

No. 17-55180

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTEN BIEL,

Plaintiff-Appellant,

v.

ST. JAMES SCHOOL, A CORP.,

Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California, Western Division – Los Angeles

D.C. No. 2:15-cv-04248-TJH-AS

The Honorable Terry J. Hatter

APPELLANT’S EXCERPTS OF RECORD

Volume 1 of 4

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8 **United States District Court**
9 **Central District of California**
10 **Western Division**
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12 KRISTEN BIEL,

13 Plaintiff,

14 v.

15 ST. JAMES SCHOOL,

16 Defendant.
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19
20
21

CV 15-04248 TJH (ASx)

**Amended
Order and Judgment**

22 The Court has considered the St. James School's ["St. James"] motion for
23 summary judgment, together with the moving and opposing papers.

24 This motion concerns whether Plaintiff Kristen Biel was a "minister" within the
25 meaning of the "ministerial exception" to Title VII of the Civil Rights Act of 1964 , 42
26 U.S.C. § 2000e, *et seq.*, ["Title VII"] and is, therefore, barred from bringing the
27 instant action under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq*
28 ["ADA"].

1 St. James hired Biel in 2013 as a first grade substitute teacher. In June, 2013,
2 Sister Mary Margaret, St. James's principal, hired Biel as a full-time fifth grade teacher
3 — with the title of “teacher” — for the 2013–14 school year. Upon accepting the
4 position, Biel signed an employment contract stating that St. James's mission is “to
5 develop and promote a Catholic school faith community within the philosophy of
6 Catholic education as implemented at St. James, and the doctrines, laws, and norms of
7 the Catholic Church.” Further, Biel agreed to perform “[a]ll duties and responsibilities
8 . . . within St. James's overriding commitment to developing its faith.” Under her
9 employment contract, Biel was required to “model, teach, and promote behavior in
10 conformity to the teaching of the Roman Catholic Church.”

11 In addition to teaching secular subjects, Biel taught a thirty-minute religion class
12 to her students four days per week, and was required to dedicate a minimum of 200
13 minutes every week to the subject of religion. The religion course was grounded upon
14 the norms and doctrines of the Catholic Faith, including the sacraments of the Catholic
15 Church, social teachings according to the Catholic Church, and the overall Catholic way
16 of life. For instance, Biel taught her students the significance of the Lent season, the
17 Last Supper, Easter, the Eucharist, and Reconciliation. As a teaching guide for the
18 religion course, Biel used a Catholic textbook, entitled “Coming to God's Life,” from
19 which Biel gave her students weekly tests. Further, Biel was required to pray with her
20 students, and did so twice a day. Biel, also, incorporated the Catholic faith into the
21 secular curriculum she taught. During her tenure at St. James, Biel attended a four-to-
22 five hour conference regarding ways to better incorporate God into lessons at the Los
23 Angeles Religious Education Congress.

24 In April, 2014, Biel was diagnosed with cancer and informed Sister Mary
25 Margaret. In June, 2014, Sister Mary Margaret informed Biel that St. James would not
26 be renewing her contract for the 2014–2015 school year. In June, 2015, Biel filed this
27 suit alleging six claims under the ADA. St. James, now, moves for summary judgment
28 as to all six claims.

Discussion

In a motion for summary judgment, when the moving party has the burden of proof at trial, as St. James has here on its affirmative defense, the moving party has the initial burden of establishing a *prima facie* case. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If St. James satisfies its burden, the burden will shift to Biel to introduce evidence sufficient to raise a triable issue. *See Celotex Corp.*, 477 U.S. at 323. Each fact relied upon in this Order is undisputed.

St. James argued that Biel's claims — all brought under the ADA, and, consequently, Title VII — are barred under the ministerial exception. The ministerial exception bars Title VII claims where the employer is a religious institution and the employee is a "minister." *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 132 S. Ct. 694, 704 (2012) [*"Hosanna-Tabor"*]. The ministerial exception is an exception to Title VII "grounded in the First Amendment, that precludes application of such legislation to claims concerning the employment relationship between a religious institution and its ministers." *Hosanna-Tabor*, 132 S. Ct. at 705 (footnote omitted). The ministerial exception "is intended to protect the relationship between a religious organization and its clergy from constitutionally impermissible interference by the government." *Werft v. Desert Sw. Annual Conference of United Methodist Church*, 377 F.3d 1099, 1101 (9th Cir. 2004) (footnote and internal quotations omitted).

Here, there is no dispute that St. James, as a Catholic school, is a religious institution. Accordingly, the application of the ministerial exception turns on whether Biel was a "minister." *See Hosanna-Tabor*, 132 S. Ct. at 705.

Whether Biel is a minister depends on all the circumstances of Biel's employment, including her education before and during her tenure, her title, and her job duties. *See Hosanna-Tabor*, 132 S. Ct. at 707. "The paradigmatic application of the ministerial exception is to the employment of an ordained minister . . . [b]ut the

1 ministerial exception encompasses more than a church’s ordained ministers.” *Alcazar*
2 *v. Corporation of the Catholic Archbishop of Seattle*, 627 F.3d 1288, 1291 (2010). The
3 ministerial exception may apply “notwithstanding the assignment of some secular
4 responsibilities.” *Alcazar*, 627 F.3d at 1293.

5 In *Hosanna-Tabor*, the teacher at a religious school taught a forty-five minute
6 religion class four days a week in addition to teaching math, language arts, social
7 studies, science, gym, art, and music. *Hosanna-Tabor*, 132 S. Ct. at 700, 709. The
8 teacher, also, led the students in prayer and devotional exercises each day, and attended
9 a weekly school-wide chapel service, which she led about twice a year.
10 *Hosanna-Tabor*, 132 S. Ct. at 700. Additionally, the teacher held the title of “called
11 teacher,” a reference to teachers at the school who had satisfied certain academic and
12 other requirements, and were deemed by the school to have “been called to their
13 vocation by God through a congregation.” *Hosanna-Tabor*, 132 S. Ct. at 700. After
14 taking disability leave, and subsequently losing her position at the school, the teacher
15 sued the school under the ADA. *Hosanna-Tabor*, 132 S. Ct. at 700–01. Upon appeal
16 to the Supreme Court, the Court held that the circumstances of the teacher’s job —
17 particularly the teacher’s title, the teacher’s efforts to hold herself out as a minister, and
18 the teacher’s job duties — established that the teacher was a “minister” within the
19 meaning of the ministerial exception. *Hosanna-Tabor*, 132 S. Ct. at 707–10. In so
20 holding, the Court expressly rejected the notion that the teacher was not a minister
21 because “her religious duties consumed only 45 minutes of each workday, and that the
22 rest of her day was devoted to teaching secular subjects.” *Hosanna-Tabor*, 132 S. Ct.
23 at 709.

24 Here, St. James has established a *prima facie* case that Biel was a minister
25 because her employment contract and job duties demonstrate that her “job duties
26 reflected a role in conveying the Catholic Church’s message and carrying out its
27 mission.” See *Hosanna-Tabor*, 132 S. Ct. at 708. Just as the plaintiff in
28 *Hosanna-Tabor* taught religion and prayed with her students, Biel conveyed the Catholic

1 Church's message by teaching religion to her students four times each week for thirty
2 minutes, by administering and evaluating weekly tests from a Catholic textbook,
3 "Coming to God's Life," and by praying with the students twice each day. *See*
4 *Hosanna-Tabor*, 132 S. Ct. at 700, 708. Further, Biel clearly sought to carry out St.
5 James's Catholic mission by, for example, including Catholic teachings into all of her
6 lessons and attending a conference to learn techniques for incorporating religious
7 teachings into her lessons.

8 Although this case does not contain all of the hallmarks of ministry identified in
9 *Hosanna-Tabor*, it is clear that *Hosanna-Tabor* was not intended to represent the outer
10 limits of the ministerial exception. *See Hosanna-Tabor*, 132 S. Ct. at 707. Instead,
11 the question is whether the claims at issue may interfere with St. James's ability to
12 choose who will convey its message. *See Bollard v. California Province of the Soc'y*
13 *of Jesus*, 196 F.3d 940, 946 (9th Cir. 1999). For the reasons discussed above, St.
14 James has established a *prima facie* case that Biel acted as a messenger of St. James'
15 faith. *See Hosanna-Tabor*, 132 S. Ct. at 708. Therefore, St. James established a *prima*
16 *facie* case Biel was a minister withing the meaning of the ministerial exception.

17 Further, because all facts relied upon in this Order are undisputed by the parties,
18 Biel did not raise a triable issue of fact that would bar the granting of summary
19 judgment. *See Celotex Corp.*, 477 U.S. at 323.

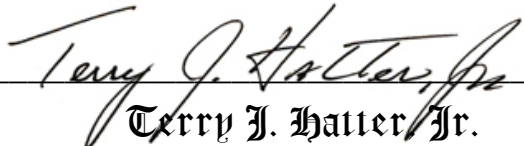
20
21 Therefore,

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23 **It is Ordered** that the motion for summary judgment be, and hereby is,
24 **Granted.**

25
26 **It is Further Ordered, Adjudged, and Decreed** that judgment be, and
27 hereby is, **Entered** in favor of Defendant St. James School and against Plaintiff Kristen
28 Biel.

1 It is Further Ordered, Adjudged, and Decreed that Plaintiff Kristen Biel
2 shall take nothing and that all parties shall bear their own costs.

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4 Date: January 24, 2017

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6 Terry J. Hatter, Jr.
7 Senior United States District Judge
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Attorneys for Defendant ST. JAMES CATHOLIC SCHOOL (erroneously sued herein as St. James School, a corp.)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
California non-profit corporation;
and DOES 1-50, inclusive,

Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

NOTICE OF LODGING

Complaint Filed: 06/05/2015
Trial Date: VACATED

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that defendant, St. James School, hereby lodges as Exhibit "A" hereto its proposed judgment, which is being submitted pursuant to FRCP 58(d).

DATED: January 20, 2017

SULLIVAN, BALLOG & WILLIAMS, LLP

By: /s/ Michael S. Vasin

Daniel R. Sullivan

Brian L. Williams

Michael S. Vasin

Attorneys for Defendant ST. JAMES
CATHOLIC SCHOOL (erroneously sued
herein as St. James School, a corp.)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
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and DOES 1-50, inclusive,

Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

JUDGMENT

Complaint Filed: 06/05/2015
Trial Date: 01/10/2017

On January 17, 2017, the Court entered its Order and Judgment granting defendant St. James School's Motion for Summary Judgment.

IT IS ORDERED AND ADJUDGED that plaintiff Kristen Biel take nothing, that the action be dismissed on the merits, and that defendant St. James School recover its costs.

Dated: January ___, 2017.

Terry J. Hatter, Jr.
Senior United States District Judge

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8 **United States District Court**
9 **Central District of California**
10 **Western Division**
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12 KRISTEN BIEL,

CV 15-04248 TJH (ASx)

13 Plaintiff,

14 v.

Order and Judgment

15 ST. JAMES SCHOOL,

JS-6

16 Defendant.
17

18 The Court has considered the St. James School's ["St. James"] motion for
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20 This motion concerns whether Plaintiff Kristen Biel was a "minister" within the
21 meaning of the "ministerial exception" to Title VII of the Civil Rights Act of 1964 , 42
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26 Sister Mary Margaret, St. James's principal, hired Biel as a full-time fifth grade teacher
27 — with the title of "teacher" — for the 2013–14 school year. Upon accepting the
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21 be renewing her contract for the 2014–2015 school year. In June, 2015, Biel filed this
22 suit alleging six claims under the ADA. St. James, now, moves for summary judgment
23 as to all six claims.

24 25 Discussion

26 In a motion for summary judgment, when the moving party has the burden of
27 proof at trial, as St. James has here on its affirmative defense, the moving party has the
28 initial burden of establishing a *prima facie* case. *See Celotex Corp. v. Catrett*, 477 U.S.

1 317, 323 (1986). If St. James satisfies its burden, the burden will shift to Biel to
2 introduce evidence sufficient to raise a triable issue. *See Celotex Corp.*, 477 U.S. at
3 323. Each fact relied upon in this Order is undisputed.

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11 between a religious institution and its ministers." *Hosanna-Tabor*, 132 S. Ct. at 705
12 (footnote omitted). The ministerial exception "is intended to protect the relationship
13 between a religious organization and its clergy from constitutionally impermissible
14 interference by the government." *Werft v. Desert Sw. Annual Conference of United*
15 *Methodist Church*, 377 F.3d 1099, 1101 (9th Cir. 2004) (footnote and internal
16 quotations omitted).

17 Here, there is no dispute that St. James, as a Catholic school, is a religious
18 institution. Accordingly, the application of the ministerial exception turns on whether
19 Biel was a "minister." *See Hosanna-Tabor*, 132 S. Ct. at 705.

20 Whether Biel is a minister depends on all the circumstances of Biel's
21 employment, including her education before and during her tenure, her title, and her
22 job duties. *See Hosanna-Tabor*, 132 S. Ct. at 707. "The paradigmatic application of
23 the ministerial exception is to the employment of an ordained minister . . . [b]ut the
24 ministerial exception encompasses more than a church's ordained ministers." *Alcazar*
25 *v. Corporation of the Catholic Archbishop of Seattle*, 627 F.3d 1288, 1291 (2010). The
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27 responsibilities." *Alcazar*, 627 F.3d at 1293.

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1 religion class four days a week in addition to teaching math, language arts, social
2 studies, science, gym, art, and music. *Hosanna-Tabor*, 132 S. Ct. at 700, 709. The
3 teacher, also, led the students in prayer and devotional exercises each day, and attended
4 a weekly school-wide chapel service, which she led about twice a year.
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6 teacher,” a reference to teachers at the school who had satisfied certain academic and
7 other requirements, and were deemed by the school to have “been called to their
8 vocation by God through a congregation.” *Hosanna-Tabor*, 132 S. Ct. at 700. After
9 taking disability leave, and subsequently losing her position at the school, the teacher
10 sued the school under the ADA. *Hosanna-Tabor*, 132 S. Ct. at 700–01. Upon appeal
11 to the Supreme Court, the Court held that the circumstances of the teacher’s job —
12 particularly the teacher’s title, the teacher’s efforts to hold herself out as a minister, and
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14 meaning of the ministerial exception. *Hosanna-Tabor*, 132 S. Ct. at 707–10. In so
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16 because “her religious duties consumed only 45 minutes of each workday, and that the
17 rest of her day was devoted to teaching secular subjects.” *Hosanna-Tabor*, 132 S. Ct.
18 at 709.

19 Here, St. James has established a *prima facie* case that Biel was a minister
20 because her employment contract and job duties demonstrate that her “job duties
21 reflected a role in conveying the Catholic Church’s message and carrying out its
22 mission.” See *Hosanna-Tabor*, 132 S. Ct. at 708. Just as the plaintiff in
23 *Hosanna-Tabor* taught religion and prayed with her students, Biel conveyed the Catholic
24 Church’s message by teaching religion to her students four times each week for thirty
25 minutes, by administering and evaluating weekly tests from a Catholic textbook,
26 “Coming to God’s Life,” and by praying with the students twice each day. See
27 *Hosanna-Tabor*, 132 S. Ct. at 700, 708. Further, Biel clearly sought to carry out St.
28 James’s Catholic mission by, for example, including Catholic teachings into all of her

1 lessons and attending a conference to learn techniques for incorporating religious
2 teachings into her lessons.

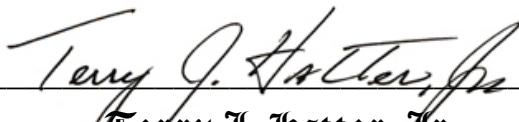
3 Although this case does not contain all of the hallmarks of ministry identified in
4 *Hosanna-Tabor*, it is clear that *Hosanna-Tabor* was not intended to represent the outer
5 limits of the ministerial exception. See *Hosanna-Tabor*, 132 S. Ct. at 707. Instead,
6 the question is whether the claims at issue may interfere with St. James's ability to
7 choose who will convey its message. See *Bollard v. California Province of the Soc'y*
8 *of Jesus*, 196 F.3d 940, 946 (9th Cir. 1999). For the reasons discussed above, St.
9 James has established a *prima facie* case that Biel acted as a messenger of St. James'
10 faith. See *Hosanna-Tabor*, 132 S. Ct. at 708. Therefore, St. James established a *prima*
11 *facie* case Biel was a minister withing the meaning of the ministerial exception.

12 Further, because all facts relied upon in this Order are undisputed by the parties,
13 Biel did not raise a triable issue of fact that would bar the granting of summary
14 judgment. See *Celotex Corp.*, 477 U.S. at 323.

15
16
17 Therefore,

18
19 **It is Ordered** that the motion for summary judgment be, and hereby is,
20 **Granted.**

21 Date: January 17, 2017

22
23 
24 Terry J. Hatter, Jr.
25 Senior United States District Judge
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. **CV 15-4248-TJH(ASx)** Date **DECEMBER 21, 2016**

Title **KRISTEN BIEL v. ST. JAMES SCHOOL, A CORP., ET AL .,**

Present: The Honorable **TERRY J. HATTER, JR., UNITED STATES DISTRICT JUDGE**

YOLANDA SKIPPER

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

Proceedings: IN CHAMBERS-ORDER AND NOTICE TO ALL PARTIES

Counsel are hereby notified that the above matter is set on the Court's calendar for Jury Trial on **January 10, 2017**, and now is vacated. The parties are advised that the court will be issuing an order regarding the motion for summary judgment in January.

Accordingly, this Jury Trial is vacated. No appearances are necessary on January 10, 2017.

IT IS SO ORDERED.

cc: all parties

No. 17-55180

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTEN BIEL,

Plaintiff-Appellant,

v.

ST. JAMES SCHOOL, A CORP.,

Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California, Western Division – Los Angeles

D.C. No. 2:15-cv-04248-TJH-AS

The Honorable Terry J. Hatter

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as St. James School, a corp.)

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

13 KRISTEN BIEL, an individual,

14 Plaintiff,

15 vs.

16 ST. JAMES SCHOOL, A CORP, a
17 California non-profit corporation;
and DOES 1-50, inclusive,

18 Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

**REPLY BRIEF BY DEFENDANT TO
PLAINTIFF'S OPPOSITION TO
MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

*[Filed and Served Concurrently with
Response to Plaintiff's Separate
Statement of Controverted and
Uncontroverted Facts and Conclusions of
Law, Declaration of Veronica Fermin;
and Evidentiary Objections]*

Date: November 7, 2016

Time: UNDER SUBMISSION

Complaint Filed: 06/05/2015

Trial Date: 01/10/2017

26 ///

27 ///

28 ///

1 Defendant, ST. JAMES CATHOLIC SCHOOL (hereinafter “Defendant”)
 2 hereby submits its Reply Brief in support of its Motion for Summary Judgment or, in
 3 the alternative, Partial Summary Judgment against Plaintiff.

4
 5 DATED: October 24, 2016

SULLIVAN, BALLOG & WILLIAMS, LLP

6
 7 By: /s/ Veronica Fermin

8 Daniel R. Sullivan
 9 Brian L. Williams
 10 Michael S. Vasin
 11 Veronica Fermin
 12 Attorneys for Defendant ST. JAMES
 13 CATHOLIC SCHOOL (erroneously sued
 14 herein as St. James School, a corp.)
 15
 16
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff's Opposition misrepresents the analysis established by the Supreme Court of the United States and numerous other courts for determining whether an employee is a "minister" under the ministerial exception. Contrary to Plaintiff's contentions, Plaintiff's title of "teacher" is not a determining factor, or even an essential factor, in the analysis of whether the exception applies. Rather, the U.S. Supreme Court, the Ninth Circuit courts (including those cited by Plaintiff), and numerous out-of-circuit courts have repeatedly and consistently examined the employee's job duties to determine whether an employee's overall job duties convey the religious entity's spiritual message, serve its spiritual mission, and overall go to the heart of the church's function. Indeed, Plaintiff attempts to distinguish the job duties of the *Hosanna-Tabor* plaintiff from her own by focusing on trivial differences while ignoring the overwhelming similarities, namely, their act of engaging in religious prayer, religious instruction, and, their similarity of being mandated by their respective employers to transmit their faiths to the students. *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 132 S.Ct. 694 (2012).

Moreover, although Plaintiff cites various Ninth Circuit decisions in support of her Opposition, she fails to factually analogize any of them to her case. This is because these cases are starkly distinguishable from the facts here.

Further, Plaintiff fails to address any of Defendant's numerous legitimate and nondiscriminatory reasons for its decision to not renew Plaintiff's employment contract. In its moving papers, Defendant gave specific work-performance reasons for its decision to not renew Plaintiff's contract. Plaintiff completely ignores these nondiscriminatory reasons and fails to proffer substantial evidence that shows these justifications are pretextual. Rather, Plaintiff focuses on a variety of miniscule and *immaterial* facts that do not address the substance of Defendant's legitimate, nondiscriminatory reasons for not renewing her employment contract. For instance,

whether two teachers teach the first grade, whether one parent out of four failed to voice her complaints about Plaintiff to Sister Mary Margaret, and whether Sister Mary Margaret “checked in” with other teachers are all *immaterial* facts.

In fact, Plaintiff admits to several material facts as uncontroverted. For instance, it is *uncontroverted* that Sister Mary Margaret observed a chaotic and cluttered classroom environment and documented this on an observation report. It is *uncontroverted* that Sister Mary met with Plaintiff every week to discuss performance issues¹. It is *uncontroverted* that Sister Mary wrote down the issues Plaintiff needed to improve on each time they met. It is *uncontroverted* that Sister Mary received negative feedback from other teachers at St. James regarding Plaintiff’s classroom management.

In sum, Defendant has provided several legitimate, non-discriminatory reasons for their decision to not renew Plaintiff’s employment contract for the 2015-2016 school year. It is Plaintiff’s burden to provide evidence that shows that Defendant’s proffered reasons are *more likely than not* false or pretext. Plaintiff has failed to fulfill her burden of proof. Accordingly, summary judgment as to Plaintiff’s claims is proper.

II. PLAINTIFF WAS THE FUNCTIONAL EQUIVALENT OF A “MINISTER” UNDER THE MINISTERIAL EXCEPTION

Plaintiff convolutes the analysis of the ministerial exception by focusing on minor distinctions of Plaintiff’s employment while ignoring the essential role and function of her job as a Catholic elementary school teacher. Although there is not one rigid formula for determining when an employee is a “minister,” the core analysis undertaken by the U.S. Supreme Court, the Ninth Circuit Courts, and numerous other

¹ In an attempt to make it appear like there exists more issues of material fact, Plaintiff states in her Separate Statement that some facts are “controverted.” However, upon a closer reading, Plaintiff just simply qualifies these facts but does not refute them. (Plaintiff’s Separate Statement (PSS) No. 73).

circuit courts are all similar, to wit, courts analyze the employee's *duties* and function within the religious entity. *Hosanna-Tabor Evangelical Lutheran Church & School*, 132 S.Ct. at 707; *Alcazar v. Corporation of the Catholic Archbishop of Seattle*, 627 F.3d 1288, 1291 (2010); *Hendricks v. Marist Catholic High School* (D. Oregon 2011) 2011 WL 996757 at *3-4; *Skrzypczak v. Roman Catholic Diocese of Tulsa*, 611 F.3d 1238, 1243-44 (10th Cir. 2010); *Starkman v. Evans*, 198 F.3d 173, 175-177 (5th Cir. 1999). Regardless of whether they take on a narrow look at the employee's duties ("primary duties" test) or a broader approach ("some religious duties"), courts still share the central analysis of examining an employee's duties and function within the religious entity to determine whether the employee conveyed the Church's message and furthered its religious mission. *Hosanna*, 132 S.Ct. at 707; *Alcazar*, 627 F.3d at 1292 (2010); *EEOC v. Catholic Univ. of America*, 83 F.3d 455, 463 (DC Cir. 1996); *EEOC V. Roman Catholic Diocese of Raleigh, NC* 213 F.3D 795, 801-802 (4th Cir. 2000).

Plaintiff contends that she is not a "minister" for the following reasons: her title was a "teacher," her religious training occurred after she was hired rather than before, she primarily supervised her students at school Mass, and she "only" taught her students religion four out of five days each week. These facts are trivial and insignificant in the overall ministerial exception analysis. First, courts have made clear that an employee's title is not determinative of whether they are a "minister" under the exception. *Hosanna-Tabor*, 132 S.Ct. at 707-709; *Alcazar*, 627 F.3d 1288, 1291 (2010). More importantly, in her Opposition, Plaintiff fails to address the overwhelming evidence that demonstrates she was tasked with instilling the doctrines, history, and traditions of the Catholic faith in her students throughout all her duties and responsibilities as the 5th grade teacher. In fact, the majority of facts pertaining to Plaintiff's duties as a religious educator and promoter of the faith are *uncontroverted*. (Plaintiff's Separate Statement of Controverted and Uncontroverted Material Facts

and Conclusions of Law (“PSS”), Nos. 7-9, 16-19, 21-25, 27-30, 32, 40-41)².

Further, Plaintiff misapplies the analysis in the *Alcazar* case to the facts here. See *Alcazar*, 627 F.3d 1288. Plaintiff contends that she is different from the plaintiff in *Alcazar* because she was not “directed” by the Catholic Church in her education and training at St. James and was not part of any “seminary training.” Again, Plaintiff misses the significance of the ministerial analysis. First, Plaintiff was, in fact, mandated by St. James Catholic School to “develop and promote a Catholic school faith community within the philosophy of Catholic education” and the “doctrines, laws, and norms of the Catholic Church” as outlined in her employment contract. Plaintiff’s overall purpose at St. James School was similar to that of the *Alcazar* plaintiff-to develop and promote the Catholic Church’s religious mission in some way. The fact that one promoted and furthered the faith through seminarian work and the other through parochial education is inconsequential for purposes of the ministerial analysis. See *Alcazar*, 627 F.3d at 1291; See also *EEOC v. Roman Catholic Diocese of Raleigh, N.C.* 213 F.3d 795, 801-802 (4th Cir. 2000).

III. PLAINTIFF’S REQUEST TO DISREGARD ALL OUT-OF-CIRCUIT CASES IS MISPLACED

In her Opposition, Plaintiff asserts that this Court should disregard all out-of-circuit decisions and only follow the Ninth Circuit cases Plaintiff cites in her Opposition. However, the Ninth Circuit cases Plaintiff cites in her Opposition are inapplicable because they are clearly distinguishable from the facts here. Accordingly, the out-of-circuit cases cited by Defendant provides persuasive authority in determining whether Plaintiff is a “minister” under the ministerial exception.

One of the Ninth Circuit cases Plaintiff requests the Court to follow is *Hendricks v. Marist Catholic High School*, 2011 WL 996757 *2. However, the

² In an attempt to make it appear like there exists more issues of material fact, Plaintiff states in her Separate Statement that some facts are “controverted.” However, upon a closer reading, Plaintiff just simply qualifies these facts but does not refute them. (PSS Nos. 20, 26, 31).

1 *Marist* facts are starkly distinguishable from the facts here. In *Marist*, the plaintiff
 2 high school teacher did not have any responsibility for the spiritual development and
 3 religious training of his students. *Id.* at *3. He did not teach the Catholic faith and
 4 could not use the classroom to promote the Catholic religion. *Id.* at *4. The
 5 plaintiff's vice principal and the chair of his department admitted that liturgy, prayer
 6 and attempts to convert non-Catholics were never a part of plaintiff's Theology
 7 classes. *Id.*

8 In *E.E.O.C v. Pacific Press Pub. Ass'n*, the facts are again starkly
 9 distinguishable from the facts at hand. *E.E.O.C v. Pacific Press Pub. Ass'n*, 676 F.2d
 10 1272, 1277 (9th Cir. 1982). There, plaintiff was an editorial secretary at a publishing
 11 company. *Id.* at 1277-1278. Her job duties clearly had no relation to the church's
 12 overall mission. *Ibid.* As such, her duties did not go to the heart of the church's
 13 function in the manner of a minister or a seminary teacher. *Ibid.*

14 Unlike *Marist* and *Pacific Press Pub.*, Plaintiff's job duties were grounded in
 15 teaching and promoting the Catholic faith to her students. Unlike the *Marist* plaintiff,
 16 Plaintiff was specifically tasked with developing the Catholic religion within her
 17 students through the philosophy of Catholic education. The plaintiff in *Pacific Press*
 18 *Pub.* is even further removed from Plaintiff Biel as that plaintiff's position
 19 predominantly involved an administrative role. Thus, the Ninth Circuit cases Plaintiff
 20 cites are distinguishable from the facts of this case.

21 It is a common practice for the Ninth Circuit to consider its sister circuit case
 22 law for guidance and direction. See *Bushansky v. Armacost*, No. C-12-01597-
 23 WHA, 2012 WL 3276937, at *6 (N.D.Cal. Aug. 9, 2012) ("The Seventh Circuit is
 24 again persuasive authority on this point."); *Hrdina v. World Sav. Bank*, No. WHA,
 25 2012 WL 294447, at *3 (N.D.Cal. Jan. 31, 2012) ("The reasoning of the Tenth Circuit
 26 is persuasive."); *Americans For Safe Access v. U.S. Dep't of Health & Human Servs.*,
 27 No. C-07-01049-WHA, 2007 WL 2141289, at *3 (N.D.Cal. July 24, 2007)
 28 ("Although the Ninth Circuit has not addressed the issue, courts in other circuits have

1 unanimously and persuasively rejected a right of judicial review under the Information
2 Quality Act.”).

3 Absent binding authority directly on point, this Court should follow the sister
4 cases Defendant cites in its moving papers because the facts are strikingly similar to
5 those in this case. Accordingly, *Skrzypczak v. Roman Catholic Diocese of Tulsa*, 611
6 F.3d 1238 and *Starkman v. Evans*, 198 F.3d 173 (1999) are persuasive authority and
7 should be followed. See *Valladolid v. Pac. Ops. Offshore, LLP*, 604 F.3d 1126, 1130-
8 31 (9th Cir. 2010) (recognizing that absent binding authority directly on point, the
9 Ninth Circuit and its district courts routinely seek guidance from other circuit courts'
10 decisions); *Martinez v. Wells Fargo Home Mortg., Inc.*, 598 F.3d 549, 554 (9th Cir.
11 2010) (considering decisions of three other circuit courts when the Ninth Circuit had
12 not ruled on a particular question).

13 **IV. PLAINTIFF HAS NOT ESTABLISHED THAT DEFENDANT’S STATED**
14 **REASONS FOR DECIDING TO NOT RENEW HER EMPLOYMENT**
15 **CONTRACT WAS A PRETEXT FOR UNLAWFUL DISABILITY**
16 **DISCRIMINATION**

17 In its moving papers, Defendant presented substantial evidence that Plaintiff’s
18 employment ended as a result of ongoing work-performance issues. Sister Mary
19 documented and verbally discussed her concerns with Plaintiff throughout the school
20 year. Plaintiff must establish by a preponderance of the evidence that the legitimate
21 reasons offered by Defendant were not its true reasons but was “a lie, specifically a
22 phony reason” for its decision. See *Reeves v. Sanderson Plumbing Products, Inc.*, 530
23 U.S. 133, 143 (2000). Plaintiff must present substantial evidence independent of her
24 prima facie case to establish pretext. *Reeves, supra*, 530 U.S. at 143-144.

25 The only fact Plaintiff raises to suggest pretext is the proximity in time between
26 Plaintiff’s cancer diagnosis and Defendant’s decision to not offer her a subsequent
27 employment contract. To defeat summary judgment with a showing of pretext, a
28 plaintiff must demonstrate that: (1) the defendant's proffered reason is unworthy of

credence; or (2) discrimination was the more likely motivation. (*Id.* at 1038, citing to *Villiarimo v. Aloha Island Air, Inc.*, (9th Cir. 2002) 281 F.3d 1054, 1062–63; *Chuang v. Univ. of Cal. Davis*, (9th Cir. 2000) 225 F.3d 1115, 1124 (internal citation omitted); *Godwin v. Hunt Wesson Inc.*, (9th Cir. 1998) 150 F.3d 1217, 1222.)

In *Brooks v. Capistrano Unified Sch. Dist.*, the plaintiff, a teacher for the unified school district, brought action against her former employer under Title VII for her removal from the school just one day after her March 7, 2012 complaint of suspected violations of the ADA by the school. *Brooks v. Capistrano Unified Sch. Dist.* 1 F.Supp.3d 1029, 1032 (C.D.Cal. 2014). The Court found that defendant school district’s reports of plaintiff’s poor judgment and inappropriate conduct, whether true or not, provided a legitimate, non-retaliatory reasons for its employment decision. *Id.* at 1034. The *Brooks* Court found that that mere temporal proximity, with nothing more, is insufficient to establish pretext, and that there was evidence that Plaintiff engaged in misconduct. *Brooks*, 1 F.Supp. at 1038; citing *Hooker v. Parker Hannifin Corp.*, (9th Cir. Nov. 20, 2013) 548 Fed.Appx. 368, 370, (“While evidence of temporal proximity is sufficient to demonstrate a prima facie case, ... it is ordinarily insufficient to satisfy the secondary burden to provide evidence of pretext.”); *Huck v. Kone, Inc.*, (9th Cir. 2013) 539 Fed.Appx. 754, 755 (stating that plaintiff’s “only evidence of discrimination was the temporal proximity of his termination to his medical leave, which is insufficient to prove pretext.”); *Dawson v. Entek Int’l*, (9th Cir. 2011) 630 F.3d 928, 937.

Here, Defendant offers several nondiscriminatory reasons for its decision to not offer Plaintiff a subsequent employment contract, including the cluttered and chaotic state of Plaintiff’s classroom and complaints from other teachers. These reasons are uncontroverted in Plaintiff’s Opposition and in her Separate Statement of Uncontroverted Facts. Plaintiff heavily relies on the temporal proximity between her diagnosis and Defendant’s decision to not renew her employment contract. However, this is insufficient as temporal proximity cannot create a question of fact as to pretext

1 in this case, particularly when several of Defendant's nondiscriminatory justifications
2 are either uncontroverted or unaddressed in Plaintiff's Opposition.

3 **V. PLAINTIFF FAILS TO RAISE ISSUES OF MATERIAL FACT**

4 In addition to Plaintiff's failure to present any evidence that St. James'
5 legitimate, nondiscriminatory reasons for non-renewal were a pretext for unlawful
6 discrimination, Plaintiff fails to raise any other triable issues of material fact that
7 St. James engaged in unlawful discrimination. *Anderson v. Liberty Lobby, Inc.*, 477
8 U.S. 242, 248 (1986). "Material facts" are those that, if proven, would support a
9 finding in favor of Plaintiff on his disability discrimination claims. *Id.* Disputes
10 regarding nonmaterial facts or minor factual inconsistencies are insufficient to create a
11 triable issue of material fact as a matter of law. *Richards v. City of Seattle*, 32
12 Fed.Appx. 452, 454-455 (9th Cir. 2002). The opposing evidence must be sufficiently
13 probative to permit a reasonable trier of fact to find in favor of the opposing party.
14 *Anderson*, 477 U.S. at 249-250.

15 Plaintiff raises several nonmaterial facts in hopes to create the appearance of
16 triable issues of material fact. However, Plaintiff's raised facts do not affect the
17 outcome of this case. For instance, one of the four parents who Sister Mary testified
18 made complaints about Plaintiff's work performance did not actually recall voicing
19 her complaints to Sister Mary. Nonetheless, two other parents did, in fact, complain
20 to Sister Mary about Plaintiff's work performance. See Defendant's Response to
21 Plaintiff's UMF No. 95. Even if Sister Mary was mistaken about one parent, she
22 correctly remembered that at least two parents made complaints which ultimately
23 formed the basis for her decision to not renew Plaintiff's employment contract.

24 Plaintiff also raises the fact that Sister Mary "checked in" with other teachers
25 and also "complimented" Plaintiff at times regarding certain areas of her work
26 performance. Again, these are nonmaterial facts. Even if it were true that Sister Mary
27 "checked in" with other teachers and "complimented" Plaintiff at times, these facts do
28 not affect the outcome of the case. These facts have no bearing or relevance on the

1 controlling and material facts to which there is no dispute, namely, Sister Mary
 2 expressed concerns with the condition of Plaintiff's classroom, the noise level,
 3 complaints from parents and fellow teachers, and Plaintiff's failure to follow
 4 St. James' policies.

5 Further, whether Plaintiff actually received Sister Mary's May 15, 2014 notice
 6 of non-renewal is nonmaterial as there is uncontroverted evidence that Sister Mary
 7 had begun to seriously question Plaintiff's work performance as early as March 2014.
 8 See Defendant's Response to Plaintiff's UMF No. 98. Lastly, the fact that Sister
 9 Mary had two "team teachers" teach the first grade is insignificant to overcome the
 10 overwhelming evidence that Sister Mary's decision to not renew Plaintiff was due to
 11 work-performance reasons. This trivial fact is insufficient to create a triable issue of
 12 material fact. "The mere existence of a scintilla of evidence ... will be insufficient;
 13 there must be evidence on which the jury could *reasonably* find for (the opposing
 14 party)." *Anderson v. Liberty Lobby, Inc.* (1986) 477 U.S. 242, 252, (parentheses
 15 added).

16 **VI. NO BASIS FOR LIABILITY FOR PLAINTIFF'S FIFTH AND SIXTH** 17 **CAUSES OF ACTION**

18 Plaintiff fails to offer any argument or evidence in opposition to Defendant's
 19 claim that there is no basis for liability for Plaintiff's fifth cause of action for failure to
 20 prevent discrimination and her sixth cause of action for wrongful termination in
 21 violation of public policy. Accordingly, both causes of actions should be dismissed as
 22 a matter of law.

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28 ///

1 **VII. CONCLUSION**

2 Based on the foregoing, Defendant respectfully requests this Court GRANT
 3 summary judgment or, in the alternative partial summary judgment, in its favor and
 4 against Plaintiff in relation to all six of her claims. No genuine issue of any material
 5 fact exists entitling Plaintiff to relief under the ADA as a matter of law.

6
 7 DATED: October 24, 2016

SULLIVAN, BALLOG & WILLIAMS, LLP

8
 9 By: /s/ Veronica Fermin

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 11 Brian L. Williams
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 14 Attorneys for Defendant ST. JAMES
 15 CATHOLIC SCHOOL (erroneously sued
 16 herein as St. James School. a corp.)
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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

13 KRISTEN BIEL, an individual,

14 Plaintiff,

15 vs.

16 ST. JAMES SCHOOL, A CORP, a
17 California non-profit corporation;
and DOES 1-50, inclusive,

18 Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

**NOTICE OF LODGING RESPONSE
TO PLAINTIFF'S SEPARATE
STATEMENT OF
UNCONTROVERTED AND
CONTROVERTED FACTS AND
CONCLUSIONS OF LAW IN
SUPPORT OF OPPOSITION TO
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT, OR IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Date: November 7, 2016
Time: UNDER SUBMISSION

Complaint Filed: 06/05/2015
Trial Date: 01/10/2017

25 ///

26 ///

27 ///

28 ///

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendant, ST. JAMES CATHOLIC SCHOOL hereby respectfully lodges it's Response to Plaintiff's Separate Statement of Controverted and Uncontroverted Facts and Conclusions of Law in Support of Her Opposition to Defendant's Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment against Plaintiff, KRISTEN BIEL (hereinafter "Plaintiff").

DATED: October 24, 2016

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By: /s/ Veronica Fermin

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
California non-profit corporation;
and DOES 1-50, inclusive,

Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S SEPARATE
STATEMENT OF
UNCONTROVERTED AND
CONTROVERTED FACTS AND
CONCLUSIONS OF LAW IN
SUPPORT OF HER OPPOSITION
TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT, OR IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

*[Filed and Served Concurrently with
Defendant's Reply Brief to Plaintiff's
Opposition to Motion for Summary
Judgment, or in the Alternative, Partial
Summary Judgment; Declaration of
Veronica Fermin; and Evidentiary
Objections]*

Date: November 7, 2016

Time: UNDER SUBMISSION

Complaint Filed: 06/05/2015

Trial Date: 01/10/2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendant, ST. JAMES CATHOLIC SCHOOL hereby submits its Response to Plaintiff's Separate Statement of Controverted and Uncontroverted Facts and Conclusions of Law in Support of Her Opposition to Defendant's Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment against Plaintiff, KRISTEN BIEL (hereinafter "Plaintiff").

I. STATEMENT OF CONTROVERTED AND UNCONTROVERTED FACTS AND SUPPORTING EVIDENCE

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|---|---|
| <p>1. St. James Catholic School ("St. James" or the "School") is a private, Catholic elementary school in Torrance, CA.</p> <p>Kreuper Declaration ("decl.") ¶ 3; Sister Mary Margaret Kreuper Deposition ("Kreuper depo." 11:3-12; Plaintiff depo., 24:7-8).</p> | 1. UNCONTROVERTED |
| <p>2. St. James School is the parish school for St. James Catholic Church in Redondo Beach and, as such, is a religious, non-profit organization.</p> <p>(Kreuper depo., 11:10-14).</p> | 2. UNCONTROVERTED |
| <p>3. St. James School operates as part of the overall ministry of St. James Catholic Church in Redondo Beach, CA.</p> <p>(Kreuper decl. ¶ 3)</p> | 3. UNCONTROVERTED |

| | | |
|----|---|---|
| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | 4. In other words, the school is one | 4. UNCONTROVERTED |
| 4 | of several ministries that | |
| 5 | comprises the St. James Catholic | |
| 6 | Church parish. | |
| 7 | (Kreuper decl. ¶ 3) | |
| 8 | 5. The School offers kindergarten | 5. CONTROVERTED |
| 9 | through eighth grade with only | St. James School has operated with two |
| 10 | one class per grade level. | teachers at one grade level. |
| 11 | (Kreuper depo., 20:7-12). | Deposition of Mary Kreuper 20:23-21:7; |
| 12 | | 26:21-27:16; Deposition of Kristen Biel |
| 13 | | 14:22-15:25; 41:7-42:5 |
| 14 | Moving Party's Response: Objection: Mischaracterizes facts and evidence. | |
| 15 | This does not create a genuine dispute as to any material fact because the testimony | |
| 16 | Plaintiff presents does not controvert the fact that the school offers kindergarten | |
| 17 | through eighth grade with one class per grade level. Plaintiff's evidence relates to | |
| 18 | two teachers having shared the first grade which does not controvert the moving | |
| 19 | party's fact. Plaintiff attempts to create the appearance of a controverted fact when | |
| 20 | there isn't one here. | |
| 21 | 6. For the past 27 years, Sister Mary | 6. UNCONTROVERTED |
| 22 | has been the principal of the | |
| 23 | School. She is a vowed member of | |
| 24 | a religious congregation of the | |
| 25 | Roman Catholic Church. | |
| 26 | (Kreuper depo., 11:19-22, Kreuper | |
| 27 | decl., ¶ 1). | |
| 28 | 7. The mission of St. James is to | 7. UNCONTROVERTED |
| | develop and promote a Catholic | |
| | school faith community within the | |
| | philosophy of Catholic education n | |
| | as implemented at the School, and | |
| | the doctrines, laws, and norms of | |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|--|---|
| <p>the Catholic Church.</p> <p>(Kreuper decl. ¶ 5; Plaintiff's depo., 24:11-13,15-20).</p> | |
| <p>8. This above stated mission is outlined in every teachers' employment contract with the School.</p> <p>(Kreuper decl. ¶ 5).</p> | <p>8. UNCONTROVERTED</p> |
| <p>9. All duties and responsibilities of each teacher at St. James are to be performed within the School's overriding commitment to developing its faith.</p> <p>(Kreuper decl. ¶ 5).</p> | <p>9. UNCONTROVERTED</p> |
| <p>10. Sister Mary strongly prefers that the teachers at St. James be practicing Catholics.</p> <p>(Kreuper decl. ¶ 5).</p> | <p>10. CONTROVERTED to the extent that the evidence does not support the alleged fact as written. Sister Mary states in her declaration that is it simply her "preference that the teachers at St. James are practicing Catholics."</p> <p>(Kreuper decl. ¶ 5)</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence.</p> <p>This does not create a genuine dispute as to any material fact because the testimony Plaintiff presents does not controvert the fact that Sister Mary prefers the teachers at St. James to be practicing Catholics as it is explicitly required that all teachers perform all duties and responsibilities of their position with the School's overriding commitment to developing the Catholic faith per their employment contract. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here. Evidence: Kreuper decl. ¶ 5; Exhibit "A."</p> | |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|--|--|
| <p>11. In March 2013, Plaintiff was hired by Sister Mary as a part-time substitute teacher for the first grade.</p> <p>(Plaintiff depo., 14:5-11, 14:18-15:7).</p> | <p>11. CONTROVERTED to the extent that Biel was hired as a "long-term substitute" from March 2013 to June 2013 and explained that it is "like a full-time teacher" because you are "there every day all the time teaching, but for somebody who is out, usually because they are pregnant."</p> <p>Deposition of Kristen Biel 14:8 -14:17.</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence, lacks foundation, and calls for speculation.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact. Plaintiff testified that she was hired to teach the first grade while a teacher was on maternity leave. Plaintiff only taught the first grade for two days out of the week and only from March 2013 to June 2013. Plaintiff's belief that a long-term substitute is like a full-time teacher is not credible evidence. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here. Evidence: Biel Depo., 14:5-15:25.</p> | |
| <p>12. In this capacity, Plaintiff taught the first grade two days per week while the regular first grade teacher was on maternity leave.</p> <p>(Plaintiff depo., 14:18-15:7).</p> | <p>12. CONTROVERTED to the extent that Biel only taught the first grade two days per week only because the first grade had two teachers who were "team teaching."</p> <p>Deposition of Mary Kreuper 20:23-21:7; 26:21-27:16; 41:17-42:5 Deposition of Kristen Biel 14:22- 15:25</p> |

| | | |
|----|--|---|
| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | Moving Party's Response: Objection: Mischaracterizes facts and evidence. | |
| 4 | This does not create a genuine dispute as to any material fact because the evidence | |
| 5 | presented by Plaintiff does not controvert the moving party's fact. Plaintiff testified | |
| 6 | that she was hired to teach the first grade while a teacher was on maternity leave. | |
| 7 | Plaintiff only taught the first grade for two days out of the week and only from | |
| 8 | March 2013 to June 2013. Plaintiff attempts to create the appearance of a | |
| | controverted fact when there isn't one here. Evidence: Biel Depo., 14:5-15:25. | |
| 9 | 13. Plaintiff's part-time position at St. James ended four months later in June 2013. | 13. UNCONTROVERTED |
| 10 | (Plaintiff depo., 14:5-9). | |
| 11 | | |
| 12 | | |
| 13 | 14. After Plaintiff's part-time position ended in June 2013, Sister Mary hired Plaintiff as the full-time 5th grade teacher for the 2013-2014 school year. | 14. UNCONTROVERTED |
| 14 | | |
| 15 | | |
| 16 | (Plaintiff depo., 17:13-25). | |
| 17 | | |
| 18 | 15. As the principal of the School, Sister Mary was the supervisor for all teachers including Plaintiff. | 15. UNCONTROVERTED |
| 19 | | |
| 20 | (Plaintiff depo., 17:3-8; Kreuper depo., 11:19-22). | |
| 21 | | |
| 22 | | |
| 23 | 16. As a teacher at St. James, Plaintiff was required to perform her duties in conformity with the School's overriding mission of promoting and developing the Catholic faith, as required in her employment contract. | 16. UNCONTROVERTED |
| 24 | | |
| 25 | | |
| 26 | | |
| 27 | (Kreuper decl., ¶ 6; Plaintiff depo. 26:13-17). | |
| 28 | | |

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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | 17. Every teacher at St. James was | 17. UNCONTROVERTED |
| 4 | required to pray with their students | |
| 5 | every day. | |
| 6 | (Kreuper decl. ¶ 9). | |
| 7 | 18. Plaintiff is Catholic. | 18. UNCONTROVERTED |
| 8 | (Plaintiff depo., 24:9-10). | |
| 9 | | |
| 10 | 19. As a Catholic, she prayed with her | 19. UNCONTROVERTED |
| 11 | students every day both in the | |
| 12 | morning and at the end of each | |
| 13 | day. | |
| 14 | (Plaintiff depo., 25:5-10). | |
| 15 | 20. Plaintiff prayed Catholic prayers | 20. CONTROVERTED to the extent |
| 16 | with her students including The | that Biel had prayer leaders in her |
| 17 | Lord's Prayer and the Hail Mary | class room that would teach and |
| 18 | Prayer. | engage the students in daily prayer. |
| 19 | (Plaintiff depo., 25:16-26:1). | Deposition of Kristen Biel 25:11-15, |
| 20 | | 25:22-23 |
| 21 | Moving Party's Response: Objection: Mischaracterizes facts and evidence. | |
| 22 | This does not create a genuine dispute as to any material fact because the evidence | |
| 23 | presented by Plaintiff does not controvert the moving party's fact that Plaintiff | |
| 24 | prayed Catholic prayers with her students. Plaintiff testified that she prayed each of | |
| 25 | the prayers described above with her students twice a day. Plaintiff attempts to | |
| 26 | create the appearance of a controverted fact when there isn't one here. Evidence: | |
| 27 | Biel Depo., 25:4-25:1. | |
| 28 | 21. In addition, Plaintiff attended | 21. UNCONTROVERTED |
| | school Mass every month with her | |
| | students where she also prayed | |
| | with them and where they | |
| | occasionally presented the | |

| | | |
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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | Eucharistic gifts. | |
| 4 | (Plaintiff depo., 29:9-15, 31:20-23, | |
| 5 | 32:1-11). | |
| 6 | 22. In regards to the 5 th grade | 22. UNCONTROVERTED |
| 7 | curriculum, Plaintiff's duties | |
| 8 | included incorporating the | |
| 9 | Catholic faith into the students' | |
| 10 | every day curriculum. | |
| 11 | (Kreuper decl., ¶ 5; Plaintiff depo., | |
| 12 | 24:11-14; 24:21-25:4; 26:18-22; | |
| 13 | 37:17-39:8, 40:4-18). | |
| 14 | 23. Plaintiff taught the subject of | 23. UNCONTROVERTED |
| 15 | Religion to her students four days | |
| 16 | per week. | |
| 17 | (Plaintiff depo., 26:18-24). | |
| 18 | 24. In fact, she was required to | 24. UNCONTROVERTED |
| 19 | dedicate a minimum of 200 | |
| 20 | minutes every week to the subject | |
| 21 | of Religion. | |
| 22 | (Kreuper decl., ¶ 7; Plaintiff depo., 30:3- | |
| 23 | 31:9). | |
| 24 | 25. The curriculum for the Religion | 25. UNCONTROVERTED |
| 25 | course was grounded upon the | |
| 26 | norms and doctrines of the | |
| 27 | Catholic Faith, including, the | |
| 28 | sacraments of the Catholic | |
| | Church, social teachings according | |
| | to the Catholic Church, morality, | |
| | the history of Catholic saints, | |
| | Catholic prayers, and the overall | |

| | | |
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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | Catholic way of life. | |
| 4 | (Kreuper decl., ¶ 7; Plaintiff depo., | |
| 5 | 27:22-28:1, 28:9-29:3, 30:3-31:9, | |
| 6 | 37:17-39:8, 40:4-18). | |
| 7 | 26. For instance, Plaintiff taught her | 26. CONTROVERTED as Biel |
| 8 | students the stories from the Bible, | testified that she " read " from a |
| 9 | including the story of Jesus Christ. | workbook and answered questions |
| 10 | (Plaintiff depo., 27:22-28:1). | from that book that involved |
| 11 | | religious lessons. |
| 12 | | Deposition of Kristen Biel 27:5-28:1 |
| 13 | Moving Party's Response: Objection: Mischaracterizes facts and evidence. | |
| 14 | This does not create a genuine dispute as to any material fact because the evidence | |
| 15 | presented by Plaintiff does not controvert the moving party's fact that Plaintiff taught | |
| 16 | her students Biblical stories. Whether she used a workbook as a guide is irrelevant to | |
| 17 | the subject fact. Plaintiff attempts to create the appearance of a controverted fact | |
| 18 | when there isn't one here. Evidence: Biel depo: 27:5-28:1 | |
| 19 | 27. She also taught her students the | 27. UNCONTROVERTED |
| 20 | significance of the Lent season, | |
| 21 | the Last Supper, Easter, the | |
| 22 | Eucharist, and Reconciliation. | |
| 23 | (Plaintiff depo., 28:9-29:3, 67:5-68:10). | |
| 24 | 28. As a teaching guide for this | 28. UNCONTROVERTED |
| 25 | course, Plaintiff used a Catholic | |
| 26 | textbook entitled "Coming to | |
| 27 | God's Life." | |
| 28 | (Kreuper decl. ¶ 7; Plaintiff depo., | |
| | 27:5-21, 28:2-3, 64:14-24). | |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|--|---|
| <p>29. She also gave weekly tests to her students from this textbook.</p> <p>(Plaintiff depo., 29:4-8).</p> | <p>29. UNCONTROVERTED</p> |
| <p>30. Moreover, Plaintiff was required to incorporate Catholic values and traditions throughout all subject areas, not just during the Religion course.</p> <p>(Kreuper decl., ¶ 8; Plaintiff depo., 40:15-18).</p> | <p>30. UNCONTROVERTED</p> |
| <p>31. In fact, two standard requirements included in the School's teacher evaluation report were 1) incorporating "signs, sacramental, traditions of the Roman Catholic Church in the classroom," and 2) infusing "Catholic values through all subject areas."</p> <p>(Kreuper decl., ¶ 8; Plaintiff depo., 37:6-21, 38:17-39:8, 40:15-18).</p> | <p>31. CONTROVERTED to the extent that these were two of thirty-four different requirements on the Elementary School Classroom Observation Report</p> <p>Deposition of Mary Kreuper 89:24-90:16, Exh. 3 ("Elementary School Classroom Observation Report"); Deposition of Kristen Biel 37:6-37:25, Exh. 4 ("Elementary School Classroom Observation Report")</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that the two above-mentioned requirements were part of the teacher evaluation reports at St. James. Whether there were other requirements on the evaluation reports is not a material fact and does not controvert Defendant's fact. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here. Evidence: (Kreuper decl., ¶ 8; Plaintiff depo., 37:6-21, 38:17-39:8, 40:15-18).</p> | |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|--|---|
| <p>32. For example, on November 12, 2013, Plaintiff was evaluated on these factors when teaching the subject of Math.</p> <p>(Kreuper decl., ¶ 8; Plaintiff depo., 37:6-21, 38:17-39:8, 40:15-18).</p> | <p>32. UNCONTROVERTED</p> |
| <p>33. In order to prepare her teachers as religious educators and to develop their skills, Sister Mary required each teacher, including Plaintiff, to attend a Catholic education conference called the Los Angeles Religious Education Congress.</p> <p>(Kreuper decl., ¶ 10; Plaintiff 33:22-24, 35:2-12).</p> | <p>33. CONTROVERTED to the extent that the cited testimony states that the one-day conference consisted "mostly" education classes.</p> <p>Deposition of Kristen Biel 34:24-35:9</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that St. Mary required every teacher to attend the Los Angeles Religious Education Congress in order to become better religious educators. Whether there were some non-religious education classes that were offered at the conference does not controvert Defendant's fact. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here. Evidence: (Kreuper decl., ¶ 10; Plaintiff 33:22-24, 35:2-12).</p> | |
| <p>34. At this conference, the teachers learned different methods and techniques in incorporating God into their teachings to enable them to become better religious educators.</p> <p>(Kreuper decl., ¶ 10; Plaintiff 33:22-24, 35:2-12).</p> | <p>34. CONTROVERTED to the extent that the cited testimony states that the one-day conference consisted "mostly" education classes.</p> <p>Deposition of Kristen Biel 34:24-35:9</p> |

| | | |
|----|--|--|
| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | Moving Party's Response: Objection: Mischaracterizes facts and evidence. Lack of foundation. | |
| 4 | | |
| 5 | This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that St. Mary required every teacher to attend the Los Angeles Religious Education Congress in order to become better religious educators. Whether there were some non-religious education classes that were offered at the conference does not controvert Defendant's fact. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here. Evidence: (Kreuper decl., ¶ 10; Plaintiff 33:22-24, 35:2-12). | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | 35. At St. James, every teacher's employment was governed by an annual written employment agreement. | 35. UNCONTROVERTED |
| 11 | | |
| 12 | | |
| 13 | (Kreuper decl., ¶ 5; Plaintiff depo., 18:8-25, 19:6-20, 20:11-14, 20:23-21:3). | |
| 14 | | |
| 15 | | |
| 16 | 36. This employment agreement was created and distributed to the Catholic schools within the Archdiocese of Los Angeles by the Department of Catholic Schools. | 36. UNCONTROVERTED |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | (Kreuper decl., ¶ 5). | |
| 22 | 37. According to the employment agreement, every teacher's employment was on an annual basis, meaning employment started at the beginning of every school year and expired at the end of each school year. | 37. CONTROVERTED to the extent that the Defendant's cited evidence only reflects the agreement between Biel and St. James School and does not reflect "every teacher's employment" with St. James School. |
| 23 | | |
| 24 | | |
| 25 | | |
| 26 | | |
| 27 | (Kreuper decl., ¶ 5; Plaintiff depo., 19:6-15). | (See, Defendant's Evidence) |
| 28 | | |

**MOVING PARTY'S STATEMENT
OF UNCONTROVERTED FACTS
("DSUF")**

**PLAINTIFF'S RESPONSE AND
SUPPORTING AND EVIDENCE**

Moving Party's Response: Objection: Mischaracterizes facts and evidence. Lack of foundation.

This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that every teacher's employment was based on an annual employment contract. Sister Mary, the principal of the school, testified that every teacher at the school was governed by an annual employment contract. Plaintiff does not offer any evidence to refute this fact. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here. **Evidence:** (Kreuper decl., ¶ 5).

38. The school principal had the sole discretion to decide whether to offer subsequent annual employment agreements to each teacher for the following school year.

(Kreuper decl., ¶ 5; Plaintiff depo., 21:24-22:2).

38. UNCONTROVERTED

39. No teacher was guaranteed employment for the following school year.

(Kreuper decl. ¶ 5; Plaintiff depo., 22:17-20).

39. **CONTROVERTED** to the extent that the Defendant's cited evidence only reflects the no "guarantee" of employment between Biel and St. James School and does not reflect every teacher's employment with St. James School

(See, Defendant's Evidence)

Moving Party's Response: Objection: Mischaracterizes facts and evidence. Lack of foundation.

This does not create a genuine dispute as to any material fact because Plaintiff fails to offer any evidence that controverts the above fact. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here.

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| <p>40. Under the faculty employment agreement, each teacher was required to "model, teach, and promote behavior in conformity to the teaching of the Roman Catholic Church."</p> <p>(Kreuper decl., ¶ 6).</p> | <p>40. UNCONTROVERTED</p> |
| <p>41. In addition, every teacher was to perform their duties and responsibilities in conformance with the school's overall mission to "develop and promote a Catholic School Faith Community within the philosophy of Catholic education as implemented at the School, and the doctrines, laws, and norms of the Catholic Church."</p> <p>(Kreuper decl., ¶ 6).</p> | <p>41. UNCONTROVERTED</p> |
| <p>42. On May 24, 2013, Plaintiff signed a standard teacher employment contract for the 2013-2014 school year.</p> <p>(Plaintiff depo., 18:4-15, 19:3-20; Kreuper decl., ¶ 6).</p> | <p>42. UNCONTROVERTED</p> |
| <p>43. Per her contract, Plaintiff's employment began on August 26, 2013 and ended on June 30, 2014.</p> <p>(Plaintiff depo., 19:3-20; Kreuper decl., ¶ 6).</p> | <p>43. UNCONTROVERTED</p> |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| <p>44. Plaintiff's first full-time teaching position was her position as the 5th grade teacher at St. James for the 2013-2014 school year.</p> <p>(Plaintiff depo., 59:5-7).</p> | <p>44. UNCONTROVERTED</p> |
| <p>45. Prior to Plaintiff's position at St. James, Plaintiff had never been responsible for teaching a class on her own.</p> <p>(Plaintiff depo., 59:8-10).</p> | <p>45. CONTROVERTED to the extent that Biel had previously taught First Grade as a long-term substitute teacher during the last trimester of the 2012-2013 school year in a "team" where she would work 2 days/week and the other teacher worked 3 days/week.</p> <p>Deposition of Kristen Biel 14:22-15:12</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that Plaintiff had never taught a class on her own prior to her employment at St. James. Plaintiff's proffered evidence actually supports Defendant's overall argument that Plaintiff's 5th grade teaching position at St. James was her first full-time position, where she had exclusive control over a classroom. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here.</p> | |
| <p>46. St. James School operates on a trimester basis.</p> <p>(Kreuper depo., 107:6-9).</p> | <p>46. UNCONTROVERTED</p> |
| <p>47. From the first trimester to Plaintiff's last day of employment in May 2014, Sister Mary had concerns regarding Plaintiff's work performance, including Plaintiff's classroom management</p> | <p>47. CONTROVERTED as the cited evidence only establishes that Sister Margaret had issues with Biel's job performance from August to November of 2013 and not until</p> |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| and her failure to follow school policies and procedures. (Kreuper depo., 72:7-21). | May 2014. (Kreuper depo., 72:7-21) |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that Sister Mary had concerns regarding Plaintiff's work performance from the first trimester to May 2014. Plaintiff fails to offer any supporting evidence controverting Defendant's fact. In fact, Plaintiff admits that Sister Mary addressed her concerns regarding the condition of Plaintiff's room as late as May 2014 in response to Fact No. 94. Plaintiff also testified to this in her deposition. Evidence: Biel Depo., 76:4-8.</p> | |
| 48. Within two weeks of the 2013-2014 school year, Sister Mary noticed that Plaintiff had difficulty keeping her classroom organized and controlling her classroom noise level. (Kreuper depo., 72:16-21, 73:14-75:11, 76:23-77:5, 79:4-17, 101:23-102:5, 105:11-13; Plaintiff depo., 57:24-58:4). | 48. UNCONTROVERTED |
| 49. Sister Mary often observed a chaotic classroom environment with clutter on and around students' desks, and students out of their seats talking with other students. (Kreuper depo., 73:14-21, 74:18-75:11, 79:11-17, 101:23-102:5, 106:6-12). | 49. UNCONTROVERTED |
| 50. Sister Mary verbally counseled Plaintiff from the beginning of the school year regarding her issues | 50. CONTROVERTED 1) The evidenced cited by Defendant does |

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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | with classroom management. | not establish that Sister Margaret was |
| 4 | (Kreuper depo., 101:23-102:5, 104:13- | "counseling" Biel from the beginning of |
| 5 | 19, 105:11-13, 106:17-19). | the school year. |
| 6 | | (Kreuper depo., 101:23-102:5, 104:13-19, |
| 7 | | 105:11-13, 106:17-19). |
| 8 | | 2) Sister Margaret testified that she |
| 9 | | regularly "checks in" with other teachers |
| 10 | | as she did with Biel |
| 11 | | Deposition of Mary Kreuper 109:16- |
| 12 | | 110:8 |
| 13 | | 3) In addition, during these meetings, Biel |
| 14 | | and Sister Margaret also discussed other |
| 15 | | things including Biel's efforts to make |
| 16 | | sure the students were "understanding and |
| 17 | | learning" in her classroom which Sister |
| 18 | | Margaret complimented. |
| 19 | | Deposition of Kristen Biel 45:21-47:2. |
| 20 | | 4) During these meetings Biel and Sister |
| 21 | | Margaret discussed the large number of |
| 22 | | students who were on Biel's honor roll |
| 23 | | during the first trimester |
| 24 | | Deposition of Mary Kreuper 83:24-86:14; |
| 25 | | 157:15-157:23 |
| 26 | Moving Party's Response: Objection: Mischaracterizes facts and evidence, assumes | |
| 27 | facts, calls for speculation, irrelevant. | |
| 28 | This does not create a genuine dispute as to any material fact because the evidence | |
| | presented by Plaintiff does not controvert the moving party's fact that Sister Mary | |
| | met with Plaintiff from the beginning of the school year to discuss Plaintiff's | |
| | classroom management issues, including the conditions of the students' desks, the | |
| | lack of test schedule, the missed homework policy, etc. The evidence presented by | |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| <p>Plaintiff does not controvert this fact. Whether Sister Mary "checked in" with other teachers is irrelevant to the fact that Sister Mary met with Plaintiff one to two times per week. (Kreuper depo., 101:23-102:5, 104:13-19, 105:11-13, 106:17-19).</p> <p>Further, Plaintiff's belief that Sister Mary thought she was "doing a good job with testing and that students were understanding and learning" is speculative, lacks foundation, and is not credible.</p> <p>Lastly, whether Plaintiff and Sister Mary discussed the amount of students that were on Plaintiff's Honor roll is irrelevant to the subject fact at hand.</p> | |
| <p>51. On November 12, 2013, Sister Mary completed a formal classroom observation report after observing Plaintiff teach the subject of Math to her students.</p> <p>(Kreuper depo., 90:5-15, 90:22-24; Plaintiff's depo., 37:6-21, 38:1-6).</p> | <p>51. UNCONTROVERTED</p> |
| <p>52. In this observation report, Sister Mary noted that there were many items on the students' desks and that Plaintiff needed to work on organization in the classroom.</p> <p>(Kreuper depo., 93:5-94:4; Plaintiff depo., 40:19-41:1).</p> | <p>52. UNCONTROVERTED</p> |
| <p>53. In addition, to this observation report, Sister Mary also verbally counseled Plaintiff on multiple occasions throughout the school year regarding keeping her classroom organized and controlling the noise level.</p> <p>(Plaintiff depo., 41:10-19, 42:3-7,</p> | <p>53. CONTROVERTED to the extent the Biel testified that only on five occasions or less did Sister Mary verbally counsel her on various aspects of her teaching.</p> <p>Deposition of Kristen Biel 42:3-42:9; 57:24-58:15; 71:15-18.</p> |

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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| 3 | 57:24-58:13, 71:15-18, 113:24-114:8; | |
| 4 | Kreuper depo., 82:16-25, 83:1-13, | |
| 5 | 97:16-25). | |
| 6 | Moving Party's Response: Objection: Mischaracterizes facts and evidence, | |
| 7 | argumentative, calls for speculation. | |
| 8 | This does not create a genuine dispute as to any material fact because the evidence | |
| 9 | presented by Plaintiff does not controvert the moving party's fact that Sister Mary | |
| 10 | verbally counseled Plaintiff on multiple occasions. Plaintiff testified that Sister Mary | |
| 11 | talked to her about the condition of her students' desks more than once as well as the | |
| 12 | noise level in her classroom. Evidence: Biel Depo., 42:3-42:9; 57:24-58:15; 71:15- | |
| 13 | 18. Plaintiff attempts to create the appearance of a controverted fact when there isn't | |
| 14 | one here. | |
| 15 | 54. However, Plaintiff failed to | 54. CONTROVERTED as Sister |
| 16 | improve her issues with classroom | Margaret wrote positive comments |
| 17 | management throughout the | about Biel's teaching, including |
| 18 | school year. | that she was "very good" at |
| 19 | | "[e]stablishing and maintaining |
| 20 | (Kreuper depo., 83:1-13, 106:5-12). | learning environments that are |
| 21 | | physically, intellectually, and |
| 22 | | emotionally safe" |
| 23 | | Deposition of Mary Kreuper 89:24- |
| 24 | | 90:15, Exh. 3 ("Elementary School |
| 25 | | Classroom Observation Report") |
| 26 | | Additionally, the Elementary |
| 27 | | School Classroom Observation |
| 28 | | Report has all of the boxes for |
| | | "Creating and Maintaining |
| | | Effective Environments for Student |
| | | Learning" crossed out which |
| | | indicates that there was evidence |
| | | that Biel was doing those aspects of |
| | | her teaching. |
| | | Deposition of Mary Kreuper 89:24- |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| | 90:15; 91:14-91:24, Exh. 3. |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence, lacks foundation, argumentative, calls for speculation.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that Plaintiff did not improve her classroom management throughout the school year, namely the clutter on the students' desks and Plaintiff's failure to correct the study guides. Plaintiff's evidence does not refute this fact.</p> <p>Here, Plaintiff recites from a classroom observation report and presumptively characterizes the remarks. Sister Mary Margaret did not testify to these comments that Plaintiff includes as her supporting evidence. As such, Plaintiff mischaracterizes facts and evidence, lacks foundation, her evidence calls for speculation, and is argumentative. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here.</p> | |
| <p>55. In Plaintiff's classroom, students were required to write their names in a designated notebook located in the classroom every time they had a behavior issue and/or missed assignment.</p> <p>(Plaintiff depo., 52:8-53:10).</p> | <p>55. CONTROVERTED to the extent the evidence cited by Defendant states that the children wrote "on cards" and kept them in the back of the room in a little "card case."</p> <p>(See, Defendant's Evidence)</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that Plaintiff's students were required to write down their names when they had a behavior issue or failed to turn in a homework assignment. Whether the students logged their names in a notebook or on cards is not a material fact. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here.</p> | |
| <p>56. These "work habits" were reviewed at the end of the week and were also taken into account at</p> | <p>56. UNCONTROVERTED</p> |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| the end of the trimester when Plaintiff submitted report cards. (Plaintiff depo., 53:11-15). | |
| 57. Students logged a "work habit" when they failed to turn in their homework. (Kreuper depo., 72:22-73:7; Plaintiff depo., 53:2-5). | 57. UNCONTROVERTED |
| 58. The purpose of the "work habit" procedure was to keep track of the students' missed homework assignments. (Kreuper depo., 72:22-73:7). | 58. CONTROVERTED to the extent that the "work habit" procedure had many purposes including keeping track of homework issues. In addition, the system kept track of when students "completed projects and cleanliness." Deposition of Kristen Biel 52:8-53:10 |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that the purpose of the "work habit" policy was to keep track of students who missed homework assignments. Whether the "work habit" procedure served additional purposes for tracking different types of behavior is irrelevant to the subject fact and is not material. Plaintiff attempts to create the appearance of a controverted fact when there isn't one here.</p> | |
| 59. If the students missed more than five homework assignments, they were required to sit in a specific room to do their homework. (Kreuper depo., 72:22-73:4). | 59. UNCONTROVERTED |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| <p>60. Depending on the situation, Plaintiff allowed her students to erase their names from the homework notebook if they submitted their homework a day late.</p> <p>(Kreuper depo., 72:22-73:10, 80:13-20, Plaintiff depo., 55:4-22).</p> | <p>60. CONTROVERTED to the extent that Biel does not recall the policy and if the practice of allowing her students to erase their names from the homework notebook was allowed.</p> <p>Deposition of Kristen Biel 55:8-55:22</p> <p>Additionally, Biel testified that regarding the work habit system she believed that Sister Margaret did not have a problem with how it was being implemented.</p> <p>Deposition of Kristen Biel 56:6-56:10</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence, calls for speculation, lack of foundation, argumentative.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that Plaintiff allowed her students to erase their names in the homework book depending on the situation. Plaintiff testified that "it may have" happened. Evidence: Biel depo., 55:4-22).</p> <p>Further, Plaintiff's belief that Sister Mary did not have a problem with how she implemented the work-habit system is speculative, lacks foundation, and is not credible. Lastly, the cited evidence does not support Plaintiff's contention.</p> | |
| <p>61. From the beginning of the school year, Sister Mary verbally counseled Plaintiff regarding her practice of allowing students to erase their names from the homework notebook.</p> <p>(Kreuper depo., 80:13-20, 101:8-16, 104:13-19; Plaintiff depo., 53:16-22, 54:1-15, 114:9-17, 114:21-115:6).</p> | <p>61. CONTROVERTED as Biel testified regarding the work habit system that she believed that Sister Margaret did not have a problem with how it was being implemented.</p> <p>Deposition of Kristen Biel 56:6-56:10</p> <p>Biel testified that she would follow</p> |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| | <p>Sister Margaret's work habit specifically and believes she had been regularly following it.</p> <p>Deposition of Kristen Biel 114:9-114:20</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence, calls for speculation, lack of foundation, argumentative.</p> <p>This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that Sister Mary verbally counseled Plaintiff regarding her practice of allowing students to erase their names from the homework notebook.</p> <p>Further, Plaintiff's belief that Sister Mary did not have a problem with how she implemented the work-habit system and her belief that she was regularly following it is speculative, lacks foundation, and is not credible.</p> | |
| <p>62. At St. James School, students were not permitted to re-take exams in order to obtain a higher grade.</p> <p>(Kreuper decl. ¶ 11; Plaintiff depo., 47:11-13).</p> | <p>62. UNCONTROVERTED</p> |
| <p>63. Sister Mary learned that Plaintiff allowed her students to re-take exams if they were not satisfied with a prior grade on the exam.</p> <p>(Kreuper decl. ¶ 11).</p> | <p>63. CONTROVERTED as Biel testified that she did not recall allowing her students to take tests over while she was teaching</p> <p>Deposition of Kristen Biel 47:3-47:15</p> <p>Additionally, Biel testified that Sister Margaret complimented her on "doing a good job with the testing and that that the students were understanding and learning."</p> <p>Deposition of Kristen Biel 45:15-47:15</p> |

**MOVING PARTY'S STATEMENT
OF UNCONTROVERTED FACTS
("DSUF")**

**PLAINTIFF'S RESPONSE AND
SUPPORTING AND EVIDENCE**

Moving Party's Response: Objection: Mischaracterizes facts and evidence, calls for speculation, lack of foundation, argumentative.

This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that Sister Mary learned that Plaintiff allowed her students to re-take exams if they were not satisfied with a prior grade on the exam.

Further, Plaintiff's characterization of Sister Mary's comments regarding "testing" is speculative, lacks foundation, and is argumentative, and, thus, not credible.

64. In addition, Sister Mary required Plaintiff to inform the students' parents of the exam schedule in order for the parents to help prepare the children.

(Kreuper decl. ¶ 12).

64. UNCONTROVERTED

65. Sister Mary learned that Plaintiff failed to communicate the students' test schedule to the parents.

(Kreuper decl. ¶ 12; Plaintiff depo., 51:11-22).

65. **CONTROVERTED** as Biel testified that it was the students' responsibility to ensure the test schedule was communicated to the parents

Deposition of Kristen Biel 51:11-51:22

Moving Party's Response: Objection: Mischaracterizes facts and evidence, calls for speculation, lack of foundation, argumentative.

This does not create a genuine dispute as to any material fact because the evidence presented by Plaintiff does not controvert the moving party's fact that Sister Mary learned that Plaintiff failed to communicate the students' test schedule to the parents. Whether students were responsible for communicating the test schedules to parents is irrelevant to whether Plaintiff failed to communicate the test schedules to the parents and is immaterial. Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here.

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| <p>66. In preparation for exams, Plaintiff's students were required to complete study guides.</p> <p>(Kreuper decl., ¶ 13; Plaintiff depo., 66:2-5).</p> | <p>66. UNCONTROVERTED</p> |
| <p>67. Plaintiff was required to correct the students' study guides prior to the exams so that they could study accurate study guides in preparation for the exams.</p> <p>(Kreuper depo., 113:8-12; Plaintiff depo., 66:21-25, 68:23-70:16).</p> | <p>67. CONTROVERTED as the evidence cited by Defendant does not establish that Biel was required to correct the students' study guides.</p> <p>Moreover, Biel testified that based on Sister Margaret's comments, she would go over the study guides in the class with the children before the test.</p> <p>Deposition of Kristen Biel 69:9-70:13</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence.</p> <p>This does not create a genuine dispute as to any material fact because Plaintiff testified that correcting the study guides was important to Sister Mary and, as a result of conversations with Sister Mary regarding her use of the study guides, Plaintiff would go over them in class before the test. The fact that Sister Mary wanted Plaintiff to review the study guides with her class is uncontroverted. Further, Sister testified that she required Plaintiff to correct the students' study guides so they could prepare for exams. Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here. Evidence: Kreuper decl., ¶ 13; Plaintiff depo., 68:23-70:16.</p> | |
| <p>68. However, Plaintiff failed to correct her students' study guides prior to exams causing incorrect answers on the exams.</p> <p>(Kreuper depo., 113:8-12).</p> | <p>68. CONTROVERTED as the evidence cited reflects a third party observations of parents from an unidentified period of the 2013/2014 school year.</p> |

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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| 3 | | (Kreuper depo., 113:8-12) |
| 4 | | Moreover, Biel testified that |
| 5 | | based on Sister Margaret's |
| 6 | | comments, she would go over the |
| 7 | | study guides in the class with the |
| 8 | | children before the test. |
| 9 | | Deposition of Kristen Biel 69:9-70:13 |
| 10 | Moving Party's Response: Objection: Mischaracterizes facts and evidence. | |
| 11 | Janell O'Dowd, a teacher and parent of one of Plaintiff's students, testified in her | |
| 12 | deposition that Plaintiff failed to correct the study guides which resulted in her | |
| 13 | daughter's inability to use them in preparing for the exam. Evidence: O'Dowd | |
| 14 | deposition, 21:18-22:15 (attached as Exhibit A to the Fermin decl.). | |
| 15 | Further, this does not create a genuine dispute as to any material fact because | |
| 16 | Plaintiff testified that correcting the study guides was important to Sister Mary and, | |
| 17 | as a result of conversations with Sister Mary regarding her use of the study guides, | |
| 18 | Plaintiff would go over them in class before the test. The fact that Sister Mary | |
| 19 | wanted Plaintiff to review the study guides with her class is uncontroverted. Plaintiff | |
| 20 | attempts to create the appearance of a controverted material fact when there isn't one | |
| 21 | here. Evidence: Plaintiff depo., 68:23-70:16. | |
| 22 | 69. Sister Mary verbally counseled | 69. CONTROVERTED as the cited |
| 23 | Plaintiff regarding her failure to | evidence does not establish that |
| 24 | correct the study guides | Sister Margaret "counseled" Biel |
| 25 | throughout the school year. | "throughout the year." |
| 26 | (Kreuper decl., ¶ 12; Kreuper depo., | (See, Defendant's Evidence) |
| 27 | 106:20-21; Plaintiff depo., 66:21-25, | Moreover, Biel testified that based |
| 28 | 68:19-69:23). | on Sister Margaret's comments, she |
| | | would go over the study guides in |
| | | the class with the children before |
| | | the test. |
| | | Deposition of Kristen Biel 69:9-70:13 |

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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 3 | Moving Party's Response: This does not create a genuine dispute as to any material fact because Plaintiff testified that correcting the study guides was important to Sister Mary and, as a result of conversations with Sister Mary regarding her use of the study guides, Plaintiff would go over them in class before the test. The fact that Sister Mary wanted Plaintiff to review the study guides with her class is uncontroverted. Further, Sister testified that she required Plaintiff to correct the students' study guides so they could prepare for exams and that she verbally counseled Plaintiff after she failed to follow her direction. Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here. Evidence: Kreuper decl., ¶ 13; Plaintiff depo., 68:23-70:16. | |
| 10 | 70. Plaintiff was also required to teach from a workbook titled Simple Solutions. (Kreuper depo., 119:16-120:7; Kreuper decl., ¶ 14; Plaintiff depo., 44:18-20). | 70. UNCONTROVERTED |
| 15 | 71. In the fall of 2013, Sister Mary learned that Plaintiff was not using the workbook as she had asked. (Kreuper decl., ¶ 14). | 71. CONTROVERTED as Biel testified that she had her students work in the Simple Solutions books. Deposition of Kristen Biel 43:17-44:3 |
| 20 | 72. Again, Sister Mary instructed Plaintiff on numerous occasions to use the Simple Solutions workbook when teaching her students. (Kreuper decl., ¶ 14). | 72. CONTROVERTED to the extent that the evidence cited by Defendant <i>does not establish when ("on numerous occasions") this instruction of Plaintiff occurred</i> regarding the Simple Solutions workbook. (Kreuper decl., ¶ 14). |
| 26 | Moving Party's Response: This does not create a genuine dispute as to any material fact because the Plaintiff fails to offer any evidence refuting Defendant's supporting evidence and fails to offer any valid objections to Defendant's | |

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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
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| 3 | supporting evidence. Accordingly, Plaintiff attempts to create the appearance of a | |
| 4 | controverted material fact when there isn't one here. | |
| 5 | 73. Throughout the 2013-2014 school | 73. CONTROVERTED as Sister |
| 6 | year, Sister Mary met with | Margaret testified that she |
| 7 | Plaintiff in her office on a regular | regularly "checks in" with other |
| 8 | basis to discuss her lesson plans | teachers as she did with Biel |
| 9 | for the upcoming week, and her | |
| 10 | various issues and struggles in the | Deposition of Mary Kreuper 109:16- |
| 11 | classroom. | 110:8 |
| 12 | (Kreuper depo., 82:23-83:7, Plaintiff | |
| 13 | depo., 108:2-15). | |
| 14 | Moving Party's Response: Objection: Mischaracterizes facts and evidence. | |
| 15 | This does not create a genuine dispute as to any material fact because the evidence | |
| 16 | presented by Plaintiff does not controvert the moving party's fact that Sister Mary | |
| 17 | met with Plaintiff from the beginning of the school year to discuss Plaintiff's | |
| 18 | classroom management issues, including the conditions of the students' desks, the | |
| 19 | lack of test schedule, the missed homework policy, etc. The evidence presented by | |
| 20 | Plaintiff does not controvert this fact. Whether Sister Mary "checked in" with other | |
| 21 | teachers is irrelevant to the fact that Sister Mary met with Plaintiff one to two times | |
| 22 | per week. Evidence: Kreuper depo., 82:23-83:7, 101:23-102:5, 104:13-19, 105:11- | |
| 23 | 13, 106:17-19. | |
| 24 | 74. During the first trimester, Sister | 74. UNCONTROVERTED |
| 25 | Mary met with Plaintiff every two | |
| 26 | weeks. | |
| 27 | (Kreuper depo. 82:23-25). | |
| 28 | 75. Plaintiff failed to improve on the | 75. CONTROVERTED as the cited |
| | issues Sister Mary counseled her | evidence only reflects Sister |
| | on, namely, the chaotic classroom | Margaret's testimony regarding the |
| | environment. | chaotic environment in Biel's |
| | (Kreuper depo., 83:8-13). | classroom and not failing to |
| | | improve on the issues Sister Mary |
| | | counseled her on. |

| | | |
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| 1 | MOVING PARTY’S STATEMENT OF UNCONTROVERTED FACTS (“DSUF”) | PLAINTIFF’S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | | 2) Sister Margaret wrote positive |
| 4 | | comments about Biel’s teaching, |
| 5 | | including that she was “very good” at |
| 6 | | “[e]stablishing and maintaining learning |
| 7 | | environments that are physically, |
| 8 | | intellectually, and emotionally safe” |
| 9 | | Deposition of Mary Kreuper 89:24- |
| 10 | | 90:15, Exh. 3 (“Elementary School |
| 11 | | Classroom Observation Report”) |
| 12 | | 3) Additionally, the Elementary School |
| 13 | | Classroom Observation Report has all of |
| 14 | | the boxes for “Creating and Maintaining |
| 15 | | Effective Environments for Student |
| 16 | | Learning” crossed out which indicates |
| 17 | | that there was evidence that Biel was |
| 18 | | doing those aspects of her teaching. |
| 19 | | Deposition of Mary Kreuper 89:24- |
| 20 | | 90:15; 91:14-91:24, Exh. 3. |
| 21 | Moving Party’s Response: Objection: Mischaracterizes facts and evidence; lacks | |
| 22 | foundation, speculative, argumentative. | |
| 23 | This does not create a genuine dispute as to any material fact because the evidence | |
| 24 | presented by Plaintiff does not controvert the moving party’s fact that Plaintiff did | |
| 25 | not improve her classroom management throughout the school year, namely the | |
| 26 | clutter on the students’ desks and the chaotic classroom environment. Plaintiff’s | |
| 27 | evidence does not refute this fact. | |
| 28 | Here, Plaintiff recites from a classroom observation report and presumptively | |
| | characterizes the remarks. Sister Mary Margaret did not testify to these comments | |
| | that Plaintiff includes as her supporting evidence. As such, Plaintiff mischaracterizes | |
| | facts and evidence, her evidence lacks foundation, calls for speculation, and is | |
| | argumentative. Plaintiff attempts to create the appearance of a controverted fact | |
| | when there isn’t one here. | |

| | | |
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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | 76. By January 2014, Sister Mary met | 76. CONTROVERTED |
| 4 | with Plaintiff in her office once | The testimony cited by Defendant does |
| 5 | every week and sometimes twice a | not establish that "performance issues" |
| 6 | week to discuss Plaintiff's | were the only thing discussed during |
| 7 | performance issues. | these meetings as Sister Margaret testified |
| 8 | (Kreuper depo., 109:7-19; Kreuper | that she wanted to "check in with her to |
| 9 | decl., ¶ 15; Plaintiff depo., 44:21-45:8). | see how she was doing with regards to all |
| 10 | | the things" Sister Margaret and Biel |
| 11 | | discussed. |
| 12 | | Deposition of Mary Kreuper 109:16- |
| 13 | | 109:19 |
| 14 | | For example, during these meetings, Biel |
| 15 | | and Sister Margaret also discussed other |
| 16 | | things including Biel's efforts to make |
| 17 | | sure the students were "understanding and |
| 18 | | learning" in her classroom which Sister |
| 19 | | Margaret complimented. |
| 20 | | Deposition of Kristen Biel 45:21-47:2. |
| 21 | | Also during these meetings Biel and |
| 22 | | Sister Margaret discussed the large |
| 23 | | number of students who were on Biel's |
| 24 | | honor roll during the first trimester |
| 25 | | Deposition of Mary Kreuper 83:24-86:14; |
| 26 | | 157:15-157:23 |
| 27 | Moving Party's Response: Objection: Mischaracterizes facts and evidence, lacks | |
| 28 | foundation, speculative, argumentative. | |
| 29 | This does not create a genuine dispute as to any material fact because the evidence | |
| 30 | presented by Plaintiff does not controvert the moving party's fact that, by January | |
| 31 | 2014, Sister Mary met with Plaintiff in her office once every week and sometimes | |
| 32 | twice a week to discuss Plaintiff's performance issues. Plaintiff's evidence does not | |
| 33 | refute this fact. | |

| | | |
|----|---|---|
| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | Whether other things were discussed during these meetings is irrelevant and | |
| 4 | immaterial to the fact that these meetings occurred every week and Plaintiff's | |
| 5 | performance issues were discussed. Plaintiff's belief that Sister thought she was | |
| 6 | "doing a good job" is speculative and lacks foundation, and ultimately, does not | |
| 7 | controvert the subject fact. Plaintiff attempts to create the appearance of a | |
| 8 | controverted material fact when there isn't one here. | |
| 9 | 77. From November 2013 to May | 77. CONTROVERTED as a majority |
| 10 | 2014, Sister Mary met with | of the handwritten notes are not |
| 11 | Plaintiff and took handwritten | dated and there is no indication that |
| 12 | notes memorializing the | they reflect the issues discussed at |
| 13 | performance issues she discussed | "each" of the meetings between |
| 14 | with Plaintiff at each of these | Sister Margaret and Biel. |
| 15 | meetings. | (Kreuper depo., 101:2-5, 109:7-19; |
| 16 | (Kreuper depo., 101:2-5, 109:7-19; | Kreuper decl., ¶ 15). |
| 17 | Kreuper decl., ¶ 15). | |
| 18 | Moving Party's Response: This does not create a genuine dispute as to any material | |
| 19 | fact because the Plaintiff fails to offer any evidence refuting Defendant's supporting | |
| 20 | evidence and fails to offer any valid objections to Defendant's supporting evidence. | |
| 21 | Accordingly, Plaintiff attempts to create the appearance of a controverted material | |
| 22 | fact when there isn't one here. | |
| 23 | 78. Initially, Sister Mary wrote down | 78. UNCONTROVERTED |
| 24 | the issues Plaintiff needed | |
| 25 | improvement on, and every time | |
| 26 | they discussed and revisited the | |
| 27 | issue, she placed a checkmark next | |
| 28 | to it. | |
| | (Kreuper, depo., 99:5-100:2, 101:2-5, | |
| | 101:12-102:5, 105:14-18, 115:24- | |
| | 116:7; Kreuper decl., ¶ 15). | |
| | 79. The recurring issues discussed | 79. CONTROVERTED to the extent |
| | with Plaintiff during these | that the evidence does not establish |
| | meetings included: | whether the issues were |

| | | |
|----|---|---|
| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | The level of noise in the | "recurring." |
| 4 | classroom. Per Sister Mary's | (See, Defendant's Evidence) |
| 5 | handwritten notes, she discussed | |
| 6 | this issue with Plaintiff on at least | |
| 7 | six occasions. | |
| 8 | (Kreuper depo., 101:20-102:5, 105:8-13, | |
| 9 | 106:5-12; Kreuper decl., ¶ 15; Plaintiff | |
| 10 | depo., 57:24-25). | |
| 11 | Moving Party's Response: This does not create a genuine dispute as to any material | |
| 12 | fact because the Plaintiff fails to offer any evidence refuting Defendant's supporting | |
| 13 | evidence and fails to offer any valid objections to Defendant's supporting evidence. | |
| 14 | Further, it is evident that Sister Mary testified that she "kept noticing" the same | |
| 15 | issues with Plaintiff and, thus, kept discussing these issues with her at their meetings. | |
| 16 | Evidence: Kreuper depo., 101:20-102:5, 105:8-13, 106:5-12. Accordingly, Plaintiff | |
| 17 | attempts to create the appearance of a controverted material fact when there isn't one | |
| 18 | here. | |
| 19 | 80. The recurring issues discussed | 80. CONTROVERTED to the extent |
| 20 | with Plaintiff during these | that the evidence does not establish |
| 21 | meetings included: | whether the issues were |
| 22 | | "recurring." |
| 23 | The condition of the classroom. Per | (See, Defendant's Evidence) |
| 24 | Sister Mary's handwritten notes, she | |
| 25 | discussed this issue with Plaintiff on at | |
| 26 | least nine occasions. | |
| 27 | (Kreuper depo., 104:13-19, 106:17-19; | |
| 28 | Kreuper decl., ¶ 15; Plaintiff depo., | |
| | 40:22-42:7, 43:11-16). | |
| | Moving Party's Response: This does not create a genuine dispute as to any material | |
| | fact because the Plaintiff fails to offer any evidence refuting Defendant's supporting | |
| | evidence and fails to offer any valid objections to Defendant's supporting evidence. | |
| | Further, it is evident that Sister Mary testified that she "kept noticing" the same | |
| | issues with Plaintiff and, thus, kept discussing these issues with her at their meetings. | |
| | Evidence: Kreuper depo., 101:20-102:5, 105:8-13, 106:5-12. Accordingly, Plaintiff | |
| | attempts to create the appearance of a controverted material fact when there isn't one | |
| | here. | |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|--|---|
| <p>81. The recurring issues discussed with Plaintiff during these meetings included:</p> <p>Permitting students to erase their work habits for missed homework assignments. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least five occasions.</p> <p>(Kreuper depo., 101:12-22, 103:8-16, 104:11-17, 105:23-106:4; Kreuper decl., ¶ 15; Plaintiff depo., 53:16-54:10).</p> | <p>81. CONTROVERTED to the extent that the evidence does not establish whether the issues were "recurring."</p> <p>(See, Defendant's Evidence)</p> |
| <p>Moving Party's Response: This does not create a genuine dispute as to any material fact because the Plaintiff fails to offer any evidence refuting Defendant's supporting evidence and fails to offer any valid objections to Defendant's supporting evidence. Further, it is evident that Sister Mary testified that she "kept noticing" the same issues with Plaintiff and, thus, kept discussing these issues with her at their meetings. Evidence: Kreuper depo., 101:20-102:5, 105:8-13, 106:5-12. Accordingly, Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here.</p> | |
| <p>82. The recurring issues discussed with Plaintiff during these meetings included:</p> <p>Informing parents of the test schedule. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least two occasions.</p> <p>(Kreuper depo., 103:8-16; Kreuper decl., ¶ 15; Plaintiff depo., 51:5-22, 64:1-9).</p> | <p>82. CONTROVERTED to the extent that the evidence does not establish whether the issues were "recurring."</p> <p>(See, Defendant's Evidence)</p> |

| | | |
|----|---|---|
| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | Moving Party's Response: This does not create a genuine dispute as to any material | |
| 4 | fact because the Plaintiff fails to offer any evidence refuting Defendant's supporting | |
| 5 | evidence and fails to offer any valid objections to Defendant's supporting evidence. | |
| 6 | Further, it is evident that Sister Mary testified that she "kept noticing" the same | |
| 7 | issues with Plaintiff and, thus, kept discussing these issues with her at their meetings. | |
| 8 | Evidence: Kreuper depo., 101:20-102:5, 105:8-13, 106:5-12. Accordingly, Plaintiff | |
| 9 | attempts to create the appearance of a controverted material fact when there isn't one | |
| 10 | here. | |
| 11 | 83. The recurring issues discussed | 83. CONTROVERTED to the extent |
| 12 | with Plaintiff during these | that the evidence does not establish |
| 13 | meetings included: | whether the issues were |
| 14 | | "recurring." |
| 15 | The issue with regarding to giving | (See, Defendant's Evidence) |
| 16 | accurate study guides to the students. | |
| 17 | Per Sister Mary's handwritten notes, | |
| 18 | she discussed this issue with Plaintiff | |
| 19 | on at least two occasions. | |
| 20 | (Kreuper depo., 106:20-21, Kreuper | |
| 21 | decl., ¶ 15; Plaintiff depo., 66:21-25, | |
| 22 | 68:23-70:16). | |
| 23 | Moving Party's Response: This does not create a genuine dispute as to any material | |
| 24 | fact because the Plaintiff fails to offer any evidence refuting Defendant's supporting | |
| 25 | evidence and fails to offer any valid objections to Defendant's supporting evidence. | |
| 26 | Further, it is evident that Sister Mary testified that she "kept noticing" the same | |
| 27 | issues with Plaintiff and, thus, kept discussing these issues with her at their meetings. | |
| 28 | Evidence: Kreuper depo., 101:20-102:5, 105:8-13, 106:5-12. Accordingly, Plaintiff | |
| | attempts to create the appearance of a controverted material fact when there isn't one | |
| | here. | |
| | 84. Sister Mary made a note during | 84. CONTROVERTED to the extent |
| | her meetings with Plaintiff that | that the evidence does not establish |
| | Plaintiff did not want to "take | that Sister Margaret made a note |
| | accountability for the students' | during <i>multiple</i> meetings with Biel. |
| | behavior." | (See, Defendant's Evidence) |
| | (Kreuper depo., 106:5-12). | |

**MOVING PARTY'S STATEMENT
OF UNCONTROVERTED FACTS
("DSUF")**

**PLAINTIFF'S RESPONSE AND
SUPPORTING AND EVIDENCE**

Moving Party's Response: Objection: Mischaracterizes facts and evidence.

This does not create a genuine dispute as to any material fact because the Plaintiff fails to offer any evidence refuting Defendant's supporting evidence that Sister Mary wrote that Plaintiff did not want to "take accountability for the students' behavior" during one of her meetings with Plaintiff. Further, Plaintiff fails to offer any valid objections to Defendant's supporting evidence. It is evident that Sister Mary testified that she wrote down notes during her meetings with Plaintiff. **Evidence:** Kreuper depo., 101:20-102:5, 105:8-13, 106:5-12.

Whether Sister Mary wrote that Plaintiff did not want to "take accountability for the students' behavior" during one meeting opposed to "multiple" is irrelevant and immaterial to the subject fact. Accordingly, Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here.

85. During these meetings, Sister Mary also went over Plaintiff's weekly lesson plans for each upcoming school week.

(Kreuper depo., 82:23-83:4).

85. **CONTROVERTED** as Biel testified that when Sister Margaret returned the lesson plans to her she would "do what she said" and does not recall having conversations about her lesson plans.

Deposition of Kristen Biel 63:5-63:9

Moving Party's Response: Objection: Mischaracterizes facts and evidence.

This does not create a genuine dispute as to any material fact because the Plaintiff fails to offer any evidence refuting Defendant's supporting evidence that Sister Mary went over Plaintiff's lesson plans each week.

86. Sister Mary would make comments and suggestions on Plaintiff's lesson plans regarding persistent classroom issues.

(Plaintiff depo., 62:11-18, 62:23-63:9; Kreuper depo., 152:13-23).

86. **UNCONTROVERTED**

| | | |
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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | 87. Sister Mary made the following | 87. UNCONTROVERTED |
| 4 | notations on Plaintiff's lesson | |
| 5 | plans: | |
| 6 | Week of September 23-27, 2013- "Be | |
| 7 | sure to let the students know the test | |
| 8 | schedule." | |
| 9 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| 10 | 61:22-62:3, 64:1-5) | |
| 11 | | |
| 12 | 88. Sister Mary made the following | 88. UNCONTROVERTED |
| 13 | notations on Plaintiff's lesson | |
| 14 | plans: | |
| 15 | Week of November 4-8, 2013- "Be sure | |
| 16 | to do study guides together and correct." | |
| 17 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| 18 | 65:6-24) | |
| 19 | | |
| 20 | 89. Sister Mary made the following | 89. UNCONTROVERTED |
| 21 | notations on Plaintiff's lesson | |
| 22 | plans: | |
| 23 | Week of January 20-24, 2014- "Be sure | |
| 24 | to correct study guides." | |
| 25 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| 26 | 68:16-69:14). | |
| 27 | | |
| 28 | 90. Sister Mary made the following | 90. UNCONTROVERTED |
| | notations on Plaintiff's lesson | |
| | plans: | |
| | Week of January 27-31, 2014- | |
| | "Remember we have talked about | |
| | 'things' on desk." | |
| | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| | 70:21-71:6, 71:15-18). | |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|---|---|
| <p>91. Sister Mary made the following notations on Plaintiff's lesson plans:</p> <p>Week of February 17-21, 2014- "Be sure to correct [study guides] so the students will have something to study correctly."</p> <p>(Kreuper decl., ¶ 16; Plaintiff depo., 71:19-72:11).</p> | <p>91. UNCONTROVERTED</p> |
| <p>92. Sister Mary made the following notations on Plaintiff's lesson plans:</p> <p>Week of March 3-7, 2014- "Be sure that SG are corrected."</p> <p>(Kreuper decl., ¶ 16; Plaintiff depo., 72:15-22, 74:10-19).</p> | <p>92. CONTROVERTED to the extent that Biel testified that she did not know what the specific notation on Plaintiff's lesson plans indicated.</p> <p>Deposition of Kristen Biel 72:15-72:22.</p> |
| <p>Moving Party's Response: Objection: lacks foundation.</p> <p>This does not create a genuine dispute as to any material fact because Plaintiff testified that correcting the study guides was important to Sister Mary and, as a result of conversations with Sister Mary regarding her use of the study guides, Plaintiff would go over them in class before the test. The fact that Sister Mary wanted Plaintiff to review the study guides with her class is uncontroverted. Further, Sister Mary testified that she required Plaintiff to correct the students' study guides so they could prepare for exams. Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here. Evidence: Kreuper decl., ¶ 13; Plaintiff depo., 68:23-70:16.</p> | |
| <p>93. Sister Mary made the following notations on Plaintiff's lesson plans:</p> <p>Week of April 28-May 2, 2014- "Remember about things on desks."</p> <p>(Kreuper decl., ¶ 16; Plaintiff depo.,</p> | <p>93. CONTROVERTED to the extent that Biel testified that she did not recall these comments on her study guides.</p> <p>Deposition of Kristen Biel 74:24-75:4</p> |

| | | |
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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | 74:24-75:4, 76:4-9). | |
| 4 | Moving Party's Response: Objection: lacks foundation. | |
| 5 | This does not create a genuine dispute as to any material fact because Plaintiff does | |
| 6 | not offer any evidence that controverts the fact that Sister Mary made the above | |
| 7 | notations on Plaintiff's lesson plans. Plaintiff's response relates to the subject of | |
| 8 | study guides, which is not addressed in this fact. Further, Plaintiff does not assert | |
| 9 | any valid object to Defendant's supporting evidence at all. Accordingly, Plaintiff | |
| 10 | attempts to create the appearance of a controverted material fact when there isn't one | |
| 11 | here. | |
| 12 | 94. Sister Mary expressed her concerns regarding Plaintiff's classroom management and teaching practices as late as May 2014. | 94. CONTROVERTED to the extent that Biel's testimony only reflects that Sister Margaret addressed her concern regarding the condition of student's desks as late as May 2014. She did not address classroom management or teaching practices generally. Moreover, the cited testimony states that the last concern regarding study guides came in March 2014. |
| 13 | (Plaintiff's depo., 76:4-17). | Deposition of Kristen Biel 76:4-17 |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | Moving Party's Response: This does not create a genuine dispute as to any material | |
| 21 | fact because Plaintiff does not offer any evidence that controverts the fact that Sister | |
| 22 | Mary expressed her concerns regarding Plaintiff's classroom management, including | |
| 23 | the condition of the students' desks as late as May 2014. The issue of Plaintiff's | |
| 24 | study guides are irrelevant to the subject fact. Accordingly, Plaintiff attempts to | |
| 25 | create the appearance of a controverted material fact when there isn't one here. | |
| 26 | 95. During the 2013-2014 school year, several parents voiced their complaints regarding Plaintiff's teaching style to Sister Mary. | 95. CONTROVERTED as one of the parents identified by Sister Margaret as "voicing their complaints" testified that she never had a meeting with Sister Margaret to discuss complaints about Biel or |
| 27 | (Kreuper depo., 111:25-112:23, 113:1-12; Janelle O'Dowd depo. (O'Dowd | |
| 28 | | |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|--|--|
| depo.), 20:20-21:8; 38:3-21). | any teacher at St. James School. Deposition of Mary Kreuper 111:25-112:12; 112:25-113:7; 117:23-117:25 Deposition of Mara Wolfesen 5:13-5:18; 21:20-22:6; 31:21-32:1; 40:11-40:17 |
| <p>Moving Party's Response: This does not create a genuine dispute as to any material fact because Plaintiff does not offer any evidence that controverts the fact that several parents voiced their concerns about Plaintiff to Sister Mary, including Janell O'Dowd and Patty Schiappa. Evidence: Patty Schiappa depo., 16:4-11, 45:3-18, attached as Exhibit B to the Fermin decl. Whether one parent failed to voice complaints about Plaintiff to Sister Mary does not controvert the fact that at least two parents voiced their complaints about Plaintiff to Sister Mary. Accordingly, Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here.</p> | |
| <p>96. The majority of the parent complaints stemmed from Plaintiff's lack of structure in the classroom.</p> <p>(Kreuper depo., 111:25-112:23, 113:1-12, 158:13-159:4).</p> | <p>96. CONTROVERTED as one of the parents identified by Sister Margaret as "voicing their complaints" testified that she never had a meeting with Sister Margaret to discuss complaints about Biel or any teacher at St. James School.</p> <p>Deposition of Mary Kreuper 111:25-112:12; 112:25-113:7; 117:23-117:25</p> <p>Deposition of Mara Wolfesen 5:13-5:18; 21:20-22:6; 31:21-32:1; 40:11-40:17</p> |
| <p>Moving Party's Response: This does not create a genuine dispute as to any material fact because Plaintiff does not offer any evidence that controverts the fact that several parents voiced their concerns about Plaintiff's lack of structure in the classroom. Evidence: O'Dowd depo., 23:23-24:6, 38:3-9 (attached as Exhibit A to the Fermin decl.); Kreuper depo., 111:25-112:23, 113:1-12, 158:13-159:4.</p> <p>Whether one parent failed to voice complaints about Plaintiff to Sister Mary does not controvert the fact that other parents voiced their complaints about Plaintiff to Sister Mary. Accordingly, Plaintiff attempts to create the appearance of a controverted</p> | |

| | | |
|----|---|--|
| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | material fact when there isn't one here. | |
| 4 | 97. Sister Mary also received negative 5 feedback from other teachers at St. 6 James regarding Plaintiff's 7 classroom management, including 8 the noise level of the class. 9 10 (Kreuper depo., 114:15-24, 158:13- 11 159:4; O'Dowd depo., 20:20-21:8; 38:3- 12 21; Kathleen McDermott depo. 13 (McDermott depo.), 30:23-31:12, 35:4- 14 12); Lana Chang, depo. (27:14-29:5, 15 30:1-14, 37:20-38:14). | 97. UNCONTROVERTED |
| 16 | 98. In March 2014, Sister Mary 17 decided that she would not offer 18 Plaintiff an employment contract 19 for the 2014-2015 school year. 20 21 (Kreuper depo., 119:9-15). | 98. CONTROVERTED to the extent 22 that the cited evidence establishes 23 that Sister Margaret testified that 24 "her tendency was in, say March" 25 and so she "probably" thought in 26 March that Biel would not work 27 out. 28 Kreuper depo., 119:9-15. Sister Margaret offers conflicting testimony later in her deposition regarding exactly when she told Biel that she would not have a contract for the following year. Deposition of Mary Kreuper 129:11- 130:25; 132:10-132:24, Exh. 6 |
| 29 | Moving Party's Response: This does not create a genuine dispute as to any material 30 fact because Plaintiff does not offer any evidence that controverts the fact that Sister 31 Mary decided to not offer Plaintiff an employment contract in March 2014. When 32 Sister Mary informed Plaintiff that she would not be offered an employment contract 33 for the following school year is a different issue than when she made the decision. | |

| | | |
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| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | 99. She came to this decision based on | 99. CONTROVERTED to the extent |
| 4 | the fact that Plaintiff failed to | that Biel testified that she had her |
| 5 | follow Sister Mary's guidance and | students work in the Simple |
| 6 | abide by the policies and | Solutions books. |
| 7 | procedures of the School despite | Deposition of Kristen Biel 43:17-44:3 |
| 8 | their numerous counseling | |
| 9 | sessions. | |
| 10 | (Kreuper depo., 119:16-120:7, 156:17- | |
| 11 | 157:1). | |
| 12 | Moving Party's Response: This does not create a genuine dispute as to any material | |
| 13 | fact because Plaintiff does not offer any evidence that controverts the fact that Sister | |
| 14 | Mary decided to not offer Plaintiff an employment contract based on the fact that | |
| 15 | Plaintiff failed to follow Sister Mary's guidance and abide by the policies and | |
| 16 | procedures of the School despite their numerous counseling sessions. Whether | |
| 17 | Plaintiff had her students work in the Simple Solutions book has no bearing on the | |
| 18 | subject fact. Plaintiff attempts to create the appearance of a controverted material fact | |
| 19 | when there isn't one here. | |
| 20 | 100. From January 2014 to April 2014, | 100. CONTROVERTED as Sister |
| 21 | Sister Mary told Plaintiff on | Margaret first testifies that she told |
| 22 | several occasions that it would be | Biel a "couple of times" only later |
| 23 | difficult to offer her an | to say that it was "several." |
| 24 | employment contract for the | |
| 25 | following school year. | Q. Did you ever tell Ms. Biel she would |
| 26 | (Kreuper depo., 120:10-121:3, 130:10- | not be offered a contract prior to her |
| 27 | 17). | going out on leave? |
| 28 | | A. Before May 22nd. I said a couple of |
| | | times, "I'm going to find it difficult to |
| | | offer you a contract." |
| | | Q. You said that a couple of times? |
| | | A. Couple of times, uh-huh. |
| | | Deposition of Mary Kreuper 120:14- |
| | | 120:20 |
| | | Q. Did you ever tell Ms. Biel before the |
| | | Monday after Easter, when she told you |
| | | she might have cancer that she was not |

| | | |
|----|---|---|
| 1 | MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
| 2 | | |
| 3 | | going to get a contract for the following school year? |
| 4 | | A. I mentioned it on several occasions in early January, February when I met with her, that because of her performance, that I was going to find it very difficult to offer her a contract. |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | Deposition of Mary Kreuper 130:10- 130:17. |
| 9 | | |
| 10 | Moving Party's Response: Objection: Mischaracterizes facts and evidence, argumentative. | |
| 11 | | |
| 12 | This does not create a genuine dispute as to any material fact because Plaintiff does not offer any evidence that controverts the fact that Sister Mary told Plaintiff on several occasions that it would be difficult to offer her an employment contract for the following school year. Plaintiff attempts to misconstrue Sister Mary's testimony but alleging that "a couple of times" and "several times" are conflicting testimony. This is disingenuous and immaterial. Again, Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here. | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | 101. In April 2014, following Easter break, Plaintiff told Sister Mary that she believed she had breast cancer and would need to undergo some tests. | 101. CONTROVERTED to the extent that Biel had told Sister Margaret that she had cancer not that she believed that she had cancer. |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | (Kreuper depo., 124:14-25). | Deposition of Kristen Biel 90:23-91:25; Deposition of Mary Kreuper 121:16- 121:23; 124:14-124:25 |
| 22 | | |
| 23 | Moving Party's Response: Objection: Mischaracterizes facts and evidence, argumentative. | |
| 24 | | |
| 25 | This does not create a genuine dispute as to any material fact because whether Plaintiff told Sister Mary that she believed she had cancer or that she had cancer is immaterial. Again, Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here. | |
| 26 | | |
| 27 | | |
| 28 | | |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|--|--|
| <p>102. Sister Mary was sympathetic to Plaintiff's situation as she was also diagnosed with breast cancer in 2010, underwent a surgical procedure to treat her condition, and remained in continued treatment thereafter.</p> <p>(Kreuper decl., ¶ 17).</p> | <p>102. UNCONTROVERTED</p> |
| <p>103. Plaintiff then informed Sister Mary that May 22, 2014 would be her last day of work so that she could receive medical treatment.</p> <p>(Kreuper depo., 127:3-4, 127:14-20).</p> | <p>103. CONTROVERTED as Biel continued to come to St. James School to pick up papers to grade and check her mailbox.</p> <p>Deposition of Kristen Biel 23:19- 23:25; 105:25-106:18; 111:16-112:11</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence, argumentative.</p> <p>This does not create a genuine dispute as to any material fact because Plaintiff testified that her last day teaching the 5th grade at St. James before receiving chemotherapy treatment was approximately May 23, 2014. Evidence: Biel depo., 104:23-105:6 (attached as Exhibit C to the Fermin decl.). Whether Plaintiff continued to grade papers and check her mailbox is immaterial and has no bearing on the subject fact.</p> | |
| <p>104. Plaintiff continued to come to the School to pick up papers to grade and check her mailbox and was compensated until the end of the school year.</p> <p>(Plaintiff depo., 23:9-18; 105:25-106:18).</p> | <p>104. UNCONTROVERTED</p> |
| <p>105. Every teacher's employment contract at St. James states that the School will give written notice on May 15 of whether it intends to</p> | <p>105. CONTROVERTED to the extent that the cited evidence only reflects the terms of Biel's contract with St. James School and not every</p> |

| MOVING PARTY'S STATEMENT OF UNCONTROVERTED FACTS ("DSUF") | PLAINTIFF'S RESPONSE AND SUPPORTING AND EVIDENCE |
|--|---|
| <p>offer a new employment contract to the teacher for the following school year.</p> <p>(Kreuper depo. 135:24-136:7; Kreuper decl., ¶ 5).</p> | <p>teacher's contract with St. James School</p> <p>(See, Defendant's Evidence)</p> |
| <p>Moving Party's Response: Objection: Mischaracterizes facts and evidence, argumentative.</p> <p>This does not create a genuine dispute as to any material fact because Plaintiff does not offer any evidence that controverts the fact that each teacher's employment contract states that the School will give notice of renewal or non-renewal on May 15. Plaintiff simply cites to Defendant's supporting evidence. In her declaration, Sister Mary discusses the contract that governs each teacher's employment at St. James and the terms therein. One of the terms is the May 15 notice of renewal or non-renewal. This fact is uncontroverted by Plaintiff as Plaintiff fails to offer any supporting evidence and fails to assert a valid objection. Again, Plaintiff attempts to create the appearance of a controverted material fact when there isn't one here.</p> | |
| <p>106. On May 15, 2014, Sister Mary wrote a letter to Plaintiff indicating that she could not offer Plaintiff an employment contract for the 2014-2015 school year based on work performance reasons and placed it in Plaintiff's mailbox at the School.</p> <p>(Kreuper depo. 132:15-20, 133:25-134:2).</p> | <p>106. CONTROVERTED</p> <p>1. Biel testified that she never received the letter</p> <p>Deposition of Kristen Biel 100:4-102:14</p> <p>2. Sister Margaret testified that she never followed up with Biel to see if she received the letter or spoke with Biel about the letter to ensure that she received it</p> <p>Deposition of Mary Kreuper 134:5-134:16</p> |

**MOVING PARTY'S STATEMENT
OF UNCONTROVERTED FACTS
("DSUF")**

**PLAINTIFF'S RESPONSE AND
SUPPORTING AND EVIDENCE**

Moving Party's Response: Objection: Mischaracterizes facts and evidence, argumentative.

