employer-employee relations, confidential
28 information regarding internal collective bargaining strategies or tactics, and/or confidential

1 discussions with the Board of Education regarding LAUSD’s position regarding any matter within
2 the scope of representation and instructing its designated representatives regarding same. (Gov.
3 Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto*
4 *Unified School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-
5 113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
6 PERB Dec. No. 1847.)

7 **WRITTEN DISCOVERY REQUEST NO. 4:**

8 Would YOU agree that, in general, a reduction in student instruction time is detrimental to
9 the education received by LAUSD students? Please explain in detail the basis for YOUR response.

10 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 4:**

11 Superintendent incorporates his preliminary response and general objections as if fully set
12 forth herein. Superintendent objects to this request to the extent that it seeks information protected
13 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
14 privilege, the official information privilege, and/or the deliberative process privilege.
15 Superintendent objects that this request is compound in violation of Code of Civil Procedure
16 section 2030.060, subdivision (f). Superintendent further objects to this request to the extent it
17 violates the right to confidentiality of its students and/or their parents under the California
18 Constitution and common law, and also violates the obligation to keep student records and
19 information confidential under state and federal law. (See Cal. Const. art. I, § 1; 20 U.S.C.
20 §§ 1232g *et seq.*; Ed. Code, §§ 49073 *et seq.*) Superintendent objects that this request is vague and
21 ambiguous with regard to the terms “in general,” “student instruction time” and “detrimental.”
22 Superintendent further objects that this request is overbroad and exceeds the scope of the permitted
23 limited preliminary injunction discovery. Superintendent objects that this request seeks
24 information that is neither relevant to Plaintiffs’ claims nor reasonably calculated to lead to the
25 discovery of admissible evidence. Superintendent objects to the extent this request seeks
26 information protected by the attorney client privilege and/or attorney work product doctrine.
27 Superintendent objects that this request assumes facts not established and is, therefore, vague,
28 ambiguous, and unintelligible. Superintendent objects to the extent this request seeks confidential

1 information relating to the development and/or presentation of LAUSD’s positions with respect to
2 employer-employee relations, confidential information that is used to contribute significantly to the
3 development of LAUSD’s positions with respect to employer-employee relations, confidential
4 information regarding internal collective bargaining strategies or tactics, and/or confidential
5 discussions with the Board of Education regarding LAUSD’s position regarding any matter within
6 the scope of representation and instructing its designated representatives regarding same. (Gov.
7 Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto*
8 *Unified School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-
9 113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
10 PERB Dec. No. 1847.)

11 **WRITTEN DISCOVERY REQUEST NO. 5:**

12 Do YOU agree that office hours should not be counted towards SB 98’s minimum school
13 day instructional minutes requirement for each individual LAUSD student? Please describe in
14 detail the basis of YOUR response.

15 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 5:**

16 Superintendent incorporates his preliminary response and general objections as if fully set
17 forth herein. Superintendent objects to this request to the extent it calls for a legal conclusion.
18 Superintendent objects to this request to the extent that it seeks information protected from
19 disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process privilege,
20 the official information privilege, and/or the deliberative process privilege. Superintendent objects
21 that this request is compound in violation of Code of Civil Procedure section 2030.060, subdivision
22 (f). Superintendent further objects to this request to the extent it violates the right to confidentiality
23 of its students and/or their parents under the California Constitution and common law, and also
24 violates the obligation to keep student records and information confidential under state and federal
25 law. (See Cal. Const. art. I, § 1; 20 U.S.C. §§ 1232g *et seq.*; Ed. Code, §§ 49073 *et seq.*)
26 Superintendent objects that this request is vague and ambiguous with regard to the terms “office
27 hours” and “each individual LAUSD student.” Superintendent further objects that this request is
28 overbroad and exceeds the scope of the permitted limited preliminary injunction discovery,

1 particularly if Plaintiffs request an individualized analysis of “each individual LAUSD student.”
2 Superintendent objects to the extent this request seeks information protected by the attorney client
3 privilege and/or attorney work product doctrine. Superintendent objects to the extent this request
4 seeks confidential information relating to the development and/or presentation of LAUSD’s
5 positions with respect to employer-employee relations, confidential information that is used to
6 contribute significantly to the development of LAUSD’s positions with respect to employer-
7 employee relations, confidential information regarding internal collective bargaining strategies or
8 tactics, and/or confidential discussions with the Board of Education regarding LAUSD’s position
9 regarding any matter within the scope of representation and instructing its designated
10 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
11 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
12 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
13 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

14 **WRITTEN DISCOVERY REQUEST NO. 6:**

15 Describe in detail YOUR role in the negotiation of the APRIL SIDE LETTER, including but
16 not limited to (a) who YOU communicated with in person, by phone, and by email, (b) what
17 meetings YOU attended, and (c) what drafts YOU prepared, revised, and reviewed.

18 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 6:**

19 Superintendent incorporates his preliminary response and general objections as if fully set
20 forth herein. Superintendent objects to this request to the extent that it seeks information protected
21 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
22 privilege, the official information privilege, and/or the deliberative process privilege.
23 Superintendent objects that this request is compound in violation of Code of Civil Procedure
24 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
25 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
26 objects that this request seeks information that is neither relevant to Plaintiffs’ claims nor
27 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
28 the extent this request seeks information protected by the attorney client privilege and/or attorney

1 work product doctrine. Superintendent objects that this request assumes facts not established and
2 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
3 request seeks confidential information relating to the development and/or presentation of LAUSD's
4 positions with respect to employer-employee relations, confidential information that is used to
5 contribute significantly to the development of LAUSD's positions with respect to employer-
6 employee relations, confidential information regarding internal collective bargaining strategies or
7 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
8 regarding any matter within the scope of representation and instructing its designated
9 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
10 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
11 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
12 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

13 **WRITTEN DISCOVERY REQUEST NO. 7:**

14 Describe in detail YOUR basis for agreeing to the terms set forth in the APRIL SIDE
15 LETTER, including but not limited to its terms RELATING TO teacher work days, total
16 instruction time, the definition of "distance learning," teacher training and professional
17 development, student assessments, and teacher evaluations.

18 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 7:**

19 Superintendent incorporates his preliminary response and general objections as if fully set
20 forth herein. Superintendent objects to this request to the extent that it seeks information protected
21 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
22 privilege, the official information privilege, and/or the deliberative process privilege.