This does not create a genuine dispute as to any material fact because Plaintiff does not offer any evidence that controverts the fact that Sister Mary wrote a letter on May 15, 2014 to Plaintiff informing her that she would not be offering her an employment contract for the following school year. Plaintiff produces evidence that Plaintiff never received it. However, this testimony does not controvert the fact that Sister Mary wrote it. Even if it were true that Plaintiff never received the letter, this does not necessarily mean that Sister Mary did not write the letter.

**PLAINTIFF'S SEPARATE STATEMENT OF ADDITIONAL
MATERIAL FACTS**

New Undisputed Material Fact:

Supporting Evidence:

110. Kristen Biel ("Biel") attended three colleges to receive her Bachelor of Arts in liberal studies

110. Deposition of Kristen Biel 9:25-11:2

Moving Party's Response: Uncontroverted.

111. After receiving her degree, Biel attended California State University of Dominguez Hills and received her teaching credential

111. Deposition of Kristen Biel 9:25-11:2

Moving Party's Response: Uncontroverted.

112. Biel began her teaching career at a substitute teacher for various school districts as well as a few private schools, including St. Lawrence Martyr School where

112. Deposition of Kristen Biel 11:8-13:8

| | |
|---|---|
| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
| she worked before starting at St. James School | |
| Moving Party's Response: Uncontroverted. | |
| 113. At the time of her employment with St. James Catholic School, Biel was Catholic. | 113. Deposition of Kristen Biel 24:9-24:10 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence. At the time of Plaintiff's deposition, she testified that she was Catholic. The deposition occurred on November 10, 2015. This was over one year after Plaintiff's departure from St. James Catholic School. | |
| 114. In 2013, Biel began working for St. James School as a long-term substitute for one of the two first grade teachers that was on maternity leave | 114. Deposition of Kristen Biel 14:5-15:21 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence, lacks foundation. Plaintiff's belief that a long-term substitute is like a full-time teacher lacks foundation and is not credible evidence. Evidence: Biel Depo., 14:5-15:25. | |
| 115. After her long-term substitute position ended in June 2013, she was hired as a full-time teacher by Sister Mary Margaret for the 2013-2014 school year | 115. Deposition of Kristen Biel 17:13-17:25 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence, lacks foundation. Plaintiff's belief that a long-term substitute is like a full-time teacher lacks foundation and is not credible evidence. Evidence: Biel Depo., 14:5-15:25. | |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|---|---|
| 116. Upon being hired, Biel signed an employment contract with the school that defined her title as a “Teacher” throughout the contract | 116. Deposition of Kristen Biel 17:17-19:2, Exh. 1 |
| Moving Party’s Response: Objection. Mischaracterizes facts and evidence, lacks foundation. There is no “definition” of Plaintiff’s title within her employment contract. | |
| 117. Shortly after she was hired, Biel attended a conference at the request of St. James School that lasted “four or five hours” over a single day | 117. Deposition of Kristen Biel 18:1-19:17; 33:22-37:5, Exh. 1 |
| Moving Party’s Response: Uncontroverted. | |
| 118. In November 2013, Sister Margaret performed an observational review of Biel’s teaching. | 118. Deposition of Mary Kreuper 89:2-89:6; 89:24-90:16, Exh. 3; Deposition of Kristen Biel 37:6-37:25, Exh. 4 |
| Moving Party’s Response: Uncontroverted. | |
| 119. On the review, Sister Margaret checked boxes to indicate that Biel was sufficiently performing in several aspects of her job including having “visible evidence of signs, sacramental, traditions of the Roman Catholic Church in the classroom” | 119. Deposition of Mary Kreuper 89:24- 90:15; 91:14-91:24; 92:4-94:12, Exh. 3 (“Elementary School Classroom Observation Report”); Deposition of Kristen Biel 37:6-37:25, Exh. 4 (“Elementary School Classroom Observation Report”) |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|--|--|
| Moving Party's Response: Objection. Mischaracterizes facts and evidence, lacks foundation. The cited testimony does not support Plaintiff's characterization of the evidence. | |
| 120. On the review, Sister Margaret checked boxes to indicate that Biel was sufficiently performing in several aspects of her job including "using instructional time to optimize learning" | 120. Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24; 92:4-94:12, Exh. 3 ("Elementary School Classroom Observation Report"); Deposition of Kristen Biel 37:6-37:25, Exh. 4 ("Elementary School Classroom Observation Report") |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence, lacks foundation. The cited testimony does not support Plaintiff's characterization of the evidence. | |
| 121. On the review, Sister Margaret checked boxes to indicate that Biel was sufficiently performing in several aspects of her job including "involving all students in self-assessment, goal setting, and monitoring progress" | 121. Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24; 92:4-94:12, Exh. 3 ("Elementary School Classroom Observation Report"); Deposition of Kristen Biel 37:6-37:25, Exh. 4 ("Elementary School Classroom Observation Report") |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence, lacks foundation. The cited testimony does not support Plaintiff's characterization of the evidence. | |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|---|---|
| <p>122. Sister Margaret wrote positive comments about Biel’s teaching, including that she was “very good” at “[e]stablishing and maintaining learning environments that are physically, intellectually, and emotionally safe”</p> | <p>122. Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24; 92:4-94:12, Exh. 3 (“Elementary School Classroom Observation Report”);</p> <p>Deposition of Kristen Biel 37:6-37:25, Exh. 4 (“Elementary School Classroom Observation Report”)</p> |
| <p>Moving Party’s Response: Objection. Mischaracterizes facts and evidence, lacks foundation. The cited testimony does not support Plaintiff’s characterization of the evidence.</p> | |
| <p>123. Sister Margaret wrote positive comments about Biel’s teaching, including that overall it was a “good review”</p> | <p>123. Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24; 92:4-94:12, Exh. 3 (“Elementary School Classroom Observation Report”);</p> <p>Deposition of Kristen Biel 37:6-37:25, Exh. 4 (“Elementary School Classroom Observation Report”)</p> |
| <p>Moving Party’s Response: Objection. Mischaracterizes facts and evidence, lacks foundation. The cited testimony does not support Plaintiff’s characterization of the evidence.</p> | |
| <p>124. Biel testified that she first learned she had cancer during Easter vacation of 2014 and informed Sister Margaret the following week</p> | <p>124. Deposition of Kristen Biel 90:23-91:25</p> <p>Deposition of Mary Kreuper 121:16-121:23; 124:14-124:25</p> |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|--|--|
| Moving Party's Response: Uncontroverted. | |
| 125. In 2014, Easter Sunday was April 20, 2014 | 125. Plaintiff's Request for Judicial Notice |
| Moving Party's Response: Uncontroverted to the extent the Court takes judicial notice. | |
| 126. In early May, Biel informed Sister Margaret that she would need to undergo chemotherapy and surgery and that her last day would be May 22, 2014 | 126. Deposition of Mary Kreuper 125:9-127:22; Deposition of Kristen Biel 94:9-94:17; 95:8-96:16 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence. Sister Mary testified that Plaintiff told her she would need to undergo chemotherapy and surgery in end of April or first part of May. Evidence: Kreuper depo., 125:9-14. | |
| 127. According to the St. James School's employment contract, the school must provide notice on or before May 15 of whether it intends to offer the teacher a new employment contract for the following school year | 127. Deposition of Mary Kreuper 59:7-59:17; 132:10-132:15; 135:24-136:7, Exhs. 2,6 |
| Moving Party's Response: Uncontroverted. | |
| 128. Sister Margaret testified that pursuant to this provision, she provided notice to Biel on May 15th by placing written notice in her teacher mailbox | 128. Deposition of Mary Kreuper 132:10-134:16; 135:24-136:7, Exh. 6 |
| Moving Party's Response: Uncontroverted. | |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|---|---|
| 129. However, Biel never received the letter and was only put on notice of her contract status after at least June 2014 | 129. Deposition of Kristen Biel 100:4-102:14; Deposition of Mary Kreuper 134:5-134:16 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence. This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. Sister Mary testified that she had serious doubts about renewing Plaintiff's employment contract in March 201 and communicated this to Plaintiff. Evidence: Kreuper depo., 119:9-15, 120:14-23. | |
| 130. In June or July 2014, Biel is informed by Sister Margaret that St. James School would not be renewing her contract at a meeting arranged by Biel to inquire about the status of her contract | 130. Deposition of Kristen Biel 100:18-102:14 |
| Moving Party's Response: Uncontroverted for purposes of this Motion. | |
| 131. At the meeting, Sister Margaret informs Biel that she will not be renewing her contract because she "was not strict" and "it wouldn't be fair to the students to have two teachers in one year." | 131. Deposition of Kristen Biel 102:22-103:4; 118:18-24. |
| Moving Party's Response: Controverted. Evidence: Kreuper depo., 151:11-14; attached as Exhibit D to the Fermin Decl. This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. The above stated reasons for Sister Mary's decision to not renew Plaintiff's, even if true, are legitimate, nondiscriminatory reasons. | |
| 132. Specifically, Biel's Faculty Employment Agreement – Elementary, uses the phrase "[a]s a full time teacher" in paragraph 13 | 132. Deposition of Kristen Biel 17:17-19:2, Exh. 1 |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|---|--|
| Moving Party's Response: Uncontroverted. This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. | |
| 133. Biel also held herself out as a teacher | 133. Deposition of Kristen Biel 17:17-17:25 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence. This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. The cited testimony does not support Plaintiff's uncontroverted fact. | |
| 134. Biel was not required to undergo specific training before beginning her teaching at St. James School | 134. Deposition of Kristen Biel 9:20-11:2; 33:22-37:5. |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence, lack of foundation. | |
| 135. Biel testified that she attended mass once a month with her students | 135. Deposition of Kristen Biel 29:9-29:22 |
| Moving Party's Response: Uncontroverted. | |
| 136. Biel's primary role during Mass was to keep her kids seated and quiet. | 136. Deposition of Mary Kreuper 160:17-161:3, Exhibit 10 at page 22. Deposition of Kristen Biel 29:9-29:22; 31:10-32:25 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence, lack of foundation. | |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|---|--|
| 137. For one Sunday liturgy during the school year, Biel was required to prepare her students for participation in mass | 137. Deposition of Mary Kreuper 160:17-161:3, Exhibit 10 at page 22. Deposition of Kristen Biel 29:9-29:22; 31:10-32:25 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence, lack of foundation. | |
| 138. Plaintiff testified that she only taught religion to her students four days a week for approximately 30 minutes each time | 138. Deposition of Kristen Biel 26:18-27:4 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence. See Defendant's Uncontroverted Fact No. 24. | |
| 139. Sister Margaret testified that she first told Biel that she was not going to be able to offer Biel a contract in early May 2014 | 139. Deposition of Mary Kreuper 129:11-130:25; 132:10-132:24, Exh. 6 |
| Moving Party's Response: Uncontroverted. | |
| 140. Sister Margaret testified that she first told Biel that she was not going to be able to offer Biel a contract after Easter break | 140. Deposition of Mary Kreuper 129:11-130:25; 132:10-132:24, Exh. 6 |
| Moving Party's Response: Objection. Mischaracterizes facts and evidence. | |
| 141. When asked whether she affirmatively told Biel before the Easter Sunday that she would not be getting a contract for the following school year, Sister | 141. Deposition of Mary Kreuper 130:8-130:25 |

| | |
|--|--|
| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
| Margaret testified, “No. I don’t think I ever said that I definitely was not going to rehire he” | |
| Moving Party’s Response: Uncontroverted for purposes of this motion. | |
| 142. Biel testified one of the reasons Sister Margaret told her that she “wasn’t sure” if she wanted her back the following year was because it would be unfair to the students to have two teachers in one year | 142. Deposition of Kristen Biel 102:22-103:4; 118:18-24 |
| Moving Party’s Response: Uncontroverted for purposes of this motion. This “fact” is immaterial to a proper determination of this motion and does not create a genuine disputed issue. The above stated reasons for Sister Mary’s decision to not renew Plaintiff’s, even if true, are legitimate, nondiscriminatory reasons. | |
| 143. St. James School has operated with two teachers in a single year | 143. Deposition of Mary Kreuper 20:23-21:7; 26:21-27:16; 41:17-42:5, Deposition of Kristen Biel 14:22-15:25 |
| Moving Party’s Response: Objection. Mischaracterizes facts and evidence. | |
| 144. Sister Margaret testified that there would be no burden created on St. James School to have two teachers in the same year for Biel’s 5th class (as she has done that before for teachers who went on maternity leave) to allow Biel to seek treatment for her cancer. | 144. Deposition of Mary Kreuper 121:16-121:23; 123:10-124:25; 154:25-155:14 |
| Moving Party’s Response: Uncontroverted for purposes of this motion. | |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|--|--|
| 145. Sister Margaret, who admitted to being the sole decision maker regarding the status of Biel's employment, testified that there were four parents who came to her with concerns about Biel's performance | 145. Deposition of Mary Kreuper 111:25-112:12; 117:23-117:25 |
| Moving Party's Response: Uncontroverted for purposes of this motion. | |
| 146. Sister Margaret identified one of those parents as Mara Delgadillo | 146. Deposition of Mary Kreuper 111:25-112:12; 113:1-113:7 |
| Moving Party's Response: Uncontroverted for purposes of this motion. | |
| 147. Mara Wolfsen (Delgadillo) testified that she never had a meeting with Sister Margaret to discuss complaints about Biel or any teacher at St. James School | 147. Deposition of Mara Wolfsen 5:13-5:18; 21:20-22:6; 31:21-32:1; 40:11-40:17 |
| Moving Party's Response: Uncontroverted for purposes of this motion. | |
| This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. | |
| 148. Sister Margaret testified that pursuant to this provision, she provided written notice to Biel on May 15th and placed it in her teacher mailbox | 148. Deposition of Mary Kreuper 59:7-59:17; 132:10-132:15; 135:24-136:7, Exhs. 2,6 |
| Moving Party's Response: Uncontroverted for purposes of this motion. | |
| 149. Sister Margaret testified that she <i>regularly</i> "checks in" with other teachers as she did with Biel | 149. Deposition of Mary Kreuper 109:16-110:8 |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|--|---|
| <p>Moving Party's Response: Objection. Mischaracterizes the testimony to the extent that Sister Mary's "check ins" other teachers were similar to those pertaining to Plaintiff.</p> <p>This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue.</p> | |
| <p>150. Biel testified that during these meetings Sister Margaret complimented her regarding Biel's efforts to make sure the students were "understanding and learning" in her classroom</p> | <p>150. Deposition of Kristen Biel 45:21-47:2</p> |
| <p>Moving Party's Response: Objection. Mischaracterizes the testimony, calls for speculation regarding Sister Mary's thoughts and lacks foundation.</p> | |
| <p>151. Biel and Sister Margaret discussed the large number of students who were on Biel's honor roll during the first trimester</p> | <p>151. Deposition of Mary Kreuper 83:24-86:14; 157:15-157:23</p> |
| <p>Moving Party's Response: Uncontroverted for purposes of this motion.</p> <p>This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue.</p> | |
| <p>152. Sister Margaret also wrote many positive comments on Biel's lesson plans including:</p> <p>(1)Week of October 14-18, 2013 – A red star sticker and a "Thanks - SMM"</p> | <p>152. Deposition of Mary Kreuper 152:6-152:23, Exh. 9.</p> |
| <p>Moving Party's Response: Uncontroverted for purposes of this motion.</p> <p>This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. Even if true, this fact does not refute the evidence which indicates Sister Mary had continuous concerns regarding certain aspects of Plaintiff's</p> | |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence:</u> |
|--|--|
| work performance. | |
| <p>153. Sister Margaret also wrote many positive comments on Biel's lesson plans including:</p> <p>(2) Week of November 4-8, 2013 – "Thanks Kristen, SMM"</p> | <p>153. Deposition of Mary Kreuper 152:6-152:23, Exh. 9.</p> |
| <p>Moving Party's Response: Uncontroverted for purposes of this motion.</p> <p>This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. Even if true, this fact does not refute the evidence which indicates Sister Mary had continuous concerns regarding certain aspects of Plaintiff's work performance.</p> | |
| <p>154. Sister Margaret also wrote many positive comments on Biel's lesson plans including:</p> <p>(4) Week of January 27-31, 2014 – "Nice!" when describing Biel's Fall Leaves Art Project</p> | <p>154. Deposition of Mary Kreuper 152:6-152:23, Exh. 9.</p> |
| <p>Moving Party's Response: Uncontroverted for purposes of this motion.</p> <p>This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. Even if true, this fact does not refute the evidence which indicates Sister Mary had continuous concerns regarding certain aspects of Plaintiff's work performance.</p> | |
| <p>155. Sister Margaret also wrote many positive comments on Biel's lesson plans including:</p> <p>(5) Week of February 17-21, 2014 – A purple star and "I enjoyed reading these – Thanks, SMM"</p> | <p>155. Deposition of Mary Kreuper 152:6-152:23, Exh. 9.</p> |

New Undisputed Material Fact:**Supporting Evidence:**

Moving Party's Response: Uncontroverted for purposes of this motion.

This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. Even if true, this fact does not refute the evidence which indicates Sister Mary had continuous concerns regarding certain aspects of Plaintiff's work performance.

156. Sister Margaret also wrote many positive comments on Biel's lesson plans including:

(3) Week of November 11-15, 2013 – A star and "Good preparation – you joined right in!" with a drawing of a smiley face and "SMM"

156. Exhibit 6 to Declaration of Cathryn G. Fund

Moving Party's Response: Uncontroverted for purposes of this motion.

This "fact" is immaterial to a proper determination of this motion and does not create a genuine disputed issue. Even if true, this fact does not refute the evidence which indicates Sister Mary had continuous concerns regarding certain aspects of Plaintiff's work performance.

DATED: October 24, 2016

SULLIVAN, BALLOG & WILLIAMS, LLP

By: /s/ Veronica Fermin

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
California non-profit corporation;
and DOES 1-50, inclusive,

Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

**ADDITIONAL DECLARATION OF
VERONICA FERMIN IN SUPPORT
OF DEFENDANT'S REPLY BRIEF
TO PLAINTIFF'S OPPOSITION TO
MOTION FOR SUMMARY
JUDGMENT, OR IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT AND
EXHIBITS THEREOF**

*[Filed and Served Concurrently with
Defendant's Reply Brief to Plaintiff's
Opposition to Motion for Summary
Judgment, or in the Alternative, Partial
Summary Judgment; Response to
Plaintiff's Separate Statement of
Controverted and Uncontroverted Facts
and Conclusions of Law; and Evidentiary
Objections]*

Date: November 7, 2016
Time: UNDER SUBMISSION

Complaint Filed: 06/05/2015
Trial Date: 01/10/2017

DECLARATION OF VERONICA FERMIN

I, VERONICA FERMIN, declare as follows:

1. That I am an attorney at law duly licensed to practice before all courts of the State of California, and an associate at the law firm of Sullivan, Ballog & Williams, LLP, attorneys of record for Defendant, ST. JAMES CATHOLIC SCHOOL (hereinafter "Defendant"). If called upon to testify as to the matters set forth herein, I could and would competently testify thereto.

2. I make this declaration in support of Defendant's Motion for Summary Judgment or, alternatively Partial Summary Judgment against Plaintiff, KRISTEN BIEL (hereinafter "Plaintiff").

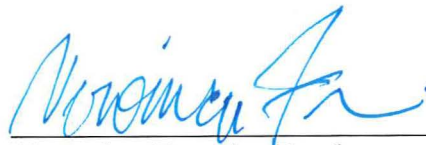
3. Attached hereto as Exhibit "A" is a true and correct copy of relevant portions of the deposition transcript of Janell O'Dowd.

4. Attached hereto as Exhibit "B" is a true and correct copy of relevant portions of the deposition transcript of Patty Schiappa.

5. Attached hereto as Exhibit "C" is a true and correct copy of relevant portions of the deposition transcript of Plaintiff Kristen Biel.

6. Attached hereto as Exhibit "D" is a true and correct copy of relevant portions of the deposition transcript of Sister Mary Margaret Kreuper.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on this 24th day of October, 2016 in Santa Ana, California.



Veronica Fermin, Declarant

Janell O'Dowd

January 28, 2016

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, AN INDIVIDUAL,

PLAINTIFF,

VS.

ST. JAMES SCHOOL, A CORP., A
CALIFORNIA CORPORATION; AND
DOES 1-50, INCLUSIVE,

DEFENDANTS.

CASE No. 15-cv-
04248-TJH (ASx)DEPOSITION OF
JANELL O'DOWD

Volume 1

Torrance, California

Thursday, January 28, 2016

Reported By:

Maria A. Hasakian

CSR No. 8469

NDS Job No. 179228

Janell O'Dowd

January 28, 2016

1 BY MS. SHOEMAKER:

2 Q And what were those issues?

3 A One, their calculators were being used for
4 math. I had a problem with study guides not being
5 corrected. I had a problem with the math workbook not
6 being used. I had a problem with the use of the Simple
7 Solution math workbooks, the classroom environment and I
8 guess that the work not being challenging.

9 Q Any other problems you can think of?

10 A Not at this second.

11 Q You said one of the problems was that they were
12 using calculators for math?

13 A Yes.

14 Q What's the issue with that?

15 A Long division. So this is -- I mean, fifth
16 grade usually calculators aren't used. So it was just
17 the type of problems the calculators were being used for.

18 Q And then you said something about having issues
19 with the study guides?

20 A Uh-huh.

21 Q What do you mean by that?

22 A The students were given study guides after they
23 completed a chapter. She was passing out the study
24 guides, giving them class time to finish them but then
25 never going back to correct the answer. So then when my

Page 21

1 A Correct.

2 Q And what about the Simple Solution books?

3 A She -- it's a consumable math workbook and they
4 were not using it as a consumable. So they were using a
5 piece of paper but then when she would go -- so the kids
6 were doing it on paper. So then when the kids would have
7 a test on it, there was no work in the workbook for the
8 parents to review or you'd --

9 Q Go ahead.

10 A So you couldn't find your child's mistake or

11 help them with a mistake.

12 Q And what's a consumable?

13 A You write in it. So like your textbook you
14 would not write in. We can't -- we don't highlight our
15 books but a workbook is a consumable because you write in
16 it.

17 Q And if it was on loose leaf paper, it'd be hard
18 to keep all that work together?

19 A Uh-huh, and I don't even think they had -- they
20 got those back.

21 Q The?

22 A The loose leaf papers.

23 Q And you mentioned you had an issue with the
24 classroom environment?

25 A Uh-huh.

Page 23

1 daughter would bring the study guides to prepare for a
2 test, they didn't have the correct answers on it. So
3 then as a present, I was going back looking in the book
4 trying to fix -- find the correct answers so that I could
5 then help her study.

6 Q And what book were you looking in?

7 A This was social studies.

8 Q A teacher book? Your daughter's school book?

9 A No, my daughter's school book.

10 Q To see -- to see if the answer she had in the
11 study guide was correct?

12 A Correct.

13 Q So it's not like you had the teacher manual
14 readily available?

15 A No.

16 Q And then you mentioned an issue with the math
17 workbooks?

18 A Uh-huh.

19 Q What was that?

20 A Our math workbook supplements our textbook and
21 she was not using the math book. So they weren't having
22 homework to reinforce the math skills that they were
23 being taught during the day.

24 Q So the issue was that the supplements weren't
25 being used?

Page 22

1 Q And what do you mean by that?

2 A Very loud, noisy, sometimes I'd walk by and
3 there'd be kids just, you know, walking or crawling on
4 the floor. And just with their desks, they had taped
5 pencil holders and things around their desk and just
6 books on the -- in the aisle.

7 Q How close was your classroom to Ms. Biel's
8 classroom?

9 A We were separated by, let's see, one, two, I
10 think three classrooms.

11 Q Could you hear noise from her classroom when
12 you were in your classroom?

13 A No.

14 MR. VASIN: You answered the question.

15 THE WITNESS: Okay.

16 BY MS. SHOEMAKER:

17 Q So when you state that the classroom was loud
18 or noisy, you only heard this when you walked by the
19 classroom; is that correct?

20 A When I walked by or when I was in the computer
21 lab.

22 Q And where is the computer lab in reference to
23 her classroom?

24 A Right next door.

25 Q Is the computer lab in between your two

Page 24

Janell O'Dowd

January 28, 2016

1 Q Any other students?

2 A Not that I remember.

3 Q And how many conversations did you have with

4 A.W. about issues with Ms. Biel's teaching?

5 A I drove to soccer practice with them in my car.

6 So if I had -- if Mallory came home using her calculator

7 in the car, I would say, is it true that you're allowed

8 to use your calculator? And then how -- how are you able

9 to use your calculator?

10 The kids would talk about things that happened

11 during the day. So I would just get in on the

12 conversation and ask questions about, you know, the

13 events.

14 Q Was F.D. also in the car with these drives to

15 soccer practice?

16 A Not all of them.

17 Q Is that where the conversations with F.D. would

18 have taken place?

19 A Yes.

20 Q Do you recall discussing any issues, other than

21 the one you previously told me about?

22 A No.

23 Q And approximately how many times did you have

24 these conversations?

25 A I don't know. September, October, November.

Page 37

1 Q When does --

2 A Progress report or report card?

3 Q Progress report.

4 A Progress report. Sorry. It would be six weeks

5 into school.

6 Q So the first conversation took place

7 approximately six weeks after the start of the school

8 year?

9 A I think I said first trimester that we -- I met

10 with her the first trimester, during the first trimester.

11 So that would have been before Thanksgiving.

12 Q But you spoke to her about Mallory's progress

13 report?

14 A That was later in the year.

15 Q So I'm just right now talking about this first

16 conversation you had with her.

17 A Okay.

18 Q What was discussed at the first -- during the

19 first conversation?

20 A I don't remember the specifics.

21 Q So the issues -- so --

22 A If I -- no. It's probably the math workbook.

23 MR. VASIN: Well --

24 BY MS. SHOEMAKER:

25 Q I don't want you to guess.

Page 39

1 Maybe 12 conversations. If I drove -- if I had to drive

2 extra carpool, I mean, there would have been more.

3 Q Did you have -- ever have any conversations

4 about the issues with Ms. Biel's teaching with Sister

5 Mary Margaret?

6 A Yes.

7 Q And approximately how many conversations did

8 you have with her?

9 A Probably about three.

10 Q Do you remember when the first conversation

11 took place?

12 A It would have been sometime in the first

13 trimester.

14 Q And what was said in that conversation?

15 A I don't -- I don't recall what specifically we

16 talked about.

17 Q What do you recall generally speaking about?

18 A I know I spoke to her about three things. We

19 talked about the math workbooks not being used. I talked

20 to her about Mallory's progress report. I discussed the

21 study guides with her and the math workbook.

22 Q When do progress reports come out for the

23 students?

24 A Midway through the trimester. The first one

25 comes out about Thanksgiving.

Page 38

1 MR. VASIN: Don't guess.

2 THE WITNESS: Then, no, I don't.

3 BY MS. SHOEMAKER:

4 Q So you recall having approximately three

5 conversations with Sister Mary Margaret?

6 A Uh-huh.

7 Q Yes?

8 A Yes.

9 Q And during those three conversations, within at

10 least one conversation, you discussed the math workbooks,

11 Mallory's progress report, study guides and math

12 workbook?

13 A Yes.

14 Q You don't recall specifically which issues were

15 discussed in which conversation?

16 A No.

17 Q And when you refer to Mallory's progress

18 report, are you referring to her first progress report?

19 A I'm not positive.

20 Q And what would your problem have been with

21 Mallory's progress report?

22 A She had a behavior check.

23 Q Do you remember when the second two

24 conversations you had with Sister Mary Margaret took

25 place?

Page 40

Janell O'Dowd

January 28, 2016

1 PENALTY OF PERJURY CERTIFICATE

2

3 I hereby declare I am the witness in the within

4 matter, that I have read the foregoing transcript and

5 know the contents thereof; that I declare that the same

6 is true to my knowledge, except as to the matters which

7 are therein stated upon my information or belief, and as

8 to those matters, I believe them to be true.

9 I declare being aware of the penalties of perjury,

10 that the foregoing answers are true and correct.

11

12

13

14

15 Executed on the ____ day of _____,

16 at _____,

17 (CITY) (STATE)

18

19

20

21 _____

22 JANELL O'DOWD

23

24

25

Page 69

1 I further certify that I am not a relative or

2 employee or attorney or counsel of any of the parties,

3 nor am I a relative or employee of such attorney or

4 counsel, nor am I financially interested in the outcome

5 of this action.

6

7 IN WITNESS WHEREOF, I have subscribed my name

8 this ____ day of _____,

9

10

11 _____

12 MARIA A. HASAKIAN, CSR No. 8469

13

14

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Page 71

1 STATE OF CALIFORNIA)

2) ss:

3 COUNTY OF LOS ANGELES)

4 I, MARIA A. HASAKIAN, do hereby certify:

5 That I am a duly qualified Certified Shorthand

6 Reporter, in and for the State of California, holder of

7 certificate number 8469, which is in full force and

8 effect and that I am authorized to administer oaths and

9 affirmations;

10 That the foregoing deposition testimony of the

11 herein named witness was taken before me at the time and

12 place herein set forth;

13 That prior to being examined, the witness named

14 in the foregoing deposition, was duly sworn or affirmed

15 by me, to testify the truth, the whole truth, and

16 nothing but the truth;

17 That the testimony of the witness and all

18 objections made at the time of the examination were

19 recorded stenographically by me, and were thereafter

20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true

22 and accurate record of the proceedings and testimony to

23 the best of my skill and ability;

24 That prior to the completion of the foregoing

25 deposition, review of the transcript was requested.

Page 70

1 ERRATA SHEET

2

3 If any corrections to your deposition are necessary,

4 indicate them on this sheet, giving the change, page

5 number, line number and reason for change.

6 PAGE LINE FROM TO

7 Reason _____

8 _____

9 Reason _____

10 _____

11 Reason _____

12 _____

13 Reason _____

14 _____

15 Reason _____

16 _____

17 Reason _____

18 _____

19 Reason _____

20 _____

21 Reason _____

22 _____

23 Reason _____

24 _____

25 Signature of Deponent _____ Date _____

Page 72

Patty Schiappa

May 13, 2016

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3
4

5 KRISTEN BIEL, an individual,)
6 Plaintiff,)

7 vs)

Case No.

15-cv-04248-TJH (ASx)

8 ST. JAMES SCHOOL, A CORP., a)
9 California corporation; and)
DOES 1-50, inclusive,)

10 Defendants.)
11
12
13
14

15 DEPOSITION OF PATTY SCHIAPPA

16 Torrance, California

17 Friday, May 13, 2016
18
19
20
21
22
23

24 Reported by: Julie Lynn O'Sullivan
CSR No. 10444

25 NDS Job No.: 181923

1

Patty Schiappa

May 13, 2016

1 A Correct.

2 Q And any prior years she attended?

3 A Correct.

4 Q I don't want to get into any specifics yet, but
5 at some point did you complain to Sister Mary Margaret
6 about Ms. Biel?

7 A I had a conversation with her because I was
8 very concerned about my son.

9 Q Okay. I just want to establish that a
10 complaint was made at some point.

11 A Yes.

12 Q Prior to your discussion with Sister Mary
13 Margaret regarding your concerns surrounding Ms. Biel,
14 had you ever made any complaints about any other teacher
15 at the school?

16 A No.

17 Q Prior to your conversation with Sister Mary
18 Margaret regarding your concerns surrounding Ms. Biel,
19 had you ever made any complaints about the school, the
20 education, anything regarding St. James Catholic School?

21 A No.

22 Q How did you learn that Ms. Biel was going to be
23 Niccolo's fifth grade teacher?

24 A I don't recall.

25 Q Do you know when you learned that she was going

16

Patty Schiappa

May 13, 2016

1 conversation.

2 A It was just -- I believe it was just her and I.

3 Q And what did you say to Sister Mary Margaret
4 during this meeting?

5 A I discussed how I've had meetings with her
6 about -- I had a meeting with her about Niccolo's
7 grades, and I've had it with her grading because it
8 was -- I don't remember what kind of test it was, but it
9 was something very, very minor of why he got -- she
10 circled. It was like dotted your i's, crossed your t's.
11 And the grade just dropped drastically from that.

12 He got everything correct on that test, and
13 these two little minor things dropped it to a C. I go,
14 "This grading is not consistent, and I'm very upset
15 about this."

16 Q Anything else you recall saying to Sister Mary
17 Margaret?

18 A I know I expressed how upset I was.

19 Q And how did she respond to you?

20 A She listened to me. She understood. She
21 understood that I was upset and that I was concerned
22 about my son's grades in that class. And she said she
23 would talk to Mrs. Biel about it.

24 Q Anything else you recall Sister Mary Margaret
25 saying to you?

45

Patty Schiappa

May 13, 2016

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the ____ day of _____, ____
at _____, ____.
(CITY) (STATE)

PATTY SCHIAPPA

58

Patty Schiappa

May 13, 2016

1 STATE OF CALIFORNIA)
) ss:
2 COUNTY OF LOS ANGELES)

3
4 I, JULIE LYNN O'SULLIVAN, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 10444, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

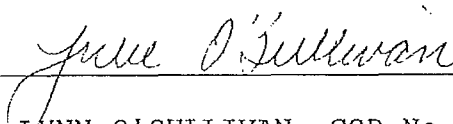
59

Patty Schiappa

May 13, 2016

1 I further certify that I am not a relative or
2 employee or attorney or counsel of any of the parties,
3 nor am I a relative or employee of such attorney or
4 counsel, nor am I financially interested in the outcome
5 of this action.

6
7 IN WITNESS WHEREOF, I have subscribed my name
8 this 23rd day of May, 2016.

9
10
11 
12 JULIE LYNN O'SULLIVAN, CSR No. 10444

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,)
)
Plaintiff,)
)
vs.) No. 2:15-cv-04248 (TJH) (ASx)
)
ST. JAMES SCHOOL, A CORP, a)
California non-profit)
corporation, and DOES 1-50,)
inclusive,)
)
Defendants.)
)

DEPOSITION OF

KRISTEN BIEL

TUESDAY, NOVEMBER 10, 2015

400 North Tustin Avenue, Suite 120

Santa Ana, California

Reported by: ROBERTA WIMBERLY, CSR No. 4882



800.211.DEPO (3376)
EsquireSolutions.com

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
104

1 A Some of the things I don't think she discussed
2 throughout the school year.

3 Q Others she had mentioned throughout the school
4 year?

5 A I don't know.

6 MS. SHOEMAKER: Before we look at that, can we
7 take a quick break?

8 MS. FERMIN: Sure.

9 (Recess taken.)

10 BY MS. FERMIN:

11 Q Ms. Biel, you still remember you are under oath?

12 A Yes.

13 Q Back to Exhibit 18. You said you've never seen
14 this letter prior to your attorneys showing it to you?

15 A Correct.

16 Q When was your last day of work where you actually
17 were teaching the fifth grade?

18 A The last day that I officially taught -- well,
19 there wasn't really because I came in even after my chemo
20 a few days a week and corrected tests and uploaded grades
21 and stuff. So when I felt like it, I would come in after
22 school and do that.

23 Q When was your last day actually teaching your
24 class?

25 A The 23rd, I think, Thursday.



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KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
105

1 Q May 23rd?

2 A Yeah. It was that Memorial Day weekend.

3 Q How did you pick that date?

4 A My first chemo date was the 27th. It just made

5 sense since it was Memorial Day weekend, the next week

6 have off and get ready for my chemo.

7 Q You picked to be off one week before your first
8 chemo treatment?

9 A It wasn't really a week. It was maybe Tuesday, I
10 think. On a Tuesday.

11 Q In any case, you decided on this date for your
12 last day teaching for the fifth grade?

13 A I think Sister Mary Margaret and I decided
14 together.

15 Q When did you decide with Sister Mary Margaret
16 that May 23rd would be your last day?

17 A I don't recall.

18 Q Was it during the same conversation when you told
19 her that your doctor recommended chemo and then surgery
20 and then chemo?

21 A I don't remember.

22 Q You stopped teaching before Memorial Day weekend
23 or after?

24 A The Thursday before.

25 Q Did you have a box at school, an inbox?



KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
138

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I, KRISTEN BIEL, do hereby declare under penalty of perjury that I have read the foregoing transcript of my deposition; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____,
20____, at _____, _____.
(City) (State)

KRISTEN BIEL



800.211.DEPO (3376)
EsquireSolutions.com

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
139

REPORTER'S CERTIFICATE

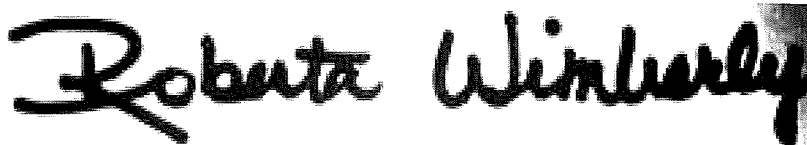
I, the undersigned, a Certified Shorthand
Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before
me at the time and place herein set forth; that any
witnesses in the foregoing proceedings, prior to
testifying, were placed under oath; that a verbatim record
of the proceedings was made by me using machine shorthand
which was thereafter transcribed under my direction;
further, that the foregoing is an accurate transcription
thereof.

I further certify that I am neither financially
interested in the action nor a relative or employee of any
attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed
my name.

Dated: _____



ROBERTA WIMBERLY
CSR No. 4882

Mary M. Kreuper

November 12, 2015

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,)
)
Plaintiff,)
)
vs) Case No. 15-cv-
) 04248-TJH (ASx)
ST. JAMES SCHOOL, A CORP., a)
California corporation; and) Volume I
DOES 1-50, inclusive,)
)
Defendants.)
)

DEPOSITION OF MARY M. KREUPER
Woodland Hills, California
Thursday, November 12, 2015

Reported by: Alla Ponto
CSR No. 11046
NDS Job No.: 174564

1

Network Deposition Services, Inc. • networkdepo.com • 866-NET-DEPO

Mary M. Kreuper

November 12, 2015

1 her with her classroom management and to be a better
2 teacher, that she did not follow the suggestions that I
3 had made or did what I asked. With regard to
4 curriculum, that was important to me. With regard to
5 classroom management, that was very important to me.
6 Those were the reasons that I did not offer her a
7 contract. It was the -- her performance in the
8 classroom was not something that I was comfortable
9 having her with a classroom full of students. I didn't
10 think that they were getting the best education.

11 Q. At any time during the conversation with
12 Ms. Biel, did you tell her that you thought it would be
13 unfair for the students to have two teachers for the
14 2014/2015 school year?

15 A. No.

16 Q. I'll hand you a document we'll mark next in
17 order.

18 (Plaintiff's Exhibit 8 was marked for
19 identification by the court reporter
20 and is attached hereto.)

21 BY MR. BROCK:

22 Q. Have you seen this document before?

23 A. It does not look familiar to me.

24 Q. Do you ever recall talking to Ms. Biel on
25 June 9th where she expressed a desire to teach the

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Mary M. Kreuper

November 12, 2015

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the _____ day of _____, _____,
at _____, _____.
(CITY) (STATE)

MARY M. KREUPER

165

Mary M. Kreuper

November 12, 2015

1 STATE OF CALIFORNIA)
2) ss:
3 COUNTY OF LOS ANGELES)

4 I, ALLA PONTO, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 11046, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

166

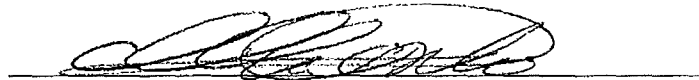
Network Deposition Services, Inc. • networkdepo.com • 866-NET-DEPO

Mary M. Kreuper

November 12, 2015

1 I further certify that I am not a relative or
2 employee or attorney or counsel of any of the parties,
3 nor am I a relative or employee of such attorney or
4 counsel, nor am I financially interested in the outcome
5 of this action.

6
7 IN WITNESS WHEREOF, I have subscribed my name
8 this 20th day of November, 2015.

9
10
11 

12 ALLA PONTO, CSR No. 11046
13
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DANIEL R. SULLIVAN (State Bar No. 96740)

drs@sullivanballog.com

BRIAN L. WILLIAMS (State Bar No. 227948)

blw@sullivanballog.com

MICHAEL S. VASIN (State Bar No. 227945)

msv@sullivanballog.com

VERONICA FERMIN (State Bar No. 271331)

nuf@sullivanballog.com

SULLIVAN, BALLOG & WILLIAMS, LLP

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
California non-profit corporation;
and DOES 1-50, inclusive,

Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

**DEFENDANT'S REQUEST FOR
EVIDENTIARY RULING ON
SPECIFIED OBJECTIONS TO
PLAINTIFF'S COMPENDIUM OF
EVIDENCE IN OPPOSITION TO
MOTION FOR SUMMARY
JUDGMENT, OR IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

*[Filed and Served Concurrently with
Defendant's Reply Brief to Plaintiff's
Opposition to Motion for Summary
Judgment, or in the Alternative, Partial
Summary Judgment; Response to
Plaintiff's Separate Statement of
Controverted and Uncontroverted Facts
and Conclusions of Law; and Declaration
of Veronica Fermin]*

Complaint Filed: 06/05/2015

Trial Date: 01/10/2017

Defendant, ST. JAMES CATHOLIC SCHOOL (hereinafter “Defendant”) hereby submits the following Objections to evidence submitted by Plaintiff, KRISTEN BIEL, in support of her opposition to Defendant’s Motion for Summary Judgment. Defendant hereby respectfully requests the Court rule on the following specific Objections set forth herein:

A. Evidentiary Objections to the Deposition of Plaintiff Kristen Biel:

1. OBJECTION NUMBER 1:

Page 14: 8-17.

GROUND FOR OBJECTION NUMBER 1:

- (a) Lacks foundation [FRE 104(b)];
- (b) Speculation.

RULING: _____ SUSTAINED _____ OVERRULED

2. OBJECTION NUMBER 2:

Page 25:11-15, 25:22-23

GROUND FOR OBJECTION NUMBER 2:

- (a) Lacks foundation [FRE 104(b)];
- (b) Speculation.

RULING: _____ SUSTAINED _____ OVERRULED

3. OBJECTION NUMBER 3:

Page 45:25- 46:3.

GROUND FOR OBJECTION NUMBER 3:

- (a) Lacks foundation [FRE 104(b)];
- (b) Speculation.

RULING: _____ SUSTAINED _____ OVERRULED

4. OBJECTION NUMBER 4:

Page 46:23-47:2.

GROUNDS FOR OBJECTION NUMBER 4:

(a) Speculation.

(b) Irrelevant.

RULING: _____ SUSTAINED _____ OVERRULED

5. OBJECTION NUMBER 5:

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GROUNDS FOR OBJECTION NUMBER 5:

(a) Lacks foundation.

(b) Speculation.

(c) Irrelevant.

RULING: _____ SUSTAINED _____ OVERRULED

6. OBJECTION NUMBER 6:

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GROUNDS FOR OBJECTION NUMBER 6:

(a) Lacks foundation.

(b) Speculation.

(c) Vague.

RULING: _____ SUSTAINED _____ OVERRULED

DATED: October 24, 2016

SULLIVAN, BALLOG & WILLIAMS, LLP

By: /s/ Veronica Fermin

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Michael S. Vasin

Veronica Fermin

Attorneys for Defendant ST. JAMES

CATHOLIC SCHOOL (erroneously sued
herein as St. James School, a corp.)

No. 17-55180

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTEN BIEL,

Plaintiff-Appellant,

v.

ST. JAMES SCHOOL, A CORP.,

Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California, Western Division – Los Angeles

D.C. No. 2:15-cv-04248-TJH-AS

The Honorable Terry J. Hatter

APPELLANT’S EXCERPTS OF RECORD

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UNITED STATES DISTRICT COURT**CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
 California corporation; and
 DOES 1-50, inclusive,
 Defendants.

Case No.: 2:15-cv-04248 TJH (ASx)
 Assigned to: Hon. Terry J. Hatter, Jr.

**PLAINTIFF'S NOTICE OF
 OPPOSITION AND OPPOSITION OF
 DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT OR, IN THE
 ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT;
 MEMORANDUM OF POINTS AND
 AUTHORITIES**

Filed and served concurrently with:

- Plaintiff's Separate Statement in
 Opposition to Defendant's MSJ/PSJ;
- Plaintiff's Compendium of Evidence;
 and
- Plaintiff's Request for Judicial Notice

Date: Monday, November 7, 2016
 Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015
 Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff KRISTEN BIEL (“Plaintiff”) hereby opposes Defendant’s ST. JAMES SCHOOL, A CORP.’s (“Defendant”) Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment.

Plaintiff’s Opposition is based on the attached Memorandum of Points and Authorities; Plaintiff’s Separate Statement of *Controverted* and Uncontroverted Material Facts and Conclusions of Law, filed concurrently herewith; Plaintiff’s Compendium of Evidence, filed concurrently herewith; all pleadings and documents on file in this matter.

DATED: October 17, 2016 JML LAW, A Professional Law Corporation

By: /s/ Cathryn Fund

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

As a matter of law, DEFENDANT ST. JAMES SCHOOL's ("Defendant") reliance on the ministerial exception is unavailing as PLAINTIFF KRISTEN BIEL ("Plaintiff") is not a "minister" pursuant to the controlling authorities, *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission* (2012) 132 S.Ct. 694 ("*Hosanna*") and *Alcazar v. Corporation of the Catholic Archbishop of Seattle* (9th Cir. 2010) 627 F.3d 1288. Specifically, the evidence is clear that both Biel and St. James School held her position out to the public as a "teacher," Biel was not required to undergo any specific training *before* beginning her teaching at St. James School, and any specific ministerial training Biel performed during her time at St. James School was done *after* she was already employed and lasted *for a single day*. Moreover, Biel's *primary role during mass was to keep her kids seated and quiet* – she was *not required* to participate in the mass and at *no time* was directed by the Catholic Church in taking her position as a 5th grade teacher at St. James School.

In addition, with regard to her First through Sixth Causes of Action, Defendant's Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment ("Motion") forgoes any challenge to Biel's prima facie case with regard to each of her causes of action under the ADA and instead argues that the choice not to renew Biel's contract was legitimate and non-discriminatory. However, disputed facts exist as to whether or not the explanation for Biel's termination is merely pretextual. First, Biel testified that Sister Mary Margaret ("Sister Margaret") told her she "wasn't sure" if she wanted her back the following year because it would be unfair to the students to have two teachers in one year. However, the record shows that St. James School *regularly operates with two teachers in a single year*. Moreover, Sister Margaret testified that there were four parents who came to her with concerns about Biel's performance. However, one

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of the parents who Sister Margaret claimed came to her with concerns testified that she never had a meeting with Sister Margaret to discuss complaints about Biel. Additionally, Sister Margaret testifies that she did not affirmatively tell Biel that she was not going to renew her contract until shortly *after her diagnosis of breast cancer* and the record also shows that Biel never received any formal notice communicating the decision not to renew her contract until July 2014 when Sister Margaret verbally told her. Finally, the “counseling meetings” relied upon by St. James School to portray Biel as a “bad” teacher were regular “check-in” meetings that Sister Margaret had with other teachers at the school. Accordingly, as this evidence must be considered in the light most favorable to Biel, Defendant’s Motion must be denied in its entirety.¹

II. SUMMARY OF MATERIAL FACTS

A. KRISTEN BIEL’S EDUCATION, EXPERIENCE, AND EARLY CAREER

Kristen Biel (“Biel”) attended three colleges to receive her Bachelor of Arts in liberal studies. (Plaintiff’s Undisputed Material Fact “PUMF” 110.) After receiving her degree, Biel attended California State University of Dominguez Hills and received her teaching credential. (PUMF 111.) After receiving her credential, Biel began her teaching career at a substitute teacher for various school districts as well as a few private schools, including St. Lawrence Martyr School where she worked before starting at St. James School. (PUMF 112.) At the time of her employment with St. James School, Biel was Catholic. (PUMF 113.)

///

¹ See, *Barlow v. Ground* (9th Cir. 1991) 943 F.2d 1132, 1134 (stating that at summary judgment the evidence must be considered in the light most favorable to the nonmoving party); *Chuang v. University of California Davis, Bd. Of Trustees* (9th Cir. 2000) 225 F.3d 1115, 1124 (stating “the plaintiff in an employment discrimination action need produce very little evidence in order to overcome an employer’s motion for summary judgment”).

B. KRISTEN BIEL'S EMPLOYMENT WITH ST. JAMES SCHOOL

In 2013, Biel began working for St. James School as a long-term substitute for one of the two first grade teachers that was on maternity leave. (PUMF 114.) After her long-term substitute position ended in June 2013, she was hired as a full-time teacher by Sister Mary Margaret for the 2013-2014 school year. (PUMF 115.) Upon being hired, Biel signed an employment contract with the school that defined her title as a "Teacher" throughout the contract. (PUMF 116.) Shortly after she was hired, Biel attended a conference at the request of St. James School that lasted "four or five hours" over a single day. (PUMF 117.)

C. BIEL RECEIVES A "GOOD" PERFORMANCE REVIEW BY SISTER MARY MARGARET IN NOVEMBER 2013

In November 2013, Sister Margaret performed an observational review of Biel's teaching. (PUMF 118.) On the review, Sister Margaret checked boxes to indicate that Biel was sufficiently performing in several aspects of her job including having "visible evidence of signs, sacramental, traditions of the Roman Catholic Church in the classroom" and "using instructional time to optimize learning" to "involving all students in self-assessment, goal setting, and monitoring progress." (PUMF 119-121.) Additionally, Sister Margaret wrote positive comments about Biel's teaching, including that she was "very good" at "[e]stablishing and maintaining learning environments that are physically, intellectually, and emotionally safe" and that overall it was a "good review." (PUMF 122-123.)

D. IN EARLY 2014, BIEL IS DIAGNOSED WITH CANCER AND PROMPTLY INFORMS SISTER MARGARET ABOUT HER DISABILITY

Biel testified that she first learned she had cancer during Easter vacation of 2014 and informed Sister Margaret the following week. (PUMF 124.) In 2014, Easter Sunday was April 20, 2014. (PUMF 125.) In early May, Biel informed

1 Sister Margaret that she would need to undergo chemotherapy and surgery and that
2 her last day would be May 22, 2014. (PUMF 126.)

3 **E. ST. JAMES SCHOOL ALLEGEDLY SENDS OUT FORMAL**
4 **NOTICE THAT IT IS NOT RENEWING BIEL'S CONTRACT**
5 **FOR THE 2014/2015 SCHOOL YEAR**

6 According to the St. James School's employment contract, the school must
7 provide notice on or before May 15 of whether it intends to offer the teacher a new
8 employment contract for the following school year. (PUMF 127.) Sister Margaret
9 testified that pursuant to this provision, she provided notice to Biel on May 15th by
10 placing written notice in her teacher mailbox. (PUMF 128.) However, Biel never
11 received the letter and was only put on notice of her contract status after at least June
12 2014. (PUMF 129.)

13 **F. BIEL FOLLOWS UP WITH SISTER MARY MARGARET IN**
14 **JUNE OR JULY 2014 REGARDING THE STATUS OF HER**
15 **EMPLOYMENT**

16 In June or July 2014, Biel is informed by Sister Margaret that St. James School
17 would not be renewing her contract at a meeting arranged by Biel to inquire about the
18 status of her contract. (PUMF 130.) At the meeting, Sister Margaret informs Biel
19 that she will not be renewing her contract because she "was not strict" and "it
20 wouldn't be fair to the students to have two teachers in one year." (PUMF 131.)

21 **III. PLAINTIFF'S LEGAL CLAIMS**

22 Plaintiff's operative complaint contains the following six causes of action:

- 23 1) Discrimination in Violation of the Americans with Disabilities Act
24 ("ADA");
25 2) Retaliation in Violation of the ADA;
26 3) Failure to Accommodate in Violation of the ADA;
27 4) Failure to Engage in the Interactive Process in Violation of the ADA;
28 5) Failure to Prevent in Violation of the ADA; and

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6) Wrongful Termination in Violation of the ADA

IV. LEGAL STANDARD

Rule 56(a) of the Federal Rules of Civil Procedure authorizes the granting of summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” The standard for granting a motion for summary judgment is essentially the same as for granting a directed verdict. *See, Anderson v. Liberty Lobby, Inc.* (1986) 477 U.S. 242, 250. Judgment must be entered “if, under the governing law, there can be but one reasonable conclusion as to the verdict.” *Id.*

The moving party has the initial burden of identifying relevant portions of the record that demonstrate the absence of a fact or facts necessary for one or more essential elements of each cause of action upon which the moving party seeks judgment. *See, Celotex Corp. v. Catrett* (1986) 477 U.S. 317, 323. If the moving party fails to carry its initial burden of production, “the nonmoving party has no obligation to produce anything.” *Nissan Fire & Marine Ins. Co., Ltd. v. Fritz Cos., Inc.* (9th Cir. 2000) 210 F.3d 1099, 1102-03.

If the moving party has sustained its burden, the burden then shifts to the nonmovant to identify specific facts, drawn from materials in the file, that demonstrate that there is a dispute as to material facts on the elements that the moving party has contested. *See, Celotex, supra*, 477 U.S. at 324; *Anderson, supra*, 477 U.S. at 256 (stating a party opposing a properly supported motion for summary judgment “must set forth specific facts showing that there is a genuine issue for trial.”). A factual dispute is material only if it affects the outcome of the litigation and requires a trial to resolve the parties’ differing versions of the truth. *SEC v. Seaboard Corp.* (9th Cir. 1982) 677 F.2d 1301, 1306. Summary judgment must be granted for the moving party if the nonmoving party “fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” *Celotex, supra*, 477 U.S.

at 322; *Anderson, supra*, 477 U.S. at 252 (stating the parties bear the same substantive burden of proof as would apply at a trial on the merits).

In determining whether a triable issue of material fact exists, the evidence must be considered in the light most favorable to the nonmoving party. *See, Barlow v. Ground* (9th Cir. 1991) 943 F.2d 1132, 1134, cert. denied, 505 U.S. 1206. However, summary judgment cannot be avoided by relying solely on “conclusory allegations [in] an affidavit.” *Lujan v. Nat’l Wildlife Fed’n* (1990) 497 U.S. 871, 888; *see also, Matsushita Elec. Indus. Co. v. Zenith Radio Corp.* (1986) 475 U.S. 574, 586 (more than a “metaphysical doubt” is required to establish a genuine issue of material fact). “The mere existence of a scintilla of evidence in support of the plaintiff’s position” is insufficient to survive summary judgment; “there must be evidence on which the [fact finder] could reasonably find for the plaintiff.” *Anderson, supra*, 477 U.S. at 252.

V. LEGAL ARGUMENT

A. RESOLUTION OF BIEL’S CLAIMS DOES NOT INFRINGE ON DEFENDANT’S FIRST AMENDEMENT RIGHTS NOR DOES THE MINISTERIAL EXCEPTION APPLY

Under the First Amendment’s Free Exercise and Establishment clauses, the ministerial exception bars some employment claims between ministers and religiously affiliated employers. *See, Alcazar v. Corporation of the Catholic Archbishop of Seattle* (9th Cir. 2010) 627 F.3d 1288, 1291 (“*Alcazar*”) (“But the federal courts have recognized a ‘ministerial exception’” to the general rule that churches must adhere to state and federal employment laws); *Werft v. Desert Southwest Annual Conference of United Methodist Church* (9th Cir. 2004) 377 F.3d 1099, 1100-01 (quoting *Bollard v. California Province of the Society of Jesus* (9th Cir. 1999) 196 F.3d 940, 944) (“The ‘ministerial exception,’ as described in this court’s decision in *Bollard*, ‘insulates a religious organization’s employment decisions regarding its ministers from judicial scrutiny under Title VII.’ 196 F.3d at 944.”) The underlining purpose of the

1 exemption is “to protect the relationship between a religious organization and its
 2 clergy from ‘constitutionally impermissible interference by the government’ as
 3 clergy represent a religious institution to the people, a religious institution must
 4 retain unfettered freedom in its choice of clergy.” *Werft v. Desert Southwest Annual*
 5 *Conference of United Methodist Church*, *supra*, 377 F.3d at 1101 (quoting *Bollard v.*
 6 *California Province of the Society of Jesus* (9th Cir. 1999) 196 F.3d 940, 945-46).
 7 However, Defendant’s reliance on the ministerial exception is unavailing as Biel is
 8 not a “minister” pursuant to *Hosanna-Tabor Evangelical Lutheran Church and*
 9 *School v. Equal Employment Opportunity Commission* (2012) 132 S.Ct. 694
 10 (“*Hosanna*”) and *Alcazar v. Corporation of the Catholic Archbishop of Seattle* (9th
 11 Cir. 2010) 627 F.3d 1288.

12 **1. BIEL IS NOT A “MINISTER” PURSUANT TO THE U.S.**
 13 **SUPREME COURT DECISION OF *HOSANNA-TABOR***
 14 ***EVANGELICAL LUTHERAN CHURCH AND SCHOOL V.***
 15 ***EQUAL EMPLOYMENT OPPORTUNITY COMMISSION***

16 The Supreme Court in *Hosanna-Tabor Evangelical Lutheran Church and*
 17 *School v. Equal Employment Opportunity Commission* (2012) 132 S.Ct. 694
 18 discussed the history of the “ministerial exception” and recognized that “[s]ince the
 19 passage of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and
 20 other employment discrimination laws, the Courts of Appeals have uniformly
 21 recognized the existence of a “ministerial exception,” grounded in the First
 22 Amendment, that precludes application of such legislation to claims concerning the
 23 employment relationship between a religious institution and its ministers.”
 24 *Hosanna*, *supra*, 132 S.Ct. at 705. In finding that every Court of Appeal has
 25 considered the “ministerial exception” question, the Supreme Court held that it is
 26 “reluctant” to “adopt a rigid formula for deciding when an employee qualifies as a
 27 minister.” *Id.* at 707. Instead, the Supreme Court looked at “the formal title given
 28 Perich by the Church, the substance reflected in that title, her own use of that title, and

1 the important religious functions she performed for the Church” to determine whether
2 she was a “minister.” *Id.* at 708.

3 In *Hosanna-Tabor*, the Supreme Court examined Cheryl Perich’s employment
4 to determine whether she was qualified as a “minister” for purposes of the exception.
5 *See, Hosanna, supra*, 132 S.Ct. at 707-08. In determining its decision that the
6 exception did apply, the Court first found that both Hosanna-Tabor and Perich held
7 the position out to be ministerial. *Id.* (“To begin with, Hosanna–Tabor held Perich
8 out as a minister, with a role distinct from that of most of its members. When
9 Hosanna–Tabor extended her a call, it issued her a ‘diploma of vocation’ according
10 her the title ‘Minister of Religion, Commissioned’ [and] “Perich held herself out as
11 a minister of the Church by accepting the formal call to religious service,
12 according to its terms.”) Moreover, to receive this title of “minister” Perich had to
13 undergo specific ministerial education and training. *See, Id.* at 707. (stating, in part,
14 “[t]o be eligible to become a commissioned minister, Perich had to complete eight
15 college-level courses in subjects including biblical interpretation, church doctrine,
16 and the ministry of the Lutheran teacher [and] had to pass an oral examination by a
17 faculty committee at a Lutheran college. It took Perich six years to fulfill these
18 requirements”). Additionally, Perich’s job duties also reflected a role in conveying
19 the Church’s message and carrying out its mission. *See, Id.* at 708. (“Hosanna–
20 Tabor expressly charged her with “lead[ing] others toward Christian maturity” and
21 “teach[ing] faithfully the Word of God, the Sacred Scriptures, in its truth and
22 purity and as set forth in all the symbolical books of the Evangelical Lutheran
23 Church.” *Id.*, at 48. In fulfilling these responsibilities, Perich taught her students
24 religion four days a week, and led them in prayer three times a day. Once a week,
25 she took her students to a school-wide chapel service, and—about twice a year—
26 she took her turn leading it, choosing the liturgy, selecting the hymns, and
27 delivering a short message based on verses from the Bible. During her last year of
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1 teaching, Perich also led her fourth graders in a brief devotional exercise each
2 morning. “)

3 Here, pursuant to *Hosanna-Tabor*, Biel is not a “minister” for purposes of the
4 minister’s exception. First, unlike Perich, Biel is not considered a “Minster of
5 Religion, Commissioned,” but a “Teacher” under her Faculty Employment
6 Agreement with St. James School. (PUMF 116.) Specifically, Biel’s Faculty
7 Employment Agreement – Elementary, identifies her as a “Teacher” throughout and
8 most notably uses the phrase “[a]s a full time teacher” in paragraph 13. (PUMF 116,
9 132.) Secondly, unlike Perich who held herself out as a “minister,” Biel also held
10 herself out as a teacher. (PUMF 133.) Third, unlike Perich who had to undergo
11 specific ministerial education and training, Biel was not required to undergo
12 specific training *before* beginning her teaching at St. James School. (PUMF 134.)
13 Moreover, any specific ministerial training Biel performed during her time at St.
14 James School was done *after* she was already employed and lasted “one day.”
15 (PUMF 117.) Plus, while Perich took her students once a week to a schoolwide
16 chapel service, Biel testified that she attended mass once a month with her students.
17 (PUMF 135.) Finally, unlike Perich who “took her turn leading [the mass], choosing
18 the liturgy, selecting the hymns, and delivering a short message based on versus from
19 the Bible,” Biel’s role during Mass was primarily to keep her kids seated and quiet,
20 and for one Sunday liturgy during the school year prepare her students for
21 participation in mass. (PUMF 136-137.)

22 Moreover, turning to Defendant’s Motion discussing *Hosanna-Tabor*, it is clear
23 Defendant *mischaracterizes* the evidence in an effort to make Biel appear
24 “ministerial” for purposes of the exception. For example, Defendant’s Motion states
25 that “Plaintiff taught the subject of Religion on a *daily basis*” however Plaintiff
26 testified that she only taught religion to her students *four days a week* for
27 approximately 30 minutes each time. (PUMF 138). Secondly, Defendant’s Motion
28 states that Biel attended school mass on a *regular basis* however Plaintiff testified that

1 she went to mass *once a month* with her students. (PUMF 135.) Finally, Defendant’s
2 Motion states that Sister Mary required all teachers to attend a religious conference in
3 order to learn to become religious educators, however, Plaintiff attended this single,
4 “four or five hour” conference after she began teaching at St. James School. (PUMF
5 117.)

6 **2. BIEL IS NOT A “MINISTER” PURSUANT TO THE**
7 **NINTH CIRCUIT’S DECISION OF *ALCAZAR V.***
8 ***CORPORATION OF THE CATHOLIC ARCHBISHOP OF***
9 ***SEATTLE***

10 Much like the Supreme Court, the Ninth Circuit has refused to explicitly adopt
11 a general test for determining whether a person is a “minister” for purposes of the
12 exemption. *See, Alcazar v. Corporation of the Catholic Archbishop of Seattle* (9th Cir.
13 2010) 627 F.3d 1288, 1291 (“For our part, we have declined to adopt any particular
14 test.”); *see also, Hendricks v. Marist Catholic High School* (D. Oregon 2011) 2011
15 WL 996757 at *2 (“Typically, the question of whether an employee is a “minister”
16 warrants little analysis. Every Ninth Circuit case, except one, that has applied the
17 exception involved actual or prospective members of the clergy. *See Elvig*, 375
18 F.3d 951 (plaintiff was a pastor at a Presbyterian church); *Werft v. Desert S.W.*
19 *Annual Conference of the United Methodist Church*, 377 F.3d 1099 (9th
20 Cir.2004) (plaintiff was a minister at a Methodist church); *Bollard*, 106 F.3d 940
21 (plaintiff was a novice Jesuit priest); (plaintiff was a seminarian at a Catholic
22 church).”). Instead, the Ninth Circuit relies on a “reasonable construction” of the
23 ministerial exception. *See, Alcazar v. Corporation of the Catholic Archbishop of*
24 *Seattle* (9th Cir. 2010) 627 F.3d 1288, 1292 (“The parties and amici have suggested
25 that we adopt a test of general applicability-either the test created by the three-judge
26 panel, a test of their own creation, or one of the tests used by our sister circuits. We
27 decline that invitation. We leave for another day the formulation of a general test
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1 because, under any reasonable construction of the ministerial exception, Rosas meets
2 the definition of a minister.”).²

3 In *Alcazar*, the Ninth Circuit examined Cesar Rosas’s employment to
4 determine whether she was qualified as a “minister” for purposes of the exception.
5 *Alcazar v. Corporation of the Catholic Archbishop of Seattle* (9th Cir. 2010) 627 F.3d
6 1288. In determining its decision that the exception did apply, the Court analyzed the
7 exception under a “reasonable construction” and found that the Complaint supported a
8 finding that Rosas was a minister. *Id.* at 1292 (“Here, according to the complaint,
9 Rosas ‘entered the seminary to become a Catholic priest in 1995 in Mexico’ and ‘[a]s
10 part of [his] preparation for ordination into the priesthood, the Catholic Church
11 required [him] to engage in a ministerial placement outside their diocese.’ For his
12 ministerial placement, Rosas was ‘placed in St. Mary Parish in Marysville,
13 Washington,’ where he ‘was hired to do maintenance of the church and also assisted
14 with Mass.’”). Needing no more analysis, the Ninth Circuit made their limited
15 holding that “[b]ecause Rosas affirmatively alleges that he was a seminarian and seeks
16 to challenge the church’s wage payments concerning his work as a seminarian, we
17 hold that Rosas is a ‘minister’ for purposes of the ministerial exception.” *Id.*

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19
20 ² Defendant relies heavily on other circuit courts to argue that Biel is not a “minister” for
21 purposes of the “minister’s exception.” See, Defendant’s Memorandum of Points and Authorities
22 18:20-20:14. However, as the Ninth Circuit ***has expressly declined to adopt the tests of other***
23 ***circuits*** and as Ninth Circuit law controls this case, this Court should disregard Defendant’s
24 argument regarding *Starkman v. Evans* (5th Cir. 1999) 198 F.3d 173 and *Skrypczak v. Roman*
25 *Catholic Diocese of Tulsa* (10th Cir. 2010) 611 F.3d 1238 and follow the “reasonable
26 construction” of *Alcazar v. Corporation of the Catholic Archbishop of Seattle* (9th Cir. 2010) 627
27 F.3d 1288. See, e.g., *Hendricks v. Marist Catholic High School* (D. Oregon 2011) 2011 WL 996757
28 at *2 (citing *EEOC v. Pac. Press Publ’g Assoc.* (9th Cir.1982) 676 F.2d 1272, abrogated on other
grounds by *Am. Friends Serv. Comm. Corp. v. Thornburgh* (9th Cir.1991) 951 F.2d 957; *Alcazar*
v. Corporation of the Catholic Archbishop of Seattle (9th Cir. 2010) 627 F.3d 1288) (Ninth Circuit
law controls this case, and as such, the Court will follow precedent and look broadly at plaintiff’s
employment duties at Marist to determine whether he is, in fact, a “minister” for the purposes of
the exception.”)

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Here, pursuant to *Alcazar*, Biel is not a “minister” for purposes of the minister’s exception. First, unlike the complaint in *Alcazar*, Biel’s Complaint does not hold herself out to be a minister, but a “teacher.” See, Plaintiff’s First Amended Complaint ¶¶ 10-15 (stating, in part, “11. In or around June 2013, Defendant hired Plaintiff to be a permanent teacher of the fifth grade for the 2013-2014 school year”); (PUMF 133.) Moreover, as discussed above, unlike Rosas who was directed by the Catholic Church to engage in a ministerial placement as part of his preparation for ordination into priesthood, at no time was Biel directed by the Catholic Church in her education or training in being employed at St. James School. (PUMF 110-112, 117, 134.) Additionally, turning to Defendant’s Motion discussing *Alcazar*, Defendant ignores the primary consideration of the *Alcazar* court – that the overall purpose of Rosas’s employment with Corporation of the Catholic Archbishop of Seattle was to further his seminary training as he was placed there by the Catholic Church for his ministerial placement. Accordingly, because the Catholic Church did not direct Biel’s employment with St. James School and was not part of any seminary training, Biel is not a “minister” for purposes of the minister’s exception.

B. TRIABLE ISSUES EXIST REGARDING PLAINTIFF’S FIRST THROUGH SIXTH CAUSES OF ACTION

“As a general matter, the plaintiff in an employment discrimination action need produce very little evidence in order to overcome an employer’s motion for summary judgment. This is because “the ultimate question is one that can only be resolved through a searching inquiry—one that is most appropriately conducted by a factfinder, upon a full record.” *Chuang v. University of California Davis, Bd. Of Trustees* (9th Cir. 2000) 225 F.3d 1115, 1124 (quoting *Schnidrig v. Columbia Mach., Inc.* (9th Cir. 1996) 80 F.3d 1406, 1410).

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1 **1. Defendant Does Not Argue That Plaintiff Did Not Meet Her**
2 **Prima Facie Case With Regard To Her First Through Sixth**
3 **Causes of Action**

4 The ADA prohibits an employer from discrimination against a qualified
5 individual on the basis of a disability. 42 U.S.C. § 12112(a). To state a prima facie
6 case under the ADA, Plaintiff must show that (1) she is a disabled person within the
7 meaning of the ADA; (2) she is a qualified individual, meaning she can perform the
8 essential functions of her job; and (3) she was terminated because of her disability.
9 *See, Nunes v. Wal-Mart Stores, Inc.* (9th Cir. 1999) 164 F.3d 1243, 1246 (citing
10 *Kennedy v. Applause* (9th Cir. 1996) 90 F.3d 1477, 1481); Ninth Circuit Model Jury
11 Instructions, No. 12.1 (ADA Employment Actions – Elements).

12 Here, with regard to Plaintiff's claims, Defendant's Motion for Summary
13 Judgment ***does not*** argue that Plaintiff has not met her burden of a prima facie case of
14 discrimination pursuant to the ADA. Instead, Defendant focuses its argument on the
15 third prong of the *McDonnell Douglas* burden-shifting and contends that Plaintiff
16 cannot establish pretext for her adverse employment action. Accordingly, Defendant
17 has waived any argument regarding Plaintiff's *prima facie* case of discrimination
18 under the ADA.

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2. Defendant Does Not Have A Legitimate, Non-Discriminatory Explanation For Its Actions³

A legitimate nondiscriminatory reason is rebutted if the reason asserted by the covered entity for disparate treatment is shown to be pretextual. *See, Snead v. Metropolitan Property & Cas. Ins. Co.* (9th Cir. 2011) 237 F.3d 1080, 1093 (citing *Mustafa v. Clark County School Dist.* (9th Cir. 1998) 157 F.3d 1169, 1175-76). Generally, pretext can be shown in one of two ways: ““(1) indirectly, by showing that the employer's proffered explanation is unworthy of credence because it is internally inconsistent or otherwise not believable, or (2) directly, by showing that unlawful discrimination more likely motivated the employer.”” *Reese v. Barton Healthcare Systems* (E.D. Cal. 2010) 693 F.Supp.2d 1170, 1179-80 (quoting *Chuang v. Univ. of Cal. Davis, Board of Trustees* (9th Cir. 2000) 225 F.3d 1115, 1127); *Raad v. Fairbanks North Star Borough School Dist.* (9th Cir. 2003) 323 F.3d 1185, 1194 (citing *Chuang v. Univ. of Cal. Davis, Board of Trustees* (9th Cir. 2000) 225 F.3d 1115, 1127). “These two approaches are not exclusive; a combination of the two kinds of evidence may in some cases serve to establish pretext so as to make summary judgment improper.” *Chuang v. Univ. of Cal. Davis, Board of Trustees* (9th Cir. 2000) 225 F.3d 1115, 1127.

Examples of the evidence that a party can rely on for circumstantial evidence of pretext may include:

³ “While “pretext” is certainly a relevant issue in a case of this kind, making it a central or necessary issue is not sound. The central issue is and should remain whether the evidence as a whole supports a reasoned inference that the challenged action was the product of discriminatory or retaliatory animus. The employer's mere articulation of a legitimate reason for the action cannot answer this question; it can only dispel the *presumption* of improper motive that would otherwise *entitle* the employee to a judgment in his favor. Thus, citing a legitimate reason for the challenged action will entitle the employer to summary judgment only when the employee's showing, while sufficient to invoke the presumption, is *too weak* to sustain a reasoned inference in the employee's favor. That, and not “pretext,” must be the focus of the judicial inquiry.”

Mamou v. Trendwest Resorts, Inc. (2008) 165 Cal. App. 4th 686, 715.

(1) suspicious timing; (2) ambiguous statements or behavior towards other employees in the protected group; (3) evidence, statistical or otherwise, that similarly situated employees outside of the protected group systematically receive better treatment; and (4) evidence that the employer offered a pretextual reason for an adverse employment action.

Bunn v. Khoury Enterprises, Inc. (7th Cir. 2014) 753 F.3d 676, 684 (quoting *Dickerson v. Board of Trustees of Community College Dist. No. 522* (7th Cir. 2011) 657 F.3d 595, 601).

a. The proximity in time between Biel’s cancer diagnosis and St James School’s employment decision suggests pretext

The 9th Circuit has previously recognized that “‘proximity in time between the protected action and the allegedly retaliatory employment decision [i]s one [way] a jury logically could infer [that the plaintiff] was terminated in retaliation’ [which] can by itself constitute sufficient circumstantial evidence of retaliation for purposes of both the prima facie case and the showing of pretext.” *Dawson v. Entek Intern* (9th Cir. 2011) 630 F.3d 928, 937 (quoting *Keyser v. Sacramento city Unified Sch. Dist.* (9th Cir. 2001) 265 F.3d 741, 751-52) (citing *Bell v. Clackamas County* (9th Cir. 2003) 341 F.3d 858, 865–66; *Miller v. Fairchild Indus., Inc.* (9th Cir. 1986) 797 F.2d 727, 731–32); *but see, Brooks v. Capistrano Unified School Dist.* (C.D. Cal. 2014) 1 F.Supp.3d 1029, 1038 (“But mere temporal proximity is generally insufficient to show pretext.”) (citing, in part, *Dawson v. Entek Intern* (9th Cir. 2011) 630 F.3d 928, 937).

Here, Biel testified that she first learned she had cancer during Easter vacation of 2014 and informed Sister Mary Margaret (“Sister Margaret”) the following week.⁴ (PUMF 124-126.) In arguing that the decision not to renew Biel’s contract had already been made before Sister Margaret was informed of the

⁴ Easter Sunday was April 20, 2014. *See*, Plaintiff’s Request for Judicial Notice in Support of Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment.

1 diagnosis, Defendant cites to Sister Margaret's testimony that she made her
2 decision in March 2014:

3 "Q. All right. When did you decide that Ms. Biel would not be
4 returning for the next school year?

5 A. My tendency was in, say, March. When I found out that she
6 was wanting to return, I thought, well, you know, I will work with
7 her until to see if things change. So probably in March I thought
8 that I don't think this is going to work out."

9 Deposition of Mary Kreuper 119:9-119:15.

10 However, Sister Margaret offers conflicting testimony later in her deposition
11 regarding exactly when she told Biel that she would not have a contract for the
12 following year. (PUMF 139-141.⁵) In fact, when asked whether she *affirmatively*
13 told Biel before the Easter Sunday that she would not be getting a contract for the
14 following school year, Sister Margaret testified, "***No. I don't think I ever said that***
15 ***I definitely was not going to rehire her.***" (PUMF 141.)

16 ///

17 ///

18 _____
19 ⁵ "Q. At the time that Ms. Biel informed you that she had cancer – strike that.
20 At the time that – the Monday after Easter, she told you that she might have cancer, had you
21 made a decision whether or not to offer Ms. Biel a scholarship for the next – had you made a
22 decision whether or not to offer Ms. Biel a contract for the next year?

23 A. ***Yes, I think I had, uh-huh.***

24 Q. What was your decision?

25 A. It was not to rehire.

26 Q. Did you communicate that decision to Ms. Biel prior to that Monday she returned following
27 Easter and told you she might have cancer?

28 A. Yes, I did.

Q. What did you tell her?

A. I told her I was not going to be able to offer her a contract.

Q. When did you first tell her that?

A. ***It was before May 15th and - - I would say probably early May.***

Q. ***That's after the Easter break; correct?***

A. ***Yes.***

Deposition of Mary Kreuper 129:11-130:5.

b. St. James School regularly operates with two teachers in a single year

Biel testified one of the reasons Sister Margaret told her that she “wasn’t sure” if she wanted her back the following year was because it would be unfair to the students to have two teachers in one year. (PUMF 131.) However, disputed facts exist as to whether this reason is pretext. For example, there is testimony from both Sister Margaret and Biel that St. James School already operates with two teachers in a single year. (PUMF 143.) Moreover, Sister Margaret conceded that there would be no burden created on St. James School to have two teachers in the same year for Biel’s 5th grade class (as she has done that before for teachers who went on maternity leave) to allow Biel to seek treatment for her cancer. (PUMF 144.)

c. One of the parents cited by St. James School in their termination decision testified that she did not make any complaints to Sister Margaret about Biel

Sister Margaret, who admitted to being the sole decision maker regarding the status of Biel’s employment, testified that there were four parents who came to her with concerns about Biel’s performance. (PUMF 145.) Sister Margaret identified one of those parents as Mara Delgadillo. (PUMF 146.) However, Mara Wofsen (Delgadillo) testified that she never had a meeting with Sister Margaret to discuss complaints about Biel or any teacher at St. James School. (PUMF 147.)

d. Biel never received the May 15th formal notice communicating the decision not to renew her contract for the 2014/2015 school year

Per Biel’s employment contract, St. James School was required to provide notice on or before May 15 of whether it intends to offer a new employment contract to the teacher for the following school year. (PUMF 127.) Sister Margaret testified that pursuant to this provision, she provided written notice to Biel on May 15th and

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placed it in her teacher mailbox. (PUMF 148.) However, Biel never received the notice. (PUMF 129.)

e. Biel's regular counseling sessions with Sister Margaret were nothing but regular "check-in" meetings

Defendant's Motion contends that throughout the 2013-2014 school year, Sister Mary met with Plaintiff in her office on a regular basis to "discuss her lesson plans for the upcoming week, and her various issues and struggles in the classroom."

Defendant's Memorandum of Points and Authorities 8:16-18. However, Defendant *mischaracterizes* this evidence in an effort to make Biel appear that she was struggling as a fifth grade teacher. Specifically, Sister Margaret testified that she *regularly* "checks in" with other teachers as she did with Biel. (PUMF 149.)

Moreover, Biel testified that during these meetings Sister Margaret complimented her regarding Biel's efforts to make sure the students were "understanding and learning" in her classroom. (PUMF 150.) Additionally, during these "check-in" meetings, Biel and Sister Margaret discussed the large number of students who were on Biel's honor roll during the first trimester. (PUMF 151.) Finally, with regard to Biel's lesson plans, Sister Margaret also wrote many positive comments on Biel's lesson plans, including:

- (1) Week of October 14-18, 2013 – A red star sticker and a "Thanks - SMM"
- (2) Week of November 4-8, 2013 – "Thanks Kristen, SMM"
- (3) Week of November 11-15, 2013 - A star and "Good preparation – you joined right in!" with a drawing of a smiley face and "SMM"
- (4) Week of January 27-31, 2014 – "Nice!" when describing Biel's Fall Leaves Art Project
- (5) Week of February 17-21, 2014 – A purple star and "I enjoyed reading these – Thanks, SMM"

(PUMF 152-156.)

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f. Biel had a “good” performance review written by Sister Margaret in November 2013

In November 2013, Sister Margaret performed an observational review of Biel’s teaching. (PUMF 118.) On the review, Sister Margaret checked boxes to indicate that Biel was sufficiently performing in several aspects of her job including having “visible evidence of signs, sacramental, traditions of the Roman Catholic Church in the classroom” and “using instructional time to optimize learning” to “involving all students in self-assessment, goal setting, and monitoring progress.” (PUMF 119-121.) Additionally, Sister Margaret wrote positive comments about Biel’s teaching, including that she was “very good” at “[e]stablishing and maintaining learning environments that are physically, intellectually, and emotionally safe” and that overall it was a “good review.” (PUMF 122-123.)

In short, considering the evidence in the light most favorable to Plaintiff, it is unclear whether the reasons given for Biel’s adverse employment action was nothing more than pretext for her cancer diagnosis. *See, Barlow v. Ground, supra*, 943 F.2d at 1134; *Chuang v. University of California Davis, Bd. Of Trustees, supra*, 225 F.3d at 1124; *Anderson, supra*, 477 U.S. at 256. For this reason, Defendant’s Motion must be denied in its entirety.

VI. CONCLUSION

Accordingly, based on the discussion above, Plaintiff respectfully requests that Defendants’ Motion be denied in its entirety.

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1 DATED: October 17, 2016 JML LAW, A Professional Law Corporation

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4 By: /s/ Cathryn Fund

5 JOSEPH M. LOVRETOVICH

6 JARED W. BEILKE

7 CATHRYN G. FUND

8 ANDREW S. PLETCHER

9 Attorneys for Plaintiff

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Attorneys for Plaintiff
 KRISTEN BIEL

UNITED STATES DISTRICT COURT**CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
 California corporation; and
 DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF'S REQUEST FOR
 JUDICIAL NOTICE IN SUPPORT OF
 PLAINTIFF'S OPPOSITION TO
 DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT OR, IN THE
 ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT**

Filed and served concurrently with:

- *Plaintiff's Memorandum of Points & Authorities in Opposition to Defendant's MSJ/PSJ;*
- *Plaintiff's Separate Statement of Controverted & Uncontroverted Facts;*
- *Plaintiff's Compendium of Evidence.*

Date: Monday, November 7, 2016

Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015

Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby requests that the Court take judicial notice, pursuant to Federal Rules of Evidence, Rule 201, of the below adjudicative facts and documents attached hereto, in support of Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment.

Exhibit A: the First Amended Complaint in the above-captioned matter; and

Exhibit B: the 2014 calendar for the month of April, including the fact that April 20, 2014 was Easter Sunday.

Plaintiff requests that this Court take judicial notice of the operative complaint in this matter, the First Amended Complaint, which was filed with this Court on October 30, 2015. The court may take judicial notice of matters of public record if the facts are “not subject to reasonable dispute.” Fed. R. Evid. 201. Court orders and filings are proper subjects of judicial notice. *See, e.g., United States v. Black*, 482 F.3d 1035, 1041 (9th Cir. 2007) (court orders and filings are proper subjects of judicial notice). It is well established that a court can take judicial notice of its own files and records under Rule 201 of the Federal Rules of Evidence. *United States v. Author Services*, 804 F.2d 1520, 1523 (9th Cir. 1986).

Plaintiff also requests that this Court take judicial notice of the April 2014 calendar, including the fact that April 20, 2014 was Easter Sunday. This adjudicative fact is appropriate for the Court to take judicial notice of, as it is not subject to reasonable dispute because it can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b); *see Horowitz v. GC Servs. Ltd. Partnership*, 2015 WL 1959377 (S.D. Cal., Apr. 28, 2015), citing *Wayne v. Leal*, 2009 WL 2406299, at *4 (S.D. Cal., Aug. 4,

2009) (noting that Federal Rules of Evidence 201(b) permits a court to take judicial notice of facts that are “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, such as an almanac, dictionary, calendar, or other similar source”); *Bernard v. Johnson*, 2016 WL 3965161, at *2, fn. 7 (N.D. Cal., July 25, 2016) (slip copy) (court took judicial notice of the April 2001 calendar and the date of Easter Sunday that month).

DATED: October 17, 2016 JML LAW, A Professional Law Corporation

By: /s/ Cathryn Fund
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Exhibit A

First Amended Complaint

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KRISTEN BIEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a

California non-profit corporation;

ST. JAMES CATHOLIC SCHOOL,

a California non-profit corporation;

and DOES 2-50, inclusive,

Defendants.

Case No.: 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatcher, Jr.
 Magistrate Judge: Hon. Alka Sagar

FIRST AMENDED

COMPLAINT FOR:

- 1. DISCRIMINATION IN VIOLATION OF THE ADA;**
- 2. RETALIATION IN VIOLATION OF THE ADA;**
- 3. FAILURE TO ACCOMMODATE IN VIOLATION OF THE ADA;**
- 4. FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF THE ADA;**
- 5. FAILURE TO PREVENT IN VIOLATION OF THE ADA; and**
- 6. WRONGFUL TERMINATION IN VIOLATION OF THE ADA.**

DEMAND FOR JURY TRIAL

1 Plaintiff, KRISTEN BIEL, hereby brings her employment complaint against
2 the above-named Defendants and states and alleges as follows:

3 JURISDICTION AND VENUE

4 1. This is an employment lawsuit, brought pursuant to 42 U.S.C. § 12101
5 et. seq. to remedy violations of the Americans with Disabilities Act of 1990
6 (“ADA”).

7 2. This Court has original federal question jurisdiction over this action
8 pursuant to 28 U.S.C. § 1331 because Plaintiff alleges violations of the laws of the
9 United States of America.

10 3. The venue is appropriate since the actions giving rise to this lawsuit
11 occurred in Los Angeles County, California, which is located within this district.

12 THE PARTIES

13 4. At all times mentioned herein, Plaintiff KRISTEN BIEL was a
14 resident of the State of California.

15 5. At all times mentioned herein, Defendant ST. JAMES SCHOOL, A
16 CORP was a California non-profit corporation that operated St. James Catholic
17 School, a private school, located at 4625 Garnet Street, Torrance, California
18 90503.

19 6. Upon the filing of the complaint, Plaintiff being ignorant of the true
20 name of Defendant, and having designated Defendant under the fictitious names of
21 “DOE 1” and having discovered the true name of Defendant to be ST. JAMES
22 CATHOLIC SCHOOL amends the complaint by substituting the true name for the
23 fictitious name. Plaintiff is informed and believes, and based thereon alleges, that
24 Defendant St. James Catholic School is a California non-profit corporation that
25 operated St. James Catholic School, a private school, located at 4625 Garnet Street,
26 Torrance, California 90503.

27 7. The true names and capacities, whether individual, corporate,
28 associate or otherwise of DOES 2 through 50 are unknown to Plaintiff who

1 therefore sues these defendants under said fictitious names. Plaintiff is informed
 2 and believes that each of the defendants named as a Doe defendant is legally
 3 responsible in some manner for the events referred to in this Complaint, is either
 4 negligently, willfully, wantonly, recklessly, tortiously, strictly liable, statutorily
 5 liable or otherwise, for the injuries and damages described below to this Plaintiff.
 6 Plaintiff will in the future seek leave of this court to show the true names and
 7 capacities of these Doe defendants when it has been ascertained.

8 8. Plaintiff is informed and believes, and based thereon alleges, that each
 9 defendant acted in all respects pertinent to this action as the agent of the other
 10 defendants, carried out a joint scheme, business plan or policy in all respects
 11 pertinent hereto, and the acts of each defendant are legally attributable to the other
 12 defendants.

13 9. Hereinafter in the Complaint, unless otherwise specified, reference to
 14 a Defendant or Defendants shall refer to all Defendants, and each of them.

15 ALLEGATIONS

16 10. Plaintiff commenced employment with Defendants ST. JAMES
 17 SCHOOL, A CORP and/or ST. JAMES CATHOLIC SCHOOL (collectively,
 18 "Defendant(s)" or "St. James") as a long term substitute teacher for the first grade
 19 in or around February 2013.

20 11. In or around June 2013, Defendant hired Plaintiff to be a permanent
 21 teacher of the fifth grade for the 2013-2014 school year.

22 12. On or about March 1, 2014, Defendant presented Plaintiff with a
 23 notice of intent form to return to teach for the 2014-2015 school. Plaintiff
 24 immediately returned this form indicating her intent to return to teach.

25 13. Unfortunately, on or about April 24, 2014, Plaintiff was diagnosed
 26 with breast cancer. Within days of her diagnosis, Plaintiff informed Defendant's
 27 principal, Sister Mary Margaret, of her diagnosis and that she would need a finite
 28 leave of absence from work, starting on or about May 23, 2014 and lasting until

1 January 2015, so that Plaintiff's doctors could perform a double mastectomy and
2 so that Plaintiff could undergo chemotherapy and radiation treatment.

3 14. On or about July 15, 2014, while Plaintiff was on a leave of absence,
4 Sister Mary Margaret informed Plaintiff that she believed it was "unfair" to
5 Plaintiff's potential students that Defendant accommodate her leave of absence
6 accommodation request and that Plaintiff would not be placed back to work for
7 Defendant, effectively terminating Plaintiff's employment.

8 15. Plaintiff is informed and believes, and thereon alleges, that Defendant
9 terminated Plaintiff's employment because of her cancer and because it did not
10 want to accommodate her finite leave of absence for no legitimate reason under the
11 law.

12 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

13 16. On December 15, 2014, Plaintiff filed charges with the Equal
14 Employment Opportunity Commission ("EEOC"). Plaintiff received a "Right-To-
15 Sue" letter from the EEOC on March 14, 2015. This Complaint is timely filed
16 pursuant to that letter.

17 **FIRST CAUSE OF ACTION**

18 **DISCRIMINATION IN VIOLATION OF THE ADA**

19 **(Against ALL Defendants)**

20 17. Plaintiff restates and incorporates herein paragraphs 1 through 16,
21 inclusive, of this Complaint as though fully set forth herein.

22 18. Plaintiff is, and at all times material hereto was, an employee covered
23 by the ADA. The ADA prohibits discrimination on the basis of disability, which
24 includes cancer, in all employment practices.

25 19. Defendants are and were at all times material hereto, employers
26 within the meaning of the ADA and, as such, were barred from discriminating in
27 employment decisions on the basis of disabilities as set forth in the ADA.
28

20. Defendants have at all times relevant hereto regarded Plaintiff as having a disability within the meaning of the ADA. A “disability” means a “a physical or mental impairment that substantially limits one or more major life activities” of an individual. (42 U.S.C. § 12102(1)(A).) Major life activities include, but are not limited to, walking, standing, performing manual tasks, and working. (42 U.S.C. § 12102(2)(A).)

21. Defendants have continuously discriminated against Plaintiff on the basis of disability in violation of the ADA by continuously engaging in a course of conduct that included, but is not limited to, acts described in this complaint.

22. As a proximate result of Defendant's continuous discrimination against Plaintiff, Plaintiff has suffered and continues to suffer substantial losses in earnings, deferred compensation, and other employment benefits and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to his damage in an amount according to proof.

23. As a result of Defendant's discriminatory acts as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as provided by 42 U.S.C. § 12205.

SECOND CAUSE OF ACTION

RETALIATION IN VIOLATION OF THE ADA

(Against ALL Defendants)

24. Plaintiff restates and incorporates herein paragraphs 1 through 23, inclusive, of this complaint as though fully set forth herein.

25. At all times herein mentioned, the ADA was in full force and effect and was binding on Defendants. The ADA prohibits retaliation against any person who engages in a protective activity.

26. Plaintiff engaged in protected activity by requesting reasonable accommodation for her disability. In response, Defendant terminated Plaintiff's employment and accused Plaintiff of being an unfit teacher.

1 27. Defendants' conduct as alleged above constituted unlawful retaliation.

2 28. As a proximate result of the aforesaid acts of Defendants, Plaintiff has
3 suffered actual, consequential and incidental financial losses, including without
4 limitation, loss of salary and benefits, and the intangible loss of employment
5 related opportunities in her field and damage to her professional reputation, all in
6 an amount subject to proof at the time of trial.

7 29. As a proximate result of the wrongful acts of Defendants, Plaintiff has
8 suffered and continues to suffer emotional distress, humiliation, mental anguish
9 and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is
10 informed and believes and thereupon alleges that she will continue to experience
11 said physical and emotional suffering for a period in the future not presently
12 ascertainable, all in an amount subject to proof at the time of trial.

13 30. As a proximate result of the wrongful acts of Defendants, Plaintiff has
14 been forced to hire attorneys to prosecute her claims herein, and has incurred and is
15 expected to continue to incur attorneys' fees and costs in connection therewith.
16 Plaintiff is entitled to recover attorneys' fees and costs under 42 U.S.C. § 12205.

17 **THIRD CAUSE OF ACTION**

18 **FAILURE TO ACCOMMODATE IN VIOLATION OF THE ADA**

19 **(Against ALL Defendants)**

20 31. Plaintiff restates and incorporates herein paragraphs 1 through 30,
21 inclusive, of this complaint as though fully set forth herein.

22 32. Although Defendants, and each of them, knew of Plaintiff's physical
23 disabilities, Defendants, and each of them, refused to accommodate Plaintiff's
24 disabilities. Defendants' actions were in direct contravention of the ADA.

25 33. Plaintiff alleges that with reasonable accommodations she could have
26 fully performed all duties and functions of her job in an adequate, satisfactory
27 and/or outstanding manner.
28

1 34. As a direct and legal result of Defendants refusal to accommodate
2 Plaintiff, Plaintiff has suffered and continues to suffer general and special damages
3 including but not limited to substantial losses in earnings, other employment
4 benefits, physical injuries, physical sickness, as well as emotional distress, all to
5 her damage in an amount according to proof.

6 35. As a proximate result of the wrongful acts of Defendants, and each of
7 them, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and
8 has incurred and is expected to continue to incur attorneys' fees and costs in
9 connection therewith. Plaintiff is entitled to recover attorneys' fees and costs
10 under 42 U.S.C. § 12205.

11 **FOURTH CAUSE OF ACTION**

12 **FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS**

13 **IN VIOLATION OF THE ADA**

14 **(Against ALL Defendants)**

15 36. Plaintiff restates and incorporates herein paragraphs 1 through 35,
16 inclusive, of this complaint as though fully set forth herein.

17 37. The ADA provides that it is unlawful for an employer to fail to
18 engage in a timely, good faith, interactive process with the employee to determine
19 effective reasonable accommodations, if any.

20 38. Defendants failed to engage in a timely, good faith, interactive process
21 with Plaintiff to determine effective reasonable accommodations for Plaintiff's
22 known disability, and instead Defendants terminated Plaintiff's employment while
23 she was on a leave of absence.

24 39. As a proximate result of the wrongful conduct of Defendants, and
25 each of them, Plaintiff has suffered and continues to sustain substantial losses in
26 earnings and other employment benefits in an amount according to proof at the
27 time of trial.

41. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under 42 U.S.C. 12205.

42. Plaintiff restates and incorporates herein paragraphs 1 through 41, inclusive, of this complaint as though fully set forth herein.

43. At all times herein mentioned, the ADA was in full force and effect and was binding on Defendants. Plaintiff is, and at all times material hereto was, an employee covered by the ADA prohibiting discrimination in employment on the basis of disabilities.

44. Defendants failed to take immediate and appropriate corrective action to end the discrimination against Plaintiff. Defendants also failed to take all reasonable steps necessary to prevent the discrimination from occurring.

45. In failing and/or refusing to take immediate and appropriate corrective action to end the discrimination and in failing and/or refusing to take and or all reasonable steps necessary to prevent discrimination from occurring, Defendants violated the ADA causing Plaintiff to suffer damages as set forth above.

46. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of

1 employment related opportunities in her field and damage to her professional
2 reputation, all in an amount subject to proof at the time of trial.

3 47. As a proximate result of the wrongful acts of Defendants, and each of
4 them, Plaintiff has suffered and continues to suffer emotional distress, humiliation,
5 mental anguish and embarrassment, as well as the manifestation of physical
6 symptoms. Plaintiff is informed and believes and thereupon alleges that she will
7 continue to experience said physical and emotional suffering for a period in the
8 future not presently ascertainable, all in an amount subject to proof at the time of
9 trial.

10 48. As a proximate result of the wrongful acts of Defendants, Plaintiff has
11 been forced to hire attorneys to prosecute her claims herein, and has incurred and is
12 expected to continue to incur attorneys' fees and costs in connection therewith.
13 Plaintiff is entitled to recover attorneys' fees and costs under 42 U.S.C. § 12205.

14 **SIXTH CAUSE OF ACTION**

15 **WRONGFUL TERMINATION IN VIOLATION OF THE ADA**

16 **(Against ALL Defendants)**

17 49. Plaintiff restates and incorporates herein paragraphs 1 through 48,
18 inclusive, of this complaint as through fully set forth herein.

19 50. At all times herein mentioned, the ADA was in full force and effect
20 and was binding on Defendants.

21 51. The actions Defendants, and each of them, in terminating Plaintiff on
22 the grounds alleged and described herein were wrongful and in contravention of
23 the ADA and the laws and regulations promulgated thereunder.

24 52. As a proximate result of the aforesaid acts of Defendants, and each of
25 them, Plaintiff has suffered actual, consequential and incidental financial losses,
26 including without limitation, loss of salary and benefits, and the intangible loss of
27 employment related opportunities in her field and damage to her professional
28 reputation, all in an amount subject to proof at the time of trial.

53. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon alleges that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

54. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under 42 U.S.C. § 12205.

WHEREFORE, Plaintiff prays for judgment as follows:

1. For general damages, according to proof;
2. For medical expenses and related items of expenses, according to proof;
3. For loss of earnings, according to proof;
4. For attorneys' fees, according to proof;
5. For prejudgment interest, according to proof;
6. For costs of suit incurred herein; and
7. For such other relief and the Court may deem just and proper.

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1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a trial by jury.

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4 DATED: November 12, 2015 JML LAW, A Professional Law Corporation

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6
7 By: /s/ D. Aaron Brock

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9 JOSEPH M. LOVRETOVICH

10 D. AARON BROCK

11 Attorneys for Plaintiff

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Exhibit B

2014 Calendar

April 20, 2014 - Easter Sunday

Calendar for Year 2014 (United States)

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| <div>January</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td></tr><tr><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td></tr><tr><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td></tr><tr><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td></tr><tr><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td><td></td></tr></table> <div>1: 7: 15: 24: 30:</div> <div>1: New Year's Day</div> <div>20: Martin Luther King Day</div> | Su | Mo | Tu | We | Th | Fr | Sa | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | | <div>February</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td></tr><tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr><tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr><tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr><tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td></td></tr></table> <div>6: 14: 22:</div> <div>14: Valentine's Day</div> <div>17: Presidents' Day</div> | Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | | <div>March</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td></tr><tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr><tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr><tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr><tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td></tr><tr><td>30</td><td>31</td><td></td><td></td><td></td><td></td><td></td></tr></table> <div>1: 8: 16: 23: 30:</div> <div></div> <div></div> | Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | | | | | |
| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 5 | 6 | 7 | 8 | 9 | 10 | 11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 27 | 28 | 29 | 30 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 23 | 24 | 25 | 26 | 27 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 30 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <div>April</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr><tr><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr><tr><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td></tr><tr><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td></tr><tr><td>27</td><td>28</td><td>29</td><td>30</td><td></td><td></td><td></td></tr></table> <div>7: 15: 22: 29:</div> <div>13: Thomas Jefferson's Birthday</div> <div>20: Easter Sunday</div> | Su | Mo | Tu | We | Th | Fr | Sa | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | <div>May</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td></tr><tr><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td></tr><tr><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td></tr><tr><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td></tr><tr><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td></tr></table> <div>6: 14: 21: 28:</div> <div>11: Mother's Day</div> <div>26: Memorial Day</div> | Su | Mo | Tu | We | Th | Fr | Sa | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | <div>June</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td></tr><tr><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td></tr><tr><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td></tr><tr><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td></tr><tr><td>29</td><td>30</td><td></td><td></td><td></td><td></td><td></td></tr></table> <div>5: 13: 19: 27:</div> <div>15: Father's Day</div> | Su | Mo | Tu | We | Th | Fr | Sa | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | | | | | | | |
| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 1 | 2 | 3 | 4 | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 28 | 29 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 4 | 5 | 6 | 7 | 8 | 9 | 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 29 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <div>July</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr><tr><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr><tr><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td></tr><tr><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td></tr><tr><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td></tr></table> <div>5: 12: 18: 26:</div> <div>4: Independence Day</div> | Su | Mo | Tu | We | Th | Fr | Sa | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | | | <div>August</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td></tr><tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr><tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr><tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr><tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td></tr><tr><td>31</td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> <div>3: 10: 17: 25:</div> <div></div> <div></div> | Su | Mo | Tu | We | Th | Fr | Sa | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | | | | | | | <div>September</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr><tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr><tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr><tr><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td></tr><tr><td>28</td><td>29</td><td>30</td><td></td><td></td><td></td><td></td></tr></table> <div>2: 8: 15: 24:</div> <div>1: Labor Day</div> | Su | Mo | Tu | We | Th | Fr | Sa | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | |
| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 1 | 2 | 3 | 4 | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 28 | 29 | 30 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 3 | 4 | 5 | 6 | 7 | 8 | 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 7 | 8 | 9 | 10 | 11 | 12 | 13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 21 | 22 | 23 | 24 | 25 | 26 | 27 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <div>October</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td></td></tr><tr><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td></tr><tr><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td></tr><tr><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td></tr><tr><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td><td></td></tr></table> <div>1: 8: 15: 23: 30:</div> <div>13: Columbus Day (Most regions)</div> <div>31: Halloween</div> | Su | Mo | Tu | We | Th | Fr | Sa | | | 1 | 2 | 3 | 4 | | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | | <div>November</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td></tr><tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr><tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr><tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr><tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td></tr><tr><td>30</td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> <div>6: 14: 22: 29:</div> <div>11: Veterans Day</div> <div>27: Thanksgiving Day</div> | Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | | <div>December</div> <table><tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr><tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr><tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr><tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr><tr><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td></tr><tr><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td></tr></table> <div>6: 14: 21: 28:</div> <div>24: Christmas Eve</div> <div>25: Christmas Day</div> <div>31: New Year's Eve</div> | Su | Mo | Tu | We | Th | Fr | Sa | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | | | |
| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 5 | 6 | 7 | 8 | 9 | 10 | 11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 27 | 28 | 29 | 30 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Su | Mo | Tu | We | Th | Fr | Sa | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 9 | 10 | 11 | 12 | 13 | 14 | 15 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 7 | 8 | 9 | 10 | 11 | 12 | 13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
 California corporation; and
 DOES 1-50, inclusive,
 Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF KRISTEN BIEL'S
 SEPARATE STATEMENT OF
 CONTROVERTED AND
 UNCONTROVERTED MATERIAL
 FACTS AND CONCLUSIONS OF
 LAW IN OPPOSITION TO
 DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT OR, IN THE
 ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT**

Filed and served concurrently with:

- Plaintiff's Memorandum of Points and Authorities in Opposition to Defendant's MSJ/PSJ;
- Plaintiff's Compendium of Evidence; and
- Plaintiff's Request for Judicial Notice

Date: Monday, November 7, 2016
 Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015
 Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby submits her Separate Statement of *Controverted* and Uncontroverted Facts and Conclusions of Law in Opposition to the Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment filed by Defendant, ST. JAMES SCHOOL (“Defendant”).