23 Superintendent objects that this request is compound in violation of Code of Civil Procedure
24 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
25 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
26 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
27 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
28 the extent this request seeks information protected by the attorney client privilege and/or attorney

1 work product doctrine. Superintendent objects that this request assumes facts not established and
2 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
3 request seeks confidential information relating to the development and/or presentation of LAUSD's
4 positions with respect to employer-employee relations, confidential information that is used to
5 contribute significantly to the development of LAUSD's positions with respect to employer-
6 employee relations, confidential information regarding internal collective bargaining strategies or
7 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
8 regarding any matter within the scope of representation and instructing its designated
9 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
10 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
11 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
12 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

13 **WRITTEN DISCOVERY REQUEST NO. 8:**

14 Before agreeing to the terms of the APRIL SIDE LETTER, did YOU consider the terms
15 that other California public school districts had agreed to with their respective teachers unions? If
16 yes, state: (a) which California public school districts; (b) what materials YOU reviewed for each
17 school district; and (c) how each school district's agreement with its respective teachers union
18 differed from the APRIL SIDE LETTER.

19 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 8:**

20 Superintendent incorporates his preliminary response and general objections as if fully set
21 forth herein. Superintendent objects to this request to the extent that it seeks information protected
22 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
23 privilege, the official information privilege, and/or the deliberative process privilege.
24 Superintendent objects that this request is compound in violation of Code of Civil Procedure
25 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
26 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
27 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
28 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to

1 the extent this request seeks information protected by the attorney client privilege and/or attorney
2 work product doctrine. Superintendent objects that this request assumes facts not established and
3 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
4 request seeks confidential information relating to the development and/or presentation of LAUSD's
5 positions with respect to employer-employee relations, confidential information that is used to
6 contribute significantly to the development of LAUSD's positions with respect to employer-
7 employee relations, confidential information regarding internal collective bargaining strategies or
8 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
9 regarding any matter within the scope of representation and instructing its designated
10 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
11 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
12 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
13 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

14 **WRITTEN DISCOVERY REQUEST NO. 9:**

15 Before agreeing to PARAGRAPH 5, did YOU consider the potential impact it could have
16 on student learning loss and participation? If yes, state: (a) what conclusions YOU reached; (b) all
17 DOCUMENT and COMMUNICATIONS that informed YOUR conclusions; and (c) who YOU
18 consulted before reaching YOUR conclusions, including any subject matter experts.

19 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 9:**

20 Superintendent incorporates his preliminary response and general objections as if fully set
21 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
22 not full and complete in and of itself because it incorporates and requires reference to other
23 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).

24 Superintendent objects to this request to the extent that it seeks information protected from
25 disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process privilege,
26 the official information privilege, and/or the deliberative process privilege. Superintendent objects
27 that this request is compound in violation of Code of Civil Procedure section 2030.060, subdivision
28 (f). Superintendent further objects that this request is overbroad and exceeds the scope of the

1 permitted limited preliminary injunction discovery. Superintendent objects that this request seeks
2 information that is neither relevant to Plaintiffs' claims nor reasonably calculated to lead to the
3 discovery of admissible evidence. Superintendent objects to the extent this request seeks
4 information protected by the attorney client privilege and/or attorney work product doctrine.
5 Superintendent objects that this request assumes facts not established and is, therefore, vague,
6 ambiguous, and unintelligible. Superintendent objects to the extent this request seeks confidential
7 information relating to the development and/or presentation of LAUSD's positions with respect to
8 employer-employee relations, confidential information that is used to contribute significantly to the
9 development of LAUSD's positions with respect to employer-employee relations, confidential
10 information regarding internal collective bargaining strategies or tactics, and/or confidential
11 discussions with the Board of Education regarding LAUSD's position regarding any matter within
12 the scope of representation and instructing its designated representatives regarding same. (Gov.
13 Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto*
14 *Unified School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-
15 113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
16 PERB Dec. No. 1847.)

17 **WRITTEN DISCOVERY REQUEST NO. 10:**

18 Describe in detail YOUR reasons for not extending the APRIL SIDE LETTER to cover the
19 FALL SEMESTER.

20 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 10:**

21 Superintendent incorporates his preliminary response and general objections as if fully set
22 forth herein. Superintendent objects to this request to the extent that it seeks information protected
23 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
24 privilege, the official information privilege, and/or the deliberative process privilege.
25 Superintendent further objects that this request is overbroad and exceeds the scope of the permitted
26 limited preliminary injunction discovery. Superintendent objects that this request seeks
27 information that is neither relevant to Plaintiffs' claims nor reasonably calculated to lead to the
28 discovery of admissible evidence. Superintendent objects to the extent this request seeks

1 information protected by the attorney client privilege and/or attorney work product doctrine.
2 Superintendent objects to the extent this request seeks confidential information relating to the
3 development and/or presentation of LAUSD's positions with respect to employer-employee
4 relations, confidential information that is used to contribute significantly to the development of
5 LAUSD's positions with respect to employer-employee relations, confidential information
6 regarding internal collective bargaining strategies or tactics, and/or confidential discussions with
7 the Board of Education regarding LAUSD's position regarding any matter within the scope of
8 representation and instructing its designated representatives regarding same. (Gov. Code,
9 §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto Unified*
10 *School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-113;
11 *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
12 PERB Dec. No. 1847.)

13 **WRITTEN DISCOVERY REQUEST NO. 11:**

14 Have YOU reviewed the Independent Analysis Unit's LEARNING LOSS REPORT? If
15 yes, state: (a) when YOU reviewed it; (b) what conclusions YOU drew from it; and (c) what steps
16 YOU took to address the learning loss concerns it raised.

17 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 11:**

18 Superintendent incorporates his preliminary response and general objections as if fully set
19 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
20 not full and complete in and of itself because it incorporates and requires reference to other
21 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).
22 Superintendent objects to this request to the extent that it seeks information protected from
23 disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process privilege,
24 the official information privilege, and/or the deliberative process privilege. Superintendent objects
25 that this request is compound in violation of Code of Civil Procedure section 2030.060, subdivision
26 (f). Superintendent further objects that this request is overbroad and exceeds the scope of the
27 permitted limited preliminary injunction discovery. Superintendent objects that this request seeks
28 information that is neither relevant to Plaintiffs' claims nor reasonably calculated to lead to the

1 discovery of admissible evidence. Superintendent objects to the extent this request seeks
2 information protected by the attorney client privilege and/or attorney work product doctrine.
3 Superintendent objects that this request assumes facts not established and is, therefore, vague,
4 ambiguous, and unintelligible.

5 **WRITTEN DISCOVERY REQUEST NO. 12:**

6 Have YOU reviewed the Independent Analysis Units' STUDENT PARTICIPATION
7 REPORT? If yes, state: (a) when YOU reviewed it; (b) what conclusions YOU drew from it; and
8 (c) what steps YOU took to address the student participation concerns it raised.

9 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 12:**

10 Superintendent incorporates his preliminary response and general objections as if fully set
11 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
12 not full and complete in and of itself because it incorporates and requires reference to other
13 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).

14 Superintendent objects to this request to the extent that it seeks information protected from
15 disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process privilege,
16 the official information privilege, and/or the deliberative process privilege. Superintendent objects
17 that this request is compound in violation of Code of Civil Procedure section 2030.060, subdivision
18 (f). Superintendent further objects that this request is overbroad and exceeds the scope of the
19 permitted limited preliminary injunction discovery. Superintendent objects that this request seeks
20 information that is neither relevant to Plaintiffs' claims nor reasonably calculated to lead to the
21 discovery of admissible evidence. Superintendent objects to the extent this request seeks
22 information protected by the attorney client privilege and/or attorney work product doctrine.
23 Superintendent objects that this request assumes facts not established and is, therefore, vague,
24 ambiguous, and unintelligible.

25 **WRITTEN DISCOVERY REQUEST NO. 13:**

26 Describe in detail YOUR role in the negotiation of the AUGUST SIDE LETTER, including
27 but not limited to (a) who YOU communicated with in person, by phone, and by email, (b) what
28 meetings YOU attended, and (c) what drafts YOU prepared, revised, and reviewed.

1 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 13:**

2 Superintendent incorporates his preliminary response and general objections as if fully set
3 forth herein. Superintendent objects to this request to the extent that it seeks information protected
4 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
5 privilege, the official information privilege, and/or the deliberative process privilege.

6 Superintendent objects that this request is compound in violation of Code of Civil Procedure
7 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
8 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
9 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
10 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
11 the extent this request seeks information protected by the attorney client privilege and/or attorney
12 work product doctrine. Superintendent objects that this request assumes facts not established and
13 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
14 request seeks confidential information relating to the development and/or presentation of LAUSD's
15 positions with respect to employer-employee relations, confidential information that is used to
16 contribute significantly to the development of LAUSD's positions with respect to employer-
17 employee relations, confidential information regarding internal collective bargaining strategies or
18 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
19 regarding any matter within the scope of representation and instructing its designated
20 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
21 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
22 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
23 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

24 **WRITTEN DISCOVERY REQUEST NO. 14:**

25 Describe in detail YOUR basis for agreeing to the terms set forth in the AUGUST SIDE
26 LETTER, including but not limited to its terms RELATING TO teacher work days, total instruction
27 time, total SYNCHRONOUS INSTRUCTION time, the definition of ASYNCHRONOUS
28 INSTRUCTION time, teacher training and professional development, classroom observation, student

1 assessments, teacher evaluations, and services for special needs and English learning students.

2 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 14:**

3 Superintendent incorporates his preliminary response and general objections as if fully set
4 forth herein. Superintendent objects to this request to the extent that it seeks information protected
5 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
6 privilege, the official information privilege, and/or the deliberative process privilege.

7 Superintendent objects that this request is compound in violation of Code of Civil Procedure
8 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
9 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
10 objects that this request is vague and ambiguous with regard to the phrases “teacher work days” and
11 “total instruction time.” Superintendent objects that this request seeks information that is neither
12 relevant to Plaintiffs’ claims nor reasonably calculated to lead to the discovery of admissible
13 evidence. Superintendent objects to the extent this request seeks information protected by the
14 attorney client privilege and/or attorney work product doctrine. Superintendent objects that this
15 request assumes facts not established and is, therefore, vague, ambiguous, and unintelligible.
16 Superintendent objects to the extent this request seeks confidential information relating to the
17 development and/or presentation of LAUSD’s positions with respect to employer-employee
18 relations, confidential information that is used to contribute significantly to the development of
19 LAUSD’s positions with respect to employer-employee relations, confidential information
20 regarding internal collective bargaining strategies or tactics, and/or confidential discussions with
21 the Board of Education regarding LAUSD’s position regarding any matter within the scope of
22 representation and instructing its designated representatives regarding same. (Gov. Code,
23 §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto Unified*
24 *School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-113;
25 *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
26 PERB Dec. No. 1847.)

27 **WRITTEN DISCOVERY REQUEST NO. 15:**

28 Before agreeing to the terms of the AUGUST SIDE LETTER, did YOU consider the terms

1 that other California public school districts had agreed to with their respective teachers unions for
2 the FALL SEMESTER? If yes, state: (a) which California public school districts; (b) what
3 materials YOU reviewed for each school district; and (c) how each school district's agreement with
4 its respective teachers union differed from the AUGUST SIDE LETTER.

5 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 15:**

6 Superintendent incorporates his preliminary response and general objections as if fully set
7 forth herein. Superintendent objects to this request to the extent that it seeks information protected
8 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
9 privilege, the official information privilege, and/or the deliberative process privilege.

10 Superintendent objects that this request is compound in violation of Code of Civil Procedure
11 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
12 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
13 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
14 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
15 the extent this request seeks information protected by the attorney client privilege and/or attorney
16 work product doctrine. Superintendent objects that this request assumes facts not established and
17 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
18 request seeks confidential information relating to the development and/or presentation of LAUSD's
19 positions with respect to employer-employee relations, confidential information that is used to
20 contribute significantly to the development of LAUSD's positions with respect to employer-
21 employee relations, confidential information regarding internal collective bargaining strategies or
22 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
23 regarding any matter within the scope of representation and instructing its designated
24 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
25 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
26 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
27 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

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1 **WRITTEN DISCOVERY REQUEST NO. 16:**

2 Describe in detail YOUR reasons for not extending the AUGUST SIDE LETTER to cover
3 the SPRING SEMESTER.

4 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 16:**

5 Superintendent incorporates his preliminary response and general objections as if fully set
6 forth herein. Superintendent objects to this request to the extent that it seeks information protected
7 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
8 privilege, the official information privilege, and/or the deliberative process privilege.

9 Superintendent further objects that this request is overbroad and exceeds the scope of the permitted
10 limited preliminary injunction discovery. Superintendent objects that this request seeks
11 information that is neither relevant to Plaintiffs' claims nor reasonably calculated to lead to the
12 discovery of admissible evidence. Superintendent objects to the extent this request seeks
13 information protected by the attorney client privilege and/or attorney work product doctrine.
14 Superintendent objects to the extent this request seeks confidential information relating to the
15 development and/or presentation of LAUSD's positions with respect to employer-employee
16 relations, confidential information that is used to contribute significantly to the development of
17 LAUSD's positions with respect to employer-employee relations, confidential information
18 regarding internal collective bargaining strategies or tactics, and/or confidential discussions with
19 the Board of Education regarding LAUSD's position regarding any matter within the scope of
20 representation and instructing its designated representatives regarding same. (Gov. Code,
21 §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto Unified*
22 *School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-113;
23 *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
24 PERB Dec. No. 1847.)