I. STATEMENT OF *CONTROVERTED* AND UNCONTROVERTED FACTS AND SUPPORTING EVIDENCE

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
|---|---|
| <p>1. St. James Catholic School (“St. James” or the “School”) is a private, Catholic elementary school in Torrance, CA.</p> <p>Kreuper Declaration (“decl.”) ¶ 3; Sister Mary Margaret Kreuper Deposition (“Kreuper depo.” 11:3-12; Plaintiff depo., 24:7-8).</p> | UNCONTROVERTED |
| <p>2. St. James School is the parish school for St. James Catholic Church in Redondo Beach and, as such, is a religious, non-profit organization.</p> <p>(Kreuper depo., 11:10-14).</p> | UNCONTROVERTED |
| <p>3. St. James School operates as part of the overall ministry of St. James Catholic Church in Redondo Beach, CA.</p> <p>(Kreuper decl. ¶ 3)</p> | UNCONTROVERTED |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>4. In other words, the school is one of several ministries that comprises the St. James Catholic Church parish.</p> <p>(Kreuper decl. ¶ 3)</p> | UNCONTROVERTED |
| <p>5. The School offers kindergarten through eighth grade with only one class per grade level.</p> <p>(Kreuper depo., 20:7-12).</p> | <p>CONTROVERTED</p> <p>St. James School has operated with two teachers at one grade level.</p> <p>Deposition of Mary Kreuper 20:23-21:7; 26:21-27:16¹; Deposition of Kristen Biel 14:22-15:25; 41:7-42:5²</p> |
| <p>6. For the past 27 years, Sister Mary has been the principal of the School. She is a vowed member of a religious congregation of the Roman Catholic Church.</p> <p>(Kreuper depo., 11:19-22, Kreuper decl., ¶ 1).</p> | UNCONTROVERTED |
| <p>7. The mission of St. James is to develop and promote a Catholic school faith community within the philosophy of Catholic education as implemented at the School, and the doctrines, laws, and norms of the Catholic Church.</p> <p>(Kreuper decl. ¶ 5; Plaintiff's depo., 24:11-13,15-20).</p> | UNCONTROVERTED |

¹ See, Declaration of Cathryn G. Fund, ¶ 3, Exhibit 2 (Deposition of Mary Kreuper)

² See, Declaration of Cathryn G. Fund, ¶ 2, Exhibit 1 (Deposition of Kristen Biel)

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
|---|---|
| <p>8. This above stated mission is outlined in every teachers' employment contract with the School.</p> <p>(Kreuper decl. ¶ 5).</p> | <p>UNCONTROVERTED</p> |
| <p>9. All duties and responsibilities of each teacher at St. James are to be performed within the School's overriding commitment to developing its faith.</p> <p>(Kreuper decl. ¶ 5).</p> | <p>UNCONTROVERTED</p> |
| <p>10. Sister Mary strongly prefers that the teachers at St. James be practicing Catholics.</p> <p>(Kreuper decl. ¶ 5).</p> | <p>CONTROVERTED to the extent that the evidence does not support the alleged fact as written. Sister Mary states in her declaration that is it simply her "preference that the teachers at St. James are practicing Catholics."</p> <p>(Kreuper decl. ¶ 5)</p> |
| <p>11. In March 2013, Plaintiff was hired by Sister Mary as a part-time substitute teacher for the first grade.</p> <p>(Plaintiff depo., 14:5-11, 14:18-15:7).</p> | <p>CONTROVERTED to the extent that Biel was hired as a "long-term substitute" from March 2013 to June 2013 and explained that it is "like a full-time teacher" because you are "there every day all the time teaching, but for somebody who is out, usually because they are pregnant."</p> <p>Deposition of Kristen Biel 14:8-14:17.</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>12. In this capacity, Plaintiff taught the first grade two days per week while the regular first grade teacher was on maternity leave.</p> <p>(Plaintiff depo., 14:18-15:7).</p> | <p>CONTROVERTED to the extent that Biel only taught the first grade two days per week only because the first grade had two teachers who were “team teaching.”</p> <p>Deposition of Mary Kreuper 20:23-21:7; 26:21-27:16; 41:17-42:5 Deposition of Kristen Biel 14:22-15:25</p> |
| <p>13. Plaintiff’s part-time position at St. James ended four months later in June 2013.</p> <p>(Plaintiff depo., 14:5-9).</p> | <p>UNCONTROVERTED</p> |
| <p>14. After Plaintiff’s part-time position ended in June 2013, Sister Mary hired Plaintiff as the full-time 5th grade teacher for the 2013-2014 school year.</p> <p>(Plaintiff depo., 17:13-25).</p> | <p>UNCONTROVERTED</p> |
| <p>15. As the principal of the School, Sister Mary was the supervisor for all teachers including Plaintiff.</p> <p>(Plaintiff depo., 17:3-8; Kreuper depo., 11:19-22).</p> | <p>UNCONTROVERTED</p> |
| <p>16. As a teacher at St. James, Plaintiff was required to perform her duties in conformity with the School’s overriding mission of promoting and developing the Catholic faith, as</p> | <p>UNCONTROVERTED</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>required in her employment contract.</p> <p>(Kreuper decl., ¶ 6; Plaintiff depo. 26:13-17).</p> | |
| <p>17. Every teacher at St. James was required to pray with their students every day.</p> <p>(Kreuper decl. ¶ 9).</p> | UNCONTROVERTED |
| <p>18. Plaintiff is Catholic.</p> <p>(Plaintiff depo., 24:9-10).</p> | UNCONTROVERTED |
| <p>19. As a Catholic, she prayed with her students every day both in the morning and at the end of each day.</p> <p>(Plaintiff depo., 25:5-10).</p> | UNCONTROVERTED |
| <p>20. Plaintiff prayed Catholic prayers with her students including The Lord's Prayer and the Hail Mary Prayer.</p> <p>(Plaintiff depo., 25:16-26:1).</p> | <p>CONTROVERTED to the extent that Biel had prayer leaders in her class room that would teach and engage the students in daily prayer.</p> <p>Deposition of Kristen Biel 25:11-15, 25:22-23</p> |
| <p>21. In addition, Plaintiff attended school Mass every month with her students where she also prayed with them and where they occasionally presented the Eucharistic gifts.</p> <p>(Plaintiff depo., 29:9-15, 31:20-23, 32:1-</p> | UNCONTROVERTED |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| 11). | |
| <p>22. In regards to the 5th grade curriculum, Plaintiff's duties included incorporating the Catholic faith into the students' every day curriculum.</p> <p>(Kreuper decl., ¶ 5; Plaintiff depo., 24:11-14; 24:21-25:4; 26:18-22; 37:17-39:8, 40:4-18).</p> | UNCONTROVERTED |
| <p>23. Plaintiff taught the subject of Religion to her students four days per week.</p> <p>(Plaintiff depo., 26:18-24).</p> | UNCONTROVERTED |
| <p>24. In fact, she was required to dedicate a minimum of 200 minutes every week to the subject of Religion.</p> <p>(Kreuper decl., ¶ 7; Plaintiff depo., 30:3-31:9).</p> | UNCONTROVERTED |
| <p>25. The curriculum for the Religion course was grounded upon the norms and doctrines of the Catholic Faith, including, the sacraments of the Catholic Church, social teachings according to the Catholic Church, morality, the history of Catholic saints, Catholic prayers, and the overall Catholic way of life.</p> <p>(Kreuper decl., ¶ 7; Plaintiff depo.,</p> | UNCONTROVERTED |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| 27:22-28:1, 28:9-29:3, 30:3-31:9, 37:17-39:8, 40:4-18). | |
| <p>26. For instance, Plaintiff taught her students the stories from the Bible, including the story of Jesus Christ.</p> <p>(Plaintiff depo., 27:22-28:1).</p> | <p>CONTROVERTED as Biel testified that she “<i>read</i>” from a workbook and answered questions from that book that involved religious lessons.</p> <p>Deposition of Kristen Biel 27:5-28:1</p> |
| <p>27. She also taught her students the significance of the Lent season, the Last Supper, Easter, the Eucharist, and Reconciliation.</p> <p>(Plaintiff depo., 28:9-29:3, 67:5-68:10).</p> | UNCONTROVERTED |
| <p>28. As a teaching guide for this course, Plaintiff used a Catholic textbook entitled “Coming to God’s Life.”</p> <p>(Kreuper decl. ¶ 7; Plaintiff depo., 27:5-21, 28:2-3, 64:14-24).</p> | UNCONVROVERTED |
| <p>29. She also gave weekly tests to her students from this textbook.</p> <p>(Plaintiff depo., 29:4-8).</p> | UNCONTROVERTED |
| <p>30. Moreover, Plaintiff was required to incorporate Catholic values and traditions throughout all subject areas, not just during the Religion course.</p> <p>(Kreuper decl., ¶ 8; Plaintiff depo., 40:15-18).</p> | UNCONTROVERTED |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>31. In fact, two standard requirements included in the School's teacher evaluation report were 1) incorporating "signs, sacramental, traditions of the Roman Catholic Church in the classroom," and 2) infusing "Catholic values through all subject areas."</p> <p>(Kreuper decl., ¶ 8; Plaintiff depo., 37:6-21, 38:17-39:8, 40:15-18).</p> | <p>CONTROVERTED to the extent that these were two of thirty-four different requirements on the Elementary School Classroom Observation Report</p> <p>Deposition of Mary Kreuper 89:24-90:16, Exh. 3 ("Elementary School Classroom Observation Report"); Deposition of Kristen Biel 37:6-37:25, Exh. 4 ("Elementary School Classroom Observation Report")</p> |
| <p>32. For example, on November 12, 2013, Plaintiff was evaluated on these factors when teaching the subject of Math.</p> <p>(Kreuper decl., ¶ 8; Plaintiff depo., 37:6-21, 38:17-39:8, 40:15-18).</p> | <p>UNCONTROVERTED</p> |
| <p>33. In order to prepare her teachers as religious educators and to develop their skills, Sister Mary required each teacher, including Plaintiff, to attend a Catholic education conference called the Los Angeles Religious Education Congress.</p> <p>(Kreuper decl., ¶ 10; Plaintiff 33:22-24, 35:2-12).</p> | <p>CONTROVERTED to the extent that the cited testimony states that the one-day conference consisted "mostly" education classes.</p> <p>Deposition of Kristen Biel 34:24-35:9</p> |
| <p>34. At this conference, the teachers learned different methods and techniques in incorporating God into their teachings to enable them to become better religious</p> | <p>CONTROVERTED to the extent that the cited testimony states that the one-day conference consisted "mostly" education classes.</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| educators. (Kreuper decl., ¶ 10; Plaintiff 33:22-24, 35:2-12). | Deposition of Kristen Biel 34:24-35:9 |
| 35. At St. James, every teacher's employment was governed by an annual written employment agreement. (Kreuper decl., ¶ 5; Plaintiff depo., 18:8-25, 19:6-20, 20:11-14, 20:23-21:3). | UNCONTROVERTED |
| 36. This employment agreement was created and distributed to the Catholic schools within the Archdiocese of Los Angeles by the Department of Catholic Schools. (Kreuper decl., ¶ 5). | UNCONTROVERTED |
| 37. According to the employment agreement, every teacher's employment was on an annual basis, meaning employment started at the beginning of every school year and expired at the end of each school year. (Kreuper decl., ¶ 5; Plaintiff depo., 19:6-15). | CONTROVERTED to the extent that the Defendant's cited evidence only reflects the agreement between Biel and St. James School and does not reflect "every teacher's employment" with St. James School. (See, Defendant's Evidence) |
| 38. The school principal had the sole discretion to decide whether to offer subsequent annual employment agreements to each teacher for the | UNCONTROVERTED |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>following school year.</p> <p>(Kreuper decl., ¶ 5; Plaintiff depo., 21:24-22:2).</p> | |
| <p>39. No teacher was guaranteed employment for the following school year.</p> <p>(Kreuper decl. ¶ 5; Plaintiff depo., 22:17-20).</p> | <p>CONTROVERTED to the extent that the Defendant's cited evidence only reflects the no "guarantee" of employment between Biel and St. James School and does not reflect every teacher's employment with St. James School</p> <p>(See, Defendant's Evidence)</p> |
| <p>40. Under the faculty employment agreement, each teacher was required to "model, teach, and promote behavior in conformity to the teaching of the Roman Catholic Church."</p> <p>(Kreuper decl., ¶ 6).</p> | <p>UNCONTROVERTED</p> |
| <p>41. In addition, every teacher was to perform their duties and responsibilities in conformance with the school's overall mission to "develop and promote a Catholic School Faith Community within the philosophy of Catholic education as implemented at the School, and the doctrines, laws, and norms of the Catholic Church."</p> <p>(Kreuper decl., ¶ 6).</p> | <p>UNCONTROVERTED</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>42. On May 24, 2013, Plaintiff signed a standard teacher employment contract for the 2013-2014 school year.</p> <p>(Plaintiff depo., 18:4-15, 19:3-20; Kreuper decl., ¶ 6).</p> | UNCONTROVERTED |
| <p>43. Per her contract, Plaintiff's employment began on August 26, 2013 and ended on June 30, 2014.</p> <p>(Plaintiff depo., 19:3-20; Kreuper decl., ¶ 6).</p> | UNCONTROVERTED |
| <p>44. Plaintiff's first full-time teaching position was her position as the 5th grade teacher at St. James for the 2013-2014 school year.</p> <p>(Plaintiff depo., 59:5-7).</p> | UNCONTROVERTED |
| <p>45. Prior to Plaintiff's position at St. James, Plaintiff had never been responsible for teaching a class on her own.</p> <p>(Plaintiff depo., 59:8-10).</p> | <p>CONTROVERTED to the extent that Biel had previously taught First Grade grade as a long-term substitute teacher during the last trimester of the 2012-2013 school year in a "team" where she would work 2 days/week and the other teacher worked 3 days/week.</p> <p>Deposition of Kristen Biel 14:22-15:12</p> |
| <p>46. St. James School operates on a trimester basis.</p> | UNCONTROVERTED |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| (Kreuper depo., 107:6-9). | |
| <p>47. From the first trimester to Plaintiff's last day of employment in May 2014, Sister Mary had concerns regarding Plaintiff's work performance, including Plaintiff's classroom management and her failure to follow school policies and procedures.</p> <p>(Kreuper depo., 72:7-21).</p> | <p>CONTROVERTED as the cited evidence only establishes that Sister Margaret had issues with Biel's job performance from August to November of 2013 and not until May 2014.</p> <p>(Kreuper depo., 72:7-21)</p> |
| <p>48. Within two weeks of the 2013-2014 school year, Sister Mary noticed that Plaintiff had difficulty keeping her classroom organized and controlling her classroom noise level.</p> <p>(Kreuper depo., 72:16-21, 73:14-75:11, 76:23-77:5, 79:4-17, 101:23-102:5, 105:11-13; Plaintiff depo., 57:24-58:4).</p> | UNCONTROVERTED |
| <p>49. Sister Mary often observed a chaotic classroom environment with clutter on and around students' desks, and students out of their seats talking with other students.</p> <p>(Kreuper depo., 73:14-21, 74:18-75:11, 79:11-17, 101:23-102:5, 106:6-12).</p> | UNCONTROVERTED |
| <p>50. Sister Mary verbally counseled Plaintiff from the beginning of the school year regarding her issues</p> | <p>CONTROVERTED</p> <p>1) The evidenced cited by Defendant does not establish that Sister</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>with classroom management.</p> <p>(Kreuper depo., 101:23-102:5, 104:13-19, 105:11-13, 106:17-19).</p> | <p>Margaret was “counseling” Biel from the beginning of the school year.</p> <p>(Kreuper depo., 101:23-102:5, 104:13-19, 105:11-13, 106:17-19).</p> <p>2) Sister Margaret testified that she regularly “checks in” with other teachers as she did with Biel</p> <p>Deposition of Mary Kreuper 109:16-110:8</p> <p>3) In addition, during these meetings, Biel and Sister Margaret also discussed other things including Biel’s efforts to make sure the students were “understanding and learning” in her classroom which Sister Margaret complimented.</p> <p>Deposition of Kristen Biel 45:21-47:2.</p> <p>4) During these meetings Biel and Sister Margaret discussed the large number of students who were on Biel’s honor roll during the first trimester</p> <p>Deposition of Mary Kreuper 83:24-86:14; 157:15-157:23</p> |
| <p>51. On November 12, 2013, Sister Mary completed a formal classroom observation report after observing Plaintiff teach the subject of Math to her students.</p> | <p>UNCONTROVERTED</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| (Kreuper depo., 90:5-15, 90:22-24; Plaintiff's depo., 37:6-21, 38:1-6). | |
| <p>52. In this observation report, Sister Mary noted that there were many items on the students' desks and that Plaintiff needed to work on organization in the classroom.</p> <p>(Kreuper depo., 93:5-94:4; Plaintiff depo., 40:19-41:1).</p> | UNCONTROVERTED |
| <p>53. In addition, to this observation report, Sister Mary also verbally counseled Plaintiff on multiple occasions throughout the school year regarding keeping her classroom organized and controlling the noise level.</p> <p>(Plaintiff depo., 41:10-19, 42:3-7, 57:24-58:13, 71:15-18, 113:24-114:8; Kreuper depo., 82:16-25, 83:1-13, 97:16-25).</p> | <p>CONTROVERTED to the extent the Biel testified that only on five occasions or less did Sister Mary verbally counsel her on various aspects of her teaching.</p> <p>Deposition of Kristen Biel 42:3-42:9; 57:24-58:15; 71:15-18.</p> |
| <p>54. However, Plaintiff failed to improve her issues with classroom management throughout the school year.</p> <p>(Kreuper depo., 83:1-13, 106:5-12).</p> | <p>CONTROVERTED as Sister Margaret wrote positive comments about Biel's teaching, including that she was "very good" at "[e]stablishing and maintaining learning environments that are physically, intellectually, and emotionally safe"</p> <p>Deposition of Mary Kreuper 89:24-90:15, Exh. 3 ("Elementary School Classroom Observation Report")</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| | <p>Additionally, the Elementary School Classroom Observation Report has all of the boxes for “Creating and Maintaining Effective Environments for Student Learning” crossed out which indicates that there was evidence that Biel was doing those aspects of her teaching.</p> <p>Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24, Exh. 3.</p> |
| <p>55. In Plaintiff’s classroom, students were required to write their names in a designated notebook located in the classroom every time they had a behavior issue and/or missed assignment.</p> <p>(Plaintiff depo., 52:8-53:10).</p> | <p>CONTROVERTED to the extent the evidence cited by Defendant states that the children wrote “on cards” and kept them in the back of the room in a little “card case.”</p> <p>(See, Defendant’s Evidence)</p> |
| <p>56. These “work habits” were reviewed at the end of the week and were also taken into account at the end of the trimester when Plaintiff submitted report cards.</p> <p>(Plaintiff depo., 53:11-15).</p> | <p>UNCONTROVERTED</p> |
| <p>57. Students logged a “work habit” when they failed to turn in their homework.</p> <p>(Kreuper depo., 72:22-73:7; Plaintiff depo., 53:2-5).</p> | <p>UNCONTROVERTED</p> |
| <p>58. The purpose of the “work habit”</p> | <p>CONTROVERTED to the extent</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>procedure was to keep track of the students' missed homework assignments.</p> <p>(Kreuper depo., 72:22-73:7).</p> | <p>that the "work habit" procedure had many purposes including keeping track of homework issues. In addition, the system kept track of when students "completed projects and cleanliness."</p> <p>Deposition of Kristen Biel 52:8-53:10</p> |
| <p>59. If the students missed more than five homework assignments, they were required to sit in a specific room to do their homework.</p> <p>(Kreuper depo., 72:22-73:4).</p> | <p>UNCONTROVERTED</p> |
| <p>60. Depending on the situation, Plaintiff allowed her students to erase their names from the homework notebook if they submitted their homework a day late.</p> <p>(Kreuper depo., 72:22-73:10, 80:13-20, Plaintiff depo., 55:4-22).</p> | <p>CONTROVERTED to the extent that Biel does not recall the policy and if the practice of allowing her students to erase their names from the homework notebook was allowed.</p> <p>Deposition of Kristen Biel 55:8-55:22</p> <p>Additionally, Biel testified that regarding the work habit system she believed that Sister Margaret did not have a problem with how it was being implemented.</p> <p>Deposition of Kristen Biel 56:6-56:10</p> |
| <p>61. From the beginning of the school year, Sister Mary verbally counseled</p> | <p>CONTROVERTED as Biel testified regarding the work habit</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>Plaintiff regarding her practice of allowing students to erase their names from the homework notebook.</p> <p>(Kreuper depo., 80:13-20, 101:8-16, 104:13-19; Plaintiff depo., 53:16-22, 54:1-15, 114:9-17, 114:21-115:6).</p> | <p>system that she believed that Sister Margaret did not have a problem with how it was being implemented.</p> <p>Deposition of Kristen Biel 56:6-56:10</p> <p>Biel testified that she would follow Sister Margaret's work habit specifically and believes she had been regularly following it.</p> <p>Deposition of Kristen Biel 114:9-114:20</p> |
| <p>62. At St. James School, students were not permitted to re-take exams in order to obtain a higher grade.</p> <p>(Kreuper decl. ¶ 11; Plaintiff depo., 47:11-13).</p> | <p>UNCONTROVERTED</p> |
| <p>63. Sister Mary learned that Plaintiff allowed her students to re-take exams if they were not satisfied with a prior grade on the exam.</p> <p>(Kreuper decl. ¶ 11).</p> | <p>CONTROVERTED as Biel testified that she did not recall allowing her students to take tests over while she was teaching</p> <p>Deposition of Kristen Biel 47:3-47:15</p> <p>Additionally, Biel testified that Sister Margaret complimented her on "doing a good job with the testing and that that the students were understanding and learning."</p> <p>Deposition of Kristen Biel 45:15-47:15</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
|---|---|
| <p>64. In addition, Sister Mary required Plaintiff to inform the students' parents of the exam schedule in order for the parents to help prepare the children.</p> <p>(Kreuper decl. ¶ 12).</p> | <p>UNCONTROVERTED</p> |
| <p>65. Sister Mary learned that Plaintiff failed to communicate the students' test schedule to the parents.</p> <p>(Kreuper decl. ¶ 12; Plaintiff depo., 51:11-22).</p> | <p>CONTROVERTED as Biel testified that it was the students' responsibility to ensure the test schedule was communicated to the parents</p> <p>Deposition of Kristen Biel 51:11-51:22</p> |
| <p>66. In preparation for exams, Plaintiff's students were required to complete study guides.</p> <p>(Kreuper decl., ¶ 13; Plaintiff depo., 66:2-5).</p> | <p>UNCONTROVERTED</p> |
| <p>67. Plaintiff was required to correct the students' study guides prior to the exams so that they could study accurate study guides in preparation for the exams.</p> <p>(Kreuper depo., 113:8-12; Plaintiff depo., 66:21-25, 68:23-70:16).</p> | <p>CONTROVERTED as the evidence cited by Defendant does not establish that Biel was required to correct the students' study guides.</p> <p>Moreover, Biel testified that based on Sister Margaret's comments, she would go over the study guides in the class with the children before the test. Deposition of Kristen Biel 69:9-70:13</p> |
| <p>68. However, Plaintiff failed to correct her students' study guides prior to exams causing incorrect answers on</p> | <p>CONTROVERTED as the evidence cited reflects a third party observations of parents from an</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>the exams.</p> <p>(Kreuper depo., 113:8-12).</p> | <p>unidentified period of the 2013/2014 school year.</p> <p>(Kreuper depo., 113:8-12)</p> <p>Moreover, Biel testified that based on Sister Margaret's comments, she would go over the study guides in the class with the children before the test. Deposition of Kristen Biel 69:9-70:13</p> |
| <p>69. Sister Mary verbally counseled Plaintiff regarding her failure to correct the study guides throughout the school year.</p> <p>(Kreuper decl., ¶ 12; Kreuper depo., 106:20-21; Plaintiff depo., 66:21-25, 68:19-69:23).</p> | <p>CONTROVERTED as the cited evidence does not establish that Sister Margaret "counseled" Biel "throughout the year."</p> <p>(See, Defendant's Evidence)</p> <p>Moreover, Biel testified that based on Sister Margaret's comments, she would go over the study guides in the class with the children before the test. Deposition of Kristen Biel 69:9-70:13</p> |
| <p>70. Plaintiff was also required to teach from a workbook titled Simple Solutions.</p> <p>(Kreuper depo., 119:16-120:7; Kreuper decl., ¶ 14; Plaintiff depo., 44:18-20).</p> | <p>UNCONTROVERTED</p> |
| <p>71. In the fall of 2013, Sister Mary learned that Plaintiff was not using the workbook as she had asked.</p> <p>(Kreuper decl., ¶ 14).</p> | <p>CONTROVERTED as Biel testified that she had her students work in the Simple Solutions books.</p> <p>Deposition of Kristen Biel 43:17-44:3</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>72. Again, Sister Mary instructed Plaintiff on numerous occasions to use the Simple Solutions workbook when teaching her students.</p> <p>(Kreuper decl., ¶ 14).</p> | <p>CONTROVERTED to the extent that the evidence cited by Defendant <i>does not establish when</i> (“on numerous occasions”) <i>this instruction of Plaintiff occurred</i> regarding the Simple Solutions workbook.</p> <p>(Kreuper decl., ¶ 14).</p> |
| <p>73. Throughout the 2013-2014 school year, Sister Mary met with Plaintiff in her office on a regular basis to discuss her lesson plans for the upcoming week, and her various issues and struggles in the classroom.</p> <p>(Kreuper depo., 82:23-83:7, Plaintiff depo., 108:2-15).</p> | <p>CONTROVERTED as Sister Margaret testified that she <i>regularly</i> “checks in” with other teachers as she did with Biel</p> <p>Deposition of Mary Kreuper 109:16-110:8</p> |
| <p>74. During the first trimester, Sister Mary met with Plaintiff every two weeks.</p> <p>(Kreuper depo. 82:23-25).</p> | <p>UNCONTROVERTED</p> |
| <p>75. Plaintiff failed to improve on the issues Sister Mary counseled her on, namely, the chaotic classroom environment.</p> <p>(Kreuper depo., 83:8-13).</p> | <p>CONTROVERTED as the cited evidence only reflects Sister Margaret’s testimony regarding the chaotic environment in Biel’s classroom and not failing to improve on the issues Sister Mary counseled her on.</p> <p>2) Sister Margaret wrote positive</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| | <p>comments about Biel's teaching, including that she was "very good" at "[e]stablishing and maintaining learning environments that are physically, intellectually, and emotionally safe"</p> <p>Deposition of Mary Kreuper 89:24-90:15, Exh. 3 ("Elementary School Classroom Observation Report")</p> <p>3) Additionally, the Elementary School Classroom Observation Report has all of the boxes for "Creating and Maintaining Effective Environments for Student Learning" crossed out which indicates that there was evidence that Biel was doing those aspects of her teaching.</p> <p>Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24, Exh. 3.</p> |
| <p>76. By January 2014, Sister Mary met with Plaintiff in her office once every week and sometimes twice a week to discuss Plaintiff's performance issues.</p> <p>(Kreuper depo., 109:7-19; Kreuper decl., ¶ 15; Plaintiff depo., 44:21-45:8).</p> | <p>CONTROVERTED</p> <p>The testimony cited by Defendant does not establish that "performance issues" were the only thing discussed during these meetings as Sister Margaret testified that she wanted to "check in with her to see how she was doing with regards to all the things" Sister Margaret and Biel discussed.</p> <p>Deposition of Mary Kreuper</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| | <p>109:16-109:19</p> <p>For example, during these meetings, Biel and Sister Margaret also discussed other things including Biel's efforts to make sure the students were "understanding and learning" in her classroom which Sister Margaret complimented.</p> <p>Deposition of Kristen Biel 45:21-47:2.</p> <p>Also during these meetings Biel and Sister Margaret discussed the large number of students who were on Biel's honor roll during the first trimester</p> <p>Deposition of Mary Kreuper 83:24-86:14; 157:15-157:23</p> |
| <p>77. From November 2013 to May 2014, Sister Mary met with Plaintiff and took handwritten notes memorializing the performance issues she discussed with Plaintiff at each of these meetings.</p> <p>(Kreuper depo., 101:2-5, 109:7-19; Kreuper decl., ¶ 15).</p> | <p>CONTROVERTED as a majority of the handwritten notes are not dated and there is no indication that they reflect the issues discussed at "each" of the meetings between Sister Margaret and Biel.</p> <p>(Kreuper depo., 101:2-5, 109:7-19; Kreuper decl., ¶ 15).</p> |
| <p>78. Initially, Sister Mary wrote down the issues Plaintiff needed improvement on, and every time they discussed and revisited the</p> | <p>UNCONTROVERTED</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>issue, she placed a checkmark next to it.</p> <p>(Kreuper, depo., 99:5-100:2, 101:2-5, 101:12-102:5, 105:14-18, 115:24-116:7; Kreuper decl., ¶ 15).</p> | |
| <p>79. The recurring issues discussed with Plaintiff during these meetings included:</p> <p>The level of noise in the classroom. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least six occasions.</p> <p>(Kreuper depo., 101:20-102:5, 105:8-13, 106:5-12; Kreuper decl., ¶ 15; Plaintiff depo., 57:24-25).</p> | <p>CONTROVERTED to the extent that the evidence does not establish whether the issues were "recurring."</p> <p>(See, Defendant's Evidence)</p> |
| <p>80. The recurring issues discussed with Plaintiff during these meetings included:</p> <p>The condition of the classroom. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least nine occasions.</p> <p>(Kreuper depo., 104:13-19, 106:17-19; Kreuper decl., ¶ 15; Plaintiff depo., 40:22-42:7, 43:11-16).</p> | <p>CONTROVERTED to the extent that the evidence does not establish whether the issues were "recurring."</p> <p>(See, Defendant's Evidence)</p> |
| <p>81. The recurring issues discussed with Plaintiff during these meetings included:</p> <p>Permitting students to erase their work</p> | <p>CONTROVERTED to the extent that the evidence does not establish whether the issues were "recurring."</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>habits for missed homework assignments. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least five occasions.</p> <p>(Kreuper depo., 101:12-22, 103:8-16, 104:11-17, 105:23-106:4; Kreuper decl., ¶ 15; Plaintiff depo., 53:16-54:10).</p> | <p>(See, Defendant's Evidence)</p> |
| <p>82. The recurring issues discussed with Plaintiff during these meetings included:</p> <p>Informing parents of the test schedule. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least two occasions.</p> <p>(Kreuper depo., 103:8-16; Kreuper decl., ¶ 15; Plaintiff depo., 51:5-22, 64:1-9).</p> | <p>CONTROVERTED to the extent that the evidence does not establish whether the issues were "recurring."</p> <p>(See, Defendant's Evidence)</p> |
| <p>83. The recurring issues discussed with Plaintiff during these meetings included:</p> <p>The issue with regarding to giving accurate study guides to the students. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least two occasions.</p> <p>(Kreuper depo., 106:20-21, Kreuper decl., ¶ 15; Plaintiff depo., 66:21-25, 68:23-70:16).</p> | <p>CONTROVERTED to the extent that the evidence does not establish whether the issues were "recurring."</p> <p>(See, Defendant's Evidence)</p> |
| <p>84. Sister Mary made a note during her</p> | <p>CONTROVERTED to the extent</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>meetings with Plaintiff that Plaintiff did not want to “take accountability for the students’ behavior.”</p> <p>(Kreuper depo., 106:5-12).</p> | <p>that the evidence does not establish that Sister Margaret made a note during <i>multiple</i> meetings with Biel.</p> <p>(See, Defendant’s Evidence)</p> |
| <p>85. During these meetings, Sister Mary also went over Plaintiff’s weekly lesson plans for each upcoming school week.</p> <p>(Kreuper depo., 82:23-83:4).</p> | <p>CONTROVERTED as Biel testified that when Sister Margaret returned the lesson plans to her she would “do what she said” and does not recall having conversations about her lesson plans.</p> <p>Deposition of Kristen Biel 63:5-63:9</p> |
| <p>86. Sister Mary would make comments and suggestions on Plaintiff’s lesson plans regarding persistent classroom issues.</p> <p>(Plaintiff depo., 62:11-18, 62:23-63:9; Kreuper depo., 152:13-23).</p> | <p>UNCONTROVERTED</p> |
| <p>87. Sister Mary made the following notations on Plaintiff’s lesson plans:</p> <p>Week of September 23-27, 2013- “Be sure to let the students know the test schedule.”</p> <p>(Kreuper decl., ¶ 16; Plaintiff depo., 61:22-62:3, 64:1-5)</p> | <p>UNCONTROVERTED</p> |
| <p>88. Sister Mary made the following notations on Plaintiff’s lesson plans:</p> <p>Week of November 4-8, 2013- “Be sure to</p> | <p>UNCONTROVERTED</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>do study guides together and correct.”</p> <p>(Kreuper decl., ¶ 16; Plaintiff depo., 65:6-24)</p> | |
| <p>89. Sister Mary made the following notations on Plaintiff’s lesson plans:</p> <p>Week of January 20-24, 2014- “Be sure to correct study guides.”</p> <p>(Kreuper decl., ¶ 16; Plaintiff depo., 68:16-69:14).</p> | UNCONTROVERTED |
| <p>90. Sister Mary made the following notations on Plaintiff’s lesson plans:</p> <p>Week of January 27-31, 2014- “Remember we have talked about ‘things’ on desk.”</p> <p>(Kreuper decl., ¶ 16; Plaintiff depo., 70:21-71:6, 71:15-18).</p> | UNCONTROVERTED |
| <p>91. Sister Mary made the following notations on Plaintiff’s lesson plans:</p> <p>Week of February 17-21, 2014- “Be sure to correct [study guides] so the students will have something to study correctly.”</p> <p>(Kreuper decl., ¶ 16; Plaintiff depo., 71:19-72:11).</p> | UNCONTROVERTED |
| <p>92. Sister Mary made the following notations on Plaintiff’s lesson plans:</p> <p>Week of March 3-7, 2014- “Be sure that SG are corrected.”</p> | CONTROVERTED to the extent that Biel testified that she did not know what the specific notation on Plaintiff’s lesson plans indicated. |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| (Kreuper decl., ¶ 16; Plaintiff depo., 72:15-22, 74:10-19). | Deposition of Kristen Biel 72:15-72:22. |
| <p>93. Sister Mary made the following notations on Plaintiff's lesson plans:</p> <p>Week of April 28-May 2, 2014- "Remember about things on desks."</p> <p>(Kreuper decl., ¶ 16; Plaintiff depo., 74:24-75:4, 76:4-9).</p> | <p>CONTROVERTED to the extent that Biel testified that she did not recall these comments on her study guides.</p> <p>Deposition of Kristen Biel 74:24-75:4</p> |
| <p>94. Sister Mary expressed her concerns regarding Plaintiff's classroom management and teaching practices as late as May 2014.</p> <p>(Plaintiff's depo., 76:4-17).</p> | <p>CONTROVERTED to the extent that Biel's testimony only reflects that Sister Margaret addressed her concern regarding the condition of student's desks as late as May 2014. She did not address classroom management or teaching practices generally. Moreover, the cited testimony states that the last concern regarding study guides came in March 2014.</p> <p>Deposition of Kristen Biel 76:4-17</p> |
| <p>95. During the 2013-2014 school year, several parents voiced their complaints regarding Plaintiff's teaching style to Sister Mary.</p> <p>(Kreuper depo., 111:25-112:23, 113:1-12; Janelle O'Dowd depo. (O'Dowd depo.), 20:20-21:8; 38:3-21).</p> | <p>CONTROVERTED as one of the parents identified by Sister Margaret as "voicing their complaints" testified that she never had a meeting with Sister Margaret to discuss complaints about Biel or any teacher at St. James School.</p> <p>Deposition of Mary Kreuper 111:25-112:12; 112:25-113:7;</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| | <p>117:23-117:25</p> <p>Deposition of Mara Wolfsen 5:13-5:18; 21:20-22:6; 31:21-32:1; 40:11-40:17³</p> |
| <p>96. The majority of the parent complaints stemmed from Plaintiff's lack of structure in the classroom.</p> <p>(Kreuper depo., 111:25-112:23, 113:1-12, 158:13-159:4).</p> | <p>CONTROVERTED as one of the parents identified by Sister Margaret as "voicing their complaints" testified that she never had a meeting with Sister Margaret to discuss complaints about Biel or any teacher at St. James School.</p> <p>Deposition of Mary Kreuper 111:25-112:12; 112:25-113:7; 117:23-117:25</p> <p>Deposition of Mara Wolfsen 5:13-5:18; 21:20-22:6; 31:21-32:1; 40:11-40:17</p> |
| <p>97. Sister Mary also received negative feedback from other teachers at St. James regarding Plaintiff's classroom management, including the noise level of the class.</p> <p>(Kreuper depo., 114:15-24, 158:13-159:4; O'Dowd depo., 20:20-21:8; 38:3-21; Kathleen McDermott depo. (McDermott depo.), 30:23-31:12, 35:4-12); Lana Chang, depo. (27:14-29:5, 30:1-14, 37:20-38:14).</p> | <p>UNCONTROVERTED</p> |

³ See, Declaration of Cathryn G. Fund, ¶ 4, Exhibit 3 (Deposition of Mara Wolfsen)

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| <p>98. In March 2014, Sister Mary decided that she would not offer Plaintiff an employment contract for the 2014-2015 school year.</p> <p>(Kreuper depo., 119:9-15).</p> | <p>CONTROVERTED to the extent that the cited evidence establishes that Sister Margaret testified that “<i>her tendency was in, say March</i>” and so she “<i>probably</i>” thought in March that Biel would not work out. Kreuper depo., 119:9-15.</p> <p>Sister Margaret offers <i>conflicting testimony</i> later in her deposition regarding exactly when she told Biel that she would not have a contract for the following year.</p> <p>Deposition of Mary Kreuper 129:11-130:25; 132:10-132:24, Exh. 6</p> |
| <p>99. She came to this decision based on the fact that Plaintiff failed to follow Sister Mary’s guidance and abide by the policies and procedures of the School despite their numerous counseling sessions.</p> <p>(Kreuper depo., 119:16-120:7, 156:17-157:1).</p> | <p>CONTROVERTED to the extent that Biel testified that she had her students work in the Simple Solutions books.</p> <p>Deposition of Kristen Biel 43:17-44:3</p> |
| <p>100. From January 2014 to April 2014, Sister Mary told Plaintiff on several occasions that it would be difficult to offer her an employment contract for the following school year.</p> <p>(Kreuper depo., 120:10-121:3, 130:10-17).</p> | <p>CONTROVERTED as Sister Margaret first testifies that she told Biel a “couple of times” only later to say that it was “several.”</p> <p>Q. Did you ever tell Ms. Biel she would not be offered a contract prior to her going out on leave? A. Before May 22nd. I said a couple of times, “I’m going to find it difficult to offer you a contract.”</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| | <p>Q. You said that a couple of times?</p> <p>A. Couple of times, uh-huh.</p> <p>Deposition of Mary Kreuper 120:14-120:20</p> <p>Q. Did you ever tell Ms. Biel before the Monday after Easter, when she told you she might have cancer that she was not going to get a contract for the following school year?</p> <p>A. I mentioned it on several occasions in early January, February when I met with her, that because of her performance, that I was going to find it very difficult to offer her a contract.</p> <p>Deposition of Mary Kreuper 130:10-130:17.</p> |
| <p>101. In April 2014, following Easter break, Plaintiff told Sister Mary that she believed she had breast cancer and would need to undergo some tests.</p> <p>(Kreuper depo., 124:14-25).</p> | <p>CONTROVERTED to the extent that Biel had told Sister Margaret that she <i>had</i> cancer not that she <i>believed</i> that she had cancer.</p> <p>Deposition of Kristen Biel 90:23-91:25; Deposition of Mary Kreuper 121:16-121:23; 124:14-124:25</p> |
| <p>102. Sister Mary was sympathetic to Plaintiff's situation as she was also diagnosed with breast cancer in 2010, underwent a surgical procedure to treat her condition, and remained in continued treatment thereafter.</p> | <p>UNCONTROVERTED</p> |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
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| (Kreuper decl., ¶ 17). | |
| <p>103. Plaintiff then informed Sister Mary that May 22, 2014 would be her last day of work so that she could receive medical treatment.</p> <p>(Kreuper depo., 127:3-4, 127:14-20).</p> | <p>CONTROVERTED as Biel continued to come to St. James School to pick up papers to grade and check her mailbox.</p> <p>Deposition of Kristen Biel 23:19-23:25; 105:25-106:18; 111:16-112:11</p> |
| <p>104. Plaintiff continued to come to the School to pick up papers to grade and check her mailbox and was compensated until the end of the school year.</p> <p>(Plaintiff depo., 23:9-18; 105:25-106:18).</p> | UNCONTROVERTED |
| <p>105. Every teacher's employment contract at St. James states that the School will give written notice on May 15 of whether it intends to offer a new employment contract to the teacher for the following school year.</p> <p>(Kreuper depo. 135:24-136:7; Kreuper decl., ¶ 5).</p> | <p>CONTROVERTED to the extent that the cited evidence only reflects the terms of Biel's contract with St. James School and not every teacher's contract with St. James School</p> <p>(See, Defendant's Evidence)</p> |
| <p>106. On May 15, 2014, Sister Mary wrote a letter to Plaintiff indicating that she could not offer Plaintiff an employment contract for the 2014-2015 school year based on work performance reasons and placed it in Plaintiff's mailbox at the School.</p> <p>(Kreuper depo. 132:15-20, 133:25-134:2).</p> | <p>CONTROVERTED</p> <p>1. Biel testified that she never received the letter</p> <p>Deposition of Kristen Biel 100:4-102:14</p> <p>2. Sister Margaret testified that she never followed up with Biel to see if</p> |

**UNCONTROVERTED MATERIAL
FACTS AND THE SUPPORTING
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RESPONSE AND EVIDENCE**

she received the letter or spoke with Biel about the letter to ensure that she received it

Deposition of Mary Kreuper 134:5-134:16

PLAINTIFF'S SEPARATE STATEMENT OF ADDITIONAL MATERIAL FACTS

New Undisputed Material Fact:

Supporting Evidence

110. Kristen Biel ("Biel") attended three colleges to receive her Bachelor of Arts in liberal studies

Deposition of Kristen Biel 9:25-11:2⁴

111. After receiving her degree, Biel attended California State University of Dominguez Hills and received her teaching credential

Deposition of Kristen Biel 9:25-11:2

112. Biel began her teaching career at a substitute teacher for various school districts as well as a few private schools, including St. Lawrence Martyr School where she worked before starting at St. James School

Deposition of Kristen Biel 11:8-13:8

113. At the time of her employment with

Deposition of Kristen Biel 24:9-

⁴ See, Declaration of Cathryn G. Fund, ¶ 2, Exhibit 1 (Deposition of Kristen Biel)

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence</u> |
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| St. James School, Biel was Catholic | 24:10 |
| 114. In 2013, Biel began working for St. James School as a long-term substitute for one of the two first grade teachers that was on maternity leave | Deposition of Kristen Biel 14:5-15:21 |
| 115. After her long-term substitute position ended in June 2013, she was hired as a full-time teacher by Sister Mary Margaret for the 2013-2014 school year | Deposition of Kristen Biel 17:13-17:25 |
| 116. Upon being hired, Biel signed an employment contract with the school that defined her title as a “Teacher” throughout the contract | Deposition of Kristen Biel 17:17-19:2, Exh. 1 |
| 117. Shortly after she was hired, Biel attended a conference at the request of St. James School that lasted “four or five hours” over a single day | Deposition of Kristen Biel 18:1-19:17; 33:22-37:5, Exh. 1 |
| 118. In November 2013, Sister Margaret performed an observational review of Biel’s teaching | Deposition of Mary Kreuper 89:2-89:6; 89:24-90:16, Exh. 3 ⁵ ; Deposition of Kristen Biel 37:6-37:25, Exh. 4 |
| 119. On the review, Sister Margaret | Deposition of Mary Kreuper 89:24- |

⁵ See, Declaration of Cathryn G. Fund, ¶ 3, Exhibit 2 (Deposition of Mary Kreuper)

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence</u> |
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| checked boxes to indicate that Biel was sufficiently performing in several aspects of her job including having “visible evidence of signs, sacramental, traditions of the Roman Catholic Church in the classroom” | 90:15; 91:14-91:24; 92:4-94:12, Exh. 3 (“Elementary School Classroom Observation Report”); Deposition of Kristen Biel 37:6-37:25, Exh. 4 (“Elementary School Classroom Observation Report”) |
| 120. On the review, Sister Margaret checked boxes to indicate that Biel was sufficiently performing in several aspects of her job including “using instructional time to optimize learning” | Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24; 92:4-94:12, Exh. 3 (“Elementary School Classroom Observation Report”); Deposition of Kristen Biel 37:6-37:25, Exh. 4 (“Elementary School Classroom Observation Report”) |
| 121. On the review, Sister Margaret checked boxes to indicate that Biel was sufficiently performing in several aspects of her job including “involving all students in self-assessment, goal setting, and monitoring progress” | Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24; 92:4-94:12, Exh. 3 (“Elementary School Classroom Observation Report”); Deposition of Kristen Biel 37:6-37:25, Exh. 4 (“Elementary School Classroom Observation Report”) |
| 122. Sister Margaret wrote positive comments about Biel’s teaching, including that she was “very good” at “[e]stablishing and maintaining learning environments that are | Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24; 92:4-94:12, Exh. 3 (“Elementary School Classroom Observation Report”); Deposition of Kristen Biel 37:6- |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence</u> |
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| physically, intellectually, and emotionally safe” | 37:25, Exh. 4 (“Elementary School Classroom Observation Report”) |
| 123. Sister Margaret wrote positive comments about Biel’s teaching, including that overall it was a “good review” | Deposition of Mary Kreuper 89:24-90:15; 91:14-91:24; 92:4-94:12, Exh. 3 (“Elementary School Classroom Observation Report”); Deposition of Kristen Biel 37:6-37:25, Exh. 4 (“Elementary School Classroom Observation Report”) |
| 124. Biel testified that she first learned she had cancer during Easter vacation of 2014 and informed Sister Margaret the following week | Deposition of Kristen Biel 90:23-91:25; Deposition of Mary Kreuper 121:16-121:23; 124:14-124:25 |
| 125. In 2014, Easter Sunday was April 20, 2014 | Plaintiff’s Request for Judicial Notice |
| 126. In early May, Biel informed Sister Margaret that she would need to undergo chemotherapy and surgery and that her last day would be May 22, 2014 | Deposition of Mary Kreuper 125:9-127:22; Deposition of Kristen Biel 94:9-94:17; 95:8-96:16 |
| 127. According to the St. James School’s employment contract, the school must provide notice on or before May 15 of whether it intends to offer the teacher a new employment contract for the | Deposition of Mary Kreuper 59:7-59:17; 132:10-132:15; 135:24-136:7, Exhs. 2,6 |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence</u> |
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| following school year | |
| 128. Sister Margaret testified that pursuant to this provision, she provided notice to Biel on May 15th by placing written notice in her teacher mailbox | Deposition of Mary Kreuper 132:10-134:16; 135:24-136:7, Exh. 6 |
| 129. However, Biel never received the letter and was only put on notice of her contract status after at least June 2014 | Deposition of Kristen Biel 100:4-102:14; Deposition of Mary Kreuper 134:5-134:16 |
| 130. In June or July 2014, Biel is informed by Sister Margaret that St. James School would not be renewing her contract at a meeting arranged by Biel to inquire about the status of her contract | Deposition of Kristen Biel 100:18-102:14 |
| 131. At the meeting, Sister Margaret informs Biel that she will not be renewing her contract because she “was not strict” and “it wouldn’t be fair to the students to have two teachers in one year.” | Deposition of Kristen Biel 102:22-103:4; 118:18-24. |
| 132. Specifically, Biel’s Faculty Employment Agreement – Elementary, uses the phrase “[a]s a full time teacher” in paragraph 13 | Deposition of Kristen Biel 17:17-19:2, Exh. 1 |
| 133. Biel also held herself out as a teacher | Deposition of Kristen Biel 17:17-17:25 |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence</u> |
|--|---|
| 134. Biel was not required to undergo specific training before beginning her teaching at St. James School | Deposition of Kristen Biel 9:20-11:2; 33:22-37:5. |
| 135. Biel testified that she attended mass once a month with her students | Deposition of Kristen Biel 29:9-29:22 |
| 136. Biel's primary role during Mass was to keep her kids seated and quiet | Deposition of Mary Kreuper 160:17-161:3, Exhibit 10 at page 22. Deposition of Kristen Biel 29:9-29:22; 31:10-32:25 |
| 137. For one Sunday liturgy during the school year, Biel was required to prepare her students for participation in mass | Deposition of Mary Kreuper 160:17-161:3, Exhibit 10 at page 22. Deposition of Kristen Biel 29:9-29:22; 31:10-32:25 |
| 138. Plaintiff testified that she only taught religion to her students four days a week for approximately 30 minutes each time | Deposition of Kristen Biel 26:18-27:4 |
| 139. Sister Margaret testified that she first told Biel that she was not going to be able to offer Biel a contract in early May 2014 | Deposition of Mary Kreuper 129:11-130:25; 132:10-132:24, Exh. 6 |
| 140. Sister Margaret testified that she first told Biel that she was not going to be able to offer Biel a contract after Easter break | Deposition of Mary Kreuper 129:11-130:25; 132:10-132:24, Exh. 6 |
| 141. When asked whether she | Deposition of Mary Kreuper 130:8- |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence</u> |
|--|--|
| affirmatively told Biel before the Easter Sunday that she would not be getting a contract for the following school year, Sister Margaret testified, “No. I don’t think I ever said that I definitely was not going to rehire he” | 130:25 |
| 142. Biel testified one of the reasons Sister Margaret told her that she “wasn’t sure” if she wanted her back the following year was because it would be unfair to the students to have two teachers in one year | Deposition of Kristen Biel 102:22-103:4; 118:18-24 |
| 143. St. James School has operated with two teachers in a single year | Deposition of Mary Kreuper 20:23-21:7; 26:21-27:16; 41:17-42:5, Deposition of Kristen Biel 14:22-15:25 |
| 144. Sister Margaret testified that there would be no burden created on St. James School to have two teachers in the same year for Biel’s 5th class (as she has done that before for teachers who went on maternity leave) to allow Biel to seek treatment for her cancer | Deposition of Mary Kreuper 121:16-121:23; 123:10-124:25; 154:25-155:14 |
| 145. Sister Margaret, who admitted to being the sole decision maker | Deposition of Mary Kreuper 111:25-112:12; 117:23-117:25 |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence</u> |
|--|--|
| regarding the status of Biel's employment, testified that there were four parents who came to her with concerns about Biel's performance | |
| 146. Sister Margaret identified one of those parents as Mara Delgadillo | Deposition of Mary Kreuper 111:25-112:12; 113:1-113:7 |
| 147. Mara Wolfsen (Delgadillo) testified that she never had a meeting with Sister Margaret to discuss complaints about Biel or any teacher at St. James School | Deposition of Mara Wolfsen 5:13-5:18; 21:20-22:6; 31:21-32:1; 40:11-40:17 ⁶ |
| 148. Sister Margaret testified that pursuant to this provision, she provided written notice to Biel on May 15th and placed it in her teacher mailbox | Deposition of Mary Kreuper 59:7-59:17; 132:10-132:15; 135:24-136:7, Exhs. 2,6 |
| 149. Sister Margaret testified that she <i>regularly</i> "checks in" with other teachers as she did with Biel | Deposition of Mary Kreuper 109:16-110:8 |
| 150. Biel testified that during these meetings Sister Margaret complimented her regarding Biel's efforts to make sure the students were "understanding and learning" in her classroom | Deposition of Kristen Biel 45:21-47:2 |

⁶ See, Declaration of Cathryn G. Fund, ¶ 4, Exhibit 3 (Deposition of Mara Wolfsen)

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence</u> |
|---|---|
| 151. Biel and Sister Margaret discussed the large number of students who were on Biel's honor roll during the first trimester | Deposition of Mary Kreuper 83:24-86:14; 157:15-157:23 |
| 152. Sister Margaret also wrote many positive comments on Biel's lesson plans including: (1) Week of October 14-18, 2013 – A red star sticker and a "Thanks - SMM" | Deposition of Mary Kreuper 152:6-152:23, Exh. 9. |
| 153. Sister Margaret also wrote many positive comments on Biel's lesson plans including: (2) Week of November 4-8, 2013 – "Thanks Kristen, SMM" | Deposition of Mary Kreuper 152:6-152:23, Exh. 9. |
| 154. Sister Margaret also wrote many positive comments on Biel's lesson plans including: (4) Week of January 27-31, 2014 – "Nice!" when describing Biel's Fall Leaves Art Project | Deposition of Mary Kreuper 152:6-152:23, Exh. 9. |
| 155. Sister Margaret also wrote many positive comments on Biel's lesson plans including: | Deposition of Mary Kreuper 152:6-152:23, Exh. 9. |

| <u>New Undisputed Material Fact:</u> | <u>Supporting Evidence</u> |
|--|---|
| (5) Week of February 17-21, 2014 – A purple star and “I enjoyed reading these – Thanks, SMM” | |
| 156. Sister Margaret also wrote many positive comments on Biel’s lesson plans including: (3) Week of November 11-15, 2013 – A star and “Good preparation – you joined right in!” with a drawing of a smiley face and “SMM” | Exhibit 6 to Declaration of Cathryn G. Fund |

Based on the foregoing *Controverted* and Uncontroverted Facts, the following Conclusions of Law should be made:

CONCLUSIONS OF LAW

1. Defendant is a religious institution entitled to exemption under Title VII and the Ministerial Exception.

2. Plaintiff was *not* a “minister” for purposes of the Ministerial Exception and, as such, she is *not* barred from bringing forth claims based on her employment relationship with Defendant.

3. The record reveals some other, nondiscriminatory reason for St. James’ decision to not offer Plaintiff an employment contract for the 2013-2014 school year.

4. Plaintiff *can* establish that St. James’ reasons for deciding not to offer Plaintiff an employment contract for the 2013-2014 school year were pretextual.

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A Professional Law Corporation
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Woodland Hills, CA 91367
(818) 610-8800

DATED: October 17, 2016 JML LAW, A Professional Law Corporation

By: /s/ Cathryn Fund

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Attorneys for Plaintiff
 KRISTEN BIEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a

California corporation; and

DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF KRISTEN BIEL'S
 COMPENDIUM OF EVIDENCE IN
 SUPPORT OF PLAINTIFF'S
 OPPOSITION TO DEFENDANT'S
 MOTION FOR SUMMARY
 JUDGMENT OR, IN THE
 ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT**

Filed and served concurrently with:

- *Plaintiff's Memorandum of Points & Authorities in Opposition to Defendant's MSJ/PSJ;*
- *Plaintiff's Separate Statement of Controverted & Uncontroverted Facts;*
- *Plaintiff's Request for Judicial Notice.*

Date: Monday, November 7, 2016

Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015

Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby submits the following evidence in support of her Opposition to the Motion for Summary Judgment or, in the Alternative, Party Summary Judgment, filed by Defendant ST. JAMES SCHOOL, A CORP (“Defendant”).

DECLARATIONS:

- Declaration of Cathryn G. Fund

EXHIBITS:

| | |
|----------|--|
| 1 | Relevant Portions of the Deposition of Plaintiff Kristen Biel (November 10, 2015), including relevant exhibits from the deposition. |
| 2 | Relevant Portions of the Deposition of Mary M. Kreuper (November 12, 2015), including relevant exhibits from the deposition. |
| 3 | Relevant Portions of the Deposition of Mara Wolfesen (May 13, 2016). |
| 4 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One that was served on August 17, 2015. |
| 5 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two that was served on December 4, 2015. |
| 6 | Pertinent Pages of Defendant’s documents produced in response to Plaintiff’s Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced to Plaintiff on January 21, 2016. |

///

///

///

1 Respectfully submitted,

2
3 DATED: October 17, 2016 JML LAW, A Professional Law Corporation

4
5 By: /s/ Cathryn Fund

6 JOSEPH M. LOVRETOVICH

7 JARED W. BEILKE

8 CATHRYN FUND

9 Attorneys for Plaintiff Kristen Biel

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DECLARATION OF CATHRYN G. FUND

DECLARATION OF CATHRYN G. FUND

I, Cathryn G. Fund, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California and before this court. I am an associate with the firm JML Law, A Professional Law Corporation, counsel of record for Plaintiff KRISTEN BIEL (“Plaintiff”) in the matter of *Biel v. St. James School, A Corp.*, currently pending before the United States District Court for the Central District of California. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently thereto under oath, if called as a witness.

2. On November 10, 2015, I defended the deposition of Plaintiff in this case, which was taken by Defendant’s counsel. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 1** are true and correct copies of pertinent pages and exhibits from Plaintiff’s deposition, which memorializes Plaintiff’s testimony from her deposition on November 10, 2015.

3. On November 12, 2015, my former colleague D. Aaron Brock, who is no longer with JML Law, took the deposition of Mary Kreuper in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 2** are true and correct copies of pertinent pages and exhibits from Mary Kreuper’s deposition taken on November 12, 2015.

4. On May 13, 2016, I took the deposition of Mara Wolfsen in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 3** are true and correct copies of pertinent pages from Mara Wolfsen’s deposition, which memorializes Ms. Wolfsen’s testimony from her May 13, 2016 deposition.

5. Plaintiff’s lesson plans (Deft Production 59-146) were not identified or produced as part of Defendant’s initial disclosures on September 29, 2015 in response to eight relevant categories of Plaintiff’s Request for Production of Documents, Set No. One (Request Nos. 6, 13, 14, 15, 16, 17, 18, 19), and were not produced prior to the depositions of Kristen Biel on November 10, 2016 and Sister

1 Mary Margaret Kreuper on November 12, 2015. Plaintiff's lesson plans were
2 subsequently produced in response to Plaintiff's Request for Production of
3 Documents, Set No. Two on January 21, 2016.

4 6. Attached as **Exhibit 4** is a true and correct copy of Plaintiff's Request
5 to Defendant for Identification, Inspection and Production of Documents and
6 Tangible Items, Set No. One that was served on August 17, 2015.

7 7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff's Request
8 to Defendant for Identification, Inspection and Production of Documents and
9 Tangible Items, Set No. Two that was served on December 4, 2015.

10 8. Attached as **Exhibit 6** are true and correct copies of the pertinent
11 pages of Defendant's document production in response to Plaintiff's Request for
12 Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced
13 to Plaintiff on January 21, 2016.

14
15 I hereby declare under penalty of perjury, under the laws of the State of
16 California and the United States of America that the foregoing is true and correct,
17 and that this Declaration was executed on October 17, 2016, at Woodland Hills,
18 California.

19
20 By: /s/ Cathryn Fund

21 Cathryn G. Fund, Esq.
22
23
24
25
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28

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EXHIBIT 1

DEPOSITION OF PLAINTIFF

KRISTEN BIEL

Original

In the Matter Of:
BIEL vs. ST. JAMES SCHOOL

2:15-cv-04248 TJH ASx

KRISTEN BIEL

November 10, 2015



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KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

| | | |
|------------------------------|---|------------------------------|
| KRISTEN BIEL, an individual, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No.2:15-cv-04248 (TJH) (ASx) |
| |) | |
| ST. JAMES SCHOOL, A CORP, a |) | |
| California non-profit |) | |
| corporation, and DOES 1-50, |) | |
| inclusive, |) | |
| |) | |
| Defendants. |) | |
| |) | |

DEPOSITION OF

KRISTEN BIEL

TUESDAY, NOVEMBER 10, 2015

400 North Tustin Avenue, Suite 120

Santa Ana, California

Reported by: ROBERTA WIMBERLY, CSR No. 4882

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

2

APPEARANCES OF COUNSEL

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KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

4

| | | |
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KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

9

1 Q What is her name?

2 A Delaney, D-e-l-a-n-e-y.

3 Q Do you live with anyone else?

4 A No.

5 Q What is your date of birth?

6 A May 19th, 1965.

7 Q Where were you born?

8 A Chicago, Illinois.

9 Q When did you move to California?

10 A When I was a year old.

11 Q Your current address?

12 A 1019 Avenue B, Redondo Beach, California, 90277.

13 Q How long have you lived there?

14 A 20 years.

15 Q You only have one daughter?

16 A Yes.

17 Q Do you have any intention of moving within the
18 next year?

19 A No.

20 Q Where did you attend high school?

21 A Bullard High School.

22 Q Can you spell that for me?

23 A B-u-l-l-a-r-d High School. It's in Fresno,
24 California.

25 Q Did you attend college?

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
10

1 A I did.

2 Q What college was that?

3 A California State University of Fresno.

4 Q Did you complete a degree?

5 A Not there. I also attended El Camino College.

6 Q After you attended Cal State Fresno?

7 A Not right after, but, yes. And then finally
8 California State University of Dominguez Hills where I got
9 my degree.

10 Q What year was that?

11 A 2009.

12 Q What was your degree in?

13 A Liberal studies.

14 Q Have you had any legal training or legal
15 education of any sort?

16 A No.

17 Q Have you obtained any other degrees other than
18 your degree in liberal studies?

19 A No. I do have a credential.

20 Q Teaching credential?

21 A Yes.

22 Q When did you obtain that?

23 A 2009.

24 Q From where?

25 A Cal State University of Dominguez Hills.

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

11

1 Q Your degree in liberal studies is a B.A.?

2 A Yes.

3 Q Are you currently working?

4 A No.

5 Q Was your employment at St. James your most recent
6 employment?

7 A Yes.

8 Q Prior to working at St. James, where did you work
9 immediately prior?

10 A St. Lawrence Martyr.

11 Q St. Lawrence?

12 A Uh-huh.

13 Q Did you work for the parish or the school?

14 A The school.

15 Q What years did you work there?

16 A It's all -- does she not have my resume?

17 MS. SHOEMAKER: You have to answer her questions.

18 THE WITNESS: I'm sorry. 2012, 2013.

19 BY MS. FERMIN:

20 Q What was your position at St. Lawrence?

21 A Substitute teacher.

22 Q For the entire time at St. Lawrence?

23 A I was a substitute teacher there and a long-term
24 sub there, as well.

25 Q When did your employment at St. Lawrence end?

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

12

1 A June. I think it was 2012.

2 Q June of 2012?

3 A I think so.

4 Q Why did you depart from St. Lawrence?

5 A My long-term job was over. The teacher was
6 pregnant, and I worked for her until she came back. Was
7 it 2012? Yeah, it was 2012.

8 Q Prior to St. Lawrence Martyr School, where did
9 you work immediately prior?

10 A I worked as a substitute teacher for a few
11 different school districts as well as a few private
12 schools.

13 Q Okay. Let's start with the private schools.

14 A Riviera Hall Lutheran School and St. Lawrence,
15 and then I worked for the City of El Segundo -- El Segundo
16 Unified School District and Manhattan Unified School
17 District.

18 Q Any other school districts?

19 A Not that I can remember.

20 Q You substituted at all of these locations?

21 A Correct.

22 Q You never worked as a full-time teacher?

23 A Correct. I also worked as a tutor at two
24 different locations -- companies. I'm not remembering the
25 names right now. Sorry.

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

13

1 Q Private companies?

2 A Yes.

3 Q Prior to your employment at St. James, how long
4 had you been substituting?

5 A Since 2009.

6 Q Before you got your teaching credential -- I mean
7 after you got your teaching credential?

8 A Yes.

9 Q What did you do before you obtained your teaching
10 credential for employment?

11 A I was a dance teacher and artistic director at a
12 dance studio.

13 Q Private studio?

14 A Yes.

15 Q What is the name of the studio?

16 A Vergari Dance Center.

17 Q Can you spell that, please?

18 A V-e-r-g-a-r-i Dance Center.

19 Q How long were you a dance teacher there?

20 A Ten years.

21 Q No other employment while you were working as a
22 dance teacher at Vergari?

23 A I did teach a few Mommy and Me classes at a local
24 ballet studio. I'm not remembering the name. Riviera
25 Dance Center, I think.

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

14

1 Q You studied dance?

2 A I'm sorry.

3 Q Did you study dance?

4 A Yes.

5 Q Okay. You were eventually hired as a substitute
6 teacher at St. James. Right?

7 A Yes.

8 Q Do you recall the month and year?

9 A March of 2013 to June of 2013.

10 Q As a substitute?

11 A Long-term sub.

12 Q What do you mean by "long-term sub"?

13 A A substitute teacher sometimes can substitute for
14 just one day. A long-term sub is like a full-time
15 teacher. I'm there every day all the time teaching, but
16 for somebody who is out, usually because they are
17 pregnant.

18 Q Who was out during that time, what teacher?

19 A I don't remember her name. Sorry.

20 Q Was she on maternity leave?

21 A Yes.

22 Q So you were first hired as a substitute teacher
23 at St. James in March of 2013. Right?

24 A Yes.

25 Q And your term ended in June of 2013?

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
15

1 A Yes.

2 Q What grade did you teach during that time period?

3 A First grade.

4 Q Did you teach the first grade by yourself during
5 those few months?

6 A I was a team teacher. I taught two days a week
7 and Alisa taught three days a week.

8 Q Alisa? What is her last name?

9 A Gobey. I can't recall her last name. It's
10 difficult to remember.

11 Q She taught three days a week?

12 A Yes.

13 Q Was she a long-term sub, too?

14 A No. She was a permanent teacher.

15 Q Was she the one who was on maternity leave?

16 A No.

17 Q Who were you subbing for that was on maternity
18 leave?

19 A I don't remember her name.

20 Q But she was a first grade teacher?

21 A Yes. They shared the position.

22 Q I see. So Alisa shared the first grade teaching
23 position with this other teacher that went on maternity
24 leave?

25 A Yes.

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
17

1 long-term sub?

2 A No.

3 Q You know who Sister Mary Margaret is. Right?

4 A Yes.

5 Q Did she hire you?

6 A Yes.

7 Q Was she your supervisor?

8 A Yes.

9 Q You know who Father Meyers is?

10 A Yes.

11 Q Was he ever your supervisor?

12 A Not that I know of.

13 Q After your long-term substitute -- after you
14 subbed for the first grade -- that ended in June of 2013.
15 Right?

16 A Yes.

17 Q Were you then hired as a full-time teacher?

18 A Yes.

19 Q Who hired you?

20 A Sister Mary Margaret.

21 Q Do you know when she hired you as a full-time
22 teacher?

23 A June of 2013.

24 Q For what position?

25 A Fifth grade teacher.

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
18

1 (Exhibit 1 was marked for identification by the
2 court reporter.)

3 BY MS. FERMIN:

4 Q Kristen, if you would look over this document and
5 let me know when you're done.

6 A Explain "look over." Do you want me to full on
7 read it or do you want me to glance at it?

8 Q I want you to tell me if you recognize it. Do
9 you recognize the document?

10 A Yes.

11 Q Okay. What is it?

12 A An employment contract.

13 Q Is this your employment contract for the
14 2013-2014 school year at St. James?

15 A I believe so.

16 Q On page 5 -- yes, on page 5, is that your
17 signature?

18 A It looks like my signature.

19 Q Do you recall signing an employment contract
20 prior to teaching the 2013 to 2014 school year at
21 St. James?

22 A Ask the question again.

23 Q Do you recall signing an employment contract
24 before you started teaching at St. James full time?

25 A Yes.

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
19

1 Q Does this look like the contract that you signed?

2 A It looks like it.

3 Q Do you have any reason to believe it's not the
4 contract that you signed?

5 A Not at this time.

6 Q Was it your understanding this contract was for
7 the 2013 to 2014 school year?

8 A Yes.

9 Q And that the start date of your employment,
10 according to this contract, was August 26, 2013, at the
11 top?

12 A Yes.

13 Q And the end date of this employment contract was
14 June 30th, 2014, as indicated at the top of the contract?

15 A That's what it says.

16 Q Was that your understanding?

17 A As I look at it now.

18 Q Did you have a different understanding when you
19 signed the contract?

20 A Not that I can recall.

21 Q Was it your understanding at the time that you
22 signed this contract that the terms of your employment
23 were contained in this document?

24 A I'm sorry. Rephrase the question.

25 MS. FERMIN: Can you read it back, please.

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
22

1 year?

2 A It says that in the contract.

3 Q Did you read that portion before you signed it?

4 A I don't recall.

5 Q You don't recall reading that portion?

6 A No.

7 Q Do you recall reading the contract before you
8 signed it?

9 A I don't recall sitting down and actually while
10 she was waiting there signing it. I don't recall doing
11 that at that time.

12 Q Did you ever read the contract before you signed
13 it?

14 A Yes, I did.

15 Q The entire contract?

16 A I think so.

17 Q Is it your understanding that you were not
18 guaranteed employment for the following school year at
19 St. James?

20 A Yes.

21 Q Were you compensated in full for the 2013 school
22 year -- I'm sorry -- 2013-2014 school year?

23 A Was I compensated for the 2014 year?

24 Q For the entire school year from August to June of
25 2014.

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23

1 A I was paid -- I believe my last check was June --
2 was it June 6th? She did pay me while I was out having
3 chemo. But I don't recall getting a check for June 30th.

4 Q Do you have a contention that you are owed unpaid
5 wages for the 2013-2014 school year?

6 A Can you rephrase that?

7 MS. FERMIN: Can you read that back, please.

8 (Record read as follows:

9 "Q Do you have a contention that you
10 are owed unpaid wages for the 2013-2014
11 school year?"

12 THE WITNESS: I don't think so.

13 BY MS. FERMIN:

14 Q You were paid in full for that school year?

15 A I'm not sure if I got a last check.

16 Q When was the last check that you received?

17 A The one that I remember was June -- it had a
18 June 6th date on it.

19 Q You weren't working in June?

20 A I came to the school and worked after school
21 grading papers, yes.

22 Q In June?

23 A Yes.

24 Q In June you graded papers?

25 A Yes.

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24

1 Q Are you claiming that St. James School owes you
2 unpaid wages?

3 A Again, the same question. I'm sorry. I'm not
4 sure. I'd have to check my records.

5 Q What records would you check?

6 A My last paycheck stub.

7 Q St. James is a Catholic school. Right?

8 A Yes.

9 Q Are you Catholic?

10 A Yes.

11 Q Was it your understanding that as a Catholic
12 school St. James had the goal of incorporating the faith
13 into their curriculum?

14 A Yes.

15 Q As a Catholic school St. James promoted and
16 developed the Catholic faith amongst its elementary school
17 students?

18 A Are you asking me to agree?

19 Q Is that your understanding?

20 A Yes.

21 Q As a teacher at St. James your duties encompassed
22 promoting and furthering the Catholic faith amongst your
23 students?

24 MS. SHOEMAKER: Objection; vague and ambiguous.

25 BY MS. FERMIN:

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25

1 Q Is that your understanding?

2 A What do you mean by "promoting and furthering"?

3 Q Incorporating it into the curriculum.

4 A We prayed every day, yes.

5 Q You prayed with your students?

6 A Yes.

7 Q In the morning or at the end of the day?

8 A Both.

9 Q Twice a day?

10 A Yes.

11 Q Did you teach your students any Catholic prayers?

12 A They already knew them. I didn't need to teach
13 them anything. And I had prayer leaders. The prayers
14 that were said in the classroom were said mostly by the
15 students. We had prayer leaders. That was like a job.

16 Q Did you pray the Hail Mary with your students?

17 A We did.

18 Q The Lord's Prayer?

19 A We did, yes.

20 Q Those are Catholic prayers, aren't they?

21 A Hail Mary is.

22 Q The Lord's Prayer is not a Catholic prayer?

23 A It's a Christian prayer.

24 Q But used in mass. Right?

25 A Yes, but used in mass of other Christian

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26

1 religions, as well.

2 Q Going back to Exhibit 1, the second paragraph
3 that is entitled "Philosophy," can you read that to
4 yourself and let me know when you're done.

5 A I understand.

6 Q Was it your understanding that as a teacher you
7 performed your duties with this overriding mission of the
8 school in mind to develop and promote the Catholic faith?

9 MS. SHOEMAKER: Objection; vague and ambiguous,
10 legal contention. You can answer.

11 THE WITNESS: Can you rephrase the question?

12 BY MS. FERMIN:

13 Q Was it your understanding that as a teacher at
14 St. James you had to abide with the school's mission in
15 promoting and developing the Catholic faith within the
16 school?

17 A Yes.

18 Q Did you teach the subject of religion to your
19 fifth graders at St. James?

20 A Yes.

21 Q How often per week did you teach religion?

22 A Four days.

23 Q Four days a week?

24 A Uh-huh.

25 Q How long would these religion classes last?

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1 A 30 minutes, approximately.

2 Q 30 minutes each day four days a week?

3 A Approximately. Sometimes they were longer and
4 sometimes they were shorter. It depends on the schedule.

5 Q What did this religion curriculum entail?

6 A Reading from a workbook and answering questions
7 from the workbook.

8 Q What was the name of the workbook?

9 A I don't recall.

10 Q Was it called "Coming To God's Life"?

11 A I'm not sure. It's the curriculum that Sister
12 Mary Margaret gave me. It's what they teach at that
13 school.

14 Q Would you recognize it if you saw the book?

15 A Probably.

16 Q "Coming to God's Life" doesn't ring a bell as
17 that being the workbook?

18 A I don't recall the name.

19 Q So your lessons for religion were done from this
20 curriculum workbook?

21 A Yes.

22 Q What kind of lessons were in this workbook?

23 A Religion lessons.

24 Q Can you give me an example?

25 A Telling the story of Jesus, telling the stories

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28

1 of the disciples. Just the stories of the Bible.

2 Q Was this a Catholic workbook?

3 A I think so.

4 Q Did you teach your students any songs, religious
5 songs?

6 A I don't recall teaching them anything. They may
7 know songs and sing them, but I don't recall teaching them
8 any. I don't remember.

9 Q Did you teach your students about the
10 significance of lent?

11 A I'm sorry. What?

12 Q The significance of lent?

13 A Oh, we did talk about lent.

14 Q What did you talk about regarding lent?

15 A I followed the instructions in the book.

16 Q Which entailed the significance of lent?

17 A Yes.

18 Q What about Easter? Did you teach your students
19 the significance of Easter?

20 A Yes.

21 Q What about Catholic practices like the Eucharist
22 and confession?

23 A Yes.

24 Q You taught your students the significance --

25 A That was in the book.

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1 Q -- of the Eucharist and confession?

2 A That was in the book, yes. But the kids -- I'm
3 sorry. Never mind.

4 Q Did you give tests based on this religious
5 workbook?

6 A Yes.

7 Q How often would you give tests?

8 A Weekly.

9 Q Did you ever attend mass with your students?

10 A Yes.

11 Q Where was mass held?

12 A It was kind of a multi-purpose room.

13 Q It was school mass, I'm assuming.

14 A Yes. The church and the school are not
15 connected.

16 Q So it was a mass just with the St. James
17 students?

18 A Yes.

19 Q Okay. How often did school mass take place?

20 A Once a month.

21 Q You attended the school mass with your students?

22 A Yes.

23 MS. FERMIN: I'm going to mark this as Exhibit
24 No. 2.

25 (Exhibit 2 was marked for identification by the

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1 by that as a teacher?

2 A Yes.

3 Q That you had to teach religion for approximately
4 200 minutes per week?

5 A Is that what it says? Per week?

6 Q Weekly time allotments at the top.

7 A Okay.

8 Q Was that your understanding?

9 A Yes.

10 Q When you went to school mass with your students,
11 was it Father Meyers who conducted mass?

12 A Not always.

13 Q But it was always led by a Catholic priest?

14 A No.

15 Q Who was it led by if not a priest?

16 A Sister Mary Margaret and Sister Lana.

17 Q What was your role during school masses?

18 A To make sure the kids were quiet and in their
19 seats.

20 Q Did your students ever participate in mass?

21 A Yes.

22 Q In what way?

23 A They would bring the gifts.

24 Q Who trained them on bringing the gifts?

25 A They were trained from previous years.

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1 Q Did you go over with your students on how to
2 present the gifts in mass?

3 A As far as rehearsal? I don't think we did
4 rehearsal. Most of them know how to do it already.

5 Q So you did not go over how to present gifts?

6 A I don't remember. Maybe we quickly did
7 something, or not. I don't remember. It wasn't that
8 often.

9 Q Just for the record, when you say "gifts," you
10 are referring to the Eucharist. Right?

11 A Yes.

12 Q How often would your class present the gifts at
13 school mass?

14 A It was only twice a year.

15 Q That they would present the gifts?

16 A Yes, something like that. Not very often. It
17 was kind of a volunteer thing if the kids wanted to do it.

18 Q During these school masses you mentioned that you
19 made sure that the kids were quiet and sitting down and
20 behaving during mass. Right?

21 A Yes.

22 Q Did your students pray during school mass?

23 A Yes.

24 Q Did you pray, too?

25 A Yes.

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1 MS. FERMIN: I'm going to mark this as Exhibit 3.
2 (Exhibit 3 was marked for identification by the
3 court reporter.)

4 THE WITNESS: This is Virtus.

5 BY MS. FERMIN:

6 Q I'm sorry.

7 A Sorry.

8 Q Do you recognize this certificate?

9 A Yes.

10 Q Did you receive this certificate?

11 A Yes.

12 Q What was it for?

13 A Virtus.

14 Q V-i-r-t-u-s?

15 A Yes.

16 Q What is Virtus?

17 A A training for child abuse.

18 Q This was required by St. James?

19 A Yes.

20 Q Prior to your employment. Right?

21 A Yes, I guess.

22 Q Did you take any other training seminars for
23 St. James?

24 A We went to a religious conference together.

25 Q Is that called Congress?

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1 A I don't remember what it's called. It was my
2 first time at one.

3 Q Where was it held?

4 A I think in Orange County.

5 Q At the Anaheim Convention Center?

6 A I'm not sure. I know we had to drive at least an
7 hour. I wasn't driving.

8 Q This was put on by the Archdiocese?

9 A I think so. I don't know.

10 Q Were you required to attend this religious
11 conference?

12 A They asked us to.

13 Q Who is "they"?

14 A I'm sorry. Sister Mary Margaret asked us to.

15 Q When you say "us," who are you referring to?

16 A Teachers.

17 Q The teachers at St. James?

18 A Yes.

19 Q Do you remember the month that this religious
20 conference took place?

21 A I don't.

22 Q Was this before you started your employment?

23 A No.

24 Q Were you working as a full-time teacher when you
25 attended the religious conference?

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1 A Yes.

2 Q What took place at this conference?

3 A We took classes.

4 Q What kind of classes?

5 A Education classes mostly.

6 Q How long was this conference?

7 A About four or five hours.

8 Q Just one day?

9 A Yes.

10 Q What did they teach you?

11 A Different techniques on teaching and
12 incorporating God.

13 Q Who were the instructors?

14 A I do not know.

15 Q Were they priests or sisters?

16 A No, not all of them.

17 Q Was the focus of this conference how to develop
18 your skills as a religious educator?

19 A I don't remember what the focus was. Sorry. I
20 don't know.

21 Q Well, you said they taught you different
22 techniques and incorporating God.

23 A That's what I remember about it.

24 Q Was this a Catholic conference?

25 A I'm not sure if it was Catholic or not.

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1 Q What other teachers did you go with?

2 A I'm trying to remember. The fourth grade
3 teacher, the third grade teacher and the computer teacher.

4 Q What were their names?

5 A I was in the car with them, but there were other
6 teachers there from St. James.

7 Q Did you sit with the fourth grade teacher, the
8 third grade teacher and the computer teacher?

9 A In the car.

10 Q What about at the conference?

11 A We went to different classes.

12 Q What are these teachers' names?

13 A Ms. White and Ruth. She was a computer teacher.
14 And Ms. McDermott.

15 Q Kathleen McDermott?

16 A Yes.

17 Q And Cindy White?

18 A Cindy White.

19 Q And Ruth. What is her last name?

20 A Gosh. It starts with a B. It's confusing.
21 Mrs. Bell, something like that.

22 Q So at this conference you were taught how to
23 incorporate God into your lesson plans. Is that right?

24 A Some classes did that. Other classes showed us
25 how to do art and make little pictures or things like

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1 that.

2 Q Other than this religious conference, did you
3 attend any other conferences or training for your
4 employment at St. James?

5 A Not that I remember.

6 MS. FERMIN: I'm going to mark this as Exhibit
7 No. 4.

8 (Exhibit 4 was marked for identification by the
9 court reporter.)

10 BY MS. FERMIN:

11 Q Do you recognize this document?

12 A Yes.

13 Q What is it?

14 A Observation report.

15 Q Was this a performance review --

16 A Yes.

17 Q -- that was taken of you during your employment
18 at St. James?

19 A Yes.

20 Q At this time you were teaching the fifth grade?

21 A Yes.

22 Q Is that your signature on the last page?

23 A It looks like it.

24 Q Do you recall signing this?

25 A I don't recall, but I guess I did.

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1 A Yes.

2 Q Was it in your classroom or was it in her office?

3 A I don't remember.

4 Q Was it immediately after she did this
5 observation?

6 A No, not that I remember.

7 Q What did Sister tell you about this observation?

8 A I'm sorry. I don't understand. What do you mean
9 what did she tell me?

10 Q You remember having this discussion with Sister
11 about many things on the desk. Right?

12 A Yes.

13 Q Okay. What did she tell you about that?

14 A What she wrote. She wrote it down.

15 Q What did she say?

16 A I don't remember exactly what she said.

17 Q How about generally?

18 A She wanted me to work on having the kids not have
19 so many things on their desk.

20 Q When did she tell you this?

21 A I don't remember.

22 Q Was it in November of 2013?

23 MS. SHOEMAKER: Asked and answered. You can
24 answer again.

25 THE WITNESS: I don't remember when she presented

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1 this to me.

2 BY MS. FERMIN:

3 Q How many times did she talk to you about having
4 many things on the children's desks?

5 A I don't know.

6 Q Was it more than once?

7 A Yes.

8 Q More than five times?

9 A Not that I think, no.

10 Q Less than five times?

11 A I think so. I'm not sure.

12 Q You don't recall when she had this conversation
13 with you?

14 A No.

15 Q How about where?

16 A No.

17 Q Did you disagree with her when she told you that
18 she wanted the children's desks to be neater?

19 A No.

20 Q She then writes "Have a zipper bag for items.
21 Work on organization." Do you see that?

22 A Yes.

23 Q Did she talk to you about working on being more
24 organized?

25 A She wanted the children to put their pens in a

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1 zipper bag and then keep it in their desk.

2 Q She told you this?

3 A Yes. And I told my students that.

4 Q Did you think that your students' desks were
5 cluttered?

6 A I don't -- no.

7 Q You didn't?

8 A I didn't think so.

9 Q Did you think that your classroom was cluttered?

10 A No.

11 Q So when Sister Mary Margaret talked to you about
12 having many things on the students' desks and
13 disorganization, you disagreed with her?

14 A No, I didn't disagree with her.

15 Q Did you agree with her?

16 A I didn't agree. I said I would work on it.

17 Q In the next comment she says "Do the students
18 work in SS books." What are SS books?

19 A I'm assuming it was the extra math book she
20 wanted them to work on.

21 Q What are these extra math books?

22 A Extra math lessons besides the math books.
23 "Simple Solutions" is the name of it.

24 Q Is it a supplement?

25 A Yes.

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1 Q Were your students working in the "Simple
2 Solutions" book?

3 A Yes.

4 Q She then writes "Never allow them to color the
5 pages of the book." Did she talk to you about this?

6 A I don't recall that one.

7 Q She writes the name Julia Francesca. Do you see
8 that?

9 A Yes.

10 Q Who is that?

11 A Julia Thowel and Francesca. Those are two
12 separate students.

13 Q Of yours?

14 A Yes.

15 Q Did Sister Mary Margaret talk to you about Julia
16 and Francesca?

17 A I don't remember anything about this, no.

18 Q Were the students required to work in their
19 "Simple Solutions" book?

20 A Yes.

21 Q Did Sister Mary Margaret ever meet with you in
22 her office regarding your teaching style?

23 A Yes.

24 Q How often would she meet with you?

25 A At first not very often.

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1 Q When did that change?

2 A I don't recall. Maybe January, February.
3 January maybe.

4 Q How often did she meet with you in her office
5 regarding your teaching starting in January?

6 A We met weekly.

7 Q Was it just you and her --

8 A Yes.

9 Q -- or was somebody else present? What did Sister
10 tell you during these meetings?

11 A I don't understand. What do you mean "what"?

12 Q What did you talk about?

13 A Different things.

14 Q Like what?

15 A A bunch of different things. I don't recall
16 specifically anything. She just wanted to meet with me
17 weekly to help me fine tune my tests.

18 Q So she met with you every week and you talked
19 about fine tuning your tests?

20 A Yes.

21 Q Nothing else?

22 A Well, there may have been other things, but that
23 was the main reason I would meet with her, is her to go
24 over the tests.

25 Q What did she say about your tests?

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1 A She wanted to make sure that they were in
2 accordance and she wanted to make sure the students were
3 learning. And they were.

4 Q Tests for which subjects?

5 A All subjects.

6 Q How would you talk about tests? Would you bring
7 the tests to her?

8 A Yes.

9 Q The tests that you already handed out or you were
10 going to hand out?

11 A The tests that were done and graded.

12 Q And she wanted to see how you graded them?

13 A I don't know. I would turn in the tests
14 beforehand.

15 Q Before you gave them to the students?

16 A No. I would turn the test in before the meeting.

17 Q And she would review them and you would talk
18 about the tests?

19 A Yes.

20 Q What did she tell you about the tests in these
21 meetings?

22 A Different things. I don't know.

23 Q Can you remember one thing she told you about
24 your tests?

25 A She thought I was doing a good job with the

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1 testing and that the students were understanding and
2 learning.

3 Q Did you allow your students to take tests over?

4 A Not that I recall.

5 Q Did Sister Mary Margaret ever tell you that you
6 shouldn't allow your students to take tests over or repeat
7 tests?

8 A She mentioned it.

9 Q What did she say?

10 A I don't exactly remember.

11 Q But she told you that students were not allowed
12 to repeat or retake tests?

13 A To retake the same test, yeah.

14 Q And you were not doing that?

15 A No.

16 MS. SHOEMAKER: Counsel, I want to take a quick
17 five-minute break.

18 MS. FERMIN: Sure.

19 MS. SHOEMAKER: Thank you.

20 (Recess taken.)

21 BY MS. FERMIN:

22 Q Ms. Biel, we are back on the record. You
23 remember that you are still under oath. Right?

24 A Yes.

25 Q We were talking about Sister's instruction that

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1 Q Describe what was on the board.

2 A It was a poster that showed the daily homework
3 and showed them that they had tests at the end of the week
4 or when their next test was.

5 Q Did you ever give anything to the parents to let
6 them know when the tests would be given?

7 A I don't remember.

8 Q Did students have notebooks that they brought
9 home?

10 A Yes.

11 Q Did you ever put test schedules in these
12 notebooks for the parents to see?

13 A I don't know if I did. It was required that the
14 students wrote in their homework books.

15 Q Did you check the students' homework books?

16 A Yes.

17 Q How often?

18 A Pretty much every day.

19 Q Did you make sure that the test schedules were in
20 the students' homework books?

21 A I don't recall making sure. That was their
22 responsibility.

23 MS. SHOEMAKER: I'm sorry. Are you distracted at
24 all?

25 THE WITNESS: Yeah. I'm sorry. Yeah, the

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1 talking. Sorry.

2 MS. FERMIN: Off the record.

3 (Recess taken.)

4 BY MS. FERMIN:

5 Q Did Sister Mary Margaret ever tell you to make
6 sure the parents received the test schedule?

7 A Not that I remember.

8 Q Do you know what a work habit is?

9 A Yes.

10 Q What is that?

11 A It's a behavior system.

12 Q Describe the system.

13 A It's a system set up by Sister Mary Margaret.

14 Q Can you describe it?

15 A Work habits include finishing homework,
16 completing projects, and cleanliness.

17 Q Would they receive some kind of grade or mark
18 regarding these work habits?

19 A Yes.

20 Q Where?

21 A It was mostly on cards.

22 Q Would you write these cards out?

23 A The children marked on their cards.

24 Q What did they do with the cards?

25 A It was kept in the back of the room in a little

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1 card case.

2 Q So these cards would show whether a student fails
3 to submit homework or complete a project or was
4 reprimanded for some other behavior problem?

5 A Yes.

6 Q Who wrote them on the cards? Was it you or the
7 student?

8 A The student wrote them on the card, yes.

9 Q They would put it in the card box?

10 A Yes.

11 Q What would you do with these markings? Would you
12 call the parent, put it in a report card?

13 A I looked at them weekly, and if there were
14 problems, I let the parents know, and then I reviewed them
15 for the grades at the trimester end.

16 Q When you had these meetings with Sister Mary
17 Margaret, did she ever talk to you about how you handled
18 work habits in your classroom?

19 A Yes.

20 Q What did she say about them?

21 A She gave me suggestions on how to use the work
22 habits either through a book or card system.

23 Q What else did she talk to you about regarding
24 your work habit system?

25 A I don't know what you mean. I don't understand.

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1 THE WITNESS: I don't know. She felt it wasn't
2 working and she liked the card system better.

3 BY MS. FERMIN:

4 Q Were students allowed to erase their work habits
5 from the list that you had in the back of the room?

6 A I don't know. It depends on the situation, I
7 guess.

8 Q In what situation would it be appropriate for
9 students to erase their work habit?

10 A I don't remember. Things happen. So many things
11 happen during the school year with kids and all the things
12 they go through.

13 Q So you would allow your students, depending on
14 the situation, to erase their work habit from the list in
15 the back of the room?

16 A I'm not remembering if it was allowed or what I
17 did. I don't remember exactly the system. I don't know.

18 Q You don't remember whether you let your students
19 erase their work habits depending on certain situations?

20 A It wasn't common.

21 Q Did it happen?

22 A It may have. I don't remember.

23 Q Did Sister Mary Margaret comment on the fact that
24 students in your classroom would erase their names from
25 the work habit list?

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1 A I don't think she commented. I don't know. I
2 don't think she said anything about that. I don't know.

3 Q When you switched to the card system, depending
4 on the situation, did your students erase their work habit
5 marks in the card system?

6 A It's the same as before.

7 Q What was your answer?

8 A It was the same as the previous rule for the
9 list.

10 Q So depending on the situation, your students
11 could erase their name from the work habit?

12 A I don't remember.

13 Q St. James had an honor roll system. Right?

14 A Yes.

15 Q For each grade?

16 A Yes.

17 Q Did you pick who made the honor roll for the
18 fifth grade?

19 A I was told a certain percentage is what the honor
20 roll required, and my students that had that percentage
21 went on the honor roll.

22 Q What was the percentage?

23 A I don't remember.

24 Q When you say "percentage," what do you mean by
25 that?

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1 A I mean if their grade was a certain percentage --
2 if their grades were a certain percentage -- I don't
3 remember exactly -- at a certain percentage, then they
4 were able to be on the honor roll.

5 Q Were students placed on the honor roll once
6 during a school year?

7 A Every trimester.

8 Q For the first trimester in 2013, how many of your
9 students made it on the honor roll?

10 A All but one.

11 Q What about for the second trimester?

12 A I don't recall how many.

13 Q Was it the same as the first?

14 A No.

15 Q Did Sister Mary Margaret comment on how many of
16 your students made it on the honor roll in the first
17 trimester?

18 A She said that's a lot.

19 Q What about for the third trimester? How many of
20 your students made it on the honor roll?

21 A I honestly don't remember.

22 Q Was it the same as the first?

23 A No.

24 Q Did Sister Mary Margaret ever talk to you about
25 the level of noise in your classroom?

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1 A Yes.

2 Q What did she say to you about that?

3 A She felt that they needed to sit in their seats
4 and be quiet.

5 Q "They" meaning your students?

6 A Yes.

7 Q Did she tell you this in your classroom or in her
8 office?

9 A I don't recall where it was.

10 Q How many times did she address this with you?

11 A I don't recall. A few.

12 Q More than once?

13 A Yes.

14 Q More than five times?

15 A Probably not, no.

16 Q Was this one of the things that you guys talked
17 about in her office during your weekly meetings?

18 A It could be, I guess. It could be one. I don't
19 remember.

20 Q At St. James what was the highest grade you
21 taught as a substitute?

22 A At St. James?

23 Q Yes.

24 A Fifth grade.

25 Q That's in 2013?

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1 Q And make comments on them?

2 A Yes.

3 Q And then return them to you?

4 A Yes.

5 Q When she returned the lesson plans to you, did
6 you ever have any conversation with her regarding her
7 comments?

8 A Usually I would do what she said. I don't recall
9 ever -- she would make the notes, and I would do it.

10 Q How did she return your lesson plans?

11 A I'm sorry. What?

12 Q How would she return your lesson plans to you?

13 A They were in a binder, like a folder, and so I
14 would give them to her, she would review them and hand
15 them back to me.

16 Q Personally?

17 A Sometimes personally. Sometimes she would leave
18 them in my box.

19 Q Did you ever have a conversation with her
20 regarding the lesson plans that you submitted to her after
21 she reviewed them?

22 A I don't recall a specific conversation.

23 Q On page 2 of Exhibit 5, there are handwritten
24 notes at the top. Do you see that?

25 A Yes.

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1 A Yes.

2 Q What are the study guides?

3 A What do you mean what are the study guides?

4 Q What are they?

5 A They help the students prepare for a test.

6 Q Do you create the study guides?

7 A Some of them I did.

8 Q Who filled out the study guides?

9 A The students.

10 Q You would correct them?

11 A We would correct them as a class.

12 Q Do you know why Sister Mary Margaret remarked on
13 this lesson plan to make sure to correct the study guides?

14 MS. SHOEMAKER: Calls for speculation.

15 THE WITNESS: I don't know why.

16 BY MS. FERMIN:

17 Q Did she have a conversation with you at any point
18 in time, including in your weekly meetings, regarding your
19 use of study guides in the classroom?

20 A Not anything specific I can remember.

21 Q Did she ever have a conversation with you at any
22 point in time, including your meetings with her --
23 including your weekly meetings with her regarding you not
24 correcting your study guides?

25 A She may have mentioned it.

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1 THE WITNESS: I don't recall a specific
2 conversation. This was important to her.

3 BY MS. FERMIN:

4 Q I'm sorry.

5 A This was important to her, I guess. She wrote
6 it.

7 Q Your correcting the study guides?

8 A She wrote it.

9 Q But she didn't talk to you about you correcting
10 study guides?

11 A I'm sorry. I don't understand the question.

12 Q Did she talk to you about correcting study
13 guides?

14 A She may have.

15 Q Again, in January of 2014?

16 A I don't remember a specific date.

17 Q Did you do anything different in response to
18 Sister Mary Margaret's critique regarding your use of
19 study guides?

20 A Yes.

21 Q What did you do differently?

22 A I would go over the study guides in the class
23 with the children before the test.

24 Q Would you correct the study guides?

25 A Sometimes I would grade them, but most of the

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1 time they did not count as a grade. They were counted as
2 work done. They weren't graded like a test.

3 Q So you wouldn't correct the study guides on a
4 consistent basis?

5 MS. SHOEMAKER: That misstates prior testimony.

6 BY MS. FERMIN:

7 Q Is that right?

8 MS. SHOEMAKER: Can you repeat the question?

9 MS. FERMIN: Can you reread the question, please.

10 (Record read as follows:

11 "Q So you wouldn't correct the study
12 guides on a consistent basis?")

13 THE WITNESS: We did it together as a class.

14 BY MS. FERMIN:

15 Q Every week?

16 A Yes.

17 MS. FERMIN: This is marked as Exhibit 10.

18 (Exhibit 10 was marked for identification by the
19 court reporter.)

20 BY MS. FERMIN:

21 Q This is another one of your lesson plans for
22 January 27 to 31, 2014. Right?

23 A Yes.

24 Q On the last page Sister Mary Margaret writes
25 another note. It says "Remember we have talked about

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1 things on desk."

2 A Okay.

3 Q Do you recall her talking to you about things on
4 the students' desks in January of 2014?

5 A I don't remember the exact date. She may have
6 mentioned it.

7 Q Did you do anything different in regards to
8 Sister's remark here in January?

9 A I don't remember specifically what we did, but if
10 she asked something, I did it.

11 Q Did you change the condition of your students'
12 desks from November of 2013 when Sister Mary Margaret gave
13 you that observation report?

14 A Yes.

15 Q Sister Mary Margaret told you to organize your
16 students' desk at least on two occasions, one in November
17 and one in January of 2014. Right?

18 A Yes.

19 MS. FERMIN: This is Exhibit 11.

20 (Exhibit 11 was marked for identification by the
21 court reporter.)

22 BY MS. FERMIN:

23 Q This is another lesson plan of yours for
24 February 17th to the 21st of 2014. Is that right?

25 A Yes.

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1 Q On the last page Sister Mary Margaret writes
2 another comment, "Be sure to correct so the students will
3 have something to study correctly." This was in regards
4 to your use of the study guides?

5 A I guess.

6 Q Was that your understanding?

7 A I guess, by reading this.

8 Q So on at least three lesson plans Sister Mary
9 Margaret commented on your use of the study guides in the
10 classroom?

11 A Yes.

12 (Exhibit 12 was marked for identification by the
13 court reporter.)

14 BY MS. FERMIN:

15 Q Exhibit 12 is another lesson plan dated March 3rd
16 through the 7th, 2014. Right?

17 A Yes.

18 Q On the last page Sister Mary Margaret again
19 writes "Be sure that SG are corrected." That's in
20 relation to the study guides again?

21 MS. SHOEMAKER: Calls for speculation.

22 THE WITNESS: I'm not sure. I don't know.

23 BY MS. FERMIN:

24 Q Do you have any idea what she is talking about
25 here?

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1 BY MS. FERMIN:

2 Q Was there a particular reason why she wanted --

3 A I have no idea.

4 Q -- why she wanted to see your corrected tests?
5 Were you correcting the tests consistently?

6 A Yes.

7 Q On the second page under the religion heading,
8 you write "No one understands the meaning behind becoming
9 a Catholic." Do you see that?

10 A No. Where?

11 Q Under the religion subject. It says "No one
12 understands the meaning behind becoming a Catholic." Was
13 that another topic that you addressed or taught to your
14 children in the religion curriculum?

15 A Yes.

16 Q What entailed that lesson?

17 A I don't remember. Sorry. It was too long ago.

18 Q That topic is covered in the "Coming to God's
19 Life" workbook?

20 A Yes.

21 (Exhibit 14 was marked for identification by the
22 court reporter.)

23 BY MS. FERMIN:

24 Q Exhibit 14 is the last one. This is another
25 lesson plan from April 22nd, 2014.

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1 A Uh-huh.

2 Q Yes?

3 MS. SHOEMAKER: Say yes.

4 THE WITNESS: Yes. I'm sorry.

5 BY MS. FERMIN:

6 Q At the bottom Sister Mary writes another comment
7 about remember things on desks. Do you recall receiving
8 this comment on the study guides?

9 A I don't recall, no. I don't remember all these
10 comments.

11 Q Did Sister Mary Margaret talk to you as of April
12 2014 regarding things on your students' desks?

13 A Not that I remember.

14 Q Sister Mary Margaret addressed her concerns
15 regarding the condition of your students' desks on
16 numerous occasions. Right?

17 MS. SHOEMAKER: Vague and ambiguous.

18 BY MS. FERMIN:

19 Q Is that right?

20 A Not that I'm aware.

21 Q She never addressed that in --

22 A I didn't say that.

23 Q I'm sorry.

24 A I didn't say that.

25 MS. FERMIN: Can you read the question back,

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1 please.

2 (Record read.)

3 BY MS. FERMIN:

4 Q Did Sister Mary Margaret address on more than one
5 occasion her concerns regarding the condition of your
6 students' desks?

7 A Yes.

8 Q As late as May of 2014. Right?

9 A Yes.

10 Q Did Sister Mary Margaret address her concerns
11 regarding your use of the study guides on more than one
12 occasion?

13 A Yes.

14 Q The last concern being addressed as late as March
15 of 2014. Right?

16 A Yeah. I'm not sure if that meant study guides or
17 not. I'm not sure on March.

18 Q The SG --

19 A Yeah. I'm not sure what that is.

20 Q Sister Mary Margaret addressed her concerns
21 regarding you correcting your students' tests on more than
22 one occasion with you. Is that correct?

23 A I'm sorry. Ask that question again.

24 MS. FERMIN: Can you read that back?

25 (Record read as follows:

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1 A I do.

2 Q This was written for the purpose of your medical
3 extension with the California state credentialing office?

4 A I think.

5 Q Did you ask Dr. Hool to write this?

6 A Yes.

7 Q For the purpose of getting an extension for your
8 teaching credential?

9 A Probably.

10 Q Did you show this letter to anyone else other
11 than the California state credentialing office?

12 A I don't know. I may have given -- did I give you
13 guys a copy of this? Probably my attorneys.

14 Q Other than your attorney?

15 A Not that I can remember.

16 Q Dr. Hool references you suffering from a medical
17 condition in Exhibit 16. Right?

18 A Due to Mrs. Biel's disease and toxicity and
19 treatment she is currently disabled through December 16,
20 2014. That's what he says.

21 Q What was your disease?

22 A Breast cancer.

23 Q When did you first learn that you had breast
24 cancer?

25 A During Easter vacation of 2014.

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1 Q Is Dr. Hool your physician?

2 A He is my oncologist.

3 Q As of Easter 2014?

4 A Uh-huh.

5 Q Is he currently?

6 A He still is my oncologist.

7 Q Are you seeing any other oncologists other than
8 Dr. Hool?

9 A No.

10 Q You said you first discovered that you had breast
11 cancer over Easter of 2014. Is that right?

12 A Yes.

13 Q Was it over Easter break from school?

14 A Yes.

15 Q You weren't working at the time?

16 A I was not working when I found it, no.

17 Q Did you inform Sister Mary Margaret that you had
18 breast cancer?

19 A Yes.

20 Q When did you tell her?

21 A I believe that next week.

22 Q When you returned to school?

23 A Yes.

24 Q Did you tell her in person?

25 A Yes.

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1 Q How about a month?

2 A No, a month didn't pass.

3 Q So within three weeks? Would that be fair to
4 say?

5 A I don't know.

6 Q The next conversation you had with Sister, what
7 did you tell her?

8 A I don't know what you're asking.

9 Q The next conversation you had with Sister Mary
10 Margaret regarding your breast cancer, what did you tell
11 her?

12 A I don't remember the specifics.

13 Q Generally?

14 A I probably told her the doctor wanted to do chemo
15 first and then do surgery and then do chemo afterwards.

16 Q Surgery first and then chemo?

17 A Chemo first and then surgery and then more chemo.

18 Q What did Sister Mary Margaret say in response to
19 this?

20 A I don't recall.

21 Q What else specifically did you tell Sister Mary
22 Margaret regarding your doctor's intentions?

23 A I don't understand the question.

24 Q What else did you tell Sister Mary Margaret other
25 than your doctor wanted you to do chemo --

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1 A I don't remember.

2 Q -- chemo, then surgery and then chemo?

3 A I don't remember.

4 Q What was Sister Mary Margaret's reaction to your
5 statements regarding your treatment?

6 A I think she said okay, I'll need to get ready and
7 get a sub for you for the rest of the year.

8 Q Did you tell her you needed a sub for the rest of
9 the year?

10 A She knew that she needed a sub for May and June.

11 Q Did you tell her that you needed a sub?

12 A Yes. I told her that my doctor wanted me to
13 start chemo. I don't know specifically what date this
14 was, but I did tell her during one of these meetings that
15 my doctor wanted to start chemo on May 27th, my first
16 chemo.

17 Q Did you tell Sister Mary Margaret that your first
18 date for chemo was May 27th?

19 A Yes.

20 Q Did you tell her that you would not be able to
21 teach during your chemo treatment?

22 A I told her the doctor recommended that I don't
23 teach full time.

24 Q Did you want to teach part time?

25 A That wasn't offered.

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1 Q Would you have?

2 A I wasn't sure how the chemo would affect me, so I
3 didn't know.

4 Q Did you request to teach part time?

5 A No.

6 Q Did you tell Sister Mary Margaret that you would
7 not be able to come back to school after your May 27th
8 chemo treatment?

9 A I may have mentioned the doctor recommended that
10 I stay home during chemo.

11 Q And you wanted to follow what your doctor
12 recommended?

13 A I wanted to see how the chemo affected me before
14 I could decide whether or not -- how much work I could do.

15 Q Did you tell Sister Mary Margaret that?

16 A Yes.

17 Q After you received your first chemo treatment on
18 May 27, did you talk to Sister Mary Margaret regarding how
19 well you felt?

20 A She called me in on June 6th.

21 Q What did she say to you?

22 A That's when we discussed -- I told her how I was
23 feeling.

24 Q What did you tell her?

25 A I don't specifically remember.

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1 (Exhibit 18 was marked for identification by the
2 court reporter.)

3 BY MS. FERMIN:

4 Q This is Exhibit 18. This is a letter addressed
5 to you from Sister Mary Margaret. Have you seen this
6 letter before?

7 A Yes.

8 Q It's dated May 15, 2014. Is that the date you
9 received this letter?

10 A No.

11 Q When did you receive this letter?

12 A I never received this letter.

13 Q You said that you've seen this letter before.

14 A Yes. My attorney showed me.

15 Q Prior to your attorney showing you this letter,
16 you had never seen this letter before?

17 A No.

18 Q Did Sister Mary Margaret ever verbally tell you
19 that you would not be offered a contract for the 2014-2015
20 school year?

21 A She verbally told me that she would not be
22 renewing my contract in July of 2014. I think it was like
23 the 11th or 12th.

24 Q July 11 or 12 of 2014?

25 A Yes.

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1 Q That's the first time Sister Mary Margaret told
2 you she would not be offering you a contract --

3 A Yes.

4 Q -- for the 2014-2015 school year? Yes?

5 A Yes.

6 Q How did she tell you this?

7 A I asked her.

8 Q In person?

9 A Yes.

10 Q Where was this meeting?

11 A In her office.

12 Q Why were you there?

13 A To find out if I was going to be teaching the
14 next year or not.

15 Q Was this meeting pre-arranged?

16 A I called a few days before to make an
17 appointment, yes.

18 Q Who did you make an appointment with?

19 A Sister Mary Margaret.

20 Q You called her?

21 A I called the school.

22 Q Who did you speak to at the school?

23 A I may have spoken to Cheryl.

24 Q Cheryl?

25 A Hugo.

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1 Q Is that the school secretary?

2 A Yes.

3 Q You made an appointment with Ms. Hugo?

4 A She is probably the one that made the
5 appointment, yeah.

6 Q For your meeting with Sister Mary Margaret?

7 A Uh-huh.

8 Q What did Sister Mary Margaret tell you during
9 this meeting?

10 A First she asked me how I was feeling and wanted
11 to know how I was doing. Then I asked her if she was
12 going to -- wanted me to work for her the next year.

13 Q Why did you ask her that?

14 A Because I wasn't sure.

15 Q Why weren't you sure?

16 A Because she told me she was possibly looking into
17 someone else -- giving someone else the job.

18 Q When did she tell you that?

19 A I'm trying to remember. June -- maybe it was
20 June. In the June 6th meeting she may have said I'm not
21 sure I want you to come back, something like that.

22 Q When you met with her on June 6th, 2014,
23 Sister Mary Margaret told you she wasn't sure that she
24 wanted you back?

25 A Uh-huh.

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1 Q Did she say why?

2 A She said that she felt I was not strict and that
3 it wouldn't be fair to the students to have two teachers
4 in one school year.

5 Q What other reasons?

6 A Those are the ones that -- I guess those. She
7 asked me to write a letter explaining what I can do to
8 be -- I don't know -- things I could come back and do, I
9 guess. I don't know. So I wrote her a letter.

10 Q Things that you could do --

11 A Improve on, I think, maybe.

12 Q Things you could improve on as a teacher?

13 A Uh-huh.

14 Q When you said Sister Mary Margaret felt that you
15 weren't strict, this is in regards to your classroom?

16 A I guess.

17 Q Is that your understanding?

18 A I felt that she wanted me to be strict with the
19 students.

20 Q She asked you to write a letter regarding
21 different things that she wanted you to improve on?

22 A Uh-huh.

23 Q Things that you talked about in this meeting?

24 A Yes.

25 Q And throughout the school year?

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1 Q May 23rd?

2 A Yeah. It was that Memorial Day weekend.

3 Q How did you pick that date?

4 A My first chemo date was the 27th. It just made
5 sense since it was Memorial Day weekend, the next week
6 have off and get ready for my chemo.

7 Q You picked to be off one week before your first
8 chemo treatment?

9 A It wasn't really a week. It was maybe Tuesday, I
10 think. On a Tuesday.

11 Q In any case, you decided on this date for your
12 last day teaching for the fifth grade?

13 A I think Sister Mary Margaret and I decided
14 together.

15 Q When did you decide with Sister Mary Margaret
16 that May 23rd would be your last day?

17 A I don't recall.

18 Q Was it during the same conversation when you told
19 her that your doctor recommended chemo and then surgery
20 and then chemo?

21 A I don't remember.

22 Q You stopped teaching before Memorial Day weekend
23 or after?

24 A The Thursday before.

25 Q Did you have a box at school, an inbox?

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1 A Yes.

2 Q How often would you check it?

3 A Daily.

4 Q Even up until May 23rd?

5 A Yes.

6 Q How about after you stopped teaching? Did you
7 check your box?

8 A I checked my box as long as it had my name on it
9 in case people wanted to leave notes and things. People
10 left me notes and papers. So I did check it. When I came
11 in to grade papers, I would check it.

12 Q You mentioned after your last day of teaching,
13 which was the Thursday before Memorial Day weekend, you
14 would come in and continue to work but not teach.

15 A Right.

16 Q What would you do after you stopped teaching?

17 A I would grade some tests and load the grades onto
18 the computer.

19 Q Who was teacher that took over your classroom?

20 A I don't remember her name.

21 Q Did Sister Mary Margaret know that you continued
22 to grade tests and load them onto the computer?

23 A Yes.

24 Q Did you have a conversation with her regarding
25 this?

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1 Q After Sports Day?

2 A Was it before or after? I can't remember
3 exactly.

4 Q When you say that your last day was Sports Day --

5 A That's the last day that I came in to visit my
6 students and to look at my grades and stuff. I think we
7 decided that was the last day maybe. Because I was having
8 chemo around that time and I just -- I couldn't come in
9 anymore. I didn't feel well.

10 Q What was the last day that you stopped coming to
11 campus or stopped grading tests?

12 A I'm not sure of the exact date, to be quite
13 honest. It was around that time.

14 Q Last day for what, though?

15 A To grade tests.

16 Q After May 23rd, 2014, or the Thursday before
17 Memorial Day, which was your last day teaching, how often
18 would you come onto campus?

19 A A couple times a week.

20 Q Was it during school hours or after?

21 A It was after.

22 Q The purpose for those visits was just to pick up
23 tests?

24 A Yes.

25 Q Any other purpose?

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1 A Not that I remember. To grade tests and load
2 them into the computer.

3 Q Would you talk to Sister Mary Margaret while you
4 were there?

5 A Usually not. She was gone mostly. I would come
6 in around 5:00.

7 Q Would anyone else be there?

8 A There were a few teachers there.

9 Q Who?

10 A Different ones each time. There are a few
11 teachers that come in and stay and work.

12 Q Did you talk to any of these teachers while you
13 were there during after hours?

14 A Kathleen occasionally came in and said hi.

15 Q Any other teachers?

16 A Not that I remember.

17 MS. FERMIN: I'll mark this as 19.

18 (Exhibit 19 was marked for identification by the
19 court reporter.)

20 BY MS. FERMIN:

21 Q This is a letter that you wrote?

22 A Yes.

23 Q Dated June 16, 2014?

24 A Yes.

25 Q To Sister Mary Margaret?

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1 A I explained starting from day one classroom desks
2 will have nothing attached to any part of them, all items
3 will be kept in a pouch behind and space inside. Only a
4 mechanical pen, eraser, blue or black pen and red
5 correcting pen will be allowed on the desk.

6 Q Sister Mary Margaret had addressed this with you
7 on more than one occasion throughout the school year?

8 A Yes.

9 Q The next section is homework. Any missing
10 homework will result in a work habit?

11 A Yes.

12 Q What did Sister Mary Margaret tell you about her
13 concerns regarding your work habit procedure?

14 A She wanted me to follow her procedure, and this
15 work habit procedure she wanted me to follow specifically.
16 So I let her know that I will follow her work habit
17 specifically, her procedure.

18 Q Were you not following her procedure prior to
19 this?

20 A No, I believe I was following it.

21 Q Sister Mary Margaret told you that she had
22 concerns regarding your work habit procedure prior to June
23 2014?

24 A I'm sorry. Ask that again. I'm sorry. What was
25 your question?

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1 Q Did you ever talk to Sister Mary Margaret
2 regarding this letter afterwards?

3 A I don't remember. I don't think so, but I don't
4 remember. It may have been during the July meeting. I
5 don't know.

6 Q During the July meeting?

7 A Uh-huh.

8 Q What did Sister Mary say to you regarding your
9 June 16 letter?

10 A I don't understand the question.

11 Q When you met with her on July 11 or 12, 2014, did
12 Sister Mary Margaret bring up your June 16th letter?

13 A I don't recall talking about it.

14 Q What about your performance issues? Was that
15 talked about in the July meeting?

16 A I don't think we talked too much about my
17 performance.

18 Q What was Sister Mary Margaret's reason for not
19 offering you a contract in that July 11 or 12 meeting?

20 MS. SHOEMAKER: Calls for speculation.

21 THE WITNESS: The same reasons I told you before,
22 she said I was not strict and it was not fair for me -- it
23 was not fair for her to have to have two teachers for the
24 children during the school year.