25 **WRITTEN DISCOVERY REQUEST NO. 17:**

26 Did the LAUSD track teacher compliance with the AUGUST SIDE LETTER? If yes, state:
27 (a) how the LAUSD tracked teacher compliance with the AUGUST SIDE LETTER during the
28 FALL SEMESTER, including but not limited to teacher work hours and the provision of minimum

1 school day instructional minutes to students; and (b) how the LAUSD documented its efforts to
2 track teacher compliance with the AUGUST SIDE LETTER.

3 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 17:**

4 Superintendent incorporates his preliminary response and general objections as if fully set
5 forth herein. Superintendent objects to this request to the extent that it seeks information protected
6 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
7 privilege, the official information privilege, and/or the deliberative process privilege.

8 Superintendent objects that this request is compound in violation of Code of Civil Procedure
9 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
10 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
11 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
12 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
13 the extent this request seeks information protected by the attorney client privilege and/or attorney
14 work product doctrine. Superintendent objects that this request assumes facts not established and
15 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
16 request seeks confidential information relating to the development and/or presentation of LAUSD's
17 positions with respect to employer-employee relations, confidential information that is used to
18 contribute significantly to the development of LAUSD's positions with respect to employer-
19 employee relations, confidential information regarding internal collective bargaining strategies or
20 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
21 regarding any matter within the scope of representation and instructing its designated
22 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
23 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
24 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
25 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

26 **WRITTEN DISCOVERY REQUEST NO. 18:**

27 Admit that YOU wanted UTLA to agree to a full 8-hour teacher work day under the
28 AUGUST SIDE LETTER.

1 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 18:**

2 Superintendent incorporates his preliminary response and general objections as if fully set
3 forth herein. Superintendent objects to this request to the extent that it seeks information protected
4 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
5 privilege, the official information privilege, and/or the deliberative process privilege.

6 Superintendent further objects that this request is overbroad and exceeds the scope of the permitted
7 limited preliminary injunction discovery. Superintendent objects that this request is vague and
8 ambiguous with regard to the phrases “wanted” and “full 8-hour teacher work day.”

9 Superintendent objects that this request seeks information that is neither relevant to Plaintiffs’
10 claims nor reasonably calculated to lead to the discovery of admissible evidence. Superintendent
11 objects to the extent this request seeks information protected by the attorney client privilege and/or
12 attorney work product doctrine. Superintendent objects that this request assumes facts not
13 established and is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the
14 extent this request seeks confidential information relating to the development and/or presentation
15 of LAUSD’s positions with respect to employer-employee relations, confidential information that
16 is used to contribute significantly to the development of LAUSD’s positions with respect to
17 employer-employee relations, confidential information regarding internal collective bargaining
18 strategies or tactics, and/or confidential discussions with the Board of Education regarding
19 LAUSD’s position regarding any matter within the scope of representation and instructing its
20 designated representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1;
21 see, e.g., *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City*
22 *Unified School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476,
23 1495; *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

24 **WRITTEN DISCOVERY REQUEST NO. 19:**

25 Admit that YOU wanted UTLA to agree to more total instruction time than provided in the
26 AUGUST SIDE LETTER.

27 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 19:**

28 Superintendent incorporates his preliminary response and general objections as if fully set

1 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
2 not full and complete in and of itself because it incorporates and requires reference to other
3 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).

4 Superintendent objects to this request to the extent that it seeks information protected from
5 disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process privilege,
6 the official information privilege, and/or the deliberative process privilege. Superintendent further
7 objects that this request is overbroad and exceeds the scope of the permitted limited preliminary
8 injunction discovery. Superintendent objects that this request is vague and ambiguous with regard
9 to the phrases “wanted” and “total instruction time.” Superintendent objects that this request seeks
10 information that is neither relevant to Plaintiffs’ claims nor reasonably calculated to lead to the
11 discovery of admissible evidence. Superintendent objects to the extent this request seeks
12 information protected by the attorney client privilege and/or attorney work product doctrine.

13 Superintendent objects that this request assumes facts not established and is, therefore, vague,
14 ambiguous, and unintelligible. Superintendent objects to the extent this request seeks confidential
15 information relating to the development and/or presentation of LAUSD’s positions with respect to
16 employer-employee relations, confidential information that is used to contribute significantly to the
17 development of LAUSD’s positions with respect to employer-employee relations, confidential
18 information regarding internal collective bargaining strategies or tactics, and/or confidential
19 discussions with the Board of Education regarding LAUSD’s position regarding any matter within
20 the scope of representation and instructing its designated representatives regarding same. (Gov.
21 Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto*
22 *Unified School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-
23 113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
24 PERB Dec. No. 1847.)

25 **WRITTEN DISCOVERY REQUEST NO. 20:**

26 Admit that YOU wanted UTLA to agree to more SYNCHRONOUS INSTRUCTION time
27 than provided in the AUGUST SIDE LETTER.

28 //

1 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 20:**

2 Superintendent incorporates his preliminary response and general objections as if fully set
3 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
4 not full and complete in and of itself because it incorporates and requires reference to other
5 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).

6 Superintendent objects to this request to the extent that it seeks information protected from
7 disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process privilege,
8 the official information privilege, and/or the deliberative process privilege. Superintendent further
9 objects that this request is overbroad and exceeds the scope of the permitted limited preliminary
10 injunction discovery. Superintendent objects that this request is vague and ambiguous with regard
11 to the phrase “wanted.” Superintendent objects that this request seeks information that is neither
12 relevant to Plaintiffs’ claims nor reasonably calculated to lead to the discovery of admissible
13 evidence. Superintendent objects to the extent this request seeks information protected by the
14 attorney client privilege and/or attorney work product doctrine. Superintendent objects that this
15 request assumes facts not established and is, therefore, vague, ambiguous, and unintelligible.
16 Superintendent objects to the extent this request seeks confidential information relating to the
17 development and/or presentation of LAUSD’s positions with respect to employer-employee
18 relations, confidential information that is used to contribute significantly to the development of
19 LAUSD’s positions with respect to employer-employee relations, confidential information
20 regarding internal collective bargaining strategies or tactics, and/or confidential discussions with
21 the Board of Education regarding LAUSD’s position regarding any matter within the scope of
22 representation and instructing its designated representatives regarding same. (Gov. Code,
23 §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto Unified*
24 *School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-113;
25 *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
26 PERB Dec. No. 1847.)

27 **WRITTEN DISCOVERY REQUEST NO. 21:**

28 Did the AUGUST SIDE LETTER provide “as much teacher-led interaction with students as

1 possible,” as YOU stated in the AUGUST BEUTNER UPDATE? If yes, please explain in detail
2 the basis for YOUR response.

3 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 21:**

4 Superintendent incorporates his preliminary response and general objections as if fully set
5 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
6 not full and complete in and of itself because it incorporates and requires reference to other
7 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).

8 Superintendent objects that this request is compound in violation of Code of Civil Procedure
9 section 2030.060, subdivision (f). Superintendent objects to this request to the extent that it seeks
10 information protected from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the
11 legislative process privilege, the official information privilege, and/or the deliberative process
12 privilege. Superintendent further objects that this request is overbroad and exceeds the scope of the
13 permitted limited preliminary injunction discovery. Superintendent objects that this request seeks
14 information that is neither relevant to Plaintiffs’ claims nor reasonably calculated to lead to the
15 discovery of admissible evidence. Superintendent objects to the extent this request seeks
16 information protected by the attorney client privilege and/or attorney work product doctrine.

17 Superintendent objects to the extent this request seeks confidential information relating to the
18 development and/or presentation of LAUSD’s positions with respect to employer-employee
19 relations, confidential information that is used to contribute significantly to the development of
20 LAUSD’s positions with respect to employer-employee relations, confidential information
21 regarding internal collective bargaining strategies or tactics, and/or confidential discussions with
22 the Board of Education regarding LAUSD’s position regarding any matter within the scope of
23 representation and instructing its designated representatives regarding same. (Gov. Code,
24 §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto Unified*
25 *School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-113;
26 *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
27 PERB Dec. No. 1847.)

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1 **WRITTEN DISCOVERY REQUEST NO. 22:**

2 Describe in detail YOUR role in the negotiation of the DECEMBER SIDE LETTER,
3 including but not limited to (a) who YOU communicated with in person, by phone, and by email,
4 (b) what meetings YOU attended, and (c) what drafts YOU prepared, revised, and reviewed.

5 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 22:**

6 Superintendent incorporates his preliminary response and general objections as if fully set
7 forth herein. Superintendent objects to this request to the extent that it seeks information protected
8 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
9 privilege, the official information privilege, and/or the deliberative process privilege.

10 Superintendent objects that this request is compound in violation of Code of Civil Procedure
11 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
12 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
13 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
14 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
15 the extent this request seeks information protected by the attorney client privilege and/or attorney
16 work product doctrine. Superintendent objects that this request assumes facts not established and
17 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
18 request seeks confidential information relating to the development and/or presentation of LAUSD's
19 positions with respect to employer-employee relations, confidential information that is used to
20 contribute significantly to the development of LAUSD's positions with respect to employer-
21 employee relations, confidential information regarding internal collective bargaining strategies or
22 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
23 regarding any matter within the scope of representation and instructing its designated
24 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
25 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
26 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
27 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

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1 **WRITTEN DISCOVERY REQUEST NO. 23:**

2 Describe in detail YOUR basis for agreeing to the terms set forth in the DECEMBER SIDE
3 LETTER, including but not limited to its terms RELATING TO teacher work days, total instruction
4 time, total SYNCHRONOUS INSTRUCTION time, the definition of ASYNCHRONOUS
5 INSTRUCTION time, teacher training and professional development, classroom observation, student
6 assessments, teacher evaluations, and services for special needs and English learning students.

7 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 23:**

8 Superintendent incorporates his preliminary response and general objections as if fully set
9 forth herein. Superintendent objects to this request to the extent that it seeks information protected
10 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
11 privilege, the official information privilege, and/or the deliberative process privilege.

12 Superintendent objects that this request is compound in violation of Code of Civil Procedure
13 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
14 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
15 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
16 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
17 the extent this request seeks information protected by the attorney client privilege and/or attorney
18 work product doctrine. Superintendent objects that this request assumes facts not established and
19 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
20 request seeks confidential information relating to the development and/or presentation of LAUSD's
21 positions with respect to employer-employee relations, confidential information that is used to
22 contribute significantly to the development of LAUSD's positions with respect to employer-
23 employee relations, confidential information regarding internal collective bargaining strategies or
24 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
25 regarding any matter within the scope of representation and instructing its designated
26 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
27 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
28 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;

1 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

2 **WRITTEN DISCOVERY REQUEST NO. 24:**

3 Before agreeing to the terms of the DECEMBER SIDE LETTER, did YOU consider the
4 terms that other California public school districts had agreed to with their respective teachers
5 unions for the SPRING SEMESTER? If yes, state: (a) which California public school districts;
6 (b) what materials YOU reviewed for each school district; and (c) how each school district's
7 agreement with its respective teachers union differed from the DECEMBER SIDE LETTER.

8 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 24:**

9 Superintendent incorporates his preliminary response and general objections as if fully set
10 forth herein. Superintendent objects to this request to the extent that it seeks information protected
11 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
12 privilege, the official information privilege, and/or the deliberative process privilege.

13 Superintendent objects that this request is compound in violation of Code of Civil Procedure
14 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
15 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
16 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
17 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
18 the extent this request seeks information protected by the attorney client privilege and/or attorney
19 work product doctrine. Superintendent objects that this request assumes facts not established and
20 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
21 request seeks confidential information relating to the development and/or presentation of LAUSD's
22 positions with respect to employer-employee relations, confidential information that is used to
23 contribute significantly to the development of LAUSD's positions with respect to employer-
24 employee relations, confidential information regarding internal collective bargaining strategies or
25 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
26 regarding any matter within the scope of representation and instructing its designated
27 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
28 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*

1 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
2 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

3 **WRITTEN DISCOVERY REQUEST NO. 25:**

4 Is the LAUSD tracking teacher compliance with the DECEMBER SIDE LETTER? If yes,
5 state: (a) how the LAUSD is tracking teacher compliance with the DECEMBER SIDE LETTER
6 during the SPRING SEMESTER, including but not limited to teacher work hours and the provision
7 of minimum school day instructional minutes to students; and (b) how the LAUSD is documenting
8 its efforts to track teacher compliance with the DECEMBER SIDE LETTER.