25 BY MS. FERMIN:

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2
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4
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6
7
8 I, KRISTEN BIEL, do hereby declare under penalty
9 of perjury that I have read the foregoing transcript of my
10 deposition; that I have made such corrections as noted
11 herein, in ink, initialed by me, or attached hereto; that
12 my testimony as contained herein, as corrected, is true
13 and correct.

14
15 EXECUTED this _____ day of _____,
16 20____, at _____, _____.
(City) (State)

17
18
19 _____
20 KRISTEN BIEL
21
22
23
24
25

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REPORTER'S CERTIFICATE

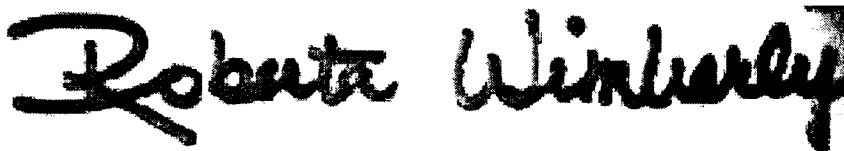
I, the undersigned, a Certified Shorthand
Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before
me at the time and place herein set forth; that any
witnesses in the foregoing proceedings, prior to
testifying, were placed under oath; that a verbatim record
of the proceedings was made by me using machine shorthand
which was thereafter transcribed under my direction;
further, that the foregoing is an accurate transcription
thereof.

I further certify that I am neither financially
interested in the action nor a relative or employee of any
attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed
my name.

Dated: _____



ROBERTA WIMBERLY
CSR No. 4882

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November 10, 2015
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DEPOSITION ERRATA SHEET

Our Assignment No. JO221148

Case Caption: Kristen Biel

vs.

St. James School, et al.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the day of 20__.

KRISTEN BIEL

NOTE: If you are adding to your testimony, print the exact words you want to add. If you are deleting from your testimony, print the exact words you want to delete.

| PAGE | LINE # | FROM | TO |
|------|--------|--------|--|
| 8 | 24 | NO | I sent emails via The room mom. She would send them out for me. I did not communicate with parents often. |
| 19 | 11 | office | classroom |

SIGNATURE OF WITNESS:

DATE:

1/4/16

FACULTY EMPLOYMENT AGREEMENT—ELEMENTARY

**Exempt Full Time
Department of Catholic Schools
Archdiocese of Los Angeles**

Δ π EXHIBIT 1Deponent BielDate 11/10/15 Rptr RW

WWW.DEPOBOOK.COM

Name of School: ST. JAMESName of Teacher: KRISTEN BIELStart Date: AUGUST 26, 2013 End Date: JUNE 30, 2014

1. **Term.** The School ("School") and you (the "Teacher") make this Employment Agreement ("Agreement"), effective on the date below, for the work period shown above (the "Term"), for you to serve as a member of our faculty.

2. **Philosophy.** It is understood that the mission of the School is to develop and promote a Catholic School Faith Community within the philosophy of Catholic education as implemented at the School, and the doctrines, laws and norms of the Catholic Church. All duties and responsibilities of the Teacher shall be performed within this overriding commitment.

3. **Duties.** Your duties shall be those of a full-time or part-time faculty member as specified in the **Compensation and Benefits Supplement** which is an integral part of this Agreement. You shall use your best professional efforts and skills to perform your duties in a diligent, energetic, competent, and ethical manner, consistent with the School's established philosophy and its policies, directives and expected practices. You acknowledge and agree that the School retains the right to operate within the philosophy of Catholic education and to retain teachers who demonstrate an ability to develop and maintain a Catholic School Faith Community. You understand and accept that the values of Christian charity, temperance and tolerance apply to your interactions with your supervisors, colleagues, students, parents, staff and all others with whom you come in contact at or on behalf of the School. Accordingly, you are expected to model, teach, and promote behavior in conformity to the teaching of the Roman Catholic Church. Your duties shall include careful preparation and planning for each class consistent with School and departmental curriculum; diligent review and evaluation of student work and related communication to students and parents; and conferring with students, the administration, and parents as needed regarding each student's progress and development. You also shall attend faculty/staff meetings and conferences, including those prior to and following the School's regular academic year, participate in School activities including School liturgical activities, as requested, and complete other duties as assigned. You agree to maintain the levels of competency in subject matter, teaching methods, classroom management, and student supervision required by the School whether on your own initiative or at the direction of the School. Your duties and job assignment may be revised during the Term to meet the School's needs. In the event the School's operations are extended by reason of fire, disaster, act of God, act of public authority or any other necessity or emergency cause, your services may be suspended for the time period and rescheduled as needed to complete the full School year.

4. **Policies.** You shall be familiar with, and comply with the School's personnel policies and procedures as they may be adopted or amended from time-to-time, including policies in the faculty handbook. You should refer to such documents for information relating to your employment, duties, and benefits. You shall be familiar with, abide by, and assist and cooperate with School administration in enforcing, the School's policies for students and families whether outlined in our handbook(s), our School policies, or other directives and expected practices (together "Policies"). You acknowledge that a copy of the faculty handbook has been made available to you. You understand and acknowledge that the policies do not constitute a contractual agreement with you.

5. **Introductory Period.** There is an introductory period for a newly hired or transferred teacher. The introductory period is a minimum of 90 calendar days, and may be extended, in writing, for up to another 90 calendar days at the discretion of the principal. During the introductory period this Agreement is at will; therefore, it can be terminated at any time, for any reason, without any notice. The Principal shall complete a performance appraisal at the end of the introductory period. Upon satisfactory completion of



the introductory period, employment will be continued through any remaining term of this Agreement except as noted under "Termination."

6. Termination. Your employment, and this Agreement, may be terminated during the Term without payment of salary or benefits beyond such date of termination, for any of the following reasons:

- I. The School may terminate for "cause," without any prior notice. Such "cause" shall be determined by the School within its reasonable judgment and shall include but not be limited to:
 - a) Failure to meet any of your duties as described in Paragraphs 3 and 4 above.
 - b) Inappropriate physical or social contact with students during school or otherwise.
 - c) Unprofessional or unethical conduct, insubordination, unauthorized disclosure of confidential information, or habitual or unreasonable tardiness or absence from duties.
 - d) Any criminal, immoral or unethical conduct that relates to your duties as a teacher or brings discredit upon the school or the Roman Catholic Church.
 - e) Unauthorized possession of, or working under the influence of, illegal drugs, intoxicants, or alcohol.
 - f) Threatening or causing bodily harm to others or other coercive and or intimidating acts, or any verbal or physical harassment.
 - g) Having a diploma, credential, permit, license or certificate denied, revoked or suspended.
 - h) Falsification of documents, false or misleading information on an application, resume, personnel record, professional or character reference, academic transcript, degree, or credential.
 - i) Any other breach of the terms of this Agreement.
- II. Either you or the School may terminate this Agreement without cause, for any reason within the sole discretion of the terminating party, upon 30 calendar days' prior written notice to the other party in a manner that is consistent with applicable law and on a time frame that is mutually agreeable to you and the Principal. However, you may not terminate employment under this Agreement if the termination is effective during the 30 days immediately prior to the beginning of the school year except by mutual agreement with the Principal. You acknowledge that a breach by you of this provision is a grave ethical violation, may harm the educational program for the students and may cause expenses and damages to the School.
- III. The School may terminate your employment if you are unable to perform the essential functions of your position and reasonable accommodation is not available or required under applicable laws.

The School's failure to invoke its right of termination on one occasion for the occurrence of a matter constituting a basis for discharge shall not affect the right of the School to invoke discharge when the same or a different basis for termination arises at a later date.

7. Renewal. Future employment will be determined on a year-to-year basis. It is agreed that you will give written notice to the School, on or before April 1, 20__, stating whether or not you wish to renew the Agreement. The School will give you written notice, on or before May 15, 20__, stating whether or not it intends to renew the Agreement for the following year. In the absence of a notice by either party, this agreement will lapse under its own terms. The Principal alone, with the approval of the Pastor, has the final and sole authority with respect to offering contracts. This Agreement is contingent upon sufficient School enrollment and the School's financial condition. If the enrollment or the School's financial condition does not justify the staffing, the Principal has discretionary power to make decisions regarding personnel reduction including, but not limited to, modification or cancellation of this Agreement. Notwithstanding this, if the School closes for any reason, this Agreement will be considered terminated on the date of the closure. You understand that tenure is not granted by Archdiocesan Schools and upon expiration or termination of the Agreement for any reason you shall have no right to



FACULTY COMPENSATION AND BENEFITS SUPPLEMENT

Elementary—Exempt Full Time Department of Catholic Schools Archdiocese of Los Angeles

13. School Day and Work Schedule.

Full Time Faculty

As a full time teacher, you understand that there will be approximately 8 hours of work at the School each regular class day. You will also devote additional time to other assigned school responsibilities and in preparation and assessment activities at hours not during the regular class day. The School's regular class day is from 7:30 a.m. to 3:45 p.m.

14. Base Compensation.

Base Salary: \$ 34,970

15. Additional Compensation For Designated Responsibility (If Any):

Note: Calculations and Additional Compensation for designated responsibility are based on anticipated time commitment and skills.

| <u>Responsibility</u> | <u>Additional Compensation</u> |
|---|--------------------------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Total Additional Compensation: \$ _____ | |

16. Payment Schedule.

Compensation for all faculty will be distributed on a semi-monthly bi-weekly schedule beginning August 30, 2013 and ending June 20, 2014.

17. Education And Professional Growth Requirements:

34,970 ÷ 22

In accordance with the regulations for salary placement and professional growth requirements, you agree that you will complete the following requirements to be eligible to be offered an employment agreement for the next school year.

- ≤ _____
- ≤ Enroll in California Teaching Credential program.
- ≤ Complete at least _____ units toward a California Teaching Credential.
- ≤ California Teaching Credential program must be completed by July 1, 20____ for an Elementary School Faculty Employment Agreement to be offered for the 20____ - 20____ academic year.

18. Available Benefits.

See Department of Catholic Schools Lay Employees Benefit Guide



employment or preferential treatment regarding employment at any other Archdiocesan School. There is no implied duty by you or the School to renew this Agreement, and no cause whatsoever is required by either party for non-renewal. Any other arrangement with respect to renewal, extension or duration of employment is valid only if in writing, executed by you and the Principal, with the approval of the Pastor.

8. Severability. If, for any reason, any one or more of the provisions of this Agreement shall be held or deemed to be legally invalid or unenforceable, that shall not have any effect on any of the other provisions of this Agreement, all of which shall remain in full force and effect.

9. Entire Agreement. This Agreement and the attached Compensation and Benefits Supplement contain the complete and entire agreement between you and the School, and it supersedes all prior offers, agreements, commitments, understandings, whether oral or written. No changes to this Agreement may be made except by a document signed by you and the Principal, with approval of the Pastor.

10. Applicable Law. This Agreement is entered into under, and governed by, the laws of the State of California.

11. Dispute Resolution and Grievances. You and the School agree to attempt to resolve any disputes in good faith. Any unresolved dispute between you and the School arising out of or in any way related to your employment or the termination thereof, shall be subject to the Grievance Procedures promulgated by the Archdiocesan Department of Catholic Schools and no legal actions may be taken until all procedures have been fully discharged. This clause is intended to provide a speedy, economical and exclusive forum for resolving claims; its existence shall not imply any limitations upon the School's right to manage its affairs or terminate any employment.

12. Condition Precedent. It is agreed that a condition precedent of this Agreement is the receipt of the Criminal Record Summary report from the California Department of Justice and the Federal Bureau of Investigation, the completion of the I-9 Form from the Immigration and Naturalization Service, and the completion of the other relevant health and document requirements of the school.

By: Sister Mary Margaret SR. MARY MARGARET 5/28/2013
Principal's Signature Print Name Date

I accept a position as Grade 5 TEACHER at ST. JAMES SCHOOL
School on each and all of the terms and conditions set forth in the above Agreement and the attached Compensation and Benefits Supplement.

By: Kristen Biel Kristen Biel 5/24/13
Teacher's Signature Print Name Date

Approval by Pastor required:
Mgr. Michael Meyers Mgr. Michael Meyers 5/28/13
Pastor's Signature Print Name Date



Sick Days: Full-time Faculty: 10 days per school year.

Sister Mary Margaret SR. MARY MARGARET 5/28/2013
Principal's Signature Print Name Date

Kristen Biel Kristen Biel 5/24/13
Teacher's Signature Print Name Date

Approval by Pastor required:

Msgr. Michael Meyers Msgr. Michael Meyers 5/28/13
Pastor's Signature Print Name Date

Give copy to the faculty member and file the original in his/her personnel file.



2:10
ex-cell

Archdiocese of Los Angeles
Elementary School Classroom Observation Report

Teacher: KRISTEN
Principal: Sm m
Grade: 5
Subject: Math

School: St. James
City: Torrance
School Year: 2013-14
Date: Apr. 12, 2013

| Innovating | Implementing | Emerging | Not Exhibiting |
|---|---|--|--|
| Adjusts and creates new strategies for unique student needs and situations during the lesson. | Uses strategies at appropriate time, in the appropriate manner. | Attempts to use strategy but uses it incorrectly or at the wrong time. | Strategy was called for but not exhibited. |

WCEA (Catholic Identity Factors) Check if observed

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ There is visible evidence of signs, sacramental, traditions of the Roman Catholic Church in the classroom.
☒ Curriculum includes Catholic values infused through all subject areas. Respect -
☒ Integrates Schoolwide Learning Expectations

Observation Comments: _____

Objective to be Observed: *California Standards for the Teaching Profession*

For the following 5 standards, check if observed

Standard 1: Engaging and Supporting All Students in Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 1.1 Using knowledge of students to engage them in learning
☐ 1.2 Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests
☐ 1.3 Connecting subject matter to meaningful, real-life contexts
☒ 1.4 Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs
☒ 1.5 Promoting critical thinking through inquiry, problem solving, and reflection
☒ 1.6 Monitoring student learning and adjusting instruction while teaching

Observation Comments: _____

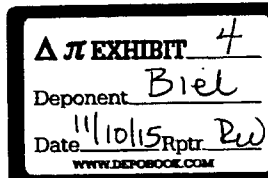
Standard 2: Creating and Maintaining Effective Environments for Student Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 2.1 Promoting social development and responsibility within a caring community where each student is treated fairly and respectfully
☒ 2.2 Creating physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students with teachers
☒ 2.3 Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe Very good -
☒ 2.4 Creating a rigorous learning environment with high expectations and appropriate support for all students
☒ 2.5 Developing, communicating, and maintaining high standards for individual and group behavior
☒ 2.6 Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn

There is a variety of work displayed.

Created: 2012-07-03



☒ 2.7 Using instructional time to optimize learning

Co-ordinate give example.

Observation Comments: _____

Standard 3: Understanding and Organizing Subject Matter for Student Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 3.1 Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks
- ☒ 3.2 Applying knowledge of student development and proficiencies to ensure student understanding of subject matter
- ☒ 3.3 Organizing curriculum to facilitate student understanding of the subject matter
- ☒ 3.4 Utilizing instructional strategies that are appropriate to the subject matter
- ☒ 3.5 Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make subject matter accessible to all students
- ☐ 3.6 Addressing the needs of English learners and students with special needs to provide equitable access to the content

Observation Comments: _____

Standard 4: Planning Instruction and Designing Learning Experiences for All Students

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 4.1 Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction
- ☒ 4.2 Establishing and articulating goals for student learning
- ☐ 4.3 Developing and sequencing long-term and short-term instructional plans to support student learning
- ☒ 4.4 Planning instruction that incorporates appropriate strategies to meet the learning needs of all students *Varied*
- ☒ 4.5 Adapting instructional plans and curricular materials to meet the assessed learning needs of all students *Lots of different types of strategies.*

Observation Comments: _____

Standard 5: Assessing Students for Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 5.1 Applying knowledge of the purposes, characteristics, and uses of different types of assessments
- ☒ 5.2 Collecting and analyzing assessment data from a variety of sources to inform instruction
- ☒ 5.3 Reviewing data, both individually and with colleagues, to monitor student learning — *IOWA*
- ☒ 5.4 Using assessment data to establish learning goals and to plan, differentiate, and modify instruction *Formal assessment*
- ☒ 5.5 Involving all students in self-assessment, goal setting, and monitoring progress
- ☒ 5.6 Using available technologies to assist in assessment, analysis, and communication of student learning
- ☒ 5.7 Using assessment information to share timely and comprehensible feedback with students and their families *packets -*

Observation Comments: _____

Commendations: _____

Recommendations: _____

Good way to plot co-ordinate

Good review -

Did you have another idea?

Good having students come up to board.

Good positive re-inforcement.

Pick sticks.

when you give an assignment go over directly

*How many picked "C"? thumbs up/down *give an**

CALL a few #'s at a time... to go up to the board

what about the people whose # is not up there?

ANOTHER DAY - Choose anyone you want

I submit this report in accordance with the schedule and procedures established by the Department of Catholic Schools as described in the *Administrative Handbook*.

Principal Signature: Sister Mary Margaret

Date: 11/13/2013

I have read this report and discussed it with the principal. My signature does not necessarily imply agreement this observation report. I understand that I am free to attach to this observation report any written reactions I may have within one week of today's date.

Teacher Signature: Kristen Bul

Date: 11/18/2013

**This observation form is used in conjunction with the California Standards for the Teaching Profession

Observed:

- ① Many things on desks
 Kleenex ^{Box} markers, Julia
 Pencil Sharpeners
 Water bottles
 Books etc under desks in aisle - Fire etc.
 Binder
 Staple removers - Tape (scratch)

Have a zipper-bag for items
 Work on organization -

Do the students work in SS books?

Never allow them to color the pages
 of the book -

Some pages ahead
 of time. Do problems
 that would be + 10
 12

Julia then
 Francesca (look
 act)

Janelli

Created: 2012-07-03

Good review of music rules -

☒ 2.7 Using instructional time to optimize learning

Co-ordinates give example.

Observation Comments: _____

Standard 3: Understanding and Organizing Subject Matter for Student Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 3.1 Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks
☒ 3.2 Applying knowledge of student development and proficiencies to ensure student understanding of subject matter
☒ 3.3 Organizing curriculum to facilitate student understanding of the subject matter
☒ 3.4 Utilizing instructional strategies that are appropriate to the subject matter
☒ 3.5 Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make subject matter accessible to all students
☐ 3.6 Addressing the needs of English learners and students with special needs to provide equitable access to the content

Observation Comments: _____

Standard 4: Planning Instruction and Designing Learning Experiences for All Students

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 4.1 Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction
☒ 4.2 Establishing and articulating goals for student learning
☐ 4.3 Developing and sequencing long-term and short-term instructional plans to support student learning
☒ 4.4 Planning instruction that incorporates appropriate strategies to meet the learning needs of all students *Variety*
☒ 4.5 Adapting instructional plans and curricular materials to meet the assessed learning needs of all students *Lots of different types of strategies.*

Observation Comments: _____

Standard 5: Assessing Students for Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 5.1 Applying knowledge of the purposes, characteristics, and uses of different types of assessments
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☒ 5.4 Using assessment data to establish learning goals and to plan, differentiate, and modify instruction *Formal Assessment*
☒ 5.5 Involving all students in self-assessment, goal setting, and monitoring progress
☒ 5.6 Using available technologies to assist in assessment, analysis, and communication of student learning
☒ 5.7 Using assessment information to share timely and comprehensible feedback with students and their families *packets -*

Observation Comments: _____

Commendations: _____

Recommendations: _____

Good way to plot co-ordinates
Good review -
Did you have another idea?
Good having students come up to board.
Good positive re-inforcement.
Pick sticks.
when you give an assignment go over directly
How many picked "C"? thumbs-up/down examp
CALL a few #'s at a time... to give to the IOWA
what about the people whose # is not up there?
ANOTHER DAY - Choose anyone you want

I submit this report in accordance with the schedule and procedures established by the Department of Catholic Schools as described in the *Administrative Handbook*.

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**This observation form is used in conjunction with the California Standards for the Teaching Profession

Observed:

① Many things on desks
 Kleenex ^{Box} markers, Julia
 Pencil Sharpeners
 Water bottles
 Books etc under desks in aisle - fire etc.
 Binder
 Staple removers - Tape (scotch)

Have a zipper-bag for items
 Work on organization -

Do the students work in SS books?

Never allow them to color the pages
 of the book -

Lower page ahead
 of time. Do problems
 that would be + 10
 troublesome. 12

Julia then
 Francesca (look
 ect)

Janeei

Created: 2012-07-03

Good review of Music rules -



ST. JAMES CATHOLIC SCHOOL

4625 Garnet St.
Torrance, CA 90503
(310) 371-0416

May 15, 2014

Dear Kristen,

At this time I am not prepared to offer you a contract for the 2014-2015 school year at St. James School.

We have had many conversations about your classroom management. I have tried to offer suggestions, which I thought would help you. They haven't seemed to work.

I do think that you are better suited for a position in the primary grades. You have agreed with me. Unfortunately, I do not have a primary position available.

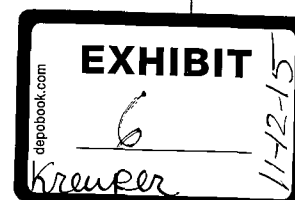
I wish you the very best!

Sincerely,

Sister Mary Margaret

Sister Mary Margaret
Principal

A Catholic Education Is An Advantage For Life.



JML LAW

A PROFESSIONAL LAW CORPORATION
 21052 OXNARD STREET
 WOODLAND HILLS, CALIFORNIA 91367
 Tel: (818) 610-8800
 Fax: (818) 610-3030

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Jared@jmlaw.com

CATHRYN G. FUND, STATE BAR NO. 293766

Cathryn@jmlaw.com

Attorneys for Plaintiff
 KRISTEN BIEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a

California corporation; and

DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF KRISTEN BIEL'S
 COMPENDIUM OF EVIDENCE IN
 SUPPORT OF PLAINTIFF'S
 OPPOSITION TO DEFENDANT'S
 MOTION FOR SUMMARY
 JUDGMENT OR, IN THE
 ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT**

Filed and served concurrently with:

- *Plaintiff's Memorandum of Points & Authorities in Opposition to Defendant's MSJ/PSJ;*
- *Plaintiff's Separate Statement of Controverted & Uncontroverted Facts;*
- *Plaintiff's Request for Judicial Notice.*

Date: Monday, November 7, 2016

Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015

Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby submits the following evidence in support of her Opposition to the Motion for Summary Judgment or, in the Alternative, Party Summary Judgment, filed by Defendant ST. JAMES SCHOOL, A CORP (“Defendant”).

DECLARATIONS:

- Declaration of Cathryn G. Fund

EXHIBITS:

| | |
|----------|--|
| 1 | Relevant Portions of the Deposition of Plaintiff Kristen Biel (November 10, 2015), including relevant exhibits from the deposition. |
| 2 | Relevant Portions of the Deposition of Mary M. Kreuper (November 12, 2015), including relevant exhibits from the deposition. |
| 3 | Relevant Portions of the Deposition of Mara Wolfsen (May 13, 2016). |
| 4 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One that was served on August 17, 2015. |
| 5 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two that was served on December 4, 2015. |
| 6 | Pertinent Pages of Defendant’s documents produced in response to Plaintiff’s Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced to Plaintiff on January 21, 2016. |

///

///

///

1 Respectfully submitted,

2
3 DATED: October 17, 2016 JML LAW, A Professional Law Corporation

4
5 By: /s/ Cathryn Fund

6 JOSEPH M. LOVRETOVICH

7 JARED W. BEILKE

8 CATHRYN FUND

9 Attorneys for Plaintiff Kristen Biel

JML LAW

A Professional Law Corporation
21052 Oxnard Street
Woodland Hills, CA 91367
(818) 610-8800

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A Professional Law Corporation
21052 Oxnard Street
Woodland Hills, CA 91367
(818) 610-8800

DECLARATION OF CATHRYN G. FUND

DECLARATION OF CATHRYN G. FUND

I, Cathryn G. Fund, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California and before this court. I am an associate with the firm JML Law, A Professional Law Corporation, counsel of record for Plaintiff KRISTEN BIEL (“Plaintiff”) in the matter of *Biel v. St. James School, A Corp.*, currently pending before the United States District Court for the Central District of California. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently thereto under oath, if called as a witness.

2. On November 10, 2015, I defended the deposition of Plaintiff in this case, which was taken by Defendant’s counsel. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 1** are true and correct copies of pertinent pages and exhibits from Plaintiff’s deposition, which memorializes Plaintiff’s testimony from her deposition on November 10, 2015.

3. On November 12, 2015, my former colleague D. Aaron Brock, who is no longer with JML Law, took the deposition of Mary Kreuper in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 2** are true and correct copies of pertinent pages and exhibits from Mary Kreuper’s deposition taken on November 12, 2015.

4. On May 13, 2016, I took the deposition of Mara Wolfesen in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 3** are true and correct copies of pertinent pages from Mara Wolfesen’s deposition, which memorializes Ms. Wolfesen’s testimony from her May 13, 2016 deposition.

5. Plaintiff’s lesson plans (Deft Production 59-146) were not identified or produced as part of Defendant’s initial disclosures on September 29, 2015 in response to eight relevant categories of Plaintiff’s Request for Production of Documents, Set No. One (Request Nos. 6, 13, 14, 15, 16, 17, 18, 19), and were not produced prior to the depositions of Kristen Biel on November 10, 2016 and Sister

1 Mary Margaret Kreuper on November 12, 2015. Plaintiff's lesson plans were
2 subsequently produced in response to Plaintiff's Request for Production of
3 Documents, Set No. Two on January 21, 2016.

4 6. Attached as **Exhibit 4** is a true and correct copy of Plaintiff's Request
5 to Defendant for Identification, Inspection and Production of Documents and
6 Tangible Items, Set No. One that was served on August 17, 2015.

7 7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff's Request
8 to Defendant for Identification, Inspection and Production of Documents and
9 Tangible Items, Set No. Two that was served on December 4, 2015.

10 8. Attached as **Exhibit 6** are true and correct copies of the pertinent
11 pages of Defendant's document production in response to Plaintiff's Request for
12 Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced
13 to Plaintiff on January 21, 2016.

14
15 I hereby declare under penalty of perjury, under the laws of the State of
16 California and the United States of America that the foregoing is true and correct,
17 and that this Declaration was executed on October 17, 2016, at Woodland Hills,
18 California.

19
20 By: /s/ Cathryn Fund

21 Cathryn G. Fund, Esq.
22
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28

JML LAW

A Professional Law Corporation
21052 Oxnard Street
Woodland Hills, CA 91367
(818) 610-8800

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EXHIBIT 3

DEPOSITION OF MARA WOLFSEN

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

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5 KRISTEN BIEL, an individual,)

6 Plaintiff,)

7 vs) Case No.

8 ST. JAMES SCHOOL, A CORP., a) 15-cv-04248-TJH (ASx)

9 California corporation; and)

10 DOES 1-50, inclusive,)

11 Defendants.)

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15 DEPOSITION OF MARA WOLFSEN

16 Torrance, California

17 Friday, May 13, 2016

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24 Reported by: Julie Lynn O'Sullivan

25 CSR No. 10444

NDS Job No.: 181924

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

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5 KRISTEN BIEL, an individual,)

6 Plaintiff,)

7 vs) Case No.

8 ST. JAMES SCHOOL, A CORP., a) 15-cv-04248-TJH (ASx)

9 California corporation; and)

10 DOES 1-50, inclusive,)

11 Defendants.)

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15 DEPOSITION OF MARA WOLFSEN,

16 taken before Julie Lynn O'Sullivan, Certified

17 shorthand Reporter Number 10444, for the State

18 of California, commencing on Friday, May 13,

19 2016, at 10:31 a.m., at 4625 Garnet Street,

20 Torrance, California.

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1 APPEARANCES:

2

3 For the Plaintiff:

4 JML LAW
5 BY: CATHRYN G. FUND, ESQ.
6 21052 Oxnard Street
7 Woodland Hills, California 91367
8 (818) 610-8800
9 cathryn@jmllaw.com

10 For the Defendant:

11 SULLIVAN, BALLOG & WILLIAMS, LLP
12 BY: MICHAEL S. VASIN, ESQ.
13 400 North Tustin Avenue
14 Suite 120
15 Santa Ana, California 92705
16 (714) 541-2121
17 msv@sullivanballog.com

18 Also present:

19 BRYANT DELGADILLO, ESQ.

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1 TORRANCE, CALIFORNIA;

2 FRIDAY, MAY 13, 2016; 10:31 A.M.

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4 MARA WOLFSEN,

5 called as a witness and having been first duly sworn by
6 the Certified Shorthand Reporter, was examined and
7 testified as follows:

8
9 EXAMINATION

10 BY MS. FUND:

11 Q Good morning.

12 A Hi. Good morning.

13 Q Can you please state and spell your full name
14 for the record.

15 A Sure. It's Mara, M-a-r-a. My husband's name
16 is Delgadillo, but my legal last name is Wolfson,
17 W-o-l-f-s-e-n. I just borrow his for church and school,
18 but legally it's Mara Wolfson.

19 Q What's your date of birth?

20 A 12/31/71.

21 Q And your current residential address?

22 A 523 Judy Drive, Redondo Beach.

23 Q Do you have any plans to move in the next six
24 months?

25 A No.

1 have them.

2 MR. VASIN: Please ask relevant questions.

3 BY MS. FUND:

4 Q Can you tell me a little bit more about the
5 letter that Sister Mary Margaret sent out?

6 MR. VASIN: Generally without names or --

7 THE WITNESS: Yes. Apparently parents were
8 posting information on social media in a negative tone
9 about teachers and misinformation about the school.

10 BY MS. FUND:

11 Q And what misinformation?

12 MR. VASIN: Okay. I'm going to --

13 THE WITNESS: I don't know.

14 BY MS. FUND:

15 Q And as a result of this, you met privately with
16 Sister Mary Margaret?

17 A Yes.

18 Q Did this meeting take place this year?

19 A Yes.

20 Q Did you ever have a private meeting with
21 Sister Mary Margaret to discuss Ms. Biel in any way?

22 A Not that I recall exactly, no.

23 Q I just want to know what you recall.

24 A Yeah.

25 Q Did you ever have a private meeting with

1 Sister Mary Margaret to discuss complaints about any
2 teacher?

3 A No.

4 Q And your daughter Isabel attended the fifth
5 grade with Ms. Biel, correct?

6 A Yes.

7 Q At the time Isabel started the fifth grade
8 school year, did you know that it was Ms. Biel's first
9 year teaching full-time?

10 A Yes.

11 Q How did you know that?

12 A Other parents informed me.

13 Q Do you recall which parents?

14 A I don't.

15 Q Did you have any concerns because it was her
16 first year full-time teaching?

17 A Somewhat.

18 Q What were those concerns?

19 A Just concerned about her previous experience.
20 And fifth grade is a tough year. It's a transition
21 year; so I wanted to make sure she was prepared.

22 Q What do you mean by a "transition year"?

23 A Well, it's the last year of elementary, ready
24 to get prepared for junior high, and junior high is much
25 more difficult and challenging for the kids; so it's a

1 with Sister?

2 A I don't.

3 Q Other than expressing your frustration to
4 Ms. Hugo, did you speak to anyone else about your
5 concerns or frustration?

6 A No. Just my husband.

7 Q Are you aware that your husband did anything as
8 a result of your concerns or frustration?

9 A No.

10 Q After that meeting with Ms. Biel in the fall,
11 before Christmas, that lasted the 10 or 15 minutes, did
12 you have any other meetings with Ms. Biel?

13 A Not that I recall.

14 Q Did you request any other meetings with
15 Ms. Biel?

16 A No.

17 Q After your meeting with Ms. Biel, where the
18 issues were unresolved, did your daughter continue to
19 express the same complaints to you?

20 A The same frustrations, yes.

21 Q Did these complaints that your daughter had --
22 did they continue throughout the entire school year?

23 A As I recall, yes.

24 Q But you don't recall ever meeting with
25 Sister Mary Margaret about them?

1 A I don't.

2 Q Other than the level of noise and lack of
3 structure in the classroom, did you have any other
4 complaints with regards to Ms. Biel's teaching?

5 A Well, I volunteered one day in the classroom,
6 and I was able to witness what my daughter was talking
7 about. There was a free time after our art activity
8 where the kids played a game, and I don't recall the
9 name of the game, but they asked if they could play it,
10 which led me to believe that they had played it before.

11 They had an inflatable globe that they were
12 batting around in the class. Everyone was trying to get
13 it to make sure it didn't hit the ground. And all the
14 kids were, like, in between the desks and flying over
15 desks.

16 And finally at the end it was really loud, and
17 I was pretty amazed at the level of noise and activity
18 in the classroom. And I recall a specific child falling
19 backwards, trying to hit the ball, and that's when the
20 game was finally brought to an end, because I just
21 thought that was interesting to occur in a fifth grade
22 classroom at our school.

23 Q And when did you volunteer to do that?

24 A That, I think was in the spring. I'm not
25 exactly sure. It seems like it was springtime.

1 meant. Dealing with a difficult situation and having to
2 tolerate frustration.

3 BY MS. FUND:

4 Q And is it your testimony that you believe she
5 was frustrated for the entire school year?

6 A Off and on. I mean, she wasn't miserable.

7 Do you mind if I check my phone real quick?

8 MS. FUND: Sure. Let's go off the record.

9 (Recess taken.)

10 BY MS. FUND:

11 Q I just want to make clear for the record that
12 you don't recall making any complaints to Sister Mary
13 Margaret, correct?

14 MR. VASIN: Asked and answered.

15 BY MS. FUND:

16 Q You can answer.

17 A I don't recall.

18 Q Are you aware that Ms. Biel was diagnosed with
19 cancer?

20 A Yes.

21 Q And how did you hear that?

22 A That, I don't remember. I don't remember if it
23 was an assembly or other parents, but I do remember kind
24 of as a whole getting that -- the class getting the
25 news. I don't recall how, though.

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the ____ day of _____, _____,
at _____, _____.
(CITY) (STATE)

MARA WOLFSEN

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the 14 day of June,
at Redondo Beach, CA.
(CITY) (STATE)



MARA WOLFSEN

1 STATE OF CALIFORNIA)
2) ss:
3 COUNTY OF LOS ANGELES)

4 I, JULIE LYNN O'SULLIVAN, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 10444, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

1 I further certify that I am not a relative or
2 employee or attorney or counsel of any of the parties,
3 nor am I a relative or employee of such attorney or
4 counsel, nor am I financially interested in the outcome
5 of this action.

6
7 IN WITNESS WHEREOF, I have subscribed my name
8 this ____ day of _____, ____.

9
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11 _____
12 JULIE LYNN O'SULLIVAN, CSR No. 10444
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ERRATA SHEET

If any corrections to your deposition are necessary, indicate them on this sheet, giving the change, page number, line number and reason for change.

PAGE LINE FROM

TO

11 2 perish parish

Reason misspelling

33 8 Cathy Kathy

Reason misspelling

Reason

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Mara Wolfson 6/14/14
Signature of Deponent Date

JML LAW
A Professional Law Corporation
21052 Oxnard Street
Woodland Hills, CA 91367
(818) 610-8800

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EXHIBIT 4

Plaintiff's Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One

JML LAW

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 21052 OXNARD STREET
 WOODLAND HILLS, CALIFORNIA 91367
 Tel: (818) 610-8800
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D. AARON BROCK, STATE BAR NO. 241919

aaron@jmlaw.com

Attorneys for Plaintiff
 Kristen Biel

UNITED STATES DISTRICT COURT**CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
 California corporation; and
 DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH-AS

Courtroom: 17

*(Assigned for all purposes to the Hon.
 Terry Hatter)*

**PLAINTIFF'S REQUEST TO
 DEFENDANT FOR
 IDENTIFICATION, INSPECTION
 AND PRODUCTION OF
 DOCUMENTS AND TANGIBLE
 ITEMS,
 SET NO. ONE**

Complaint Filed: June 5, 2015

PROPOUNDING PARTY: PLAINTIFF KRISTEN BIEL

**RESPONDING PARTY: DEFENDANT ST. JAMES SCHOOL, A
 CORP**

SET NO.: ONE

Pursuant to the provisions of Federal Rule of Civil Procedure 33, Plaintiff KRISTEN BIEL requests that Defendant ST. JAMES SCHOOL, A CORP. answer the following requests for production under oath and to serve the original responses and documents upon Plaintiff at JML LAW, A Professional Law

Corporation, 21052 Oxnard Street, Woodland Hills, California 91367 within thirty (30) days, pursuant to Federal Rule of Civil Procedure 33(b).

DEFINITIONS

(a) “**DOCUMENTS**” and/or “**WRITINGS**” shall mean any kind of writing, recording or photograph as defined in Rule 1001 of the Federal Rules of Evidence, including the original or a copy of any , including without limitation, electronic, mechanical and magnetic recordings, and any tangible matter containing any information in any form, whatsoever, including, but not limited to papers, agreements, contracts, notes, memoranda, correspondence, letters, telegrams, statements, invoices, record books, reports, studies, minutes, records, books of account, work papers, transcriptions, recordings, tapes, indexes, data sheets, data processing cards, and tapes and printouts of which you have any knowledge or information, whether in your possession or under your control relating to or pertaining in any way to the subject matters in connection with which the terms is used in each request, and includes without limitation originals and all copies unless identical no matter how or by whom prepared, and all drafts prepared in connection with such writings whether used or not. If a document has been prepared and several copies or additional copies have been made that are not identical (or no longer identical) by reason or subsequent notation or other modification of any kind whatever (including, without limitation, notations on the back of pages thereof), each non-identical copy is a separate document.

1. The term “**PERSON**” means and includes natural persons, corporations, partnerships, associations and any other type of entity and the agents, servants, employees and representatives thereof.

2. “**ANYONE ACTING ON YOUR BEHALF**” shall include, but is not limited to, your officers, directors, agents, employees, representatives or investigators whether they be hired or appointed by you, your attorneys or their representatives or a court of law.

1 3. **“ORAL COMMUNICATION”** means and includes any face-to-face
2 conversation, meeting, conference, or telephone conversation.

3 4. **“ACT”** means and includes acts, omissions, and conduct in oral and
4 written communication.

5 5. **“WRITTEN COMMUNICATION”** means and includes any
6 communications by means of a “Document” as herein defined.

7 6. An **“AGENT”** of any given person or entity is any official, director,
8 employee, trustee, officer, attorney, accountant, consultant, servant, limited
9 partner, general partner, or other person or entity that acted or purported to act for
10 or on behalf of or for the benefit of that person or entity.

11 7. **“AND”** and **“OR”** as used herein are both conjunctive and
12 disjunctive.

13 8. **“PLAINTIFF”** as used in this request means KRISTEN BIEL.

14 9. The term **“PERSONNEL FILE”** includes any and all records
15 maintained either in the normal course of business or for any special purpose with
16 respect to the application, course of employment, and termination of any employee
17 of Defendant, and specifically includes applications, disciplinary notices,
18 performance evaluations, employment histories or summaries, records of
19 residential address and telephone numbers, termination notices, job assignments or
20 classification records, compensation, and other similar records. The term
21 **“PERSONNEL FILE”** includes, but is not limited to, all writings with the
22 meaning of Labor Code Section 1198.5.

23 10. **“TERMINATE,” “TERMINATED,”** or **“TERMINATION”** means
24 the separation from employment by an employee of yours, whether the employee is
25 fired, terminated, laid off, voluntarily quits, mutually agrees with you to leave
26 employment or any other end of the employment relationship.

27 11. The term **“ELECTRONIC WRITING”** includes, but is not limited
28 to, any electronic document, e-mail, word processing document, PowerPoint

1 presentation or similar, Excel or similar spreadsheet, and the like stored
2 electronically, and data contained on BlackBerrys, laptops, personal digital
3 assistants ("PDAs"), cell phones, and home computers.

4 12. The term "**YOU**" or "**YOUR**" means Defendant ST. JAMES
5 SCHOOL, A CORP. and any of its supervisors, managers, agents, employees
6 and/or representatives.

7 13. The term "**PERSON**" means and includes natural persons,
8 corporations, partnerships, associations and any other type of entity and the agents,
9 servants, employees and representatives thereof.

10 II.

11 INSTRUCTIONS

12 1. The response to this request to produce documents shall include any
13 and all documents in the possession, custody or control of the individual or entity
14 or their agents to whom this Request for Production is directed. When documents
15 are produced from a source other than said individual or entity, the source of the
16 documents should be designated.

17 2. When responding to these requests for production, you are requested
18 to furnish all documentation known to or in the possession of you, your employees,
19 your attorneys, investigators, agents, representatives, associates and of any other
20 persons acting on your behalf.

21 3. If you know of the existence, past or present, of any documents
22 described in any request for production but are unable to produce such document
23 because it is not presently in your possession, custody or control, you shall so state
24 and identify each document in response to the request for production in question.
25 Accordingly, be prepared to identify the person or persons who have possession,
26 custody or control of the document along with their present addresses and
27 telephone numbers.

28 4. Each document or group of documents produced in response to a

1 request for production shall identify the number of each such request for
2 production or paragraph thereof where applicable.

3 5. If you object to the production, inspection or copying of any
4 document described in this request for production on the ground that such
5 document is protected by the attorney-client privilege or the work-product
6 doctrine, you, in addition to specifying the ground for such objection, shall specify
7 the following information in response to the request for production in question:

8 a. Specify the nature of the document (such as, for example, a letter,
9 telegram, memorandum, etc.).

10 b. State the date, if any, appearing on the document or, if none, the date
11 that such document was prepared.

12 c. Each person, if any, who was an addressee thereof, whether or not the
13 name of such person appears on the document.

14 d. Identify each person who signed, dictated or otherwise participated in
15 the preparation of the documents.

16 e. State whether the documents are still in existence.

17 f. Identify each person presently who has possession, custody or control
18 of the documents. Identify

19 g. Identify each person who has read or examined all or any portion of
20 the documents.

21 h. State the reason or reasons for the preparation of the documents.

22 i. State the location or locations where the documents are prepared.

23 j. If the document was at any time transmitted by one person to another,
24 state their names and location of the person transmitting the document at the time
25 of transmittal and the name and location of the person receiving same, at the time
26 of receipt.

27 k. Describe in general the subject matter of the documents.

28 l. State in detail each fact upon which you base your contention that

1 such documents are protected by the attorney-client privilege and/or work-product
2 doctrine.

3 m. Describe by date, subject matter, author, and type every document
4 which refers to discoveries, analyses, or comments upon it, in whole or in part, or
5 which contains any or all of its content, and state the name and business address of
6 each person who has custody of such other document.

7 III.

8 REQUESTS FOR PRODUCTION

9 1. Defendant's Human Resource Manual as of this date as well as those
10 Human Resource Manuals in effect during the period of Plaintiff's employment by
11 Defendant, specifically any and all chapter or references to the following:

- 12 a. Personnel policies, procedures, and practices;
- 13 b. Severance compensation;
- 14 c. Employee discipline;
- 15 d. Employee termination;
- 16 e. Employee performance review;
- 17 f. Outplacement;
- 18 g. Layoff;
- 19 h. Grievance procedures, policies and practices.

20 2. Any and all **DOCUMENTS** relating to the personnel policies of
21 Defendant for the period during which Plaintiff was employed by Defendant,
22 including but not limited to pamphlets, handbooks, outlines and training materials,
23 and including but not limited to:

- 24 a. Personnel policies, procedures, and practices;
- 25 b. Severance compensation;
- 26 c. Employee discipline;
- 27 d. Employee termination;
- 28 e. Employee performance review;

- f. Outplacement;
- g. Layoff;
- h. Grievance procedures, policies and practices.

3. Any and all manuals, books, treatises, directives, correspondence, notes, memorandum or other **DOCUMENTS** pertaining to promotion, demotion and termination of employees that was in effect during the period of Plaintiff's employment.

4. Any and all manuals, books, treatises, directives, correspondence, notes, memoranda or other **DOCUMENTS** pertaining to Defendant's policies concerning employment discrimination that were in effect during the period of Plaintiff's employment.

5. Any and all employee handbooks and/or manuals produced and distributed to employees during the period of Plaintiff's employment by Defendant.

6. Plaintiff's entire **PERSONNEL FILE**, including but not limited to the file "jacket" or other object used to contain the file and all attachments thereto, and, in addition, any **DOCUMENTS**, records, memoranda, or notes, including but not limited to computer printouts which were part of Plaintiff's personnel file at any time.

7. Any and all **DOCUMENTS** specifying criteria for the evaluation by management of job performance during the period of Plaintiff's employment by Defendant.

8. Any and all **DOCUMENTS** describing the policy of Defendant toward employees whose performance is satisfactory during the period of Plaintiff's employment by Defendant.

9. Any and all **DOCUMENTS** and/or other memoranda regarding **TERMINATION** policies of Defendant during the period of Plaintiff's employment by Defendant.

10. Any and all **DOCUMENTS** including but not limited to company

1 memoranda regarding severance compensation or severance pay, policies and/or
 2 procedures for involuntary termination and layoff of employees during the period
 3 of Plaintiff's employment by Defendant.

4 11. Any and all handbooks given to Plaintiff at any time during the period
 5 of Plaintiff's employment by Defendant.

6 12. Any and all **DOCUMENTS** relating to any commendations, awards,
 7 or recognition of Plaintiff while Plaintiff was employed by Defendant.

8 13. Any and all **DOCUMENTS** not included in Plaintiff's **PERSONNEL**
 9 **FILE** which relate in any way to Plaintiff's performance during the period of
 10 Plaintiff's employment by Defendant, including but not limited to documents
 11 relating to or reflecting job performance, awards to Plaintiff or discipline of
 12 Plaintiff.

13 14. Any and all **DOCUMENTS** not included in Plaintiff's **PERSONNEL**
 14 **FILE** relating in any way to substandard, inadequate, incomplete, or unsatisfactory
 15 performance by Plaintiff during the period of Plaintiff's employment by Defendant.

16 15. The complete contents of any other file or files maintained by
 17 Defendant regarding Plaintiff.

18 16. Any and all **DOCUMENTS** including but not limited to, written or
 19 taped memoranda, evaluations, or comments regarding Plaintiff's job performance
 20 made by superiors or fellow employees from the date of initial employment
 21 inclusive of the date of termination.

22 17. If Defendant contends that the performance of Plaintiff was in any
 23 way unsatisfactory, all **DOCUMENTS** which support that contention.

24 18. All **DOCUMENTS** relating to or reflecting the facts or circumstances
 25 of any actual, apparent or possible failure of Plaintiff to perform Plaintiff's job
 26 duties or substandard job performance by Plaintiff.

27 19. All **DOCUMENTS** evidencing and/or reflecting the reasons for
 28 Plaintiff's **TERMINATION** from employment with Defendant.

20. Any and all **DOCUMENTS** evidencing the terms of employment between Plaintiff and Defendant.

21. Any and all **DOCUMENTS** pertaining to the duties and responsibilities of Plaintiff while employed by Defendant.

22. If Defendant contends that its actions against Plaintiff were taken for business reasons, all **DOCUMENTS** setting forth those business reasons and their application to Plaintiff.

23. A complete list or roster of all of Defendants' employees over the last five years.

24. Any and all copies of emails sent to or from the Plaintiff while employed with responding party.

25. Any and all **DOCUMENTS** evidencing any communication with the California Employment Development Department, California Department of Labor, United States Department of Labor, National Labor Relations Board, California Labor & Workforce Agency, California Department of Fair Employment & Housing, and/or EEOC regarding Plaintiff.

26. Any and all copies of any insurance policies, Declaration pages, tenders of defense, rejections of tenders of defense, reservation of rights letters for any insurance company, broker, agency and/or third party administrator, that may provide insurance coverage for any of the claims set forth in Plaintiff's complaint.

27. Plaintiff's wage statements.

28. All Documents that support your 19th Affirmative Defense, including the nature of accommodating Plaintiff's leave of absence request from May 2014 to January 2015.

///

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///

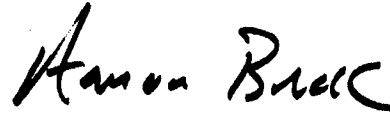
///

1 29. YOUR overall financial resources as of July 2014.

2
3 DATED: August 15, 2015

JML LAW, A Professional Law Corporation

4
5
6 By:



7 JOSEPH M. LOVRETOVICH

8 D. AARON BROCK

9 Attorneys for Plaintiff

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JML LAW
A Professional Law Corporation
21052 Oxnard Street
Woodland Hills, CA 91367
(818) 610-8800

PROOF OF SERVICE
1013a (3) CCP Revised 5/1/88

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF
CALIFORNIA

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, 21052 Oxnard Street, Woodland Hills, CA 91367.

On August 17, 2015 I served the foregoing document described as **PLAINTIFF'S REQUEST TO DEFENDANT FOR IDENTIFICATION, INSPECTION AND PRODUCTION OF DOCUMENTS AND TANGIBLE ITEMS, SET NO. ONE** on the interested parties in this action by placing the original true copies thereof enclosed in a sealed envelope, addressed as follows:

Daniel Sullivan
Nikki Fermin
SULLIVAN, BALLOG & WILLIAMS, LLP
400 N Tustin Ave # 475
Santa Ana, CA 92705
Tel: (714) 541-2121
Fax: (714) 541-2120

Attorneys for Defendant: ST. JAMES SCHOOL, A CORP

☒ By mail, I deposited such envelope(s) in the mail at Woodland Hills, California, with postage thereon fully prepaid.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Woodland Hills, California, 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 the date of deposit for mailing in affidavit.

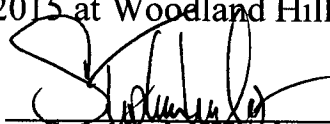
☐ By facsimile, I transmitted such documents from Woodland Hills, California, to the offices of the addressee(s).

☐ By personal service, I delivered such envelope(s) by hand to the office(s) of the addressee(s).

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

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on August 17, 2015 at Woodland Hills, California.


Stephanie Windes

JML LAW
A Professional Law Corporation
21052 Oxnard Street
Woodland Hills, CA 91367
(818) 610-8800

EXHIBIT 5

Plaintiff's Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two

JML LAW

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 WOODLAND HILLS, CALIFORNIA 91367
 Tel: (818) 610-8800
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Cathryn@jmlaw.com

Attorneys for Plaintiff

Kristen Biel

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
 California corporation; and
 DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH-AS
 Courtroom: 17

*(Assigned for all purposes to the Hon.
 Terry Hatter)*

**PLAINTIFF'S REQUEST TO
 DEFENDANT FOR
 IDENTIFICATION, INSPECTION
 AND PRODUCTION OF
 DOCUMENTS AND TANGIBLE
 ITEMS,
 SET NO. TWO**

Complaint Filed: June 5, 2015

PROPOUNDING PARTY: PLAINTIFF KRISTEN BIEL

**RESPONDING PARTY: DEFENDANT ST. JAMES CATHOLIC
 SCHOOL**

SET NO.: TWO

Pursuant to the provisions of Federal Rule of Civil Procedure 33, Plaintiff
 KRISTEN BIEL requests that Defendant ST. JAMES SCHOOL, A CORP. answer
 the following requests for production under oath and to serve the original

1 responses and documents upon Plaintiff at JML LAW, A Professional Law
 2 Corporation, 21052 Oxnard Street, Woodland Hills, California 91367 within thirty
 3 (30) days, pursuant to Federal Rule of Civil Procedure 33(b).

4 DEFINITIONS

5 1. “**DOCUMENTS**” and/or “**WRITINGS**” shall mean any kind
 6 of writing, recording or photograph as defined in Rule 1001 of the Federal Rules of
 7 Evidence, including the original or a copy of any , including without limitation,
 8 electronic, mechanical and magnetic recordings, and any tangible matter
 9 containing any information in any form, whatsoever, including, but not limited to
 10 papers, agreements, contracts, notes, memoranda, correspondence, letters,
 11 telegrams, statements, invoices, record books, reports, studies, minutes, records,
 12 books of account, work papers, transcriptions, recordings, tapes, indexes, data
 13 sheets, data processing cards, and tapes and printouts of which you have any
 14 knowledge or information, whether in your possession or under your control
 15 relating to or pertaining in any way to the subject matters in connection with which
 16 the terms is used in each request, and includes without limitation originals and all
 17 copies unless identical no matter how or by whom prepared, and all drafts prepared
 18 in connection with such writings whether used or not. If a document has been
 19 prepared and several copies or additional copies have been made that are not
 20 identical (or no longer identical) by reason or subsequent notation or other
 21 modification of any kind whatever (including, without limitation, notations on the
 22 back of pages thereof), each non-identical copy is a separate document.

23 2. The term “**PERSON**” means and includes natural persons,
 24 corporations, partnerships, associations and any other type of entity and the agents,
 25 servants, employees and representatives thereof.

26 3. “**ANYONE ACTING ON YOUR BEHALF**” shall include, but is
 27 not limited to, your officers, directors, agents, employees, representatives or
 28 investigators whether they be hired or appointed by you, your attorneys or their

representatives or a court of law.

4. **“ORAL COMMUNICATION”** means and includes any face-to-face conversation, meeting, conference, or telephone conversation.

5. **“ACT”** means and includes acts, omissions, and conduct in oral and written communication.

6. **“WRITTEN COMMUNICATION”** means and includes any communications by means of a “Document” as herein defined.

7. An **“AGENT”** of any given person or entity is any official, director, employee, trustee, officer, attorney, accountant, consultant, servant, limited partner, general partner, or other person or entity that acted or purported to act for or on behalf of or for the benefit of that person or entity.

8. **“AND”** and **“OR”** as used herein are both conjunctive and disjunctive.

9. **“PLAINTIFF”** as used in this request means KRISTEN BIEL.

10. The term **“ELECTRONIC WRITING”** includes, but is not limited to, any electronic document, e-mail, word processing document, PowerPoint presentation or similar, Excel or similar spreadsheet, and the like stored electronically, and data contained on BlackBerrys, laptops, personal digital assistants (“PDAs”), cell phones, and home computers.

11. The term **“YOU”** or **“YOUR”** means Defendant ST. JAMES CATHOLIC SCHOOL and any of its supervisors, managers, agents, employees and/or representatives.

12. The term **“PERSON”** means and includes natural persons, corporations, partnerships, associations and any other type of entity and the agents, servants, employees and representatives thereof.

II.

INSTRUCTIONS

1. The response to this request to produce documents shall include any

JML LAW
 A Professional Law Corporation
 21052 Oxnard Street
 Woodland Hills, CA 91367
 (818) 610-8800

1 and all documents in the possession, custody or control of the individual or entity
 2 or their agents to whom this Request for Production is directed. When documents
 3 are produced from a source other than said individual or entity, the source of the
 4 documents should be designated.

5 2. When responding to these requests for production, you are requested
 6 to furnish all documentation known to or in the possession of you, your employees,
 7 your attorneys, investigators, agents, representatives, associates and of any other
 8 persons acting on your behalf.

9 3. If you know of the existence, past or present, of any documents
 10 described in any request for production but are unable to produce such document
 11 because it is not presently in your possession, custody or control, you shall so state
 12 and identify each document in response to the request for production in question.
 13 Accordingly, be prepared to identify the person or persons who have possession,
 14 custody or control of the document along with their present addresses and
 15 telephone numbers.

16 4. Each document or group of documents produced in response to a
 17 request for production shall identify the number of each such request for
 18 production or paragraph thereof where applicable.

19 5. If you object to the production, inspection or copying of any
 20 document described in this request for production on the ground that such
 21 document is protected by the attorney-client privilege or the work-product
 22 doctrine, you, in addition to specifying the ground for such objection, shall specify
 23 the following information in response to the request for production in question:

24 a. Specify the nature of the document (such as, for example, a letter,
 25 telegram, memorandum, etc.).

26 b. State the date, if any, appearing on the document or, if none, the date
 27 that such document was prepared.

28 c. Each person, if any, who was an addressee thereof, whether or not the

1 name of such person appears on the document.

2 d. Identify each person who signed, dictated or otherwise participated in
3 the preparation of the documents.

4 e. State whether the documents are still in existence.

5 f. Identify each person presently who has possession, custody or control
6 of the documents. Identify

7 g. Identify each person who has read or examined all or any portion of
8 the documents.

9 h. State the reason or reasons for the preparation of the documents.

10 i. State the location or locations where the documents are prepared.

11 j. If the document was at any time transmitted by one person to another,
12 state their names and location of the person transmitting the document at the time
13 of transmittal and the name and location of the person receiving same, at the time
14 of receipt.

15 k. Describe in general the subject matter of the documents.

16 l. State in detail each fact upon which you base your contention that
17 such documents are protected by the attorney-client privilege and/or work-product
18 doctrine.

19 m. Describe by date, subject matter, author, and type every document
20 which refers to discoveries, analyses, or comments upon it, in whole or in part, or
21 which contains any or all of its content, and state the name and business address of
22 each person who has custody of such other document.

23 //

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1 III.

2 **REQUESTS FOR PRODUCTION**

3 30. The results of the Iowa Test of Basic Skills for **YOUR** 6th grade class
4 from 2005 to the present.

5 31. The newsletter detailing which students were on **YOUR** honor roll from
6 2008 to the present.

7 32. Any and all written performance evaluations concerning
8 **PLAINTIFF**.

9 33. Any and all written observation reports concerning **PLAINTIFF**.

10 34. All lesson plans created by **PLAINTIFF**.

11
12
13 DATED: December 4, 2015

JML LAW, A Professional Law Corporation

14
15
16 By: _____

Aaron Brock

17 JOSEPH M. LOVRETOVICH

18 D. AARON BROCK

19 Attorneys for Plaintiff
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PROOF OF SERVICE

1013a (3) CCP Revised 5/1/88

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF
CALIFORNIA

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, 21052 Oxnard Street, Woodland Hills, CA 91367.

On December 4, 2015 I served the foregoing document described as **PLAINTIFF'S REQUEST TO DEFENDANT FOR IDENTIFICATION, INSPECTION AND PRODUCTION OF DOCUMENTS AND TANGIBLE ITEMS, SET NO. TWO** on the interested parties in this action by placing the original true copies thereof enclosed in a sealed envelope, addressed as follows:

Daniel Sullivan
Nikki Fermin
SULLIVAN, BALLOG & WILLIAMS, LLP
400 N Tustin Ave # 475
Santa Ana, CA 92705
Tel: (714) 541-2121
Fax: (714) 541-2120

Attorneys for Defendant: ST. JAMES SCHOOL, A CORP

☒ By mail, I deposited such envelope(s) in the mail at Woodland Hills, California, with postage thereon fully prepaid.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Woodland Hills, California, 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 the date of deposit for mailing in affidavit.

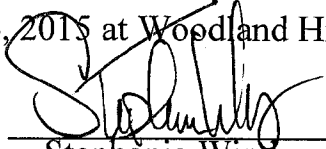
☐ By facsimile, I transmitted such documents from Woodland Hills, California, to the offices of the addressee(s).

☐ By personal service, I delivered such envelope(s) by hand to the office(s) of the addressee(s).

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

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on December 4, 2015 at Woodland Hills, California.


Stephanie Windes

No. 17-55180

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTEN BIEL,

Plaintiff-Appellant,

v.

ST. JAMES SCHOOL, A CORP.,

Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California, Western Division – Los Angeles

D.C. No. 2:15-cv-04248-TJH-AS

The Honorable Terry J. Hatter

APPELLANT’S EXCERPTS OF RECORD

Volume 4 of 5

Pages 329-597

Joseph M. Lovretovich, SBN 73403

Andrew S. Pletcher, SBN 299437

JML LAW, A PROFESSIONAL LAW CORPORATION

21052 Oxnard Street

Woodland Hills, California 91367

Phone: (818) 610-8800

Attorneys for Plaintiff-Appellant Kristen Biel

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| 85 | 10/24/16 | Additional Declaration of Veronica Fermin In Support of Defendant's s Reply Brief to Plaintiff's Opposition to Motion For Summary Judgment Or, In The Alternative, Partial Summary Judgment and Exhibits Thereof | 2 | 87-88 |
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| 85-3 | 10/24/16 | Exhibit C – Deposition of Kristen Biel | 2 | 99-103 |
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| 74 | 10/17/16 | Plaintiff Kristen Biel's Compendium of Evidence in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment Or, In The Alternative, Partial Summary Judgment 1. Declaration of Katherine G. Fund Exhibit 1 – Deposition of Plaintiff Kristen Biel | 3 | 199-287 |
| 75 | 10/17/16 | Plaintiff Kristen Biel's Compendium of Evidence in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment Or, In The Alternative, Partial Summary Judgment 1. Declaration of Katherine G. Fund Exhibit 3 – Deposition of Mara Wolfsen | 3 | 288-328 |

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| | | <p>Exhibit 4 – Plaintiff's Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One</p> <p>Exhibit 5 – Plaintiff's Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two</p> | | |
| 76 | 10/17/16 | <p>Plaintiff Kristen Biel's Compendium of Evidence in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment Or, In The Alternative, Partial Summary Judgment</p> <p>1. Declaration of Katherine G. Fund</p> <p>Exhibit 6 – Pertinent Pages of Defendant's Document Production in Response to Plaintiff's Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146)</p> | 4 | 329-423 |

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| 77 | 10/17/16 | Plaintiff Kristen Biel's Compendium of Evidence in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment Or, In The Alternative, Partial Summary Judgment 1. Declaration of Katherine G. Fund Exhibit 2 – Deposition of Mary Kreuper (Exhibit 2) | 4 | 424-487 |
| 78 | 10/17/16 | Plaintiff Kristen Biel's Compendium of Evidence in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment Or, In The Alternative, Partial Summary Judgment 1. Declaration of Katherine G. Fund Exhibit 2 – Exhibits from the Deposition of Mary Kreuper (Exhibits 3, 6) | 4 | 488-502 |

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| 79 | 10/17/16 | Plaintiff Kristen Biel's Compendium of Evidence in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment Or, In The Alternative, Partial Summary Judgment 1. Declaration of Katherine G. Fund Exhibit 2 – Exhibits from the Deposition of Mary Kreuper (Exhibit 9 – 1 of 2) | 4 | 503-526 |
| 80 | 10/17/16 | Plaintiff Kristen Biel's Compendium of Evidence in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment Or, In The Alternative, Partial Summary Judgment 1. Declaration of Katherine G. Fund Exhibit 2 – Exhibits from the Deposition of Mary Kreuper (Exhibit 9 – 2 of 2) | 4 | 527-553 |

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| 81 | 10/17/16 | Plaintiff Kristen Biel's Compendium of Evidence in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment Or, In The Alternative, Partial Summary Judgment 1. Declaration of Katherine G. Fund Exhibit 2 – Exhibits from the Deposition of Mary Kreuper (Exhibit 10) | 4 | 554-597 |
| 65 | 10/6/16 | Defendant St. James School's Notice of Motion and Motion for Summary Judgment Or, In The Alternative, Partial Summary Judgment; Memorandum of Points and Authorities in Support Thereof | 5 | 598-630 |
| 65-1 | 10/6/16 | Proposed Order | 5 | 631-633 |
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| 66 | 10/6/16 | Defendant's Separate Statement of Uncontroverted Facts and Conclusions of Law | 5 | 636-661 |

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| 67-1/ 67-2 | 10/6/16 | Exhibit A - Declaration of Mary Margaret Kreuper (Part I and II) | 5 | 665-718 |
| 67-3/ 67-4 | 10/6/16 | Exhibit B - Deposition of Kristen Biel (Part I and II) | 5 | 719-780 |
| 67-5/ 67-6 | 10/6/16 | Exhibit C - Deposition of Mary Margaret Kreuper (Part I) | 5 | 781-832 |
| 67-7 | 10/6/16 | Exhibit D - Deposition of Janell O'Dowd | 5 | 833-837 |
| 67-8 | 10/6/16 | Exhibit E - Deposition of Kathleen McDermott | 5 | 838-844 |
| 67-9 | 10/6/16 | Exhibit F - Deposition of Sister Lana Chang | 5 | 845-850 |
| 67-10 | 10/6/16 | Exhibit G - Meet and Confer Letter to Plaintiff's Counsel | 5 | 851-852 |

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| 1 | 6/5/15 | Complaint (Attorney Civil Case Opening) | 5 | 853-862 |
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| / | / | Certificate of Service | 5 | 875 |

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Cathryn@jmlaw.com

Attorneys for Plaintiff
KRISTEN BIEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a

California corporation; and

DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF KRISTEN BIEL'S
COMPENDIUM OF EVIDENCE IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Filed and served concurrently with:

- *Plaintiff's Memorandum of Points & Authorities in Opposition to Defendant's MSJ/PSJ;*
- *Plaintiff's Separate Statement of Controverted & Uncontroverted Facts;*
- *Plaintiff's Request for Judicial Notice.*

Date: Monday, November 7, 2016

Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015

Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby submits the following evidence in support of her Opposition to the Motion for Summary Judgment or, in the Alternative, Party Summary Judgment, filed by Defendant ST. JAMES SCHOOL, A CORP (“Defendant”).

DECLARATIONS:

- Declaration of Cathryn G. Fund

EXHIBITS:

| | |
|----------|--|
| 1 | Relevant Portions of the Deposition of Plaintiff Kristen Biel (November 10, 2015), including relevant exhibits from the deposition. |
| 2 | Relevant Portions of the Deposition of Mary M. Kreuper (November 12, 2015), including relevant exhibits from the deposition. |
| 3 | Relevant Portions of the Deposition of Mara Wolfesen (May 13, 2016). |
| 4 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One that was served on August 17, 2015. |
| 5 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two that was served on December 4, 2015. |
| 6 | Pertinent Pages of Defendant’s documents produced in response to Plaintiff’s Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced to Plaintiff on January 21, 2016. |

///

///

///

1 Respectfully submitted,

2
3 DATED: October 17, 2016 JML LAW, A Professional Law Corporation

4
5 By: /s/ Cathryn Fund

6 JOSEPH M. LOVRETOVICH

7 JARED W. BEILKE

8 CATHRYN FUND

9 Attorneys for Plaintiff Kristen Biel

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DECLARATION OF CATHRYN G. FUND

DECLARATION OF CATHRYN G. FUND

I, Cathryn G. Fund, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California and before this court. I am an associate with the firm JML Law, A Professional Law Corporation, counsel of record for Plaintiff KRISTEN BIEL (“Plaintiff”) in the matter of *Biel v. St. James School, A Corp.*, currently pending before the United States District Court for the Central District of California. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently thereto under oath, if called as a witness.

2. On November 10, 2015, I defended the deposition of Plaintiff in this case, which was taken by Defendant’s counsel. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 1** are true and correct copies of pertinent pages and exhibits from Plaintiff’s deposition, which memorializes Plaintiff’s testimony from her deposition on November 10, 2015.

3. On November 12, 2015, my former colleague D. Aaron Brock, who is no longer with JML Law, took the deposition of Mary Kreuper in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 2** are true and correct copies of pertinent pages and exhibits from Mary Kreuper’s deposition taken on November 12, 2015.

4. On May 13, 2016, I took the deposition of Mara Wolfesen in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 3** are true and correct copies of pertinent pages from Mara Wolfesen’s deposition, which memorializes Ms. Wolfesen’s testimony from her May 13, 2016 deposition.

5. Plaintiff’s lesson plans (Deft Production 59-146) were not identified or produced as part of Defendant’s initial disclosures on September 29, 2015 in response to eight relevant categories of Plaintiff’s Request for Production of Documents, Set No. One (Request Nos. 6, 13, 14, 15, 16, 17, 18, 19), and were not produced prior to the depositions of Kristen Biel on November 10, 2016 and Sister

1 Mary Margaret Kreuper on November 12, 2015. Plaintiff's lesson plans were
2 subsequently produced in response to Plaintiff's Request for Production of
3 Documents, Set No. Two on January 21, 2016.

4 6. Attached as **Exhibit 4** is a true and correct copy of Plaintiff's Request
5 to Defendant for Identification, Inspection and Production of Documents and
6 Tangible Items, Set No. One that was served on August 17, 2015.

7 7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff's Request
8 to Defendant for Identification, Inspection and Production of Documents and
9 Tangible Items, Set No. Two that was served on December 4, 2015.

10 8. Attached as **Exhibit 6** are true and correct copies of the pertinent
11 pages of Defendant's document production in response to Plaintiff's Request for
12 Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced
13 to Plaintiff on January 21, 2016.

14
15 I hereby declare under penalty of perjury, under the laws of the State of
16 California and the United States of America that the foregoing is true and correct,
17 and that this Declaration was executed on October 17, 2016, at Woodland Hills,
18 California.

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20 By: /s/ Cathryn Fund

21 Cathryn G. Fund, Esq.
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EXHIBIT 6

Pertinent Pages of Defendant's Document Production in Response to Plaintiff's Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146)

Week Of: May 19-22-2014

Kristen's last day May 22

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|---|---|---|---|
| Notes: | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT - know and understand how to write a research report | SWBAT - know and understand how to write a research report | SWBAT - know and understand how to write a research report | SWBAT - know and understand how to write a research report | SWBAT - know and understand how to write a research report |
| CCCS | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 462-463 discuss writing a research report | Read p. 464-468, project turtle | Student Council Speeches | Read p. 469-471, discuss seeing like a writer | |
| Assessment | | | | | |
| Homework | | | | | NO SCHOOL |
| Time/Subject | | | | | |
| Objective(s) | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. |
| CCCS | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 323, 7-24 all | Read p. 324, do p. 325, 9-25 all | Diagnostic checkpoint p. 327 | read p. 330-331, do p. 331-332, 9-30 all | |
| Assessment | | | | | |
| Homework | workbook 8-7 | Simple solutions Lesson 75 | Simple solutions Lesson 76 | workbook 8-10 | NO SCHOOL |
| Time/Subject | | | | | |
| Objective(s) | SWBAT - know and understand the spelling words in unit 33 suffixes | SWBAT - know and understand the spelling words in unit 33 suffixes | SWBAT - know and understand the spelling words in unit 33 suffixes | SWBAT - know and understand the spelling words in unit 33 suffixes | SWBAT - know and understand the spelling words in unit 33 suffixes |
| CCCS | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 190-191, read aloud go over definition Do p. 184, 1-20 | Do p. 185, all | Do p. 185, all | Spelling test Unit 33 suffixes | |
| Assessment | do p. 191 | | | | |
| Homework | worksheet 113 | worksheet p. 114 | worksheet p. 115 | | |
| Time/Subject | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |

The Long Path To Freedom and Skill Lesson

NO SCHOOL

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|------------|----------------------------------|----------|---|-----------|
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | NO SCHOOL |
| Activity | Read p. 200-204, discuss density | COMPUTER | Pass out Topic 1 study guide | |
| Assessment | | | Read p. 205-207, do review on p. 207, 1-4 | |
| Homework | | | Topic 1 test next Wednesday | |

Week Of: May 12-16-2014

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Notes:

Time/Subject

| | | | | | | | |
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| SWBAT - know and understand how to use prepositions | | SWBAT - know and understand how to use prepositions | | SWBAT - know and understand how to use prepositions | | SWBAT - know and understand how to use prepositions | |
| Objective(s) | SWBAT - know and understand how to use prepositions | Objective(s) | SWBAT - know and understand how to use prepositions | Objective(s) | SWBAT - know and understand how to use prepositions | Objective(s) | SWBAT - know and understand how to use prepositions |
| CCCS | SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. | CCCS | SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. | CCCS | SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. | CCCS | SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. |
| SLE(s) | 2 a.c., 5 d., 6 a. | SLE(s) | 2 a.c., 5 d., 6 a. | SLE(s) | 2 a.c., 5 d., 6 a. | SLE(s) | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Materials | Language Arts Today, McGraw-Hill | Materials | Language Arts Today, McGraw-Hill | Materials | Language Arts Today, McGraw-Hill |
| Activity | Extra Practice p. 450-451 | Activity | Extra Practice p. 452-453 | Activity | Extra Practice p. 454-455 | Activity | Extra Practice p. 454-455 |
| Assessment | | Assessment | | Assessment | | Assessment | |
| Homework | | Homework | | Homework | | Homework | |
| Pronoun worksheet | | Conjunction worksheet | | Interjections worksheet/study for test | | | |
| Time/Subject | 9:00-10:00 Math | Time/Subject | 9:00-10:00 Math | Time/Subject | 9:00-10:00 Math | Time/Subject | 9:00-10:00 Math |
| SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. Mixed numbers. | | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. Mixed numbers. | | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. Mixed numbers. | | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. Mixed numbers. | |
| Objective(s) | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. Mixed numbers. | Objective(s) | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. Mixed numbers. | Objective(s) | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. Mixed numbers. | Objective(s) | SWBAT - know and understand adding, subtracting, multiplying, and dividing fractions. Mixed numbers. |
| CCCS | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF. 1-7, | CCCS | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF. 1-7, | CCCS | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF. 1-7, | CCCS | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF. 1-7, |
| SLE(s) | 2 a., 5 d., 6 a. | SLE(s) | 2 a., 5 d., 6 a. | SLE(s) | 2 a., 5 d., 6 a. | SLE(s) | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Materials | Scott Foresman book, | Materials | Scott Foresman book, | Materials | Scott Foresman book, |
| Activity | Read p. 311-312, Do p. 312-313, 9-30 all | Activity | Read p. 314, Do p. 315, 1-8 all | Activity | Read p. 316, Do p. 317, 6-20. | Activity | Read p. 318, do p. 319, 7-27 |
| Assessment | | Assessment | | Assessment | | Assessment | |
| Homework | | Homework | | Homework | | Homework | |
| workbook 8-2 | | Simple solutions lesson 73 | | workbook p. 8-4 | | Simple solutions Lesson 74 | |
| Time/Subject | | Time/Subject | | Time/Subject | | Time/Subject | |
| SWBAT - know and understand the spelling words in unit 32 prefixes | | SWBAT - know and understand the spelling words in unit 32 prefixes | | SWBAT - know and understand the spelling words in unit 32 prefixes | | SWBAT - know and understand the spelling words in unit 32 prefixes | |
| Objective(s) | SWBAT - know and understand the spelling words in unit 32 prefixes | Objective(s) | SWBAT - know and understand the spelling words in unit 32 prefixes | Objective(s) | SWBAT - know and understand the spelling words in unit 32 prefixes | Objective(s) | SWBAT - know and understand the spelling words in unit 32 prefixes |
| CCCS | SRF.3, SL.1.2.4 | CCCS | SRF.3, SL.1.2.4 | CCCS | SRF.3, SL.1.2.4 | CCCS | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | SLE(s) | 2 a., 5 d., 6 a. | SLE(s) | 2 a., 5 d., 6 a. | SLE(s) | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Materials | Spelling, McGraw-Hill | Materials | Spelling, McGraw-Hill | Materials | Spelling, McGraw-Hill |
| Activity | Read p. 185-187, pronounce words aloud | Activity | Do p. 188 | Activity | Do p. 189 | Activity | Spelling test Unit 32 |
| Assessment | give definitions, do p. 187 | Assessment | | Assessment | | Assessment | |
| Homework | worksheet 110 | Homework | worksheet p. 111 | Homework | worksheet p. 112 | Homework | |
| Time/Subject | 10:55-11:05 Spanish | Time/Subject | 10:55-11:05 Spanish | Time/Subject | 10:55-11:05 Spanish | Time/Subject | 10:55-11:05 Spanish |
| SWBAT | | SWBAT | | SWBAT | | SWBAT | |
| Objective | SWBAT | Objective | SWBAT | Objective | SWBAT | Objective | SWBAT |
| CCCS | | CCCS | | CCCS | | CCCS | |
| SLE(s) | | SLE(s) | | SLE(s) | | SLE(s) | |
| Materials | | Materials | | Materials | | Materials | |
| Activity | | Activity | | Activity | | Activity | |
| Assessment | | Assessment | | Assessment | | Assessment | |
| Went to Vote | | Went to Vote | | Went to Vote | | Went to Vote | |
| SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 | | SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 | | SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 | | SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 | |
| Test I Want to Vote | | Test I Want to Vote | | Test I Want to Vote | | Test I Want to Vote | |

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| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | HANDS ON ART |
| Activity | Chapter 5 Matter; Read p. 194-197, discuss | COMPUTER | Do "Float your Boat" experiment | |
| Assessment | mass, volume and weight | | | |
| Homework | | | | |

Week Of: May 5-9-2014

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|--|--|--|--|
| Notes: | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions |
| CCCS | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 440-441, do p. 441, 6-20 | Review prepositions, worksheets | Do Unit Checkup p. 444-445, 1-7 | Extra practice p. 448-449 | Test prepositions Unit 13 |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT - know and understand factors and divisibility | SWBAT - know and understand factors and divisibility | SWBAT - know and understand factors and divisibility | SWBAT - know and understand factors and divisibility | SWBAT - know and understand factors and divisibility |
| CCCS | 5.OA.1, 5.NTB.1.3.5, 6, 7, 5NF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, 5NF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, 5NF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, 5NF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, 5NF, 1-7, |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Do Chapter 7 practice test p. 291 | Read p. 260-262, do p. 262, 8-22 all | Chapter 7 test | Chapter 8 Read p. 308-309, do p. 309, 14-31 Read p. 311-313, do p. 312, # 9-30 | Chapter 8 Read p. 311-313, do p. 312, # 9-30 |
| Assessment | Simple solutions Lesson 73 | Study for test | | | |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT - know and understand the spelling words in unit 31 prefixes | SWBAT - know and understand the spelling words in unit 31 prefixes | SWBAT - know and understand the spelling words in unit 31 prefixes | SWBAT - know and understand the spelling words in unit 31 prefixes | SWBAT - know and understand the spelling words in unit 31 prefixes |
| CCCS | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 182-183, do p. 183, 1-20, 1-8 | Do p. 184, 1-20 | Do p. 185, all | Spelling test Unit 31 | Read p. 186, say words aloud, review meanings |
| Assessment | | | | | |
| Homework | worksheet 106-107 | worksheet p. 108 | worksheet p. 109 | | |
| Time/Subject | 10:05-11:05 Spanish | 10:05-11:05 Spanish | 10:05-11:05 Spanish | 10:05-11:05 Spanish | 10:05-11:05 Spanish |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
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| Homework | | 11:25-12:10 Social Studies | |
| Time/Subject | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story |
| Objective | The Memory Box and still lesson summarizing. | The Memory Box and still lesson summarizing. | The Memory Box and still lesson summarizing. |
| CCCS | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, 5SL.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, 5SL.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, 5SL.1.2 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Reading Fantastic Voyage | Reading Fantastic Voyage | American Will Be |
| Activity | Read p. 456-469, review vocabulary | Test review The Memory Box | Read p. 224-228, do review #1-4 |
| Assessment | workbook p. 1192 | workbook 1195-196 | pass out worksheet Lesson 3 |
| Homework | | | |
| Time/Subject | | 11:10-12:30 Science | |
| Objective | SWBAT | SWBAT | SWBAT |
| CCCS | SR.3, 5L.1.2.4 | SR.3, 5L.1.2.4 | SR.3, 5L.1.2.4 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | MUSIC | MUSIC | weather patterns, and layers of the atmosphere. |
| Activity | MUSIC | MUSIC | |
| Assessment | MUSIC | | |
| Homework | | | NO SCHOOL |
| Time/Subject | | 11:10-12:30 Social Studies | |
| Objective | SWBAT - know and understand the meaning behind becoming a Catholic | SWBAT - know and understand the meaning behind becoming a Catholic | SWBAT - know and understand the meaning behind becoming a Catholic |
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | Coming to God's Life | Coming to God's Life | Chapter 27 test |
| Materials | Read p. 250-251, do activity on p. 251 | Read p. 254-255, do chapter review p. 255 | HANDS ON ART |
| Activity | | | |
| Assessment | | | |
| Homework | | | |
| Time/Subject | | 1:45-2:30 Social Studies | |
| Objective | SWBAT - know and understand life in the Middle Colonies | SWBAT - know and understand life in the Middle Colonies | SWBAT |
| CCCS | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Art Project |
| SLE(s) | American Will Be | American Will Be | |
| Materials | Read p. 213-215, discuss immigration | Read p. 216-219, do review #1-4 | HANDS ON ART |
| Activity | | Lesson 2 | |
| Assessment | | | |
| Homework | | | |
| Time/Subject | | 2:30-3:10 Science | |
| Objective | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. |
| CCCS | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | Art Project |
| SLE(s) | | | |

| | | | | | |
|---|--|----------------------|--|-------------------------------------|--------------|
| Materials Activity Assessment Homework | Science, McGraw-Hill Work on unit 3 study guide | COMPUTER COMPUTER | Science, McGraw-Hill unit 3 test review | Science, McGraw-Hill Unit 3 test | HANDS ON ART |
|---|--|----------------------|--|-------------------------------------|--------------|

Week Of: April 28-May 2-2014

Days of the Week Monday

Notes:

Time/Subject

Tuesday

Wednesday

Thursday

Friday

| | | | | | | | |
|--|--|---|--|--|--|--|--|
| SWBAT - know and understand how to use prepositions SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. 2 a.c., 5 d., 6 a. Language Arts Today, McGraw-Hill Read p. 430-431, do p. 431, 6-20 Glencoe p. 149-150 | | SWBAT - know and understand how to use prepositions SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. 2 a.c., 5 d., 6 a. Language Arts Today, McGraw-Hill Read p. 432-433, do p. 433, 6-20 Glencoe p. 151-152 | | SWBAT - know and understand how to use prepositions SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. 2 a.c., 5 d., 6 a. Language Arts Today, McGraw-Hill Read p. 436-437 do p. 437, 6-20 Glencoe p. 161-162 | | SWBAT - know and understand how to use prepositions SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. 2 a.c., 5 d., 6 a. Language Arts Today, McGraw-Hill Read p. 438-439, do p. 439, 6-20 | |
| Objective(s) CCCS SLE(s) Materials Activity Assessment Homework | | Objective(s) CCCS SLE(s) Materials Activity Assessment Homework | | Objective(s) CCCS SLE(s) Materials Activity Assessment Homework | | Objective(s) CCCS SLE(s) Materials Activity Assessment Homework | |
| Time/Subject 9:00-10:00 Math | | Time/Subject 9:00-10:00 Math | | Time/Subject 9:00-10:00 Math | | Time/Subject 9:00-10:00 Math | |
| SWBAT - know and understand factors and divisibility and fractions 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, 2 a., 5 d., 6 a. Scott Foresman book, Read p. 282-283, do p. 283, 8-30 workbook p. 7-11 | | SWBAT - know and understand factors and divisibility and fractions 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, 2 a., 5 d., 6 a. Scott Foresman book, Read p. 284-285, do p. 285, #9-22 workbook p. 7-12 | | SWBAT - know and understand factors and divisibility and fractions 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, 2 a., 5 d., 6 a. Scott Foresman book, Read p. 288-289, do p. 289, 1-11 Simple Solutions Lesson 71 | | SWBAT - know and understand factors and divisibility and fractions 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, 2 a., 5 d., 6 a. Scott Foresman book, Do Diagnostic Checkpoint p. 290 | |
| SWBAT - know and understand the spelling words in unit 25-29, review SRF.3, SL.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Do p. 168 | | SWBAT - know and understand the spelling words in unit 25-29, review SRF.3, SL.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Do p. 170-171 worksheet p. 103-104 | | SWBAT - know and understand the spelling words in unit 25-29, review SRF.3, SL.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Do p. 170-171 worksheet p. 105-106 | | SWBAT - know and understand the spelling words in unit 25-29, review SRF.3, SL.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Do p. 192, say words aloud, explain meaning Heart of a runner and skill lesson summarizing. SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 | |
| Objective CCCS SLE(s) Materials Activity Assessment Homework | | Objective CCCS SLE(s) Materials Activity Assessment Homework | | Objective CCCS SLE(s) Materials Activity Assessment Homework | | Objective CCCS SLE(s) Materials Activity Assessment Homework | |
| Time/Subject 10:55-11:25 Spanish | | Time/Subject 10:55-11:25 Spanish | | Time/Subject 10:55-11:25 Spanish | | Time/Subject 10:55-11:25 Spanish | |
| SWBAT | | SWBAT | | SWBAT | | SWBAT | |

Remember about things -
do this -

[illegible]

| | | | | | |
|------------------------------------|------------------------------|----------|-------------------|--------------|-----------|
| Activity Assessment Homework | Pass out topic 4 study guide | COMPUTER | review of topic 4 | Topic 4 quiz | NO SCHOOL |
|------------------------------------|------------------------------|----------|-------------------|--------------|-----------|

Week Of: April 14-17-2014

Days of the Week **Monday**

Notes:

| Time/Subject | Monday | Tuesday | Wednesday | Thursday | Friday |
|--------------|--|--|--|--|--|
| Objective(s) | SWBAT - know and understand how to write an adventure story | SWBAT - know and understand how to write an adventure story | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions |
| CCCS | SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, SL.1.2.3.4, 5.W.1.2.3.4.5. |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 418-419, work on speaking and listen Do unit checkup p. 424 | Read p. 418-419, work on speaking and listen Do unit checkup p. 424 | Read p. 418-419, work on speaking and listen Do unit checkup p. 424 | Read p. 418-419, work on speaking and listen Do unit checkup p. 424 | Read p. 418-419, work on speaking and listen Do unit checkup p. 424 |
| Assessment | return rough drafts, work on final draft | return rough drafts, work on final draft | return rough drafts, work on final draft | return rough drafts, work on final draft | return rough drafts, work on final draft |
| Homework | Glencoe p. 139-140 | Glencoe p. 139-140 | Glencoe p. 139-140 | Glencoe p. 139-140 | Glencoe p. 139-140 |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT - know and understand factors and divisibility | SWBAT - know and understand factors and divisibility | SWBAT - know and understand factors and divisibility | SWBAT - know and understand factors and divisibility | SWBAT - know and understand factors and divisibility |
| CCCS | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 276-277, do p. 277, 8-29 | Read p. 276-277, do p. 277, 8-29 | Read p. 276-277, do p. 277, 8-29 | Read p. 276-277, do p. 277, 8-29 | Read p. 276-277, do p. 277, 8-29 |
| Assessment | workbook p. 7-8 | workbook p. 7-8 | workbook p. 7-8 | workbook p. 7-8 | workbook p. 7-8 |
| Homework | | | | | |
| Time/Subject | 10:00-11:00 Math | 10:00-11:00 Math | 10:00-11:00 Math | 10:00-11:00 Math | 10:00-11:00 Math |
| Objective(s) | SWBAT - know and understand the spelling words in unit 29, unstressed syllables | SWBAT - know and understand the spelling words in unit 29, unstressed syllables | SWBAT - know and understand the spelling words in unit 29, unstressed syllables | SWBAT - know and understand the spelling words in unit 29, unstressed syllables | SWBAT - know and understand the spelling words in unit 29, unstressed syllables |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 164-165, do p. 165, 1-20 | Read p. 164-165, do p. 165, 1-20 | Read p. 164-165, do p. 165, 1-20 | Read p. 164-165, do p. 165, 1-20 | Read p. 164-165, do p. 165, 1-20 |
| Assessment | worksheet p. 98 | worksheet p. 98 | worksheet p. 98 | worksheet p. 98 | worksheet p. 98 |
| Homework | | | | | |
| Time/Subject | 10:00-11:00 Spanish | 10:00-11:00 Spanish | 10:00-11:00 Spanish | 10:00-11:00 Spanish | 10:00-11:00 Spanish |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |

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| Activity | Read p. 132-136, discuss science words | COMPUTER | Read p. 137-143, do review on p. 143, #1-5 ART PROJECT/ magazine cross | NO SCHOOL |
|------------|--|----------|--|-----------|
| Assessment | | | | |
| Homework | | | | |

Week Of: April 7-11-2014

Days of the Week: Monday

Notes:

Time/Subject

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

Objective

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Monday

Tuesday

Wednesday

Thursday

Friday

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Work on rough draft; adventure story

Assessment

Homework

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read 413-414, revise story, change vivid verbs and adjectives, peer edit

Assessment

Homework

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 266-267, do p. 267, 7-23

workbook p. 7-4

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 272-273, do p. 273, 6-23

workbook 7-6

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SRF.3, 5L.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 160-161, do p. 161, 1-20, 1-8

worksheet 95

worksheet p. 96

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

Monday

Tuesday

Wednesday

Thursday

Friday

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Work on rough draft; adventure story

Assessment

Homework

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read 413-414, revise story, change vivid verbs and adjectives, peer edit

Assessment

Homework

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 272-273, do p. 273, 6-23

workbook 7-6

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 274-275 do p. 275, # 5-22

workbook 7-6

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SRF.3, 5L.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 164, say words aloud, give meanings

worksheet p. 97

worksheet p. 96

SWBAT

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SWBAT

SWBAT

Monday

Tuesday

Wednesday

Thursday

Friday

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Work on rough draft; adventure story

Assessment

Homework

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read 413-414, revise story, change vivid verbs and adjectives, peer edit

Assessment

Homework

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 272-273, do p. 273, 6-23

workbook 7-6

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 274-275 do p. 275, # 5-22

workbook 7-6

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SRF.3, 5L.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 164, say words aloud, give meanings

worksheet p. 97

worksheet p. 96

SWBAT

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SWBAT

SWBAT

Monday

Tuesday

Wednesday

Thursday

Friday

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Work on rough draft; adventure story

Assessment

Homework

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read 413-414, revise story, change vivid verbs and adjectives, peer edit

Assessment

Homework

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 272-273, do p. 273, 6-23

workbook 7-6

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 274-275 do p. 275, # 5-22

workbook 7-6

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SRF.3, 5L.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 164, say words aloud, give meanings

worksheet p. 97

worksheet p. 96

SWBAT

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SWBAT

SWBAT

Monday

Tuesday

Wednesday

Thursday

Friday

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Work on rough draft; adventure story

Assessment

Homework

SWBAT - know and understand how to write an adventure story

SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read 413-414, revise story, change vivid verbs and adjectives, peer edit

Assessment

Homework

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 272-273, do p. 273, 6-23

workbook 7-6

SWBAT - know and understand factors and divisibility and fractions

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 274-275 do p. 275, # 5-22

workbook 7-6

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SRF.3, 5L.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 164, say words aloud, give meanings

worksheet p. 97

worksheet p. 96

SWBAT

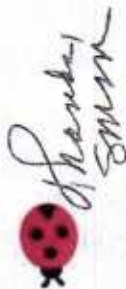
SWBAT

SWBAT

SWBAT

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| | | | | |
|------------|-------------------------------------|---------------------------------|---|--------------|
| Activity | Read p. 120-125, work on worksheets | COMPUTER Test Review Topic 2 | Read p. 126-129, do review # 1-5 Test review | HANDS ON ART |
| Assessment | | | | |
| Homework | | | | |



Week Of: April 14-2014

Days of the Week

Monday

Notes:

Time/Subject

Tuesday

Wednesday

Thursday

Friday

| | | | | | | | |
|--|--|---|--|--|--|--|--|
| SWBAT - know and understand how to write an adventure story SRF.3, 5L.1.2.3.4, 5W.1.2.3.4.5. 2 a.c., 5 d., 6 a. Language Arts Today, McGraw-Hill Read p. 404-407 writing an adventure story brainstorm, create checklist, choose topic | | SWBAT - know and understand how to write an adventure story SRF.3, 5L.1.2.3.4, 5W.1.2.3.4.5. 2 a.c., 5 d., 6 a. Language Arts Today, McGraw-Hill Read p. 410-411, independent writing adventure story | | SWBAT - know and understand how to write an adventure story SRF.3, 5L.1.2.3.4, 5W.1.2.3.4.5. 2 a.c., 5 d., 6 a. Language Arts Today, McGraw-Hill Read p. 412-413, how to write a first draft | | SWBAT - know and understand how to write an adventure story SRF.3, 5L.1.2.3.4, 5W.1.2.3.4.5. 2 a.c., 5 d., 6 a. Language Arts Today, McGraw-Hill Read p. 412-413, how to write a first draft | |
| Objective(s) CCCS | | Objective(s) CCCS | | Objective(s) CCCS | | Objective(s) CCCS | |
| SLE(s) | | SLE(s) | | SLE(s) | | SLE(s) | |
| Materials | | Materials | | Materials | | Materials | |
| Activity | | Activity | | Activity | | Activity | |
| Assessment | | Assessment | | Assessment | | Assessment | |
| Homework | | Homework | | Homework | | Homework | |
| Time/Subject | | Time/Subject | | Time/Subject | | Time/Subject | |
| SWBAT - know and understand factors and divisibility 5.OA.1, 5.NTB 1.3.5, 6, 7, SNF, 1-7, 2 a., 5 d., 6 a. Scott Foresman book, Prime factorization worksheet and review prime factorization worksheet | | SWBAT - know and understand factors and divisibility 5.OA.1, 5.NTB 1.3.5, 6, 7, SNF, 1-7, 2 a., 5 d., 6 a. Scott Foresman book, Do cumulative review p. 263, correct BE SURE TO TAKE GRADES - | | SWBAT - know and understand factors and divisibility 5.OA.1, 5.NTB 1.3.5, 6, 7, SNF, 1-7, 2 a., 5 d., 6 a. Scott Foresman book, Read p. 264-265, Common factors and GCF worksheet 7-3 | | SWBAT - know and understand factors and divisibility 5.OA.1, 5.NTB 1.3.5, 6, 7, SNF, 1-7, 2 a., 5 d., 6 a. Scott Foresman book, GCF worksheet, extra practice | |
| Objective(s) CCCS | | Objective(s) CCCS | | Objective(s) CCCS | | Objective(s) CCCS | |
| SLE(s) | | SLE(s) | | SLE(s) | | SLE(s) | |
| Materials | | Materials | | Materials | | Materials | |
| Activity | | Activity | | Activity | | Activity | |
| Assessment | | Assessment | | Assessment | | Assessment | |
| Homework | | Homework | | Homework | | Homework | |
| Time/Subject | | Time/Subject | | Time/Subject | | Time/Subject | |
| SWBAT - know and understand the spelling words in unit 27, el and en sounds SRF.3, 5L.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Read p. 156-157, do p. 157 1-20, 1-8 worksheet 92 | | SWBAT - know and understand the spelling words in unit 27, el and en sounds SRF.3, 5L.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Do p. 158, 1-20 worksheet p. 93 | | SWBAT - know and understand the spelling words in unit 27, el and en sounds SRF.3, 5L.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Spelling test Unit 27 | | SWBAT - know and understand the spelling words in unit 27, el and en sounds SRF.3, 5L.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Read p. 160, say words aloud, and explain meanings | |
| Objective CCCS | | Objective CCCS | | Objective CCCS | | Objective CCCS | |
| SLE(s) | | SLE(s) | | SLE(s) | | SLE(s) | |
| Materials | | Materials | | Materials | | Materials | |
| Activity | | Activity | | Activity | | Activity | |
| Assessment | | Assessment | | Assessment | | Assessment | |
| Homework | | Homework | | Homework | | Homework | |
| Time/Subject | | Time/Subject | | Time/Subject | | Time/Subject | |
| SWBAT - know and understand the spelling words in unit 27, el and en sounds SRF.3, 5L.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Yang's First Thanksgiving and skill lesson | | SWBAT - know and understand the spelling words in unit 27, el and en sounds SRF.3, 5L.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Yang's First Thanksgiving and skill lesson | | SWBAT - know and understand the spelling words in unit 27, el and en sounds SRF.3, 5L.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Yang's First Thanksgiving and skill lesson | | SWBAT - know and understand the spelling words in unit 27, el and en sounds SRF.3, 5L.1.2.4 2 a., 5 d., 6 a. Spelling, McGraw-Hill Yang's First Thanksgiving and skill lesson | |

[illegible]

| | | | | | |
|------------|---------------------|----------|------------------|---|-----------|
| Activity | Topic 2 test review | COMPUTER | Quiz for topic 2 | Read p. 120, review science words make flash cards | NO SCHOOL |
| Assessment | | | | | |
| Homework | | | | | |

Week Of: March 24-28-2014

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Notes:

Time/Subject

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 374-375, do p. 375, 5-20 all

Glencoe p. 139-140

7:00-7:40 Math

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

SWBAT - know and understand factors and divisibility

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 258-259, do p. 259, 8-29 all

workbook p. 7-1

7:40-8:00 Math

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

SWBAT - know and understand the spelling words in unit 26, the /er/ sounds.

SRF.3, SL.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 152-153, do p. 153 core and content Do p. 154, 1-20

worksheet 89

10:55-11:05 Spanish

Objective

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

SWBAT

10:55-11:05 Spanish

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 376-377, do p. 377, 6-20

Glencoe p. 143-144

8:00-8:40 Math

SWBAT - know and understand factors and divisibility

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 264-265, Do p. 265, 6-21 all

workbook 7-3

8:40-9:00 Math

SWBAT - know and understand the spelling words in unit 26, the /er/ sounds.

SRF.3, SL.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 155, 1-20 core, 1-8 content, 1-6 review

worksheet p. 91

10:55-11:05 Spanish

SWBAT

10:55-11:05 Spanish

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

384-387, Sections A only

Glencoe p. 145

9:00-9:40 Math

SWBAT - know and understand factors and divisibility

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 266-267, Do p. 267, 7-23 all

workbook 7-4

9:40-10:00 Math

SWBAT - know and understand the spelling words in unit 26, the /er/ sounds.

SRF.3, SL.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 26

Spelling test Unit 26

10:55-11:05 Spanish

SWBAT

10:55-11:05 Spanish

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Do Unit Checkup p. 380-381 1-7

Glencoe p. 145

9:00-9:40 Math

SWBAT - know and understand factors and divisibility

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 266-267, Do p. 267, 7-23 all

workbook 7-4

9:40-10:00 Math

SWBAT - know and understand the spelling words in unit 26, the /er/ sounds.

SRF.3, SL.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 26

Spelling test Unit 26

10:55-11:05 Spanish

SWBAT

10:55-11:05 Spanish

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Unit 6 test - adverbs

Unit 6 test - adverbs

Glencoe p. 145

9:00-9:40 Math

SWBAT - know and understand factors and divisibility

5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Simple Solutions Lessons 68-69

2

9:40-10:00 Math

SWBAT - know and understand the spelling words in unit 26, the /er/ sounds.

SRF.3, SL.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read unit 27 words say aloud

explain meanings

10:55-11:05 Spanish

SWBAT

10:55-11:05 Spanish

-Lighter color.

-Lighter color.

Please use lighter colored lines. Thanks.

| | | | | | |
|--------------|---|---|---|---|--|
| Time/Subject | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | 11:25-12:10 Social Studies |
| Objective | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | SWBAT - know and understand life in the New England Colonies |
| CCCS | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Reading Fantastic Voyage | Reading Fantastic Voyage | Reading Fantastic Voyage | Reading Fantastic Voyage | American Will Be |
| Activity | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Give out worksheets, work on them with row partner |
| Assessment | make flash cards | make flash cards | make flash cards | make flash cards | |
| Homework | workbook p. 142 | workbook p. 145-146 | workbook p. 147-148 | workbook p. 147-148 | |
| Time/Subject | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | 12:10-12:30 Science |
| Objective | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | weather patterns, and layers of the atmosphere. |
| CCCS | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | MUSIC | MUSIC | MUSIC | MUSIC | Science, McGraw-Hill |
| Activity | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Do p. 129 1-5 |
| Assessment | make flash cards | make flash cards | make flash cards | make flash cards | |
| Homework | workbook p. 142 | workbook p. 145-146 | workbook p. 147-148 | workbook p. 147-148 | |
| Time/Subject | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | 12:30-1:10 Social Studies |
| Objective | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | know and understand the meaning behind becoming a Catholic |
| CCCS | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | MUSIC | MUSIC | MUSIC | MUSIC | Coming to God's Life |
| Activity | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Chapter 22, read p. 200-201 |
| Assessment | make flash cards | make flash cards | make flash cards | make flash cards | Do exercise on p. 201 |
| Homework | workbook p. 142 | workbook p. 145-146 | workbook p. 147-148 | workbook p. 147-148 | |
| Time/Subject | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | 1:15-2:30 Social Studies |
| Objective | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | know and understand life in the New England Colonies |
| CCCS | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | MUSIC | MUSIC | MUSIC | MUSIC | Coming to God's Life |
| Activity | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Chapter 22, read p. 200-201 |
| Assessment | make flash cards | make flash cards | make flash cards | make flash cards | Do exercise on p. 201 |
| Homework | workbook p. 142 | workbook p. 145-146 | workbook p. 147-148 | workbook p. 147-148 | |
| Time/Subject | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | 2:30-3:10 Science |
| Objective | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | weather patterns, and layers of the atmosphere. |
| CCCS | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a.b.d.e., 4c., 5d., 6a.b.c. |
| Materials | MUSIC | MUSIC | MUSIC | MUSIC | Science, McGraw-Hill |
| Activity | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | |
| Assessment | make flash cards | make flash cards | make flash cards | make flash cards | |
| Homework | workbook p. 142 | workbook p. 145-146 | workbook p. 147-148 | workbook p. 147-148 | |
| Time/Subject | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story | 3:15-3:55 Art |
| Objective | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Babe to the Rescue and skill lesson summarizing | Art Project |
| CCCS | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | SR.1.2.3.5.6, SR.2.5.6.8, SR.3.4, SS.1.1.2 | |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | NO SCHOOL |
| Materials | MUSIC | MUSIC | MUSIC | MUSIC | |
| Activity | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | Read p. 328-344 | |
| Assessment | make flash cards | make flash cards | make flash cards | make flash cards | |
| Homework | workbook p. 142 | workbook p. 145-146 | workbook p. 147-148 | workbook p. 147-148 | |

| Activity | Work on studyguide topic 2 | COMPUTER Test Review Topic 2 | Test for topic 2 | Read p. 120-129, discuss clouds | NO SCHOOL |
|------------|----------------------------|---------------------------------|------------------|---------------------------------|-----------|
| Assessment | | | | | |
| Homework | | | | | |

Week Of: March 17-21-2014

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Notes:

Time/Subject

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 365-366, do p. 367, 1-15 all

Glencoe # 131-132

March 17-18-19

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 368-369, do p. 369, 6-20 all

Glencoe # 135-136

March 19-20

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 370-371, do p. 371, 6-20 all

Glencoe # 137-138

March 20-21

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 372-373, do p. 373, 6-20 all

Glencoe # 139-140

March 22-23

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 365-366, do p. 367, 1-15 all

Glencoe # 131-132

March 17-18

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 368-369, do p. 369, 6-20 all

Glencoe # 135-136

March 19-20

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 370-371, do p. 371, 6-20 all

Glencoe # 137-138

March 20-21

SWBAT - know and understand how to use adverbs

SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 372-373, do p. 373, 6-20 all

Glencoe # 139-140

March 22-23

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

SWBAT - know and understand the spelling words of Unit 25 Unstressed syllables with /e/

SRF.3, SL.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 148-149, say words aloud

explain meanings and do p. 149 Core and content / workbook p. 86

worksheet p. 87

March 24-25

SWBAT - know and understand the spelling words of Unit 25 Unstressed syllables with /e/

SRF.3, SL.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 151, 1-20 core, 1-8 content, 1-6 review

worksheet p. 88

March 26-27

SWBAT - know and understand the spelling words of Unit 25 Unstressed syllables with /e/

SRF.3, SL.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 25

review

March 28-29

SWBAT - know and understand the spelling words of Unit 25 Unstressed syllables with /e/

SRF.3, SL.1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Review unit 26 words, say aloud and explain meaning

March 30-31

Objective

CCCS

SLE(s)

Materials

Activity

Assessment

SWBAT

SRF.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2

2 a. b. c., 5 d.

From Bees To Honey and understand Text

From Bees To Honey Reading Test

March 31



Thank you!
Happy St. Patrick's
Day!
Ann

| | | | |
|--------------|--|--|---|
| Homework | Time/Subject | 11:25-12:10 | Social Studies |
| Objective | SWBAT - know and understand the story | SWBAT - know and understand the story | SWBAT - know and understand the story |
| CCCS | From Bees to Honey and understand Text Structure | From Bees to Honey and understand Text Structure | From Bees to Honey and understand Text Structure |
| SLE(s) | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| Materials | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Activity | Reading Fantastic Voyage | Reading Fantastic Voyage | Reading Fantastic Voyage |
| Assessment | Read p. 308-321 | Read p. 308-321 | Read p. 308-321 |
| Homework | make flash cards | make flash cards | make flash cards |
| Homework | workbook p. 132 | workbook p. 132-136 | workbook p. 137-138 |
| Time/Subject | 12:10-12:50 | 12:10-12:50 | 12:10-12:50 |
| Objective | SWBAT | SWBAT | SWBAT |
| CCCS | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | | | |
| Activity | DEAR TIME READING JOURNEY | DEAR TIME READING JOURNEY | DEAR TIME READING JOURNEY |
| Assessment | | | |
| Homework | | | Finish worksheets with row partner |
| Time/Subject | 1:45-2:30 | 1:45-2:30 | 1:45-2:30 |
| Objective | SWBAT - know and understand Mission | SWBAT - know and understand Mission | SWBAT - know and understand Mission |
| CCCS | Week Respect For Different Faiths. | Week Respect For Different Faiths. | Week Respect For Different Faiths. |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Journey With Jesus Mission Education pack | Journey With Jesus Mission Education pack | Journey With Jesus Mission Education pack |
| Activity | What is Faith? Play section 1 of video. | Respect for Prayer/Part 3 activity | Mission Week video |
| Assessment | Create Golden Rule paper Section C p. 17 | do the prayer acrostic puzzle and decorate | Missionary Stories Video pt. 4 |
| Homework | Do word find | Do crossword puzzle | Make afimbros with butcher paper |
| Time/Subject | 2:30-3:10 | 2:30-3:10 | 2:30-3:10 |
| Objective | SWBAT - know and understand Life in the | SWBAT - know and understand Life in the | SWBAT |
| CCCS | English Colonies | English Colonies | English Colonies |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. |
| Materials | COMPUTER | American Will Be | Art Project |
| Activity | Pass out and work on Chapter 7 study guide | work on Chapter 7 study guides | Chapter 7 test review, do Chapter review or NO SCHOOL |
| Assessment | Finish worksheets | | p. 176-177, Review terms A, B, Review |
| Homework | | | skills 1-3, Critical thinking #1 |
| Time/Subject | 3:10-3:50 | 3:10-3:50 | 3:10-3:50 |
| Objective | SWBAT - know and understand weather, | SWBAT - know and understand weather, | SWBAT - know and understand weather, |
| CCCS | weather patterns, and layers of the atmosphere. | weather patterns, and layers of the atmosphere. | weather patterns, and layers of the atmosphere. |

| | | | |
|------------|--------------------------------------|--|-------------|
| SLE(s) | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | Art Project |
| Materials | Science, McGraw-Hill | Science, McGraw-Hill | |
| Activity | Read p. 110-117, discuss evaporation | Pass out worksheets, work with row partner | NO SCHOOL |
| Assessment | | | |
| Homework | | Do p. 117, 1-5 | |
| | | Pass out Topic 2 study guide | |
| | | Test Next Wednesday 3/26 | |

[illegible]

| Activity | Work on study guide topic 1-2 | COMPUTER | Test review for topic 1-2 | quiz for topic 1-2 | NO SCHOOL |
|------------|-------------------------------|----------|---------------------------|--------------------|-----------|
| Assessment | | | | | |
| Homework | | | | | |

Week Of: March 3-7-2014

Days of the Week: Monday

Notes:

Time/Subject

Objective(s)
CCCS
SLE(s)
Materials
Activity
Assessment
Homework

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 330-331, discuss elements to a persuasive essay

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 337, brainstorm essay ideas

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 340-341, discuss facts and opinions

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 342-343, start a checklist and graphic organizer.

Tuesday

Wednesday

Thursday

Friday

Time/Subject

Objective(s)
CCCS
SLE(s)
Materials
Activity
Assessment
Homework

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 330-331, discuss elements to a persuasive essay

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 337, brainstorm essay ideas

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 340-341, discuss facts and opinions

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 342-343, start a checklist and graphic organizer.

Time/Subject

Objective(s)
CCCS
SLE(s)
Materials
Activity
Assessment
Homework

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 330-331, discuss elements to a persuasive essay

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
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SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 340-341, discuss facts and opinions

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 342-343, start a checklist and graphic organizer.

Time/Subject

Objective(s)
CCCS
SLE(s)
Materials
Activity
Assessment
Homework

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 330-331, discuss elements to a persuasive essay

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 337, brainstorm essay ideas

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 340-341, discuss facts and opinions

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 342-343, start a checklist and graphic organizer.

Time/Subject

Objective(s)
CCCS
SLE(s)
Materials
Activity
Assessment
Homework

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 330-331, discuss elements to a persuasive essay

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 337, brainstorm essay ideas

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 340-341, discuss facts and opinions

SWBAT - know and understand how to write a persuasive essay
SRF 3, 5L1.2.3.4, 5W.1.2.3.4.5.
2 a.c., 5 d., 6 a.
Language Arts Today, McGraw-Hill
Read p. 342-343, start a checklist and graphic organizer.

[illegible]

| Activity | Topic 2, Water in the Air | COMPUTER | Do p. 117 questions, 1-5 | Topic 1-2, study guide quiz next week | HALF DAY |
|------------|--|----------|--------------------------|--|----------|
| Assessment | Read p. 112-117, discuss cloud formation | | | | |
| Homework | | | | | |

*Read p. 112-117
the S.G. di.
conclude*

Week Of: February 24-28-2014

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Notes:

Time/Subject

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

Objective

CCCS

SLE(s)

Materials

Activity

SWBAT - know and understand the usage of pronouns

SRF.3, SL.1.2.3.4,

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 310-311, do p. 311 #6-20

Glencoe p. 115

9:00-10:00 Math

SWBAT - know and practice multiplying and dividing decimals

5.OA.1, 5.NTB.1.3.5, 6, 7, SMD 1.2,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 214-215, do p. 215 # 5-25

Workbook 6-1

Lesson 62

SWBAT - know and understand the spelling words in unit 22, er, ir and or sounds.

SRF.3, SL.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 128-129, do p. 129 core and content Do p. 130, 1-20

Worksheet p. 74

10:55-11:25 Spanish

SWBAT

SWBAT - know and understand the usage of pronouns

SRF.3, SL.1.2.3.4,

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Do Unit Checkup p. 314-315

Glencoe p. 118

9:00-10:00 Math

SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.

5.OA.1, 5.NTB.1.3.5, 6, 7, SMD 1.2,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 216-217, do p. 217 #6-27

Workbook 6-3

Lesson 63

SWBAT - know and understand the spelling words in unit 22, er, ir and or sounds.

SRF.3, SL.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 131, 1-10 core, 1-8 content, 1-6 review

Worksheet p. 76

10:55-11:25 Spanish

SWBAT

SWBAT - know and understand the usage of pronouns

SRF.3, SL.1.2.3.4,

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Extra practice p. 319 a,b,c

Glencoe p. 320 a,b,c

Study for test

10:00-10:30 Math

SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.

5.OA.1, 5.NTB.1.3.5, 6, 7, SMD 1.2,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 222-223, do p. 223 8-31 even

Lesson 63

SWBAT - know and understand the spelling words in unit 22, er, ir and or sounds.

SRF.3, SL.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 22

Spelling test Unit 22

10:55-11:25 Spanish

SWBAT

SWBAT - know and understand the usage of pronouns

SRF.3, SL.1.2.3.4,

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Extra practice p. 322 a,b,c

Glencoe p. 322 a,b,c

Study for test

10:00-10:30 Math

SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.

5.OA.1, 5.NTB.1.3.5, 6, 7, SMD 1.2,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 222-223, do p. 223 8-31 even

Lesson 63

SWBAT - know and understand the spelling words in unit 22, er, ir and or sounds.

SRF.3, SL.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 22

Spelling test Unit 22

10:55-11:25 Spanish

SWBAT

SWBAT - know and understand the usage of pronouns

SRF.3, SL.1.2.3.4,

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Unit 9 Test Pericorns

Glencoe p. 322 a,b,c

Study for test

10:00-10:30 Math

SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.

5.OA.1, 5.NTB.1.3.5, 6, 7, SMD 1.2,

2 a., 5 d., 6 a.

Scott Foresman book,

Do workbook 6-2, and 6-5

Lesson 63

SWBAT - know and understand the spelling words in unit 22, er, ir and or sounds.

SRF.3, SL.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Review Spelling test Unit 22

Review Spelling test Unit 22

10:55-11:25 Spanish

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

[illegible]

SLE(s)
Materials
Activity
Assessment
Homework

2 a.b.d.e., 4c., 5d., 6a.b.c.
Science, McGraw-Hill
Chapter 3 Weather, Read p. 98, make
flash cards, Read p. 100-101

COMPUTER
COMPUTER
COMPUTER
Chapter 2 test

2 a.b.d.e., 4c., 5d., 6a.b.c.
Science, McGraw-Hill
Read p. 102-105, discuss layers of the
atmosphere

2 a.b.d.e., 4c., 5d., 6a.b.c.
Science, McGraw-Hill
Read p. 106-107, do review on p. 107
#1-4

Art Project

ER 373
DEPT PRODUCTION 96

| SLE(s) | PRESIDENTS DAY | COMPUTER COMPUTER COMPUTER | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill Ch 2 study guide review | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill Ch 2 study guide review | Art Project |
|---|----------------|----------------------------------|--|--|-------------|
| Materials Activity Assessment Homework | | | | | |

*Be sure to
parent so the
students will have
something to study
(correctly)
Thank*

[illegible]

| Time/Subject | 3:00-3:10 | 3:10-3:20 | 3:20-3:30 | 3:30-3:40 | 3:40-3:50 | 3:50-4:00 | 4:00-4:15 | Reward Time |
|--------------|---|---|---|---|---|---|---|-------------|
| Objective | SWBAI - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAI - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAI - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAI - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAI - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAI - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAI - know and understand how seeds develop, grow, and reproduce for a plant. | |
| CCCS | | | | | | | | |
| SLE(s) | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | |
| Materials | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | |
| Activity | Topic 2, read p. 84-85 discuss root growth | Topic 2, read p. 84-85 discuss root growth | Topic 2, read p. 84-85 discuss root growth | Topic 2, read p. 84-85 discuss root growth | Topic 2, read p. 84-85 discuss root growth | Topic 2, read p. 84-85 discuss root growth | Topic 2, read p. 84-85 discuss root growth | |
| Assessment | Give out Unit 2 study guide | Give out Unit 2 study guide | Give out Unit 2 study guide | Give out Unit 2 study guide | Give out Unit 2 study guide | Give out Unit 2 study guide | Give out Unit 2 study guide | |
| Homework | Unit 2 test next Wed. | Unit 2 test next Wed. | Unit 2 test next Wed. | Unit 2 test next Wed. | Unit 2 test next Wed. | Unit 2 test next Wed. | Unit 2 test next Wed. | |

field trip

84-85

Science Quiz Topic 6

Read * P. 86-88. Discuss how plants survive

509-a-Phan.

Monday

Week Of: January 27-31 2014

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Notes:

Time/Subject

SWBAT -

know and understand how to write with descriptive adjectives.

SRF.3, 5L.1.2.3.4,

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Write Sr. Mary Margaret a letter

Read p. 168-269, discuss sensory details

Homework

Thank you!

Time/Subject

SWBAT -

know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.

5.OA.1.2.3, SRF.1.2.3.5, SMD 1.2.5.NBT.3.5.5.OA.1.2.3, SRF.1.2.3.5, SMD 1.2.5.NBT.3.5.5

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 168-169, do 5-30 on p. 169

Math workbook 5-1

Time/Subject

SWBAT -

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 104-105, unit 13-14 words.

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 104-105, unit 13-14 words.

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 104-105, unit 13-14 words.

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 104-105, unit 13-14 words.

Homework

SWBAT -

know and understand how to write with descriptive adjectives.

SRF.3, 5L.1.2.3.4,

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 270-271, make a checklist of sensory writing, brainstorm words

Homework

Geniose p. 61-62

Time/Subject

SWBAT -

know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.

5.OA.1.2.3, SRF.1.2.3.5, SMD 1.2.5.NBT.3.5.5.OA.1.2.3, SRF.1.2.3.5, SMD 1.2.5.NBT.3.5.5

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 172-174, do 7-37 odd on p. 174

SS Math Quiz #7

SS lesson 56

Time/Subject

SWBAT -

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 107, 110

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 107, 110

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 107, 110

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 107, 110

Homework

SWBAT -

know and understand how to write with descriptive adjectives.

SRF.3, 5L.1.2.3.4,

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 265-267, discuss descriptive

Homework

Read 272-273 classifying sensory details

discuss editing details

Time/Subject

SWBAT -

know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.

5.OA.1.2.3, SRF.1.2.3.5, SMD 1.2.5.NBT.3.5.5.OA.1.2.3, SRF.1.2.3.5, SMD 1.2.5.NBT.3.5.5

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 176-177, do 1-7 On p. 177

Math workbook 5-3

Time/Subject

SWBAT -

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 18

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 18

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 18

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 18

Homework

SWBAT -

know and understand how to write with descriptive adjectives.

SRF.3, 5L.1.2.3.4,

2 a.c., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 274-277 writing a description

Homework

begin first draft of description writing

Time/Subject

SWBAT -

know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems.

5.OA.1.2.3, SRF.1.2.3.5, SMD 1.2.5.NBT.3.5.5.OA.1.2.3, SRF.1.2.3.5, SMD 1.2.5.NBT.3.5.5

2 a., 5 d., 6 a.

Scott Foresman book,

read p. 178-180, do 6-32 on p. 180.

Time/Subject

SWBAT -

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 116, say unit 19 words aloud.

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 116, say unit 19 words aloud.

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 116, say unit 19 words aloud.

Homework

Time/Subject

SWBAT

know and understand the words from unit 13-17 review

SRF.3, 5L.1.2.4,

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 116, say unit 19 words aloud.

Homework

[illegible]

Activity
Assessment
Homework

READ p. 76-77, discuss cycle of a conifer

COMPUTER

Read p. 78-79, discuss seeds we can eat
Do review questions on p. 79, 1-4

Read p. 80-81, discuss tree rings

*Remember, we
have talked
about "things" on
desk —*

Week Of: January 20-24

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|---|---|---|---|
| Notes: | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT - know and understand how to write with descriptive adjectives. | SWBAT - know and understand how to write with descriptive adjectives. | SWBAT - know and understand how to write with descriptive adjectives. | SWBAT - know and understand how to write with descriptive adjectives. | SWBAT - know and understand how to write with descriptive adjectives. |
| CCCS | SRF.3.5.1.2.3.4 | SRF.3.5.1.2.3.4 | SRF.3.5.1.2.3.4 | SRF.3.5.1.2.3.4 | SRF.3.5.1.2.3.4 |
| Materials | 2 a.c. 5 d. 6 a. | 2 a.c. 5 d. 6 a. | 2 a.c. 5 d. 6 a. | 2 a.c. 5 d. 6 a. | 2 a.c. 5 d. 6 a. |
| Activity | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Assessment | Read p. 260-261, discuss story "From Zeely" | Read p. 262-264, discuss "From Zeely" | Read p. 262-264, discuss "From Zeely" | Read p. 262-264, discuss "From Zeely" | Read p. 262-264, discuss "From Zeely" |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT - know the math elements of Ch. 4: order of operations and 3 digit multiplication | SWBAT - know the math elements of Ch. 4: order of operations and 3 digit multiplication | SWBAT - know the math elements of Ch. 4: order of operations and 3 digit multiplication | SWBAT - know the math elements of Ch. 4: order of operations and 3 digit multiplication | SWBAT - know the math elements of Ch. 4: order of operations and 3 digit multiplication |
| CCCS | 5.OA.2.3.5.6.7 | 5.OA.2.3.5.6.7 | 5.OA.2.3.5.6.7 | 5.OA.2.3.5.6.7 | 5.OA.2.3.5.6.7 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Scott Foresman book, Math | Scott Foresman book, Math | Scott Foresman book, Math | Scott Foresman book, Math | Scott Foresman book, Math |
| Assessment | Do p. 159-160, More practice | Do p. 159-160, More practice | Do p. 159-160, More practice | Do p. 159-160, More practice | Do p. 159-160, More practice |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of unit 17, adding a or o |
| CCCS | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 | SRF.3.5.1.2.4 |
| Materials | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. | 2 a. 5 d. 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 | Do p. 102, p. 20 |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT - know and understand the spelling words of unit 17, adding a or o | SWBAT - know and understand the spelling words of | | | |

Be sure
to S.C. -

[illegible]

Week Of: January 13-17, 2013

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|--|--|---|---|
| Notes: | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT know how to capitalize proper adjectives | SWBAT know vocabulary building with synonyms and antonyms | SWBAT know positive, comparative and superlative adjectives | SWBAT know adjectives and their many forms | SWBAT know adjectives and their many forms |
| CCCS | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| SLE(s) | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Materials | Read p. 237, 1-20 | Read p. 238, 239, do p. 239, 1-20 | More adjectives, work on Glencoe p. 125-127 | 242-243, do unit checkup lessons | Grammar test adjectives |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | Glencoe p. 121-122 | Glencoe p. 123-124 | Worksheet comparing (less-fewer) | comparative/superlative worksheet | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT solve simple word problems and multiply greater numbers in the hundred return | SWBAT work with exponents and do problem solving with money | SWBAT know exponents, order of operations, estimate products, solve word problems, solve problems with money | SWBAT find patterns in Division and divide with algebraic expressions | SWBAT Estimate with fractions |
| CCCS | 5.OA, 1.2.3, SNB, 1.2.5.6.7, SNF, 4.5.6.7 | 5.OA, 1.2.3, SNB, 1.2.5.6.7, SNF, 4.5.6.7 | 5.OA, 1.2.3, SNB, 1.2.5.6.7, SNF, 4.5.6.7 | 5.OA, 1.2.3, SNB, 1.2.5.6.7, SNF, 4.5.6.7 | 5.OA, 1.2.3, SNB, 1.2.5.6.7, SNF, 4.5.6.7 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, Workbook p. 4-8, 4-9 | Scott Foresman book, Workbook p. 4-10, 4-11 | Scott Foresman book, Chapter 4 test | Scott Foresman book, Read p. 168-170, do p. 169 5-30 | Scott Foresman book, Read p. 170-171, do p. 171, 5-28 |
| Activity | Work on answers | Study for test | Chapter 4 test | | |
| Assessment | Simple Solutions lesson 51, p. 104 | Simple Solutions lesson 52, p. 104 | Simple Solutions lesson 53, p. 106 | | |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT Know and understand words in unit 16 (adding s, or es) | SWBAT Know and understand words in unit 16 (adding s, or es) | SWBAT Know and understand words in unit 16 (adding s, or es) | SWBAT Know and understand words in unit 16 (adding s, or es) | SWBAT know words in unit 17 |
| CCCS | SRF.3.4, SL.1.2.3.4, 2 a., 5 d., 6 a. | SRF.3.4, SL.1.2.3.4, 2 a., 5 d., 6 a. | SRF.3.4, SL.1.2.3.4, 2 a., 5 d., 6 a. | SRF.3.4, SL.1.2.3.4, 2 a., 5 d., 6 a. | SRF.3.4, SL.1.2.3.4, 2 a., 5 d., 6 a. |
| SLE(s) | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Materials | Read p. 168, do 1-20 | Read p. 168, do 1-20 | Read p. 168, do 1-20 | Read p. 168, do 1-20 | Read p. 168, do 1-20 |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | Workbook p. 52 | Workbook p. 53 | Worksheet p. 43-study for test unit 16 | Spelling test Unit 16 | read p. 100, say words aloud, unit 17 |
| Time/Subject | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |

[illegible]

SLE(s)
Materials
Activity
Assessment
Homework

2 a.b.d.e., 4c., 5d., 6a.b.c.
Science, McGraw-Hill
Topic 5 test review

COMPUTER
COMPUTER
COMPUTER

2 a.b.d.e., 4c., 5d., 6a.b.c.
Science, McGraw-Hill
Topic 5 test

2 a.b.d.e., 4c., 5d., 6a.b.c.
Science, McGraw-Hill
Read p. 68-71, make flash cards for
vocab words - topic 6
Hands on Art

Week Of: January 6-9, 2013

| Days of the Week | | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|--------|---------|-----------|----------|--------|
| Notes: | | | | | | |
| Time/Subject | | | | | | |
| Objective(s) | | | | | | |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | | | | | |
| Objective(s) | | | | | | |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | | | | | |
| Objective(s) | | | | | | |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | | | | | |
| Objective | | | | | | |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | | | | | |

Dec. 16-18?
Lmm

NO SCHOOL WORK DAY

| | | | | | | | | | |
|--------------|-------|--|-------|---|-------|--|-------|-------------|-----------------------------|
| Objective | SWBAI | Read and comprehend the story | SWBAI | Read and comprehend the story | SWBAI | Read and comprehend the story | SWBAT | 12:10-12:30 | Science |
| CCCS | | Bridge to Terabithia | | Bridge to Terabithia | | Bridge to Terabithia | | | |
| SLE(s) | | SRL 1.2.3.5.6, SRF 2.5.6.8, SRF 3.4, SSL 1.2 | | | | SRL 1.2.3.5.6, SRF 2.5.6.8, SRF 3.4, SSL 1.2 | | | |
| Materials | | 2 a. b. c., 5 d. | | | | 2 a. b. c., 5 d. | | | |
| Activity | | Bridge to Terabithia, Katherine Paterson | | | | Bridge to Terabithia, Katherine Paterson | | | |
| Assessment | | Read Chapters 3 and 4 | | | | Test on flow story Chapters 1-4 | | | |
| Homework | | | | | | | | | |
| Time/Subject | | | | | | | | | |
| Objective | SWBAT | Know and understand the definitions to unit 10 | SWBAT | Know and understand the definitions to unit 10 | SWBAT | Know and understand the definitions to unit 10 | SWBAT | 12:10-12:30 | Science |
| CCCS | | | | | | | | | |
| SLE(s) | | SRL 3.5, SL 1.2.4 | | | | SRL 3.5, SL 1.2.4 | | | |
| Materials | | 2 a. b. c., 5 d. | | | | 2 a. b. c., 5 d. | | | |
| Activity | | Vocabulary workshop, Sadlier-Oxford | | | | Vocabulary workshop, Sadlier-Oxford | | | |
| Assessment | | Read p. 82-83 review definitions Unit 10 | | | | Unit 10 Test | | | |
| Homework | | Do p. 84 | | | | | | | |
| Time/Subject | | | | | | | | | |
| Objective | SWBAT | understand the Liturgical year and seasons | SWBAT | understand the Liturgical year and seasons | SWBAT | understand the Liturgical year and seasons | SWBAT | | |
| CCCS | | | | | | | | | |
| SLE(s) | | 1 a-d, 2 a-c, 3 a-c, 5 d. | | | | 1 a-d, 2 a-c, 3 a-c, 5 d. | | | |
| Materials | | Coming To God's Life book | | | | Coming To God's Life book | | | |
| Activity | | Read and Discuss #2 SLE, writing contest to win spot for Wednesday reading | | | | Chapter 12 test | | | |
| Assessment | | | | | | | | | |
| Homework | | | | | | | | | |
| Time/Subject | | | | | | | | | |
| Objective | SWBAT | Know and understand European exploration | SWBAT | Know and understand European exploration | SWBAT | Know and understand Portuguese and Spanish exploration | SWBAT | 1:45-2:30 | Art |
| CCCS | | | | | | | | | |
| SLE(s) | | 2 a., 3c., 4 a-c, 5d. | | | | 2 a., 3c., 4 a-c, 5d. | | | |
| Materials | | American Will Be | | | | American Will Be | | | |
| Activity | | Read p. 102-105, discuss European Exploration | | | | Read p. 106-111, discuss Spanish exploration | | | |
| Assessment | | | | | | | | | |
| Homework | | | | | | | | | |
| Time/Subject | | | | | | | | | |
| Objective | SWBAT | Know and understand seed plants and their structure | SWBAT | Know and understand seed plants and their structure | SWBAT | Know and understand seed plants and their structure | SWBAT | 2:30-3:00 | Art - 3:00-3:15 Review Time |
| CCCS | | | | | | | | | |
| SLE(s) | | 2 a.b.d.e., 4c., 5d., 6a.b.c. | | | | 2 a.b.d.e., 4c., 5d., 6a.b.c. | | | |

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|---|---|----------------------|--|---|-----------|
| Materials Activity Assessment Homework | Science, McGraw-Hill Read: 62-65, do review questions on p. 65, 1-4 | COMPUTER COMPUTER | Science, McGraw-Hill Pass out study guide for topic 5 | Science, McGraw-Hill work on worksheets and study guide for topic 5 | NO SCHOOL |
|---|---|----------------------|--|---|-----------|

Week Of: December 9-13, 2013

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|---|--|---|---|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 214-215, discuss interview process talk about collecting information. | Read p. 216-217, have students interview row partner for a subject. | Read p. 218-219, discuss writing an article discuss how to prepare an article. | Read p. 220-222, do unit checkup p. 222 Write interview article | Share interview articles, discuss pros and cons, for next time. |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6, 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6, 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6, 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6, 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6, 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, Christmas Program rehearsal | Scott Foresman book, Christmas Program rehearsal | Scott Foresman book, Simple Solutions Quiz # 5 review answers | Scott Foresman book, Review SS Quiz answers | Scott Foresman book, Review Simple Solutions homework Lesson 46 |
| Activity | Christmas Program rehearsal | Christmas Program rehearsal | Christmas Program No Homework | Simple Solutions lesson 46, p. 92 | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. |
| Materials | Spelling McGraw-Hill | Spelling McGraw-Hill | Spelling McGraw-Hill | Spelling McGraw-Hill | Spelling McGraw-Hill |
| Activity | Christmas Program Rehearsal | Christmas Program Rehearsal | Read p. 89 do 1-20 | Read p. 90 do 1-20, Read p. 91, do 1-20 | Unit 14 test |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
| Objective | | | | | |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |

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| Objective CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | SWBAT 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 2 a. b. c., 5 d. Fantastic Voyage - Scott Foresman Read p. 216-217 workbook p. 91 12:10-12:30 Reading Journal/Vocab | SWBAT 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 2 a. b. c., 5 d. Fantastic Voyage - Scott Foresman Read Missing Links P. 220-230 workbook p. 92 12:10-12:30 Reading Journal/Vocab | SWBAT 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 2 a. b. c., 5 d. Fantastic Voyage - Scott Foresman Test review story and vocab. workbook p. 95-96 12:10-12:30 Reading Journal/Vocab | SWBAT 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 2 a. b. c., 5 d. Fantastic Voyage - Scott Foresman Read p. 104-108 chapter 5 do questions on p. 106, 1-4 and index cards 12:10-12:30 Science | SWBAT 2 a. b. c., 5 d. American Will Be Read p. 104-108 chapter 5 do questions on p. 106, 1-4 and index cards 12:10-12:30 Science |
| Objective CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | SWBAT 5RF.3, 5L.1.2.4 2 a. b. c., 5 d. Read p. 76-77, review Vocab words and definitions Unit 9, do p. 78 Make flash cards for Unit 9 1:45-2:30 Social Studies | SWBAT 5RF.3, 5L.1.2.4 2 a. b. c., 5 d. Vocabulary workshop, Sadlier-Oxford Do p. 79-81 Study for test 1:45-2:30 Social Studies | SWBAT 5RF.3, 5L.1.2.4 2 a. b. c., 5 d. Vocabulary workshop, Sadlier-Oxford Vocabulary test unit 9 1:45-2:30 Social Studies | SWBAT 5RF.3, 5L.1.2.4 2 a. b. c., 5 d. Vocabulary workshop, Sadlier-Oxford Vocabulary test unit 9 1:45-2:30 Social Studies | SWBAT 2 a. b. c., 5 d. Science, McGraw-Hill Read p. 78-79, do questions on p. 79 1-5 1:45-2:30 Science |
| Objective CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | SWBAT 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book Read p. 106-107, do windsock activity 1:45-2:30 Social Studies | SWBAT 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book Read p. 110-113, discuss communion 1:45-2:30 Social Studies | SWBAT 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book Read p. 114-115, do test review activity Review for test Crossword study guide 1:45-2:30 Social Studies | SWBAT 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book Chapter 11 test Review for test Crossword study guide 1:45-2:30 Social Studies | SWBAT 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book Chapter 11 test Review for test Crossword study guide 1:45-2:30 Social Studies |
| Objective CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | SWBAT 2 a., 3c., 4 a-c, 5d. American Will Be Work on study guides and worksheets for Chapter 4 2:30-3:10 Science | SWBAT 2 a., 3c., 4 a-c, 5d. American Will Be Work on study guides and worksheets for Chapter 4 2:30-3:10 Science | SWBAT 2 a., 3c., 4 a-c, 5d. American Will Be Go over study guides and correct worksheets for Chapter 4 2:30-3:10 Science | SWBAT 2 a., 3c., 4 a-c, 5d. American Will Be Go over study guides and correct worksheets for Chapter 4 2:30-3:10 Science | SWBAT Hands on Art 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective CCCS SLE(s) Materials Activity Assessment | SWBAT 2 a. b. d. e., 4c., 5d., 6a. b. c. Science, McGraw-Hill Work on study guides and worksheets Topic 4 COMPUTER COMPUTER COMPUTER | SWBAT 2 a. b. d. e., 4c., 5d., 6a. b. c. Science, McGraw-Hill Work on study guides and worksheets Topic 4 COMPUTER COMPUTER COMPUTER | SWBAT 2 a. b. d. e., 4c., 5d., 6a. b. c. Science, McGraw-Hill Take topic 4 test 2:30-3:10 Science | SWBAT Hands on Art 2:20-3:00 Art - 3:00-3:15 Reward Time | SWBAT Hands on Art 2:20-3:00 Art - 3:00-3:15 Reward Time |

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|--------------|---|--|--|--|
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | America - Will Be |
| Activity | Read p. 196-197 | Read Story p. 200-210 | Test review story and vocab. | Read p. 104-108 chapter 5 |
| Assessment | workbook p. 81 | workbook p. 83-84 | workbook p. 85-86 | do questions on p. 108, 1-4 and index cards |
| Homework | | | | |
| Time/Subject | | | | 11:30-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | Do p. 72-73 | Do p. 74-75 | Test Unit review 5-8 | Read p. 78-79, do questions on p. 79 |
| Assessment | | Study for test Unit review 5-8 | | 1-5. |
| Homework | | | | |
| Time/Subject | | | | 1:45-2:30 Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Materials | Chapter 10, Read p. 96-97, Do exercise on p. 97 | Read p. 100-101, Discuss Eucharist | Read p. 102-104, Do p. 105 Test review | Chapter 10 test |
| Activity | | | Review for test | Chapter 10 test |
| Assessment | | | Crossword study guide | |
| Homework | | | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Hands on Art |
| SLE(s) | American Will Be | American Will Be | American Will Be | |
| Materials | Do chapter review p. 100-101 | Pass out Chapter 4 worksheets and study guides | Work on Chapter 4 study guide | |
| Activity | | | | |
| Assessment | | | | |
| Homework | | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. | Hands on Art |
| SLE(s) | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | |
| Materials | Pass out study guides and worksheets | Work on study guides and worksheets | Work on study guides and worksheets | |
| Activity | | | | |
| Assessment | | | | |
| Homework | | | | |
| Time/Subject | | | | |

Week Of: November 18-22, 2013

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|--|--|--|--|
| Notes: | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 164-165, do p. 165, 5-20 | Read p. 166-167, do p. 167, 6-20 | Read p. 166-167, do p. 167, 6-20 | Read p. 166-167, do p. 167, 6-20 | Read p. 166-167, do p. 167, 6-20 |
| Assessment | | | | | |
| Homework | Glencoe p. 93-94 | | | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 1.6, 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 1.6, 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 1.6, 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 1.6, 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT, 2.5.6, SNF, 1.6, 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 138-139, do ex. 5-29 | Read p. 140-141, do ex. 1-1, 5-32 | Read p. 140-141, do ex. 1-1, 5-32 | Read p. 140-141, do ex. 1-1, 5-32 | Read p. 140-141, do ex. 1-1, 5-32 |
| Assessment | Review answers | Review answers | Review answers | Review answers | Review answers |
| Homework | Simple Solutions lesson 32, p. 64 | Simple Solutions lesson 33, p. 66 | Simple Solutions lesson 34, p. 68 | Simple Solutions lesson 35, p. 70 | Simple Solutions lesson 36, p. 72 |
| Time/Subject | 10:00-10:30 Math | 10:00-10:30 Math | 10:00-10:30 Math | 10:00-10:30 Math | 10:00-10:30 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 72-74, do p. 72 | Do p. 74 | Do p. 74 | Do p. 74 | Do p. 74 |
| Assessment | | | | | |
| Homework | Worksheet p. 38-39 | Worksheet p. 41-42 | Worksheet p. 41-42 | Worksheet p. 41-42 | Worksheet p. 41-42 |
| Time/Subject | 10:30-11:00 Math | 10:30-11:00 Math | 10:30-11:00 Math | 10:30-11:00 Math | 10:30-11:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRL.1.2, 5.6, SRL.2.5.6.8, SRF.3.4, SL.1.2, 2 a., b., 7, 5 d. | SRL.1.2, 5.6, SRL.2.5.6.8, SRF.3.4, SL.1.2, 2 a., b., 7, 5 d. | SRL.1.2, 5.6, SRL.2.5.6.8, SRF.3.4, SL.1.2, 2 a., b., 7, 5 d. | SRL.1.2, 5.6, SRL.2.5.6.8, SRF.3.4, SL.1.2, 2 a., b., 7, 5 d. | SRL.1.2, 5.6, SRL.2.5.6.8, SRF.3.4, SL.1.2, 2 a., b., 7, 5 d. |
| Materials | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman |
| Activity | Reading Test Divalina Brooks | Reading Test Divalina Brooks | Reading Test Divalina Brooks | Reading Test Divalina Brooks | Reading Test Divalina Brooks |
| Assessment | | | | | |
| Homework | Read p. 194-195 | | | | |
| Time/Subject | 11:00-11:30 Math | 11:00-11:30 Math | 11:00-11:30 Math | 11:00-11:30 Math | 11:00-11:30 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 11:30-12:00 Math | 11:30-12:00 Math | 11:30-12:00 Math | 11:30-12:00 Math | 11:30-12:00 Math |

[illegible]

Week Of: November 11-15, 2013

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|--|--|--|--|
| Notes: | | | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | SRF-3, 5L.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF-3, 5L.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF-3, 5L.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF-3, 5L.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF-3, 5L.1.2.3.4, 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Glencoe workbook p. 85-88 | Read p. 160-161, do p. 161, 6-20 | Read p. 162-163, do p. 163, 4-20 | Read p. 162-163, do p. 163, 4-20 | Read p. 162-163, do p. 163, 4-20 |
| Assessment | | | | | |
| Homework | | | Glencoe p. 89-90 | | Glencoe p. 91-92 |
| Time/Subject | | | | | verb quiz |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | 5.0A, 1.2.3, 5NBT, 2.5.6, 5MF, 5.6, 2 a., 5 d., 6 a. | 5.0A, 1.2.3, 5NBT, 2.5.6, 5MF, 5.6, 2 a., 5 d., 6 a. | 5.0A, 1.2.3, 5NBT, 2.5.6, 5MF, 5.6, 2 a., 5 d., 6 a. | 5.0A, 1.2.3, 5NBT, 2.5.6, 5MF, 5.6, 2 a., 5 d., 6 a. | 5.0A, 1.2.3, 5NBT, 2.5.6, 5MF, 5.6, 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Order of Operations p. 128-129, 5-23 | Expressions with whole numbers, p. 130-131, 10-26, SS quiz | Multiple patterns, p. 134, 36, # 10-38 odd | Multiple patterns, p. 134, 36, # 10-38 odd | Diagnostic Checkpoint p. 137 |
| Assessment | | | | | Review |
| Homework | Simple Solutions Lesson 29, p. 58 | Simple Solutions Lesson 30, p. 60 | | | |
| Time/Subject | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | SRF-3, 5L.1.2.4, 2 a., 5 d., 6 a. | SRF-3, 5L.1.2.4, 2 a., 5 d., 6 a. | SRF-3, 5L.1.2.4, 2 a., 5 d., 6 a. | SRF-3, 5L.1.2.4, 2 a., 5 d., 6 a. | SRF-3, 5L.1.2.4, 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | say words aloud unit p. 68 do p. 69 | Do p. 70, 1-20 and 71 core 1-20 | Spelling test unit 11 | Spelling test unit 11 | Unit 1 review of 7-11 read aloud |
| Assessment | core 1-20, content p. 1-8 | worksheet p. 36 | | | |
| Homework | Worksheet p. 35 | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | | | | | |

| | | | | | |
|--------------|--------------|--|--|--|--|
| CCCC | | 5RL.1.2.3.5.6, 5RL.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RL.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RL.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RL.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | Materials | MUSIC | MUSIC | MUSIC | MUSIC |
| Activity | Vetran's Day | | | | |
| Assessment | NO SCHOOL | | | | |
| Homework | | review vocab words p. 158 make flashcards | workbook p. 62 | workbook p. 68 | workbook p. 65-66 |
| Time/Subject | | | | | |
| Objective | | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCC | | | | | |
| SLE(s) | Materials | MUSIC | MUSIC | MUSIC | MUSIC |
| Activity | Vetran's Day | | | | |
| Assessment | NO SCHOOL | | | | |
| Homework | | Read p. 60-61 do p. 62 make index cards | Do p. 63-64 synonyms & antonyms | Vocabulary workshop, Sadlier-Oxford | Vocab test, unit 8 |
| Time/Subject | | | | | |
| Objective | | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCC | | | | | |
| SLE(s) | Materials | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Activity | NO SCHOOL | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Assessment | Vetran's Day | Ch. 9, Read p. 86-87, do Questions p. 87 | Read p. 90-91 create "gifts of the Holy Spirit" poster with groups | Read p. 92-94, Do test review p. 95 | Review for test |
| Homework | | Read p. 88-89 | | Crossword study guide | |
| Time/Subject | | | | | |
| Objective | | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCC | | | | | |
| SLE(s) | Materials | Science test review | Science test review | Science test review | Science test review |
| Activity | Vetran's Day | COMPUTER | COMPUTER | COMPUTER | COMPUTER |
| Assessment | NO SCHOOL | | | | |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCC | | | | | |
| SLE(s) | Materials | 2 a, 3c, 4 a-c, 5d. | 2 a, 3c, 4 a-c, 5d. | 2 a, 3c, 4 a-c, 5d. | 2 a, 3c, 4 a-c, 5d. |
| Activity | Vetran's Day | American Will Be | American Will Be | American Will Be | American Will Be |
| Assessment | NO SCHOOL | Read p. 86-92, lesson 2, do questions on p. 92/1-4, do index cards | Read p. 86-92, lesson 2, do questions on p. 92/1-4, do index cards | Read p. 93-98, do questions on p. 98 | Read p. 93-98, do questions on p. 98 |
| Homework | | prints out worksheets | prints out worksheets | worksheets | worksheets |
| Time/Subject | | | | | |
| Objective | | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCC | | | | | |
| SLE(s) | Materials | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. |
| Activity | Vetran's Day | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill |
| Assessment | NO SCHOOL | Read p. 62-65, do questions on p. 65 | Read p. 62-65, do questions on p. 65 | Read p. 66-67, wildflower crusade, discuss making a difference | Read p. 66-67, wildflower crusade, discuss making a difference |
| Homework | | | | | |
| Time/Subject | | | | | |

Good preparation
your
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Week Of: November 4-8, 2013

Days of the Week
Monday

Tuesday

Wednesday

1

1

Frank Winter

[illegible]

| | | | | | |
|--------------|---|---|---|---|---|
| CCCS | 5RL1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman |
| Activity | Read p. 134-135, discuss steps in a process | Read p. 134-135, discuss steps in a process | Read p. 134-135, discuss steps in a process | Read p. 134-135, discuss steps in a process | Read p. 134-135, discuss steps in a process |
| Assessment | see p. 136, make index cards | see p. 136, make index cards | see p. 136, make index cards | see p. 136, make index cards | see p. 136, make index cards |
| Homework | workbook p. 51 | workbook p. 51 | workbook p. 51 | workbook p. 51 | workbook p. 51 |
| Time/Subject | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5RF.3, 5L1.2.4 | 5RF.3, 5L1.2.4 | 5RF.3, 5L1.2.4 | 5RF.3, 5L1.2.4 | 5RF.3, 5L1.2.4 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford |
| Activity | Read p. 54-55, say definitions aloud unit 7 | Read p. 54-55, say definitions aloud unit 7 | Read p. 54-55, say definitions aloud unit 7 | Read p. 54-55, say definitions aloud unit 7 | Read p. 54-55, say definitions aloud unit 7 |
| Assessment | do p. 56 | do p. 56 | do p. 56 | do p. 56 | do p. 56 |
| Homework | Make index cards | Make index cards | Make index cards | Make index cards | Make index cards |
| Time/Subject | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Materials | Chapter 8, read p. 76-77, make haiku about water and life | Chapter 8, read p. 76-77, make haiku about water and life | Chapter 8, read p. 76-77, make haiku about water and life | Chapter 8, read p. 76-77, make haiku about water and life | Chapter 8, read p. 76-77, make haiku about water and life |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. |
| SLE(s) | American Will Be | American Will Be | American Will Be | American Will Be | American Will Be |
| Materials | Pass out study guide, work on answers | Pass out study guide, work on answers | Pass out study guide, work on answers | Pass out study guide, work on answers | Pass out study guide, work on answers |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | Finish worksheets- study | Finish worksheets- study | Finish worksheets- study | Finish worksheets- study | Finish worksheets- study |
| Time/Subject | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. |
| SLE(s) | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill |
| Materials | Chapter 2, topic 4, lesson 3 read p. 50-53 | Chapter 2, topic 4, lesson 3 read p. 50-53 | Chapter 2, topic 4, lesson 3 read p. 50-53 | Chapter 2, topic 4, lesson 3 read p. 50-53 | Chapter 2, topic 4, lesson 3 read p. 50-53 |
| Activity | Do questions on p. 53, make index cards | Do questions on p. 53, make index cards | Do questions on p. 53, make index cards | Do questions on p. 53, make index cards | Do questions on p. 53, make index cards |
| Assessment | | | | | |
| Homework | | | | | |

Week Of: October 28-Nov. 1, 2013

| Days of the Week | | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--------------|---|---|---|---|---|
| Notes: | Time/Subject | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| Materials | | | | | | |
| Activity | No School | Language Arts Today, McGraw-Hill Read p. 144-145, do p. 145 & 20 | Language Arts Today, McGraw-Hill Read p. 146-147, do p. 147 & 20 | Language Arts Today, McGraw-Hill Read p. 148-149, do p. 149 & 20 | Language Arts Today, McGraw-Hill Read p. 148-149, do p. 149 & 20 | Language Arts Today, McGraw-Hill Read p. 148-149, do p. 149 & 20 |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 8:00-10:00 Math | 8:00-10:00 Math | 8:00-10:00 Math | 8:00-10:00 Math | 8:00-10:00 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | SOA.1.2.3.5NBT.1.2.3.4.5.5, SMD.2, SG.1-3 2 a., 5 d., 6 a. | SOA.1.2.3.5NBT.1.2.3.4.5.5, SMD.2, SG.1-3 2 a., 5 d., 6 a. | SOA.1.2.3.5NBT.1.2.3.4.5.5, SMD.2, SG.1-3 2 a., 5 d., 6 a. | SOA.1.2.3.5NBT.1.2.3.4.5.5, SMD.2, SG.1-3 2 a., 5 d., 6 a. | SOA.1.2.3.5NBT.1.2.3.4.5.5, SMD.2, SG.1-3 2 a., 5 d., 6 a. |
| Materials | | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | No School | Read p. 104-105 do exercises on p. 106 | Read p. 107-108 Do exercises on p. 109 | Do Diagnostic Checkpoint p. 110 | Do Diagnostic Checkpoint p. 110 | Do Diagnostic Checkpoint p. 110 |
| Assessment | | | SS QUIZ, Math test next wed. | Chapter 3 practice Test P. 111 | Chapter 3 practice Test P. 111 | Chapter 3 practice Test P. 111 |
| Homework | | Simple Solutions lesson 24, p. 48 | Simple Solutions lesson 25, p. 50 | | | |
| Time/Subject | | 10:00-11:00 Math | 10:00-11:00 Math | 10:00-11:00 Math | 10:00-11:00 Math | 10:00-11:00 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. |
| Materials | | | | | | |
| Activity | No School | Spelling, McGraw-Hill Read words p. 60, do p. 62, 1-20 | Spelling, McGraw-Hill Do p. 63 core-1-20, content 1-8 | Spelling, McGraw-Hill Spelling test Unit 9 | Spelling, McGraw-Hill Spelling test Unit 9 | Spelling, McGraw-Hill Spelling test Unit 9 |
| Assessment | | | | | | |
| Homework | | worksheet p. 23 | worksheet p. 30 | | | |
| Time/Subject | | 11:00-11:20 Math | 11:00-11:20 Math | 11:00-11:20 Math | 11:00-11:20 Math | 11:00-11:20 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 11:20-11:40 Math | 11:20-11:40 Math | 11:20-11:40 Math | 11:20-11:40 Math | 11:20-11:40 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 11:40-12:00 Math | 11:40-12:00 Math | 11:40-12:00 Math | 11:40-12:00 Math | 11:40-12:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 12:00-12:20 Math | 12:00-12:20 Math | 12:00-12:20 Math | 12:00-12:20 Math | 12:00-12:20 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 12:20-12:40 Math | 12:20-12:40 Math | 12:20-12:40 Math | 12:20-12:40 Math | 12:20-12:40 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 12:40-1:00 Math | 12:40-1:00 Math | 12:40-1:00 Math | 12:40-1:00 Math | 12:40-1:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 1:00-1:20 Math | 1:00-1:20 Math | 1:00-1:20 Math | 1:00-1:20 Math | 1:00-1:20 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 1:20-1:40 Math | 1:20-1:40 Math | 1:20-1:40 Math | 1:20-1:40 Math | 1:20-1:40 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 1:40-2:00 Math | 1:40-2:00 Math | 1:40-2:00 Math | 1:40-2:00 Math | 1:40-2:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 2:00-2:20 Math | 2:00-2:20 Math | 2:00-2:20 Math | 2:00-2:20 Math | 2:00-2:20 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 2:20-2:40 Math | 2:20-2:40 Math | 2:20-2:40 Math | 2:20-2:40 Math | 2:20-2:40 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 2:40-3:00 Math | 2:40-3:00 Math | 2:40-3:00 Math | 2:40-3:00 Math | 2:40-3:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 3:00-3:20 Math | 3:00-3:20 Math | 3:00-3:20 Math | 3:00-3:20 Math | 3:00-3:20 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 3:20-3:40 Math | 3:20-3:40 Math | 3:20-3:40 Math | 3:20-3:40 Math | 3:20-3:40 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 3:40-4:00 Math | 3:40-4:00 Math | 3:40-4:00 Math | 3:40-4:00 Math | 3:40-4:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 4:00-4:20 Math | 4:00-4:20 Math | 4:00-4:20 Math | 4:00-4:20 Math | 4:00-4:20 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 4:20-4:40 Math | 4:20-4:40 Math | 4:20-4:40 Math | 4:20-4:40 Math | 4:20-4:40 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 4:40-5:00 Math | 4:40-5:00 Math | 4:40-5:00 Math | 4:40-5:00 Math | 4:40-5:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 5:00-5:20 Math | 5:00-5:20 Math | 5:00-5:20 Math | 5:00-5:20 Math | 5:00-5:20 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 5:20-5:40 Math | 5:20-5:40 Math | 5:20-5:40 Math | 5:20-5:40 Math | 5:20-5:40 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 5:40-6:00 Math | 5:40-6:00 Math | 5:40-6:00 Math | 5:40-6:00 Math | 5:40-6:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 6:00-6:20 Math | 6:00-6:20 Math | 6:00-6:20 Math | 6:00-6:20 Math | 6:00-6:20 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
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| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 6:20-6:40 Math | 6:20-6:40 Math | 6:20-6:40 Math | 6:20-6:40 Math | 6:20-6:40 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
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| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 6:40-7:00 Math | 6:40-7:00 Math | 6:40-7:00 Math | 6:40-7:00 Math | 6:40-7:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
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| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 7:00-7:20 Math | 7:00-7:20 Math | 7:00-7:20 Math | 7:00-7:20 Math | 7:00-7:20 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
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| Time/Subject | | 7:20-7:40 Math | 7:20-7:40 Math | 7:20-7:40 Math | 7:20-7:40 Math | 7:20-7:40 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
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| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 7:40-8:00 Math | 7:40-8:00 Math | 7:40-8:00 Math | 7:40-8:00 Math | 7:40-8:00 Math |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| SLE(s) | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 8:00-8:20 Math | 8:00-8:20 Math | 8:00-8:20 Math | 8:00-8:20 Math | 8:00-8:20 Math |
| Objective | SWBAT</ | | | | | |

[illegible]

Week Of: October 21-25-2013

| Days of the Week | | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|--|---------------------------------------|--|--|--|
| Notes: | | | | | | |
| Time/Subject | | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 92-93 Do exercises on p. 93 | Do unit check up on p. 96-97 | English Test | Read p. 144-145 Do exercises on p. 145 | Read p. 146-147 Do exercises on p. 147 | Read p. 146-147 Do exercises on p. 147 |
| Assessment | Glencoe p. 68-70 | Glencoe p. 71, 73, 74 | Return final drafts | | | |
| Time/Subject | | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SOAL.2.3, SNBT.3.5.6.7 | SOAL.2.3, SNBT.3.5.6.7 | SOAL.2.3, SNBT.3.5.6.7 | SOAL.2.3, SNBT.3.5.6.7 | SOAL.2.3, SNBT.3.5.6.7 | SOAL.2.3, SNBT.3.5.6.7 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 102-103 Do exercises on p. 103 | Read p. 104-105 do exercises on p. 106 | Math test next wed. | Do Diagnostic Checkpoint p. 110 | Do Practice test on p. 112 | Do Practice test on p. 112 |
| Assessment | Simple Solutions lesson 21, p. 42 | Simple Solutions lesson 22, p. 44 | Simple Solutions lesson 23, p. 46 | Simple Solutions lesson 24, p. 48 | Simple Solutions lesson 24, p. 48 | Math test next Wed. |
| Time/Subject | | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 56-57 do exercises on p. 57 | Read p. 58, Do exercises on that page | Mock test | Spelling test Unit 8 | Spelling test Unit 8 | Spelling test Unit 8 |
| Assessment | Worksheet p. 26 | Worksheet p. 27 | study for test tomorrow | | | |
| Time/Subject | | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
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| CCCS | SRL 1.1.2.3.5.6, SRL 2.5.6.8, SRF 3.4, SSL 1.2 | SRL 1.1.2.3.5.6, SRL 2.5.6.8, SRF 3.4, SSL 1.2 | SRL 1.1.2.3.5.6, SRL 2.5.6.8, SRF 3.4, SSL 1.2 | SRL 1.1.2.3.5.6, SRL 2.5.6.8, SRF 3.4, SSL 1.2 |
| SLE(s) | 2 a, b, c, 5 d | 2 a, b, c, 5 d | 2 a, b, c, 5 d | 2 a, b, c, 5 d |
| Materials | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | American Will Be |
| Activity | Read p. 106-107, discuss Author's Purpose | Read p. 106-107, discuss Author's Purpose | Read p. 106-107, discuss Author's Purpose | Chapter 3 test |
| Assessment | make index cards for vocab. p. 108 | make index cards for vocab. p. 108 | make index cards for vocab. p. 108 | Chapter 3 test |
| Homework | workbook p. 41 | workbook p. 42 | workbook p. 43 | workbook p. 44 |
| Time/Subject | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRL 3, SL 1.2.4 | SRL 3, SL 1.2.4 | SRL 3, SL 1.2.4 | SRL 3, SL 1.2.4 |
| SLE(s) | 2 a, b, c, 5 d | 2 a, b, c, 5 d | 2 a, b, c, 5 d | 2 a, b, c, 5 d |
| Materials | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | Read p. 42-43 Do p. 44 | Read p. 42-43 Do p. 44 | Read p. 42-43 Do p. 44 | Read p. 48-49, do experiment on p. 48 with ferns |
| Assessment | | | | |
| Homework | Make index cards | | | |
| Time/Subject | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d | 1 a-d, 2 a-c, 3 a-c, 5d | 1 a-d, 2 a-c, 3 a-c, 5d | 1 a-d, 2 a-c, 3 a-c, 5d |
| SLE(s) | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Materials | Read P. 64-65 discuss reconciliation | Read P. 64-65 discuss forgiveness | Read P. 68-69 do review on p. 69 Review | Read p. 72-73 |
| Activity | Skit | | Test tomorrow | Next test Tuesday |
| Assessment | | | Test review word find | |
| Homework | | | | |
| Time/Subject | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a, 3c, 4 a-c, 5d | 2 a, 3c, 4 a-c, 5d | 2 a, 3c, 4 a-c, 5d | 2 a, 3c, 4 a-c, 5d |
| SLE(s) | American Will Be | American Will Be | American Will Be | American Will Be |
| Materials | Read p. 70-73 do questions 1-4 define key | Do Test review p. 74-75 | Do Test review p. 74-75 | Test review/Study guide Ch. 3 |
| Activity | terms on index cards/Test Friday | Work on study guide | Study for test Friday | Chapter 3 test tomorrow |
| Assessment | worksheets p. 13-14 | Pats out Study guide Ch. 3 | | |
| Homework | | | | |
| Time/Subject | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a,b,d,e,4c,5d,6a,b,c | 2 a,b,d,e,4c,5d,6a,b,c | 2 a,b,d,e,4c,5d,6a,b,c | 2 a,b,d,e,4c,5d,6a,b,c |
| SLE(s) | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill |
| Materials | Read p. 43-44, Do index cards for | Read p. 45, do experiment with mosses | Read p. 45-47, discuss vascular plants | Multicultural collage |
| Activity | Science words | How Mosses Get Water | | |
| Assessment | | | | |
| Homework | | | | |

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Week Of: October 14-18-2013

| Days of the Week | | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|--|--|--|--|--|
| Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| SLE(s) | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 82-83 Do practice on p. 83 | Read p. 84-85 Do practice on p. 85 | Read p. 86-87 Do practice on p. 87 | Read p. 88-89 Do practice on p. 89 | Read p. 90-91 Do practice on p. 91 | Read p. 92-93 Do practice on p. 93 |
| Assessment | Get back rough drafts | | | | | |
| Homework | Glencoe p. 65-64 | Glencoe p. 65-66 | Glencoe p. 67-68 | Glencoe p. 69-70 | Glencoe p. 71-72 | Glencoe p. 73-74 |
| Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SOAL.2.3, SWB.1.3.5.6.7 | SOAL.2.3, SWB.1.3.5.6.7 | SOAL.2.3, SWB.1.3.5.6.7 | SOAL.2.3, SWB.1.3.5.6.7 | SOAL.2.3, SWB.1.3.5.6.7 | SOAL.2.3, SWB.1.3.5.6.7 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Unit 3 Read p. 84-85 Do exercises on p. 86 | Read p. 88-89, Do exercises on p. 90 | Read p. 91-92 Do exercises on p. 93 | Do Diagnostic check, Unit p. 96 | Read p. 98-99 do exercises on p. 100-101 | Read p. 102-103 do exercises on p. 104-105 |
| Assessment | Simple Solutions lesson 17, p. 31 | Simple Solutions lesson 18, p. 35 | Simple Solutions lesson 19, p. 39 | Simple Solutions lesson 20, p. 43 | Simple Solutions lesson 21, p. 47 | Simple Solutions lesson 22, p. 51 |
| Homework | | | | | | |
| Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 51-52 Do exercises on p. 53 | Read p. 54, do exercises on p. 54 | Read p. 55, do Core and Content sections | Spelling test Unit 7 | Spelling test Unit 7 | Spelling test Unit 7 |
| Assessment | Worksheet p. 22 | Worksheet p. 23 | Worksheet p. 24 | Worksheet p. 25 | Worksheet p. 26 | Worksheet p. 27 |
| Homework | | | | | | |
| Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.1.2.3.5.6, SRN.2.3.5.6, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRN.2.3.5.6, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRN.2.3.5.6, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRN.2.3.5.6, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRN.2.3.5.6, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRN.2.3.5.6, SRF.3.4, SSL.1.2 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman |
| Activity | Reading test 4, Meeting Mr. Henry | Reading test 4, Meeting Mr. Henry | Reading test 4, Meeting Mr. Henry | Reading test 4, Meeting Mr. Henry | Reading test 4, Meeting Mr. Henry | Reading test 4, Meeting Mr. Henry |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |

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| Week Of: October 7-11-2013 | | Monday | Tuesday | Wednesday | Thursday | Friday |
|----------------------------|--|--|--|--|--|--|
| Days of the Week | Notes: | | | | | |
| Time/Subject | | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3.5L.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3.5L.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3.5L.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3.5L.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3.5L.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3.5L.1.2.3.4, 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 74-75 Theme: Patterns | Read p. 76-77 What is a noun? | Read p. 78-79 Do practice on p. 79 | Read p. 80-81 Do practice on p. 81 | Read p. 80-81 Do practice on p. 81 | Read p. 80-81 Do practice on p. 81 |
| Assessment | | Do practice on p. 77 | Noun Quiz | | | |
| Homework | Write a main idea sentence and 3 details | Worksheet on nouns | Worksheet on plural nouns | Finish rough draft of personal narrative | Finish rough draft of personal narrative | rough draft due |
| Time/Subject | | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5.OA.1.2.3.5.NBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3.5.NBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3.5.NBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3.5.NBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3.5.NBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3.5.NBT.3.5.6.7 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 58-59, do 1-7 together as a class | Read p. 60-61, do exercises on p. 61-62 | Read p. 63-65, do p. 65, 9-36 even | Diagnostic Checkpoint p. 68 | Diagnostic Checkpoint p. 68 | Diagnostic Checkpoint p. 68 |
| Assessment | Math Test Friday | Math Test Friday | Math Test Friday | Math test tomorrow | Math test tomorrow | Math test tomorrow |
| Homework | Simple Solutions lesson 14 p. 28 | Simple Solutions lesson 15 p. 30 | Simple Solutions lesson 16 p. 32 | Chapter 2 test practice p. 69 | Chapter 2 test practice p. 69 | Chapter 2 math test |
| Time/Subject | | | | | | |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 36-37 Do Core 1-20 and content section | Read words aloud, do p. 38 | Do p. 39 Core 1-20, Content 1-8 | Spelling test Unit 5 | Spelling test Unit 5 | Spelling test Unit 5 |
| Assessment | Homework worksheet p. 14 | worksheet p. 115 | Practice test | Spelling test Unit 5 | Spelling test Unit 5 | Personal Narrative |
| Time/Subject | | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, 5SL.1.2 2 a., b., c., 5 d. | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| Materials | | | | | | |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | | | | | |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | |
| Materials | | | | | | |
| | | | | | | |

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*Very well!
done! Jan
9/27/13*

Week Of: September 30-Oct. 4

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

| Notes | Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|--|--|--|--|---|
| Objective(s) | CCCS | SRF.3.5L.1.2.3.4. 2 a.c., 5 d., 6 a. | SRF.3.5L.1.2.3.4. 2 a.c., 5 d., 6 a. | SRF.3.5L.1.2.3.4. 2 a.c., 5 d., 6 a. | SRF.3.5L.1.2.3.4. 2 a.c., 5 d., 6 a. |
| Materials | SLE(s) | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Activity | Unit 2 Read p. 40-46 | Read p. 47, do activities with row partner do written work in journal | Read p. 50-53, create a story on the board to do p. 55 exercise | Read p. 56-57, write graphic organizer, Start in journal |
| Assessment | Assessment | Do Questions on p. 46, p. 1-5 | | | |
| Homework | Homework | | | | |
| Time/Subject | 9:00-10:00 | Math | 9:00-10:00 | Math | 9:00-10:00 |
| Objective(s) | CCCS | SWBAT | SWBAT | SWBAT | SWBAT |
| SLE(s) | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 55-57, do p. 56-57, #s 10-28 | Read p. 58-59, do 1-7 together as a class | Read p. 60-62, do p. 61-62, 1-37 odd | Read p. 63-65, do p. 65, 9-36 even | Read p. 66-67, do p. 67 as a class |
| Assessment | Using Expressions | Write an equation | CH2 test next Wed. | add and subtract decimals | Do Diagnostic checkpoint |
| Homework | Simple Solutions lesson 11, p. 22 | Simple Solutions lesson 12, p. 24 | Simple Solutions lesson 13, p. 26 | Simple Solutions lesson 14, p. 28 | CH 2 test next Wed. |
| Time/Subject | 10:00-10:30 | Math | 10:00-10:30 | Math | 10:00-10:30 |
| Objective(s) | CCCS | SWBAT | SWBAT | SWBAT | SWBAT |
| SLE(s) | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. | SRF.3.5L.1.2.4 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Do p. 33 | Do p. 34 | Review words, mock test | Spelling test Unit 4 | Read p. 36, read words aloud |
| Assessment | worksheet p. 10 | worksheet p. 11 | Do p. 35 core words only, worksheet p. 12 | Spelling test Unit 4 | |
| Homework | | | | | |
| Time/Subject | 10:30-11:00 | Spanish | 10:30-11:00 | Spanish | 10:30-11:00 |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |

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|------------|---|----------|---|---|-------------------------|
| SLE(s) | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill | COMPUTER | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill | Fall Leaves Art Project |
| Materials | Read p. 30-31, cover up leaves to plant | COMPUTER | Read p. 32-34, do p. 35 | Read p. 36-39, do questions 1-4 on p. 39 | |
| Activity | work on study guide | COMPUTER | TEST NEXT WEDNESDAY | define science words | |
| Assessment | | | work on study guide | worksheets | |
| Homework | | | | | |

Week Of: September 23-27

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Objective

Notes:

| Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|---|--|--|--|--|
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| SLE(s) | Language Arts Today, McGraw-Hill Read p. 18-21 do exercises on p. 21 | Language Arts Today, McGraw-Hill Read p. 22-23, do exercises on p. 23 | Language Arts Today, McGraw-Hill Read p. 24-25, do unit checkup | Language Arts Today, McGraw-Hill English quiz Unit 1, Journal | Language Arts Today, McGraw-Hill Unit 1 Test, Journal |
| Materials | Extra practice p. 36 a,b,c all | Extra practice p. 39, a,b,c all | Glencoe p. 63-62 | | |
| Assessment | Glencoe p. 59-60 | | | | |
| Homework | | | | | |
| Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. | 5.OA.1.2.3, SNBT.3.5.6.7 2 a., 5 d., 6 a. |
| SLE(s) | Scott Foresman book, Read p. 42-43, do 5-28 on p. 43 | Scott Foresman book, Read p. 44-45, do 5-20 on p. 45 | Scott Foresman book, Read p. 46-47, do 8-28 on p. 47 | Scott Foresman book, Diagnostic checkpoint p. 50, #1-24 | Scott Foresman book, Read p. 52-54, dp 9-42 even |
| Materials | Mental math | tables | add and subtract equations | | estimation strategies |
| Assessment | Simple Solutions lesson 8, p. 16 | Simple Solutions lesson 9, p. 18 | Simple Solutions lesson 10, p. 20 | <i>Grade?</i> | |
| Homework | | | | | |
| Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4 2 a., 5 d., 6 a. |
| SLE(s) | Spelling, McGraw-Hill Read p. 28-29, do p. 30 #1-20 | Spelling, McGraw-Hill Review words, do p. 31 | Spelling, McGraw-Hill Review words, mock test | Spelling, McGraw-Hill Spelling test Unit 3 | Spelling, McGraw-Hill Read p. 32-33, say words aloud |
| Materials | worksheet p. 8 | worksheet p. 9 | worksheet p. 10 | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |

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Be sure students
are the the school
let new test form

| | | | | |
|------------|-----------------------------------|----------|--------------------------------|-------------------------|
| SLE(s) | 2 a.b.d.e., 4c., 5d., 6a.b.c. | COMPUTER | 2 a.b.d.e., 4c., 5d., 6a.b.c. | Fall Leaves Art Project |
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | |
| Activity | Read p. 24-27, do worksheet p. 18 | COMPUTER | Read p. 28-29, do worksheet 19 | |
| Assessment | Finish wkst. P. 18 | | finish wkst. 19 | |
| Homework | | | | |



Week Of: September 16-20
Days of the Week

Monday Tuesday Wednesday Thursday Friday

| Notes: Time/Subject | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|---|---|---|---|---|---|
| Objective(s) CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math |
| Objective(s) CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math |
| Objective(s) CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math |
| Objective(s) CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math | SWBAT IOWA TESTS 9:00-10:00 Math |

| | | | |
|--------------|------------|------------|-------|
| Objective | SWBAT | SWBAT | SWBAT |
| CCCS | | | |
| SLE(s) | | | |
| Materials | IOWA TESTS | IOWA TESTS | COGAT |
| Activity | | | |
| Assessment | | | |
| Homework | | | |
| Time/Subject | | | |
| Objective | SWBAT | SWBAT | SWBAT |
| CCCS | | | |
| SLE(s) | | | |
| Materials | IOWA TESTS | | COGAT |
| Activity | | | |
| Assessment | | | |
| Homework | | | |
| Time/Subject | | | |
| Objective | SWBAT | SWBAT | SWBAT |
| CCCS | | | |
| SLE(s) | | | |
| Materials | IOWA TESTS | | COGAT |
| Activity | | | |
| Assessment | | | |
| Homework | | | |
| Time/Subject | | | |
| Objective | SWBAT | SWBAT | SWBAT |
| CCCS | | | |
| SLE(s) | | | |
| Materials | IOWA TESTS | | COGAT |
| Activity | | | |
| Assessment | | | |
| Homework | | | |
| Time/Subject | | | |

| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|--|-------------------|--|---|
| CCCS | | | | |
| SLE(s) | 2a., 3c., 4a-c., 5d. America Will Be book Social Studies Study Guide Work on Section 1 Tale of One City | COMPUTERS | 2a., 3c., 4a-c., 5d. America Will Be book Social Studies Study Guide Work on Section 2-3 Land of Immigrants A Country of Many Cultures | 2a., 3c., 4a-c., 5d. Power Point Presentation Jeopardy Game Test Review Using clickers |
| Materials | | | | |
| Activity | | | | |
| Assessment | | | | |
| Homework | | | | Land of Many Cultures Art Project Using construction paper and silhouette make collage of self and your culture |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:00 Art 3:00-3:15 Forward Time |

| | | | | |
|------------|--|-----------|---|---|
| Objective | | | | |
| CCCS | | | | |
| SLE(s) | 2a., b.d.e., 4c., 5d., 6a.b.c Science, McGraw-Hill Read p. 14-15, The Vine that Ate the South Worksheet 12 complete | COMPUTERS | 2a., b.d.e., 4c., 5d., 6a.b.c Science, McGraw-Hill Read p. 16-17, discuss Algae | 2a., b.d.e., 4c., 5d., 6a.b.c Science, McGraw-Hill Read p. 18-19, Make flash cards of Science words on p. 18 |
| Materials | | | | |
| Activity | | | | |
| Assessment | | | | ART Continued |
| Homework | | | | |

Week Of: September 9-13

Days of the Week: Monday Tuesday Wednesday Thursday Friday

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WEDN Thurs 12 Fri 13

Notes:
Time/Subject

| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT |
|---|---|---|--|--|
| CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | 5.L.1 a.e., 5.L.2 a.b., 5.L.3 a. 2 a.c., 5 d., 6 a. Language Arts Today, Glencoe Language Arts Read p. 12-13, do practice p. 13, do extra practice p. 39 Glencoe workbook p. 55-56 | 5.L.1 a.e., 5.L.2 a.b., 5.L.3 a. 2 a.c., 5 d., 6 a. Language Arts Today, Glencoe Language Arts Read p. 1-17, do practice on p. 17, do extra practice p. 35 Glencoe workbook p. 57-58 | 5.L.1 a.e., 5.L.2 a.b., 5.L.3 a. 2 a.c., 5 d., 6 a. Language Arts Today, Glencoe Language Arts Read p. 18-19, do practice on p. 19, do extra practice p. 36 Glencoe workbook p. 59-60 | 5.L.1 a.e., 5.L.2 a.b., 5.L.3 a. 2 a.c., 5 d., 6 a. Language Arts Today, Glencoe Language Arts Read p. 20-21, do practice on p. 21, do extra practice p. 39 Unit 1 test on Tuesday, next week |

| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT |
|---|--|---|--|---|
| CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | 5.OA.2, 5.OA.3, 5.NBT.1, 5.NBT.5 2 a., 5 d., 6 a. Scott Foresman book Read p. 19-20, do p. 20-21, 1-28 Variables and tables Simple Solutions lesson 4, p. 8 | 5.NBT.1, 5.NBT.3, 5.NBT.4 2 a., 5 d., 6 a. Scott Foresman book More practice p. 30-31 all/Test review Chapter wrap up Simple Solutions lesson 6, p. 12 | 5.NBT.1, 5.NBT.3, 5.NBT.4 2 a., 5 d., 6 a. Scott Foresman book Test review/Chapter 1 test Chapter 1 test Simple Solutions lesson 7, p. 14 | 5.OA.1, 5.OA.2, 2 a., 5 d., 6 a. Scott Foresman book Read p. 40, do p. 41, 1-20 Addition Properties None |

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| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT |
|---|--|---|--|---|
| CCCS SLE(s) Materials Activity Assessment Homework Time/Subject | 5.RI.4, 5.RF.3, 5.RF.4, 5.L.2 e. 2 a., 5 d., 6 a. Spelling, McGraw-Hill Read p. 24-25, Do p. 25 all | 5.RI.4, 5.RF.3, 5.RF.4, 5.L.2 e. 2 a., 5 d., 6 a. Spelling, McGraw-Hill Read p. 27, do all | 5.RI.4, 5.RF.3, 5.RF.4, 5.L.2 e. 2 a., 5 d., 6 a. Spelling, McGraw-Hill Do practice and review, p. 5-6 worksheet Study for spelling test | 5.RI.4, 5.RF.3, 5.RF.4, 5.L.2 e. 2 a., 5 d., 6 a. Spelling, McGraw-Hill Spelling test Spelling test |

LIGHTER
COLOR

| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
|-----------|-------|-------|-------|-------|
|-----------|-------|-------|-------|-------|

CCCS
SLE(s)
Materials
Activity
Assessment
Homework
Time/Subject

Review

test

5.RL.2, 5.RL.4, 5.RL.6, 5.RL.3, 5.RF.3 a., 5.RF.4 a.
2 a. b. c., 5 d.
Reading, Fantastic Voyage, and workbook
Reading, test Chapter 2
"Faith and Eddie"

| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|--|--|--|--|
| CCCS | 5.RL.2, 5.RL.4, 5.RL.6, 5.RL.3, 5.RF.3 a., 5.RF.4 a. | 5.RL.2, 5.RL.4, 5.RL.6, 5.RL.3, 5.RF.3 a., 5.RF.4 a. | 5.RL.2, 5.RL.4, 5.RL.6, 5.RL.3, 5.RF.3 a., 5.RF.4 a. | 5.RL.2, 5.RL.4, 5.RL.6, 5.RL.3, 5.RF.3 a., 5.RF.4 a. |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Reading, Fantastic Voyage, and workbook | Reading, Fantastic Voyage, and workbook | Reading, Fantastic Voyage, and workbook | Reading, Fantastic Voyage, and workbook |
| Activity | Tear out p. 11-16 in workbook, Read p. 42-48 | Read p. 49-59 | Read p. 49-59 | Read p. 49-59 |
| Assessment | Review vocabulary | | | |
| Homework | workbook p. 11-13 | | | |
| Time/Subject | | | | |

| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|---------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| CCCS | 5.L.2 e., 5.L.4 a., 5.L.5 c. | 5.L.2 e., 5.L.4 a., 5.L.5 c. | 5.L.2 e., 5.L.4 a., 5.L.5 c. | 5.L.2 e., 5.L.4 a., 5.L.5 c. |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Vocabulary Workshop, Sadlier-Oxford | Vocabulary Workshop, Sadlier-Oxford | Vocabulary Workshop, Sadlier-Oxford | Vocabulary Workshop, Sadlier-Oxford |
| Activity | Completing the sentence p. 16, do all | Word Associations p. 17, do all | Word Associations p. 17, do all | Unit 1 vocabulary test |
| Assessment | | Test tomorrow | Test tomorrow | test |
| Homework | | Study for test tomorrow | Study for test tomorrow | |
| Time/Subject | | | | |

| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|-----------------------------------|---|---|------------------------------|
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Activity | Read p. 26-27, define faith words | Read p. 30-31, Discuss living the "Law of Love" | Read p. 30-31, Discuss living the "Law of Love" | Test Chapter 2 |
| Assessment | | None | None | Test Chapter 2 |
| Homework | | None | None | Study guide crossword, Ch. 2 |
| Time/Subject | | | | |

| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|---|--|-----------------------------|-----------------------------|
| CCCS | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. |
| SLE(s) | America Will Be book | America Will Be book | America Will Be book | America Will Be book |
| Activity | Review Lesson 2, define key terms, answer | Read p. 17-21, discuss, do questions p. 21, 14 | Chapter review, study guide | Chapter review, study guide |
| Time/Subject | | | | |

| Assessment Homework Time/Subject | questions on p. 16, 1-4, worksheet p. 3 | Computer Worksheet 2:30-3:10 | Science | define key terms worksheet p. 4 2:30-3:10 | Science | study guide 2:30-3:10 | Science | 2:30-3:10 Art - 3:00-3:15 Reward Time |
|--|---|---|---|---|---|---|---|---|
| Objective CCCS | | | | | | | | |
| SLE(S) | | | | | | | | |
| Materials | 2 a.b.d.e., 4c, 5d, 6a.b.c. Science, McGraw-Hill | 2 a.b.d.e., 4c, 5d, 6a.b.c. Computer | 2 a.b.d.e., 4c, 5d, 6a.b.c. Computer | 2 a.b.d.e., 4c, 5d, 6a.b.c. Science, McGraw-Hill | 2 a.b.d.e., 4c, 5d, 6a.b.c. Science, McGraw-Hill | 2 a.b.d.e., 4c, 5d, 6a.b.c. Science, McGraw-Hill | 2 a.b.d.e., 4c, 5d, 6a.b.c. Science, McGraw-Hill | 2 a.b.d.e., 4c, 5d, 6a.b.c. Science, McGraw-Hill |
| Activity | Read p. 18-22, discuss parts of a plant | Read p. 18-22, discuss parts of a plant | Read p. 18-22, discuss parts of a plant | Read p. 23-27, answer questions p. 27, 34 | Read p. 23-27, answer questions p. 27, 34 | Read p. 28-29, discuss plant power | Read p. 28-29, discuss plant power | Read p. 28-29, discuss plant power |
| Assessment | Worksheet p. 17 | Worksheet p. 18 | Worksheet p. 18 | Worksheet p. 18 | Worksheet p. 18 | Worksheet p. 18 | Worksheet p. 18 | Worksheet p. 18 |
| Homework | | | | | | | | |

Read
10-15
Do of
SNOTIONS

Art

Week Of: Sept. 2-6

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Labor Day Holiday

Notes:

Time/Subject

SWBAT

2 a.c., 5 d., 6 a.

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

SWBAT

S.L.2 a.b.c.e., S.L.3 a.
2 a.c., 5 d., 6 a.

Language Arts Today, Glencoe Language Arts

Read P.2-5, Do practice in book, do p.47-48

Extra practice p. 28-29

Quit on Sentences

Glencoe workbook p. 49-50

SWBAT

2 a., 5 d., 6 a.

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

SWBAT

S.NBT.1.5.OA.3.5.G.3.5.NBT.5.5.MD.1.5.NBT.1
2 a., 5 d., 6 a.

Scott Foresman book

Read p.4, do p. 5, 1-18

Place Value through Billions

Simple Solutions lesson 2, p. 4

SWBAT

S.NBT.1.5.NBT.5.G.3.5.OA.3.5.MD.1
2 a., 5 d., 6 a.

Scott Foresman book

Read p.8, do p. 9, 1-30

Place Value Through Thousandths

Simple Solutions lesson 3, p.6

SWBAT

S.NBT.1.5.NBT.3(a.L)
2 a., 5 d., 6 a.

Scott Foresman book

Read p.10-11, do p. 11-12, 1-28

Comparing Fractions, Whole #s & Decimals

Diagnostic Checkpoint p. 13, 1-31

SWBAT

S.NBT.4.5.NBT.4,
2 a., 5 d., 6 a.

Scott Foresman book

Read p.16-17, do p. 17-18, 1-31

Rounding Whole #s & Decimals

None

SWBAT

2 a., 5 d., 6 a.

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

SWBAT

S.RI.4.5.RF.3.5.RF.4.5.L.2 e.
2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read P.16-20, do p. 21 all

working on s, es, ed, ing

SWBAT

S.RI.4.5.RF.3.5.RF.4.5.L.2 e.
2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 22, do 1-20

working on s, es, ed, ing

SWBAT

S.RI.4.5.RF.3.5.RF.4.5.L.2 e.
2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 23, do all

working on s, es, ed, ing

SWBAT

S.RI.4.5.RF.3.5.RF.4.5.L.2 e.
2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 1

working on s, es, ed, ing

SWBAT

Objective

SWBAT

SWBAT

SWBAT

SWBAT

CCCS
SLE(s)
Materials
Activity
Assessment
Homework
Time/Subject

| Objective | SWBAT | SWBAT | SWBAT |
|--------------|------------------|--|--|
| CCCS | 2 a. b. c., 5 d. | 5.RL.2, 5.RL.4, 5.RL.6, 5.RL.3, 5.RF.3 a., 5.RF.4 a. | 5.RL.2, 5.RL.4, 5.RL.6, 5.RL.3, 5.RF.3 a., 5.RF.4 a. |
| SLE(s) | | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | | Reading, Fantastic Voyage, and workbook | Reading, Fantastic Voyage, and workbook |
| Activity | | Read p. 20-22, review vocabulary | Read story p. 23-34, review for test |
| Assessment | | hmwk, wkbk p. 1-3 | hmwk, wkbk, p. 5-6 |
| Homework | | | Chapter 1 test |
| Time/Subject | | | |

| Objective | SWBAT | SWBAT | SWBAT |
|--------------|------------------|---|--|
| CCCS | 2 a. b. c., 5 d. | 5.L.2 e., 5.L.4 a., 5.L.5 c. | 5.L.2 e., 5.L.4 a., 5.L.5 c. |
| SLE(s) | | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | | Vocabulary Workshop, Sadlier-Oxford | Vocabulary Workshop, Sadlier-Oxford |
| Activity | | Read "Why Bear Sleeps", do p. 12-13 vocab | Review story, do p. 14 |
| Assessment | | | Synonyms & Antonyms p. 13 |
| Homework | | | Science, McGraw-Hill |
| Time/Subject | | | Review homework study guides p. 5, 6, 7, 8, 12 |

| Objective | SWBAT | SWBAT | SWBAT |
|--------------|--------------------------|--|---|
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | | Coming To God's Life Book | Coming To God's Life Book |
| Materials | | Read p. 14-25, 16-17, Compare Contrast | Read p. 22, Do test review p. 23, test review |
| Activity | | Jesus is Human, Jesus is Divine | Review for Chapter 1 test |
| Assessment | | Define disciple | Study guide crossword puzzle |
| Homework | | None | None |
| Time/Subject | 1.45-2.30 | 2.45-3.30 | 3.45-4.30 |

| Objective | SWBAT | SWBAT | SWBAT |
|-----------|-----------------------|--|-----------------------|
| CCCS | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. |
| SLE(s) | | America Will Be book | America Will Be book |
| Materials | | Read p. 1-3, Discuss, Read p. 4-8, Discuss | Read p. 1-3 on p. 1-3 |
| Activity | | | |

| | | | | | |
|--------------|-------------------|-------------------|-------------------|-------------------|---------------------------------------|
| Assessment | Do workbook p. 1 | None | None | None | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Homework | None | None | None | None | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Time/Subject | 2:20-3:00 Science | 2:20-3:00 Science | 2:20-3:00 Science | 2:20-3:00 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | | | | | |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |

1203

1203

2 a.b.d.e., 4c., 5d., 6a.b.c.

2 a.b.d.e., 4c., 5d., 6a.b.c.

2 a.b.d.e., 4c., 5d., 6a.b.c.

2 a.b.d.e., 4c., 5d., 6a.b.c.

2 a.b.d.e., 4c., 5d., 6a.b.c.

Science, McGraw-Hill
Read Chapter 1, p. 16-17, define science words

Science, McGraw-Hill
Read Chapter 1, p. 10-15, Do questions on p. 15, 1-5

Science, McGraw-Hill
Read Chapter 1, p. 1-5, discuss difference between plant and animal cells

Science, McGraw-Hill
Read Chapter 1, p. 1-5, discuss difference between plant and animal cells

Plant Kingdom: Cells, Classification p. 7-8

Plant Kingdom: Cells, Classification p. 7-8

Plant Kingdom: Cells, Classification p. 7-8

Plant Kingdom: Cells, Classification p. 7-8

Week Of: August 26-30

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Notes: School Begins 7:55 -12:30 School Begins 7:55 -12:30 School Begins 7:55 -12:30

Time/Subject

Objective(s)

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

CCCS

2 a.c., 5 d., 6 a.

2 a.c., 5 d., 6 a.

2 a.c., 5 d., 6 a.

2 a.c., 5 d., 6 a.

Materials

Activity

Assessment

Homework

Homework

Time/Subject

Math

Math

Math

Math

Math

Objective(s)

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

CCCS

2 a., 5 d., 6 a.

2 a., 5 d., 6 a.

2 a., 5 d., 6 a.

2 a., 5 d., 6 a.

Materials

Activity

Assessment

Homework

Homework

Time/Subject

Math

Math

Math

Math

Math

Objective(s)

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

CCCS

2 a., 5 d., 6 a.

2 a., 5 d., 6 a.

2 a., 5 d., 6 a.

2 a., 5 d., 6 a.

Materials

Activity

Assessment

Homework

Homework

Time/Subject

Spanish

Spanish

Spanish

Spanish

Spanish

Objective

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

CCCS

2 a., 5 d., 6 a.

2 a., 5 d., 6 a.

2 a., 5 d., 6 a.

2 a., 5 d., 6 a.

Materials

Activity

Assessment

Homework

Homework

Time/Subject

Spanish

Spanish

Spanish

Spanish

Spanish

| SLE(s)  Materials Activity Assessment Homework | getting to know you project | self portrait drawing | Read book (chosen yesterday) |
|---|------------------------------|-------------------------------------|--|
| Time/Subject | 11:25-12:10 | 11:25-12:10 | 11:25-12:10 |
| Objective CCCS SLE(s) Materials Activity Assessment Homework | SWBAT 2 a. b. c., 5 d. | SWBAT 2 a. b. c., 5 d. | SWBAT 2 a. b. c., 5 d. |
| Time/Subject | organize books/desk/folders | Discuss Island Reading/start a book | Organize SS folders/discuss Walking through Revolution |
| Objective CCCS SLE(s) Materials Activity Assessment Homework | SWBAT 2 a. b. c., 5 d. | SWBAT 2 a. b. c., 5 d. | SWBAT 2 a. b. c., 5 d. |
| Time/Subject | closing procedures/dismissal | practice lunch procedures/dismissal | Organize Science folders/review book Dismissal |
| Objective CCCS SLE(s) Materials Activity Assessment Homework | SWBAT 2 a. b. c., 5 d. | SWBAT 2 a. b. c., 5 d. | SWBAT 2 a. b. c., 5 d. |
| Time/Subject | | | |
| Objective CCCS SLE(s) Materials Activity Assessment Homework | SWBAT 2 a. b. c., 5 d. | SWBAT 2 a. b. c., 5 d. | SWBAT 2 a. b. c., 5 d. |
| Time/Subject | | | |

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Cathryn@jmlaw.com

Attorneys for Plaintiff
KRISTEN BIEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a

California corporation; and

DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF KRISTEN BIEL'S
COMPENDIUM OF EVIDENCE IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Filed and served concurrently with:

- *Plaintiff's Memorandum of Points & Authorities in Opposition to Defendant's MSJ/PSJ;*
- *Plaintiff's Separate Statement of Controverted & Uncontroverted Facts;*
- *Plaintiff's Request for Judicial Notice.*

Date: Monday, November 7, 2016

Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015

Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby submits the following evidence in support of her Opposition to the Motion for Summary Judgment or, in the Alternative, Party Summary Judgment, filed by Defendant ST. JAMES SCHOOL, A CORP (“Defendant”).

DECLARATIONS:

- Declaration of Cathryn G. Fund

EXHIBITS:

| | |
|----------|--|
| 1 | Relevant Portions of the Deposition of Plaintiff Kristen Biel (November 10, 2015), including relevant exhibits from the deposition. |
| 2 | Relevant Portions of the Deposition of Mary M. Kreuper (November 12, 2015), including relevant exhibits from the deposition. |
| 3 | Relevant Portions of the Deposition of Mara Wolfesen (May 13, 2016). |
| 4 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One that was served on August 17, 2015. |
| 5 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two that was served on December 4, 2015. |
| 6 | Pertinent Pages of Defendant’s documents produced in response to Plaintiff’s Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced to Plaintiff on January 21, 2016. |

///

///

///

1 Respectfully submitted,

2
3 DATED: October 17, 2016 JML LAW, A Professional Law Corporation

4
5 By: /s/ Cathryn Fund

6 JOSEPH M. LOVRETOVICH

7 JARED W. BEILKE

8 CATHRYN FUND

9 Attorneys for Plaintiff Kristen Biel

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DECLARATION OF CATHRYN G. FUND

DECLARATION OF CATHRYN G. FUND

I, Cathryn G. Fund, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California and before this court. I am an associate with the firm JML Law, A Professional Law Corporation, counsel of record for Plaintiff KRISTEN BIEL (“Plaintiff”) in the matter of *Biel v. St. James School, A Corp.*, currently pending before the United States District Court for the Central District of California. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently thereto under oath, if called as a witness.

2. On November 10, 2015, I defended the deposition of Plaintiff in this case, which was taken by Defendant’s counsel. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 1** are true and correct copies of pertinent pages and exhibits from Plaintiff’s deposition, which memorializes Plaintiff’s testimony from her deposition on November 10, 2015.

3. On November 12, 2015, my former colleague D. Aaron Brock, who is no longer with JML Law, took the deposition of Mary Kreuper in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 2** are true and correct copies of pertinent pages and exhibits from Mary Kreuper’s deposition taken on November 12, 2015.

4. On May 13, 2016, I took the deposition of Mara Wolfsen in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 3** are true and correct copies of pertinent pages from Mara Wolfsen’s deposition, which memorializes Ms. Wolfsen’s testimony from her May 13, 2016 deposition.

5. Plaintiff’s lesson plans (Deft Production 59-146) were not identified or produced as part of Defendant’s initial disclosures on September 29, 2015 in response to eight relevant categories of Plaintiff’s Request for Production of Documents, Set No. One (Request Nos. 6, 13, 14, 15, 16, 17, 18, 19), and were not produced prior to the depositions of Kristen Biel on November 10, 2016 and Sister

1 Mary Margaret Kreuper on November 12, 2015. Plaintiff's lesson plans were
 2 subsequently produced in response to Plaintiff's Request for Production of
 3 Documents, Set No. Two on January 21, 2016.

4 6. Attached as **Exhibit 4** is a true and correct copy of Plaintiff's Request
 5 to Defendant for Identification, Inspection and Production of Documents and
 6 Tangible Items, Set No. One that was served on August 17, 2015.

7 7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff's Request
 8 to Defendant for Identification, Inspection and Production of Documents and
 9 Tangible Items, Set No. Two that was served on December 4, 2015.

10 8. Attached as **Exhibit 6** are true and correct copies of the pertinent
 11 pages of Defendant's document production in response to Plaintiff's Request for
 12 Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced
 13 to Plaintiff on January 21, 2016.

14
 15 I hereby declare under penalty of perjury, under the laws of the State of
 16 California and the United States of America that the foregoing is true and correct,
 17 and that this Declaration was executed on October 17, 2016, at Woodland Hills,
 18 California.

19
 20 By: /s/ Cathryn Fund

21 Cathryn G. Fund, Esq.
 22
 23
 24
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 26
 27
 28

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EXHIBIT 2

DEPOSITION OF MARY

KREUPER

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3
4
5 KRISTEN BIEL, an individual,)

6 Plaintiff,)

7 vs)

Case No. 15-cv-

8) 04248-TJH (ASx)

ST. JAMES SCHOOL, A CORP., a)

California corporation; and)

9 DOES 1-50, inclusive,)

10 Defendants.)

11
12
13
14
15 DEPOSITION OF MARY M. KREUPER

16 Woodland Hills, California

17 Thursday, November 12, 2015

18
19
20
21
22
23
24 Reported by: Alla Ponto

CSR No. 11046

25 NDS Job No.: 174564

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3
4
5 KRISTEN BIEL, an individual,)

6 Plaintiff,)

7 vs)

) Case No. 15-cv-

) 04248-TJH (ASx)

8 ST. JAMES SCHOOL, A CORP., a)

9 California corporation; and)

DOES 1-50, inclusive,)

10 Defendants.)

11 _____)

12
13
14
15 DEPOSITION OF MARY M. KREUPER,

16 taken on behalf of the Plaintiff,

17 at 21052 Oxnard Street, Woodland Hills,

18 California, beginning at 9:57 a.m.

19 and ending at 2:50 p.m., on Thursday,

20 November 12, 2015, before Alla Ponto,

21 Certified Shorthand Reporter No. 11046.

1 APPEARANCES:

2
3 For the Plaintiff:

4 JML LAW
5 BY: D. AARON BROCK, ESQ.
6 21052 Oxnard Street
7 Woodland Hills, California 91367
8 (818) 610-8800
9 aaron@jmlaw.com

10 For the Defendants:

11 SULLIVAN, BALLOG & WILLIAMS
12 BY: NIKKI FERMIN, ESQ.
13 400 North Tustin Avenue
14 Suite 120
15 Santa Ana, California 92705
16 (714) 541-2121
17 nuf@sullivanballog.com
18
19
20
21
22
23
24
25

INDEX

WITNESS

MARY M. KREUPER

EXAMINATION

PAGE

BY MR. BROCK

6, 123

EXHIBITS

MARKED

DESCRIPTION

PAGE

| | | |
|-----------|---|----|
| Exhibit 1 | Document Entitled, "Weekly Time Allotments" | 31 |
|-----------|---|----|

| | | |
|-----------|------------------------------|----|
| Exhibit 2 | Faculty Employment Agreement | 59 |
|-----------|------------------------------|----|

| | | |
|-----------|---|----|
| Exhibit 3 | Elementary School Classroom Observation Report for Kristen Biel | 90 |
|-----------|---|----|

| | | |
|-----------|-------------------------------|----|
| Exhibit 4 | Handwritten Notes, Four Pages | 99 |
|-----------|-------------------------------|----|

| | | |
|-----------|--|-----|
| Exhibit 5 | Intent to Return Form for Kristen Biel | 116 |
|-----------|--|-----|

| | | |
|-----------|---|-----|
| Exhibit 6 | Letter from Sister Mary Margaret to Kristen Biel, dated 5/15/14 | 132 |
|-----------|---|-----|

| | | |
|-----------|---|-----|
| Exhibit 7 | Letter from Kristen Biel to Sister Mary Margaret, dated 6/16/14 | 147 |
|-----------|---|-----|

| | | |
|-----------|--|-----|
| Exhibit 8 | Letter of Intent from Kristen Biel to Sister Mary Margaret, dated 6/9/14 | 151 |
|-----------|--|-----|

| | | |
|-----------|--------------|-----|
| Exhibit 9 | Lesson Plans | 152 |
|-----------|--------------|-----|

| | | |
|------------|------------------------|-----|
| Exhibit 10 | Faculty/Staff Handbook | 160 |
|------------|------------------------|-----|

1 A. Nine.

2 Q. Has the school generally looked the same
3 structure-wise in the 20 years you have been there?
4 Meaning, has it always been a parish school that taught
5 nine grades?

6 A. Yes.

7 Q. What grades are taught there?

8 A. K to 8.

9 Q. How many classes?

10 A. Nine.

11 Q. So one class per grade?

12 A. That's correct.

13 Q. Has there always been one class per grade?

14 A. No.

15 Q. When was it different?

16 A. When -- let's see. Years before I came there,
17 they had three grades of each class.

18 Q. Okay.

19 A. It went down to two, and then it went down to
20 one.

21 Q. Do you know when it went down to one?

22 A. Before I came. I'm not sure.

23 Q. In the 27 years you have been there, there's
24 been one class per grade; correct?

25 A. That's correct.

1 Q. And is there one teacher per grade per class?

2 A. There's one teacher.

3 Q. So is there one 8th grade teacher, one 7th

4 grade teacher, one 6th grade teacher, one 5th grade

5 teacher, one 4th grade teacher, one 3rd grade teacher,

6 one 2nd, one 1st and one K?

7 A. Yes.

8 Q. Who is the current 8th grade teacher?

9 A. Sister Lana, L-a-n-a.

10 Q. Is there a prerequisite that a teacher needs
11 to be Catholic in order to teach at St. James?

12 A. It's recommended.

13 Q. Is it a requirement?

14 A. No.

15 Q. Sister Lana -- I take it she is Catholic?

16 A. She is.

17 Q. How long has she taught the 8th grade?

18 A. About 13 years.

19 Q. Who is the current 7th grade teacher?

20 A. Mrs. O'Dowd, O-d-o-w-d.

21 Q. Do you know if Mrs. O'Dowd is Catholic?

22 A. Yes.

23 Q. Do you know how long she's taught the 7th
24 grade?

25 A. About 15 years.

1 A. Yes.

2 Q. Do you know how long she's taught the 3rd
3 grade?

4 A. This is her first year.

5 Q. 2014 --

6 A. 2015/2016.

7 Q. Do you know who taught the 3rd grade prior to
8 Ms. Raad?

9 A. Yes.

10 Q. Who?

11 A. Cynthia Wight, W-i-g-h-t.

12 Q. Do you know how long Ms. Wight taught the 3rd
13 grade?

14 A. 17 years.

15 Q. Who teaches the 2nd grade?

16 A. Mrs. Sitter, S-i-t-t-e-r.

17 Q. Is she Catholic?

18 A. Yes.

19 Q. Do you know how long she taught the 2nd grade?

20 A. Eight years.

21 Q. Who is the 1st grade teacher?

22 A. Elisa Schiappa-Gobee, S-c-h-i-a-p-p-a, dash,
23 G-o-b-e-e, and Ms. Roberts, Monica Roberts.

24 Q. Does one teacher teach two days a week and one
25 teacher teaches another day?

1 A. That's correct.

2 Q. Elisa -- does she teach two or three days a
3 week?

4 A. Three.

5 Q. What about Ms. Roberts?

6 A. Two.

7 Q. How long has Elisa been the 1st grade teacher?

8 A. Fifteen years.

9 Q. What about Ms. Roberts?

10 A. Three.

11 Q. Why is the 1st grade teachers assigned three
12 days a week and two days a week as opposed to one
13 teacher five days a week?

14 A. Elisa had children, and so she wanted to be
15 home with her children some of the days. So they team
16 teach.

17 Q. Okay. Who teaches the -- Grade K?

18 A. Yes. Kindergarten. Denise Spencer.

19 Q. Is she Catholic?

20 A. Yes.

21 Q. So both the 1st grade teachers are Catholic?

22 A. Yes.

23 Q. Do you know how long Ms. Spencer has taught
24 the kindergarten class?

25 A. About -- let's see. About 20 years.

1 A. Yes.

2 Q. Okay.

3 A. That's correct.

4 Q. Returning students are 3,650 per year?

5 A. Uh-huh.

6 Q. What about new students?

7 A. 39 -- I think it's about 3,950.

8 Q. What about twin discounts?

9 A. Twins?

10 Q. I am asking for a friend -- my wife. Is there
11 a twin discount?

12 A. Everyone gets a discount.

13 MR. BROCK: Let's take a break.

14 (Recess.)

15 MR. BROCK: Back on the record.

16 BY MR. BROCK:

17 Q. When did you first meet Kristen Biel?

18 A. I first met her in January, the year before
19 she taught 5th grade; so that would have been 2013.

20 Q. So during the 2012/2013 school year?

21 A. Yes.

22 Q. How did you meet her?

23 A. She applied for a long-term sub position in
24 1st grade.

25 Q. What do you mean by a long-term sub position?

1 A. Mrs. Schiappa-Bogge had a baby; so she was on
2 maternity leave during that time in January.

3 Q. Do you know how long her maternity leave was?

4 A. It was until -- probably until after Easter,
5 probably April.

6 Q. All right. Did you advertise -- for lack of a
7 better term -- for a long-term sub position opening?

8 A. What do you mean by "advertise"?

9 Q. Yeah. How did she know that -- that there was
10 a long-term sub position available?

11 MS. FERMIN: Calls for speculation as phrased.
12 BY MR. BROCK:

13 Q. You can answer.

14 A. Could you repeat that, please.

15 Q. How would she have known, if you know, that
16 there was a long-term position available?

17 A. Okay. What we usually do -- the principals
18 usually put out -- you know, "Do you have any long-term
19 subs?" to one another, and then if somebody says -- if
20 someone recommended her for 1st grade, the sub position
21 in 1st grade.

22 Q. When you say "The principals put out
23 something," what do you mean by that?

24 A. We have what we call a "deanery," and it's a
25 group of 16 principals in the South Bay area, and we

1 Q. And what did she say when she got back to you?

2 A. She said she cancelled her appointment with
3 Chris Knowles and would like to take the position at
4 St. James.

5 Q. Do you know when that conversation took place?

6 A. No. In May sometime.

7 Q. I will give you a document that we'll mark as
8 Exhibit 2.

9 (Plaintiff's Exhibit 2 was marked for
10 identification by the court reporter
11 and is attached hereto.)

12 BY MR. BROCK:

13 Q. Ma'am, have you seen this document before?

14 A. Yes.

15 Q. Can you tell me what this document is?

16 A. This is an employment agreement that we sign
17 with each teacher.

18 Q. Page 4 of the agreement, is that your
19 signature?

20 A. Yes.

21 Q. Also on Page 5?

22 A. Yes.

23 Q. It is dated May 28, 2013. Is that in or
24 around the time you had offered Ms. Biel the position?

25 A. I think it was a little bit after that.

1 A. Define work performance.

2 Q. Her job performance in the broadest, sort of,
3 spectrum.

4 My understanding is she wasn't asked back,
5 according to the verified discovery responses, due to
6 her job performance.

7 Did you have any issues with her job
8 performance from August to November?

9 A. Yes.

10 Q. What issues did you have?

11 A. Classroom management, grading, policy.

12 Q. Grading policy?

13 A. No. Grading, and then policy.

14 Q. Okay. Any other issues?

15 A. That's pretty much it.

16 Q. What classroom management did you observe?

17 A. I observed a chaotic environment, lots of
18 talking, lots of getting out of their seats with
19 seemingly no purpose, just because they wanted to go
20 visit a friend. I observed much clutter in the
21 classroom and mostly on and around the students' desks.

22 Q. Okay. Any other issues with classroom
23 management?

24 A. Yes. We have a homework policy.

25 Q. Okay.

1 Q. Why were you meeting with her then?

2 A. She would bring her lesson plans, or I would
3 want to see her about the clutter that I saw on the
4 desks or that kind of thing.

5 Q. Did you talk to her about the clutter
6 throughout the 1st trimester?

7 A. Yes.

8 Q. Did the chaotic environment improve during the
9 1st trimester or get worse from the first time you
10 noticed it?

11 A. I think it stayed the same.

12 Q. What about the clutter? Did it stay the same?

13 A. Yes.

14 Q. The homework policy we discussed. Okay.

15 What is the grading issues that you had in the
16 1st trimester?

17 A. All the students in her classroom with the
18 exception of one was on the honor roll.

19 Q. It's because they are all doing their
20 homework; right?

21 A. Right.

22 Q. Every single one was on the honor roll?

23 A. Except one.

24 Q. How does one get on the honor roll at

25 St. James?

1 A. You have to have 25 points made up of "A"s and
2 "B"s on your report card and a "good" in work habits and
3 behavior.

4 Q. Did you feel like she was too lenient on the
5 students?

6 A. Yes.

7 Q. When does the honor roll come out?

8 A. After the first report card.

9 Q. When does that come out?

10 A. November.

11 Q. November what? Do you know?

12 A. Probably mid November.

13 Q. Okay.

14 A. On a Tuesday.

15 Q. How many 5th graders would typically be on the
16 honor roll after the first time the report cards came
17 out?

18 A. About 20 to 25, maybe.

19 Q. How many did she have on there?

20 A. 30 or however many she had in her class with
21 the exception of one.

22 Q. So 20 to 25 would be typical, and she had
23 everyone but one?

24 A. Correct.

25 Q. Do you have a list of the 5th graders on honor

1 rolls from the years prior to Ms. Biel?

2 A. I could probably get them.

3 Q. How would you get them?

4 A. In the newsletter.

5 Q. There's a newsletter that goes out?

6 A. Yes.

7 Q. And you have a copy of all the old

8 newsletters?

9 A. Not for years and years.

10 Q. For how long?

11 A. Maybe a couple of years.

12 Q. Where do you have those copies?

13 A. In a notebook.

14 Q. Who develops the newsletter?

15 A. I give the material to my secretary, and she

16 types it.

17 Q. Do you have the original material that you

18 would give her about students on the honor roll?

19 A. I don't give that. The teachers give that to

20 her.

21 Q. Do you have a copy of all the old teacher

22 honor roll submissions?

23 A. No.

24 Q. You just have the newsletters; correct?

25 A. Correct.

1 Q. That lists all the students on the honor roll?

2 A. That's right.

3 Q. Did you have a problem that only one student
4 was not on the honor roll?

5 A. Yes.

6 Q. What was the problem?

7 A. There were a couple of problems. One is that
8 the one that was not on the honor roll would be left
9 sitting on the benches by herself when everybody else
10 came up to get the honor roll certificate. And we do it
11 at an assembly.

12 Secondly, I knew from 4th grade and 3rd grade
13 that all of those students -- many of the those students
14 had never been on the honor roll.

15 Q. Did you go through with awarding the
16 certificates on the honor roll during the assembly for
17 Mrs. Biel's class after the grades came out?

18 A. Yes.

19 Q. Did everyone but one person get the honor roll
20 certificate?

21 A. Yes, they did.

22 Q. Prior to the honor roll coming out, did you
23 have any conversations with Mrs. Biel about how many
24 students should or should not be on the honor roll?

25 A. It doesn't work like that. It's whoever earns

1 A. Yes.

2 Q. Did you ever conduct any written performance
3 evaluations of Ms. Biel during that 1st trimester?

4 A. Yes, I did.

5 Q. How many?

6 A. One in November, one formal one in November.

7 Q. The other ones would be the walkthroughs and
8 the walk-bys?

9 A. And in the meetings with her, yes.

10 Q. What is the purpose of the performance,
11 written performance evaluation?

12 A. So that the teacher can see in documented form
13 the pros and the cons of what they are doing.

14 Q. Do you do performance evaluations of all the
15 teachers?

16 A. Yes.

17 Q. Do you do them at around the same time?

18 A. Yes.

19 Q. How often do you do written performance
20 evaluations of teachers during the school year?

21 A. Formal written, twice.

22 Q. What period of time?

23 A. November and then again in May.

24 Q. I will hand you a document that we'll mark as
25 Exhibit 3.

1 (Plaintiff's Exhibit 3 was marked for
2 identification by the court reporter
3 and is attached hereto.)

4 BY MR. BROCK:

5 Q. Have you seen this document before?

6 A. Yes, I have.

7 Q. Can you tell me what this document is.

8 A. This is the observation report that I did for
9 Kristen.

10 Q. Okay. When did you perform this report?

11 A. In November.

12 Q. 2013?

13 A. Yes.

14 Q. This would have been after the 1st trimester?

15 A. Yes.

16 Q. It says, "2:10, Excell."

17 Can you tell me what that mean?

18 A. After I did this report, Kristen asked me if I
19 would come up to the computer lab and see an Excell
20 class that she was going to do. Graphics. I said,
21 "Yes."

22 Q. Okay. "Subject: Math."

23 What does that mean?

24 A. That's the subject I observed.

25 Q. How long did you observe her teaching?

1 A. About 40 minutes.

2 Q. And you filled out this document; correct?

3 A. Yes, I did.

4 Q. And you wanted to be accurate about what you
5 observed; correct?

6 A. Yes.

7 Q. You write the word "respect"?

8 A. Uh-huh.

9 Q. What do you mean by that?

10 A. She was respectful to all the students,
11 treated them.

12 Q. Is it a template form that you fill out?

13 A. Yes.

14 Q. What do the Xs mean on the boxes?

15 A. I did that. Those are that they -- there was
16 evidence of that.

17 Q. What do you say there at the bottom? There's
18 a variety of work displayed?

19 A. She had class work that they had completed
20 hung up in her room.

21 Q. You find that a positive?

22 A. Yes.

23 Q. Next page, "Coordinate. Give example."

24 What do you mean by that?

25 A. "Using instructional time to optimize

1 learning. Coordinates and gives examples."

2 She probably taught a concept, and then she
3 gave examples of the concept she was teaching.

4 Q. "Observational comments." Can you read into
5 the record just to make sure I have it correct. I think
6 it starts with, "Good way to" -- something.

7 A. Where is that now? Okay.

8 "Good way to plot and
9 coordinate. Good review. Did
10 you have another idea? Good
11 having students come up to the
12 board. Good positive
13 reinforcement. Pick sticks.
14 When you give an assignment, go
15 over the directions. How many
16 picked 'C'? They had their heads
17 down and their thumbs up. Call a
18 few numbers at a time. What
19 about the people whose number is
20 not up there? Choose anyone you
21 want."

22 Q. Okay. The next page. It says:

23 "This observation form is used
24 in conjunction with the
25 California standards for the

1 teaching profession."

2 Do you know what that means?

3 A. Yes. It means that this is a template that is
4 used with the California teaching profession.

5 Q. Can you read into the record what it says on
6 the bottom under "observed"?

7 A. It says, "Observed many things on the desks,
8 Kleenex box, markers. Julia."

9 Q. Who is Julia?

10 A. She's one of the students in there.

11 Q. Are you saying that that student had things on
12 the desk or all of the students had things on their
13 desks?

14 A. All the students had things on the desks. She
15 had an inordinate amount of markers on the desk.

16 Q. Okay.

17 A. It says:

18 "Pencil sharpeners, water
19 bottles, books, et cetera, under
20 the desks and in the aisle. It's
21 a fire hazard. Binders, staple
22 removers, tape, Scotch tape."

23 Now I am suggesting these
24 things: "Have a zipper bag for
25 these items. Work on

1 organization. Do the students
2 work in their Simple Solution
3 books? Never allow the student
4 to color the pages of the book."

5 Q. "Julia," again?

6 A. Yes.

7 Q. Okay.

8 A. And "Francesca." And then, "Go over the page
9 ahead of time." I can't read that.

10 Q. Okay.

11 A. And at the end of it, she had a good review of
12 music rules.

13 Q. It says "plus 10 over 12"?

14 A. That's what I had suggested that she use as
15 her grading. If there were 12 items, then if they got
16 10 right, she put a plus 10 over 12. I thought it would
17 be easy for her to see that and be able to grade those.

18 Q. Did you feel this was a positive performance
19 evaluation?

20 A. Parts of it were.

21 Q. What parts weren't? Was that the parts that
22 you observed?

23 A. Yes.

24 Q. Did you meet with Ms. Biel to go over this
25 evaluation?

1 contract."

2 Q. Based on her job performance?

3 A. That's right.

4 Q. And these were during meetings you had with
5 her?

6 A. Yes.

7 Q. How frequently were you having meetings with
8 her?

9 A. After January, I met with her weekly.

10 Q. Did you set up these meetings, or did she
11 request them?

12 A. No, she didn't request them. I asked to see
13 her.

14 Q. Once a week?

15 A. Sometimes twice a week.

16 Q. Why did you ask to see her?

17 A. Because I wanted to check in with her to see
18 how she was doing with regards to all the things we
19 talked about.

20 Q. Did you check in with other teachers?

21 A. On those same issues?

22 Q. On any issues.

23 A. I check in with teachers regularly, yes.

24 Q. Did you have meetings once a week or twice a
25 week --

1 A. No.

2 Q. -- with other teachers?

3 A. No.

4 Q. How frequently would you have meetings with
5 other teachers?

6 A. Depends on what the issue is. It could be --
7 it could be twice a week. It could be once every two
8 weeks.

9 Q. It says, "math." What does it say underneath
10 that?

11 A. "Pacing. Be sure skills are mastered."

12 Q. Do you know when you wrote that?

13 A. No, I don't.

14 Q. "Grades"?

15 A. I recall being in her classroom one time, and
16 she did have a group religion -- it was kind of like a
17 skit. And I noticed that two of the students didn't do
18 anything with the skit. They just sort of were in it.
19 And she gave everybody an A. She told them right there,
20 "Everyone gets an A."

21 I am not sure how you give everybody the same
22 grade.

23 Q. Do you know when that happened?

24 A. No, I don't.

25 Q. It says, "Communication. E-mail not to

1 parent."

2 What does that mean?

3 A. I asked all the teachers not to communicate
4 with parents via e-mail. I ask them to either have a
5 face-to-face conference or to telephone them.

6 Q. Was she having a problem with that?

7 A. She did it. She would e-mail the parents.

8 Q. Do you know how many times she e-mailed the
9 parents?

10 A. No, I don't.

11 Q. "Technology," what does that mean?

12 A. It needs to be curricular related.

13 She had asked me to come up and observe a
14 couple of things in the computer lab that she wanted to
15 do that were not necessarily related to the curriculum.

16 Q. "Water bottle," we know that. "Grades for
17 group work."

18 What did you mean by that?

19 A. That was the same as the religion.

20 Q. Then you have "6/2014" and "6-17-2014."

21 A. Uh-huh.

22 Q. Is there any reason why you dated these
23 particular issues?

24 A. No, there wasn't. No.

25 Q. From the time that she first started up until

1 the Christmas break, did any parents express any issues
2 they had with Ms. Biel's work performance?

3 A. There were some parents who did come to me.
4 I'm not sure about the timeline.

5 Q. How many parents ever express to you concerns
6 about Ms. Biel's work performance?

7 A. There were four.

8 Q. Who were the parents?

9 A. Patty Schiappa.

10 Q. Uh-huh.

11 A. Mara Delgadillo, Jonnell O'Dowd, and there was
12 one other one. I don't recall the name.

13 Q. Do you recall what Patty told you?

14 A. Yes. That she was pleasantly surprised and
15 shocked that her son Nikko made the honor roll because
16 he was not an honor roll student.

17 Q. I'm sure Nikko --

18 A. Sorry?

19 Q. Go ahead.

20 A. And she came in and said that -- all of them
21 said it was the lack of structure in the classroom and
22 that they seemed to be able to do whatever they wanted
23 to do.

24 Q. Patty told you that about Ms. Biel?

25 A. Yes.

1 Q. Mary -- Mara?

2 A. Mara. Her daughter is a bright girl and
3 certainly deserved to be on the honor roll. She didn't
4 have a problem with that. But it was the lack of
5 structure in the classroom. Her daughter found it hard
6 to study when there's so much noise in the classroom and
7 to work.

8 Q. And Jonnell O'Dowd?

9 A. She didn't correct the study guides. And so,
10 therefore, when they took their tests, some of the
11 answers that they gave on the test were incorrect
12 because they just studied the study guide.

13 Q. Okay.

14 A. That, and also the -- again, lack of
15 structure.

16 Q. Was Jonnell a teacher there?

17 A. Yes.

18 Q. What about Mara?

19 A. No.

20 Q. Patty?

21 A. No.

22 Q. What grade did Jonnell teach?

23 A. 7th grade.

24 Q. And the other parent, do you recall what her
25 complaints were?

1 A. Looks like February 21st.

2 Q. When did you first decide that Ms. Biel would
3 not be offered a contract for the 2014/2015 school year?

4 A. Probably after I got this. I was thinking
5 that maybe she wouldn't say she wanted to return.

6 Q. Okay.

7 A. So after this.

8 Q. When you gave her this, were you hoping that
9 she would say "No?"

10 A. I wasn't hoping that she would say "No," but I
11 was hoping that she had learned something. But I felt
12 that she probably thought that I was being too hard on
13 her. That's my feeling.

14 Q. Okay. Did you have an expectation that she
15 would say no, that she did not want to return for the
16 next school year?

17 A. I didn't have an expectation. I thought maybe
18 she wouldn't want to.

19 Q. Up until February 21, 2014, had you made a
20 decision one way or the other that you were going to
21 offer Ms. Biel a contract for the next school year?

22 A. I hadn't decided.

23 Q. Are you the only person who makes the decision
24 to offer a teacher a contract for a school year?

25 A. Yes.

1 school year?

2 A. No, she didn't.

3 Q. There's some checked box on credentialing?

4 A. Uh-huh.

5 Q. Did any part of Ms. Biel's credentials play
6 any role in why she was not asked for the 2014/2015
7 school year?

8 A. No.

9 Q. All right. When did you decide that Ms. Biel
10 would not be returning for the next school year?

11 A. My tendency was in, say, March. When I found
12 out that she was wanting to return, I thought, well, you
13 know, I will work with her until to see if things
14 change. So probably in March I thought that I don't
15 think this is going to work out.

16 Q. Was there a particular event that happened
17 that caused you to make a decision that it's probably
18 not going to work out or was it just an accumulation of
19 things? What was it, if you can tell me?

20 A. I think it was the lack of doing the things
21 that I had asked her to do.

22 Q. In particular, what things?

23 A. Classroom, the orderliness or lack of in the
24 classroom, the chaoticness of the classroom -- that
25 never changed.

1 I found out that she wasn't using a grammar
2 book that she was supposed to be using.

3 She was also not letting children work in the
4 Simple Solutions book, and I had asked her to do that.

5 I think -- I believe that she did do that
6 after I had said to her, "Let them work in the book."
7 It's a workbook.

8 Q. When you made the decision in March 2014, did
9 you communicate your decision to Ms. Biel at that time?

10 A. I think first I determined in my own mind I
11 don't think this is going to work. However, I continued
12 to try and work with her up through March and April.
13 And, then, finally it just wasn't going to work.

14 Q. Did you ever tell Ms. Biel she would not be
15 offered a contract prior to her going out on leave?

16 A. Before May 22nd. I said a couple of times,
17 "I'm going to find it difficult to offer you a
18 contract."

19 Q. You said that a couple of times?

20 A. Couple of times, uh-huh.

21 Q. And when is the first time you said that to
22 her?

23 A. Probably after this, probably the first part
24 of March.

25 Q. When is the second time?

1 A. Probably -- maybe the first part of April, I
2 continued to meet with her to try and resolve these
3 issues, and it just wasn't working.

4 Q. Did you ever tell her she would not be offered
5 a contract prior to her going out on leave?

6 A. Yes -- no. Prior to her going out -- prior to
7 May 22nd.

8 Q. When Ms. Biel went out on leave, did you ever
9 tell her that she would not be offered a contract?

10 A. Yes, I did.

11 Q. When did you tell her?

12 A. When?

13 Q. Yes.

14 A. I don't remember. It was between April and
15 May. Yeah.

16 Q. Do you know when Ms. Biel told you she had
17 cancer?

18 A. Yes.

19 Q. When was that?

20 A. It was the Monday after Easter vacation.

21 Q. Do you know the date?

22 A. April -- probably the middle or toward the end
23 of April.

24 MR. BROCK: Let's take a break.

25 (Whereupon, at the hour of 12:36 P.M.,

1 WOODLAND HILLS, CALIFORNIA; THURSDAY, NOVEMBER 12, 2015

2 1:42 P.M.