9 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 25:**

10 Superintendent incorporates his preliminary response and general objections as if fully set
11 forth herein. Superintendent objects to this request to the extent that it seeks information protected
12 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
13 privilege, the official information privilege, and/or the deliberative process privilege.
14 Superintendent objects that this request is compound in violation of Code of Civil Procedure
15 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
16 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
17 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
18 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
19 the extent this request seeks information protected by the attorney client privilege and/or attorney
20 work product doctrine. Superintendent objects that this request assumes facts not established and
21 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
22 request seeks confidential information relating to the development and/or presentation of LAUSD's
23 positions with respect to employer-employee relations, confidential information that is used to
24 contribute significantly to the development of LAUSD's positions with respect to employer-
25 employee relations, confidential information regarding internal collective bargaining strategies or
26 tactics, and/or confidential discussions with the Board of Education regarding LAUSD's position
27 regarding any matter within the scope of representation and instructing its designated
28 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,

1 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
2 *School District (1981) PERB Order No. Ad-113; Berbiglia, Inc. (1977) 233 NLRB 1476, 1495;*
3 *Burlingame Elementary School District (2006) PERB Dec. No. 1847.)*

4 **WRITTEN DISCOVERY REQUEST NO. 26:**

5 Admit that YOU wanted UTLA to agree to a full 8-hour work day under the DECEMBER
6 SIDE LETTER.

7 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 26:**

8 Superintendent incorporates his preliminary response and general objections as if fully set
9 forth herein. Superintendent objects to this request to the extent that it seeks information protected
10 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
11 privilege, the official information privilege, and/or the deliberative process privilege.

12 Superintendent further objects that this request is overbroad and exceeds the scope of the permitted
13 limited preliminary injunction discovery. Superintendent objects that this request is vague and
14 ambiguous with regard to the phrases “wanted” and “full 8-hour work day.” Superintendent
15 objects that this request seeks information that is neither relevant to Plaintiffs’ claims nor
16 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
17 the extent this request seeks information protected by the attorney client privilege and/or attorney
18 work product doctrine. Superintendent objects that this request assumes facts not established and
19 is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the extent this
20 request seeks confidential information relating to the development and/or presentation of LAUSD’s
21 positions with respect to employer-employee relations, confidential information that is used to
22 contribute significantly to the development of LAUSD’s positions with respect to employer-
23 employee relations, confidential information regarding internal collective bargaining strategies or
24 tactics, and/or confidential discussions with the Board of Education regarding LAUSD’s position
25 regarding any matter within the scope of representation and instructing its designated
26 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,
27 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*
28 *School District (1981) PERB Order No. Ad-113; Berbiglia, Inc. (1977) 233 NLRB 1476, 1495;*

1 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

2 **WRITTEN DISCOVERY REQUEST NO. 27:**

3 Admit that YOU wanted UTLA to agree to more total student instruction time than
4 provided in the DECEMBER SIDE LETTER.

5 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 27:**

6 Superintendent incorporates his preliminary response and general objections as if fully set
7 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
8 not full and complete in and of itself because it incorporates and requires reference to other
9 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).

10 Superintendent objects to this request to the extent that it seeks information protected from
11 disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process privilege,
12 the official information privilege, and/or the deliberative process privilege. Superintendent further
13 objects that this request is overbroad and exceeds the scope of the permitted limited preliminary
14 injunction discovery. Superintendent objects that this request is vague and ambiguous with regard
15 to the phrases “wanted” and “more total student instruction time.” Superintendent objects that this
16 request seeks information that is neither relevant to Plaintiffs’ claims nor reasonably calculated to
17 lead to the discovery of admissible evidence. Superintendent objects to the extent this request
18 seeks information protected by the attorney client privilege and/or attorney work product doctrine.
19 Superintendent objects that this request assumes facts not established and is, therefore, vague,
20 ambiguous, and unintelligible. Superintendent objects to the extent this request seeks confidential
21 information relating to the development and/or presentation of Superintendent’s positions with
22 respect to employer-employee relations, confidential information that is used to contribute
23 significantly to the development of Superintendent’s positions with respect to employer-employee
24 relations, confidential information regarding internal collective bargaining strategies or tactics,
25 and/or confidential discussions with the Board of Education regarding Superintendent’s position
26 regarding any matter within the scope of representation and instructing its designated
27 representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g.,

28 *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City Unified*

1 *School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495;
2 *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

3 **WRITTEN DISCOVERY REQUEST NO. 28:**

4 Admit that YOU wanted UTLA to agree to more SYNCHRONOUS student instruction
5 than provided in the DECEMBER SIDE LETTER.

6 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 28:**

7 Superintendent incorporates his preliminary response and general objections as if fully set
8 forth herein. Superintendent objects to this request on the grounds that it is improper in form and is
9 not full and complete in and of itself because it incorporates and requires reference to other
10 materials in violation of Code of Civil Procedure section 2033.060, subdivision (d).

11 Superintendent objects to this request to the extent that it seeks information protected from
12 disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process privilege,
13 the official information privilege, and/or the deliberative process privilege. Superintendent further
14 objects that this request is overbroad and exceeds the scope of the permitted limited preliminary
15 injunction discovery. Superintendent objects that this request is vague and ambiguous with regard
16 to the phrase “wanted.” Superintendent objects that this request seeks information that is neither
17 relevant to Plaintiffs’ claims nor reasonably calculated to lead to the discovery of admissible
18 evidence. Superintendent objects to the extent this request seeks information protected by the
19 attorney client privilege and/or attorney work product doctrine. Superintendent objects that this
20 request assumes facts not established and is, therefore, vague, ambiguous, and unintelligible.
21 Superintendent objects to the extent this request seeks confidential information relating to the
22 development and/or presentation of LAUSD’s positions with respect to employer-employee
23 relations, confidential information that is used to contribute significantly to the development of
24 LAUSD’s positions with respect to employer-employee relations, confidential information
25 regarding internal collective bargaining strategies or tactics, and/or confidential discussions with
26 the Board of Education regarding LAUSD’s position regarding any matter within the scope of
27 representation and instructing its designated representatives regarding same. (Gov. Code, §§
28 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto Unified*

1 *School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-113;
2 *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
3 PERB Dec. No. 1847.)

4 **WRITTEN DISCOVERY REQUEST NO. 29:**

5 Did UTLA negotiate the SIDE LETTERS in the best interests of students? If yes, please
6 explain the basis of YOUR response.

7 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 29:**

8 Superintendent incorporates his preliminary response and general objections as if fully set
9 forth herein. Superintendent objects to this request to the extent that it seeks information protected
10 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
11 privilege, the official information privilege, and/or the deliberative process privilege.

12 Superintendent objects that this request is compound in violation of Code of Civil Procedure
13 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
14 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
15 objects that this request is vague and ambiguous with regard to the phrase “best interests of
16 students.” Superintendent objects that this request calls for speculation on Superintendent’s part
17 regarding the subjective motivations of another party to this litigation. Superintendent objects that
18 this request seeks information that is neither relevant to Plaintiffs’ claims nor reasonably calculated
19 to lead to the discovery of admissible evidence. Superintendent objects to the extent this request
20 seeks information protected by the attorney client privilege and/or attorney work product doctrine.
21 Superintendent objects that this request assumes facts not established and is, therefore, vague,
22 ambiguous, and unintelligible. Superintendent objects to the extent this request seeks confidential
23 information relating to the development and/or presentation of LAUSD’s positions with respect to
24 employer-employee relations, confidential information that is used to contribute significantly to the
25 development of LAUSD’s positions with respect to employer-employee relations, confidential
26 information regarding internal collective bargaining strategies or tactics, and/or confidential
27 discussions with the Board of Education regarding LAUSD’s position regarding any matter within
28 the scope of representation and instructing its designated representatives regarding same. (Gov.