3
4 MARY M. KREUPER,

5 having been previously duly sworn,

6 was examined and testified as follows:

7
8 EXAMINATION

9 BY MR. BROCK:

10 Q. Go ahead.

11 A. I will tell you where it was.

12 Q. Please.

13 A. It was when we were talking about Elisa

14 Schiappa being out on maternity leave and Kristen

15 subbing for her at that time.

16 Q. Uh-huh.

17 A. That was incorrect. Although Elisa had been

18 out on maternity leave for two children, the one that

19 Kristen subbed for was Annie Babuder.

20 Q. Got you.

21 A. Sorry about that.

22 Q. Did Elisa go out on maternity leave two times

23 during her employment with St. James?

24 A. Yes.

25 Q. How frequently -- strike that.

1 Can you tell me how frequently teachers went
2 out on a leave of absence that lasted longer than one or
3 two weeks?

4 A. Only for babies, and that was four of them.

5 Q. Had any teacher taken a leave of absence for
6 any medical condition other than pregnancy?

7 A. No.

8 Q. Four teachers in your 27 years went out on
9 maternity leave?

10 A. Correct.

11 Q. Okay.

12 A. And so Annie subbed for two days a week, not
13 the three that I said.

14 Q. Okay. Tell me when -- Ms. Biel told you she
15 had cancer following Easter break?

16 A. Yes.

17 Q. Do you know if it was a Monday?

18 A. Yes.

19 Q. Sometime in April?

20 A. Yes.

21 Q. Tell me how she told you.

22 A. She came in to my office, and she said that
23 during Easter vacation, she had found a lump on her
24 breast and went to the doctor, and they wanted to do
25 some tests, and they thought it was cancer.

1 Q. Did she tell you that she was waiting for test
2 results at that time?

3 A. I couldn't really say for a fact, but she told
4 me she had several appointments. And I said, "You take
5 whatever you need to take."

6 Q. At some point, did she tell you she would need
7 to take a leave of absence from work?

8 A. No.

9 Q. At some point, did she tell you that she would
10 need to undergo chemotherapy and surgery?

11 A. Yes.

12 Q. When did she tell you that?

13 A. That was probably in -- probably in -- maybe
14 end of April, first part of May.

15 Q. Do you recall what she said at that time?

16 A. She said that the doctors were going to try to
17 shrink the tumors and she would have to undergo
18 treatment for that. She didn't say specifically what it
19 was and that -- that's what she would have to do.

20 Q. From the time she first told you that she was
21 having tests to determine whether or not she had cancer
22 up until this conversation at the end of April where she
23 told you that she was going to have chemotherapy and
24 eventually surgery, did she have any conversations with
25 you about her cancer?

1 A. In what regard?

2 Q. That it's been diagnosed or anything like
3 that?

4 A. At some point, she told me she had cancer and
5 that she would have to be in treatment.

6 Q. That was before she told you about -- strike
7 that.

8 She tells you the Monday you come back from
9 Easter vacation that she found a lump and she is
10 undergoing tests; correct?

11 A. Yes.

12 Q. When is the next time you had any conversation
13 with Ms. Biel about her cancer?

14 A. Probably after the next doctor's appointment
15 that she had.

16 Q. Do you recall what she told you?

17 A. That she would have to undergo treatment to
18 shrink the tumors, to try to shrink the tumors.

19 Q. Was that the conversation you believe happened
20 towards the end of April, early May?

21 A. Yes.

22 Q. Did she tell you in that conversation when she
23 was going to begin chemotherapy?

24 A. No.

25 Q. Was Ms. Biel -- did Ms. Biel finish the

1 2013/2014 school year?

2 A. No, she didn't.

3 Q. When did she take off?

4 A. She said that her last day would be May 22nd.

5 Q. When did she inform you that her last day

6 would be May 22nd?

7 A. Probably a couple of weeks before that.

8 Q. Do you recall a specific date?

9 A. No, I don't.

10 Q. Was it during this late April, early May

11 conversation?

12 A. Probably a little bit after that. I think she

13 had to get more doctors' consults.

14 Q. Tell me about that conversation where she
15 informs you she would not be finishing the school year.

16 A. She said that she was going to undergo some
17 type of treatment. It was sort of vague. I don't know
18 that she had -- actually knew. She was going to undergo
19 some kind of treatment, and she needed to be -- her last
20 day needed to be May 22nd.

21 Q. Do you know how much notice that was?

22 A. Probably two weeks.

23 Q. Did she tell you how long she would be unable
24 to work?

25 A. It was vague. She wasn't quite sure.

1 May 22nd about two weeks prior; correct?

2 A. Yes.

3 Q. Prior to her telling you that her last day was
4 on May 22nd, did you ever have any conversations with
5 her where she told you she might be missing time from
6 work?

7 A. No.

8 Q. Did she tell you what type of cancer she was
9 diagnosed with?

10 A. No.

11 Q. At the time that Ms. Biel informed you that
12 she had cancer -- strike that.

13 At the time that -- the Monday after Easter,
14 she told you she might have cancer, had you made a
15 decision whether or not to offer Ms. Biel a scholarship
16 for the next -- had you made a decision whether or not
17 to offer Ms. Biel a contract for the next year?

18 A. Yes, I think I had, uh-huh.

19 Q. What was your decision?

20 A. It was not to rehire.

21 Q. Did you communicate that decision to Ms. Biel
22 prior to that Monday she returned following Easter and
23 told you she might have cancer?

24 A. Yes, I did.

25 Q. What did you tell her?

1 A. I told her I was not going to be able to offer
2 her a contract.

3 Q. When did you first tell her that?

4 A. It was before May 15th and -- I would say
5 probably early May.

6 Q. That's after the Easter break; correct?

7 A. Yes.

8 Q. Did you tell -- did you ever tell Ms. Biel
9 before the Easter Monday -- strike that.

10 Did you ever tell Ms. Biel before the Monday
11 after Easter, when she told you she might have cancer,
12 that she was not going to get a contract for the
13 following school year?

14 A. I mentioned on several occasions in early
15 January, February when I met with her, that because of
16 her performance, that I was going to find it very
17 difficult to offer her a contract.

18 Q. I understand that. Did you tell her, though,
19 prior to her informing you she might have cancer on that
20 Monday after Easter, that you made your decision and she
21 was not going to get a contract?

22 A. I told her that -- I said to her that this
23 didn't look like it was working out. No. I don't think
24 I ever said that I definitely was not going to rehire
25 her.

1 A. Yes.

2 Q. When did you tell her that?

3 A. With that letter on May 15th and then before
4 leading up to it all those other times that I told her
5 that I would find it difficult, that I just didn't think
6 I could offer her a contract.

7 Q. But did you ever tell her she would not be
8 given a contract?

9 A. No.

10 Q. I will hand you a document that we will mark
11 as Exhibit 6.

12 (Plaintiff's Exhibit 6 was marked for
13 identification by the court reporter
14 and is attached hereto.)

15 BY MR. BROCK:

16 Q. Can you tell me what this document is?

17 A. This is my formal letter to her saying that I
18 would not be prepared to offer her a contract.

19 Q. When did you prepare this letter?

20 A. May 15th.

21 Q. Is this the first time you communicated to
22 Ms. Biel definitively that she would not be offered a
23 contract for the 2014/2015 school year?

24 A. Definitively, yes.

25 Q. You had hinted that you had trouble giving her

1 a contract, but this is the first time you tell her she
2 ain't coming back?

3 A. I don't think I hinted. I think it was
4 stronger than a hint. Because when I say to somebody "I
5 am not" -- "I don't think I'm prepared" -- "I don't
6 think I am going to be able to offer you a contract,"
7 that's what I meant, and this was the formal declaration
8 of that.

9 Q. At any time prior to May 15, 2014, did you
10 tell Ms. Biel that you are not prepared to offer her a
11 contract for the 2014/2015 school year?

12 A. Yes.

13 Q. How did you -- did you write this document
14 before or after Ms. Biel told you two weeks prior to
15 May 22nd that that would be her last day?

16 A. Please repeat that.

17 Q. When you sent this document --

18 A. Yes.

19 Q. -- did you know Ms. Biel's last day of work
20 would be May 22nd?

21 A. Yes.

22 Q. She had already told you that May 22nd would
23 be her last day; correct?

24 A. Right.

25 Q. How did you present this document to Ms. Biel?

1 A. As I do with any teacher, I put it in their
2 mailbox. I put letters or notes in their mailboxes.

3 Q. Where is their mailbox?

4 A. In the faculty room.

5 Q. Do you know if Ms. Biel got this letter?

6 A. No.

7 Q. You don't know?

8 A. I don't know.

9 Q. Did you ever follow up with Ms. Biel prior to
10 May 22nd when her last day of work was to ensure that
11 she got this letter?

12 A. No.

13 Q. Did you ever have a conversation with Ms. Biel
14 prior to May 22nd where she discussed receiving this
15 letter?

16 A. No.

17 Q. Did you -- when is the last time you looked in
18 her mailbox?

19 A. I don't actually look at it. If I have
20 something to put in it, I do. I don't make it a
21 practice to look at it. There's lots of things in
22 there.

23 Q. Do you still have her mailbox?

24 A. No. I mean, somebody else's name is there,
25 but it's there.

1 Q. Did you clean out her mailbox?

2 A. I think it was cleaned out.

3 Q. Do you know who cleaned it out?

4 A. I think she did.

5 Q. Have you put letters like this in other
6 teachers' mailboxes, letters expressing -- strike that.

7 Have you put a letter to a teacher saying they
8 would not be offered a contract in one of their
9 mailboxes?

10 A. No.

11 Q. This is the first time?

12 A. Well, yes.

13 Q. Is there any reason why you didn't personally
14 deliver this letter to Ms. Biel?

15 A. That's not my ordinary way of communicating
16 with something like this. I usually put -- any notes or
17 something in the mailbox. That's my ordinary way of
18 doing it.

19 I did that because I felt that I had talked so
20 much with her, and there was nothing else left to say.
21 I think she knew that I wasn't prepared to offer the
22 contract, and this was the formal -- saying that I
23 wasn't.

24 Q. Why did you wait until May 15, 2014, to write
25 a letter to Ms. Biel advising her that she would not

1 have a contract for the 2014/2015 school year?

2 A. That's the day that we have to let teachers
3 know.

4 Q. Who has mandated that to be the day?

5 A. It's in the contract, I believe.

6 Q. What contract?

7 A. On No. 7 on Page 2 at the bottom.

8 Q. Did you ever extend Mrs. Biel's introductory
9 period?

10 A. What does that mean?

11 Q. Part of the contract, Page 5, No. 5, there's
12 an introductory period for a newly hired or transferred
13 teacher. The introductory period is a minimum of 90
14 calendar days and may be extended in writing for up to
15 another 90 calendar days at the discretion of the
16 principal.

17 A. Uh-huh.

18 Q. Did you ever extend her introductory period?

19 A. I kept her until she requested that her last
20 day be the 22nd of May. Yes.

21 Q. Did you notify her in writing that her
22 introductory period would be extended by 90 days
23 after --

24 A. No.

25 Q. -- after the initial 90 days?

1 2014/2015 school year following chemotherapy and
2 surgery?

3 A. I think we had conversations about that, but
4 it wasn't about the chemotherapy or her illness. It was
5 about her teaching and her classroom management.

6 Q. I will hand you a document. It's a series of
7 documents that we marked yesterday in Ms. Biel's
8 deposition. We'll mark them collective as 9.

9 (Plaintiff's Exhibit 9 was marked for
10 identification by the court reporter
11 and is attached hereto.)

12 BY MR. BROCK:

13 Q. Can you tell me what these documents are?

14 A. These are a copy of her lesson plans.

15 Q. What are the lesson plans?

16 A. The lesson plans are the outline for the week
17 of what the teacher intends that they -- she intends to
18 be taught during that course of that week.

19 Q. Do all teachers provide you a lesson plan?

20 A. Yes.

21 Q. Do you write notes on the plan for
22 suggestions?

23 A. Yes.

24 Q. Do you have any more plans for Ms. Biel other
25 than those?

1 A. And the first part of September.

2 Q. But other than maybe some other lesson plan
3 documents, are you aware of any other documents out
4 there that document a concern that you had with
5 Ms. Biel's work performance?

6 A. No.

7 Q. Did you ever advise her in writing, at any
8 time, if she doesn't improve her job performance, she
9 would not be offered a contract back?

10 A. Did I say that in writing?

11 Q. Yes.

12 A. No. I said it to her.

13 Q. But not in writing; correct?

14 A. Not in writing.

15 Q. And you never considered terminating her
16 employment during the introductory period; correct?

17 A. No.

18 Q. You never considered -- strike that.

19 Did you ever consider extending the
20 introductory period for Ms. Biel?

21 A. By keeping her in the 5th grade after the
22 introductory period and me working with her, that, to
23 me, was an indication that I was willing to work with
24 her to try and help her be a better teacher.

25 Q. Assume that Ms. Biel could not return to work

1 until January of the 2014/2015 school year and you had
2 to get two teachers, would that have created any burden
3 on St. James?

4 A. No, because I have done that before.

5 Q. Done what before?

6 A. Gotten a sub for a maternity leave or --
7 mostly it was that.

8 Q. Did the fact that Ms. Biel needed a leave of
9 absence and couldn't for work for about six months, did
10 that play any role in your decision to bring her back?

11 A. She never asked me for a leave of absence.

12 Q. Did she ever tell you that she would be unable
13 to work for a period of time?

14 A. Yes.

15 Q. Did that play any role in your decision not to
16 hire her back?

17 A. No.

18 Q. Can you tell me how many teachers you have not
19 asked back due to performance reasons?

20 A. I think only one.

21 Q. Mrs. Biel?

22 A. No. Counting her, two.

23 Q. One prior?

24 A. Yes.

25 Q. That was Ms. Wittermore?

1 willing to make the changes.

2 Q. When you say she was not structured and
3 permissive, was that your opinion about her teaching
4 style, or was that just sort of an objective fact? I'm
5 trying to understand.

6 MS. FERMIN: Vague.

7 THE WITNESS: I think I know what you mean.

8 BY MR. BROCK:

9 Q. Yeah.

10 A. No. It was the reality that I saw. Every
11 time I walked by or went in or I subbed for her, I saw
12 it.

13 Q. How many times did you sub for her?

14 A. Three or four.

15 Q. Did you feel that the kids in her 5th grade
16 class didn't get a good educational experience during
17 that year?

18 A. From an educator's point of view, I don't
19 think they did. From their point of view and their
20 parents' point of view, they did.

21 Q. Why is that?

22 A. Because when children who never made the honor
23 roll are on the honor roll, the parents were ecstatic.

24 From my point of view, all the things that I
25 tried to help Kristen with and help her to be a better

1 determines whether or not a teacher succeeded in a
2 particular year?

3 A. There's no objective test. But in my
4 experience -- I worked with many teachers. My concern
5 with Kristen was that she was not taking the suggestions
6 that I gave her, and things stayed as is. And I felt
7 that the children were not getting the maximum out of
8 5th grade.

9 Q. Is there any reason why you didn't wait and
10 see if she improved the next school year?

11 A. For me, it was a matter of trust. Because I
12 had worked with her the entire school year, suggesting
13 things, commenting on things, being in her classroom,
14 and things didn't change. And so why should I believe
15 that next year was going to be different when she
16 couldn't do it the whole entire year?

17 Q. I will hand you a document that we'll mark
18 as 9 -- sorry -- No. 10.

19 (Plaintiff's Exhibit 10 was marked for
20 identification by the court reporter
21 and is attached hereto.)

22 BY MR. BROCK:

23 Q. Have you seen this document before?

24 A. Yes, I have.

25 Q. Can you tell me what this document is?

1 A. It's a faculty and staff handbook that we put
2 together with the basic things that we have to run the
3 school.

4 Q. Did Ms. Biel violate any St. James written
5 policy during her employment?

6 A. Well, you mean from this book?

7 Q. Yes.

8 A. On Page 26.

9 Q. Uh-huh.

10 A. In the first -- 1, 2, 3, 4. "Teacher should
11 be attentive to providing the following."

12 Q. Uh-huh.

13 A. "No. 4. Clean desks, chalkboards, chalk
14 trays, and floors at the end of each school day."

15 Q. Were the desks not clean at the end of the
16 school day?

17 A. They had all of their things on it.

18 Q. At the end of the school day?

19 A. Yes.

20 Q. Did you ever write her up for a violation of
21 this policy?

22 A. I spoke with her, but I didn't write her up
23 for that.

24 Q. Okay.

25 A. On Page 25 where it says, "Environment."

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the ____ day of _____, _____,
at _____, _____.

(CITY)

(STATE)

MARY M. KREUPER

1 STATE OF CALIFORNIA)
) ss:
2 COUNTY OF LOS ANGELES)

3
4 I, ALLA PONTO, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 11046, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

1 I further certify that I am not a relative or
2 employee or attorney or counsel of any of the parties,
3 nor am I a relative or employee of such attorney or
4 counsel, nor am I financially interested in the outcome
5 of this action.

6
7 IN WITNESS WHEREOF, I have subscribed my name
8 this ____ day of _____, ____.

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11 _____
12 ALLA PONTO, CSR No. 11046
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FACULTY EMPLOYMENT AGREEMENT—ELEMENTARY

Exempt Full Time
Department of Catholic Schools
Archdiocese of Los Angeles

Name of School: ST. JAMES

Name of Teacher: KRISTEN BIEL

Start Date: AUGUST 26, 2013 End Date: JUNE 30, 2014

- 1. Term.** The School ("School") and you (the "Teacher") make this Employment Agreement ("Agreement"), effective on the date below, for the work period shown above (the "Term"), for you to serve as a member of our faculty.
- 2. Philosophy.** It is understood that the mission of the School is to develop and promote a Catholic School Faith Community within the philosophy of Catholic education as implemented at the School, and the doctrines, laws and norms of the Catholic Church. All duties and responsibilities of the Teacher shall be performed within this overriding commitment.
- 3. Duties.** Your duties shall be those of a full-time or part-time faculty member as specified in the Compensation and Benefits Supplement which is an integral part of this Agreement. You shall use your best professional efforts and skills to perform your duties in a diligent, energetic, competent, and ethical manner, consistent with the School's established philosophy and its policies, directives and expected practices. You acknowledge and agree that the School retains the right to operate within the philosophy of Catholic education and to retain teachers who demonstrate an ability to develop and maintain a Catholic School Faith Community. You understand and accept that the values of Christian charity, temperance and tolerance apply to your interactions with your supervisors, colleagues, students, parents, staff and all others with whom you come in contact at or on behalf of the School. Accordingly, you are expected to model, teach, and promote behavior in conformity to the teaching of the Roman Catholic Church. Your duties shall include careful preparation and planning for each class consistent with School and departmental curriculum; diligent review and evaluation of student work and related communication to students and parents; and conferring with students, the administration, and parents as needed regarding each student's progress and development. You also shall attend faculty/staff meetings and conferences, including those prior to and following the School's regular academic year, participate in School activities including School liturgical activities, as requested, and complete other duties as assigned. You agree to maintain the levels of competency in subject matter, teaching methods, classroom management, and student supervision required by the School whether on your own initiative or at the direction of the School. Your duties and job assignment may be revised during the Term to meet the School's needs. In the event the School's operations are extended by reason of fire, disaster, act of God, act of public authority or any other necessity or emergency cause, your services may be suspended for the time period and rescheduled as needed to complete the full School year.
- 4. Policies.** You shall be familiar with, and comply with the School's personnel policies and procedures as they may be adopted or amended from time-to-time, including policies in the faculty handbook. You should refer to such documents for information relating to your employment, duties, and benefits. You shall be familiar with, abide by, and assist and cooperate with School administration in enforcing, the School's policies for students and families whether outlined in our handbook(s), our School policies, or other directives and expected practices (together "Policies"). You acknowledge that a copy of the faculty handbook has been made available to you. You understand and acknowledge that the policies do not constitute a contractual agreement with you.
- 5. Introductory Period.** There is an introductory period for a newly hired or transferred teacher. The introductory period is a minimum of 90 calendar days, and may be extended, in writing, for up to another 90 calendar days at the discretion of the principal. During the introductory period this Agreement is at will; therefore, it can be terminated at any time, for any reason, without any notice. The Principal shall complete a performance appraisal at the end of the introductory period. Upon satisfactory completion of



the introductory period, employment will be continued through any remaining term of this Agreement except as noted under "Termination."

6. Termination. Your employment, and this Agreement, may be terminated during the Term without payment of salary or benefits beyond such date of termination, for any of the following reasons:

- I. The School may terminate for "cause," without any prior notice. Such "cause" shall be determined by the School within its reasonable judgment and shall include but not be limited to:
 - a) Failure to meet any of your duties as described in Paragraphs 3 and 4 above.
 - b) Inappropriate physical or social contact with students during school or otherwise.
 - c) Unprofessional or unethical conduct, insubordination, unauthorized disclosure of confidential information, or habitual or unreasonable tardiness or absence from duties.
 - d) Any criminal, immoral or unethical conduct that relates to your duties as a teacher or brings discredit upon the school or the Roman Catholic Church.
 - e) Unauthorized possession of, or working under the influence of, illegal drugs, intoxicants, or alcohol.
 - f) Threatening or causing bodily harm to others or other coercive and or intimidating acts, or any verbal or physical harassment.
 - g) Having a diploma, credential, permit, license or certificate denied, revoked or suspended.
 - h) Falsification of documents, false or misleading information on an application, resume, personnel record, professional or character reference, academic transcript, degree, or credential.
 - i) Any other breach of the terms of this Agreement.
- II. Either you or the School may terminate this Agreement without cause, for any reason within the sole discretion of the terminating party, upon 30 calendar days' prior written notice to the other party in a manner that is consistent with applicable law and on a time frame that is mutually agreeable to you and the Principal. However, you may not terminate employment under this Agreement if the termination is effective during the 30 days immediately prior to the beginning of the school year except by mutual agreement with the Principal. You acknowledge that a breach by you of this provision is a grave ethical violation, may harm the educational program for the students and may cause expenses and damages to the School.
- III. The School may terminate your employment if you are unable to perform the essential functions of your position and reasonable accommodation is not available or required under applicable laws.

The School's failure to invoke its right of termination on one occasion for the occurrence of a matter constituting a basis for discharge shall not affect the right of the School to invoke discharge when the same or a different basis for termination arises at a later date.

7. Renewal. Future employment will be determined on a year-to-year basis. It is agreed that you will give written notice to the School, on or before April 1, 20__, stating whether or not you wish to renew the Agreement. The School will give you written notice, on or before May 15, 20__, stating whether or not it intends to renew the Agreement for the following year. In the absence of a notice by either party, this agreement will lapse under its own terms. The Principal alone, with the approval of the Pastor, has the final and sole authority with respect to offering contracts. This Agreement is contingent upon sufficient School enrollment and the School's financial condition. If the enrollment or the School's financial condition does not justify the staffing, the Principal has discretionary power to make decisions regarding personnel reduction including, but not limited to, modification or cancellation of this Agreement. Notwithstanding this, if the School closes for any reason, this Agreement will be considered terminated on the date of the closure. You understand that tenure is not granted by Archdiocesan Schools and upon expiration or termination of the Agreement for any reason you shall have no right to



FACULTY COMPENSATION AND BENEFITS SUPPLEMENT

Elementary—Exempt Full Time Department of Catholic Schools Archdiocese of Los Angeles

13. School Day and Work Schedule.

Full Time Faculty

As a **full time teacher**, you understand that there will be approximately 8 hours of work at the School each regular class day. You will also devote additional time to other assigned school responsibilities and in preparation and assessment activities at hours not during the regular class day. The School's regular class day is from 7:30 a.m. to 3:45 p.m.

14. Base Compensation.

Base Salary: \$ 34,970

15. Additional Compensation For Designated Responsibility (If Any):

Note: Calculations and Additional Compensation for designated responsibility are based on anticipated time commitment and skills.

| <u>Responsibility</u> | <u>Additional Compensation</u> |
|---|--------------------------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Total Additional Compensation: \$ _____ | |

16. Payment Schedule.

Compensation for all faculty will be distributed on a semi-monthly ~~bi-weekly~~ schedule beginning August 30, 2013 and ending June 20, 2014.

17. Education And Professional Growth Requirements:

$34,970 \div 22$

In accordance with the regulations for salary placement and professional growth requirements, you agree that you will complete the following requirements to be eligible to be offered an employment agreement for the next school year.

- ≤ _____
- ≤ _____
- ≤ Enroll in California Teaching Credential program.
- ≤ Complete at least _____ units toward a California Teaching Credential.
- ≤ California Teaching Credential program must be completed by July 1, 20____ for an Elementary School Faculty Employment Agreement to be offered for the 20____ - 20____ academic year.

18. Available Benefits.

See Department of Catholic Schools Lay Employees Benefit Guide



employment or preferential treatment regarding employment at any other Archdiocesan School. There is no implied duty by you or the School to renew this Agreement, and no cause whatsoever is required by either party for non-renewal. Any other arrangement with respect to renewal, extension or duration of employment is valid only if in writing, executed by you and the Principal, with the approval of the Pastor.

8. **Severability.** If, for any reason, any one or more of the provisions of this Agreement shall be held or deemed to be legally invalid or unenforceable, that shall not have any effect on any of the other provisions of this Agreement, all of which shall remain in full force and effect.

9. **Entire Agreement.** This Agreement and the attached Compensation and Benefits Supplement contain the complete and entire agreement between you and the School, and it supersedes all prior offers, agreements, commitments, understandings, whether oral or written. No changes to this Agreement may be made except by a document signed by you and the Principal, with approval of the Pastor.

10. **Applicable Law.** This Agreement is entered into under, and governed by, the laws of the State of California.

11. **Dispute Resolution and Grievances.** You and the School agree to attempt to resolve any disputes in good faith. Any unresolved dispute between you and the School arising out of or in any way related to your employment or the termination thereof, shall be subject to the Grievance Procedures promulgated by the Archdiocesan Department of Catholic Schools and no legal actions may be taken until all procedures have been fully discharged. This clause is intended to provide a speedy, economical and exclusive forum for resolving claims; its existence shall not imply any limitations upon the School's right to manage its affairs or terminate any employment.

12. **Condition Precedent.** It is agreed that a condition precedent of this Agreement is the receipt of the Criminal Record Summary report from the California Department of Justice and the Federal Bureau of Investigation, the completion of the I-9 Form from the Immigration and Naturalization Service, and the completion of the other relevant health and document requirements of the school.

By: Sister Mary Margaret SR. MARY MARGARET 5/28/2013
Principal's Signature Print Name Date

I accept a position as Grade 5 TEACHER at ST. JAMES SCHOOL
School on each and all of the terms and conditions set forth in the above Agreement and the attached Compensation and Benefits Supplement.

By: Kristen Biel Kristen Biel 5/24/13
Teacher's Signature Print Name Date

Approval by Pastor required:

Msgr. Michael Meyers Msgr. Michael Meyers 5/28/13
Pastor's Signature Print Name Date



Sick Days: Full-time Faculty: 10 days per school year.

Sister Mary Margaret SR. MARY MARGARET 5/28/2013
Principal's Signature Print Name Date

Kristen Biel Kristen Biel 5/24/13
Teacher's Signature Print Name Date

Approval by Pastor required:

Msgr. Michael Meyers Msgr. Michael Meyers 5/28/13
Pastor's Signature Print Name Date

Give copy to the faculty member and file the original in his/her personnel file.



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CATHRYN G. FUND, STATE BAR NO. 293766

Cathryn@jmlaw.com

Attorneys for Plaintiff
KRISTEN BIEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a

California corporation; and

DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF KRISTEN BIEL'S
COMPENDIUM OF EVIDENCE IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Filed and served concurrently with:

- *Plaintiff's Memorandum of Points & Authorities in Opposition to Defendant's MSJ/PSJ;*
- *Plaintiff's Separate Statement of Controverted & Uncontroverted Facts;*
- *Plaintiff's Request for Judicial Notice.*

Date: Monday, November 7, 2016

Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015

Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby submits the following evidence in support of her Opposition to the Motion for Summary Judgment or, in the Alternative, Party Summary Judgment, filed by Defendant ST. JAMES SCHOOL, A CORP (“Defendant”).

DECLARATIONS:

- Declaration of Cathryn G. Fund

EXHIBITS:

| | |
|----------|--|
| 1 | Relevant Portions of the Deposition of Plaintiff Kristen Biel (November 10, 2015), including relevant exhibits from the deposition. |
| 2 | Relevant Portions of the Deposition of Mary M. Kreuper (November 12, 2015), including relevant exhibits from the deposition. |
| 3 | Relevant Portions of the Deposition of Mara Wolfsen (May 13, 2016). |
| 4 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One that was served on August 17, 2015. |
| 5 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two that was served on December 4, 2015. |
| 6 | Pertinent Pages of Defendant’s documents produced in response to Plaintiff’s Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced to Plaintiff on January 21, 2016. |

///

///

///

1 Respectfully submitted,

2
3 DATED: October 17, 2016 JML LAW, A Professional Law Corporation

4
5 By: /s/ Cathryn Fund

6 JOSEPH M. LOVRETOVICH

7 JARED W. BEILKE

8 CATHRYN FUND

9 Attorneys for Plaintiff Kristen Biel

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DECLARATION OF CATHRYN G. FUND

DECLARATION OF CATHRYN G. FUND

I, Cathryn G. Fund, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California and before this court. I am an associate with the firm JML Law, A Professional Law Corporation, counsel of record for Plaintiff KRISTEN BIEL (“Plaintiff”) in the matter of *Biel v. St. James School, A Corp.*, currently pending before the United States District Court for the Central District of California. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently thereto under oath, if called as a witness.

2. On November 10, 2015, I defended the deposition of Plaintiff in this case, which was taken by Defendant’s counsel. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 1** are true and correct copies of pertinent pages and exhibits from Plaintiff’s deposition, which memorializes Plaintiff’s testimony from her deposition on November 10, 2015.

3. On November 12, 2015, my former colleague D. Aaron Brock, who is no longer with JML Law, took the deposition of Mary Kreuper in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 2** are true and correct copies of pertinent pages and exhibits from Mary Kreuper’s deposition taken on November 12, 2015.

4. On May 13, 2016, I took the deposition of Mara Wolfesen in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 3** are true and correct copies of pertinent pages from Mara Wolfesen’s deposition, which memorializes Ms. Wolfesen’s testimony from her May 13, 2016 deposition.

5. Plaintiff’s lesson plans (Deft Production 59-146) were not identified or produced as part of Defendant’s initial disclosures on September 29, 2015 in response to eight relevant categories of Plaintiff’s Request for Production of Documents, Set No. One (Request Nos. 6, 13, 14, 15, 16, 17, 18, 19), and were not produced prior to the depositions of Kristen Biel on November 10, 2016 and Sister

Mary Margaret Kreuper on November 12, 2015. Plaintiff's lesson plans were subsequently produced in response to Plaintiff's Request for Production of Documents, Set No. Two on January 21, 2016.

6. Attached as **Exhibit 4** is a true and correct copy of Plaintiff's Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One that was served on August 17, 2015.

7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff's Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two that was served on December 4, 2015.

8. Attached as **Exhibit 6** are true and correct copies of the pertinent pages of Defendant's document production in response to Plaintiff's Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced to Plaintiff on January 21, 2016.

I hereby declare under penalty of perjury, under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this Declaration was executed on October 17, 2016, at Woodland Hills, California.

By: /s/ Cathryn Fund

Cathryn G. Fund, Esq.

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EXHIBIT 2

DEPOSITION OF MARY

KREUPER

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,)

)

Plaintiff,)

)

vs)

Case No. 15-cv-

) 04248-TJH (ASx)

ST. JAMES SCHOOL, A CORP., a)

California corporation; and)

Volume I

DOES 1-50, inclusive,)

)

Defendants.)

)

DEPOSITION OF MARY M. KREUPER

Woodland Hills, California

Thursday, November 12, 2015

Reported by: Alla Ponto

CSR No. 11046

NDS Job No.: 174564

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3
4
5 KRISTEN BIEL, an individual,)

6 Plaintiff,)

7 vs)

Case No. 15-cv-

8 04248-TJH (ASx)

ST. JAMES SCHOOL, A CORP., a)

9 California corporation; and)

DOES 1-50, inclusive,)

10 Defendants.)

11 _____)

12
13
14
15 DEPOSITION OF MARY M. KREUPER,

16 taken on behalf of the Plaintiff,

17 at 21052 Oxnard Street, Woodland Hills,

18 California, beginning at 9:57 a.m.

19 and ending at 2:50 p.m., on Thursday,

20 November 12, 2015, before Alla Ponto,

21 Certified Shorthand Reporter No. 11046.

1 APPEARANCES:

2
3 For the Plaintiff:4 JML LAW
5 BY: D. AARON BROCK, ESQ.
6 21052 Oxnard Street
7 Woodland Hills, California 91367
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9 aaron@jmlaw.com10
11 For the Defendants:12 SULLIVAN, BALLOG & WILLIAMS
13 BY: NIKKI FERMIN, ESQ.
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WITNESS

MARY M. KREUPER

EXAMINATION

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EXHIBITS

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Archdiocese of Los Angeles
 Elementary School Classroom Observation Report

2:10
 ex-cell

Teacher: KRISTEN
 Principal: Sum
 Grade: 5
 Subject: Math

School: St. James
 City: Maricopa
 School Year: 2013-14
 Date: Apr. 12, 2013

| Innovating | Implementing | Emerging | Not Exhibiting |
|---|---|--|--|
| Adjusts and creates new strategies for unique student needs and situations during the lesson. | Uses strategies at appropriate time, in the appropriate manner. | Attempts to use strategy but uses it incorrectly or at the wrong time. | Strategy was called for but not exhibited. |

WCEA (Catholic Identity Factors) Check if observed

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ There is visible evidence of signs, sacramental, traditions of the Roman Catholic Church in the classroom.
☒ Curriculum includes Catholic values infused through all subject areas. Respect -
☒ Integrates Schoolwide Learning Expectations

Observation Comments: _____

Objective to be Observed: California Standards for the Teaching Profession

For the following 5 standards, check if observed

Standard 1: Engaging and Supporting All Students in Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 1.1 Using knowledge of students to engage them in learning
☐ 1.2 Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests
☐ 1.3 Connecting subject matter to meaningful, real-life contexts
☒ 1.4 Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs
☒ 1.5 Promoting critical thinking through inquiry, problem solving, and reflection
☒ 1.6 Monitoring student learning and adjusting instruction while teaching

Observation Comments: _____

Standard 2: Creating and Maintaining Effective Environments for Student Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 2.1 Promoting social development and responsibility within a caring community where each student is treated fairly and respectfully
☒ 2.2 Creating physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students with teachers.
☒ 2.3 Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe Very good.
☒ 2.4 Creating a rigorous learning environment with high expectations and appropriate support for all students
☒ 2.5 Developing, communicating, and maintaining high standards for individual and group behavior
☒ 2.6 Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn

There is a variety of work displayed.



☒ 2.7 Using instructional time to optimize learning

Co-ordinates give example.

Observation Comments: _____

Standard 3: Understanding and Organizing Subject Matter for Student Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 3.1 Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks
☒ 3.2 Applying knowledge of student development and proficiencies to ensure student understanding of subject matter
☒ 3.3 Organizing curriculum to facilitate student understanding of the subject matter
☒ 3.4 Utilizing instructional strategies that are appropriate to the subject matter
☒ 3.5 Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make subject matter accessible to all students
☐ 3.6 Addressing the needs of English learners and students with special needs to provide equitable access to the content

Observation Comments: _____

Standard 4: Planning Instruction and Designing Learning Experiences for All Students

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 4.1 Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction
☒ 4.2 Establishing and articulating goals for student learning
☒ 4.3 Developing and sequencing long-term and short-term instructional plans to support student learning
☒ 4.4 Planning instruction that incorporates appropriate strategies to meet the learning needs of all students *Variety*
☒ 4.5 Adapting instructional plans and curricular materials to meet the assessed learning needs of all students *Lots of different types of strategies.*

Observation Comments: _____

Standard 5: Assessing Students for Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 5.1 Applying knowledge of the purposes, characteristics, and uses of different types of assessments
☒ 5.2 Collecting and analyzing assessment data from a variety of sources to inform instruction
☒ 5.3 Reviewing data, both individually and with colleagues, to monitor student learning — *IOWA*
☒ 5.4 Using assessment data to establish learning goals and to plan, differentiate, and modify instruction *Formal assessment*
☒ 5.5 Involving all students in self-assessment, goal setting, and monitoring progress
☒ 5.6 Using available technologies to assist in assessment, analysis, and communication of student learning
☒ 5.7 Using assessment information to share timely and comprehensible feedback with students and their families *packets*

Observation Comments: _____

Good way to plot co-ordinates

Commendations: _____

*Good review —
 Did you have another idea?
 Good having students come up to board.
 Good positive re-inforcement.
 Pick sticks.*

Recommendations: _____

*when you give an assignment go around desks
 How many picked "C"? thumbs-up/down examp
 CALL a few #s at a time... to give it to the class*

*Created: 2012-07-03
 what about the people whose # is not up there?
 ANOTHER DAY — Choose anyone you want*

DEFT PRODUCTION 57

I submit this report in accordance with the schedule and procedures established by the Department of Catholic Schools as described in the *Administrative Handbook*.

Principal Signature: Sister Mary Margaret

Date: 11/13/2013

I have read this report and discussed it with the principal. My signature does not necessarily imply agreement this observation report. I understand that I am free to attach to this observation report any written reactions I may have within one week of today's date.

Teacher Signature: Kristen Bul

Date: 11/18/2013

**This observation form is used in conjunction with the California Standards for the Teaching Profession

Observed:

- ① Many things on desks
 - Kleenex ^{Box} & markers, Julia
 - Pencil sharpeners
 - Water bottles
 - Books etc under desks in aisle - fire etc.
 - Binder
 - Staple remover - Tape (scotch)

Have a zipper-bag for items
 Work on organization -

Do the students work in SS books?

Never allow them to color the pages
 of the book -

However page ahead
 of time. Do problems
 that would be + 10
 12

Julia then
 Francesca (look at)

Janeei

Created: 2012-07-03

Good review of music rules -

**ST. JAMES CATHOLIC SCHOOL**

4625 Garnet St.
Torrance, CA 90503
(310) 371-0416

May 15, 2014

Dear Kristen,

At this time I am not prepared to offer you a contract for the 2014-2015 school year at St. James School.

We have had many conversations about your classroom management. I have tried to offer suggestions, which I thought would help you. They haven't seemed to work.

I do think that you are better suited for a position in the primary grades. You have agreed with me. Unfortunately, I do not have a primary position available.

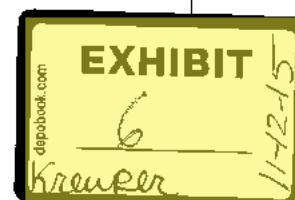
I wish you the very best!

Sincerely,

Sr. Mary Margaret

Sister Mary Margaret
Principal

A Catholic Education Is An Advantage For Life.



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CATHRYN G. FUND, STATE BAR NO. 293766

Cathryn@jmlaw.com

Attorneys for Plaintiff
KRISTEN BIEL

UNITED STATES DISTRICT COURT**CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a

California corporation; and

DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF KRISTEN BIEL'S
COMPENDIUM OF EVIDENCE IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Filed and served concurrently with:

- *Plaintiff's Memorandum of Points & Authorities in Opposition to Defendant's MSJ/PSJ;*
- *Plaintiff's Separate Statement of Controverted & Uncontroverted Facts;*
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Date: Monday, November 7, 2016

Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015

Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby submits the following evidence in support of her Opposition to the Motion for Summary Judgment or, in the Alternative, Party Summary Judgment, filed by Defendant ST. JAMES SCHOOL, A CORP (“Defendant”).

DECLARATIONS:

- Declaration of Cathryn G. Fund

EXHIBITS:

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| 2 | Relevant Portions of the Deposition of Mary M. Kreuper (November 12, 2015), including relevant exhibits from the deposition. |
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| 6 | Pertinent Pages of Defendant’s documents produced in response to Plaintiff’s Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced to Plaintiff on January 21, 2016. |

///

///

///

1 Respectfully submitted,

2
3 DATED: October 17, 2016 JML LAW, A Professional Law Corporation

4
5 By: /s/ Cathryn Fund

6 JOSEPH M. LOVRETOVICH

7 JARED W. BEILKE

8 CATHRYN FUND

9 Attorneys for Plaintiff Kristen Biel

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DECLARATION OF CATHRYN G. FUND

DECLARATION OF CATHRYN G. FUND

I, Cathryn G. Fund, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California and before this court. I am an associate with the firm JML Law, A Professional Law Corporation, counsel of record for Plaintiff KRISTEN BIEL (“Plaintiff”) in the matter of *Biel v. St. James School, A Corp.*, currently pending before the United States District Court for the Central District of California. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently thereto under oath, if called as a witness.

2. On November 10, 2015, I defended the deposition of Plaintiff in this case, which was taken by Defendant’s counsel. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 1** are true and correct copies of pertinent pages and exhibits from Plaintiff’s deposition, which memorializes Plaintiff’s testimony from her deposition on November 10, 2015.

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5. Plaintiff’s lesson plans (Deft Production 59-146) were not identified or produced as part of Defendant’s initial disclosures on September 29, 2015 in response to eight relevant categories of Plaintiff’s Request for Production of Documents, Set No. One (Request Nos. 6, 13, 14, 15, 16, 17, 18, 19), and were not produced prior to the depositions of Kristen Biel on November 10, 2016 and Sister

1 Mary Margaret Kreuper on November 12, 2015. Plaintiff's lesson plans were
 2 subsequently produced in response to Plaintiff's Request for Production of
 3 Documents, Set No. Two on January 21, 2016.

4 6. Attached as **Exhibit 4** is a true and correct copy of Plaintiff's Request
 5 to Defendant for Identification, Inspection and Production of Documents and
 6 Tangible Items, Set No. One that was served on August 17, 2015.

7 7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff's Request
 8 to Defendant for Identification, Inspection and Production of Documents and
 9 Tangible Items, Set No. Two that was served on December 4, 2015.

10 8. Attached as **Exhibit 6** are true and correct copies of the pertinent
 11 pages of Defendant's document production in response to Plaintiff's Request for
 12 Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced
 13 to Plaintiff on January 21, 2016.

14
 15 I hereby declare under penalty of perjury, under the laws of the State of
 16 California and the United States of America that the foregoing is true and correct,
 17 and that this Declaration was executed on October 17, 2016, at Woodland Hills,
 18 California.

19
 20 By: /s/ Cathryn Fund

21 Cathryn G. Fund, Esq.
 22
 23
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EXHIBIT 2

DEPOSITION OF MARY KREUPER

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,)

)

Plaintiff,)

)

vs)

Case No. 15-cv-

04248-TJH (ASx)

ST. JAMES SCHOOL, A CORP., a)

California corporation; and)

Volume I

DOES 1-50, inclusive,)

)

Defendants.)

)

DEPOSITION OF MARY M. KREUPER

Woodland Hills, California

Thursday, November 12, 2015

Reported by: Alla Ponto

CSR No. 11046

NDS Job No.: 174564

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3
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5 KRISTEN BIEL, an individual,)

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9 California corporation; and)

DOES 1-50, inclusive,)

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15 DEPOSITION OF MARY M. KREUPER,

16 taken on behalf of the Plaintiff,

17 at 21052 Oxnard Street, Woodland Hills,

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19 and ending at 2:50 p.m., on Thursday,

20 November 12, 2015, before Alla Ponto,

21 Certified Shorthand Reporter No. 11046.

1 APPEARANCES:

2
3 For the Plaintiff:

4 JML LAW
5 BY: D. AARON BROCK, ESQ.
6 21052 Oxnard Street
7 Woodland Hills, California 91367
8 (818) 610-8800
9 aaron@jmlaw.com

10 For the Defendants:

11 SULLIVAN, BALLOG & WILLIAMS
12 BY: NIKKI FERMIN, ESQ.
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WITNESS

MARY M. KREUPER

EXAMINATION

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EXHIBITS

MARKED

DESCRIPTION

PAGE

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Exhibit 2 Faculty Employment Agreement 59

Exhibit 3 Elementary School Classroom Observation Report for Kristen Biel 90

Exhibit 4 Handwritten Notes, Four Pages 99

Exhibit 5 Intent to Return Form for Kristen Biel 116

Exhibit 6 Letter from Sister Mary Margaret to Kristen Biel, dated 5/15/14 132

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Exhibit 8 Letter of Intent from Kristen Biel to Sister Mary Margaret, dated 6/9/14 151

Exhibit 9 Lesson Plans 152

Exhibit 10 Faculty/Staff Handbook 160

Week Of: September 23-27

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--------|---------|-----------|----------|--------|
|------------------|--------|---------|-----------|----------|--------|

Notes:

| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
|--------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
|--------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|

| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|-------------------------------------|--------------------------------------|----------------------------------|----------------------------------|----------------------------------|
| CCCS | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 18-21 do exercises on p. 21 | Read p. 22-23, do exercises on p. 23 | Read p. 24-25, do unit checkup | English quiz Unit 1, journal | Unit 1 Test, Journal |
| Assessment | Extra practice p. 36 a,b,c all | Extra practice p. 39, a.b.c all | | English quiz unit 1, journal | Unit 1 test, journal |
| Homework | Glencoe p. 59-60 | | Glencoe p. 61-62 | | |

| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|

| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|----------------------------------|----------------------------------|-----------------------------------|------------------------------------|-----------------------------|
| CCCS | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 42-43, do 5-28 on p. 43 | Read p. 44-45, do 5-20 on p. 45 | Read p. 46-47, do 8-28 on p. 47 | Diagnostic checkpoint p. 50, #1-24 | Read p. 52-54, dp 9-42 even |
| Assessment | Mental math | tables | add and subtract equations | <i>Grade?</i> | estimation strategies |
| Homework | Simple Solutions lesson 8, p. 16 | Simple Solutions lesson 9, p. 18 | Simple Solutions lesson 10, p. 20 | | |

| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
|--------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
|--------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|

| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|--------------------------------|------------------------|-------------------------|-----------------------|--------------------------------|
| CCCS | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 28-29, do p. 30 #s1-20 | Review words, do p. 31 | Review words, mock test | Spelling test Unit 3 | Read p. 32-33, say words aloud |
| Assessment | | | | Spelling test Unit 3 | |
| Homework | worksheet p. 8 | worksheet p. 9 | worksheet p. 10 | | |

| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|

| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|-----------|-------|-------|-------|-------|--|
| CCCS | | | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | | | | | 2 a. b. c., 5 d. |
| Materials | | | | | Reading test 2, Faith and Eddie |



Objective

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Be sure to let the students know the test schedule. Smm

| | | | | | | | | | | |
|--------------|--|------------------------|--|------------------------|--|------------------------|--|------------------------|--|-----------------------------|
| Activity | Reading test, Faith and Eddie | | | | | | | | | |
| Assessment | | | | | | | | | | |
| Homework | | | | | | | | | | |
| Time/Subject | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Social Studies |
| Objective | SWBAT | | SWBAT | | SWBAT | | SWBAT | | SWBAT | |
| CCCS | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | |
| SLE(s) | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | |
| Materials | Finish reading Faith and Eddie p. 55-58 | | MUSIC | | MUSIC | | Test review, story and vocab | | American Will Be | |
| Activity | workbook p. 12 | | MUSIC | | workbook p. 17-18 | | | | Define key terms, do worksheet p. 5 | |
| Assessment | | | | | | | | | | |
| Homework | Do p. 13 wkbk | | | | Selection test practice p.15-16 wkbk | | | | | |
| Time/Subject | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Science |
| Objective | SWBAT | | SWBAT | | SWBAT | | SWBAT | | SWBAT | |
| CCCS | 5RF.3, 5L.1.2.4 | | | | 5RF.3, 5L.1.2.4 | | 5RF.3, 5L.1.2.4 | | | |
| SLE(s) | 2 a. b. c., 5 d. | | MUSIC | | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | |
| Materials | Vocabulary workshop, Sadlier-Oxford | | MUSIC | | Vocabulary workshop, Sadlier-Oxford | | Vocabulary workshop, Sadlier-Oxford | | Science, McGraw-Hill | |
| Activity | Read p. 16, do all three sections | | MUSIC | | Read p. 17, do 1-12 and Test review | | Vocab test | | Give out Ch. 1 study guide | |
| Assessment | Number it from 1-12 | | | | | | Vocab test | | | |
| Homework | | | | | | | | | | |
| Time/Subject | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion |
| Objective | SWBAT | | SWBAT | | SWBAT | | SWBAT | | SWBAT | |
| CCCS | | | | | | | | | | |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | |
| Materials | Coming To God's Life book | | Coming To God's Life book | | Coming To God's Life book | | Coming To God's Life book | | Coming To God's Life book | |
| Activity | Test review, p. 24-33 | | Test Chapter 2 | | Read p. 34-37, define faith words | | Read p. 39-40, Discuss Jesus the servant | | Read p. 42-43, chapter review | |
| Assessment | | | Test Chapter 2 | | Next Test Tuesday | | | | Next test Tuesday | |
| Homework | Study for test | | | | | | | | | |
| Time/Subject | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Art |
| Objective | SWBAT | | SWBAT | | SWBAT | | SWBAT | | SWBAT | |
| CCCS | | | | | | | | | | |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | | COMPUTER | | 2 a., 3c., 4 a-c, 5d. | | 2 a., 3c., 4 a-c, 5d. | | Fall Leaves Art Project | |
| Materials | American Will Be | | COMPUTER | | American Will Be | | American Will Be | | | |
| Activity | Chapter 1 test review | | COMPUTER | | Chapter 1 test | | Chapter 2, lesson 1 read p. 28-33 | | | |
| Assessment | pick sticks to call out questions on the | | | | Chapter 1 test | | Do Questions on p. 33, 1-4, | | | |
| Homework | study guide, pass out point cards | | | | | | | | | |
| Time/Subject | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:20-3:00 | Art - 3:00-3:15 Reward Time |
| Objective | | | | | | | | | | |
| CCCS | | | | | | | | | | |

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|------------|-----------------------------------|----------|--------------------------------|---|-------------------------|
| SLE(s) | 2 a.b.d.e.,4c.,5d.,6a.b.c. | COMPUTER | 2 a.b.d.e.,4c.,5d.,6a.b.c. | 2 a.b.d.e.,4c.,5d.,6a.b.c. | Fall Leaves Art Project |
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | |
| Activity | Read p. 24-27, do worksheet p. 18 | COMPUTER | Read p. 28-29, do worksheet 19 | Discuss parts of a plant do wkst. P. 20 | |
| Assessment | | | | | |
| Homework | Finish wkst. P. 18 | | finish wkst. 19 | | |

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Thanks -
Ann

Week Of: October 14-18-2013

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|--------------------------------------|--|--|--|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.3.4, | SRF.3, SL.1.2.3.4, | SRF.3, SL.1.2.3.4, | SRF.3, SL.1.2.3.4, | SRF.3, SL.1.2.3.4, |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 82-83 Do practice on p. 83 | Read p. 84-85 Do practice on p. 85 | Read p. 86-87 Do practice on p. 87 | Read p. 88-89 Do practice on p. 89 | Read p. 90-91 Do exercises on p. 91 |
| Assessment | Get back rough drafts | | | Glencoe p. 67-68 | |
| Homework | Glencoe p. 63-64 | Work on final draft | Glencoe p. 65-66 | Finish final draft of personal narrative | Final draft due |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Unit 3 Read p. 84-85 Do exercises on p. 86 | Read p. 88-89, Do exercises on p. 90 | Read p. 91-92 Do exercises on p. 93 | Read p. 94-95 Do exercises on p. 95 | Read p. 98-99 do exercises on p. 100-101 |
| Assessment | | | | Do Diagnostic checkpoint p. 96 | |
| Homework | Simple Solutions lesson 17, p. 34 | Simple Solutions lesson 18, p. 36 | Simple Solutions lesson 19, p. 38 | Simple Solutions lesson 20, p. 40 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 51-52 Do exercises on p. 53 | Read p. 54, do exercises on p. 54 | Read p. 55, do Core and Content sections | Spelling test Unit 7 | Read p. 56-57 say words aloud |
| Assessment | | | | Spelling test Unit 7 | |
| Homework | worksheet p. 22 | worksheet p. 23 | worksheet p. 24 | | |
| Time/Subject | 10:55-11:05 Spanish | 10:55-11:05 Spanish | 10:55-11:05 Spanish | 10:55-11:05 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | SRL.1.2.3.5.6.8, SRF.3.4, SSL.1.2 |
| SLE(s) | | | | | 2 a. b. c., 5 d. |
| Materials | | | | | Fantastic Voyage - Scott Foresman |
| Activity | | | | | Reading test 4, Meeting Mr. Henry |
| Assessment | | | | | Reading test 4, Meeting Mr. Henry |
| Homework | | | | | |
| Time/Subject | 11:15-12:10 Reading | 11:15-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:15-12:10 Social Studies |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |

| | | | | | |
|--------------|--|--|--|--|---------------------------------------|
| CCCS | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Fantastic Voyage - Scott Foresman | MUSIC | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | American Will Be |
| Activity | Read p. 86-87 discuss cause and effect | MUSIC | Read Meeting Mr. Henry p. 90-102 | Test review, story and vocab | No Class Due to Parent Conferences |
| Assessment | make index cards for vocab. P. 88 | | | | |
| Homework | workbook p. 31 | workbook p. 32 | workbook p. 33 and 38 | practice test workbook p. 35-36 | |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab | 12:10-12:30 Reading Journey/Vocab | 12:10-1:30 Reading Journey/Vocab | 12:10-1:30 Reading Journey/Vocab | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5RF.3, 5L.1.2.4 | | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Vocabulary workshop, Sadlier-Oxford | MUSIC | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | Read p. 30-31 do p. 32 | MUSIC | Do p. 33, synonyms & antonyms | Vocab test, unit 4 | No Class Due to Parent Conferences |
| Assessment | | | | Vocab test, unit 4 | |
| Homework | Make index cards | | Do p. 35 and study index cards | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Activity | Read p. 60-63 Do test review | Test Chapter 5 | No Class Due to Parent Conferences | No Class Due to Parent Conferences | No Class Due to Parent Conferences |
| Assessment | | Test Chapter 5 | | | |
| Homework | Study for test do word find | | | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | SCIENCE TEST | | | |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | COMPUTER | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | No Class Due to Parent Conferences |
| Materials | American Will Be | COMPUTER | American Will Be | American Will Be | |
| Activity | Read p. 63-68 Do p. 68 1-4 | COMPUTER | No Class Due to Parent Conferences | No Class Due to Parent Conferences | |
| Assessment | | | | | |
| Homework | worksheet p. 10-11 | | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | | | | | |
| CCCS | | | | | |
| SLE(s) | 2 a.b.d.e.,4c.,5d.,6a.b.c. | COMPUTER | 2 a.b.d.e.,4c.,5d.,6a.b.c. | 2 a.b.d.e.,4c.,5d.,6a.b.c. | No Class Due to Parent Conferences |
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | |
| Activity | Test Review | COMPUTER | No Class Due to Parent Conferences | No Class Due to Parent Conferences | |
| Assessment | TEST Tomorrow | | | | |
| Homework | | | | | |

*Thanks Kristin
Ann*

Week Of: November 4-8, 2013

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|--|--|-----------------------------------|--|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 150-151, do p. 151 6-20 | Read p. 152-153, do p. 153, 6-25 | Read p. 154-155, do p. 155, 6-20 | Read p. 156-157, do p. 157, 6-20 | Read p. 158-159, do p. 159, 6-20 |
| Assessment | | | | | Verb quiz |
| Homework | Glencoe p. 81-82 | | Glencoe p. 83-84 | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5OA.1.2.3, 5NBT.1.2.3.4.5, 5MD.2, 5G.1-3 | 5OA.1.2.3, 5NBT.1.2.3.4.5, 5MD.2, 5G.1-3 | 5OA.1.2.3, 5NBT.1.2.3.4.5, 5MD.2, 5G.1-3 | 5OA.1.2.3, 5NBT.2.5.6, 5NF.5.6. | 5OA.1.2.3, 5NBT.2.5.6, 5NF.5.6. |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Do p. 112-113 Practice test, review answers | Do more practice p. 116-117, review ans. | Chapter 3 test, SS Quiz | Chapter 4, Diagnosing readiness | Multiplication Properties |
| Assessment | Do p. 114-115 Practice test, review answers | Do Problem solving p. 118-119, review ans. | Chapter 3 test, SS Quiz | p. 122-123 all, review answers | p. 126-127, Do Ex. On p. 127, 1-24 |
| Homework | Simple Solutions lesson 26, p. 52 | Simple Solutions lesson 27, p. 54 | Simple Solutions lesson 28, p. 56 | Simple Solutions lesson 29, p. 58 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read words p. 64, unit 10, do p. 65 | Read words, do p. 66 1-20 | Do p. 67 core, 1-20, content 1-8 | Spelling test Unit 10 | Read p. 68 say words aloud, compound wds. |
| Assessment | | | Mock test | Spelling test Unit 10 | Unit 11 |
| Homework | workbook p. 32 | worksheet p. 33 | study for test tomorrow | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, SRF.3.4, 5SL.1.2 |
| SLE(s) | | | | | 2 a. b. c., 5 d. |
| Materials | | | | | Fantastic Voyage - Scott Foresman |
| Activity | | | | | Test Diver and the Dolphins |
| Assessment | | | | | Read p. 153-155 |
| Homework | | | | | |
| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |

| | | | | | |
|--------------|--|--|--|--|---|
| CCCS | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Fantastic Voyage - Scott Foresman | MUSIC | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | American Will Be |
| Activity | Read p. 134-135, discuss steps in a process | MUSIC | Read diver and the dolphins p. 137-150 | test review | Read lesson 1, p. 80-83, answer questions |
| Assessment | see p. 136, make index cards | | | test review | Chapter 4 lesson 1, questions 1-4 index cards |
| Homework | workbook p. 51 | workbook p. 52 | workbook p. 58 | workbook p. 55-56 | |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5RF.3, 5L.1.2.4 | | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Vocabulary workshop, Sadlier-Oxford | MUSIC | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | Read p. 54-55, say definitions aloud unit 7 | MUSIC | Do p. 57-58 synonyms & antonyms | Vocab test, unit 7 | Read p. 58-61, discuss different types of plants |
| Assessment | do p. 56 | | | Vocab test, unit 7 | |
| Homework | Make index cards | | Do p. 59, and Study index cards | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Activity | Chapter 8, read p. 76-77, make haiku | Read p. 78-79, discuss Baptism | Read p. 80-81, discuss rebirth | Read p. 82-84, do test review | Chapter 8 test |
| Assessment | about water and life | | | Review for test | Chapter 8 test |
| Homework | | | | Crossword study guide | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | Science test review | | | |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | COMPUTER | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | |
| Materials | American Will Be | COMPUTER | American Will Be | American Will Be | Value pumpkins, yellow, orange, brown pumpkins on white paper separated with diagonal lines |
| Activity | Pass out study guide, work on answers | COMPUTER | Chapter 3 test | Read p. 76-79, discuss pictures | |
| Assessment | | | Chapter 3 test | | |
| Homework | Finish worksheets- study | Pass out Study guide Ch. 3 | | pass out worksheets | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | 2 a.b.d.e.,4c.,5d.,6a.b.c. | COMPUTER | 2 a.b.d.e.,4c.,5d.,6a.b.c. | 2 a.b.d.e.,4c.,5d.,6a.b.c. | Value pumpkins, yellow, orange, brown |
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | |
| Activity | Chapter 2, topic 4, lesson 3 read p. 50-53 | COMPUTER | Read p. 54-55 discuss animal life cycles | Read p. 56, make index cards discuss plants with seeds | |
| Assessment | Do questions on p. 53, make index cards | | pass out worksheets | | |
| Homework | | | | | |

Week Of: November 18-22, 2013

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|-------------------------------------|---|--------------------------------------|-------------------------------------|--|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 164-165, do p. 165, 5-20 | Glencoe p. 95-98 irregular verbs | Read p. 166-167, do p. 167, 6-20 | Test Review - verbs Unit 5 | Test - Verbs Unit 5 |
| Assessment | | | | | |
| Homework | Glencoe p. 93-94 | | Glencoe p. 101-102 | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5.OA, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. | 5.OA, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. | 5.OA, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. | 5.OA, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. | 5.OA, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 138-139, do ex. 5-29 | Read p. 140-141, do ex on p. 142, 10-32 | Read p. 144-145, do ex. 1-8, SS quiz | Read. P. 146-147, do ex. 6-27 | Read p. 148-149, do ex. 14-30 |
| Assessment | Review answers | Review answers | review answers | Review answers | review answers |
| Homework | Simple Solutions lesson 32, P. 64 | Simple Solutions lesson 33, p. 66 | Simple Solutions lesson 34, p.68 | Simple Solutions lesson 35, p. 70 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling/McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 72-74, do p. 72 | Do p. 73 | Do p. 74 | Spelling test Unit 12 | Read p. 84 unit 13 say the words aloud |
| Assessment | | | | Spelling test Unit 12 | |
| Homework | workbook p. 38-39 | worksheet p. 40 | worksheet p. 41-42 | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | | | | | 2 a. b. c., 5 d. |
| Materials | | | | | Fantastic Voyage - Scott Foresman |
| Activity | | | | | Reading Test Dwaina Brooks |
| Assessment | | | | | Read p. 194-195 |
| Homework | | | | | |
| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |

| | | | | | |
|--------------|--|--|--|--|--|
| CCCS | SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRL.2.5.6.8, SRF.3.4, SSL.1.2 |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Fantastic Voyage - Scott Foresman | MUSIC | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | American Will Be |
| Activity | Read p. 178-179, | MUSIC | Read Dwaina Brooks, p. 181-191 | Test review story and vocab. | Read p. 104-108 chapter 5 |
| Assessment | Read p. 180 make flash cards of vocab. | | | | do questions on p. 108, 1-4 and index cards |
| Homework | workbook p. 71 | workbook p. 72 | workbook p. 78 | workbook p. 75-76 | |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, 5L.1.2.4 | | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Vocabulary workshop, Sadlier-Oxford | MUSIC | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | do p. 66 | MUSIC | do p. 67 | Do p. 69 | Read p. 78-79, do questions on p. 79 |
| Assessment | | | | | 1-5. |
| Homework | | | | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Activity | Chapter 10, Read p. 96-97, Do exercise | Read p. 98-99, Discuss Eucharist | Read p. 100-101, Discuss Last Supper | Read p. 102-104, Do p. 105 Test review | Chapter 10 test |
| Assessment | on p. 97 | | | Review for test | Chapter 10 test |
| Homework | | | | Crossword study guide | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | Science test review | | | |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | COMPUTER | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Hands on Art |
| Materials | American Will Be | COMPUTER | American Will Be | American Will Be | |
| Activity | Do chapter review p. 100-101 | COMPUTER | Chapter 4 test | Read p. 102-103 discuss exploration | |
| Assessment | work on study guide, ch. 4 | | chapter 4 test | pass out worksheets | |
| Homework | Test Wednesday | Pass out Study guide Ch. 3 | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | | | | | |
| CCCS | | | | | |
| SLE(s) | 2 a.b.d.e., 4c., 5d., 6a.b.c. | COMPUTER | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | Hands on Art |
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | |
| Activity | Read p. 70-73, discuss pollination | COMPUTER | Do experiment on p. 74, parts of a seed | Read p. 74-77, discuss how seeds travel | |
| Assessment | pass out worksheets | | | | |
| Homework | | | | | |

Week Of: December 9-13, 2013

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|--|---|--|--|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 214-215, discuss interview process | Read p. 216-217, have students interview | Read p. 218-219, discuss writing an article | Read p. 220-222, do unit checkup p. 222 | Share interview articles, discuss pros |
| Assessment | talk about collecting information. | row partner for a subject. | discuss how to prepare an article. | Write interview article | and cons, for next time. |
| Homework | | | | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. | 5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. | 5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. | 5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. | 5.0A, 1.2.3, 5NBT, 2.5.6, 5NF, 5.6. |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Christmas Program rehearsal | Christmas Program rehearsal | Simple Solutions Quiz # 5 | Review SS Quiz answers | Review Simple Solutions homework |
| Assessment | | | review answers | | Lesson 46 |
| Homework | | | Christmas Program No Homework | Simple Solutions lesson 46, p. 92 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT | SWBAT | SWBAT Know and understand unit 14 | SWBAT Know and understand unit 14 | SWBAT Know and understand unit 14 |
| CCCS | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Christmas Program Rehearsal | Christmas Program Rehearsal | Read p. 89 do 1-20 | Read p. 90 do 1-20, Read p. 91, do 1-20 | Unit 14 test |
| Assessment | | | | | Unit 14 test |
| Homework | | | No Homework Christmas Program | Workbook 47-48 | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | | | | | 2 a. b/c., 5 d. |
| Materials | | | | | Fantastic Voyage - Scott Foresman |
| Activity | | | | | Reading Test Missing Links |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |

| | | | | | |
|--------------|--|--|---|---|--|
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | American Will Be |
| Activity | Read p. 216-217 | Read p. 216-217 | Read Missing Links P. 220-230 | Test review story and vocab. | Read p. 104-108 chapter 5 |
| Assessment | | | | | do questions on p. 108, 1-4 and index cards |
| Homework | workbook p. 91 | workbook p. 92 | workbook p. 93 | workbook p. 95-96 | |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Read p. 76-77, review Vocab words and definitions Unit 9, do p. 78 | Read p. 76-77, review Vocab words and definitions Unit 9, do p. 78 | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | | | Do p. 79-81 | Vocabulary test unit 9 | Read p. 78-79, do questions on p. 79 |
| Assessment | | | | | 1-5. |
| Homework | Make flash cards for unit 9 | | Study for test | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Materials | Read p. 106-107, do windsock activity | Read p. 108-109, finish windsock activity | Read p. 110-113, discuss communion | Read p. 114-115, do test review activity | Chapter 11 test |
| Activity | | | | Review for test | Chapter 11 test |
| Assessment | | | | Crossword study guide | |
| Homework | | | | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a., 3c., 4 a-c, 5d. | Science test review | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Hands on Art |
| SLE(s) | American Will Be | COMPUTER | American Will Be | American Will Be | |
| Materials | Work on study guides and worksheets for Chapter 4 | COMPUTER | Work on study guides and worksheets for Chapter 4 | Go over study guides and correct worksheets for Chapter 4 | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a.b.d.e., 4c., 5d., 6a.b.c. | COMPUTER | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | Hands on Art |
| SLE(s) | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | |
| Materials | Work on study guides and worksheets | COMPUTER | work on study guides and worksheets | Take topic 4 test | |
| Activity | | | | | |
| Assessment | Topic 4 | | topic 4 | | |

Week Of: January 20-24

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|---|---|---|---|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT- know and understand how to write with descriptive adjectives. | SWBAT- know and understand how to write with descriptive adjectives. | SWBAT- know and understand how to write with descriptive adjectives. | SWBAT- know and understand how to write with descriptive adjectives. | SWBAT- know and understand how to write with descriptive adjectives. |
| CCCS | SRF.3, SL.1.2.3.4, | SRF.3, SL.1.2.3.4, | SRF.3, SL.1.2.3.4, | SRF.3, SL.1.2.3.4, | SRF.3, SL.1.2.3.4, |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | MLK no school | Read p. 260-261, discuss story "from Zeely" | Read p. 262-264, discuss "from Zeely" | Read p. 265-267, discuss descriptive writing, give examples, brainstorm | Take ACRE test |
| Assessment | | | | | Take ACRE test |
| Homework | | | Glencoe p. 61-62 | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication | SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication | SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication | SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication | SWBAT- know the math elements of Ch. 4 order of operations and 3 digit multiplication |
| CCCS | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | MLK no school | Do p. 158-159, More practice | Chapter 4 Test | Take ACRE test | Finish ACRE test |
| Assessment | | | | | |
| Homework | s.s. lesson 54 | Worksheet triple digit multiplication | s.s. lesson 55 | | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT- know and understand the spelling words of unit 17, adding -s or -es | SWBAT- know and understand the spelling words of unit 17, adding -s or -es | SWBAT- know and understand the spelling words of unit 17, adding -s or -es | SWBAT- know and understand the spelling words of unit 17, adding -s or -es | SWBAT- know and understand the spelling words of unit 17, adding -s or -es |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | MLK no school | Do p. 102, 1-20 | Do P. 103, core 1-20, content 1-8 | Spelling test Unit 17 | Read p. 104, Unit 18, unit review of 13-17 |
| Assessment | | | | Spelling test Unit 17 | |
| Homework | | worksheet p. 57 | worksheet p. 10 | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | 5.RL.1.2.3.5.6, 5.RI.2.5.6.8, 5.RF.3.4, 5.SL.1.2 |
| SLE(s) | | | | | 2 a. b. c., 5 d. |
| Materials | MLK no school | | | | Bridge to Terabithia |
| Activity | | | | | Test chapter 5-8 |
| Assessment | | | | | Vocab test review 9-12 |
| Homework | | | | | |
| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
| Objective | SWBAT - comprehend the story Bridge to Terabithia, and memorize facts and vocabulary. | SWBAT - comprehend the story Bridge to Terabithia, and memorize facts and vocabulary. | SWBAT - comprehend the story Bridge to Terabithia, and memorize facts and vocabulary. | SWBAT - comprehend the story Bridge to Terabithia, and memorize facts and vocabulary. | SWBATSWBAT- Know and understand Portuguese, Spanish, French, Dutch, |
| CCCS | 5.RL.1.2.3.5.6, 5.RI.2.5.6.8, 5.RF.3.4, 5.SL.1.2 | 5.RL.1.2.3.5.6, 5.RI.2.5.6.8, 5.RF.3.4, 5.SL.1.2 | 5.RL.1.2.3.5.6, 5.RI.2.5.6.8, 5.RF.3.4, 5.SL.1.2 | 5.RL.1.2.3.5.6, 5.RI.2.5.6.8, 5.RF.3.4, 5.SL.1.2 | 5.RL.1.2.3.5.6, 5.RI.2.5.6.8, 5.RF.3.4, 5.SL.1.2 |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Bridge to Terabithia | MUSIC | Bridge to Terabithia | Bridge to Terabithia | American-Will Be |
| Activity | MLK no school | MUSIC | Read chapter 7 | Read chapter 8 | Work on study guide and worksheets |
| Assessment | | | | | Chapter 5 |
| Homework | Do p. 13 wkbk | | | | |
| Time/Subject | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT - know and understand the vocab words to units 9-12 | SWBAT - know and understand the vocab words to units 9-12 | SWBAT - know and understand the vocab words to units 9-12 | SWBAT - know and understand the vocab words to units 9-12 | SWBAT- know and understand how seeds develop, grow, and reproduce for a plant. |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | |

Be sure to correct S.G. —

| | | | | | |
|---|---|---|--|--|---|
| SLE(s) Materials Activity Assessment Homework | 2 a. b. c., 5 d. Vocabulary workshop, Sadlier-Oxford MLK no school | MUSIC MUSIC MUSIC | 2 a. b. c., 5 d. Vocabulary workshop, Sadlier-Oxford Unit review 9-12, do p. 100-101 | 2 a. b. c., 5 d. Vocabulary workshop, Sadlier-Oxford do p. 104-105 | 2 a. b. c., 5 d. Science, McGraw-Hill CLASS PARTY |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT - Know and understand the meaning behind Christmas and Christ's birth | SWBAT - Know and understand the meaning behind Christmas and Christ's birth | SWBAT - Know and understand the meaning behind Christmas and Christ's birth | SWBAT - Know and understand the meaning behind Christmas and Christ's birth | SWBAT - Know and understand the meaning behind Christmas and Christ's birth |
| CCCS | | | | | |
| SLE(s) Materials Activity Assessment Homework | 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book MLK no school | 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book Chapter 14, read p. 132-133, do exercise on p. 133 | 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book Read p. 134-135, review for test | 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book Chapter 14 Test | 1 a-d, 2 a-c, 3 a-c, 5d. Coming To God's Life book CLASS PARTY |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT - Know and understand Portuguese, Spanish, French, Dutch, and English | SWBAT - Know and understand Portuguese, Spanish, French, Dutch, and English | SWBAT - Know and understand Portuguese, Spanish, French, Dutch, and English | SWBAT - Know and understand Portuguese, Spanish, French, Dutch, and English | SWBAT |
| CCCS | | | | | |
| SLE(s) Materials Activity Assessment Homework | 2 a., 3c., 4 a-c, 5d. American Will Be MLK no school | COMPUTER COMPUTER COMPUTER | 2 a., 3c., 4 a-c, 5d. American Will Be Read p. 121-123, discuss English voyages | 2 a., 3c., 4 a-c, 5d. American Will Be Work on Study Guide and worksheets Chapter 5 | CLASS PARTY |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | |
| CCCS | | | | | |
| SLE(s) Materials Activity Assessment Homework | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill no school MLK | COMPUTER COMPUTER COMPUTER | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill Read p. 72-74, discuss what's in a seed | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill Read p. 74-75, discuss from seed to plant | CLASS PARTY |

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Cathryn@jmlaw.com

Attorneys for Plaintiff
 KRISTEN BIEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a

California corporation; and

DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF KRISTEN BIEL'S
 COMPENDIUM OF EVIDENCE IN
 SUPPORT OF PLAINTIFF'S
 OPPOSITION TO DEFENDANT'S
 MOTION FOR SUMMARY
 JUDGMENT OR, IN THE
 ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT**

Filed and served concurrently with:

- *Plaintiff's Memorandum of Points & Authorities in Opposition to Defendant's MSJ/PSJ;*
- *Plaintiff's Separate Statement of Controverted & Uncontroverted Facts;*
- *Plaintiff's Request for Judicial Notice.*

Date: Monday, November 7, 2016

Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015

Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby submits the following evidence in support of her Opposition to the Motion for Summary Judgment or, in the Alternative, Party Summary Judgment, filed by Defendant ST. JAMES SCHOOL, A CORP (“Defendant”).

DECLARATIONS:

- Declaration of Cathryn G. Fund

EXHIBITS:

| | |
|----------|--|
| 1 | Relevant Portions of the Deposition of Plaintiff Kristen Biel (November 10, 2015), including relevant exhibits from the deposition. |
| 2 | Relevant Portions of the Deposition of Mary M. Kreuper (November 12, 2015), including relevant exhibits from the deposition. |
| 3 | Relevant Portions of the Deposition of Mara Wolfsen (May 13, 2016). |
| 4 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One that was served on August 17, 2015. |
| 5 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two that was served on December 4, 2015. |
| 6 | Pertinent Pages of Defendant’s documents produced in response to Plaintiff’s Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced to Plaintiff on January 21, 2016. |

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1 Respectfully submitted,

2
3 DATED: October 17, 2016 JML LAW, A Professional Law Corporation

4
5 By: /s/ Cathryn Fund

6 JOSEPH M. LOVRETOVICH

7 JARED W. BEILKE

8 CATHRYN FUND

9 Attorneys for Plaintiff Kristen Biel

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DECLARATION OF CATHRYN G. FUND

DECLARATION OF CATHRYN G. FUND

I, Cathryn G. Fund, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California and before this court. I am an associate with the firm JML Law, A Professional Law Corporation, counsel of record for Plaintiff KRISTEN BIEL (“Plaintiff”) in the matter of *Biel v. St. James School, A Corp.*, currently pending before the United States District Court for the Central District of California. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently thereto under oath, if called as a witness.

2. On November 10, 2015, I defended the deposition of Plaintiff in this case, which was taken by Defendant’s counsel. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 1** are true and correct copies of pertinent pages and exhibits from Plaintiff’s deposition, which memorializes Plaintiff’s testimony from her deposition on November 10, 2015.

3. On November 12, 2015, my former colleague D. Aaron Brock, who is no longer with JML Law, took the deposition of Mary Kreuper in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 2** are true and correct copies of pertinent pages and exhibits from Mary Kreuper’s deposition taken on November 12, 2015.

4. On May 13, 2016, I took the deposition of Mara Wolfsen in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 3** are true and correct copies of pertinent pages from Mara Wolfsen’s deposition, which memorializes Ms. Wolfsen’s testimony from her May 13, 2016 deposition.

5. Plaintiff’s lesson plans (Deft Production 59-146) were not identified or produced as part of Defendant’s initial disclosures on September 29, 2015 in response to eight relevant categories of Plaintiff’s Request for Production of Documents, Set No. One (Request Nos. 6, 13, 14, 15, 16, 17, 18, 19), and were not produced prior to the depositions of Kristen Biel on November 10, 2016 and Sister

1 Mary Margaret Kreuper on November 12, 2015. Plaintiff's lesson plans were
 2 subsequently produced in response to Plaintiff's Request for Production of
 3 Documents, Set No. Two on January 21, 2016.

4 6. Attached as **Exhibit 4** is a true and correct copy of Plaintiff's Request
 5 to Defendant for Identification, Inspection and Production of Documents and
 6 Tangible Items, Set No. One that was served on August 17, 2015.

7 7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff's Request
 8 to Defendant for Identification, Inspection and Production of Documents and
 9 Tangible Items, Set No. Two that was served on December 4, 2015.

10 8. Attached as **Exhibit 6** are true and correct copies of the pertinent
 11 pages of Defendant's document production in response to Plaintiff's Request for
 12 Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced
 13 to Plaintiff on January 21, 2016.

14
 15 I hereby declare under penalty of perjury, under the laws of the State of
 16 California and the United States of America that the foregoing is true and correct,
 17 and that this Declaration was executed on October 17, 2016, at Woodland Hills,
 18 California.

19
 20 By: /s/ Cathryn Fund

21 Cathryn G. Fund, Esq.
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EXHIBIT 2

DEPOSITION OF MARY KREUPER

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,)

)

Plaintiff,)

)

vs)

Case No. 15-cv-

04248-TJH (ASx)

ST. JAMES SCHOOL, A CORP., a)

California corporation; and)

Volume I

DOES 1-50, inclusive,)

)

Defendants.)

)

DEPOSITION OF MARY M. KREUPER

Woodland Hills, California

Thursday, November 12, 2015

Reported by: Alla Ponto

CSR No. 11046

NDS Job No.: 174564

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3
4
5 KRISTEN BIEL, an individual,)

6 Plaintiff,)

7 vs)

) Case No. 15-cv-

) 04248-TJH (ASx)

8 ST. JAMES SCHOOL, A CORP., a)

9 California corporation; and)

DOES 1-50, inclusive,)

10 Defendants.)

11 _____)

12
13
14
15 DEPOSITION OF MARY M. KREUPER,

16 taken on behalf of the Plaintiff,

17 at 21052 Oxnard Street, Woodland Hills,

18 California, beginning at 9:57 a.m.

19 and ending at 2:50 p.m., on Thursday,

20 November 12, 2015, before Alla Ponto,

21 Certified Shorthand Reporter No. 11046.

1 APPEARANCES:

2
3 For the Plaintiff:

4 JML LAW
5 BY: D. AARON BROCK, ESQ.
6 21052 Oxnard Street
7 Woodland Hills, California 91367
8 (818) 610-8800
9 aaron@jmlaw.com

10
11 For the Defendants:

12 SULLIVAN, BALLOG & WILLIAMS
13 BY: NIKKI FERMIN, ESQ.
14 400 North Tustin Avenue
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16 Santa Ana, California 92705
17 (714) 541-2121
18 nuf@sullivanballog.com
19
20
21
22
23
24
25

INDEX

WITNESS

MARY M. KREUPER

EXAMINATION

PAGE

BY MR. BROCK

6, 123

EXHIBITS

MARKED

DESCRIPTION

PAGE

Exhibit 1 Document Entitled, "Weekly Time Allotments" 31

Exhibit 2 Faculty Employment Agreement 59

Exhibit 3 Elementary School Classroom Observation Report for Kristen Biel 90

Exhibit 4 Handwritten Notes, Four Pages 99

Exhibit 5 Intent to Return Form for Kristen Biel 116

Exhibit 6 Letter from Sister Mary Margaret to Kristen Biel, dated 5/15/14 132

Exhibit 7 Letter from Kristen Biel to Sister Mary Margaret, dated 6/16/14 147

Exhibit 8 Letter of Intent from Kristen Biel to Sister Mary Margaret, dated 6/9/14 151

Exhibit 9 Lesson Plans 152

Exhibit 10 Faculty/Staff Handbook 160

Week Of: September 23-27

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--------|---------|-----------|----------|--------|
|------------------|--------|---------|-----------|----------|--------|

Notes:

| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
|--------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
|--------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|

| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|-------------------------------------|--------------------------------------|----------------------------------|----------------------------------|----------------------------------|
| CCCS | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, | 5RF.3, 5L.1.2.3.4, |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 18-21 do exercises on p. 21 | Read p. 22-23, do exercises on p. 23 | Read p. 24-25, do unit checkup | English quiz Unit 1, journal | Unit 1 Test, Journal |
| Assessment | Extra practice p. 36 a,b,c all | Extra practice p. 39, a.b.c all | | English quiz unit 1, journal | Unit 1 test, journal |
| Homework | Glencoe p. 59-60 | | Glencoe p. 61-62 | | |

| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|

| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|----------------------------------|----------------------------------|-----------------------------------|------------------------------------|-----------------------------|
| CCCS | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 | 5.OA1.2.3, 5.NBT.3.5.6.7 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 42-43, do 5-28 on p. 43 | Read p. 44-45, do 5-20 on p. 45 | Read p. 46-47, do 8-28 on p. 47 | Diagnostic checkpoint p. 50, #1-24 | Read p. 52-54, dp 9-42 even |
| Assessment | Mental math | tables | add and subtract equations | <i>Grade?</i> | estimation strategies |
| Homework | Simple Solutions lesson 8, p. 16 | Simple Solutions lesson 9, p. 18 | Simple Solutions lesson 10, p. 20 | | |

| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
|--------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
|--------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|

| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|--------------|--------------------------------|------------------------|-------------------------|-----------------------|--------------------------------|
| CCCS | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 28-29, do p. 30 #s1-20 | Review words, do p. 31 | Review words, mock test | Spelling test Unit 3 | Read p. 32-33, say words aloud |
| Assessment | | | | Spelling test Unit 3 | |
| Homework | worksheet p. 8 | worksheet p. 9 | worksheet p. 10 | | |

| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|

| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
|-----------|-------|-------|-------|-------|--|
| CCCS | | | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | | | | | 2 a. b. c., 5 d. |
| Materials | | | | | Reading test 2, Faith and Eddie |



Objective

?

Week Of: January 27-31 2014

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|---|---|---|---|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT- know and understand how to write with descriptive adjectives. | SWBAT- know and understand how to write with descriptive adjectives. | SWBAT- know and understand how to write with descriptive adjectives. | SWBAT- know and understand how to write with descriptive adjectives. | SWBAT- know and understand how to write with descriptive adjectives. |
| CCCS | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Write Sr. Mary Margaret a letter | Read p. 268-269, discuss sensory details | Read p. 270-271, make a checklist of sensory writing, brainstorm words | Read p. 265-267, discuss descriptive | Read p. 274-277 writing a description |
| Assessment | | | Glencoe p. 61-62 | Read 272-273 classifying sensory details | begin first draft of description writing |
| Homework | | | | discuss editing details | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. |
| CCCS | 5.OA1.2.3, 5.NF 1.2. 3. 5., 5.MD 1.2.5NBT.3.5 | 5.OA1.2.3, 5.NF 1.2. 3. 5., 5.MD 1.2.5NBT.3.5 | 5.OA1.2.3, 5.NF 1.2. 3. 5., 5.MD 1.2.5NBT.3.5 | 5.OA1.2.3, 5.NF 1.2. 3. 5., 5.MD 1.2.5NBT.3.5 | 5.OA1.2.3, 5.NF 1.2. 3. 5., 5.MD 1.2.5NBT.3.5.6.7 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 168-169, do 5-30 on p. 169 | Read p. 170-171, do 10-30 on p. 171 | Read p. 172-174, do 7-37 odd on p. 174 | Read p. 176-177, do 1-7 On p. 177 | read p. 178-180, do 6-32 on p. 180. |
| Assessment | | | SS Math Quiz # 7 | | |
| Homework | Math workbook 5-1 | NO HOMEWORK DAY! | s.s. lesson 56 | Math workbook 5-3 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT- know and understand the words from unit 13-17 review | SWBAT- know and understand the words from unit 13-17 review | SWBAT- know and understand the words from unit 13-17 review | SWBAT- know and understand the words from unit 13-17 review | SWBAT- know and understand the words from unit 13-17 review |
| CCCS | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Do p. 104-105, unit 13-14 words. | Do 105-106, unit 15-16-17 | Do p. 107, 1-20 | Spelling test Unit 18 | Read p. 116, say unit 19 words aloud. |
| Assessment | | | Study for unit test | Spelling test Unit 18 | |
| Homework | | | | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | | | | | 2 a. b. c., 5 d. |
| Materials | | | | | Bridge to Terabithia |
| Activity | | | | | Test chapters 9-11 |
| Assessment | | | | | Spectrum reading p. 4-5, Australia's giant |
| Homework | | | | | Toads |

Thank you!

| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
|--------------|---|---|---|---|---|
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT - know and understand Spanish, French, and English Colonization and Settlement. |
| CCCS | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Bridge to Terabithia | MUSIC | PE | Bridge to Terabithia | America Will Be |
| Activity | Read chapter 9-10 | MUSIC | PE | Read ch. 11 | Read p. 132-135, do p. 135 |
| Assessment | | | PE | Test review ch. 9-11 | questions 1-4 |
| Homework | | | | | |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. |
| CCCS | 5RF.3, 5L.1.2.4 | | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Vocabulary workshop, Sadlier-Oxford | MUSIC | PE | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | Unit 13 - Read p. 106-107, do p. 108 | MUSIC | PE | Vocab test unit 13 | Read p. 82-83, do flash cards for science words |
| Assessment | | | PE | Vocab test unit 13 | |
| Homework | Make flash cards unit 13 | | | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT - know and understand reconciliation | SWBAT - know and understand reconciliation | SWBAT - know and understand reconciliation | SWBAT - know and understand reconciliation | SWBAT - know and understand reconciliation |
| CCCS | | | | | |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Activity | Read p. 140-141, discuss forgiveness | Read p. 142-143, discuss sacrament of healing | Read p. 144-146, do p. 146 review | Chapter 15 test | Read p. 148-149, discuss sickness and death |
| Assessment | | | Test review | | |
| Homework | Study for test | | | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT - know and understand Spanish, French, and English Colonization and Settlement. | SWBAT - know and understand Spanish, French, and English Colonization and Settlement. | SWBAT - know and understand Spanish, French, and English Colonization and Settlement. | SWBAT - know and understand Spanish, French, and English Colonization and Settlement. | SWBAT |
| CCCS | | | | | |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | COMPUTER | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Fall Leaves Art Project |
| Materials | American Will Be | COMPUTER | American Will Be | American Will Be | |
| Activity | Chapter 5 Game Show Jeopardy | COMPUTER | Chapter 5 test | Chapter 6, read p. 126-131, do p. 131 | |
| Assessment | Chapter 5 review, p. 124-125 | | | questions 1-4 | |
| Homework | | | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | |
| CCCS | | | | | |
| SLE(s) | 2 a.b.d.e., 4c., 5d., 6a.b.c. | COMPUTER | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | |
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | Fall Leaves Art Project |

Nice!

Same objective?
Ann

Activity READ p. 76-77, discuss cycle of a conifer COMPUTER
Assessment
Homework


Read p. 78-79, discuss seeds we can eat
Do review questions on p. 79, 1-4

Read p. 80-81, discuss tree rings

Remember, we
have talked
about "things" on
desk —

Week Of: February 17-21-2014

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|---|---|---|---|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT - know and understand the usage of pronouns | SWBAT - know and understand the usage of pronouns | SWBAT - know and understand the usage of pronouns | SWBAT - know and understand the usage of pronouns | SWBAT - know and understand the usage of pronouns |
| CCCS | | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, | SRF.3, 5L.1.2.3.4, |
| SLE(s) | | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | PRESIDENTS DAY | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | | Read p. 304-305, do p. 305 #6-20 | Read p. 306-307, do p. 307 #6-20 | Read p. 3080309, do p. 309 #5-20 | Read article "Should everyone get a Trophy?" Write a one paragraph opinion piece yes or no. |
| Assessment | | | | | |
| Homework | | Glencoe p. 112-113 | Worksheet we and us | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT- know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. |
| CCCS | | 5.OA1.2.3, 5NF 1.2. 3. 5. , 5MD 1.2.5NBT.3.5 | 5.OA1.2.3, 5NF 1.2. 3. 5. , 5MD 1.2.5NBT.3.5 | 5.OA1.2.3, 5NF 1.2. 3. 5. , 5MD 1.2.5NBT.3.5 | 5.OA1.2.3, 5NF 1.2. 3. 5. , 5MD 1.2.5NBT.3.5.6.7 |
| SLE(s) | | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | PRESIDENTS DAY | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | | Diagnostic Checkpoint on p. 198. | Chapter 5 practice test p. 199 | Chapter 5 test | Chapter 5 test review |
| Assessment | | | | | check wrong answers go over questions |
| Homework | | Math workbook 5-12 | s.s. lesson 60 | ss lesson 61 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT- know and understand the spelling words in unit 21, ar and er sounds. | SWBAT- know and understand the spelling words in unit 21, ar and er sounds. | SWBAT- know and understand the spelling words in unit 21, ar and er sounds. | SWBAT- know and understand the spelling words in unit 21, ar and er sounds. | SWBAT- know and understand the spelling words in unit 21, ar and er sounds. |
| CCCS | | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 |
| SLE(s) | | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | PRESIDENTS DAY | Read p. 124, do p. 125 1-20 | do p. 126 1-20 | Spelling test Unit 21 | Unit 21 test review |
| Assessment | | | | | |
| Homework | | worksheet p. 71 | worksheet p. 72 | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | | | | | 2 a. b. c., 5 d. |
| Materials | PRESIDENTS DAY | | | | Spectrum Reading page 8-9 |
| Activity | | | | | |


 I enjoyed
 reading
 these
 Thanks,
 Ann

| | | | | | | | | | | |
|------------------------|--|------------------------|--|------------------------|--|------------------------|--|------------------------|---|-----------------------------|
| Assessment Homework | | | | | | | | | | |
| Time/Subject | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Social Studies |
| Objective | SWBAT | | SWBAT | | SWBAT | | SWBAT | | SWBAT | |
| CCCS | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | |
| SLE(s) | | | MUSIC | | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | |
| Materials | | | MUSIC | | PE | | DEAR TIME - ISLAND READING | | American Will Be | |
| Activity | PRESIDENTS DAY | | MUSIC | | PE | | | | Complete all unfinished worksheets | |
| Assessment | | | | | PE | | | | Ch 6. | |
| Homework | | | | | | | | | | |
| Time/Subject | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Science |
| Objective | SWBAT | | SWBAT | | SWBAT | | SWBAT | | SWBAT | |
| CCCS | | | | | 5RF.3, 5L.1.2.4 | | 5RF.3, 5L.1.2.4 | | 5RF.3, 5L.1.2.4 | |
| SLE(s) | | | MUSIC | | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | | 2 a. b. c., 5 d. | |
| Materials | | | MUSIC | | PE | | Vocabulary workshop, Sadlier-Oxford | | Science, McGraw-Hill | |
| Activity | PRESIDENTS DAY | | MUSIC | | PE | | Vocab test unit 16 | | Ch 6 chapter review | |
| Assessment | | | | | PE | | | | Unit 2 test next Tuesday | |
| Homework | | | | | | | | | | |
| Time/Subject | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion |
| Objective | SWBAT- know and understand the meaning behind service of others | | SWBAT- know and understand the meaning behind service of others | | SWBAT- know and understand the meaning behind service of others | | SWBAT- know and understand the meaning behind service of others | | SWBAT- know and understand the meaning behind service of others | |
| CCCS | | | | | | | | | | |
| SLE(s) | | | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | |
| Materials | | | Coming To God's Life book | | Coming To God's Life book | | Coming To God's Life book | | Coming To God's Life book | |
| Activity | PRESIDENTS DAY | | Ch 18, read p. 168 discuss how a priest helps others | | Ch 18, read p. 170-171, answer the questions on p. 171 | | Ch 18, read p. 172-173, divide the class in 4 groups and have them draw a symbol for their ministry. | | Ch 18 Test | |
| Assessment | | | | | | | | | | |
| Homework | | | | | | | | | | |
| Time/Subject | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Art |
| Objective | SWBAT- know and understand Spanish, French, and English Colonization and Settlement. | | SWBAT- know and understand Spanish, French, and English Colonization and Settlement. | | SWBAT- know and understand Spanish, French, and English Colonization and Settlement. | | SWBAT- know and understand Spanish, French, and English Colonization and Settlement. | | SWBAT | |
| CCCS | | | | | | | | | | |
| SLE(s) | | | | | 2 a., 3c., 4 a-c, 5d. | | 2 a., 3c., 4 a-c, 5d. | | Art Project | |
| Materials | PRESIDENTS DAY | | COMPUTER | | American Will Be | | American Will Be | | | |
| Activity | | | COMPUTER | | Ch 6 study guide review | | Ch 6 study guide review | | | |
| Assessment | | | | | | | | | | |
| Homework | | | | | | | | | | |
| Time/Subject | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:20-3:00 | Art - 3:00-3:15 Reward Time |
| Objective | SWBAT- know and understand how seeds develop, grow, and reproduce for a plant. | | SWBAT- know and understand how seeds develop, grow, and reproduce for a plant. | | SWBAT- know and understand how seeds develop, grow, and reproduce for a plant. | | SWBAT- know and understand how seeds develop, grow, and reproduce for a plant. | | | |
| CCCS | | | | | | | | | | |

| | | | | | |
|------------|----------------|----------|----------------------------|----------------------------|-------------|
| SLE(s) | | COMPUTER | 2 a.b.d.e.,4c.,5d.,6a.b.c. | 2 a.b.d.e.,4c.,5d.,6a.b.c. | Art Project |
| Materials | PRESIDENTS DAY | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | |
| Activity | | COMPUTER | Ch 2 study guide review | Ch 2 study guide review | |
| Assessment | | | | | |
| Homework | | | | | |

Be sure to
correct so the
students will have
something to study
(correctly)
Thanks

Week Of: March 3-7-2014

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|---|--|--|--|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT - know and understand how to write a persuasive essay | SWBAT - know and understand how to write a persuasive essay | SWBAT - know and understand how to write a persuasive essay | SWBAT - know and understand how to write a persuasive essay | SWBAT - know and understand how to write a persuasive essay |
| CCCS | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 330-331, discuss elements to a persuasive essay | Read p. 332-336, answer questions with whole class discuss thinking like a writer | Read p. 337, brainstorm essay ideas | Read p. 340-341, discuss facts and opinions | Read p. 342-343, start a checklist and graphic organizer. |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT- know and practice Multiplying and Dividing Decimals | SWBAT- know and practice Multiplying and Dividing Decimals | SWBAT- know and practice Multiplying and Dividing Decimals | SWBAT- know and practice Multiplying and Dividing Decimals | SWBAT- know and practice Multiplying and Dividing Decimals |
| CCCS | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5MD 1,2, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5MD 1,2, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5MD 1,2, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5MD 1,2, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5MD 1,2, |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 222-223, do p. 223, 8-27 even | Diagnostic checkpoint p. 225 | MASS | Read p. 226-227, do. P. 227, 7-30 odd | Read p. 230-231, do p. 231, 5-29 odd |
| Assessment | | | | | |
| Homework | Workbook p. 6-5 | ss lesson 65 | | Workbook p. 6-6 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT- know and understand the spelling words that are often mispronounced | SWBAT- know and understand the spelling words that are often mispronounced | SWBAT- know and understand the spelling words that are often mispronounced | SWBAT- know and understand the spelling words that are often mispronounced | SWBAT- know and understand the spelling words that are often mispronounced |
| CCCS | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 132, pronounce words whole class | Do p. 134, 1-20 | Do p. 135, core, 1-20, content, 1-8, and review, 1-6 | Spelling test Unit 23 | Review Spelling test Unit 23 |
| Assessment | Do p. 133, core and content | | | Spelling test Unit 23 | |
| Homework | worksheet p. 77 | worksheet p. 78 | worksheet p. 79 | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT - know and understand the story |
| CCCS | | | | | Kate Shelley |
| SLE(s) | | | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| Materials | | | | | 2 a. b. c., 5 d. |
| Activity | | | | | Spectrum Reading page 12-13 |
| Assessment | | | | | Kate Shelley test |
| Homework | | | | | |

| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
|--------------|---|---|---|---|---|
| Objective | SWBAT know and understand the story | SWBAT know and understand the story | SWBAT know and understand the story | SWBAT know and understand the story | SWBAT know and understand Life in the |
| CCCS | Kate Shelley | Kate Shelley | Kate Shelley | Kate Shelley | Southern Colonies |
| SLE(s) | SRL.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | 2 a. b. c., 5 d. |
| Materials | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | American Will Be |
| Activity | Reading Fantastic Voyage | MUSIC | PE | Reading Fantastic Voyage | worksheets (test next Wednesday) |
| Assessment | Read p. 264, do flash cards, read the story | MUSIC | PE | Finish reading "Kate Shelley" p. 274-280 | |
| Homework | "Kate Shelley" p. 266-273 | | PE | review for test | |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT know and understand weather, |
| CCCS | | | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | weather patterns, and layers of the atmosphere. |
| SLE(s) | | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | | MUSIC | PE | | Science, McGraw-Hill |
| Activity | DEAR TIME/ READING JOURNEY | MUSIC | PE | DEAR TIME/READING JOURNEY | Work on study guide topic 1-2 |
| Assessment | | | PE | | |
| Homework | | | | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT- know and understand the | SWBAT- know and understand the | SWBAT- know and understand the | SWBAT- know and understand the | SWBAT- know and understand the |
| CCCS | meaning behind Lent and reflection | meaning behind Lent and reflection | meaning behind Lent and reflection | meaning behind Lent and reflection | meaning behind Lent and reflection |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Activity | Read p. 188-189, discuss celebrating Lent | Read p. 190-191, discuss Jesus' 40 days | Read p. 192-193, Discuss Lent service | Chapter 20 test review | Chapter 20 test |
| Assessment | Skit | in the desert and fasting | Test review | | |
| Homework | | | Crossword study guide | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT know and understand Life in the | SWBAT know and understand Life in the | SWBAT know and understand Life in the | SWBAT know and understand Life in the | SWBAT |
| CCCS | Southern Colonies | Southern Colonies | Southern Colonies | Southern Colonies | Art Project |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | COMPUTER | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Art Project |
| Materials | American Will Be | COMPUTER | American Will Be | American Will Be | Art Project |
| Activity | Read p. 167-173, discuss Slavery in the | COMPUTER | Answer questions on p. 173, 1-4 make flash | Read Flow lines p. 174-175 | Art Project |
| Assessment | southern colonies worksheets | | cards for Key terms. | work on worksheets | Art Project |
| Homework | | | | | Art Project |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT know and understand weather, | SWBAT know and understand weather, | SWBAT know and understand weather, | SWBAT know and understand weather, | |
| CCCS | weather patterns, and layers of the atmosphere. | weather patterns, and layers of the atmosphere. | weather patterns, and layers of the atmosphere. | weather patterns, and layers of the atmosphere. | |
| SLE(s) | 2 a.b.d.e.,4c.,5d.,6a.b.c. | COMPUTER | 2 a.b.d.e.,4c.,5d.,6a.b.c. | 2 a.b.d.e.,4c.,5d.,6a.b.c. | |
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | |

| | | | | | |
|------------|--|----------|--------------------------|------------------------|----------|
| Activity | Topic 2, Water in the Air | COMPUTER | Do p. 117 questions, 1-5 | Topic 1-2, study guide | HALF DAY |
| Assessment | Read p. 112-117, discuss cloud formation | | | quiz next week | |
| Homework | | | | | |

Be sure
the S.G. are
corrected.
Thanks

Week Of: April 7-11-2014

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|---|--|---|--|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT - know and understand how to write an adventure story | SWBAT - know and understand how to write an adventure story | SWBAT - know and understand how to write an adventure story | SWBAT - know and understand how to write an adventure story | SWBAT - know and understand how to write an adventure story |
| CCCS | 5RF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | 5RF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | 5RF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | 5RF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | 5RF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Read p. 415-416, proofread story |
| Activity | Work on rough draft, adventure story | Prepare for Rite of Reconciliation | Writing in journal, and share topic: If you opened your own restaurant what would you cook what is the menu? | Read 413-414, revise story, change vivid verbs and adjectives, peer edit | peer editing finished rough draft turn in rough draft |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT- know and understand factors and divisibility and fractions | SWBAT- know and understand factors and divisibility and fractions | SWBAT- know and understand factors and divisibility and fractions | SWBAT- know and understand factors and divisibility and fractions | SWBAT- know and understand factors and divisibility and fractions |
| CCCS | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5.NF, 1-7, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5.NF, 1-7, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5.NF, 1-7, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5.NF, 1-7, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5.NF, 1-7, |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 266-267, do p. 267, 7-23 | Read p. 268-269, do p. 269, 1-5 | Do diagnostic checkpoint p. 270 | Read p. 272-273, do p. 273, 6-23 | Read p. 274-275 do p. 275, # 5-22 |
| Assessment | | | | | |
| Homework | workbook p. 7-4 | Simple solutions Lesson 69 | | workbook 7-6 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with | SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with | SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with | SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with | SWBAT- know and understand the spelling words in unit 28, Unstressed syllables with |
| CCCS | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Read p. 164, say words aloud, give meanings |
| Activity | Read p. 160-161, do p. 161, 1-20, 1-8 | Do p. 162, 1-20 | Do p. 163, all | Spelling test Unit 28 | |
| Assessment | | | | | |
| Homework | worksheet 95 | worksheet p. 96 | worksheet p. 97 | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT - know and understand the story of the Icarus race and skill lesson summarizing. |
| CCCS | | | | | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |

*Kristen, please let me see your corrected tests.
Thanks, Ann*

| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
|--------------|---|---|---|---|---|
| Objective | SWBAT know and understand the story Jr. Iditarod race and skill lesson summarizing. | SWBAT know and understand the story Jr. Iditarod race and skill lesson summarizing. | SWBAT know and understand the story Jr. Iditarod race and skill lesson summarizing. | SWBAT know and understand the story Jr. Iditarod race and skill lesson summarizing. | SWBAT- know and understand Life in the New England Colonies |
| CCCS | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | 5RL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 | |
| SLE(s) | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Reading Fantastic Voyage | MUSIC | PE | Reading Fantastic Voyage | American Will Be |
| Activity | Read p. 384-397, review vocabulary | MUSIC | PE | Test Jr. Iditarod Race | Work on Chapter 8 worksheets |
| Assessment | make flash cards | | PE | | |
| Homework | workbook p. 162 | workbook p. 1168 | workbook p. 165-166 | | |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT- know and understand weather, weather patterns, and layers of the atmosphere. |
| CCCS | | | 5RF.3, 5L.1.2.4 | 5RF.3, 5L.1.2.4 | |
| SLE(s) | | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | | MUSIC | PE | | Science, McGraw-Hill |
| Activity | DEAR TIME READING JOURNEY | MUSIC | PE | DEAR TIME/READING JOURNEY | Topic 3 quiz |
| Assessment | | | PE | | |
| Homework | | | | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT- know and understand the meaning behind becoming a Catholic | SWBAT- know and understand the meaning behind becoming a Catholic | SWBAT- know and understand the meaning behind becoming a Catholic | SWBAT- know and understand the meaning behind becoming a Catholic | SWBAT- know and understand the meaning behind becoming a Catholic |
| CCCS | | | | | |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Coming to God's Life | Coming to God's Life | Coming to God's Life | Coming to God's Life | Coming to God's Life |
| Activity | Chapter 24, read p. 220-223 | Read p. 224-225, review and discuss | Read p. 226-228, do chapter review | Chapter 24 Test review | Chapter 24 test |
| Assessment | discuss faith | The Apostles' Creed | on p 229 | | |
| Homework | | | Do crossword puzzle study guide | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT- know and understand Life in the New England Colonies | SWBAT- know and understand Life in the New England Colonies | SWBAT- know and understand Life in the New England Colonies | SWBAT- know and understand Life in the New England Colonies | SWBAT |
| CCCS | | | | | |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | COMPUTER | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Art Project |
| Materials | American Will Be | COMPUTER | American Will Be | American Will Be | |
| Activity | Read p. 194-195, do review #1-4, p. 195 | COMPUTER | Read p. 198-201, do review # 1-4 p. 201 | HANDS ON ART | Easter Bunny art |
| Assessment | Lesson 3 | | Lesson 4 | | |
| Homework | | | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT- know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT- know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT- know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT- know and understand weather, weather patterns, and layers of the atmosphere. | |
| CCCS | | | | | |
| SLE(s) | 2 a.b.d.e.,4c.,5d.,6a.b.c. | COMPUTER | 2 a.b.d.e.,4c.,5d.,6a.b.c. | 2 a.b.d.e.,4c.,5d.,6a.b.c. | Art Project |
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | Easter Bunny Art |

| | | | | |
|------------|-------------------------------------|---------------------|----------------------------------|--------------|
| Activity | Read p. 120-125, work on worksheets | COMPUTER | Read p. 126-129, do review # 1-5 | HANDS ON ART |
| Assessment | | Test Review Topic 2 | Test review | |
| Homework | | | | |

Week Of: April 28-May 2-2014

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|---------------------|---|---|---|---|--|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions |
| CCCS | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. | SRF.3, 5L.1.2.3.4, 5.W.1.2.3.4.5. |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 430-431, do p. 431, 6-20 | Read p. 432-433, do p. 433, 6-20 | Read p. 434-435, do p. 435, 6-20 | Read p. 436-437 do p. 437, 6-20 | Read p. 438-439, do p. 439, 6-20 |
| Assessment | | | | | |
| Homework | Glencoe p. 149-150 | Glencoe, p. 151-152 | Glencoe p. 159-160 | Glencoe p. 161-162 | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions |
| CCCS | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, | 5.OA 1, 5.NTB 1,3,5, 6, 7, 5NF, 1-7, |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 282-283, do p. 283, 8-30 | Read p. 284-285, do p. 285, #9-22 | Do cumulative review p. 287 | Read p. 288-289, do p. 289, 1-11 | Do Diagnostic Checkpoint p. 290 |
| Assessment | | | | | |
| Homework | workbook p. 7-11 | workbook 7-12 | simple solutions Lesson 71 | Simple Solutions Lesson 72 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review |
| CCCS | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | |
| Activity | Read p. 168, do p. 168 | Do p. 169 | do p. 170-171 | Spelling test Unit 30 | Read p. 182, say words aloud, explain meaning |
| Assessment | | | | | |
| Homework | worksheet 101-102 | worksheet p. 103-104 | worksheet p. 105-106 | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT know and understand the story Heart of a runner and skill lesson summarizing. |
| CCCS | | | | | SRL.1.2.3.5.6, 5RI.2.5.6.8, 5RF.3.4, 5SL.1.2 |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | Reading test Heart of a runner |
| Assessment | | | | | |
| Homework | | | | | |

Remember about things on decks -

| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
|--------------|---|---|---|---|---|
| Objective | SWBAT know and understand the story | SWBAT know and understand the story | SWBAT know and understand the story | SWBAT know and understand the story | SWBAT- know and understand Life in the |
| CCCS | Heart of a runner and skill lesson summarizing. | Heart of a runner and skill lesson summarizing. | Heart of a runner and skill lesson summarizing. | Heart of a runner and skill lesson summarizing. | Middle Colonies |
| SLE(s) | SRL.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | SRL.1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL.1.2 | |
| Materials | 2 a. b. c., 5 d. | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Activity | Reading Fantastic Voyage | MUSIC | PE | Reading Fantastic Voyage | American Will Be |
| Assessment | Read p. 426-449, review vocabulary | MUSIC | PE | Test review heart of a runner | Finish reading p. 212, do review, #1-4, |
| Homework | make flash cards | | PE | | p. 212, start lesson 1 worksheets |
| Homework | workbook p. 182 | workbook p. 188 | workbook 185-186 | | Lesson 1 |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT- know and understand weather, |
| CCCS | | | SRF.3, 5L.1.2.4 | SRF.3, 5L.1.2.4 | weather patterns, and layers of the atmosphere. |
| SLE(s) | | MUSIC | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | | MUSIC | PE | | |
| Activity | DEAR TIME READING JOURNEY | MUSIC | PE | DEAR TIME/READING JOURNEY | Pass out unit 3 study guide, work on |
| Assessment | | | PE | | with row partner |
| Homework | | | | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT- know and understand the | SWBAT- know and understand the | SWBAT- know and understand the | SWBAT- know and understand the | SWBAT- know and understand the |
| CCCS | meaning behind becoming a Catholic | meaning behind becoming a Catholic | meaning behind becoming a Catholic | meaning behind becoming a Catholic | meaning behind becoming a Catholic |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Coming to God's Life | Coming to God's Life | Coming to God's Life | Coming to God's Life | |
| Activity | Chapter 26, read p. 240-241, do activity | Read p. 242-245, discuss the love that Jesus | Read p. 246-247, do activity on p. 248-249 | | Test Chapter 26 |
| Assessment | on p. 241, writing a letter | teaches us. | | Chapter 26 test review | |
| Homework | | | Do crossword puzzle study guide | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT- know and understand Life in the | SWBAT- know and understand Life in the | SWBAT- know and understand Life in the | SWBAT- know and understand Life in the | SWBAT |
| CCCS | Middle Colonies | Middle Colonies | Middle Colonies | Middle Colonies | |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | COMPUTER | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Art Project |
| Materials | American Will Be | COMPUTER | American Will Be | American Will Be | |
| Activity | Review Study Guide and worksheets | COMPUTER | Chapter 8 test | Chapter 9 The Middle Colonies, Read p | NO SCHOOL |
| Assessment | Pass back chapter review | | | 208-212 | |
| Homework | Study for Chapter 8 test | Study for Chapter 8 test | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT- know and understand weather, | SWBAT- know and understand weather, | SWBAT- know and understand weather, | SWBAT- know and understand weather, | |
| CCCS | weather patterns, and layers of the atmosphere. | weather patterns, and layers of the atmosphere. | weather patterns, and layers of the atmosphere. | weather patterns, and layers of the atmosphere. | |
| SLE(s) | 2 a.b.d.e.,4c.,5d.,6a.b.c. | COMPUTER | 2 a.b.d.e.,4c.,5d.,6a.b.c. | 2 a.b.d.e.,4c.,5d.,6a.b.c. | Art Project |
| Materials | Science, McGraw-Hill | COMPUTER | Science, McGraw-Hill | Science, McGraw-Hill | |

| | | | | | |
|------------|------------------------------|----------|-------------------|--------------|-----------|
| Activity | Pass out topic 4 study guide | COMPUTER | review of topic 4 | Topic 4 quiz | NO SCHOOL |
| Assessment | | | | | |
| Homework | | | | | |

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Attorneys for Plaintiff
 KRISTEN BIEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a

California corporation; and

DOES 1-50, inclusive,

Defendants.

Case No. 15-CV-04248-TJH (ASx)

**PLAINTIFF KRISTEN BIEL'S
 COMPENDIUM OF EVIDENCE IN
 SUPPORT OF PLAINTIFF'S
 OPPOSITION TO DEFENDANT'S
 MOTION FOR SUMMARY
 JUDGMENT OR, IN THE
 ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT**

Filed and served concurrently with:

- *Plaintiff's Memorandum of Points & Authorities in Opposition to Defendant's MSJ/PSJ;*
- *Plaintiff's Separate Statement of Controverted & Uncontroverted Facts;*
- *Plaintiff's Request for Judicial Notice.*

Date: Monday, November 7, 2016

Time: TAKEN UNDER SUBMISSION

Complaint Filed: June 5, 2015

Trial Date: January 10, 2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, KRISTEN BIEL (“Plaintiff”) hereby submits the following evidence in support of her Opposition to the Motion for Summary Judgment or, in the Alternative, Party Summary Judgment, filed by Defendant ST. JAMES SCHOOL, A CORP (“Defendant”).

DECLARATIONS:

- Declaration of Cathryn G. Fund

EXHIBITS:

| | |
|----------|--|
| 1 | Relevant Portions of the Deposition of Plaintiff Kristen Biel (November 10, 2015), including relevant exhibits from the deposition. |
| 2 | Relevant Portions of the Deposition of Mary M. Kreuper (November 12, 2015), including relevant exhibits from the deposition. |
| 3 | Relevant Portions of the Deposition of Mara Wolfesen (May 13, 2016). |
| 4 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. One that was served on August 17, 2015. |
| 5 | Plaintiff’s Request to Defendant for Identification, Inspection and Production of Documents and Tangible Items, Set No. Two that was served on December 4, 2015. |
| 6 | Pertinent Pages of Defendant’s documents produced in response to Plaintiff’s Request for Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced to Plaintiff on January 21, 2016. |

///

///

///

1 Respectfully submitted,

2
3 DATED: October 17, 2016 JML LAW, A Professional Law Corporation

4
5 By: /s/ Cathryn Fund

6 JOSEPH M. LOVRETOVICH

7 JARED W. BEILKE

8 CATHRYN FUND

9 Attorneys for Plaintiff Kristen Biel

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DECLARATION OF CATHRYN G. FUND

DECLARATION OF CATHRYN G. FUND

I, Cathryn G. Fund, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California and before this court. I am an associate with the firm JML Law, A Professional Law Corporation, counsel of record for Plaintiff KRISTEN BIEL (“Plaintiff”) in the matter of *Biel v. St. James School, A Corp.*, currently pending before the United States District Court for the Central District of California. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently thereto under oath, if called as a witness.

2. On November 10, 2015, I defended the deposition of Plaintiff in this case, which was taken by Defendant’s counsel. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 1** are true and correct copies of pertinent pages and exhibits from Plaintiff’s deposition, which memorializes Plaintiff’s testimony from her deposition on November 10, 2015.

3. On November 12, 2015, my former colleague D. Aaron Brock, who is no longer with JML Law, took the deposition of Mary Kreuper in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 2** are true and correct copies of pertinent pages and exhibits from Mary Kreuper’s deposition taken on November 12, 2015.

4. On May 13, 2016, I took the deposition of Mara Wolfesen in this case. Attached to Plaintiff’s Compendium of Evidence as **Exhibit 3** are true and correct copies of pertinent pages from Mara Wolfesen’s deposition, which memorializes Ms. Wolfesen’s testimony from her May 13, 2016 deposition.

5. Plaintiff’s lesson plans (Deft Production 59-146) were not identified or produced as part of Defendant’s initial disclosures on September 29, 2015 in response to eight relevant categories of Plaintiff’s Request for Production of Documents, Set No. One (Request Nos. 6, 13, 14, 15, 16, 17, 18, 19), and were not produced prior to the depositions of Kristen Biel on November 10, 2016 and Sister

1 Mary Margaret Kreuper on November 12, 2015. Plaintiff's lesson plans were
 2 subsequently produced in response to Plaintiff's Request for Production of
 3 Documents, Set No. Two on January 21, 2016.

4 6. Attached as **Exhibit 4** is a true and correct copy of Plaintiff's Request
 5 to Defendant for Identification, Inspection and Production of Documents and
 6 Tangible Items, Set No. One that was served on August 17, 2015.

7 7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff's Request
 8 to Defendant for Identification, Inspection and Production of Documents and
 9 Tangible Items, Set No. Two that was served on December 4, 2015.

10 8. Attached as **Exhibit 6** are true and correct copies of the pertinent
 11 pages of Defendant's document production in response to Plaintiff's Request for
 12 Production of Documents, Set No. Two (DEFT PRODUCTION 59-146) produced
 13 to Plaintiff on January 21, 2016.

14
 15 I hereby declare under penalty of perjury, under the laws of the State of
 16 California and the United States of America that the foregoing is true and correct,
 17 and that this Declaration was executed on October 17, 2016, at Woodland Hills,
 18 California.

19
 20 By: /s/ Cathryn Fund

21 Cathryn G. Fund, Esq.
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EXHIBIT 2

DEPOSITION OF MARY KREUPER

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,)

)

Plaintiff,)

)

vs)

Case No. 15-cv-

04248-TJH (ASx)

ST. JAMES SCHOOL, A CORP., a)

California corporation; and)

Volume I

DOES 1-50, inclusive,)

)

Defendants.)

)

DEPOSITION OF MARY M. KREUPER

Woodland Hills, California

Thursday, November 12, 2015

Reported by: Alla Ponto

CSR No. 11046

NDS Job No.: 174564

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3
4
5 KRISTEN BIEL, an individual,)

6 Plaintiff,)

7 vs)

) Case No. 15-cv-

) 04248-TJH (ASx)

8 ST. JAMES SCHOOL, A CORP., a)

9 California corporation; and)

DOES 1-50, inclusive,)

10 Defendants.)

11
12
13
14
15 DEPOSITION OF MARY M. KREUPER,

16 taken on behalf of the Plaintiff,

17 at 21052 Oxnard Street, Woodland Hills,

18 California, beginning at 9:57 a.m.

19 and ending at 2:50 p.m., on Thursday,

20 November 12, 2015, before Alla Ponto,

21 Certified Shorthand Reporter No. 11046.

1 APPEARANCES:

2
3 For the Plaintiff:

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INDEX

WITNESS

MARY M. KREUPER

EXAMINATION

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BY MR. BROCK

6, 123

EXHIBITS

MARKED

DESCRIPTION

PAGE

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Exhibit 2 Faculty Employment Agreement 59

Exhibit 3 Elementary School Classroom Observation Report for Kristen Biel 90

Exhibit 4 Handwritten Notes, Four Pages 99

Exhibit 5 Intent to Return Form for Kristen Biel 116

Exhibit 6 Letter from Sister Mary Margaret to Kristen Biel, dated 5/15/14 132

Exhibit 7 Letter from Kristen Biel to Sister Mary Margaret, dated 6/16/14 147

Exhibit 8 Letter of Intent from Kristen Biel to Sister Mary Margaret, dated 6/9/14 151

Exhibit 9 Lesson Plans 152

Exhibit 10 Faculty/Staff Handbook 160

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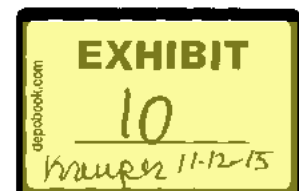
File 3

Faculty / Staff HANDBOOK



St. James School

**4625 Garnet Street
Torrance, CA 90503**



ER 565

K. BIEL 67

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INTRODUCTION

The purpose of this Faculty Handbook is to give teachers at St. James School a summary of important school expectations and procedures, as they relate to our faculty. It provides information regarding the duties of the teacher. The teacher agrees to these duties when he/she signs the Archdiocesan Teacher Agreement at the time of employment. Each teacher is expected to become familiar with the information contained in the Handbook.

A *Parent/Student Handbook*, published in conjunction with the annual calendar, is also available. Teachers are expected to carefully study the *Parent/Student Handbook* as well, and to review it thoroughly with students - particularly at the beginning of the school year.

Finally, the *Administrative Handbook*, published by the Department of Catholic Schools of the Archdiocese of Los Angeles, contains important information regarding curriculum, instruction, and Archdiocesan policies and procedures. A copy of this Handbook is provided for the use of each classroom teacher.

The following are required of applicants during the staff application process and are generally needed before the interview:

- Application form
- Character Reference form (sent directly to SJS from character reference)
- Professional Reference form (sent directly to SJS from professional reference)
- Official copy of transcript (sent directly to SJS from college or university)
- Copy of degrees held (photocopying of original will be done in school office)
- Copy of valid teaching credential held (photocopying of original will be done in school office)

The following must be received prior to employment:

- Employment Eligibility Verification (Form I-9) -- (form provided by school office)
Note that one item from Column A or one item from Column B plus one item from Column C must be presented to our school with completed form.
- Acknowledgment of Child Abuse Reporting Requirement (form provided by school office)
- Verification of freedom from Tuberculosis -- PPD Test must have been administered and have had a negative reading within the last four years. (Applicant's physician supplies this information) It is the employee's responsibility to maintain updated verification in school files.
- For employees without valid California teaching credentials, one fingerprint card (provided by our school office) which may be completed at any police station, and the current transmittal fee required by government agencies to which the school must send these cards. (Bates Bill Requirement)
- Form W-4 (form provided by school office)
- Personnel Emergency Information (form provided by school office)

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We, the faculty at St. James School, participate in the Church's mission . . .

To provide quality Catholic education to our students, educating them in academic areas and in our Catholic faith and values. As educators, we are committed to teach these not only through direct instruction, but also through consistent and active modeling throughout each school day.

In addition, we are guided by the following basic values:

- FAITH** To personally demonstrate our belief in God, His goodness, and His love to those around us; to actively take part in worship-centered school events
- RESPECT** To appreciate each other's (and our students') individuality, to treat all members of our school community in a respectful manner
- TRUST** To have confidence in God and the goodness of those around us; and in light of this, to give others the benefit of the doubt
- INTEGRITY** To work consistently within our school's philosophy and Catholic Christian values
- HONESTY** To be respectfully open and above-board; to reverently speak and act in everyone's (including our students') best interest
- ETHICS** To follow educational practices that are considered just and right by the Archdiocesan Department of Catholic Schools, as set down in the *Code of Ethics for Professional Educators in Catholic Schools*
- MORALITY** To abide by the values and moral code of behavior held up by the Roman Catholic Church and the Archdiocese of Los Angeles
- PURPOSE** To see our work as important, meaningful, and invaluable in building the future by contributing to the hearts and minds of our children today
- JOY** To delight in and enjoy our noble position as Catholic educators; to consistently share that joy with all others

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Code of Ethics for Professional Educators in Catholic Schools (Archdiocese of Los Angeles * Department of Catholic Schools)

Preamble

Education has always been one of the most important missions of the Church. Its success depends upon the professional competence, quality, and commitment of the teacher who chooses to teach in a Catholic school. This Code of Ethics specifies the attitudes and the practices of the Catholic school teacher in relation to the student, the parent, the community, and the profession.

Commitment to Students

As Catholic school educators, we are called to:

1. Speak with charity and justice about students, even when called upon to discuss sensitive matters;
2. Respect confidential information concerning students and their homes;
3. Enable students to grow in a sense of self-worth and accountability by selecting activities which promote the positive self-concept as becomes maturing Christians;
4. Develop the students' self-knowledge and understanding of the subject(s) for which we are responsible, without suppression or distortion;
5. Refuse remuneration for tutoring students assigned to our classes and reject any other use of our students for personal financial gain.

Commitment to Parents

As Catholic school educators, we will:

1. Respect parents' fundamental right to know, to understand, and to share in decisions that affect the education of their children through the following ways:
 - assuring parents of our commitment to ongoing education as professional educators
 - keeping parents apprised of the curriculum and methods of instruction;
 - keeping parents well-informed regarding all current school policies;
 - providing opportunities for parents to express their concerns in order to avoid conflict situations;
2. Respect any confidential information which parents share;
3. Report to parents their child's progress regularly and as needed, in a spirit of charity, with professional accuracy and honesty.

Commitment to the Community

As Catholic school educators, we are called to:

1. Promote the peace of Christ in the world through the following:
 - modeling peaceful solutions to community conflicts;
 - encouraging a spirit of cooperation and avoiding extremes in competition;
 - developing skills which will enable students to interact with society for a better world.

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Commitment to the Profession

As professional educators in Catholic schools, we are called to do the following:

1. Maintain professional standards in the following ways:
 - preserving the reputations of colleagues, administrators, and students;
 - safeguarding the exchange of confidential information;
 - refusing to use the classroom to further personal ends through the sale of any goods, products, or publications;
 - refraining from using the school as a platform for one's own beliefs which are not in accord with the school philosophy or Church teaching;
 - overseeing the duties of non-professionals, making sure they assume only those responsibilities appropriate to their role;
 - assisting in the orientation of educators new to a position and/or school;
 - considering the obligations of the teaching contract as binding in the most serious manner, conscientiously fulfilling the contract;
 - terminating unexpired contracts only because of serious reasons, with the consent of both parties, and after sufficient notice;
 - upholding the authority of the school when communicating with parents, students, and civic community;
 - presenting honest, accurate professional qualifications of self and colleagues when required for professional reasons.
2. Seek and encourage persons who live a life consonant with gospel values and Catholic Church teachings of pursue the apostolate of teaching through the following:
 - modeling the faith life and witness to the Faith Community on the parish, diocesan, national, and world levels;
 - exemplifying the teachings of Jesus Christ by dealing with children and adults in true love and justice.

27 BIEL 'K

ST. JAMES SCHOOL MISSION STATEMENT

The staff of St. James School is committed to excellence in Catholic education.

We recognize the parents as primary educators of their children and assist parents in the task of education. In a positive, caring, and supportive environment, we work to facilitate the development of confident, competent, and caring Catholic-Christian citizens prepared to be responsible members of their church local and global communities.

ST. JAMES SCHOOL PHILOSOPHY, GOALS, AND OBJECTIVES

STATEMENT OF PRINCIPLES

The staff of St. James School is committed to excellence in Catholic education. We believe this education has five distinct goals: religious development, academic achievement, commitment to community service, personal and social development, physical and cultural development.

We dedicate ourselves to providing a Catholic-Christian environment in which we may nurture the spiritual, intellectual, psychological, social, physical, and aesthetic development of each child. Recognizing and affirming the uniqueness of each individual, we encourage all members of our school community to develop their God-given talents and to be the best that they can be.

In a positive, caring, and supportive environment, and dependent upon the parents whom we recognize as the primary educators of their children, we work to facilitate the development of confident, competent, and caring Catholic citizens, prepared to be responsible members of their Church, local, and global communities.

Religious Development

We guide the spiritual formation of the student in partnership with the parents. We strive to influence the moral values of the child and hope to help each child strengthen his/her personal relationship with God.

We hope to implement these goals through the following means:

- a. Exemplifying faith, charity, justice, honesty, courtesy, and friendship
- b. Teaching the Gospel message and Catholic doctrine in such a way as to make them relevant to everyday life
- c. Integrating Catholic thought and principles into secular subjects
- d. Celebrating regularly scheduled Masses and seasonal prayer services with students, parents, and faculty to heighten awareness of the Christian life we share
- e. Encouraging student participation in liturgical services
- f. Providing opportunities for developing personal prayer and shared prayer in the classroom

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- g. Preparing students to receive the sacraments of Reconciliation and Eucharist in conjunction with the students of our parish religious education program
- h. Providing opportunities to receive the sacrament of Reconciliation
- i. Providing the opportunity for the eighth grade students to make a one-day retreat

Academic Achievement, Personal and Social Development, Physical and Cultural Development

We believe in the uniqueness of each student and every child's right to an education. We strive to develop self-esteem and individual talents and abilities to the fullest. We provide opportunities for individual growth, and we respect the role of parents as the primary educators of their children. We believe that the school is a complement of the education started at home.

We hope to implement our goals for *Academic Achievement* through the following means:

- a. Using a variety of teaching methods and materials
- b. Providing opportunities for individual and group study
- c. Developing thinking skills and providing challenging academics
- d. Stressing positive motivation and reinforcement of student achievement
- e. Encouraging parent involvement in the learning process by regularly informing them of student progress
- f. Reviewing our curriculum frequently so that the materials used in teaching will be appropriate, effective, and up-to-date
- g. Preparing students for an increasingly technological world
- h. Providing homework assistance by grade levels through the Extended Student Care Program and Homework Room.

We hope to implement our goals for *Personal and Social Development* through the following means:

- a. Enhancing self-esteem by providing opportunities for and recognition of individual effort in academics, arts, citizenship, leadership, sports, and service
- b. Celebrating the gift of life by recognizing individuals on their birthdays
- c. Helping students to develop self-awareness and self-acceptance
- d. Developing a sense of pride in one's accomplishments and constructive acceptance of one's failures
- e. Encouraging students to live, respect, and care for others
- f. Creating classroom activities which provide the students with skills to help them interact with socially appropriate behavior
- g. Allowing students to express their feelings in appropriate ways
- h. Respecting the individual rights of the students and recognizing their individual needs

We hope to implement our goals for *Physical Development* through the following means:

K. BIEL 74

- a. Providing opportunities for the students to develop motor control and coordination through physical education, creative movement, and extracurricular sports programs
- b. Teaching the students the merits of good sportsmanship and fair play
- c. Providing age appropriate health education
- d. Providing instruction which focuses on the health problems of our society
- e. Identifying problems through yearly screening programs and recommending proper care when physical problems are observed

We hope to implement our goals for *Cultural Development* through the following means:

- a. Providing opportunities to participate in and to develop an appreciation of art, music, dance and drama
- b. Enriching our students by developing an appreciation of the creativity and cultural diversity of others
- c. Providing our students with a variety of cultural experiences

Commitment to Community Service

In following the call of Jesus, we continue His work in the world today. We prepare the students to take an active part in the Catholic Christian and secular communities in which they live.

We hope to implement our goals for *Community Service* through the following means:

- a. Encouraging students to be of service to their families, friends, and neighbors
- b. Collecting money for the missions and food and clothing for service organizations
- c. Encouraging students to participate in parish sponsored activities
- d. Encouraging boys and girls to become servers at Mass
- e. Holding class discussions to make students sensitive to current events and the needs of the community and to empower them to respond
- f. Developing the children's awareness of the need to respect and care for the environment at home, at school, and in their communities
- g. Assigning, on a regular basis, responsibilities of classroom chores to help children become aware of our dependence upon one another
- h. Cooperating with the moderators of service organizations by supporting their efforts and by sharing our facilities

*The above Philosophy, Goals, and Objectives were developed
by the faculty and staff of St. James School at the time of the 1996 WASC/WCEA Self-Study.*

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GENERAL ADMINISTRATION

CALENDARS/SCHEDULES

Each staff member and school family receives an **annual calendar/handbook** containing information regarding school holidays, vacations, special events, and policies.

Miscellaneous school schedules (music, computer, PE, etc.) and non-instructional schedules (yard duty, detention supervision, faculty room clean-up, faculty meeting responsibilities, etc.) are developed at the beginning of each school year, are distributed to all teachers, and are posted in the Faculty Room.

O'Gorman Center must be signed out in the OGC Office *before* any event is planned for that building.

The Activity Room, located in the main classroom building, is available for use by teachers and parents for special projects and should be signed out in the school office.

Classroom Schedules

By the end of September, classroom teachers are expected to provide the principal with a formal, well-defined, and practical daily program which conforms to Archdiocesan Instructional Time Allotment schedule found in the gray *Administrative Handbook* published by the Department of Catholic Schools. A copy of this Handbook is in the school office and in the Faculty Room.

COPY MACHINES

Because the photocopy machines have maintenance contract limits, the Risographs should be used for most class sets of papers. The photocopier in the office is reserved for the use of office personnel only.

COMMUNICATION

Faculty Meeting

A faculty meeting is scheduled for each first Friday afternoon, from 1:15 - 3:00. Faculty meetings allow a regular opportunity to attend to school/Archdiocesan business, planning, curriculum review/development, and professional updating. All teachers are expected to attend, make positive contributions to, and rotate responsibility for leadership, opening prayer, and recording duties at each of these meetings. It is the responsibility of the meeting recorder to see that typed minutes of each meeting (with particular attention to decisions, dates, times, individual responsibilities assigned/offered) are in each teacher's mailbox on the Monday following the meeting.

Level Meetings

Classroom teachers ordinarily meet in grade level groupings (K-1-2; 3-4-5; 6-7-8) from 3:00 - 3:30 once each week to attend to school/Archdiocesan business, planning, curriculum review/development, and professional updating particular to their students. The computer lab is available at this time for software review and technology planning on a grade level basis.

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Staff Bulletin

The principal provides a weekly Staff Bulletin, which is placed in each staff member's mailbox on the last school day of each week. Staff members are expected to read this Staff Bulletin promptly and carefully in order to be well informed about upcoming events/needs.

Parent Bulletin

The principal also provides a weekly Parent Newsletter, which includes current school and parent organization information. This Newsletter is sent home in a plastic Family Envelope each Monday with the oldest student in each family. Family Envelopes are delivered to classrooms each Monday. Teachers are to distribute the Family Envelopes, review the contents with their students, and make certain that the plastic envelopes are returned by students and sent to the upstairs office so they may be refilled for the following week.

SCRIP Ordering and Delivery

SCRIP for a variety of local businesses is available through the O'Gorman Center Office before and after school. Additionally, parents may purchase SCRIP by using a red plastic envelope to place and receive orders. It is extremely important that teachers send these red envelopes to the OGC office in the morning, check for them in the Faculty Room at recess and noon, and make sure students place them in their backpacks immediately.

Teacher - Parent Communication

Parents and teachers are encouraged to make use of the Homework Notebook as a means of communication. All entries, particularly by teachers, are to be made in a tone that is respectful and reflective of a desire to be of assistance. The principal should be consulted prior to the writing of any teacher notes regarding serious situations.

Teachers are also given home and daytime telephone numbers of students' parents. Teachers should respect parents' wishes regarding contact during the workday. The teacher's tone, in any telephone conversation, must always be positive, respectful, professional, and reflective of a desire to be of assistance.

RECORDS AND REPORTS

Attendance Records, Student

Since the School Attendance Records are legal documents, teachers are expected to keep an accurate record of daily attendance and to send this to the office within fifteen minutes after arriving in the classroom each morning. These records are transferred to the Attendance Register and the end of each week. Black pen is always used in the Attendance Register.

Absence (Student)

It is the responsibility of the teacher to keep accurate attendance records of all pupils. A daily Attendance Notebook is provided each teacher. Daily attendance should be recorded in this and sent to the upstairs office each morning. It is the responsibility of the classroom teacher to check the daily attendance sheet for accuracy before entering the information in the Attendance Register.

When a student has been absent, a written explanation signed by the parent or guardian is required upon the child's return to school. Teachers should indicate receipt of these explanatory notes by circling notations of absence (A) or tardy (L) in the daily Attendance Folder. Teachers are expected to follow up on missing notes and send all absence/tardy notes to the upstairs Attendance

K. BIEL 77

Office. In the daily Attendance Notebook (not in the Attendance Register), teachers should circle notations for absences when notes have been received.

Students are legally credited for attendance when time is spent in officially documented medical and dental appointments. Students should be reminded to request documentation from the physician's/dentist's office. Such absences are appropriately noted in the daily Attendance Folder (M) after the documentation has been received by the teacher.

Students who are absent from school because of television, movie, or other employment reasons, are considered to be regular absentees and are marked as such on attendance records.

Students who are absent for an extended period of time, whether for vacation, family, or medical reasons, hold the responsibility of obtaining missed classwork after they return to school. Teachers are not to provide classwork in advance for time missed, although they may help students determine approximate areas of study.

If a student is absent for fifteen or more days during a quarterly marking period (or nineteen or more days in a trimester marking period), report card grades may be withheld. This decision is made by the principal.

Tardiness (Student)

Students are tardy (L) if they join their class after the 8:05 morning bell. Teachers are to conscientiously note tardy arrivals on their daily attendance records and are to send students to the Health Room if the daily attendance folder has already been sent to the office.

Cumulative (Permanent) Records

Full and accurate records of each pupil's attendance and academic progress as well as verification of Sacraments received are kept on file permanently. Only authorized personnel may have access to these records. The official form for these records is supplied by the Archdiocesan Department of Catholic Schools. Permanent Record Cards are never to be removed from school premises. It is the responsibility of the classroom teacher to add:

- most recent Stanford Achievement Test scores,
- most recent student school picture, and
- year-end averages/attendance/promotion information.

Health Records

Each child should have on file a health record card containing a record of immunizations and other pertinent health information.

Emergency Information

Each student should have on file the following information for reference in emergency situations:

- a. Names of adults authorized to take the student from school in the event of illness or emergency
- b. Parent daytime telephone numbers
- c. Special health precautions

Teachers are provided with items b and c above.

Report Cards (Pupil Development Report)

Report cards are issued on the Tuesday following the end of each marking period in grades 1 - 8. Kindergarten students receive two progress reports during the year. Classroom teachers submit report card duplicates to the principal for review before completing/printing student report cards.

Progress Reports

Students in grades 1 - 8 receive mid-point progress reports during the middle of each marking period. All progress report forms must be approved by the principal prior to use and all completed progress reports must be reviewed by the principal prior to distribution.

Transcripts

When a pupil transfers to another school, a *copy* of the permanent record card is sent to the new school. A *copy* may also be given to the parents. These records may not be withheld for any reason. A record of the date and reason for the transfer as well as the name of the school to which the pupil is transferring should be entered on the original copy of the Permanent Record Card.

HONORS

At the end of each reporting period, students may be eligible for honorary recognition:

HONOR ROLL

Honor Roll awards are given each trimester. To be eligible, a student must earn at least 25 points.

Four (4) points are given for an 'A', three (3) points are given for a 'B', and two (2) points are given for a 'C'. There can be no 'D's or 'F's on the report card.

In addition to this scholastic average, the student must have at least G in behavior and G in work habits.

The subjects considered for the honor roll are: religion, math, spelling, reading, English, social studies, and science.

CJSF

The California Junior Scholarship Federation is a statewide organization founded for the purpose of fostering high standards of scholarship, service and citizenship in the junior high school grades. Membership is available to 7th and 8th grade students who meet the grade point, citizenship, and service requirements.

Based upon their report card marks in religion, math, reading (literature), English, social studies, and science, students must earn a minimum of 12 points, with each A earning 3 points and each B earning 1 point. Students must have no D's or F's on their report cards and at least G (3) in behavior and G (3) in work habits. Students are also expected to participate in school service projects during each marking period. It is the student's responsibility to apply for CJSF membership.

Names of *Honor Roll* and *CJSF* students should be given to the secretary by the Thursday following the end of each marking period.

SOCIAL INTERACTION SKILL AWARDS

Ten students are recognized in each classroom, from the Extended Care Program, and from the After-school Sports Program each trimester for their marked and consistent demonstrations of the *Social Interaction Focus* during that trimester. Names of these students should be submitted to the office when requested.

The above honors are ordinarily recognized on Wednesdays at the regular morning assembly.

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YEAR END AWARDS

- *Classroom* teachers may present awards in their classrooms prior to the last day of school. These may include, but are not limited to the following:

Christian Citizenship
Effort
General Conduct
Improvement

- *School-wide* recognition is given after Mass on the last day of school.

- Two students in each grade earn awards for their achievement in the following subjects:

Religion (*based upon performance in religion class*)
Reading (Literature)
English
Spelling
Social Studies
Math
Science
PE

- Students who have qualified for the Honor Roll during all three trimesters are also recognized.

Names of students receiving these school-wide awards should be given to the school secretary at least three school days before the Year-end Mass.

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GENERAL SCHOOL POLICIES

Student Arrival and Dismissal

Students are not permitted on the playground or in the classrooms before 7:40 A.M. unless they have received special permission from and are directly supervised by a staff member. Students on campus before 7:40 a.m. must report to the ECP Room.

Students are to wait in an orderly fashion in their bench areas from 7:40 - 8:00 a.m. There is to be no playing of any kind on the playground before school. Teachers are expected to meet their classes promptly at 8:00 a.m. for morning assembly.

On rainy days,

- Students may enter their classrooms at 7:45 AM, provided a staff member supervises them.
- Students are to maintain appropriate "indoor voices" during rainy day non-class times.
- Teachers should post rainy day policies that should be followed during the morning recess and lunch period by those supervising their classrooms (seating, eating, activities, wastebasket, bathroom procedures). See also Recess and Lunch, Rainy Days below

Classroom Security and Supervision

Classroom doors are to remain unlocked while students are in class. Doors should be locked at all times when a teacher is not in the room.

All staff members are expected to give careful attention to the following:

- At no time is any student to be in a classroom or on the playground without direct adult supervision.
- No student is to leave campus during the school day for any reason unless s/he is released to an authorized adult who has signed the student out at the Attendance Office.
- In the event of an emergency or disaster (such as an earthquake), it is the obligation of the principal and faculty to remain with the children for as long as necessary and to provide for their safety and well-being until they are released to authorized adults.

Recess and Lunch Times

Students are to eat in their assigned bench areas and, after disposing of litter, should engage in organized play in their assigned play areas. Students in grades 6, 7, and 8 serve as play leaders for K - 5. They take the younger children to their play areas, help them organize their play, and report difficulties to the yard duty supervisor and classroom teacher. Because play leaders are themselves students, the same level of supervision and maturity is not expected of them as of an adult.

The school sells ice cream at recess, except on Tuesdays, when the Student Council sells donuts. Once each month, a class is scheduled to provide baked goods for sale. These Bake Sale proceeds are used to respond to the needs of the less fortunate throughout the school year.

No food should be taken into lavatories, nor should these be used for congregating or talking. Only on rainy days will food be allowed in the classroom at designated times. Otherwise, there is no eating permitted in the buildings. Birthday or other special occasion treats are to be distributed to students immediately before exiting the classroom for recess, lunch, or dismissal.

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Students are responsible for bringing their own lunches to school. *They may not call home when they have forgotten their lunches.* Teachers are to be attentive to the needs of students who forget their lunches (make sure someone else offers/is assigned to share) and to contact the parent if students are frequently without lunches.

The school offers hot lunch on Tuesdays and Thursdays. Parents place orders and make payment monthly, through the Family Envelope. If a child is absent on a hot lunch day, no money is returned and no other lunch is given in its place. A sibling is the only student who may have an absent child's lunch.

Teachers are responsible for making sure their classes' bench areas are clean at the end of recess and lunch. Entry into the school buildings and dismissal from it should always be quiet and orderly.

On RAINY DAYS, students remain indoors. They are to be engaged in appropriate indoor activities (board games, paper/pencil games, 7-up, reading, quiet visiting) and maintain a voice level appropriate to indoor use. Although students may be given permission to be seated in other than their regularly assigned places, they may not have permission to move freely around the room at will. Students must be seated while eating or drinking. Students may be dismissed a few at a time for bathroom use. Eighth grade students help to organize indoor activities for Grades K - 5. *Teachers should post rainy day policies* that should be followed during the morning recess and lunch period by those supervising their classrooms (seating, eating, activities, wastebasket, bathroom procedures)

After School Policies

Playing on campus after school is not permitted, except for students enrolled in the Extended Care Program and participants of sports teams whose coaches are present. Students are to wait on the benches for transportation after school. (Students may not use any school telephone at any time to request parent permission for an unscheduled activity, such as going over to a friend's house.) Students still awaiting transportation at 3:00 must report to an ECP staff member and be signed in.

Field Trips

Field trips must be educational in nature, directly related to the curriculum, and approved by the principal before they are planned by the classroom teacher. The following must be in evidence for each field trip:

- Specific goal(s)
- Preparation and follow-up activities
- Signed and dated official Parent Permission Forms obtained from the school office
- Adequate transportation and supervision
- Notification to all concerned (music, computer, and PE teachers, office/attendance personnel.)

Only students from whom the teacher has received completed Parent Permission Forms may go on any field trip. Telephone permissions are NOT acceptable substitutes for the signed Parent Permission Form.

Teachers ordinarily plan one field trip per year to complement the classroom curriculum.

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Collection of Money

When monies are collected from students (for field trips, pictures, etc), they should be sent to the office (in an envelope clearly marked with the teacher's name, \$ amount included, and reason for money) for safekeeping. No money is to be left in the classroom.

Dress Code - Students

Students are required to observe the school dress code at all times. Please refer to the Parent/Student Calendar/Handbook for specific regulations regarding the school uniform. It is the responsibility of the classroom teacher to ensure that students adhere to the school uniform code and grooming standards. These latter standards include, but are not limited to, the following:

- All uniforms should be neat and clean.
- No torn or ragged uniforms are acceptable for school wear.
- Absolutely no make-up, fingernail polish, acrylic nails, jewelry (other than a single religious necklace or stud earring), or dangling earrings are permitted at any time.
- Students who are not in school uniform must have an explanatory note from their parents.

Teachers are also asked to periodically make sure that all sweatshirts have student names clearly marked on the inside bottom band.

Textbook Care

At the beginning of each school year, teachers should ensure that students can be held accountable for assigned textbooks. This is effectively done by assigning each student a set of textbooks all clearly marked with the same number and stamped with the school name. Students are required to keep all non-consumable textbooks covered and to refrain from scribbling/doodling on any book covers, book pages, or binder/folder covers. Teachers should help student efficiently store textbooks and other materials in their desks by developing a desk order chart at the beginning of the year. At the end of the school year, students who have failed to take care of their non-consumable books will be required to pay for new ones for the coming year. (At the beginning of each school year, each teacher receives a list of classroom textbooks and their costs.) It is the individual teacher's responsibility to ensure that the books are checked frequently and thoroughly, and replaced when necessary. Teachers are expected to take this responsibility seriously, especially because of the high cost of replacing textbooks.

Library

St. James School does not have a central library. Grade level reference material and fiction titles are kept in each classroom for immediate and handy student use. Henderson Public Library is available for scheduled classroom visits. It is the classroom teacher's responsibility to teach library/research skills to students.

School Pictures

School pictures are ordinarily taken during the first month of school. Students wear regular school uniforms (not PE uniforms) for these pictures. Information regarding the various photo packages is sent home via the Family Envelope. Picture money that returns before Picture Day should be sent to the school office for safekeeping until Picture Day. School pictures must be

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prepaid. A second picture day is ordinarily scheduled in late October/early November for students who were absent or who wish re-takes.

Each staff member is also photographed and receives a complimentary set of pictures.

SCHOOL DISCIPLINE

The St. James School Discipline Policy, like all facets of the school program, has as its goal the development of confident, competent, and caring Catholic Christian citizens prepared to be responsible members of their church, local, and global communities. Through our Discipline Policy, we hope to achieve the following:

1. To provide a well-ordered environment conducive to learning
2. To educate students with an appreciation for Christian values, especially self-control and responsibility

It is expected that students work cooperatively with the administration, teachers, aides, volunteer parents and other students while at school so that all children are allowed the freedom needed to study, learn, pray, and play without unnecessary interference from another.

General Student Rules

1. Show respect for God, others, self, property.
2. Use appropriate language and voice control.
3. Be responsible and prepared with work and materials.
4. Keep hands, feet, and objects where they belong.
5. Follow directions and school policies.

Teachers are to make sure that classroom rules are displayed and reflective of the above.

Suspension / Expulsion

Infractions warranting suspension or expulsion include but are not limited to:

1. Habitual profanity or vulgarity
2. Assault, battery, or any threat of force or violence directed toward any school personnel or pupil
3. Open, persistent defiance of the authority of the teacher
4. Continued, willful disobedience
5. Possession or use of drugs, alcohol, cigarettes, weapons or materials that can be used as weapons
6. Stealing
7. Cheating (2nd offense; 1st offense warrants grade forfeiture and parent notification)
8. Destruction of Property - This includes defacing schoolbooks, desks, and other school property.

In these cases, the student is to be reported to the principal or vice-principal who will contact parents regarding the situation. *In no case will a teacher on his/her own authority suspend a pupil.* All teachers should carefully and periodically review Archdiocesan guidelines and procedures regarding discipline in the school. These may be found in the *Administrative Handbook*, Chapter 5.

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Student Playground Rules

1. Sit on class benches before and after school while awaiting transportation -- no play equipment.
2. Be seated on benches whenever eating.
3. Walk to and from assigned play area.
4. Play safely -- no rough play, no fighting.
5. Treat the school's play equipment responsibly.
 - Only soccer balls and kickballs may be kicked and only in the course of play -- kicking equipment inappropriately will result in removal from play.
 - Keep hands off volleyball nets.
 - Use all equipment, including jumpropes, for only the purpose they were intended.
6. Leave personal play equipment at home.
7. Stop play when the bell rings.
- * A warning bell rings 5 minutes before the end of each play period. It is the teacher's responsibility to make sure students take care of their bathroom needs at the appropriate time

PLAY AREAS / PLAY LEADERS

Students in each grade are assigned to play areas which rotate weekly. Students in grades 6-7-8 are assigned to serve as play leaders for students in younger grades. Play leader rotations also rotate weekly. It is the responsibility of the play leader to help students travel to and from their assigned play area in an orderly fashion and to play the assigned game(s). Since they themselves are children, play leaders are expected to request assistance from yard duty staff when problems arise during recess/lunch and to report problems to the classroom teacher at the end of the play period. Play area and play leader schedules are distributed at the September faculty meeting and announced each Monday at the morning assembly.

Classroom / Campus Rules for Students

1. Stay out of the classrooms unless accompanied by a teacher or other staff member.
2. Always use indoor voices in any indoor area.
3. Walk in quiet lines to and from buildings and classrooms at all times.
4. Do not visit or have food in the bathrooms.
5. Do not eat in the building except on rainy days.
6. Do not ever chew gum on campus.

Student Birthdays

Student birthdays are recognized monthly at the morning assembly. Teachers are to make certain that parents and students are aware of guidelines in the Parent Handbook regarding individual celebrations:

1. Parents are to consult teachers *prior* to bringing classroom treats which should be individually packaged.
2. No party invitations may be distributed in the classroom or on the playground unless all members (or all girls or all boys) of the class are being invited.
3. *No Junior High mixed party invitations may be distributed at school without the knowledge of the principal.*

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Health Room

The Attendance Office is available for students who are injured on the playground. In addition, students who become ill during the school day may be sent to the Health Room by the classroom teacher. Parents will not be contacted by the Health Room unless they have serious injury, vomit or have a fever. Parents will always be contacted anytime a child has a head injury. Out of care and concern for the students, teachers may want to follow up with their own phone calls to parents.

Students who show no sign of illness (e.g., fever, vomiting) will be returned to the classroom. Teachers are encouraged to minimize health room visits and to contact parents of students who have frequent complaints.

School Safety

Building/Classroom Doors

All classroom doors are to be closed and locked whenever the teacher is not present.

Safety and security are everyone's responsibility. Those who notice an empty classroom door open should take the time to close it and remind the teacher to lock it. Staff members who notice unfamiliar persons on school grounds should approach and question them or notify the school office immediately.

If a student has forgotten an item in the classroom either during the school day or after school, a staff member must accompany the child to the classroom to retrieve it.

Fire Drills

Fire/Disaster drills are held regularly. During the first week of school, teachers should prepare students to safely exit any classroom/area in which they may find themselves.

Procedure to be followed for drill or actual emergency: Students leave classroom in single file lines; walking quickly and silently. Teachers should be sure both doors are closed when the last student has exited. Students should proceed to the designated waiting area for their class and remain there. Teachers should take attendance (using registers or grade books) and account for the safety and presence of each student.

Earthquake/Emergency Drop Drills

During the drop drill, students will be directed by their teachers to drop and take cover, assuming a protective position facing away from the windows. They should remain in this position until the teacher gives an "All Clear" signal. Then the students should leave the classroom "fire drill style." Teachers will take attendance and await further instructions from the principal or designated person.

Earthquake/Disaster Provisions

During the first week of school, all students and staff members are to turn in a large Ziploc bag of emergency supplies. (Additionally, certain students are assigned to bring a commercially sealed half-gallon of water.) These supplies are kept in the locked container located and returned on the last day of school. It is the teacher's responsibility to make certain that each member of the class has emergency supplies at school.

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Supervision of Students**Classroom Supervision**

Adequate authorized adult supervision of all classroom and other student areas in and around the school buildings must be maintained whenever students are on campus. Teachers may never leave students unattended in classrooms.

Playground Supervision

Adequate staff supervision of all playground areas must be maintained before and after school, at recess, and during lunchtime. Support staff members ordinarily have responsibility for playground supervision so that classroom teachers may attend to personal, student, and classroom needs. Although every effort will be made to allow teachers duty-free recess and lunch periods, it will be occasionally necessary for teachers to supervise play times. Teachers are responsible for assisting with after-school dismissal. It is imperative that teachers and all yard supervisors assume these duties responsibly for the safety and well being of our students. It is expected that teachers and all yard supervisors will observe the following:

1. Be sure to move around the playground during supervision, closely observe and listen to children.
2. Do not engage in prolonged conversation with other teachers, parents, or children during supervision. Courteously inform would-be visitors that you are on duty.
3. Focus attention on children, and strive to prevent problems.
4. Act on unsafe or potentially unsafe situations.
5. Be physically and mentally present during the supervision period.

Student Injuries

1. When a student sustains minor injury, he/she should be taken to the Health Room for basic first aid (e.g., cleansing of wound with soap/water, application of ice).
2. If a student falls and seems to be seriously injured, do not move him/her. Rather, send immediate word to the office and move all other students away from the injured student.
3. All data concerning injuries which happen at school must be recorded immediately in the Health Room log book: date, time, child's name, activity involved in when injury occurred, nature of injury, treatment given.

Student Illness

Students who become ill during the school day should go to the Health Room. If students show sign of illness (e.g., vomiting, fever), the parents will be contacted and asked to take the child from school.

Teachers should take note of students who frequently complain of illness/discomfort during the school day and contact parents to discuss possible causes and solutions.

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Student Medications

1. The school may not give medications of any kind to students (including aspirin and Tylenol products) without written permission from parents.
2. Students may not have medications in their possession at any time, with the exception of asthma inhalers. (Written notification of asthma inhalers must be provided to the Health Room and classroom teacher.)
3. Students who require medication must take their medication (clearly labeled and in the current pharmacy container) to the upstairs office with a parent note/physician's instructions. At the designated times, the students request their medication from the Health Room personnel.

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STAFF GUIDELINES AND RESPONSIBILITIES

Attendance

Staff members are expected to arrive at school no later than 7:30 a.m. each morning and leave school no earlier than 3:15 p.m., except on one day each week when grade level "department" meetings take place from 3:00-3:30.

If teachers are unable to teach because of illness, they should call for a substitute as soon as possible (but before 6:00 A.M.). Teachers already absent should contact the school office before the end of the school day so that the substitute may be advised/arranged for the next day. *If teachers reach an answering machine or voice mail when trying to make arrangements for a substitute, they should contact the principal.*

Personal Example

Staff members at St. James School are expected to reflect a positive attitude and to be models of Christian virtue who give fine personal example at all times. They are expected to maintain professional excellence and personal integrity, just as we would like our students to strive for these.

Dress Code - Staff

St. James School staff members are expected to dress professionally and modestly at all times. (As an example, sweatshirts worn only with leggings are not considered to be professional dress.) Shorts are not appropriate classroom wear for any staff member. Additionally, classroom teachers are asked to refrain from wearing athletic shoes on regular school days.

School Masses

School-wide and grade level Masses are scheduled throughout the year. **Teachers prepare their students to be active participants at Mass, with particular emphasis on Mass responses.**

Each class participates in a special way at one Sunday liturgy during the school year (at the 10:00 AM Mass on the first Sunday of the month). Students are prepared for special participation in that Mass. Teachers are encouraged to attend this Mass each month, especially when their students are participating.

School Day Masses at St. James Church / Drivers

On occasion students attend Mass at St. James Church (e.g., before rehearsals for the Christmas Program and Spring Sing). At these times, students are dropped off at Church at 7:45 a.m. and need transportation back to school at approximately recess time. Teachers and/or room parents need to coordinate parent drivers for their students. A permission slip is signed at the beginning of the school year to cover all trips from Church.

Curriculum Development

Teachers are expected to conscientiously seek out, study, and teach in accordance with the following:

1. Archdiocesan Courses of Study for each subject area (found in the gray *Administrative Handbook* for Elementary Schools)

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2. Most recent California State Frameworks/Standards for each subject area (available in classrooms, Faculty Room, or from the principal)
3. Textbook scopes and sequences
4. Competency guidelines developed by SJS teachers (See end pages of this handbook)
5. Schoolwide Learning Expectations developed by the SJS community (See end pages of this handbook)

The following subjects are part of the regular curriculum:

- | | |
|-------------------------------|---------------------------------------|
| 1. Religion | 6. Mathematics |
| 2. Reading/Literature | 7. Science |
| 3. English | 8. Social Studies |
| 4. Spelling | 9. Music (non-academic) |
| 5. Handwriting (non-academic) | 10. Art (non-academic) |
| | 11. Physical Education (non-academic) |

The regular classroom teacher is responsible for instruction in all of the above areas, with the exception of PE.

A music teacher is on campus to assist the classroom teacher with music instruction once each week. Parents offer the Hands-on-Art Program 6 times during the school year. A classroom teacher must remain with students during music and Hands-on-Art classes to provide assistance and ensure classroom control.

St. James School has a staffed computer lab. However, computers are to be viewed as educational tools, as are textbooks, workbooks, calculators, and "ditto's." As with all classroom tools, it is the teacher's responsibility to plan for their most efficient use in complementing daily lessons. This planning should be done in communication with the lab staff.

Classroom teachers are expected to make every effort to integrate the teaching of all subjects, especially religion, throughout the school day.

Daily Lesson Plan

1. Teachers are responsible for writing a plan for each day's lessons. The lesson plans should briefly include the aim/objectives of the lesson, development of lesson, textbook pages, and anticipated homework.

SAMPLES: Intro. long division, TB p.156
 board prac
 Indep: TB p. 158, # 1-10
 HW: TB p. 422, Set 24 evens

Review Units 1-5 words
 Play Spelling baseball
 HW: Study for test

2. Lesson planning should be done for one week at a time.
3. Weekly planbooks will be reviewed by the principal once each month. This practice assists the principal with supervision of instruction and ensures evidence of planning for interesting lessons and effective classroom instruction. (Teachers should put planbooks on the principal's desk as scheduled: e.g., Grades K-1-2 on the 1st Monday of each month; 3-4-5 on the 2nd Monday, 6-7-8 on the 3rd Monday)
4. Teachers should leave their plan books on their desks at the end of a school day.
5. Substitute folders are kept in the office and should include the following:
 - class roster
 - daily schedules
 - classroom policies & procedures (including those for rainy days)
 - review papers for math, reading, and English

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Daily Program

Schedules should be made and consistently followed in accordance with the Archdiocesan Guidelines which may be found in the gray *Administrative Handbook* for Elementary Schools. A copy of each teacher's daily program is to be given to the principal by the second week of school.

Daily Prayer

The school day should begin and end with prayer. A prayer should also be said before and after lunch. Students should know and frequently use the prayers in the back of their religion book.

Students should also know the following prayers and be prepared to pray them at the school's morning assembly. See end pages of this handbook.

| | |
|-----------|----------------------------------|
| September | Message from Jesus |
| October | Angel of God |
| November | Prayer for the Faithful Departed |
| December | Hail Mary |
| January | Act of Faith |
| February | Act of Love |
| March | Act of Hope |
| April | Prayer of St. Francis |
| May | One decade of the Rosary |
| June | Apostle's Creed |

Student Evaluation

Teachers should make it a practice to record one evaluative grade per week in each subject. Teachers are encouraged to study the class grade distribution following any evaluative exercise -- considering adjustments which may be indicated in instruction or planning.

Normally, evaluative grades should not be assigned regular homework assignments which should provide students an opportunity to gain practice/skill in the assigned area. Extra credit projects should not be assigned grades which offset poor academic achievement during the marking period. Rather, extra projects should always be encouraged throughout the school year and completion should be reflected in the student's *effort* grade.

Teachers are required to communicate with parents and give them adequate notice if a student is in danger of receiving a poor grade in any subject. Archdiocesan policy demands this as the individual parent's right and the teacher's responsibility.

Assignment of Homework

Homework serves a valid purpose when it accomplishes the following:

1. provides essential practice in needed skills already adequately presented and practiced in class
2. enriches and expands school experience
3. assists students in developing good study habits
4. promotes growth in responsibility and organizational skills

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Homework Time Allotments

| | |
|---------------|--------------------------|
| GRADES K - 2: | Not to exceed 1/2 hour |
| GRADES 3 - 5: | Not to exceed 1 hour |
| GRADE 6: | Not to exceed 90 minutes |
| GRADES 7 & 8: | Not to exceed 2 hours |

Please note that the above time allotments represent average work times. Some students may complete their homework in less time. Students should not be expected to work conscientiously for longer than the time allotments listed. Students who have worked conscientiously for the indicated time and not completed their homework should have a parent note indicating this. Repeated inability to complete the homework within the recommended time warrants a teacher - parent conference.

Homework Notebooks

Students in grades 1 - 8 are required to record their daily homework assignments in their Homework Notebooks. It is the teacher's responsibility to teach students the format to be used in the Homework Notebook, to allow students ample opportunity for recording homework properly, and to periodically check Homework Notebooks for correct, neat usage and parent signatures. It is the parent's responsibility to sign the Homework Notebook each evening.

On the first day of school, teachers should teach students the format to be used in the Homework Notebook and show students how to number their Homework Notebook pages in the upper right hand corner of the front of each sheet.

The Homework Notebook also serves as a vehicle of communication between parent and teacher.

The school's Homework Policy may be found in the school's current Parent/Student Calendar/Handbook. Please refer to this section for information regarding Homework Room.

Classroom Management

Teachers are expected to establish clear classroom procedures (e.g., for entering/exiting classrooms, unpacking/packing book bags, distributing/collecting papers, heading papers, obtaining supplies, correcting work, performing classroom jobs, working in cooperative groups, etc.), to review these thoroughly and frequently with students during the first days of school, and to maintain these procedures consistently throughout the year.

Environment

Teachers at St. James School are expected to create in their classrooms an environment conducive to learning. This environment should foster mutual respect between student and teacher while simultaneously enhancing each child's self-esteem. Discipline techniques should be developed by individual teachers to effectively manage daily classroom operations so that lessons are interesting, learning takes precedence, and students are productive achievers.

Students are to be given positive modeling and assistance in developing the necessary skills, knowledge, and confidence to face their problems, try to solve them, live together peacefully, and make orderly progress. This will help them to obtain factual information, to make good decisions, to think critically, deal appropriately with their emotions, and to develop socially and morally

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desirable skills/values. Teachers are expected to help each student grow in skills which will help them to feel secure in their ability to be the best that they can be.

The general appearance of the classroom should be clean and inviting. Bulletin boards and decorations should be attractive, have instructional value, and be reflective of current student efforts/areas of study. One bulletin board should always be set aside as a religion board and should reflect a current topic of study – either in the religion textbook or as related to a particular focus of the current time of year (e.g., Advent, Lent, Easter). Student work should be liberally displayed and frequently changed.

Teachers should be attentive to providing the following:

1. Appropriate ventilation and lighting throughout the day - windows should be opened first thing in the morning; opened doors may provide additional fresh air
2. Artistic and orderly display of student work
3. Arrangement of student desks to allow easy exit in case of emergency and a clear view of the teacher during instruction
4. Clean desks, chalkboards, chalk trays, and floors at the end of each school day

Classroom Control

Additionally, in providing an optimum atmosphere for learning, it is necessary to maintain effective classroom control. The classroom teacher is expected to attend to the following:

1. Be conscious of every pupil at all times
2. Gain the attention of the group before starting a lesson
3. Give clear directions for each activity
4. Be consistent in dealing with students
5. Speak in a controlled and respectful tone at all times
6. Determine student seating with regard to their physical, academic, and social needs
7. Develop consistently maintained routines for sharpening pencils, unpacking/getting materials, lining up, disposing of trash, etc.
8. Be a positive model of all that we expect of the students

REWARD TIME

In an effort to reinforce positive behavior, SJS has Reward Time each Friday afternoon from 2:20 - 2:40. All students who have maintained appropriate behavior during the week are eligible to participate in free play at this time. All other students are sent to one classroom per grade level where they reflect on how they can be a more positive influence in the school community. Teachers rotate responsibilities for grade level supervision inside and outside.

DETENTION

Students earn detention through consistent or serious disregard for school rules. Detention slips are available in the school office and must be signed by the parent before students may serve the detention which is held each Thursday after school from 3:00 - 4:00. During detention, students reflect on how they can be a more positive influence in the school community. Classroom teachers rotate responsibility for detention supervision. Teachers issuing detentions need to enter the student's name in the detention calendar located above the faculty mailboxes.

Assignment of Student Responsibilities

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Order is taught by example and frequent/consistent practice. Teachers are expected to involve students in maintaining a clean and orderly classroom environment, with daily attention by all students to the following:

1. Keeping desks in order (particularly at the end of the day)
2. Picking up litter/fallen objects from the floor (particularly at the end of the day)
3. In addition, students should be assigned to attend to other classroom needs, including:
 - a. Cleaning chalkboards and chalk trays at the end of each day
 - b. Wiping off dust-catching surfaces

Other student responsibilities are to be assigned at the teacher's discretion.

PARENT-TEACHER CONFERENCES

All parents meet with teachers at the midpoint of the first trimester. Appointment times for these conferences are arranged through the Family Envelope. Parents and teachers may schedule additional conference times throughout the school year.

Conferences should always be held in privacy and material shared considered confidential. Teachers should establish friendly relations through positive personal contact.

Preparation for the Conference

Teachers should try to devote some time in advance to thinking about the child's emotional, social, physical, and intellectual status. Try to determine how parents feel about their child: home responsibilities, types of discipline used, place in the family group, etc.

The Conference: Adhering to Five Steps in Conferring

1. Use the positive approach, citing the child's strengths.
2. Discuss the child's needs, focusing on those which are most limiting.
3. Diagnose needs and discuss possible causes from parent's and teacher's point of view.
4. Discuss plan of action or steps for improvement.
5. Return to the positive and lay groundwork for possible future conferences/rapport.

The Teacher's Attitude During the Conference

| | | |
|---------------|------------------------------------|--------------------|
| Be friendly | Be adept at good human relations | Keep calm |
| Show respect | Take a positive approach | Be a good listener |
| Be diplomatic | Let the parent express him/herself | Radiate confidence |

Teacher's contributions may include the following:

1. Child's progress
2. Work habits
3. Social adjustment
4. Interests, aptitudes, abilities
5. Relationships with other teachers
6. Health and emotional problems
7. Information on initiative, originality, responsibility
8. Response to school rules and regulations

Parents may be encouraged to contribute the following:

1. Attitude of child toward school
2. Initiative at home
3. Family relationships
4. Neighborhood relationships

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5. Health problems and handicaps
6. Home responsibilities
7. Hobbies, interests
8. Response to chores and responsibilities
9. Special influences: friends and acquaintances
10. Special home "problems" if they exist

General Guides

1. Review the Cumulative Records prior to the conference
2. Make the parent feel comfortable
3. Be tactful
4. Present facts in a non-threatening way
5. Indicate general interest
6. Respect confidences
7. Place yourself in the parent's position
8. Avoid comparisons with other children and siblings
9. Avoid generalities; be specific
10. Let the parent talk
11. Be a good listener
12. Be friendly and relaxed, not hurried or tense
13. Try to determine the parent's attitude
14. Try to arrive at a cooperative solution
15. Avoid discussion of other students, parents, or faculty members
16. Close the conference on a constructive, positive and "on-going" note

After the Conference

1. Review points the parent has mentioned
2. Evaluate the conference realistically and impartially
3. Make a note to put into operation at once any steps agreed upon in the conference

Faculty Professional Development

The school sponsors professional development and in-servicing for staff members during the week before school opens in the fall and periodically during the year.

In addition, teachers are expected to independently and actively engage in catechetical and professional development by reading professional literature/periodicals and participating in at least one professional course or workshop each year. Teachers are encouraged to share the fruits of their professional growth with other faculty members informally and during department and regular faculty meetings.

Faculty Participation in Activities Outside the Schoolday

Teachers are expected to be at and actively involved in a variety of evening/weekend activities throughout the year. These include, but are not limited to the following:

| | |
|----------------------------|-------------------|
| General Parent Meetings | Art Show |
| Back to School Night | Science Exhibits |
| Parent-Teacher Conferences | Sunday Class Mass |
| Christmas Program | Open House |
| Spring Sing | |

It is expected that teachers actively support a good variety of parent-sponsored events.

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School-wide Responsibilities

In addition to the specific responsibilities of each position, staff members also assume some responsibilities which contribute to the smooth running of the school. A sample listing is included below. Current responsibilities are developed and assigned by the principal in dialogue with staff members.

| | |
|-------------------------------|---|
| DETENTION | Schedule classroom teachers for weekly supervision of detention. |
| YEARBOOK | Assemble yearbook according to publishers directions (usually must be sent to publisher in March.) |
| SUPPLY ROOM | Keep room tidy, counters clean, papers orderly. Make a note of diminishing supplies on the clipboard provided. |
| SPELLING BEE | Find/develop/publish a spelling bee list and distribute to teachers. Organize the Spelling Bee . . . rules of competition, procedure, seating, awards, etc. Attend to publicity (in School & Parish Bulletins). |
| ART SHOW | Coordinate planning, publicity (in School & Parish Bulletins), and set-up of the Art Show and removal of Art Show items. |
| SCIENCE EXHIBITS | Coordinate planning, publicity (in School & Parish Bulletins), and set-up of Science Exhibits and removal of exhibit items. |
| PLAY AREAS/LEADERS | Develop schedules for rotation of play areas and play leaders. Distribute to all staff members at the beginning of the school year. |
| LOST AND FOUND | At the beginning of each school day, make sure that all student belongings left on the benches from the previous day are taken to the Health Room. Coordinate and publicize the display of lost and found items 6 times during the school year -- at Progress Report and Report Card times. Arrange for the donation of unclaimed items to the needy. |
| COPY ROOM | Keep room tidy and dusted. Update the bulletin board with current information. |
| RELIGION COORDINATOR | Handle religion materials received from the Archdiocesan Office. Coordinate the ordering/distribution/administration/study of A.C.R.E. tests and scores. |
| TESTING COORDINATOR | Coordinate the ordering/distribution/administration/study of Stanford Achievement Test tests and scores. |
| RED RIBBON WEEK | Coordinate the school's efforts to participate in Red Ribbon Week. Present ideas and solicit faculty input at September's Faculty Meeting. |
| CATHOLIC SCHOOLS' WEEK | Coordinate the school's efforts to celebrate Catholic School's Week with attention to our Catholic identity, academic excellence, and community spirit. Present ideas and solicit faculty input at November's Faculty Meeting. |

K. BIEL 'K

In assuming the above responsibilities and in responding to other needs as they arise, each staff member contributes to the community of faith at St. James School by sharing talents, energy, and time in helping SJS to be the best that it can be.

Faculty Room Clean-up

Although it is the responsibility of each staff member to clean up his/her own dishes, all staff members sign up for monthly faculty room clean up which includes:

DAILY

1. Empty and wash coffee pot at the end of the school day.
2. Set up coffee for the next school day (except on Fridays).
3. Make sure tables, counters, and sinks are washed, as well as any items which may have been left in the sink.

WEEKLY

4. Wash towels
5. Tidy up the magazine area.

MONTHLY

6. Wipe the top of the refrigerator.
7. Clean the inside of the refrigerator and dispose of old items.
8. Report needed supplies (coffee, paper towels, napkins, etc.) to the secretary.

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No. 17-55180

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTEN BIEL,

Plaintiff-Appellant,

v.

ST. JAMES SCHOOL, A CORP.,

Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California, Western Division – Los Angeles

D.C. No. 2:15-cv-04248-TJH-AS

The Honorable Terry J. Hatter

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as St. James School, a corp.)

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

13 KRISTEN BIEL, an individual,

14 Plaintiff,

15 vs.

16 ST. JAMES SCHOOL, A CORP, a
California non-profit corporation;
17 and DOES 1-50, inclusive,

18 Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

**DEFENDANT'S NOTICE OF
MOTION AND MOTION FOR
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

*[Filed and Served Concurrently with
Defendant's Separate Statement of
Uncontroverted Facts and Conclusions of
Law, Declaration of Veronica Fermin
and Supporting Exhibits, [proposed]
Order, [proposed] Judgment]*

Date: November 7, 2016
Time: UNDER SUBMISSION

Complaint Filed: 06/05/2015
Trial Date: 01/10/2017

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28 ///

**TO ALL PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that Defendant, ST. JAMES CATHOLIC SCHOOL (hereinafter “Defendant”), will, and hereby does, move the Court pursuant to Federal Rules of Civil Procedure section 56(a) for an order granting summary judgment as to Plaintiff’s First through Sixth Causes of Action in favor of Defendant and against Plaintiff, KRISTEN BIEL. According to *Local Rule 83-9.2 Duty of Counsel*, the matter will be taken UNDER SUBMISSION unless otherwise notified by the Court.

Defendant moves for summary judgment because no triable issue of material fact exists in this case to support Plaintiff’s claims against Defendant, thereby entitling Defendants to summary judgment as a matter of law.

Alternatively, if for any reason summary judgment cannot be had, Defendant moves the Court for an order granting partial summary judgment as to each of the following enumerations, and that no further proof shall be required at trial of this action, and that any final judgment in this action shall, in addition to the matters determined at trial, be based upon issues so established:

- (1) Plaintiff’s First Cause of Action for Discrimination in Violation of the Americans with Disabilities Act of 1990 (“ADA”) fails as a matter of law because Plaintiff is barred from bringing forth this claim based on the Ministerial Exception which is grounded in the First Amendment of the U.S. Constitution. Even if Plaintiff’s claim is not subject to exemption, Plaintiff’s Disability Discrimination claim still fails because Plaintiff cannot establish that Defendant’s reasons for deciding to not offer her an employment contract were pretextual.
- (2) Plaintiff’s Second Cause of Action for Retaliation in Violation of the ADA fails as a matter of law because Plaintiff is barred from bringing forth this claim based on the Ministerial Exception which is grounded in

the First Amendment of the U.S. Constitution. Even if Plaintiff's claim is not subject to exemption, Plaintiff's Retaliation claim still fails because Plaintiff cannot establish that Defendant's reasons for deciding to not offer her an employment contract were pretextual.

(3) Plaintiff's Third Cause of Action for Failure to Accommodate in Violation of the ADA fails as a matter of law because Plaintiff is barred from bringing forth this claim based on the Ministerial Exception which is grounded in the First Amendment of the U.S. Constitution. Even if Plaintiff's claim is not subject to exemption, Plaintiff's Retaliation claim still fails because Plaintiff cannot establish that Defendant's reasons for deciding to not offer her an employment contract were pretextual.

(4) Plaintiff's Fourth Cause of Action for Failure to Engage in the Interactive Process Discrimination in Violation of the ADA fails as a matter of law because Plaintiff is barred from bringing forth this claim based on the Ministerial Exception which is grounded in the First Amendment of the U.S. Constitution.

(5) Plaintiff's Fifth Cause of Action for Failure to Prevent in Violation of the ADA fails as a matter of law because Plaintiff is barred from bringing forth this claim based on the Ministerial Exception which is grounded in the First Amendment of the U.S. Constitution. Even if Plaintiff's claim is not subject to exemption, Plaintiff's claim for Failure to Prevent Discrimination still fails as there is no basis for liability under federal law for this cause of action.

(6) Plaintiff's Sixth Cause of Action for Wrongful Termination in Violation of the ADA fails as a matter of law because Plaintiff is barred from bringing forth this claim based on the Ministerial Exception which is grounded in the First Amendment of the U.S. Constitution. Even if Plaintiff's claim is not subject to exemption, Plaintiff's claim for

wrongful termination still fails as there is no basis for liability under federal law or state law for this cause of action.

This Motion is based upon this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the Separate Statement of Uncontroverted Facts and Conclusions of Law filed concurrently herewith; the declaration of Veronica Fermin filed concurrently herewith; all pleadings and papers on file in this action; and upon such other matters as may be presented to the Court at the time of the hearing.

This motion is brought following Defendant's attempt to meet and confer regarding this Motion with Plaintiff's counsel pursuant to Local Rule 7-3 (See declaration of Veronica Fermin, ¶ 9).

DATED: October 6, 2016

SULLIVAN, BALLOG & WILLIAMS, LLP

By: /s/ Veronica Fermin

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CATHOLIC SCHOOL (erroneously sued
herein as St. James School, a corp.)

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This litigation involves the non-renewal of Plaintiff Kristen Biel’s (“Plaintiff”) employment contract at St. James Catholic School (“St. James” or the “School”) in Torrance, California. Plaintiff alleges that she was unlawfully terminated in violation of the American with Disabilities Act of 1990 (“ADA”) based on the following grounds: (1) her disability, (2) in retaliation for her disability, (3) St. James’ alleged failure to accommodate her disability, (4) St. James’ alleged failure to engage in the interactive process, and (5) St. James’ alleged failure to prevent discrimination. Plaintiff also brings forth a sixth cause of action for wrongful termination in violation of the ADA.

However, Plaintiff’s claims fail as a matter of law because (1) Plaintiff’s job duties as a Catholic school teacher involved teaching and promoting the doctrines of the Catholic faith, and, as such, the Ministerial Exception bars Plaintiff’s claims, and (2) Plaintiff cannot show that the decision to not renew her employment contract was motivated by discriminatory intent rather than work performance-related issues. In addition, Plaintiff’s fifth cause of action for failure to prevent discrimination and her sixth cause of action for wrongful termination in violation of the ADA fail as a matter of law because there is no basis for liability for these two causes of action under federal law and Plaintiff fails to allege a legal basis for them.

Notwithstanding the fact that the Ministerial Exception completely bars Plaintiff’s claims against St. James Catholic School, Plaintiff cannot establish the requisite element of discriminatory intent for her discrimination claims. In June 2013, Plaintiff accepted a one-year contract to teach the 5th grade at St. James Catholic School for the upcoming 2013-2014 school year. (SSUF, No. 14). This was Plaintiff’s first full-time teaching position. (SSUF, Nos. 44-45). From the start of the school year, Sister Mary Margaret Kreuper (“Sister Mary”), the school principal, noticed that Plaintiff struggled with basic teaching skills, such as keeping her classroom organized

1 and maintaining control over her students' behavior. (SSUF, Nos. 47-52). Sister Mary
2 also learned that Plaintiff was not abiding by the School's basic classroom practices
3 and procedures. (SSUF, Nos. 55-72). As such, Sister Mary met with Plaintiff on a
4 weekly basis in an attempt to counsel her through her work performance issues.
5 (SSUF, Nos. 73-76).

6 From the start of the school year until the end, Sister Mary documented her
7 issues with Plaintiff's performance in various documents, including in a formal
8 evaluation report, in Plaintiff's weekly lesson plans, and in handwritten notes
9 memorializing her weekly counseling sessions with Plaintiff. (SSUF, Nos. 51, 77-94).
10 Sister Mary consistently revisited and repeatedly documented the exact same issues
11 regarding Plaintiff's classroom management and her failure to follow certain
12 classroom procedures. (SSUF, Nos. 51, 77-94). By March 2014, Sister Mary decided
13 to not offer Plaintiff a new employment contract for the following school year based
14 on Plaintiff's inability to abide by St. James' teaching philosophy. (SSUF, No. 98).

15 Despite her numerous performance issues, Plaintiff claims that Sister Mary
16 decided to not offer her an employment contract for the following school year based
17 solely on the fact that she told Sister Mary that she may have breast cancer. There is
18 simply no evidence that supports Plaintiff's contention. In fact, Sister Mary is a breast
19 cancer survivor herself. (SSUF, No. 98). Sister Mary decided to not offer Plaintiff an
20 employment contract for the 2014-2015 school year based on legitimate,
21 nondiscriminatory reasons that were documented well before Plaintiff's disclosure.
22 (SSUF, Nos. 51, 77-94).

23 Accordingly, there is simply no merit to any of Plaintiff's claims, and the
24 uncontroverted material facts establish that judgment should be entered in favor of
25 Defendant as to each of Plaintiff's claims as a matter of law.

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1 **II. STATEMENT OF FACTS**

2 **A. Plaintiff was a “Minister” under the Ministerial Exception**

3 St. James Catholic School is a private, Catholic elementary school in Torrance,
4 California. (SSUF, No. 1). St. James School is the parish school for St. James
5 Catholic Church in Redondo Beach and, as such, is a religious, non-profit
6 organization. (SSUF, No. 2). The School operates as part of the overall ministry of
7 St. James Catholic Church. (SSUF, No. 3). In other words, the School is one of
8 several ministries that comprises the St. James Catholic Church parish. (SSUF, No.
9 4).

10 The School offers kindergarten through eighth grade with only one class per
11 grade level. (SSUF, No. 5). For the past 27 years, Sister Mary has been the principal
12 of the School. (SSUF, No. 6). She is a vowed member of a religious congregation of
13 the Roman Catholic Church. (SSUF, No. 6). The mission of St. James is to develop
14 and promote a Catholic school faith community within the philosophy of Catholic
15 education as implemented at the School, and the doctrines, laws, and norms of the
16 Catholic Church. (SSUF, No. 7). This mission is outlined in every teachers’
17 employment contract with the School. (SSUF, No. 8). All duties and responsibilities
18 of each teacher at St. James are to be performed within the School’s overriding
19 commitment to developing its faith. (SSUF, No. 9). In addition, Sister Mary strongly
20 prefers that the teachers at St. James be practicing Catholics. (SSUF, No. 10).

21 In March 2013, Plaintiff was hired by Sister Mary as a part-time substitute
22 teacher for the first grade. (SSUF, No. 11). In this capacity, Plaintiff taught the first
23 grade two days per week while the regular first grade teacher was on maternity leave.
24 (SSUF, No. 12). Plaintiff’s part-time position at St. James ended four months later in
25 June 2013. (SSUF, No. 13).

26 After Plaintiff’s part-time position ended in June 2013, Sister Mary hired
27 Plaintiff as the full-time 5th grade teacher for the 2013-2014 school year. (SSUF,
28 No. 14). As the principal of the School, Sister Mary was the supervisor for all

1 teachers, including Plaintiff. (SSUF, No. 15).

2 As a teacher at St. James, Plaintiff was required to perform her duties in
3 conformity with the School's overriding mission of promoting and developing the
4 Catholic faith, as mandated in her employment contract. (SSUF, No. 16). Every
5 teacher at St. James was required to pray with their students every day. (SSUF,
6 No. 17). Plaintiff is Catholic. (SSUF, No. 18). As a Catholic, she prayed with her
7 students every day both in the morning and at the end of each day. (SSUF, No. 19).
8 Plaintiff prayed Catholic prayers with her students, including The Lord's Prayer and
9 the Hail Mary Prayer. (SSUF, No. 20). In addition, Plaintiff attended school Mass
10 every month with her students where she also prayed with them and where they
11 occasionally presented the Eucharistic gifts. (SSUF, No. 21).

12 In regards to the 5th grade curriculum, Plaintiff's duties included incorporating
13 the Catholic faith into the students' every day curriculum. (SSUF, No. 22).
14 Specifically, Plaintiff taught the subject of Religion to her students four days per
15 week. (SSUF, No. 23). In fact, she was required to dedicate a minimum of 200
16 minutes every week to the subject of Religion. (SSUF, No. 24).

17 The curriculum for the Religion course was grounded upon the norms and
18 doctrines of the Catholic Faith, including the sacraments of the Catholic Church,
19 social teachings according to the Catholic Church, morality, the history of Catholic
20 saints, Catholic prayers, and the overall Catholic way of life. (SSUF, No. 25). For
21 instance, Plaintiff taught her students the stories from the Bible, including the story of
22 Jesus Christ. (SSUF, No. 26). She also taught her students the significance of the
23 Lent season, the Last Supper, Easter, the Eucharist, and Reconciliation. (SSUF,
24 No. 27). As a teaching guide for this course, Plaintiff used a Catholic textbook
25 entitled "Coming to God's Life." (SSUF, No. 28). She also gave weekly tests to her
26 students from this textbook. (SSUF, No. 29).

27 Moreover, Plaintiff was required to incorporate Catholic values and traditions
28 throughout all subject areas, not just during the Religion course. (SSUF, No. 30). In

fact, two standard requirements included in the School's teacher evaluation report were 1) incorporating "signs, sacramental, traditions of the Roman Catholic Church in the classroom," and 2) infusing "Catholic values through all subject areas." (SSUF, No. 31). For example, on November 12, 2013, Plaintiff was evaluated on these factors when teaching the subject of Math. (SSUF, No. 32).

In order to prepare her teachers as religious educators and to develop their skills, Sister Mary required each teacher, including Plaintiff, to attend a Catholic education conference called the Los Angeles Religious Education Congress. (SSUF, No. 33). At this conference, the teachers learned different methods and techniques in incorporating God into their teachings to enable them to become better religious educators. (SSUF, No. 34).

B. St. James Catholic School's Annual Faculty Employment Agreement

At St. James, every teacher's employment was governed by an annual written employment agreement. (SSUF, No. 35). This employment agreement was created and distributed to the Catholic schools within the Archdiocese of Los Angeles by the Department of Catholic Schools. (SSUF, No. 36). According to the employment agreement, every teacher's employment was on an annual basis, meaning employment started at the beginning of every school year and expired at the end of each school year. (SSUF, No. 37). The school principal had the sole discretion to decide whether to offer subsequent annual employment agreements to each teacher for the following school year. (SSUF, No. 38). No teacher was guaranteed employment for the following school year. (SSUF, No. 39).

Under the faculty employment agreement, each teacher was required to "model, teach, and promote behavior in conformity to the teaching of the Roman Catholic Church." (SSUF, No. 40). In addition, every teacher was to perform their duties and responsibilities in conformance with the school's overall mission to "develop and promote a Catholic School Faith Community within the philosophy of Catholic education as implemented at the School, and the doctrines, laws, and norms of the

1 Catholic Church.” (SSUF, No. 41).

2 On May 24, 2013, Plaintiff signed a standard teacher employment contract for
3 the 2013-2014 school year. (SSUF, No. 42). Per her contract, Plaintiff’s employment
4 began on August 26, 2013 and ended on June 30, 2014. (SSUF, No. 43).

5 **C. Plaintiff’s Work Performance Issues**

6 Plaintiff’s first full-time teaching position was her position as the 5th grade
7 teacher at St. James for the 2013-2014 school year. (SSUF, No. 44). Prior to
8 Plaintiff’s position at St. James, Plaintiff had never been responsible for teaching a
9 class on her own. (SSUF, No. 45). St. James School operates on a trimester basis.
10 (SSUF, No. 46). From the first trimester to Plaintiff’s last day of employment in May
11 2014, Sister Mary had concerns regarding Plaintiff’s work performance, including
12 Plaintiff’s classroom management and her failure to follow school policies and
13 procedures. (SSUF, No. 47).

14 ***1. Plaintiff’s Classroom Management***

15 Within two weeks of the 2013-2014 school year, Sister Mary noticed that
16 Plaintiff had difficulty keeping her classroom organized and controlling her classroom
17 noise level. (SSUF, No. 48). Sister Mary often observed a chaotic classroom
18 environment with clutter on and around students’ desks, and students out of their seats
19 talking with other students. (SSUF, No. 49). Sister Mary verbally counseled Plaintiff
20 from the beginning of the school year regarding her issues with classroom
21 management. (SSUF, No. 50).

22 On November 12, 2013, Sister Mary completed a formal classroom observation
23 report after observing Plaintiff teach the subject of Math to her students. (SSUF,
24 No. 51). In this observation report, Sister Mary noted that there were many items on
25 the students’ desks and that Plaintiff needed to work on organization in the classroom.
26 (SSUF, No. 52). In addition, to this observation report, Sister Mary also verbally
27 counseled Plaintiff on multiple occasions throughout the school year regarding
28 keeping her classroom organized and controlling the noise level. (SSUF, No. 53).

1 However, Plaintiff failed to improve her issues with classroom management
2 throughout the school year. (SSUF, No. 54).

3 ***2. Homework/Work Habit Policy and Test Policy***

4 In Plaintiff's classroom, students were required to write their names in a
5 designated notebook located in the classroom every time they had a behavior issue
6 and/or missed homework assignment. (SSUF, No. 55). These "work habits" were
7 reviewed at the end of the week and were also taken into account at the end of the
8 trimester when Plaintiff submitted report cards. (SSUF, No. 56). Students logged a
9 "work habit" when they failed to turn in their homework. (SSUF, No. 57). The
10 purpose of this procedure was to keep track of the students' missed homework
11 assignments. (SSUF, No. 58). If they missed more than five homework assignments,
12 students were required to sit in a specific room to do their homework (SSUF, No. 59).
13 However, depending on the situation, Plaintiff allowed her students to erase their
14 names from the homework notebook if they submitted their homework a day late.
15 (SSUF, No. 60). From the beginning of the school year, Sister Mary verbally
16 counseled Plaintiff regarding her practice of allowing students to erase their names
17 from the homework notebook. (SSUF, No. 61).

18 At St. James School, students were not permitted to re-take exams in order to
19 obtain a higher grade. (SSUF, No. 62). However, Sister Mary learned that Plaintiff
20 allowed her students to re-take exams if they were not satisfied with a prior grade on
21 the exam. (SSUF, No. 63).

22 In addition, Sister Mary required Plaintiff to inform the students' parents of the
23 exam schedule in order for the parents to help prepare the children. (SSUF, No. 64).
24 However, Sister Mary also learned that Plaintiff failed to communicate the students'
25 test schedule to the parents. (SSUF, Nos. 65, 82, 87).

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1 **3. Plaintiff's Failure to Correct Study Guides and Use Simple**
2 **Solutions Workbook**

3 In preparation for exams, Plaintiff's students were required to complete study
4 guides. (SSUF, No. 66). Plaintiff was required to correct the students' study guides
5 prior to the exams so that they could study accurate study guides in preparation for the
6 exams. (SSUF, No. 67). However, Plaintiff failed to correct her students' study
7 guides prior to exams causing incorrect answers on the exams. (SSUF, No. 68).
8 Sister Mary verbally counseled Plaintiff regarding her failure to correct the study
9 guides throughout the school year. (SSUF, Nos. 69, 83, 88-89, 91).

10 Plaintiff was also required to teach from a workbook titled Simple Solutions.
11 (SSUF, No. 70). In the fall of 2013, Sister Mary learned that Plaintiff was not using
12 the workbook as she had asked. (SSUF, No. 71). Again, Sister Mary instructed
13 Plaintiff on numerous occasions to use the Simple Solutions workbook when teaching
14 her students. (SSUF, No. 72).

15 **4. Plaintiff's Regular Counseling Sessions with Sister Mary**

16 Throughout the 2013-2014 school year, Sister Mary met with Plaintiff in her
17 office on a regular basis to discuss her lesson plans for the upcoming week, and her
18 various issues and struggles in the classroom (SSUF, No. 73). During the first
19 trimester, Sister Mary met with Plaintiff every two weeks. (SSUF, No. 74).
20 However, Plaintiff failed to improve on the issues Sister Mary counseled her on,
21 namely, the chaotic classroom environment. (SSUF, No. 75).

22 By January 2014, Sister Mary met with Plaintiff in her office once every week
23 and sometimes twice a week to discuss Plaintiff's performance issues. (SSUF,
24 No. 76). From November 2013 to May 2014, Sister Mary met with Plaintiff and took
25 handwritten notes memorializing the performance issues she discussed with Plaintiff
26 at each of these meetings. (SSUF, No. 77). Initially, Sister Mary wrote down the
27 issues Plaintiff needed improvement on, and every time they discussed and revisited
28 the issue, she placed a checkmark next to it. (SSUF, No. 78). The recurring issues

discussed with Plaintiff during these meetings included:

- (1) The level of noise in the classroom. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least six occasions. (SSUF, No. 79).
- (2) The condition of the classroom. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least nine occasions. (SSUF, No. 80).
- (3) Permitting students to erase their work habits for missed homework assignments. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least five occasions. (SSUF, No. 81).
- (4) Informing parents of the test schedule. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least two occasions. (SSUF, No. 82).
- (5) The issue with regarding to giving accurate study guides to the students. Per Sister Mary's handwritten notes, she discussed this issue with Plaintiff on at least two occasions. (SSUF, No. 83).

In addition, Sister Mary made a note that Plaintiff did not want to "take accountability for the students' behavior." (SSUF, No. 84).

During these meetings, Sister Mary also went over Plaintiff's weekly lesson plans for each upcoming school week. (SSUF, No. 85). Sister Mary would make comments and suggestions on Plaintiff's lesson plans regarding persistent classroom issues. (SSUF, No. 86). For instance, Sister Mary made the following notations on Plaintiff's lesson plans:

- (1) Week of September 23-27, 2013 - "Be sure to let the students know the test schedule." (SSUF, No. 87).
- (2) Week of November 4-8, 2013 - "Be sure to do study guides together and correct." (SSUF, No. 88).

- 1 (3) Week of January 20-24, 2014 - "Be sure to correct study guides."
2 (SSUF, No. 89).
- 3 (4) Week of January 27-31, 2014 - "Remember we have talked about
4 'things' on desk." (SSUF, No. 90).
- 5 (5) Week of February 17-21, 2014 - "Be sure to correct [study guides] so the
6 students will have something to study correctly." (SSUF, No. 91).
- 7 (6) Week of March 3-7, 2014 - "Be sure that SG are corrected." (SSUF,
8 No. 92).
- 9 (7) Week of April 28-May 2, 2014 - "Remember about things on desks."
10 (SSUF, No. 93).
- 11 (8) Sister Mary expressed her concerns regarding Plaintiff's classroom
12 management and teaching practices as late as May 2014. (SSUF,
13 No. 94).

14 **5. Complaints from Parents and Teachers regarding Plaintiff**

15 During the 2013-2014 school year, several parents voiced their complaints
16 regarding Plaintiff's teaching style to Sister Mary. (SSUF, No. 95). The majority of
17 the parent complaints stemmed from Plaintiff's lack of structure in the classroom.
18 (SSUF, No. 96).

19 Sister Mary also received negative feedback from other teachers at St. James
20 regarding Plaintiff's classroom management, including the noise level of the class.
21 (SSUF, No. 97).

22 **D. Sister Mary's Decision to Not Offer Plaintiff an Employment** 23 **Contract for the 2014-2015 School Year**

24 In March 2014, Sister Mary decided that she would not offer Plaintiff an
25 employment contract for the 2014-2015 school year. (SSUF, No. 98). She came to
26 this decision based on the fact that Plaintiff failed to follow Sister Mary's guidance
27 and abide by the policies and procedures of the School despite their numerous
28 counseling sessions. (SSUF, No. 99). From January 2014 to April 2014, Sister Mary

1 told Plaintiff on several occasions that it would be difficult to offer her an employment
2 contract for the following school year. (SSUF, No. 100).

3 In April 2014, following Easter break, Plaintiff told Sister Mary that she
4 believed she had breast cancer and would need to undergo some tests. (SSUF,
5 No. 101). Sister Mary was sympathetic to Plaintiff's situation as she was also
6 diagnosed with breast cancer in 2010, underwent a surgical procedure to treat her
7 condition, and remained in continued treatment thereafter. (SSUF, No. 102). Plaintiff
8 then informed Sister Mary that May 22, 2014 would be her last day of work so that
9 she could receive medical treatment. (SSUF, No. 103). However, Plaintiff continued
10 to come to the School to pick up papers to grade and check her mailbox until the end
11 of the school year. (SSUF, No. 104). Despite the fact that Plaintiff did not complete
12 the school year as the 5th grade teacher, she was compensated at her normal rate of pay
13 until June 2014. (SSUF, No. 104).

14 Every teacher's employment contract at St. James states that the School will
15 give written notice on May 15 of whether it intends to offer a new employment
16 contract to the teacher for the following school year. (SSUF, No. 105). As such, on
17 May 15, 2014, Sister Mary wrote a letter to Plaintiff indicating that she could not offer
18 Plaintiff an employment contract for the 2014-2015 school year based on work
19 performance reasons and placed it in Plaintiff's mailbox at the School. (SSUF,
20 No. 106).

21 **III. STANDARD OF REVIEW**

22 A party is entitled to summary judgment "if the pleadings, the discovery and
23 disclosure materials on file, and any affidavits show that there is no genuine issue as
24 to any material fact and that the movant is entitled to judgment as a matter of law."
25 Fed. Rules Civ. Proc. Rule 56(c)(2). The moving party must first demonstrate that
26 there is an absence of a genuine issue of material fact. *Anderson v. Liberty Lobby,*
27 *Inc.*, 477 U.S. 242, 256 (1986). To survive a motion for summary judgment, the non-
28 moving party must, in turn, present enough evidence of a factual dispute that would

1 “require a jury or judge to resolve the parties’ differing versions of the truth at trial.”
 2 *Id.* at 249 (1986), *quoting First National Bank of Arizona v. Cities Service Co.*, 391
 3 U.S. 253, 288-89 (1968). To that end, the non-moving party must show facts “that
 4 might affect the outcome of the suit under the governing law.” *Celotex Corp. v.*
 5 *Catrett*, 477 U.S. 317, 323 (1986). Furthermore, “there must be at least one viable
 6 theory of law under the asserted version of the facts that would, if true, entitle the
 7 opponent of the motion to judgment as a matter of law.” *Arney v. U. S.*, 479 F.2d 653
 8 (9th Cir. 1973).

9 Additionally, the “plain language of Rule 56(c) mandates the entry of summary
 10 judgment, after adequate time for discovery and upon motion, against a party who
 11 fails to make a showing sufficient to establish the existence of an element essential to
 12 that party's case, and on which that party will bear the burden of proof at trial.”
 13 *Celotex*, 477 U.S. at 322. Under those circumstances, there is “‘no genuine issue as to
 14 any material fact,’ since a complete failure of proof concerning an essential element of
 15 the non-moving party's case necessarily renders all other facts immaterial.” *Id.* at 323.
 16 Therefore, if a party cannot establish an essential element, the moving party is
 17 “‘entitled to a judgment as a matter of law’ because the non-moving party has failed to
 18 make a sufficient showing on an essential element of her case with respect to which
 19 she has the burden of proof.” *Id.*

20 The opposing evidence must be sufficiently probative to permit a reasonable
 21 trier of fact to find in favor of the opposing party. *Anderson v. Liberty Lobby, Inc.*,
 22 477 U.S. 242, 249-250 (1986). The test is whether the opposing party “has come
 23 forward with sufficiently ‘specific’ facts from which to draw reasonable inferences
 24 about other material facts that are necessary elements of the (opposing party's) claim.”
 25 *Triton Energy Corp. v. Square D Co.*, 68 F.3d 1216, 1221 (9th Cir. 1995) (parentheses
 26 added); *Rogan v. City of Boston*, 267 F.3d 24, 27 (1st Cir. 2001) - obligation cannot
 27 be satisfied by “conclusory allegations, empty rhetoric, unsupported speculation, or
 28 evidence which, in the aggregate, is less than significantly probative.”).

1 In the present case, Plaintiff will be unable to meet her burden of proof in
 2 regards to her causes of action pursuant to the ADA for disability discrimination,
 3 failure to provide reasonable accommodation, failure to engage in the interactive
 4 process, and retaliation. Accordingly, Defendant is entitled to summary judgment as a
 5 matter of law.

6 **IV. PLAINTIFF'S FIRST THROUGH SIXTH CAUSES OF ACTION FAIL**
 7 **AS A MATTER OF LAW BECAUSE THE MINISTERIAL EXCEPTION**
 8 **BARS HER CLAIMS**

9 At St. James, Plaintiff played an instrumental role in furthering and promoting
 10 the Catholic faith as part of her daily job duties and, as such, the Ministerial Exception
 11 bars her claims. Rooted in the Establishment and Free Exercise Clauses of the First
 12 Amendment, the Ministerial Exception protects a religious entity from claims of
 13 employment discrimination involving the employment relationship between a
 14 religious entity and its “ministers.” *Hosanna-Tabor Evangelical Lutheran Church &*
 15 *School v. EEOC*, 132 S.Ct. 694, 705-706 (2012); See *Conlon v. InterVarsity Christian*
 16 *Fellowship*, 777 F.3d 829, 836 (6th Cir. 2015); See also *Werft v. Desert Southwest*
 17 *Annual Conference of United Methodist Church*, 377 F.3d 1099, 1103 (2004)
 18 (upholding district court’s dismissal of minister’s claims for failure to accommodate
 19 on grounds that church’s decision regarding providing accommodation were protected
 20 personnel decisions part of the employment relationship between church and
 21 minister). This exception precludes employment discrimination claims based on the
 22 ADA and state disability law such as those alleged in the current action. *Hosanna-*
 23 *Tabor*, 32 S.Ct. 694 at 705-706; *Werft*, 377 F.3d 1099, 1103; *Starkman v. Evans*, 198
 24 F.3d 173, 177).

25 Only in rare instances where a “compelling state interest in the regulation of a
 26 subject within the State's constitutional power to regulate” is shown can a court
 27 uphold state action which imposes even an “incidental burden” on the free exercise of
 28 religion. *McClure v. Salvation Army*, 460 F.2d 553, 558 (1972). In this highly

1 sensitive constitutional area “ ‘[o]nly the gravest abuses, endangering paramount
 2 interests, give occasion for permissible limitation’ ”. *Id.*; See *Sherbert v. Verner*, 374
 3 U.S. 398 (1963). The ministerial exception, barring adjudication of Title VII of the
 4 Civil Rights Act of 1964 (“Title VII”) employment discrimination cases against
 5 churches, preserves a church's essential right to choose the people who will preach its
 6 values, teach its message, and interpret its doctrines, both to its own membership and
 7 to the world at large, free from the interference of civil employment laws.
 8 42 U.S.C.A. § 2000e-1; 42 U.S.C.A. § 2000e-2; *Skrzypczak v. Roman Catholic*
 9 *Diocese of Tulsa*, 611 F.3d at 1243 (10th Cir. 2010); *Bryce v. Episcopal Church in the*
 10 *Diocese of Colorado*, 289 F.3d 648, 656 (2002).

11 To determine whether the Ministerial Exception applies, two factors must be
 12 satisfied: (1) the entity employer must be a religious entity, and (2) the plaintiff
 13 employee must be a “minister” for purposes of the Ministerial Exception. *Hosanna-*
 14 *Tabor*, 32 S.Ct. 694 at 705-706; *EEOC v. Kamehameha Schools/Bishop Estate*, 990
 15 F.2d 458, 460 (9th Cir. 1993). An entity qualifies as a religious entity if, after
 16 weighing all significant religious and secular characteristics of the entity, it is
 17 determined that its purpose and character is primarily religious. *Kamehameha*
 18 *Schools/Bishop Estate*, 990 F.2d at 460; *LeBoon v. Lancaster Jewish Comm. Ctr.*
 19 *Ass'n*, 503 F.3d 217, 226 (3rd Cir. 2007). In determining whether an entity is
 20 “primarily religious,” relevant factors include the entity’s (i) ownership and affiliation,
 21 (ii) purpose, (iii) faculty, (iv) student body, (v) student activities, and (vi) curriculum.
 22 See *Spencer v. World Vision, Inc.*, 633 F.3d 723, 741 (9th Cir. 2011).

23 Here, St. James Catholic Elementary School is a religious, non-profit
 24 organization headed by Sister Mary Margaret Kreuper, a vowed member of a religious
 25 congregation of the Roman Catholic Church. (SSUF, Nos. 2, 6.) It operates as part of
 26 the overall ministry of St. James Catholic Church in Redondo Beach, CA. (SSUF,
 27 No. 3.) In other words, the school is one of several ministries that comprises the
 28 St. James Catholic Church parish. (SSUF, No. 4.) The mission of the school is to

1 provide an education based on the tenets of the Roman Catholic Church. (SSUF,
 2 No. 7.) Further, the students at St. James are required to learn and practice the norms
 3 and doctrines of the Catholic faith. (SSUF, No. 7.) Accordingly, St. James is a
 4 religious entity entitled to exemption under Title VII and the Ministerial Exception.

5 The Ministerial Exception is not limited to the head of a religious congregation
 6 or a Church's ordained minister. *Hosanna-Tabor*, 132 S.Ct. at 707-709; *Alcazar v.*
 7 *Corporation of the Catholic Archbishop of Seattle*, 627 F.3d 1288, 1291 (2010).
 8 Rather, the exception extends to a lay person whose position serves the spiritual and
 9 pastoral mission of the church. *Hosanna-Tabor*, 132 S.Ct. at 707-709; *Alcazar*, 627
 10 F.3d 1288, 1291 (2010); *Skrzypczak*, 611 F.3d at 1243. To determine whether a
 11 person is a "minister" for purposes of the Ministerial Exception, courts have applied
 12 varying standards ranging from whether the "minister's" primary job duties are
 13 religious in nature (primary duties test) to whether they perform only some religious
 14 duties and responsibilities. *EEOC v. Catholic Uni. Of America*, 83 F.3d 455, 463 (DC
 15 Cir. 1996); *Starkman v. Evans*, 198 F.3d 173, 175-176 (1999); *Conlon*, 777 F.3d 829,
 16 835. Although courts have yet to adopt a uniform standard for deciding when an
 17 employee qualifies as a minister, the essential focus of the analysis is a *functional*
 18 approach, to wit, whether the employee's overall job duties convey the religious
 19 entity's spiritual message and serve its spiritual mission. See *Hosanna-Tabor*, 132
 20 S.Ct. at 707-709; See *Alcazar*, 627 F.3d at 1291-93; See *Skrzypczak v. Roman*
 21 *Catholic Diocese of Tulsa*, 611 F.3d 1238, 1242-1243; See *Starkman v. Evans*, 198
 22 F.3d 173, 175-176 (1999). Further, the fact that an employee's job duties include
 23 secular responsibilities does not preclude the applicability of the Ministerial
 24 Exception. *Alcazar*, 627 F.3d at 1293.

25 In *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, the
 26 Supreme Court affirmed the district court's granting of the Hosanna-Tabor's motion
 27 for summary judgment finding that a teacher was a "minister" for purposes of the
 28 Ministerial Exception and, thus, was barred from asserting claims of wrongful

1 termination based on the ADA and state law. *Hosanna-Tabor*, 132 S.Ct. at 695-696,
2 698.

3 In *Hosanna-Tabor*, respondent, Cheryl Perich, was teacher for the Hosanna-
4 Tabor Evangelical Lutheran Church and School. *Id.* at. 695. In this position, Perich
5 taught secular subjects in addition to a religion class, led her students in daily prayer
6 and devotional exercises, and took her students to a weekly school-wide chapel
7 service. *Id.* at 696. Perich then developed narcolepsy and went on disability leave.
8 *Id.* While on disability leave, the School replaced her position with a lay teacher and
9 asked Perich to resign. *Id.* After Perich refused to resign and threatened legal action,
10 the School terminated her for behavioral issues. *Id.* Thereafter, the EEOC filed suit
11 against the School on behalf of Perich alleging wrongful termination in violation of
12 the ADA. *Id.* The School filed a motion for summary judgment based on the
13 Ministerial Exception and the district court granted its motion. *Id.*

14 In affirming the district court's decision, the U.S. Supreme Court examined the
15 circumstances of Perich's employment, including her job duties. *Id.* at 697-98. The
16 Court found that her duties "reflected a role in conveying the Church's message and
17 carrying out its mission." *Id.* at 698. Specifically, as a source of religious instruction,
18 Perich played an important role in transmitting the Lutheran faith. *Id.* The Court also
19 recognized that Perich's position had an underlying religious mission. *Id.* Further,
20 the fact that Perich taught secular subjects did not preclude her qualification as a
21 "minister." *Id.*

22 Like in *Hosanna-Tabor*, Plaintiff's position as a Catholic school teacher
23 qualified her as a "minister" for purposes of the Ministerial Exception. (SSUF,
24 Nos. 16-34.) Plaintiff taught the subject of Religion on a daily basis, which entailed a
25 specific curriculum grounded on the doctrines and teachings of the Catholic faith.
26 (SSUF, Nos. 23, 25-29.) Her teachings were often based on the Scripture itself.
27 (SSUF, No. 26.) In fact, she was held to a certain time quota in dedicating her
28 teachings to the Catholic faith. (SSUF, No. 24.) While Plaintiff taught secular

1 subjects to her students, she was required to incorporate the Catholic values and
2 traditions throughout all subjects as mandated in her employment contract and in the
3 School's evaluation reports. (SSUF, Nos. 30-31.)

4 As a Catholic, Plaintiff prayed specific Catholic prayers with her students twice
5 a day and attended school mass on a regular basis. (SSUF, Nos. 19-21.) Per her
6 employment contract, it is indisputable that Plaintiff's position was grounded in
7 promoting and furthering the Catholic faith and all duties were to be performed within
8 the School's underlying spiritual mission. (SSUF, Nos. 7-9, 30, 40-41) As such,
9 Sister Mary required all teachers to attend a religious conference in order to learn to
10 become religious educators. (SSUF, Nos. 33-34.) The fact that Plaintiff did not have
11 a ministerial title does not preclude her qualification as a minister under the exception.
12 As the Court in *Hosanna-Tabor* recognized, a title, by itself, does not automatically
13 ensure coverage under the exception. *Id.* at 698. The key factor is whether Plaintiff
14 was functionally a minister, which she was. She conveyed the Church's message and
15 carried out its mission on a daily basis.

16 Because Plaintiff was a "minister" for purposes of the Ministerial Exception,
17 her employment discrimination claims are barred against St. James School. The issue
18 of whether Plaintiff's employment contract was not renewed based on pretextual
19 reasons is irrelevant. As *Hosanna-Tabor* recognizes, "the purpose of the exception is
20 not to safeguard a church's decision to fire a minister only when it is made for a
21 religious reason. The exception instead ensures that the authority to select and control
22 who will minister to the faithful is the church's alone." *Id.* at 698.

23 In *Alcazar, et. al., v. The Corporation of the Catholic Archbishop of Seattle*, the
24 9th Circuit applied the same functional approach in determining that a Catholic
25 seminarian was a "minister" under the Ministerial Exception and, was thus barred
26 from asserting wage and hour claims against the Catholic Church. *Alcazar*, 627 F.3d
27 1288, 1290-1292. The district court granted defendant Church's motion for judgment
28 on the pleadings based on the Ministerial Exception. *Id.* at 1290. In affirming the

1 district court's ruling, the court of appeals examined plaintiff seminarian's duties as
2 alleged in the complaint. *Id.* at 1293. As part of his seminarian role with St. Mary's
3 parish, plaintiff performed church maintenance duties and assisted with mass. *Id.*

4 Even if plaintiff's "maintenance duties" encompassed secular activities, the
5 Court found that this fact did not preclude the application of the Ministerial Exception.
6 *Id.* Plaintiff's secular duties, if any, were part of his overall role as a seminarian. *Id.*
7 The Court held, "...Rosas' employment was not part seminarian, part secular-it was
8 all part of his seminary training, for which he was paid a comprehensive weekly
9 wage...A church may well assign secular duties to an aspiring member of the clergy,
10 either to promote a spiritual value (such as diligence, obedience, or compassion) or to
11 promote its religious mission in some material way. The ministerial exception applies
12 notwithstanding the assignment of some secular responsibilities." *Id.*

13 Here, Plaintiff's position as a 5th grade Catholic school teacher may have
14 entailed some secular activities, such as teaching secular subjects. However, this fact
15 alone is not dispositive of whether she qualified as a "minister." Like the seminarian
16 in *Alcazar*, Plaintiff's duties cannot be parceled into part-religious and part-secular
17 duties. She performed all her duties as a teacher in conformance with the School's
18 overriding mission to promote and instill the Catholic faith within its students.
19 (SSUF, Nos. 9, 16-34.)

20 In *Skrzypczak v. Roman Catholic Diocese of Tulsa*, the Court of Appeals
21 affirmed the district court's granting of defendant Church's motion for summary
22 judgment based on the Ministerial Exception finding that the duties of Skrzypczak
23 were "important to the spiritual and pastoral mission of the [Diocese]. *Skrzypczak*,
24 611 F.3d at 1244. Former director of the Department of Religious Formation for the
25 Roman Catholic Diocese of Tulsa brought suit against the Diocese of Tulsa for gender
26 and age discrimination under Title VII and the Civil Rights Act following her
27 termination. *Id.* at 1241.

28 ///

1 In deciding whether Skryzpczak was a “minister” under the exception, the court
 2 looked at her role and responsibilities as director of the Department of Religious
 3 Formation. *Id.* at 1243-1244. In her position, Skryzpczak supervised the Pastoral
 4 Studies Institute, whose stated purpose was to “provide a solid foundation in Catholic
 5 theology to educate, nourish, strengthen, and renew the Catholic faith.” *Id.* She
 6 developed and planned the theological and other religious education programs, and
 7 taught multiple religious courses at the Institute. *Id.* at 1243-1244. The bishop of the
 8 Diocese stated that, by definition, her role as director of “Religious Formation”,
 9 entailed “forming a person’s faith life, including the teaching of dogma, traditions,
 10 and ritual of the Catholic faith.” *Id.* at 1243-1244. In light of this evidence, the Court
 11 found that Skryzpczak’s position was “important to the spiritual and pastoral mission
 12 of the church” and, as such, plaintiff was a “minister” for purposes of the ministerial
 13 exception. *Id.* at 1245.

14 As in *Skryzpczak*, Plaintiff’s position was important to the spiritual mission of
 15 St. James School. Similar to the mission of the Pastoral Studies Institute in
 16 *Skryzpczak*, the mission of St. James School was to “develop and promote a Catholic
 17 school faith community within the philosophy of Catholic education as implemented
 18 at the School, and the doctrines, laws, and norms of the Catholic Church.” (SSUF,
 19 No. 7). Plaintiff was tasked with instilling the Catholic faith into her young students,
 20 which she did by teaching them the practices and doctrines of the faith, leading them
 21 in prayers every day, and attending Mass with them. (SSUF, Nos. 16-34, 40-41).
 22 Plaintiff essentially gave her students the groundwork upon which the Catholic faith
 23 may subsequently be built upon. (SSUF, Nos. 16-34).

24 In *Starkman*, 198 F. 3d at 174, the Court of Appeals upheld the District Court’s
 25 granting of defendant Munholland United Methodist Church’s (“Church”) motion for
 26 summary judgment on the basis of the Ministerial Exception. *Id.* at 174. Plaintiff
 27 choir director alleged discrimination and retaliation claims under the ADA after the
 28 Church terminated her employment following her knee surgery. *Id.* In reaching its

1 decision, the Court found that plaintiff's position as a choir director required her to
 2 perform ministerial functions that warranted the First Amendment's protections
 3 against undue interference with the personnel decisions of churches and religious
 4 leaders. *Id.* at 175. The *Starkman* Court examined the employment duties and
 5 requirements of the plaintiff as well as her actual role at the church. *Id.* at 176.
 6 Specifically, Plaintiff's job description involved "planning, recruiting, implementing
 7 and evaluating of music and congregational participation in all aspects of this ministry
 8 at Munholland United Methodist Church." *Id.* at 176. Further the Court recognized
 9 that there is no dispute that religious music plays a highly important role in the
 10 spiritual mission of the church. *Id.* at 176. Most significantly, the Court looked at
 11 whether plaintiff "engaged in activities traditionally considered ecclesiastical or
 12 religious," to wit, she served as a "ministerial presence" to parishioners on occasion
 13 and music constituted a form of prayer which is an integral part of the worship
 14 services. *Id.* at 177.

15 Here, Plaintiff's job duties as outlined in her employment contract analogizes
 16 that of the plaintiff in *Starkman*. Plaintiff was tasked with performing all "duties and
 17 responsibilities of being a teacher" within the School's commitment to develop and
 18 promote a Catholic school faith community within the philosophy of Catholic
 19 education." (SSUF Nos. 7-9, 16.) As such, she played an important role in the
 20 spiritual mission of the Catholic Church in that she imparted the Catholic prayers, the
 21 sacraments, and the Scripture stories to her students. (SSUF Nos. 18-28.) Plaintiff
 22 further instilled the practices and rituals of the Catholic Mass in her students. (SSUF
 23 Nos. 18-28.) In short, she played an instrumental role in catechetical instruction for
 24 St. James. (SSUF, Nos. 16-34, 40-41).

25 Under any reasonable construction of the Ministerial Exception, Plaintiff meets
 26 the definition of a minister under the exception. She was expressly required to
 27 perform all her duties as the 5th grade teacher in conformance with the School's
 28 overriding mission to provide an education rooted in the values and teachings of the

1 Catholic faith and to spread the religious doctrine. (SSUF, Nos. 7-9, 40). In short, her
 2 responsibilities and duties were functionally equivalent to that of a religious minister.
 3 Accordingly, Plaintiff is barred as a matter of law from asserting her claims against
 4 Defendant St. James School based on the Ministerial Exception.

5 **V. PLAINTIFF'S FIRST THROUGH SIXTH CAUSES OF ACTION FAIL**
 6 **BECAUSE PLAINTIFF CANNOT ESTABLISH PRETEXT**

7 In employment discrimination cases, courts apply the *McDonnell Douglas*
 8 shifting-burden standard. *McDonnell Douglas Corp. v. Green* 411 U.S. 792, 802-803
 9 (1973); *Reeves v. Sanderson Plumbing Products, Inc.* 530 U.S. 133, 142-143 (2000)).
 10 Under this test, the plaintiff bears the initial burden of establishing a prima facie case
 11 of discrimination. *McDonnell*, 411 U.S. at 802-803; *Reeves*, 530 U.S. at 142-143.
 12 The employer then must offer a legitimate, nondiscriminatory reason for the adverse
 13 employment decision. *Id.* Finally, the plaintiff bears the burden of proving the
 14 employer's proffered reason was pretextual. *Id.* "The ultimate burden of persuading
 15 the trier of fact that the defendant intentionally discriminated against the plaintiff
 16 remains at all times with the plaintiff." (*Texas Dep't of Community Affairs v. Burdine*
 17 (1981) 450 U.S. 248, 253.)

18 On a motion for summary judgment, "When the moving party has carried its
 19 burden under Rule 56(c), its opponent *must do more than simply show that there is*
 20 *some metaphysical doubt* as to the material facts ... Where the record taken as a whole
 21 could not lead a rational trier of fact to find for the nonmoving party, there is no
 22 'genuine issue for trial.'" *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475
 23 U.S. 574, 586-587 (1986). "The mere existence of a scintilla of evidence ... will be
 24 insufficient; there must be evidence on which the jury could *reasonably* find for (the
 25 opposing party)." *Anderson v. Liberty Lobby, Inc.* 477 U.S. 242, 252 (1986)
 26 (parentheses added).

27 An employer would be entitled to judgment as a matter of law if: (1) the record
 28 *conclusively* revealed some other, *nondiscriminatory* reason for the employer's

1 decision; or (2) plaintiff created only a *weak issue of fact* as to whether the employer's
 2 reason was untrue and there was “abundant and uncontroverted independent evidence
 3 that no discrimination had occurred.” *Reeves*, 530 US at 148-149; *Hernandez v.*
 4 *Yellow Transportation, Inc.*, 670 F.3d 644, 658 (2012) —on ultimate “but for”
 5 causation issue, temporal proximity alone not enough).

6 Here, both of the aforementioned factors are satisfied in favor of summary
 7 judgment. The record conclusively and overwhelmingly establishes that St. James’
 8 decision to not renew Plaintiff’s employment contract was based on a continuous
 9 pattern of documented, performance-related issues that arose in the beginning of the
 10 2013-2014 school year. (SSUF, Nos. 47-93, 95-97). Plaintiff admits that Sister Mary
 11 addressed various performance issues with her on multiple occasions throughout the
 12 school year, including her struggles with classroom management, her failure to correct
 13 the class study guides, erasing work habits, and informing parents of the test schedule.
 14 (SSUF, Nos. 61, 67, 69, 73-76, 79-83, 86-93). Based on the record, there is abundant
 15 and uncontroverted evidence that Sister Mary decided to not renew Plaintiff’s contract
 16 based on legitimate, nondiscriminatory reasons. (SSUF, Nos. 47-93, 95-97). Thus, at
 17 best, Plaintiff can only establish a weak issue of act as to whether St. James’ reasons
 18 for deciding not to offer her an employment contract were pretextual. This is
 19 insufficient to overcome summary judgment. *Reeves*, 530 U.S. at 148-149;
 20 *Hernandez v. Yellow Transportation, Inc.*, 670 F.3d at 658.