1 Code, §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto*
2 *Unified School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-
3 113; *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
4 PERB Dec. No. 1847.)

5 **WRITTEN DISCOVERY REQUEST NO. 30:**

6 Are UTLA’s labor negotiation tactics detrimental to the education of LAUSD students? If
7 no, please explain what has changed since YOU wrote the 2019 BEUTNER EDITORIAL, in
8 which YOU state: “[W]hy haven’t L.A. Unified and the teacher’s union, United Teachers Los
9 Angeles, been able to reach an agreement? Because UTLA leadership will not acknowledge basic
10 facts.”

11 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 30:**

12 Superintendent incorporates his preliminary response and general objections as if fully set
13 forth herein. Superintendent objects to this request to the extent that it seeks information protected
14 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
15 privilege, the official information privilege, and/or the deliberative process privilege.
16 Superintendent objects that this request is compound in violation of Code of Civil Procedure
17 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
18 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
19 objects that this request is vague and ambiguous with regard to the phrases “labor negotiation
20 tactics” and “detrimental.” Superintendent objects that this request seeks information that is neither
21 relevant to Plaintiffs’ claims nor reasonably calculated to lead to the discovery of admissible
22 evidence. Superintendent objects to the extent this request seeks information protected by the
23 attorney client privilege and/or attorney work product doctrine. Superintendent objects that this
24 request assumes facts not established and is, therefore, vague, ambiguous, and unintelligible.
25 Superintendent objects to the extent this request seeks confidential information relating to the
26 development and/or presentation of LAUSD’s positions with respect to employer-employee
27 relations, confidential information that is used to contribute significantly to the development of
28 LAUSD’s positions with respect to employer-employee relations, confidential information

1 regarding internal collective bargaining strategies or tactics, and/or confidential discussions with
2 the Board of Education regarding LAUSD’s position regarding any matter within the scope of
3 representation and instructing its designated representatives regarding same. (Gov. Code,
4 §§ 3540.1(c), 54957.6, 54936, 3549.1; see, e.g., *Colton Joint Unified School District/Rialto Unified*
5 *School District/San Bernardino City Unified School District* (1981) PERB Order No. Ad-113;
6 *Berbiglia, Inc.* (1977) 233 NLRB 1476, 1495; *Burlingame Elementary School District* (2006)
7 PERB Dec. No. 1847.)

8 **WRITTEN DISCOVERY REQUEST NO. 31:**

9 Do YOU agree that the LAUSD should have held public hearings about the SIDE LETTERS
10 before they were executed, consistent with YOUR SEPTEMBER 2018 POLICY PRIORITIES
11 SPEECH, in which YOU wrote: “Our commitment to transparency must include contracts with our
12 labor partners. It’s not acceptable that we are negotiating a 400+ page labor contract that the students
13 and families most affected by it never see it. . . . There should be less negotiations in secret and
14 more conversation in public.” Please explain in detail the basis for YOUR response.

15 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 31:**

16 Superintendent incorporates his preliminary response and general objections as if fully set
17 forth herein. Superintendent objects to this request to the extent that it seeks information protected
18 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
19 privilege, the official information privilege, and/or the deliberative process privilege.
20 Superintendent objects that this request is compound in violation of Code of Civil Procedure
21 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
22 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
23 objects that this request is vague and ambiguous with regard to the phrase “public hearings.”
24 Superintendent objects that this request seeks information that is neither relevant to Plaintiffs’
25 claims nor reasonably calculated to lead to the discovery of admissible evidence. Superintendent
26 objects to the extent this request seeks information protected by the attorney client privilege and/or
27 attorney work product doctrine. Superintendent objects that this request assumes facts not
28 established and is, therefore, vague, ambiguous, and unintelligible. Superintendent objects to the

1 extent this request seeks confidential information relating to the development and/or presentation
2 of LAUSD’s positions with respect to employer-employee relations, confidential information that
3 is used to contribute significantly to the development of LAUSD’s positions with respect to
4 employer-employee relations, confidential information regarding internal collective bargaining
5 strategies or tactics, and/or confidential discussions with the Board of Education regarding
6 LAUSD’s position regarding any matter within the scope of representation and instructing its
7 designated representatives regarding same. (Gov. Code, §§ 3540.1(c), 54957.6, 54936, 3549.1;
8 see, e.g., *Colton Joint Unified School District/Rialto Unified School District/San Bernardino City*
9 *Unified School District* (1981) PERB Order No. Ad-113; *Berbiglia, Inc.* (1977) 233 NLRB 1476,
10 1495; *Burlingame Elementary School District* (2006) PERB Dec. No. 1847.)

11 **WRITTEN DISCOVERY REQUEST NO. 32:**

12 State all facts and identify all evidence, including any DOCUMENTS and
13 COMMUNICATIONS, relied upon by YOU to make the following statement during the
14 NOVEMBER BEUTNER UPDATE: “Another, perhaps even more sobering, fact is that many
15 students continue to struggle online. We can see it in attendance figures which are below those
16 typically seen when students are at schools. And we can see it in the assessments of progress students
17 are making in their studies. Ten weeks into this semester the portion of students in both middle
18 school and high school receiving Ds and Fs have grown compared to last year. . . . The struggle to get
19 by and the resulting attendance and academic challenges are even greater in high needs
20 communities.”

21 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 32:**

22 Superintendent incorporates his preliminary response and general objections as if fully set
23 forth herein. Superintendent objects to this request to the extent that it seeks information protected
24 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
25 privilege, the official information privilege, and/or the deliberative process privilege.
26 Superintendent objects that this request is compound in violation of Code of Civil Procedure
27 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
28 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent

1 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
2 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
3 the extent this request seeks information protected by the attorney client privilege and/or attorney
4 work product doctrine. Superintendent further objects to this request to the extent it violates the
5 right to confidentiality of its students and/or their parents under the California Constitution and
6 common law, and also violates the obligation to keep student records and information confidential
7 under state and federal law. (See Cal. Const. art. I, § 1; 20 U.S.C. §§ 1232g *et seq.*; Ed. Code,
8 §§ 49073 *et seq.*)

9 **WRITTEN DISCOVERY REQUEST NO. 33:**

10 State all facts and identify all evidence, including any DOCUMENTS and
11 COMMUNICATIONS, relied upon by YOU to make the following statement during the JANUARY
12 BEUTNER UPDATE: "all schools and all students will need additional time at school to recover lost
13 learning opportunities and deal with the anxiety and trauma the pandemic has brought into their homes
14 and communities."

15 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 33:**

16 Superintendent incorporates his preliminary response and general objections as if fully set
17 forth herein. Superintendent objects to this request to the extent that it seeks information protected
18 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
19 privilege, the official information privilege, and/or the deliberative process privilege.
20 Superintendent objects that this request is compound in violation of Code of Civil Procedure
21 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
22 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
23 objects that this request seeks information that is neither relevant to Plaintiffs' claims nor
24 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
25 the extent this request seeks information protected by the attorney client privilege and/or attorney
26 work product doctrine. Superintendent further objects to this request to the extent it violates the
27 right to confidentiality of its students and/or their parents under the California Constitution and
28 common law, and also violates the obligation to keep student records and information confidential

1 under state and federal law. (See Cal. Const. art. I, § 1; 20 U.S.C. §§ 1232g *et seq.*; Ed. Code,
2 §§ 49073 *et seq.*)

3 **WRITTEN DISCOVERY REQUEST NO. 34:**

4 State all facts and identify all evidence, including any DOCUMENTS and
5 COMMUNICATIONS, relied upon by YOU to make the following statement during the
6 JANUARY BEUTNER UPDATE: “Los Angeles Unified is already planning how to provide these
7 services including expanded tutoring, in-person academic and enrichment classes this summer and
8 behavioral and mental health supports. While all students can benefit from these opportunities,
9 they’re essential for students who have been disproportionately impacted by the pandemic,
10 including English-learners, students with learning differences and disabilities, and homeless and
11 foster youth.”

12 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 34:**

13 Superintendent incorporates his preliminary response and general objections as if fully set
14 forth herein. Superintendent objects to this request to the extent that it seeks information protected
15 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
16 privilege, the official information privilege, and/or the deliberative process privilege.

17 Superintendent objects that this request is compound in violation of Code of Civil Procedure
18 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
19 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
20 objects that this request seeks information that is neither relevant to Plaintiffs’ claims nor
21 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
22 the extent this request seeks information protected by the attorney client privilege and/or attorney
23 work product doctrine. Superintendent further objects to this request to the extent it violates the
24 right to confidentiality of its students and/or their parents under the California Constitution and
25 common law, and also violates the obligation to keep student records and information confidential
26 under state and federal law. (See Cal. Const. art. I, § 1; 20 U.S.C. §§ 1232g *et seq.*; Ed. Code,
27 §§ 49073 *et seq.*)

28 //

DANNIS WOLIVER KELLEY
444 W. OCEAN BLVD., SUITE 1070
LONG BEACH, CA 90802

1 **WRITTEN DISCOVERY REQUEST NO. 35:**

2 State all facts and identify all evidence, including any DOCUMENTS and
3 COMMUNICATIONS, relied upon YOU to make the following statement during the DECEMBER
4 BEUTNER EDITORIAL: “In Los Angeles, where almost 80 percent of students live in poverty and
5 82 percent are Latino and African American, Ds and Fs by high school students have increased 15
6 percent compared with last year. Meanwhile, reading proficiency in elementary grades has fallen
7 10 percent.”

8 **RESPONSE TO WRITTEN DISCOVERY REQUEST NO. 35:**

9 Superintendent incorporates his preliminary response and general objections as if fully set
10 forth herein. Superintendent objects to this request to the extent that it seeks information protected
11 from disclosure under the Brown Act (Gov. Code, §§ 54950, *et seq.*), the legislative process
12 privilege, the official information privilege, and/or the deliberative process privilege.
13 Superintendent objects that this request is compound in violation of Code of Civil Procedure
14 section 2030.060, subdivision (f). Superintendent further objects that this request is overbroad and
15 exceeds the scope of the permitted limited preliminary injunction discovery. Superintendent
16 objects that this request seeks information that is neither relevant to Plaintiffs’ claims nor
17 reasonably calculated to lead to the discovery of admissible evidence. Superintendent objects to
18 the extent this request seeks information protected by the attorney client privilege and/or attorney
19 work product doctrine. Superintendent further objects to this request to the extent it violates the
20 right to confidentiality of its students and/or their parents under the California Constitution and
21 common law, and also violates the obligation to keep student records and information confidential
22 under state and federal law. (See Cal. Const. art. I, § 1; 20 U.S.C. §§ 1232g *et seq.*; Ed. Code,
23 §§ 49073 *et seq.*)

24 DATED: March 9, 2021

DANNIS WOLIVER KELLEY

25
26 By: 

27 ELLEN C. WU
28 Attorneys for Defendants Los Angeles Unified
School District and Austin Beutner

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 444 W. Ocean Blvd., Suite 1070, Long Beach, CA 90802.

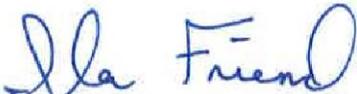
On the date set forth below I served the foregoing document described as **SUPERINTENDENT AUSTIN BEUTNER'S RESPONSES TO WRITTEN DISCOVERY REQUESTS PROPOUNDED BY PLAINTIFFS** on interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

- (VIA U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses on the attached service list. I deposited such document with the U.S. Mail at Redondo Beach, California with postage thereon fully prepaid I am aware that on motion of 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.
- (VIA U.S. MAIL/REGISTERED/CERTIFIED) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses on the attached service list. I deposited such document with the U.S. Mail at Redondo Beach, California with postage thereon fully prepaid to cover the cost of certified mailing, attaching a registration number for the certified mailing and a postcard complete with the addressee's name and address for a return receipt as requested. I am aware that on motion of 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.
- (VIA FACSIMILE) I caused such document to be transmitted via facsimile to the addressee from the facsimile machine of DANNIS WOLIVER KELLEY whose phone number is 855.933.2611. The transmission by facsimile was reported as complete and without error.
- (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.
- (VIA OVERNIGHT MAIL) I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses on the attached service list. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- (VIA CASE ANYWHERE ELECTRONIC SERVICE) A true and correct copy through DANNIS WOLIVER KELLEY's electronic mail system from ifriend@dwkesq.com was electronically served by transmission to CASE ANYWHERE. The transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 9, 2021 at Redondo Beach, California.



Ila Friend

DANNIS WOLIVER KELLEY
444 W. OCEAN BLVD., SUITE 1070
LONG BEACH, CA 90802

DANNIS WOLIVER KELLEY
444 W. OCEAN BLVD., SUITE 1070
LONG BEACH, CA 90802

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Service List

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