21 **VI. THERE IS NO BASIS FOR LIABILITY FOR PLAINTIFF’S FIFTH**
 22 **CAUSE OF ACTION FOR FAILURE TO PREVENT**
 23 **DISCRIMINATION**

24 Plaintiff brings forth a cause of action for failure to prevent discrimination
 25 under the ADA. However, there is no basis for liability under this cause of action
 26 under the ADA. For instance, the Model Civil Jury Instructions for the ninth circuit
 27 does not contain any instructions pertaining to this cause of action. As such,
 28 Plaintiff’s fifth cause of action fails as a matter of law.

VII. THERE IS NO BASIS FOR LIABILITY FOR PLAINTIFF'S SIXTH CAUSE OF ACTION FOR WRONGFUL TERMINATION IN VIOLATION OF THE ADA

Plaintiff brings forth a cause of action for wrongful termination in violation of the ADA. However, there is no basis for liability under this cause of action under the ADA. For instance, the Model Civil Jury Instructions for the ninth circuit does not contain any instructions pertaining to this cause of action. Plaintiff already alleges a disability discrimination cause of action under the ADA as her first cause of action. As pled, her sixth cause of action is duplicative.

Of course, if Plaintiff's ADA claims fail for any of the reasons outlined above, then there can be no wrongful termination based on the ADA and the claims should be dismissed. In the event Plaintiff attempts to argue that her sixth cause of action is a *Tameny*- based claim, i.e. wrongful termination based on public policy, her claim still fails as a matter of law. See *Tameny v. Atlantic Richfield Company* (1980) 27 Cal.3d 167. First, Plaintiff fails to plead a *Tameny* claim in her Complaint at all. There is no reference or any allegations of wrongful termination in violation of public policy in her Complaint. Second, even if Plaintiff did plead such a claim, the claim would fail as a matter of law because a non-renewal of an employment contract does not constitute an adverse employment action. *Daly v. Exxon Corp.* (1997) 55 Cal.App.4th 39, 45; see *Touchstone Television Productions v. Sup.Ct. (Sheridan)* (2012) 208 Cal.App.4th 676, 678. Courts have held that a public policy tort claim based upon the employer's refusal to renew an employment contract after its expiration fails as a matter of law. *Daly*, 55 Cal.App.4th at 45; see *Touchstone Television Productions*, 208 Cal.App.4th at 678—"A cause of action for wrongful termination in violation of public policy does not lie if an employer decides simply not to exercise an option to renew a contract".

In *Touchstone Television Productions*, actress plaintiff sued television production company for wrongful termination in violation of public policy based on

1 complaints she made regarding being assaulted by one of the company's producers.
2 *Touchstone*, *supra*, 208 Cal.App.4th 676 at 678. Upon being hired, Plaintiff actress
3 signed an annual employment agreement with defendant television company which
4 gave defendant the option to renew plaintiff's services on an annual basis. *Id.* During
5 the fifth season of the television show, defendant informed plaintiff that it decided to
6 not renew plaintiff's contract for the sixth season. *Id.*

7 The court of appeals held that the trial court erred in denying defendant
8 employer's motion for a directed verdict finding that a cause of action for wrongful
9 termination in violation of public policy does not lie if an employer decides simply
10 not to exercise an option to renew a contract. *Id.* Plaintiff "was not fired, discharged,
11 or terminated. Instead Touchstone chose only not to exercise its option to renew her
12 contract for the next season. She continued to work through Season 5 and was
13 compensated as required by contract." *Id.* at 682. In that instance, there is no
14 termination of employment but, instead, an expiration of a fixed-term contract. *Id.*
15 citing *Daly*, *supra*, 55 Cal.App.4th at 63. To hold otherwise would require the
16 creation of a new tort for nonrenewal of a fixed-term employment contract in violation
17 of public policy. *Id.*

18 Here, on May 24, 2013, Plaintiff signed an annual employment agreement with
19 Defendant for the 2013-2014 school year. (SSUF Nos. 42-43). Teachers at St. James
20 School were given annual employment contracts that began at the beginning of the
21 school year and expired at the end of each school year. (SSUF Nos. 35, 37). No
22 teacher was guaranteed employment for the following school year. (SSUF No. 39).
23 Plaintiff was not offered an employment contract for the 2014-2015 school year.
24 (SSUF No. 106). Plaintiff was notified that she would not be offered an employment
25 contract for the 2014-2015 school year. (SSUF No. 106).

26 Like in *Touchstone*, Plaintiff was not fired, discharged or terminated. She
27 completed the entire school year of 2012-2013 and was compensated for the entire
28 year. (SSUF No. 104). In March 2014, per Plaintiff's employment contract,

1 Defendant elected to not renew Plaintiff's employment contract for the following
 2 2014-2015 school year. (SSUF No. 106). Plaintiff had no expectation for continued
 3 employment. (SSUF No. 39). As such, Plaintiff's sixth cause of action fails as a
 4 matter of law.

5 **VIII. CONCLUSION**

6 Based on the foregoing, Defendant respectfully requests this Court GRANT
 7 summary judgment or, in the alternative partial summary judgment, in its favor and
 8 against Plaintiff in relation to all sixth of her claims. No genuine issue of any material
 9 fact exists entitling Plaintiff to relief under the ADA as a matter of law.

10
 11 DATED: October 6, 2016

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
California non-profit corporation;
and DOES 1-50, inclusive,

Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

**[PROPOSED] ORDER RE MOTION
BY DEFENDANT FOR SUMMARY
JUDGMENT OR ALTERNATIVELY,
PARTIAL SUMMARY JUDGMENT
AGAINST PLAINTIFF**

*[Filed and Served Concurrently with
Notice of Motion and Motion for
Summary Judgment or, in the Alternative,
Partial Summary Judgment, Separate
Statement of Uncontroverted Facts and
Conclusions of Law, Declaration of
Veronica Fermin and Supporting
Exhibits, [proposed] Judgment]*

Complaint Filed: 06/05/2015
Trial Date: 01/10/2017

[PROPOSED] ORDER

The Motion of Defendant, ST. JAMES CATHOLIC SCHOOL (hereinafter “Defendant”) for summary judgment or, in the alternative, partial summary judgment against Plaintiff, KRISTEN BIEL (hereinafter “Plaintiff”), was taken under

1 submission by the Honorable Terry J. Hatter, Jr.

2 Plaintiff seeks to recover from Defendant in relation to her claims of disability
3 discrimination and retaliation under the Americans with Disabilities Act of 1991,
4 42 U.S.C. § 12101 et seq. (hereinafter “ADA”). Specifically, Plaintiff asserts six
5 causes of action as follows: (1) Disability Discrimination; (2) Retaliation, (3) Failure
6 to Provide Reasonable Accommodation; and (4) Failure to Engage in the Interactive.
7 Plaintiff further asserts causes of action for Failure to Prevent Discrimination and
8 Wrongful Termination in Violation of the ADA. Each of Plaintiff’s six causes of
9 action must fail as a matter of law because there is no genuine dispute as to any
10 material fact entitling her to relief under the ADA.

11 **THEREFORE, IT IS SO ORDERED, AJUDGED, AND DECREED:**

12 ☐ That Defendant is entitled to summary judgment as a matter of law and
13 that Plaintiff shall take nothing by reason of her Complaint as against Defendant.

14 **IN THE ALTERNATIVE,**

15 ☐ Defendant is entitled to summary judgment as a matter of law as to
16 Plaintiff’s first cause of action for Disability Discrimination based on the ADA.

17 ☐ Defendant is entitled to summary judgment as a matter of law as to
18 Plaintiff’s second cause of action for Retaliation based on the ADA.

19 ☐ Defendant is entitled to summary judgment as a matter of law as to
20 Plaintiff’s third cause of action for Failure to Provide Reasonable Accommodation
21 based on the ADA.

22 ☐ Defendant is entitled to summary judgment as a matter of law as to
23 Plaintiff’s fourth cause of action for Failure to Engage in the Interactive Process based
24 on the ADA.

25 ☐ Defendant is entitled to summary judgment as a matter of law as to
26 Plaintiff’s fifth cause of action for Failure to Prevent Discrimination.

27 ///

28 ///

1 ☐ Defendant is entitled to summary judgment as a matter of law as to
2 Plaintiff's sixth cause of action for Wrongful Termination in violation of the ADA.

3 **IT IS SO ORDERED.**

4
5 DATED: _____

6 THE HONORABLE TERRY J. HATTER, JR.
7 United States District Judge
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
California non-profit corporation;
and DOES 1-50, inclusive,

Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

**[PROPOSED] JUDGMENT RE
MOTION BY DEFENDANT FOR
SUMMARY JUDGMENT OR
ALTERNATIVELY, PARTIAL
SUMMARY JUDGMENT AGAINST
PLAINTIFF**

*[Filed and Served Concurrently with
Notice of Motion and Motion for
Summary Judgment or, in the Alternative,
Partial Summary Judgment, Separate
Statement of Uncontroverted Facts and
Conclusions of Law, Declaration of
Veronica Fermin and Supporting
Exhibits, [proposed] Order]*

Complaint Filed: 06/05/2015

Trial Date: 01/10/2017

[PROPOSED] JUDGMENT

The Motion of Defendant, ST. JAMES CATHOLIC SCHOOL (hereinafter “Defendant”) for summary judgment or, in the alternative, partial summary judgment against Plaintiff, PATRICIA L. HARRISON (hereinafter “Plaintiff”), was taken under

1 submission by the Honorable Terry J. Hatter, Jr.

2 The evidence presented having been fully considered, the issues having been
3 duly heard, and a decision having been duly rendered, **IT IS HEREBY ORDERED**
4 **AND ADJUDGED** that Plaintiff take nothing from her Complaint, that the action be
5 dismissed on the merits as to this Plaintiff and that Defendant recover its costs.

6
7 DATED: _____

8 THE HONORABLE TERRY J. HATTER, JR.
9 United States District Judge
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
California non-profit corporation;
and DOES 1-50, inclusive,

Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
Magistrate Judge: Alka Sagar

**DEFENDANT'S SEPARATE
STATEMENT OF
UNCONTROVERTED FACTS AND
CONCLUSIONS OF LAW**

*[Filed and Served Concurrently with
Defendant's Notice of Motion and Motion
for Summary Judgment or, in the
Alternative, Partial Summary Judgment,
Declaration of Veronica Fermin and
Supporting Exhibits, [proposed] Order,
[proposed] Judgment]*

Date: November 7, 2016

Time: UNDER SUBMISSION

Complaint Filed: 06/05/2015

Trial Date: 01/10/2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendant, ST. JAMES CATHOLIC SCHOOL hereby submits its Separate Statement of Uncontroverted Facts and Conclusions of Law in support of its Motion for Summary Judgment, or alternatively Partial Summary Judgment against Plaintiff,

KRISTEN BIEL (hereinafter “Plaintiff”).

I. STATEMENT OF UNCONTROVERTED FACTS

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
|---|---|
| <p>1. St. James Catholic School (“St. James” or the “School”) is a private, Catholic elementary school in Torrance, CA.</p> <p>Kreuper Declaration (“decl.”) ¶ 3; Sister Mary Margaret Kreuper Deposition (“Kreuper depo.” 11:3-12; Plaintiff depo., 24:7-8).</p> | <p>1.</p> |
| <p>2. St. James School is the parish school for St. James Catholic Church in Redondo Beach and, as such, is a religious, non-profit organization.</p> <p>(Kreuper depo., 11:10-14).</p> | <p>2.</p> |
| <p>3. St. James School operates as part of the overall ministry of St. James Catholic Church in Redondo Beach, CA.</p> <p>(Kreuper decl. ¶ 3)</p> | <p>3.</p> |
| <p>4. In other words, the school is one of several ministries that comprises the St. James Catholic Church parish.</p> <p>(Kreuper decl. ¶ 3)</p> | <p>4.</p> |
| <p>5. The School offers kindergarten through eighth grade with only</p> | <p>5.</p> |

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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | one class per grade level. | |
| 4 | (Kreuper depo., 20:7-12). | |
| 5 | | |
| 6 | 6. For the past 27 years, Sister Mary has been the principal of the School. She is a vowed member of a religious congregation of the Roman Catholic Church. | 6. |
| 7 | | |
| 8 | | |
| 9 | (Kreuper depo., 11:19-22, Kreuper decl., ¶ 1). | |
| 10 | | |
| 11 | 7. The mission of St. James is to develop and promote a Catholic school faith community within the philosophy of Catholic education n as implemented at the School, and the doctrines, laws, and norms of the Catholic Church. | 7. |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | (Kreuper decl. ¶ 5; Plaintiff's depo., 24:11-13,15-20). | |
| 17 | | |
| 18 | | |
| 19 | 8. This above stated mission is outlined in every teachers' employment contract with the School. | 8. |
| 20 | | |
| 21 | | |
| 22 | (Kreuper decl. ¶ 5). | |
| 23 | | |
| 24 | 9. All duties and responsibilities of each teacher at St. James are to be performed within the School's overriding commitment to developing its faith. | 9. |
| 25 | | |
| 26 | | |
| 27 | (Kreuper decl. ¶ 5). | |
| 28 | | |

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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | 10. Sister Mary strongly prefers that | 10. |
| 4 | the teachers at St. James be | |
| 5 | practicing Catholics. | |
| 6 | (Kreuper decl. ¶ 5). | |
| 7 | 11. In March 2013, Plaintiff was hired | 11. |
| 8 | by Sister Mary as a part-time | |
| 9 | substitute teacher for the first | |
| 10 | grade. | |
| 11 | (Plaintiff depo., 14:5-11, 14:18-15:7). | |
| 12 | 12. In this capacity, Plaintiff taught | 12. |
| 13 | the first grade two days per week | |
| 14 | while the regular first grade | |
| 15 | teacher was on maternity leave. | |
| 16 | (Plaintiff depo., 14:18-15:7). | |
| 17 | 13. Plaintiff's part-time position at St. | 13. |
| 18 | James ended four months later in | |
| 19 | June 2013. | |
| 20 | (Plaintiff depo., 14:5-9). | |
| 21 | 14. After Plaintiff's part-time position | 14. |
| 22 | ended in June 2013, Sister Mary | |
| 23 | hired Plaintiff as the full-time 5th | |
| 24 | grade teacher for the 2013-2014 | |
| 25 | school year. | |
| 26 | (Plaintiff depo., 17:13-25). | |
| 27 | 15. As the principal of the School, | 15. |
| 28 | Sister Mary was the supervisor for | |
| | all teachers including Plaintiff. | |
| | (Plaintiff depo., 17:3-8; Kreuper depo., | |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
|--|---|
| 11:19-22). | |
| <p>16. As a teacher at St. James, Plaintiff was required to perform her duties in conformity with the School's overriding mission of promoting and developing the Catholic faith, as required in her employment contract.</p> <p>(Kreuper decl., ¶ 6; Plaintiff depo. 26:13-17).</p> | 16. |
| <p>17. Every teacher at St. James was required to pray with their students every day.</p> <p>(Kreuper decl. ¶ 9).</p> | 17. |
| <p>18. Plaintiff is Catholic.</p> <p>(Plaintiff depo., 24:9-10).</p> | 18. |
| <p>19. As a Catholic, she prayed with her students every day both in the morning and at the end of each day.</p> <p>(Plaintiff depo., 25:5-10).</p> | 19. |
| <p>20. Plaintiff prayed Catholic prayers with her students including The Lord's Prayer and the Hail Mary Prayer.</p> <p>(Plaintiff depo., 25:16-26:1).</p> | 20. |
| <p>21. In addition, Plaintiff attended school Mass every month with her</p> | 21. |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
|--|---|
| <p>students where she also prayed with them and where they occasionally presented the Eucharistic gifts.</p> <p>(Plaintiff depo., 29:9-15, 31:20-23, 32:1-11).</p> | |
| <p>22. In regards to the 5th grade curriculum, Plaintiff's duties included incorporating the Catholic faith into the students' every day curriculum.</p> <p>(Kreuper decl., ¶ 5; Plaintiff depo., 24:11-14; 24:21-25:4; 26:18-22; 37:17-39:8, 40:4-18).</p> | 22. |
| <p>23. Plaintiff taught the subject of Religion to her students four days per week.</p> <p>(Plaintiff depo., 26:18-24).</p> | 23. |
| <p>24. In fact, she was required to dedicate a minimum of 200 minutes every week to the subject of Religion.</p> <p>(Kreuper decl., ¶ 7; Plaintiff depo., 30:3-31:9).</p> | 24. |
| <p>25. The curriculum for the Religion course was grounded upon the norms and doctrines of the Catholic Faith, including, the sacraments of the Catholic Church, social teachings according</p> | 25. |

| UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
|---|---|
| <p>to the Catholic Church, morality, the history of Catholic saints, Catholic prayers, and the overall Catholic way of life.</p> <p>(Kreuper decl., ¶ 7; Plaintiff depo., 27:22-28:1, 28:9-29:3, 30:3-31:9, 37:17-39:8, 40:4-18).</p> | |
| <p>26. For instance, Plaintiff taught her students the stories from the Bible, including the story of Jesus Christ.</p> <p>(Plaintiff depo., 27:22-28:1).</p> | 26. |
| <p>27. She also taught her students the significance of the Lent season, the Last Supper, Easter, the Eucharist, and Reconciliation.</p> <p>(Plaintiff depo., 28:9-29:3, 67:5-68:10).</p> | 27. |
| <p>28. As a teaching guide for this course, Plaintiff used a Catholic textbook entitled "Coming to God's Life."</p> <p>(Kreuper decl. ¶ 7; Plaintiff depo., 27:5-21, 28:2-3, 64:14-24).</p> | 28. |
| <p>29. She also gave weekly tests to her students from this textbook.</p> <p>(Plaintiff depo., 29:4-8).</p> | 29. |
| <p>30. Moreover, Plaintiff was required to incorporate Catholic values and traditions throughout all subject areas, not just during the Religion</p> | 30. |

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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | course. | |
| 4 | (Kreuper decl., ¶ 8; Plaintiff depo., | |
| 5 | 40:15-18). | |
| 6 | 31. In fact, two standard requirements | 31. |
| 7 | included in the School's teacher | |
| 8 | evaluation report were 1) | |
| 9 | incorporating "signs, sacramental, | |
| 10 | traditions of the Roman Catholic | |
| 11 | Church in the classroom," and 2) | |
| 12 | infusing "Catholic values through | |
| 13 | all subject areas." | |
| 14 | (Kreuper decl., ¶ 8; Plaintiff depo., | |
| 15 | 37:6-21, 38:17-39:8, 40:15-18). | |
| 16 | 32. For example, on November 12, | 32. |
| 17 | 2013, Plaintiff was evaluated on | |
| 18 | these factors when teaching the | |
| 19 | subject of Math. | |
| 20 | (Kreuper decl., ¶ 8; Plaintiff depo., 37:6- | |
| 21 | 21, 38:17-39:8, 40:15-18). | |
| 22 | 33. In order to prepare her teachers as | 33. |
| 23 | religious educators and to develop | |
| 24 | their skills, Sister Mary required | |
| 25 | each teacher, including Plaintiff, to | |
| 26 | attend a Catholic education | |
| 27 | conference called the Los Angeles | |
| 28 | Religious Education Congress. | |
| | (Kreuper decl., ¶ 10; Plaintiff 33:22-24, | |
| | 35:2-12). | |
| | 34. At this conference, the teachers | 34. |
| | learned different methods and | |
| | techniques in incorporating God | |

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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | into their teachings to enable them | |
| 4 | to become better religious | |
| 5 | educators. | |
| 6 | (Kreuper decl., ¶ 10; Plaintiff 33:22-24, 35:2-12). | |
| 7 | | |
| 8 | 35. At St. James, every teacher's | 35. |
| 9 | employment was governed by an | |
| 10 | annual written employment | |
| 11 | agreement. | |
| 12 | (Kreuper decl., ¶ 5; Plaintiff depo., 18:8-25, 19:6-20, 20:11-14, 20:23- 21:3). | |
| 13 | | |
| 14 | 36. This employment agreement was | 36. |
| 15 | created and distributed to the | |
| 16 | Catholic schools within the | |
| 17 | Archdiocese of Los Angeles by | |
| 18 | the Department of Catholic | |
| 19 | Schools. | |
| 20 | (Kreuper decl., ¶ 5). | |
| 21 | | |
| 22 | 37. According to the employment | 37. |
| 23 | agreement, every teacher's | |
| 24 | employment was on an annual | |
| 25 | basis, meaning employment | |
| 26 | started at the beginning of every | |
| 27 | school year and expired at the end | |
| 28 | of each school year. | |
| | (Kreuper decl., ¶ 5; Plaintiff depo., 19:6-15). | |
| | | |
| | 38. The school principal had the sole | 38. |
| | discretion to decide whether to | |
| | offer subsequent annual | |

| | | |
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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | employment agreements to each | |
| 4 | teacher for the following school | |
| 5 | year. | |
| 6 | (Kreuper decl., ¶ 5; Plaintiff depo., 21:24-22:2). | |
| 7 | | |
| 8 | 39. No teacher was guaranteed | 39. |
| 9 | employment for the following | |
| 10 | school year. | |
| 11 | (Kreuper decl. ¶ 5; Plaintiff depo., 22:17-20). | |
| 12 | | |
| 13 | 40. Under the faculty employment | 40. |
| 14 | agreement, each teacher was | |
| 15 | required to “model, teach, and | |
| 16 | promote behavior in conformity to | |
| 17 | the teaching of the Roman Catholic Church.” | |
| 18 | (Kreuper decl., ¶ 6). | |
| 19 | | |
| 20 | 41. In addition, every teacher was to | 41. |
| 21 | perform their duties and | |
| 22 | responsibilities in conformance | |
| 23 | with the school’s overall mission | |
| 24 | to “develop and promote a | |
| 25 | Catholic School Faith Community | |
| 26 | within the philosophy of Catholic | |
| 27 | education as implemented at the | |
| 28 | School, and the doctrines, laws, and norms of the Catholic Church.” | |
| | (Kreuper decl., ¶ 6). | |
| | | |
| | 42. On May 24, 2013, Plaintiff signed | 42. |
| | a standard teacher employment | |

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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | contract for the 2013-2014 school | |
| 4 | year. | |
| 5 | (Plaintiff depo., 18:4-15, 19:3-20; | |
| 6 | Kreuper decl., ¶ 6). | |
| 7 | 43. Per her contract, Plaintiff's | 43. |
| 8 | employment began on August 26, | |
| 9 | 2013 and ended on June 30, 2014. | |
| 10 | (Plaintiff depo., 19:3-20; Kreuper decl., | |
| 11 | ¶ 6). | |
| 12 | 44. Plaintiff's first full-time teaching | 44. |
| 13 | position was her position as the 5 th | |
| 14 | grade teacher at St. James for the | |
| 15 | 2013-2014 school year. | |
| 16 | (Plaintiff depo., 59:5-7). | |
| 17 | 45. Prior to Plaintiff's position at St. | 45. |
| 18 | James, Plaintiff had never been | |
| 19 | responsible for teaching a class on | |
| 20 | her own. | |
| 21 | (Plaintiff depo., 59:8-10). | |
| 22 | 46. St. James School operates on a | 46. |
| 23 | semester basis. | |
| 24 | (Kreuper depo., 107:6-9). | |
| 25 | 47. From the first semester to | 47. |
| 26 | Plaintiff's last day of employment | |
| 27 | in May 2014, Sister Mary had | |
| 28 | concerns regarding Plaintiff's | |
| | work performance, including | |
| | Plaintiff's classroom management | |
| | and her failure to follow school | |

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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | policies and procedures. | |
| 4 | (Kreuper depo., 72:7-21). | |
| 5 | | |
| 6 | 48. Within two weeks of the 2013- | 48. |
| 7 | 2014 school year, Sister Mary | |
| 8 | noticed that Plaintiff had difficulty | |
| 9 | keeping her classroom organized | |
| 10 | and controlling her classroom | |
| 11 | noise level. | |
| 12 | (Kreuper depo., 72:16-21, 73:14-75:11, | |
| 13 | 76:23-77:5, 79:4-17, 101:23-102:5, | |
| 14 | 105:11-13; Plaintiff depo., 57:24-58:4). | |
| 15 | | |
| 16 | 49. Sister Mary often observed a | 49. |
| 17 | chaotic classroom environment | |
| 18 | with clutter on and around | |
| 19 | students' desks, and students out | |
| 20 | of their seats talking with other | |
| 21 | students. | |
| 22 | (Kreuper depo., 73:14-21, 74:18-75:11, | |
| 23 | 79:11-17, 101:23-102:5, 106:6-12). | |
| 24 | | |
| 25 | 50. Sister Mary verbally counseled | 50. |
| 26 | Plaintiff from the beginning of the | |
| 27 | school year regarding her issues | |
| 28 | with classroom management. | |
| | (Kreuper depo., 101:23-102:5, 104:13- | |
| | 19, 105:11-13, 106:17-19). | |
| | | |
| | 51. On November 12, 2013, Sister | 51. |
| | Mary completed a formal | |
| | classroom observation report after | |
| | observing Plaintiff teach the | |
| | subject of Math to her students. | |

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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | (Kreuper depo., 90:5-15, 90:22-24; 4 Plaintiff's depo., 37:6-21, 38:1-6). | |
| 5 | 52. In this observation report, Sister 6 Mary noted that there were many 7 items on the students' desks and 8 that Plaintiff needed to work on 9 organization in the classroom. 10 (Kreuper depo., 93:5-94:4; Plaintiff 11 depo., 40:19-41:1). | 52. |
| 12 | 53. In addition, to this observation 13 report, Sister Mary also verbally 14 counseled Plaintiff on multiple 15 occasions throughout the school 16 year regarding keeping her 17 classroom organized and 18 controlling the noise level. 19 (Plaintiff depo., 41:10-19, 42:3-7, 20 57:24-58:13, 71:15-18, 113:24-114:8; 21 Kreuper depo., 82:16-25, 83:1-13, 22 97:16-25). | 53. |
| 23 | 54. However, Plaintiff failed to 24 improve her issues with classroom 25 management throughout the 26 school year. 27 (Kreuper depo., 83:1-13, 106:5-12). | 54. |
| 28 | 55. In Plaintiff's classroom, students were required to write their names in a designated notebook located in the classroom every time they had a behavior issue and/or missed assignment. | 55. |

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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | (Plaintiff depo., 52:8-53:10). | |
| 4 | 56. These “work habits” were | 56. |
| 5 | reviewed at the end of the week | |
| 6 | and were also taken into account at | |
| 7 | the end of the trimester when | |
| 8 | Plaintiff submitted report cards. | |
| 9 | (Plaintiff depo., 53:11-15). | |
| 10 | 57. Students logged a “work habit” | 57. |
| 11 | when they failed to turn in their | |
| 12 | homework. | |
| 13 | (Kreuper depo., 72:22-73:7; Plaintiff | |
| 14 | depo., 53:2-5). | |
| 15 | 58. The purpose of the “work habit” | 58. |
| 16 | procedure was to keep track of the | |
| 17 | students’ missed homework | |
| 18 | assignments. | |
| 19 | (Kreuper depo., 72:22-73:7). | |
| 20 | 59. If the students missed more than | 59. |
| 21 | five homework assignments, they | |
| 22 | were required to sit in a specific | |
| 23 | room to do their homework. | |
| 24 | (Kreuper depo., 72:22-73:4). | |
| 25 | 60. Depending on the situation, | 60. |
| 26 | Plaintiff allowed her students to | |
| 27 | erase their names from the | |
| 28 | homework notebook if they | |
| | submitted their homework a day | |
| | late. | |
| | (Kreuper depo., 72:22-73:10, 80:13-20, | |

| | | |
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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | Plaintiff depo., 55:4-22). | |
| 4 | 61. From the beginning of the school | 61. |
| 5 | year, Sister Mary verbally | |
| 6 | counseled Plaintiff regarding her | |
| 7 | practice of allowing students to | |
| 8 | erase their names from the | |
| 9 | homework notebook. | |
| 10 | (Kreuper depo., 80:13-20, 101:8-16, 104:13-19; Plaintiff depo., 53:16-22, 54: 1-15, 114:9-17, 114:21-115:6). | |
| 11 | 62. At St. James School, students were | 62. |
| 12 | not permitted to re-take exams in | |
| 13 | order to obtain a higher grade. | |
| 14 | (Kreuper decl. ¶ 11; Plaintiff depo., 47:11-13). | |
| 15 | | |
| 16 | 63. Sister Mary learned that Plaintiff | 63. |
| 17 | allowed her students to re-take | |
| 18 | exams if they were not satisfied | |
| 19 | with a prior grade on the exam. | |
| 20 | (Kreuper decl. ¶ 11). | |
| 21 | 64. In addition, Sister Mary required | 64. |
| 22 | Plaintiff to inform the students' | |
| 23 | parents of the exam schedule in | |
| 24 | order for the parents to help | |
| 25 | prepare the children. | |
| 26 | (Kreuper decl. ¶ 12). | |
| 27 | 65. Sister Mary learned that Plaintiff | 65. |
| 28 | failed to communicate the | |
| | students' test schedule to the | |
| | parents. | |

| | | |
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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | (Kreuper decl. ¶ 12; Plaintiff depo., 4 51:11-22). | |
| 5 | 66. In preparation for exams, 6 Plaintiff's students were required 7 to complete study guides. 8 (Kreuper decl., ¶ 13; Plaintiff depo., 9 66:2-5). | 66. |
| 10 | 67. Plaintiff was required to correct 11 the students' study guides prior to 12 the exams so that they could study 13 accurate study guides in 14 preparation for the exams. (Kreuper depo., 113:8-12; Plaintiff 15 depo., 66:21-25, 68:23-70:16). | 67. |
| 16 | 68. However, Plaintiff failed to correct 17 her students' study guides prior to 18 exams causing incorrect answers 19 on the exams. (Kreuper depo., 113:8-12). | 68. |
| 20 | 69. Sister Mary verbally counseled 21 Plaintiff regarding her failure to 22 correct the study guides 23 throughout the school year. 24 (Kreuper decl., ¶ 12; Kreuper depo., 25 106:20-21; Plaintiff depo., 66:21-25, 26 68:19-69:23). | 69. |
| 27 | 70. Plaintiff was also required to teach 28 from a workbook titled Simple Solutions. | 70. |

| | | |
|----|--|---|
| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | (Kreuper depo., 119:16-120:7; Kreuper 4 decl., ¶ 14; Plaintiff depo., 44:18-20). | |
| 5 | 71. In the fall of 2013, Sister Mary 6 learned that Plaintiff was not using 7 the workbook as she had asked. 8 (Kreuper decl., ¶ 14). | 71. |
| 9 | 72. Again, Sister Mary instructed 10 Plaintiff on numerous occasions to 11 use the Simple Solutions 12 workbook when teaching her 13 students. (Kreuper decl., ¶ 14). | 72. |
| 14 | 73. Throughout the 2013-2014 school 15 year, Sister Mary met with 16 Plaintiff in her office on a regular 17 basis to discuss her lesson plans 18 for the upcoming week, and her 19 various issues and struggles in the 20 classroom. (Kreuper depo., 82:23-83:7, Plaintiff 21 depo., 108:2-15). | 73. |
| 22 | 74. During the first trimester, Sister 23 Mary met with Plaintiff every two 24 weeks. (Kreuper depo. 82:23-25). | 74. |
| 25 | 75. Plaintiff failed to improve on the 26 issues Sister Mary counseled her 27 on, namely, the chaotic classroom 28 environment. | 75. |

| | | |
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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | (Kreuper depo., 83:8-13). | |
| 4 | 76. By January 2014, Sister Mary met | 76. |
| 5 | with Plaintiff in her office once | |
| 6 | every week and sometimes twice a | |
| 7 | week to discuss Plaintiff's | |
| 8 | performance issues. | |
| 9 | (Kreuper depo., 109:7-19; Kreuper decl., ¶ 15; Plaintiff depo., 44:21-45:8). | |
| 10 | 77. From November 2013 to May | 77. |
| 11 | 2014, Sister Mary met with | |
| 12 | Plaintiff and took handwritten | |
| 13 | notes memorializing the | |
| 14 | performance issues she discussed | |
| 15 | with Plaintiff at each of these | |
| 16 | meetings. | |
| 17 | (Kreuper depo., 101:2-5, 109:7-19; Kreuper decl., ¶ 15). | |
| 18 | 78. Initially, Sister Mary wrote down | 78. |
| 19 | the issues Plaintiff needed | |
| 20 | improvement on, and every time | |
| 21 | they discussed and revisited the | |
| 22 | issue, she placed a checkmark next | |
| 23 | to it. | |
| 24 | (Kreuper, depo., 99:5-100:2, 101:2-5, 101:12-102:5, 105:14-18, 115:24- 116:7; Kreuper decl., ¶ 15). | |
| 25 | 79. The recurring issues discussed | 79. |
| 26 | with Plaintiff during these | |
| 27 | meetings included: | |
| 28 | The level of noise in the classroom. Per Sister Mary's | |

| | | |
|----|--|---|
| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | handwritten notes, she discussed | |
| 4 | this issue with Plaintiff on at least | |
| 5 | six occasions. | |
| 6 | (Kreuper depo., 101:20-102:5, 105:8-13, | |
| 7 | 106:5-12; Kreuper decl., ¶ 15; Plaintiff | |
| 8 | depo., 57:24-25). | |
| 9 | 80. The recurring issues discussed | 80. |
| 10 | with Plaintiff during these | |
| 11 | meetings included: | |
| 12 | The condition of the classroom. Per | |
| 13 | Sister Mary's handwritten notes, she | |
| 14 | discussed this issue with Plaintiff on at | |
| 15 | least nine occasions. | |
| 16 | (Kreuper depo., 104:13-19, 106:17-19; | |
| 17 | Kreuper decl., ¶ 15; Plaintiff depo., | |
| 18 | 40:22-42:7, 43:11-16). | |
| 19 | 81. The recurring issues discussed | 81. |
| 20 | with Plaintiff during these | |
| 21 | meetings included: | |
| 22 | Permitting students to erase their work | |
| 23 | habits for missed homework | |
| 24 | assignments. Per Sister Mary's | |
| 25 | handwritten notes, she discussed this | |
| 26 | issue with Plaintiff on at least five | |
| 27 | occasions. | |
| 28 | (Kreuper depo., 101:12-22, 103:8-16, | |
| | 104:11-17, 105:23-106:4; Kreuper decl., | |
| | ¶ 15; Plaintiff depo., 53:16-54:10). | |
| | 82. The recurring issues discussed | 82. |
| | with Plaintiff during these | |
| | meetings included: | |

| | | |
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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | Informing parents of the test schedule. | |
| 4 | Per Sister Mary's handwritten notes, | |
| 5 | she discussed this issue with Plaintiff | |
| 6 | on at least two occasions. | |
| 7 | (Kreuper depo., 103:8-16; Kreuper | |
| 8 | decl., ¶ 15; Plaintiff depo., 51:5-22, | |
| 9 | 64:1-9). | |
| 10 | 83. The recurring issues discussed | 83. |
| 11 | with Plaintiff during these | |
| 12 | meetings included: | |
| 13 | The issue with regarding to giving | |
| 14 | accurate study guides to the students. | |
| 15 | Per Sister Mary's handwritten notes, | |
| 16 | she discussed this issue with Plaintiff | |
| 17 | on at least two occasions. | |
| 18 | (Kreuper depo., 106:20-21, Kreuper | |
| 19 | decl., ¶ 15; Plaintiff depo., 66:21-25, | |
| 20 | 68:23-70:16). | |
| 21 | 84. Sister Mary made a note during | 84. |
| 22 | her meetings with Plaintiff that | |
| 23 | Plaintiff did not want to "take | |
| 24 | accountability for the students' | |
| 25 | behavior." | |
| 26 | (Kreuper depo., 106:5-12). | |
| 27 | 85. During these meetings, Sister | 85. |
| 28 | Mary also went over Plaintiff's | |
| | weekly lesson plans for each | |
| | upcoming school week. | |
| | (Kreuper depo., 82:23-83:4). | |
| | 86. Sister Mary would make | 86. |

| | | |
|----|--|---|
| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | comments and suggestions on | |
| 4 | Plaintiff's lesson plans regarding | |
| 5 | persistent classroom issues. | |
| 6 | (Plaintiff depo., 62:11-18, 62:23-63:9; | |
| 7 | Kreuper depo., 152:13-23). | |
| 8 | 87. Sister Mary made the following | 87. |
| 9 | notations on Plaintiff's lesson | |
| 10 | plans: | |
| 11 | Week of September 23-27, 2013- "Be | |
| 12 | sure to let the students know the test | |
| 13 | schedule." | |
| 14 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| 15 | 61:22-62:3, 64:1-5) | |
| 16 | 88. Sister Mary made the following | 88. |
| 17 | notations on Plaintiff's lesson | |
| 18 | plans: | |
| 19 | Week of November 4-8, 2013- "Be sure | |
| 20 | to do study guides together and correct." | |
| 21 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| 22 | 65:6-24) | |
| 23 | 89. Sister Mary made the following | 89. |
| 24 | notations on Plaintiff's lesson | |
| 25 | plans: | |
| 26 | Week of January 20-24, 2014- "Be sure | |
| 27 | to correct study guides." | |
| 28 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| | 68:16-69:14). | |
| | 90. Sister Mary made the following | 90. |
| | notations on Plaintiff's lesson | |
| | plans: | |

| | | |
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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | Week of January 27-31, 2014- | |
| 4 | “Remember we have talked about ‘things’ on desk.” | |
| 5 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| 6 | 70:21-71:6, 71:15-18). | |
| 7 | 91. Sister Mary made the following | 91. |
| 8 | notations on Plaintiff’s lesson | |
| 9 | plans: | |
| 10 | Week of February 17-21, 2014- “Be sure | |
| 11 | to correct [study guides] so the students | |
| 12 | will have something to study correctly.” | |
| 13 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| 14 | 71:19-72:11). | |
| 15 | 92. Sister Mary made the following | 92. |
| 16 | notations on Plaintiff’s lesson | |
| 17 | plans: | |
| 18 | Week of March 3-7, 2014- “Be sure that | |
| 19 | SG are corrected.” | |
| 20 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| 21 | 72:15-22, 74:10-19). | |
| 22 | 93. Sister Mary made the following | 93. |
| 23 | notations on Plaintiff’s lesson | |
| 24 | plans: | |
| 25 | Week of April 28-May 2, 2014- | |
| 26 | “Remember about things on desks.” | |
| 27 | (Kreuper decl., ¶ 16; Plaintiff depo., | |
| 28 | 74:24-75:4, 76:4-9). | |
| | 94. Sister Mary expressed her | 94. |
| | concerns regarding Plaintiff’s | |
| | classroom management and | |
| | teaching practices as late as May | |

| | | |
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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | 2014. | |
| 4 | (Plaintiff's depo., 76:4-17). | |
| 5 | | |
| 6 | 95. During the 2013-2014 school year, several parents voiced their complaints regarding Plaintiff's teaching style to Sister Mary. | 95. |
| 7 | | |
| 8 | (Kreuper depo., 111:25-112:23, 113:1- 12; Janelle O'Dowd depo. (O'Dowd depo.), 20:20-21:8; 38:3-21). | |
| 9 | | |
| 10 | | |
| 11 | 96. The majority of the parent complaints stemmed from Plaintiff's lack of structure in the classroom. | 96. |
| 12 | | |
| 13 | | |
| 14 | (Kreuper depo., 111:25-112:23, 113:1- 12, 158:13-159:4). | |
| 15 | | |
| 16 | 97. Sister Mary also received negative feedback from other teachers at St. James regarding Plaintiff's classroom management, including the noise level of the class. | 97. |
| 17 | | |
| 18 | | |
| 19 | (Kreuper depo., 114:15-24, 158:13- 159:4; O'Dowd depo., 20:20-21:8; 38:3- 21; Kathleen McDermott depo. (McDermott depo.), 30:23-31:12, 35:4- 12); Lana Chang, depo. (27:14-29:5, 30:1-14, 37:20-38:14). | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | 98. In March 2014, Sister Mary decided that she would not offer Plaintiff an employment contract for the 2014-2015 school year. | 98. |
| 24 | | |
| 25 | | |
| 26 | (Kreuper depo., 119:9-15). | |
| 27 | | |
| 28 | 99. She came to this decision based on the fact that Plaintiff failed to | 99. |

| | | |
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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | follow Sister Mary's guidance and | |
| 4 | abide by the policies and | |
| 5 | procedures of the School despite | |
| 6 | their numerous counseling | |
| 7 | sessions. | |
| 8 | (Kreuper depo., 119:16-120:7, 156:17- | |
| 9 | 157:1). | |
| 10 | | |
| 11 | 100. From January 2014 to April 2014, | 100. |
| 12 | Sister Mary told Plaintiff on | |
| 13 | several occasions that it would be | |
| 14 | difficult to offer her an | |
| 15 | employment contract for the | |
| 16 | following school year. | |
| 17 | (Kreuper depo., 120:10-121:3, 130:10- | |
| 18 | 17). | |
| 19 | | |
| 20 | 101. In April 2014, following Easter | 101. |
| 21 | break, Plaintiff told Sister Mary | |
| 22 | that she believed she had breast | |
| 23 | cancer and would need to undergo | |
| 24 | some tests. | |
| 25 | (Kreuper depo., 124:14-25). | |
| 26 | | |
| 27 | 102. Sister Mary was sympathetic to | 102. |
| 28 | Plaintiff's situation as she was | |
| | also diagnosed with breast cancer | |
| | in 2010, underwent a surgical | |
| | procedure to treat her condition, | |
| | and remained in continued | |
| | treatment thereafter. | |
| | (Kreuper decl., ¶ 17). | |
| | | |
| | 103. Plaintiff then informed Sister | 103. |
| | Mary that May 22, 2014 would be | |
| | her last day of work so that she | |
| | could receive medical treatment. | |
| | (Kreuper depo., 127:3-4, 127:14-20). | |

| | | |
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| 1 | UNCONTROVERTED MATERIAL FACTS AND THE SUPPORTING EVIDENCE | OPPOSING PARTY'S RESPONSE AND EVIDENCE |
| 2 | | |
| 3 | 104. Plaintiff continued to come to the | 104. |
| 4 | School to pick up papers to grade | |
| 5 | and check her mailbox and was | |
| 6 | compensated until the end of the | |
| 7 | school year. | |
| 8 | (Plaintiff depo., 23:9-18; 105:25- | |
| 9 | 106:18). | |
| 10 | | |
| 11 | 105. Every teacher's employment | 105. |
| 12 | contract at St. James states that the | |
| 13 | School will give written notice on | |
| 14 | May 15 of whether it intends to | |
| 15 | offer a new employment contract | |
| 16 | to the teacher for the following | |
| 17 | school year. | |
| 18 | (Kreuper depo. 135:24-136:7; Kreuper | |
| 19 | decl., ¶ 5). | |
| 20 | | |
| 21 | 106. On May 15, 2014, Sister Mary | 106. |
| 22 | wrote a letter to Plaintiff | |
| 23 | indicating that she could not offer | |
| 24 | Plaintiff an employment contract | |
| 25 | for the 2014-2015 school year | |
| 26 | based on work performance | |
| 27 | reasons and placed it in Plaintiff's | |
| 28 | mailbox at the School. | |
| | (Kreuper depo. 132:15-20, 133:25- | |
| | 134:2). | |
| | /// | |
| | /// | |
| | /// | |
| | /// | |
| | /// | |
| | /// | |
| | /// | |
| | /// | |

1 Based on the foregoing Uncontroverted Facts, the following Conclusions of
2 Law should be made:

3 **CONCLUSIONS OF LAW**

4 1. Defendant is a religious institution entitled to exemption under Title VII
5 and the Ministerial Exception.

6 2. Plaintiff was a “minister” for purposes of the Ministerial Exception and,
7 as such, she is barred from bringing forth claims based on her employment
8 relationship with Defendant.

9 3. The record reveals some other, nondiscriminatory reason for St. James’
10 decision to not offer Plaintiff an employment contract for the 2013-2014 school year.

11 4. Plaintiff cannot establish that St. James’ reasons for deciding not to offer
12 Plaintiff an employment contract for the 2013-2014 school year were pretextual.

13 5. There is no basis for liability for plaintiff’s fifth cause of action for
14 failure to prevent discrimination under the ADA.

15 6. There is no basis for liability for plaintiff’s sixth cause of action for
16 wrongful termination in violation of the ADA.

17
18 DATED: October 6, 2016

SULLIVAN, BALLOG & WILLIAMS, LLP

19
20 By: /s/ Veronica Fermin

21 Daniel R. Sullivan
22 Brian L. Williams
23 Michael S. Vasin
24 Veronica Fermin
25 Attorneys for Defendant ST. JAMES
26 CATHOLIC SCHOOL (erroneously sued
27 herein as St. James School, a corp.)
28

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8 Attorneys for Defendant ST. JAMES CATHOLIC SCHOOL (erroneously sued herein
 as St. James School, a corp.)

10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**

13 KRISTEN BIEL, an individual,

14 Plaintiff,

15 vs.

16 ST. JAMES SCHOOL, A CORP, a
 California non-profit corporation;
 17 and DOES 1-50, inclusive,

18 Defendants.

Case No. 2:15-cv-04248 TJH (ASx)

Assigned to: Hon. Terry J. Hatter, Jr.
 Magistrate Judge: Alka Sagar

**DECLARATION OF VERONICA
 FERMIN IN SUPPORT OF
 DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT OR, IN
 THE ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT AND
 EXHIBITS IN SUPPORT THEREOF**

*[Filed and Served Concurrently with
 Defendant's Notice of Motion and Motion
 for Summary Judgment or, in the
 Alternative, Partial Summary Judgment,
 Separate Statement of Uncontroverted
 Facts and Conclusions of Law,
 [proposed] Order, [proposed] Judgment]*

Date: November 7, 2016
 Time: UNDER SUBMISSION

Complaint Filed: 06/05/2015
 Trial Date: 01/10/2017

DECLARATION OF VERONICA FERMIN

I, VERONICA FERMIN, declare as follows:

1. That I am an attorney at law duly licensed to practice before all courts of the State of California, and an associate at the law firm of Sullivan, Ballog & Williams, LLP, attorneys of record for Defendant, ST. JAMES CATHOLIC SCHOOL (hereinafter "Defendant"). If called upon to testify as to the matters set forth herein, I could and would competently testify thereto.

2. I make this declaration in support of Defendant's Motion for Summary Judgment or, alternatively Partial Summary Judgment against Plaintiff, KRISTEN BIEL (hereinafter "Plaintiff").

3. Attached hereto as Exhibit "A" is a true and correct copy of the Declaration of Sister Mary Margaret Kreuper in support of Defendant's Motion for Summary Judgment or, alternatively Partial Summary Judgment against Plaintiff.

4. Attached hereto as Exhibit "B" is a true and correct copy of relevant portions of the deposition transcript of Plaintiff.

5. Attached hereto as Exhibit "C" is a true and correct copy of relevant portions of the deposition transcript of Sister Mary Margaret Kreuper.

6. Attached hereto as Exhibit "D" is a true and correct copy of relevant portions of the deposition transcript of Janelle O'Dowd.

7. Attached hereto as Exhibit "E" is a true and correct copy of relevant portions of the deposition transcript of Kathleen McDermott.

8. Attached hereto as Exhibit "F" is a true and correct copy of relevant portions of the deposition transcript of Lana Chang.

///

///

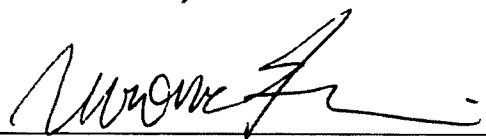
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1 9. Attached hereto as Exhibit "G" is a true and correct copy of my attempt
2 to meet and confer with Plaintiff's counsel regarding this Motion per Local Rule 7-3.

3 I declare under penalty of perjury under the laws of the state of California that
4 the foregoing is true and correct. Executed on this 5 day of October, 2016 in
5 Santa Ana, California.

6
7 
8 Veronica Fermin, Declarant

1 **DECLARATION OF MARY MARGARET KREUPER**

2 I, MARY MARGARET KREUPER, declare as follows:

3 1. I am currently the Principal at St. James Catholic Elementary School. I
4 have been the principal at St. James School for the past 27 years. I am a vowed
5 member of a religious congregation of the Roman Catholic Church. If called upon to
6 testify, I could and would competently do so under oath as to the truth of the matters
7 asserted herein.

8 2. I make this declaration in support of the Motion for Summary Judgment
9 or, in the alternative, Motion for Summary Adjudication made by Defendants in this
10 case.

11 3. St. James Catholic School is a private, Catholic elementary school
12 located in Torrance, CA that provides education rooted in Catholic values from
13 Kindergarten to the 8th grade level. It is the is the parish school for St. James Catholic
14 Church in Redondo Beach and, as such, is a religious, non-profit organization. It
15 operates as part of the overall ministry of St. James Catholic Church in Redondo
16 Beach, CA. In other words, the school is one of several ministries that comprises the
17 St. James Catholic Church parish.

18 4. During the 2013-2014 school year, Ms. Biel taught the 5th grade at St.
19 James Catholic School.

20 5. Every teacher employed at St. James Catholic School is required to sign
21 an employment agreement entitled, 'Faculty Employment Agreement-Elementary,
22 Department of Catholic Schools of the Archdiocese of Los Angeles.' This agreement,
23 which is distributed by the Archdiocese, outlines the terms and conditions of every
24 teacher's employment at St. James Catholic School. Every agreement outlines the
25 mission of St. James School, which is to develop and promote a Catholic school faith
26 community within the philosophy of Catholic education as implemented at the School,
27 and the doctrines, laws, and norms of the Catholic Church. It is also stated that all
28 duties and responsibilities of each teacher at St. James are to be performed within the

1 School's overriding commitment to developing its faith. Accordingly, it is my
2 preference that the teachers at St. James are practicing Catholics. Further, as stated in
3 each agreement, each teacher is employed on an annual basis with no guarantee of
4 renewal of the employment agreement for the following year. The Principal alone has
5 the sole discretion with respect to renewing or offering employment contracts. The
6 employment contract states that the School will give written notice on May 15 of the
7 present school year regarding whether it intends to offer a new employment contract
8 to the teacher for the following school year. Attached hereto as **Exhibit A-1** is a true
9 and correct copy of the employment agreement that governed Plaintiff's employment
10 for the 2013-2014 school year.

11 6. The job duties for every teacher are outlined in each employment
12 agreement. Each teacher is expected to "model, teach, and promote behavior in
13 conformity to the teaching the Roman Catholic Church." As stated in every teacher
14 employment agreement at St. James Catholic School, every teacher is expected to
15 model and promote behavior in conformity to the teachings of the Catholic Church in
16 faith and morals. Further, it is every teacher's duty to develop, promote, and
17 implement the Catholic faith through their daily teachings.

18 7. Plaintiff taught the subject of Religion to her students at least four days a
19 week. She was required to dedicate a minimum of 200 minutes every week to the
20 subject of Religion. The curriculum for the Religion course was grounded upon the
21 norms and doctrines of the Catholic Faith, including the sacraments of the Catholic
22 Church, social teachings according to the Catholic Church, morality, the history of
23 Catholic saints, Catholic prayers, and the overall Catholic way of life. Plaintiff was
24 required to teach her Religion course from the textbook entitled "Coming to God's
25 Life." Attached hereto as **Exhibit A-2** is a true and correct copy of the cover page and
26 table of contents of the textbook.

27 8. Moreover, Plaintiff was required to incorporate Catholic values and
28 traditions throughout all subject areas, not just during the Religion course. In fact,

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1 two requirements included in all standard teacher evaluation reports for the school
2 were 1) incorporating “signs, sacramental, traditions of the Roman Catholic Church in
3 the classroom,” and 2) infusing “Catholic values through all subject areas.” During
4 the 2013-2014 school year, I evaluated Plaintiff on her ability to incorporate these
5 factors while she taught the subject of Math. Attached hereto as Exhibit A-3 is a true
6 and correct copy of the evaluation report I completed for Plaintiff on
7 November 12, 2013.

8 9. During the 2013-2014 school year, every teacher at St. James, including
9 Plaintiff, was required to pray with their students every day. In addition, Plaintiff was
10 required to accompany her students to Mass once a month.

11 10. In order to prepare teachers as religious educators and to develop their
12 skills, I required each teacher, including Plaintiff, to attend a Catholic education
13 conference every other year called the Los Angeles Religious Education Congress. At
14 this conference, the teachers learned different methods and techniques in
15 incorporating God into their teachings in order to enable them to become better
16 religious educators.

17 11. Throughout the 2013-2014 school year, I instructed Plaintiff to follow
18 certain teaching methods and practices that were consistent with St. James’ teaching
19 philosophy. I counseled Plaintiff on numerous occasions regarding these issues,
20 which included classroom management, test-taking procedures, and homework policy.
21 For instance, at St. James School, students were not permitted to re-take exams in
22 order to obtain a higher grade on the exam. However, I learned that Plaintiff allowed
23 her students to re-take exams if they were not satisfied with their prior grade on the
24 exam.

25 12. I also required Plaintiff to inform the parents of the students’ test
26 schedule so that they could help the students prepare for the tests. However, I learned
27 that Plaintiff failed to communicate the students’ test schedule to the parents.

28 13. In preparation for exams, Plaintiffs’ students were required to complete

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1 study guides. Plaintiff was required to correct the students' study guides prior to the
2 exams so that they could study accurate study guides in preparation for the exams.
3 However, Plaintiff failed to correct her students' study guides prior to exams causing
4 incorrect answers on the exams. As such, I verbally counseled Plaintiff regarding her
5 failure to correct the study guides throughout the school year.

6 14. Plaintiff was also required to teach from a workbook titled Simple
7 Solutions. In the fall of 2013, I learned that Plaintiff was not using the workbook as I
8 had asked. Again, I instructed Plaintiff on numerous occasions to use the Simple
9 Solutions workbook when teaching her students.

10 15. Throughout the 2013-2014 school year, I met with Plaintiff in my office
11 every week, and sometimes twice a week, to discuss performance-related issues.
12 During these meetings, I took handwritten notes to document the issues I went over
13 with her. I placed a checkmark next to each topic that we re-visited. Attached hereto
14 as **Exhibit A-4** is a true and correct copy of my handwritten notes during our
15 meetings. Per my notes, I addressed: (1) the level of noise in Plaintiff's classroom on
16 at least six occasions; (2) the condition of her classroom on at least nine occasions;
17 (3) the fact that she permitted students to erase their work habits for missed homework
18 assignments on at least five occasions; (4) her failure to inform parents of the test
19 schedule on at least two occasions; and (5) her failure to correct the students' study
20 guides prior to tests on at least two occasions.

21 16. I also reviewed Plaintiff's lesson plans on a weekly basis and wrote
22 comments and suggestions on them regarding her persistent classroom issues.
23 Attached as **Exhibit A-5** is a true and correct copy of Plaintiff's lessons where I made
24 handwritten comments and suggestions regarding her performance issues.

25 17. In April 2014, following Easter break, Plaintiff told me that she believed
26 she had breast cancer and would need to undergo some tests. I was sympathetic to
27 Plaintiff's situation as I was also faced with the same medical condition. In 2010, I
28 was diagnosed with breast cancer and I underwent a surgical procedure to treat my

1 cancer and continued to be in treatment.

2 I declare under penalty of perjury under the laws of the state of California that
3 the foregoing is true and correct. Executed on this 9th day of September, 2016 in
4 Torrance, California.

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7 Sr. Mary Margaret Kreuper, Declarant
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EXHIBIT A-1 TO DECLARATION OF MARY MARGARET KREUPER

FACULTY EMPLOYMENT AGREEMENT—ELEMENTARY**Exempt Full Time
Department of Catholic Schools
Archdiocese of Los Angeles**Name of School: ST. JAMESName of Teacher: KRISTEN BIELStart Date: AUGUST 26, 2013 End Date: JUNE 30, 2014

1. **Term.** The School ("School") and you (the "Teacher") make this Employment Agreement ("Agreement"), effective on the date below, for the work period shown above (the "Term"), for you to serve as a member of our faculty.
2. **Philosophy.** It is understood that the mission of the School is to develop and promote a Catholic School Faith Community within the philosophy of Catholic education as implemented at the School, and the doctrines, laws and norms of the Catholic Church. All duties and responsibilities of the Teacher shall be performed within this overriding commitment.
3. **Duties.** Your duties shall be those of a full-time or part-time faculty member as specified in the **Compensation and Benefits Supplement** which is an integral part of this Agreement. You shall use your best professional efforts and skills to perform your duties in a diligent, energetic, competent, and ethical manner, consistent with the School's established philosophy and its policies, directives and expected practices. You acknowledge and agree that the School retains the right to operate within the philosophy of Catholic education and to retain teachers who demonstrate an ability to develop and maintain a Catholic School Faith Community. You understand and accept that the values of Christian charity, temperance and tolerance apply to your interactions with your supervisors, colleagues, students, parents, staff and all others with whom you come in contact at or on behalf of the School. Accordingly, you are expected to model, teach, and promote behavior in conformity to the teaching of the Roman Catholic Church. Your duties shall include careful preparation and planning for each class consistent with School and departmental curriculum; diligent review and evaluation of student work and related communication to students and parents; and conferring with students, the administration, and parents as needed regarding each student's progress and development. You also shall attend faculty/staff meetings and conferences, including those prior to and following the School's regular academic year, participate in School activities including School liturgical activities, as requested, and complete other duties as assigned. You agree to maintain the levels of competency in subject matter, teaching methods, classroom management, and student supervision required by the School whether on your own initiative or at the direction of the School. Your duties and job assignment may be revised during the Term to meet the School's needs. In the event the School's operations are extended by reason of fire, disaster, act of God, act of public authority or any other necessity or emergency cause, your services may be suspended for the time period and rescheduled as needed to complete the full School year.
4. **Policies.** You shall be familiar with, and comply with the School's personnel policies and procedures as they may be adopted or amended from time-to-time, including policies in the faculty handbook. You should refer to such documents for information relating to your employment, duties, and benefits. You shall be familiar with, abide by, and assist and cooperate with School administration in enforcing, the School's policies for students and families whether outlined in our handbook(s), our School policies, or other directives and expected practices (together "Policies"). You acknowledge that a copy of the faculty handbook has been made available to you. You understand and acknowledge that the policies do not constitute a contractual agreement with you.
5. **Introductory Period.** There is an introductory period for a newly hired or transferred teacher. The introductory period is a minimum of 90 calendar days, and may be extended, in writing, for up to another 90 calendar days at the discretion of the principal. During the introductory period this Agreement is at will; therefore, it can be terminated at any time, for any reason, without any notice. The Principal shall complete a performance appraisal at the end of the introductory period. Upon satisfactory completion of



the introductory period, employment will be continued through any remaining term of this Agreement except as noted under "Termination."

6. Termination. Your employment, and this Agreement, may be terminated during the Term without payment of salary or benefits beyond such date of termination, for any of the following reasons:

- I. The School may terminate for "cause," without any prior notice. Such "cause" shall be determined by the School within its reasonable judgment and shall include but not be limited to:
 - a) Failure to meet any of your duties as described in Paragraphs 3 and 4 above.
 - b) Inappropriate physical or social contact with students during school or otherwise.
 - c) Unprofessional or unethical conduct, insubordination, unauthorized disclosure of confidential information, or habitual or unreasonable tardiness or absence from duties.
 - d) Any criminal, immoral or unethical conduct that relates to your duties as a teacher or brings discredit upon the school or the Roman Catholic Church.
 - e) Unauthorized possession of, or working under the influence of, illegal drugs, intoxicants, or alcohol.
 - f) Threatening or causing bodily harm to others or other coercive and or intimidating acts, or any verbal or physical harassment.
 - g) Having a diploma, credential, permit, license or certificate denied, revoked or suspended.
 - h) Falsification of documents, false or misleading information on an application, resume, personnel record, professional or character reference, academic transcript, degree, or credential.
 - i) Any other breach of the terms of this Agreement.
- II. Either you or the School may terminate this Agreement without cause, for any reason within the sole discretion of the terminating party, upon 30 calendar days' prior written notice to the other party in a manner that is consistent with applicable law and on a time frame that is mutually agreeable to you and the Principal. However, you may not terminate employment under this Agreement if the termination is effective during the 30 days immediately prior to the beginning of the school year except by mutual agreement with the Principal. You acknowledge that a breach by you of this provision is a grave ethical violation, may harm the educational program for the students and may cause expenses and damages to the School.
- III. The School may terminate your employment if you are unable to perform the essential functions of your position and reasonable accommodation is not available or required under applicable laws.

The School's failure to invoke its right of termination on one occasion for the occurrence of a matter constituting a basis for discharge shall not affect the right of the School to invoke discharge when the same or a different basis for termination arises at a later date.

7. Renewal. Future employment will be determined on a year-to-year basis. It is agreed that you will give written notice to the School, on or before April 1, 20____, stating whether or not you wish to renew the Agreement. The School will give you written notice, on or before May 15, 20____, stating whether or not it intends to renew the Agreement for the following year. In the absence of a notice by either party, this agreement will lapse under its own terms. The Principal alone, with the approval of the Pastor, has the final and sole authority with respect to offering contracts. This Agreement is contingent upon sufficient School enrollment and the School's financial condition. If the enrollment or the School's financial condition does not justify the staffing, the Principal has discretionary power to make decisions regarding personnel reduction including, but not limited to, modification or cancellation of this Agreement. Notwithstanding this, if the School closes for any reason, this Agreement will be considered terminated on the date of the closure. You understand that tenure is not granted by Archdiocesan Schools and upon expiration or termination of the Agreement for any reason you shall have no right to



employment or preferential treatment regarding employment at any other Archdiocesan School. There is no implied duty by you or the School to renew this Agreement, and no cause whatsoever is required by either party for non-renewal. Any other arrangement with respect to renewal, extension or duration of employment is valid only if in writing, executed by you and the Principal, with the approval of the Pastor.

8. Severability. If, for any reason, any one or more of the provisions of this Agreement shall be held or deemed to be legally invalid or unenforceable, that shall not have any effect on any of the other provisions of this Agreement, all of which shall remain in full force and effect.

9. Entire Agreement. This Agreement and the attached Compensation and Benefits Supplement contain the complete and entire agreement between you and the School, and it supersedes all prior offers, agreements, commitments, understandings, whether oral or written. No changes to this Agreement may be made except by a document signed by you and the Principal, with approval of the Pastor.

10. Applicable Law. This Agreement is entered into under, and governed by, the laws of the State of California.

11. Dispute Resolution and Grievances. You and the School agree to attempt to resolve any disputes in good faith. Any unresolved dispute between you and the School arising out of or in any way related to your employment or the termination thereof, shall be subject to the Grievance Procedures promulgated by the Archdiocesan Department of Catholic Schools and no legal actions may be taken until all procedures have been fully discharged. This clause is intended to provide a speedy, economical and exclusive forum for resolving claims; its existence shall not imply any limitations upon the School's right to manage its affairs or terminate any employment.

12. Condition Precedent. It is agreed that a condition precedent of this Agreement is the receipt of the Criminal Record Summary report from the California Department of Justice and the Federal Bureau of Investigation, the completion of the I-9 Form from the Immigration and Naturalization Service, and the completion of the other relevant health and document requirements of the school.

By: Sister Mary Margaret SR. MARY MARGARET 5/28/2013
Principal's Signature Print Name Date

I accept a position as Grade 5 TEACHER at ST. JAMES SCHOOL
School on each and all of the terms and conditions set forth in the above Agreement and the attached Compensation and Benefits Supplement.

By: Kristen Biel Kristen Biel 5/24/13
Teacher's Signature Print Name Date

Approval by Pastor required:
Mgr. Michael Meyers Mgr. Michael Meyers 5/28/13
Pastor's Signature Print Name Date



FACULTY COMPENSATION AND BENEFITS SUPPLEMENT

Elementary—Exempt Full Time Department of Catholic Schools Archdiocese of Los Angeles

13. School Day and Work Schedule.

Full Time Faculty

As a full time teacher, you understand that there will be approximately 8 hours of work at the School each regular class day. You will also devote additional time to other assigned school responsibilities and in preparation and assessment activities at hours not during the regular class day. The School's regular class day is from 7:30 a.m. to 3:45 p.m.

14. Base Compensation.

Base Salary: \$ 34,970

15. Additional Compensation For Designated Responsibility (If Any):

Note: Calculations and Additional Compensation for designated responsibility are based on anticipated time commitment and skills.

| <u>Responsibility</u> | <u>Additional Compensation</u> |
|---|--------------------------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Total Additional Compensation: \$ _____ | |

16. Payment Schedule.

Compensation for all faculty will be distributed on a semi-monthly bi-weekly schedule beginning August 30, 2013 and ending June 20, 2014.

17. Education And Professional Growth Requirements:

34,970 ÷ 22

In accordance with the regulations for salary placement and professional growth requirements, you agree that you will complete the following requirements to be eligible to be offered an employment agreement for the next school year.

- ≤ _____
- ≤ _____
- ≤ Enroll in California Teaching Credential program.
- ≤ Complete at least _____ units toward a California Teaching Credential.
- ≤ California Teaching Credential program must be completed by July 1, 20____ for an Elementary School Faculty Employment Agreement to be offered for the 20____ - 20____ academic year.

18. Available Benefits.

See Department of Catholic Schools Lay Employees Benefit Guide



Sick Days: Full-time Faculty: 10 days per school year.

Sister Mary Margaret SR. MARY MARGARET 5/28/2013
Principal's Signature Print Name Date

Kristen Biel Kristen Biel 5/24/13
Teacher's Signature Print Name Date

Approval by Pastor required:

Msgr. Michael Meyers Msgr. Michael Meyers 5/28/13
Pastor's Signature Print Name Date

Give copy to the faculty member and file the original in his/her personnel file.

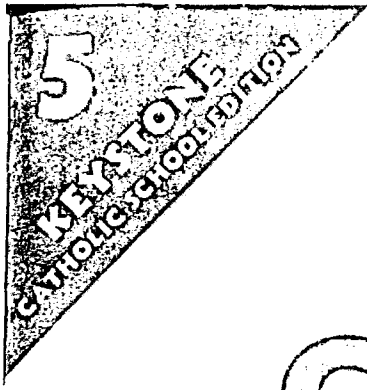


EXHIBIT A-2 TO DECLARATION OF MARY MARGARET KREUPER

COMING TO FAITH
FOUND TO BE IN CONFORMITY WITH THE
CATECHISM OF THE CATHOLIC CHURCH

COMING TO
GOD'S
LIFE





SADLIER'S
Coming to Faith Program

COMING TO GOD'S LIFE

Dr. Gerard F. Baumbach
Dr. Eleanor Ann Brownell
Moya Gullage
Joan B. Collins
Helen Hemmer, I. H. M.
Gloria Hutchinson
Dr. Norman F. Josaitis
Rev. Michael J. Lanning, O. F. M.
Dr. Marie Murphy
Karen Ryan
Joseph F. Sweeney

The Ad Hoc Committee
to Oversee the Use of the Catechism,
National Conference of Catholic Bishops,
has found this catechetical text to be
in conformity with the
Catechism of the Catholic Church.

with

Dr. Thomas H. Groome
Boston College

Official Theological Consultant
The Most Rev. Edward K. Braxton, Ph. D., S. T. D.

Scriptural Consultant
Rev. Donald Senior, C. P., Ph. D., S. T. D.

Catechetical and Liturgical Consultants
Dr. Gerard F. Baumbach
Dr. Eleanor Ann Brownell

Pastoral Consultants
Rev. Msgr. John F. Barry
Rev. Virgilio P. Elizondo, Ph.D., S. T. D.

Catechetical Assessment Consultant
Dr. George Elford



William H. Sadlier, Inc.
9 Pine Street
New York, New York 10005-1002

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EXHIBIT A-3 TO DECLARATION OF MARY MARGARET KREUPER

2:10
ex-cell

Archdiocese of Los Angeles
Elementary School Classroom Observation Report

Teacher: KRISTEN
Principal: Smm
Grade: 5
Subject: Math

School: St. James
City: Torrance
School Year: 2013-14
Date: Apr. 12, 2013

| Innovating | Implementing | Emerging | Not Exhibiting |
|---|---|--|--|
| Adjusts and creates new strategies for unique student needs and situations during the lesson. | Uses strategies at appropriate time, in the appropriate manner. | Attempts to use strategy but uses it incorrectly or at the wrong time. | Strategy was called for but not exhibited. |

WCEA (Catholic Identity Factors) Check if observed

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ There is visible evidence of signs, sacramental, traditions of the Roman Catholic Church in the classroom.
☒ Curriculum includes Catholic values infused through all subject areas. Respect -
☒ Integrates Schoolwide Learning Expectations

Observation Comments: _____

Objective to be Observed: *California Standards for the Teaching Profession*

For the following 5 standards, check if observed

Standard 1: Engaging and Supporting All Students in Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 1.1 Using knowledge of students to engage them in learning
☐ 1.2 Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests
☐ 1.3 Connecting subject matter to meaningful, real-life contexts
☒ 1.4 Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs
☒ 1.5 Promoting critical thinking through inquiry, problem solving, and reflection
☒ 1.6 Monitoring student learning and adjusting instruction while teaching

Observation Comments: _____

Standard 2: Creating and Maintaining Effective Environments for Student Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 2.1 Promoting social development and responsibility within a caring community where each student is treated fairly and respectfully
☒ 2.2 Creating physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students with teacher.
☒ 2.3 Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe Very good -
☒ 2.4 Creating a rigorous learning environment with high expectations and appropriate support for all students
☒ 2.5 Developing, communicating, and maintaining high standards for individual and group behavior
☒ 2.6 Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn

There is a variety of work displayed.

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☒ 2.7 Using instructional time to optimize learning

Co-ordinates give example.

Observation Comments: _____

Standard 3: Understanding and Organizing Subject Matter for Student Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 3.1 Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks
- ☒ 3.2 Applying knowledge of student development and proficiencies to ensure student understanding of subject matter
- ☒ 3.3 Organizing curriculum to facilitate student understanding of the subject matter
- ☒ 3.4 Utilizing instructional strategies that are appropriate to the subject matter
- ☒ 3.5 Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make subject matter accessible to all students
- ☐ 3.6 Addressing the needs of English learners and students with special needs to provide equitable access to the content

Observation Comments: _____

Standard 4: Planning Instruction and Designing Learning Experiences for All Students

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 4.1 Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction
- ☒ 4.2 Establishing and articulating goals for student learning
- ☐ 4.3 Developing and sequencing long-term and short-term instructional plans to support student learning
- ☒ 4.4 Planning instruction that incorporates appropriate strategies to meet the learning needs of all students *Varied*
- ☒ 4.5 Adapting instructional plans and curricular materials to meet the assessed learning needs of all students *Lots of different types of strategies.*

Observation Comments: _____

Standard 5: Assessing Students for Learning

☐ Innovating ☐ Implementing ☐ Emerging ☐ Not Exhibiting

- ☒ 5.1 Applying knowledge of the purposes, characteristics, and uses of different types of assessments
- ☒ 5.2 Collecting and analyzing assessment data from a variety of sources to inform instruction
- ☒ 5.3 Reviewing data, both individually and with colleagues, to monitor student learning — *IOWA*
- ☒ 5.4 Using assessment data to establish learning goals and to plan, differentiate, and modify instruction *Formal*
- ☒ 5.5 Involving all students in self-assessment, goal setting, and monitoring progress *assessment*
- ☒ 5.6 Using available technologies to assist in assessment, analysis, and communication of student learning
- ☒ 5.7 Using assessment information to share timely and comprehensible feedback with students and their families *packets -*

Observation Comments: _____

Commendations: _____

Recommendations: _____

Good way to plot co-ordinates

Good review -

Did you have another idea?

Good having students come up to board.

Good positive re-inforcement.

Pick sticks.

when you give an assignment go over directions

How many picked "c"? thumbs-up/down example

CALL a few #'s at a time... to go up to the board

Created: 2012-07-03

what about the people where # is not up there?

make sure everyone has heard...

I submit this report in accordance with the schedule and procedures established by the Department of Catholic Schools as described in the *Administrative Handbook*.

Principal Signature: Sister Mary Margaret

Date: 11/13/2013

I have read this report and discussed it with the principal. My signature does not necessarily imply agreement this observation report. I understand that I am free to attach to this observation report any written reactions I may have within one week of today's date.

Teacher Signature: Kristen Bul

Date: 11/18/2013

**This observation form is used in conjunction with the California Standards for the Teaching Profession

Observed:

- ① Many things on desks
 Kleenex ^{Box} markers, Julia
 Pencil Sharpener
 Water bottles
 Books etc under desks in aisle - fire etc.
 Binder
 Staple removers - Tape (scotch)

Have a zipper bag for items
 Work on organization -

Do the students work in SS books?

Never allow them to color the pages
 of the book -

Lower page ahead
 of time. Do problems
 that would be
 troublesome.

10
 +
 2
 12

Julia than
 Francesca (look
 at)

lanelli

Created: 2012-07-03

Good review of Music rules -

EXHIBIT A-4 TO DECLARATION OF MARY MARGARET KREUPER

Missing Homework

1. Health (most imp't)

I think you are a
creative teacher.

2. Observations -

Lynette

- kids asking for the opportunity to
take tests over.

- study guide. Lesson review
taught - study guide given
"We can't do this, this is too
hard"

Homework
Notebook

- Test schedule - Parents were
happy to see the test schedule
in notebook (Hmwk)

Hmw missing - meeting day ok done ✓ *

3. Creative teacher - who has a diff philos

MSGRIMMEYERS@

LA-ARCHD

.org

Principal -

9 - 12 compile art - Leanne
- Wendy Harber - said OK

Did not give students test schedule

Meetings w/ Cindy & Kathleen

Grading with Habitat grades

Habitat / Behavior of site

✓✓✓ ② Condition of Room - Things All over floor

✓✓ 3. Penn & Mackee stayed to
dinner.

Honor Roll - (Janelle)

✓ Setting up paper format (Brent)

Report cards / diplomas

✓✓✓ Laval of Name

Internet Projects (no) 3rd & 4th
(examples)

✓✓✓ Pen for math - pink - purple -

Missing homework as being it *
in the next day -

Not wanting to take accountability
for student's behavior.

Change up format of
texts

Children MAY NOT have all
of that STUFF on their
books.

Study guides were still not
correct.

Student Council applications -
Grades were different and
duplicates than on registration.

2nd Trimester

Changed grade on dup. (WH P.E.H.)
after I saw them.

1st Trimester - Some did not earn
WH P.E.H.

may - Could not offer contract.

Math - passing... he sure skill
are mastered -

Grades - Group - Plays - (Religion)

✓✓✓ Communication - e-mail not to parent

Technology - needs to be curriculum
related.

✓✓✓ Water bottles

Grades for group mark -

6/20/14 Talked about 5th not being a good fit.
Kristen agreed.

Comments: - Math facts & reading
summer

Duplicator - Debra H. Roll

6-17-2014 Comments did not include
Math facts & Summer Reading!

EXHIBIT A-5 TO DECLARATION OF MARY MARGARET KREUPER

Week Of: September 23-27
Days of the Week: Monday

Tuesday Wednesday Thursday Friday

Objectives

| Notes: | Time/Subject | 8:05-9:00 | English/Writing | 8:05-9:00 | English/Writing | 8:05-9:00 | English/Writing | 8:05-9:00 | English/Writing |
|--------------|--|--|--|--|--|--|--|--|--|
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 18-21 do exercises on p. 21 | Read p. 22-23, do exercises on p. 23 | Read p. 24-25, do unit checkup | Read p. 24-25, do unit checkup | Read p. 24-25, do unit checkup | Read p. 24-25, do unit checkup | Read p. 24-25, do unit checkup | Read p. 24-25, do unit checkup | Read p. 24-25, do unit checkup |
| Assessment | Extra practice p. 36 a,b,c all | Extra practice p. 39, a,b,c all | | | | | | | |
| Homework | Glencoe p. 59-60 | Glencoe p. 61-62 | | | | | | | |
| Time/Subject | 9:00-10:00 | Math | 9:00-10:00 | Math | 9:00-10:00 | Math | 9:00-10:00 | Math | 9:00-10:00 |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5.OA.1.2.3, SNBT.3.5.6.7 | 5.OA.1.2.3, SNBT.3.5.6.7 | 5.OA.1.2.3, SNBT.3.5.6.7 | 5.OA.1.2.3, SNBT.3.5.6.7 | 5.OA.1.2.3, SNBT.3.5.6.7 | 5.OA.1.2.3, SNBT.3.5.6.7 | 5.OA.1.2.3, SNBT.3.5.6.7 | 5.OA.1.2.3, SNBT.3.5.6.7 | 5.OA.1.2.3, SNBT.3.5.6.7 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 42-43, do 5-28 on p. 43 | Read p. 44-45, do 5-20 on p. 45 | Read p. 46-47, do 8-28 on p. 47 | Read p. 46-47, do 8-28 on p. 47 | Read p. 46-47, do 8-28 on p. 47 | Read p. 46-47, do 8-28 on p. 47 | Read p. 46-47, do 8-28 on p. 47 | Read p. 46-47, do 8-28 on p. 47 | Read p. 46-47, do 8-28 on p. 47 |
| Assessment | Mental math | Simple Solutions lesson 9, p. 18 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 |
| Homework | Simple Solutions lesson 8, p. 16 | Simple Solutions lesson 9, p. 18 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 | Simple Solutions lesson 10, p. 20 |
| Time/Subject | 10:20-10:55 | Spelling/Handwriting | 10:20-10:55 | Spelling/Handwriting | 10:20-10:55 | Spelling/Handwriting | 10:20-10:55 | Spelling/Handwriting | 10:20-10:55 |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 28-29, do p. 30 #51-20 | Review words, do p. 31 | Review words, do p. 31 | Review words, do p. 31 | Review words, do p. 31 | Review words, do p. 31 | Review words, do p. 31 | Review words, do p. 31 | Review words, do p. 31 |
| Assessment | | | | | | | | | |
| Homework | Worksheet p. 8 | Worksheet p. 9 | Worksheet p. 10 | Worksheet p. 10 | Worksheet p. 10 | Worksheet p. 10 | Worksheet p. 10 | Worksheet p. 10 | Worksheet p. 10 |
| Time/Subject | 10:55-11:25 | Spanish | 10:55-11:25 | Spanish | 10:55-11:25 | Spanish | 10:55-11:25 | Spanish | 10:55-11:25 |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | | | | |
| SLE(s) | | | | | | | | | |
| Materials | | | | | | | | | |

EXHIBIT 5
Dependent Pick
Date 11/10/15 Rptr 12w
www.murdochone.com

Be sure the students get the new tests from the previous

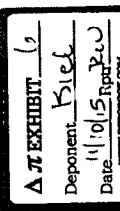
| Activity | Assessment | Homework | Time/Subject | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Social Studies |
|--------------|------------|----------|--------------|--|---|--|--|--|--|
| Objective | | | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 |
| SLE(s) | | | | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | | | | Finish reading Faith and Eddie p. 55-58 | Discuss Story | Test review, story and vocab | American Will Be | American Will Be | American Will Be |
| Activity | | | | workbook p. 12 | workbook p. 17-18 | | | | |
| Assessment | | | | | | | | | |
| Homework | | | | Do p. 13 workbook | Selection test practice p. 15-16 workbook | | | | |
| Time/Subject | | | | 11:30-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Science |
| Objective | | | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRF3.4, SSL1.2 |
| SLE(s) | | | | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | | | | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford |
| Activity | | | | Read p. 16, do all three sections | Read p. 17, do 1-12 and Test review | Vocab test | Vocab test | Vocab test | Vocab test |
| Assessment | | | | Number 16 from 1-12 | | | | | |
| Homework | | | | | | | | | |
| Time/Subject | | | | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion |
| Objective | | | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | | | | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Materials | | | | Test review, p. 24-33 | Read p. 34-37, define faith words | Read p. 39-40, Discuss Jesus the servant | Read p. 39-40, Discuss Jesus the servant | Read p. 39-40, Discuss Jesus the servant | Read p. 39-40, Discuss Jesus the servant |
| Activity | | | | Study for test | Next Test Tuesday | Next Test Tuesday | Next Test Tuesday | Next Test Tuesday | Next Test Tuesday |
| Assessment | | | | | | | | | |
| Homework | | | | | | | | | |
| Time/Subject | | | | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Art |
| Objective | | | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. |
| SLE(s) | | | | American Will Be | American Will Be | American Will Be | American Will Be | American Will Be | American Will Be |
| Materials | | | | Chapter 1 test review | Chapter 1 test | Chapter 1 test | Chapter 1 test | Chapter 1 test | Chapter 1 test |
| Activity | | | | pick sticks to call out questions on the study guide, pass out point cards | | | | | |
| Assessment | | | | | | | | | |
| Homework | | | | | | | | | |
| Time/Subject | | | | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Art |
| Objective | | | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. |
| SLE(s) | | | | American Will Be | American Will Be | American Will Be | American Will Be | American Will Be | American Will Be |
| Materials | | | | Chapter 1 test review | Chapter 1 test | Chapter 1 test | Chapter 1 test | Chapter 1 test | Chapter 1 test |
| Activity | | | | pick sticks to call out questions on the study guide, pass out point cards | | | | | |
| Assessment | | | | | | | | | |
| Homework | | | | | | | | | |
| Time/Subject | | | | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Art |
| Objective | | | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. |
| SLE(s) | | | | American Will Be | American Will Be | American Will Be | American Will Be | American Will Be | American Will Be |
| Materials | | | | Chapter 1 test review | Chapter 1 test | Chapter 1 test | Chapter 1 test | Chapter 1 test | Chapter 1 test |
| Activity | | | | pick sticks to call out questions on the study guide, pass out point cards | | | | | |
| Assessment | | | | | | | | | |
| Homework | | | | | | | | | |
| Time/Subject | | | | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Art |

| | | | | | |
|---|--|----------------------------------|--|--|-------------------------|
| SLE(s) Materials Activity Assessment Homework | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill Read p. 24-27, do worksheet p. 18 Finish wkst. p. 18 | COMPUTER COMPUTER COMPUTER | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill Read p. 28-29, do worksheet 19 finish wkst. 19 | 2 a.b.d.e., 4c., 5d., 6a.b.c. Science, McGraw-Hill Discuss parts of a plant do wkst. p. 20 | Fall Leaves Art Project |
|---|--|----------------------------------|--|--|-------------------------|

Week Of: November 4-8, 2013

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|---|--|--|--|---|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| SLE(s) | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Materials | Read p. 150-151, do p. 151, 6-20 | Read p. 152-153, do p. 153, 6-25 | Read p. 154-155, do p. 155, 6-20 | Read p. 156-157, do p. 157, 6-20 | Read p. 158-159, do p. 159, 6-20 |
| Activity | | | | | Verb quiz |
| Assessment | | | | | |
| Homework | Glencoe p. 81-82 | Glencoe p. 83-84 | | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 5OA.1.2.3, SNBT.1.2.3.4.5, SMD.2, 5G.1.3 | 5OA.1.2.3, SNBT.1.2.3.4.5, SMD.2, 5G.1.3 | 5OA.1.2.3, SNBT.1.2.3.4.5, SMD.2, 5G.1.3 | 5OA.1.2.3, SNBT.1.2.3.4.5, SMD.2, 5G.1.3 | 5OA.1.2.3, SNBT.1.2.3.4.5, SMD.2, 5G.1.3 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Do p. 112-113 Practice test, review answers | Do p. 116-117, review ans. | Chapter 3 test, SS Quiz | Chapter 4, Diagnosing readiness | Multiplication Properties |
| Assessment | Do p. 114-115 Practice test, review answers | Do Problem solving p. 118-119, review ans. | Chapter 3 test, SS Quiz | p. 122-123 all, review answers | p. 126-127, Do Ex. On p. 127, 1-24 |
| Homework | Simple Solutions lesson 26, p. 52 | Simple Solutions lesson 27, p. 54 | Simple Solutions lesson 28, p. 56 | Simple Solutions lesson 29, p. 58 | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read words p. 64, unit 10, do p. 65 | Read words, do p. 66 1-20 | Do p. 67 core, 1-20, content 1-8 | Spelling test Unit 10 | Read p. 68 say words aloud, compound wds. |
| Assessment | workbook p. 32 | workbook p. 33 | Mock test | Spelling test Unit 10 | Unit 11 |
| Homework | Spanish | Spanish | Spanish | Spanish | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | |
| SLE(s) | | | | | |
| Materials | | | | | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | | | | | |

Thank you from
[Signature]



| | | | | |
|--------------|---|---|---|---|
| CCCS | SRL1.2.3.5.6, SRL2.5.6.8, SRL3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRL3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRL3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRL3.4, SSL1.2 |
| SLE(s) | 2 a. b. c, 5 d. | 2 a. b. c, 5 d. | 2 a. b. c, 5 d. | 2 a. b. c, 5 d. |
| Materials | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | American Will Be |
| Activity | Read p. 134-135, discuss steps in a process | Read p. 134-135, discuss steps in a process | Read p. 134-135, discuss steps in a process | Read lesson 1, p. 80-83, answer questions |
| Assessment | see p. 136, make index cards | see p. 136, make index cards | see p. 136, make index cards | Chapter 4 lesson 1, questions 1-4 index cards |
| Homework | workbook p. 51 | workbook p. 52 | workbook p. 55-56 | Chapter 4 lesson 1, questions 1-4 index cards |
| Time/Subject | 11:10-11:30 Reading/Journey/Vocab. | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRL3.5L1.2.4 | SRL3.5L1.2.4 | SRL3.5L1.2.4 | SRL3.5L1.2.4 |
| SLE(s) | 2 a. b. c, 5 d. | 2 a. b. c, 5 d. | 2 a. b. c, 5 d. | 2 a. b. c, 5 d. |
| Materials | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | Read p. 54-55, say definitions aloud unit 7 | Read p. 54-55, say definitions aloud unit 7 | Vocab test, unit 7 | Read p. 58-61, discuss different types of plants |
| Assessment | do p. 56 | do p. 56 | do p. 56 | |
| Homework | Make index cards | Make index cards | Make index cards | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Materials | Chapter 8, read p. 76-77, make haiku about water and life | Chapter 8, read p. 76-77, make haiku about water and life | Chapter 8, read p. 76-77, make haiku about water and life | Chapter 8 test |
| Activity | | | | Chapter 8 test |
| Assessment | | | | Chapter 8 test |
| Homework | | | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. |
| SLE(s) | American Will Be | American Will Be | American Will Be | American Will Be |
| Materials | Pass out study guide, work on answers | Pass out study guide, work on answers | Pass out study guide, work on answers | Value pumpkins, yellow, orange, brown pumpkins on white paper separated with diagonal lines |
| Activity | | | | |
| Assessment | | | | |
| Homework | | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. |
| SLE(s) | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill |
| Materials | Chapter 2, topic 4, lesson 3 read p. 50-53 | Chapter 2, topic 4, lesson 3 read p. 50-53 | Chapter 2, topic 4, lesson 3 read p. 50-53 | Value pumpkins, yellow, orange, brown |
| Activity | Do questions on p. 53, make index cards | Do questions on p. 53, make index cards | Do questions on p. 53, make index cards | |
| Assessment | | | | |
| Homework | | | | |

Week Of: November 18-22, 2013

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Notes:

Time/Subject

8:05-9:00 English/Writing

8:05-9:00 English/Writing

8:05-9:00 English/Writing

8:05-9:00 English/Writing

8:05-9:00 English/Writing

Objective(s)

SWBAT

SWF.3, SL.1.2.3.4,
2 a.c., 5 d., 6 a.SWF.3, SL.1.2.3.4,
2 a.c., 5 d., 6 a.SWF.3, SL.1.2.3.4,
2 a.c., 5 d., 6 a.SWF.3, SL.1.2.3.4,
2 a.c., 5 d., 6 a.SWF.3, SL.1.2.3.4,
2 a.c., 5 d., 6 a.

Materials

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Activity

Read p. 164-165, do p. 165, 5-20

Read p. 164-165, do p. 165, 5-20

Read p. 164-165, do p. 165, 5-20

Read p. 164-165, do p. 165, 5-20

Read p. 164-165, do p. 165, 5-20

Read p. 164-165, do p. 165, 5-20

Assessment

Glencoe p. 93-94

Glencoe p. 93-94

Glencoe p. 93-94

Glencoe p. 93-94

Glencoe p. 93-94

Glencoe p. 93-94

Homework

Math

Math

Math

Math

Math

Math

Objective(s)

SWBAT

5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6,
2 a., 5 d., 6 a.5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6,
2 a., 5 d., 6 a.5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6,
2 a., 5 d., 6 a.5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6,
2 a., 5 d., 6 a.5.OA.1.2.3, SNBT, 2.5.6, SNF, 5.6,
2 a., 5 d., 6 a.

Materials

Scott Foresman book,

Scott Foresman book,

Scott Foresman book,

Scott Foresman book,

Scott Foresman book,

Scott Foresman book,

Activity

Read p. 138-139, do ex. 9-29

Read p. 138-139, do ex. 9-29

Read p. 138-139, do ex. 9-29

Read p. 138-139, do ex. 9-29

Read p. 138-139, do ex. 9-29

Read p. 138-139, do ex. 9-29

Assessment

Review answers

Review answers

Review answers

Review answers

Review answers

Review answers

Homework

Simple Solutions lesson 32, p. 64

Simple Solutions lesson 32, p. 64

Simple Solutions lesson 32, p. 64

Simple Solutions lesson 32, p. 64

Simple Solutions lesson 32, p. 64

Simple Solutions lesson 32, p. 64

Time/Subject

10:20-10:55 Spelling/Handwriting

10:20-10:55 Spelling/Handwriting

10:20-10:55 Spelling/Handwriting

10:20-10:55 Spelling/Handwriting

10:20-10:55 Spelling/Handwriting

10:20-10:55 Spelling/Handwriting

Objective(s)

SWBAT

SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.

Materials

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Activity

Read p. 72-74, do p. 72

Read p. 72-74, do p. 72

Read p. 72-74, do p. 72

Read p. 72-74, do p. 72

Read p. 72-74, do p. 72

Read p. 72-74, do p. 72

Assessment

Worksheet p. 38-39

Worksheet p. 38-39

Worksheet p. 38-39

Worksheet p. 38-39

Worksheet p. 38-39

Worksheet p. 38-39

Homework

Spanish

Spanish

Spanish

Spanish

Spanish

Spanish

Time/Subject

10:55-11:25

10:55-11:25

10:55-11:25

10:55-11:25

10:55-11:25

10:55-11:25

Objective

SWBAT

SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.

Materials

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Spelling/McGraw-Hill

Activity

Read p. 84 unit 13 say the words aloud

Read p. 84 unit 13 say the words aloud

Read p. 84 unit 13 say the words aloud

Read p. 84 unit 13 say the words aloud

Read p. 84 unit 13 say the words aloud

Read p. 84 unit 13 say the words aloud

Assessment

Reading

Reading

Reading

Reading

Reading

Reading

Homework

Social Studies

Social Studies

Social Studies

Social Studies

Social Studies

Social Studies

Time/Subject

11:25-12:10

11:25-12:10

11:25-12:10

11:25-12:10

11:25-12:10

11:25-12:10

Objective

SWBAT

SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.

Materials

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Activity

Read p. 194-195

Read p. 194-195

Read p. 194-195

Read p. 194-195

Read p. 194-195

Read p. 194-195

Assessment

Reading

Reading

Reading

Reading

Reading

Reading

Homework

Social Studies

Social Studies

Social Studies

Social Studies

Social Studies

Social Studies

Time/Subject

11:25-12:10

11:25-12:10

11:25-12:10

11:25-12:10

11:25-12:10

11:25-12:10

Objective

SWBAT

SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.

Materials

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Language Arts Today, McGraw-Hill

Activity

Read p. 194-195

Read p. 194-195

Read p. 194-195

Read p. 194-195

Read p. 194-195

Read p. 194-195

Assessment

Reading

Reading

Reading

Reading

Reading

Reading

Homework

Social Studies

Social Studies

Social Studies

Social Studies

Social Studies

Social Studies

Time/Subject

11:25-12:10

11:25-12:10

11:25-12:10

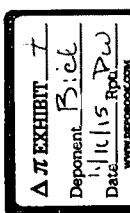
11:25-12:10

11:25-12:10

11:25-12:10

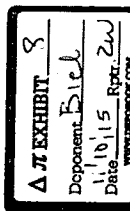
Objective

SWBAT

SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.SWF.3, SL.1.2.4,
2 a., 5 d., 6 a.

[illegible]

| Week Of: December 9-13, 2013 | | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------------------|--------|--|---|---|---|---|
| Days of the Week | Notes: | Monday | Tuesday | Wednesday | Thursday | Friday |
| Time/Subject | | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| SLE(s) | | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Materials | | Read p. 214-215, discuss interview process | Read p. 216-217, have students interview row partner for a subject. | Read p. 218-219, discuss writing an article | Read p. 220-222, do unit checkup p. 222 | Share interview articles, discuss pros and cons, for next time. |
| Activity | | talk about collecting information. | | discuss how to prepare an article. | Write interview article | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | 5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6. | 5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6. | 5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6. | 5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6. | 5.OA, 1.2.3, SNBT, 2.5.6, SNF, 5.6. |
| SLE(s) | | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | | Scott Foresman book | Scott Foresman book | Scott Foresman book | Scott Foresman book | Scott Foresman book |
| Activity | | Christmas Program rehearsal | Christmas Program rehearsal | Simple Solutions Quiz # 5 | Review SS Quiz answers | Review Simple Solutions homework Lesson 46 |
| Assessment | | | | Christmas Program No Homework | Simple Solutions lesson 46, p. 92 | |
| Homework | | | | | | |
| Time/Subject | | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | | Spelling/McGraw-Hill | Spelling/McGraw-Hill | Spelling/McGraw-Hill | Spelling/McGraw-Hill | Spelling/McGraw-Hill |
| Activity | | Christmas Program Rehearsal | Christmas Program Rehearsal | Read p. 99 do 1-20 | Read p. 90 do 1-20, Read p. 91, do 1-20 | Unit 14 test |
| Assessment | | | | No Homework Christmas Program | Workbook 47-48 | Unit 14 test |
| Homework | | | | | | |
| Time/Subject | | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective(s) | | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | SRF.1.7.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 |
| SLE(s) | | | | | | 2 a. b/c, 5 d. |
| Materials | | | | | | Fantastic Voyage - Scott Foresman |
| Activity | | | | | | Reading Test Missing Links |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |



| | | | | | |
|-------------------|--|---|---|---|--|
| Objective CCCS | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| SLE(s) | SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 | SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SSL.1.2 |
| Materials | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Activity | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman | Fantastic Voyage - Scott Foresman |
| Assessment | Read p. 216-217 | Read Missing Links p. 220-230 | Read Missing Links p. 220-230 | Test review story and vocab. | Read p. 104-108 chapter 5 |
| Homework | workbook p. 91 | workbook p. 92 | workbook p. 93 | workbook p. 95-96 | do questions on p. 108, 1-4 and index cards |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 | SRF.3, SL.1.2.4 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Materials | Read p. 76-77, review Vocab words and definitions Unit 9, do p. 78 | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | Make flash cards for Unit 9 | Study for test | Study for test | Crossword study guide | Read p. 78-79, do questions on p. 79 |
| Assessment | | | | | 1-5. |
| Homework | | | | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Materials | Read p. 106-107, do windsock activity | Read p. 110-113, discuss communion | Read p. 114-115, do test review activity | Review for test | Chapter 11 test |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Hands on Art |
| SLE(s) | American Will Be | American Will Be | American Will Be | American Will Be | Hands on Art |
| Materials | Work on study guides and worksheets for Chapter 4 | Work on study guides and worksheets for Chapter 4 | Work on study guides and worksheets for Chapter 4 | Go over study guides and correct worksheets for Chapter 4 | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:20-3:00 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | 2 a.b.d.e., 4c., 5d., 6a.b.c. | Hands on Art |
| SLE(s) | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Hands on Art |
| Materials | Work on study guides and worksheets | Work on study guides and worksheets | Work on study guides and worksheets | Take topic 4 test | |
| Activity | | | | | |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | | | | | |

Be sure
to S.C.!

EXHIBIT A PAGE 41
ER 702

| | | | | | |
|---|---|--|---|---|---|
| SLE(s) Materials Activity Assessment Homework Time/Subject | 2 a, b, c, 5 d. Vocabulary workshop, Sadlier-Oxford MLK no school | MUSIC MUSIC MUSIC | 2 a, b, c, 5 d. Vocabulary workshop, Sadlier-Oxford Unit review 9-12, do p. 100-101 | 2 a, b, c, 5 d. Vocabulary workshop, Sadlier-Oxford do p. 104-105 | 2 a, b, c, 5 d. Science, McGraw-Hill CLASS PARTY |
| Objective CCCS | 1.4.5-2.10 SWBAT - Know and understand the meaning behind Christmas and Christ's birth | 1.4.5-2.10 SWBAT - Know and understand the meaning behind Christmas and Christ's birth | 1.4.5-2.10 SWBAT - Know and understand the meaning behind Christmas and Christ's birth | 1.4.5-2.10 SWBAT - Know and understand the meaning behind Christmas and Christ's birth | 1.4.5-2.10 SWBAT - Know and understand the meaning behind Christmas and Christ's birth |
| SLE(s) Materials Activity Assessment Homework Time/Subject | 1 a-d, 2 a-c, 3 a-c, 5d Coming To God's Life book MLK no school | 1 a-d, 2 a-c, 3 a-c, 5d Coming To God's Life book Chapter 14, read p. 132-133, do exercise on p. 133 | 1 a-d, 2 a-c, 3 a-c, 5d Coming To God's Life book Chapter 14, review for test | 1 a-d, 2 a-c, 3 a-c, 5d Coming To God's Life book Chapter 14, test | 1 a-d, 2 a-c, 3 a-c, 5d Coming To God's Life book CLASS PARTY |
| Objective CCCS | 1.4.5-2.10 SWBAT - Know and understand Portuguese, Spanish, French, Dutch, and English | 1.4.5-2.10 SWBAT - Know and understand Portuguese, Spanish, French, Dutch, and English | 1.4.5-2.10 SWBAT - Know and understand Portuguese, Spanish, French, Dutch, and English | 1.4.5-2.10 SWBAT - Know and understand Portuguese, Spanish, French, Dutch, and English | 1.4.5-2.10 SWBAT - Know and understand Portuguese, Spanish, French, Dutch, and English |
| SLE(s) Materials Activity Assessment Homework Time/Subject | 2 a, 3, 3c, 4 a-c, 5d. American WWII Be MLK no school | COMPUTER COMPUTER COMPUTER | 2 a, 3c, 4 a-c, 5d. American WWII Be Work on Study Guide and worksheets Chapter 5 | 2 a, 3c, 4 a-c, 5d. American WWII Be Work on Study Guide and worksheets Chapter 5 | CLASS PARTY |
| Objective CCCS | 1.4.5-2.10 SWBAT - Know and understand Science | 1.4.5-2.10 SWBAT - Know and understand Science | 1.4.5-2.10 SWBAT - Know and understand Science | 1.4.5-2.10 SWBAT - Know and understand Science | 1.4.5-2.10 SWBAT - Know and understand Science |
| SLE(s) Materials Activity Assessment Homework Time/Subject | 2 a, b, c, 4c, 5d, 6a, b, c. Science, McGraw-Hill no school MLK | COMPUTER COMPUTER COMPUTER | 2 a, b, c, 4c, 5d, 6a, b, c. Science, McGraw-Hill Read p. 74-75, discuss what's in a seed | 2 a, b, c, 4c, 5d, 6a, b, c. Science, McGraw-Hill Read p. 74-75, discuss what's in a seed | CLASS PARTY |

Week Of: January 27-31, 2014

Days of the Week

Monday

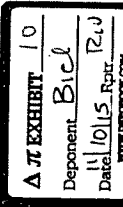
Tuesday

Wednesday

Thursday

Friday

| Time/Subject | Monday | Tuesday | Wednesday | Thursday | Friday |
|--------------|--|--|--|--|--|
| Objective(s) | SWBAT - know and understand how to write with descriptive adjectives. | SWBAT - know and understand how to write with descriptive adjectives. | SWBAT - know and understand how to write with descriptive adjectives. | SWBAT - know and understand how to write with descriptive adjectives. | SWBAT - know and understand how to write with descriptive adjectives. |
| CCCS | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. | SRF.3, SL.1.2.3.4, 2 a.c., 5 d., 6 a. |
| SLE(s) | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Write to Mary Margaret a letter | Read p. 268-269, discuss sensory details | Read p. 270-271, make a checklist of sensory writing, brainstorm words | Read p. 265-267, discuss descriptive | Read p. 274-277 writing a description |
| Assessment | Write to Mary Margaret a letter | Glencoe B, 61-62 | Glencoe B, 61-62 | discuss editing details | begin first draft of description writing |
| Homework | | | | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. |
| CCCS | 5.OA.1.2.3, SNF 1.2.3.5, SMD 1.2.5, SMT 1.2.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5 | 5.OA.1.2.3, SNF 1.2.3.5, SMD 1.2.5, SMT 1.2.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5 | 5.OA.1.2.3, SNF 1.2.3.5, SMD 1.2.5, SMT 1.2.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5 | 5.OA.1.2.3, SNF 1.2.3.5, SMD 1.2.5, SMT 1.2.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5 | 5.OA.1.2.3, SNF 1.2.3.5, SMD 1.2.5, SMT 1.2.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5, SNT 1.2.3.5 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Activity | Scott Foresman book, Read p. 168-169, do 5-30 on p. 169 | Scott Foresman book, Read p. 170-171, do 10-30 on p. 171 | Scott Foresman book, Read p. 172-174, do 7-37 odd on p. 174 | Scott Foresman book, Read p. 176-177, do 1-7 On p. 177 | Scott Foresman book, Read p. 178-180, do 6-32 on p. 180. |
| Assessment | | | | | |
| Homework | | | | | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT - know and understand the words | SWBAT - know and understand the words | SWBAT - know and understand the words | SWBAT - know and understand the words | SWBAT - know and understand the words |
| CCCS | from unit 13-17 review | from unit 13-17 review | from unit 13-17 review | from unit 13-17 review | from unit 13-17 review |
| SLE(s) | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. | SRF.3, SL.1.2.4, 2 a., 5 d., 6 a. |
| Activity | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Assessment | Do p. 104-105, unit 13-14 words. | Do p. 105-106, unit 15-16-17 | Do p. 107, 1-20 | Spelling test Unit 18 | Read p. 116, say unit 19 words aloud. |
| Homework | | | | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | SRF.1.2.3.5.6, SRF.2.5.6.8, SRF.3.4, SRF.1.2 |
| SLE(s) | | | | | 2 a. b. c., 5 d. |
| Materials | | | | | Bridge to Terabithia |
| Activity | | | | | Test chapters 9-11 |
| Assessment | | | | | Spectrum reading p. 4-5, Australia's giant |
| Homework | | | | | Toads |



| Time/Subject | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Social Studies |
|--------------|---|---|---|---|---|--|
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | French, and English Colonization and Settlement. |
| CCCS | 5RL1.2.3.5.6, 5RI.2.5.6.8, SRF.3.4, 5SL.1.2 | 5RL1.2.3.5.6, 5RI.2.5.6.8, SRF.3.4, 5SL.1.2 | 5RL1.2.3.5.6, 5RI.2.5.6.8, SRF.3.4, 5SL.1.2 | 5RL1.2.3.5.6, 5RI.2.5.6.8, SRF.3.4, 5SL.1.2 | 5RL1.2.3.5.6, 5RI.2.5.6.8, SRF.3.4, 5SL.1.2 | French, and English Colonization and Settlement. |
| SLE(s) | 2 a. b. c. 5 d. | 2 a. b. c. 5 d. | 2 a. b. c. 5 d. | 2 a. b. c. 5 d. | 2 a. b. c. 5 d. | America Will Be |
| Materials | Bridge to Terabithia | Bridge to Terabithia | Bridge to Terabithia | Bridge to Terabithia | Bridge to Terabithia | America Will Be |
| Activity | Read chapter 9-10 | Read chapter 11 | Read chapter 11 | Read chapter 11 | Read chapter 11 | Read p. 132-135, do p. 135 |
| Assessment | | | | | | Questions 1-4 |
| Homework | | | | | | |
| Time/Subject | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Reading Journey/Vocab. | 12:10-12:30 | Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | seeds develop, grow, and reproduce for a plant. |
| CCCS | 5RF.3, 5L1.2.4 | 5RF.3, 5L1.2.4 | 5RF.3, 5L1.2.4 | 5RF.3, 5L1.2.4 | 5RF.3, 5L1.2.4 | seeds develop, grow, and reproduce for a plant. |
| SLE(s) | 2 a. b. c. 5 d. | 2 a. b. c. 5 d. | 2 a. b. c. 5 d. | 2 a. b. c. 5 d. | 2 a. b. c. 5 d. | Science, McGraw-Hill |
| Materials | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Vocabulary workshop, Sadlier-Oxford | Read p. 82-83, do flash cards for science words |
| Activity | Unit 13 - Read p. 106-107, do p. 108 | Unit 13 - Read p. 106-107, do p. 108 | Unit 13 - Read p. 106-107, do p. 108 | Unit 13 - Read p. 106-107, do p. 108 | Unit 13 - Read p. 106-107, do p. 108 | Read p. 82-83, do flash cards for science words |
| Assessment | | | | | | |
| Homework | Make flash cards unit 13 | Make flash cards unit 13 | Make flash cards unit 13 | Make flash cards unit 13 | Make flash cards unit 13 | |
| Time/Subject | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | know and understand reconciliation |
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5 d. | 1 a-d, 2 a-c, 3 a-c, 5 d. | 1 a-d, 2 a-c, 3 a-c, 5 d. | 1 a-d, 2 a-c, 3 a-c, 5 d. | 1 a-d, 2 a-c, 3 a-c, 5 d. | Coming To God's Life book |
| SLE(s) | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Chapter 15 test |
| Materials | Read p. 140-141, discuss forgiveness | Read p. 140-141, discuss forgiveness | Read p. 140-141, discuss forgiveness | Read p. 140-141, discuss forgiveness | Read p. 140-141, discuss forgiveness | Chapter 15 test |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | French, and English Colonization and Settlement. |
| CCCS | 2 a. 3c, 4 a-c, 5d. | 2 a. 3c, 4 a-c, 5d. | 2 a. 3c, 4 a-c, 5d. | 2 a. 3c, 4 a-c, 5d. | 2 a. 3c, 4 a-c, 5d. | Fall Leaves Art Project |
| SLE(s) | American Will Be | American Will Be | American Will Be | American Will Be | American Will Be | Fall Leaves Art Project |
| Materials | Chapter 5 review, p. 124-125 | Chapter 5 review, p. 124-125 | Chapter 5 review, p. 124-125 | Chapter 5 review, p. 124-125 | Chapter 5 review, p. 124-125 | Fall Leaves Art Project |
| Activity | | | | | | |
| Assessment | | | | | | |
| Homework | | | | | | |
| Time/Subject | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Art |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | French, and English Colonization and Settlement. |
| CCCS | seeds develop, grow, and reproduce for a plant. | seeds develop, grow, and reproduce for a plant. | seeds develop, grow, and reproduce for a plant. | seeds develop, grow, and reproduce for a plant. | seeds develop, grow, and reproduce for a plant. | seeds develop, grow, and reproduce for a plant. |
| SLE(s) | 2 a.b.d.e. 4c, 5d, 6a.b.c. | 2 a.b.d.e. 4c, 5d, 6a.b.c. | 2 a.b.d.e. 4c, 5d, 6a.b.c. | 2 a.b.d.e. 4c, 5d, 6a.b.c. | 2 a.b.d.e. 4c, 5d, 6a.b.c. | Science, McGraw-Hill |
| Materials | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill |

Activity
Assessment
Homework

READ p. 76-77, discuss cycle of a conifer

COMPUTER

Read p. 78-79, discuss seeds we can eat
Do review questions on p. 79, 1-4

Read p. 80-81, discuss tree rings

*Remember, we
have talked "on
about things" on
deck -*

| Days of the Week | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------|--|--|--|--|--|
| Notes: | | | | | |
| Time/Subject | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing | 8:05-9:00 English/Writing |
| Objective(s) | SWBAT - know and understand the usage of pronouns | SWBAT - know and understand the usage of pronouns | SWBAT - know and understand the usage of pronouns | SWBAT - know and understand the usage of pronouns | SWBAT - know and understand the usage of pronouns |
| CCCS | SRF-3, SL1.2.3.4, 2 a.c., 5 d., 6 a. | SRF-3, SL1.2.3.4, 2 a.c., 5 d., 6 a. | SRF-3, SL1.2.3.4, 2 a.c., 5 d., 6 a. | SRF-3, SL1.2.3.4, 2 a.c., 5 d., 6 a. | SRF-3, SL1.2.3.4, 2 a.c., 5 d., 6 a. |
| SLE(s) | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 304-305, do p. 305 #6-20 | Read p. 306-307, do p. 307 # 6-20 | Read p. 308-309, do p. 309 #5-20 | Read p. 308-309, do p. 309 #5-20 | Read article "Should everyone get a Trophy?" Write a one paragraph opinion piece yes or no. |
| Homework | Glencoe p. 112-113 | Worksheet we and us | | | |
| Time/Subject | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math | 9:00-10:00 Math |
| Objective(s) | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. | SWBAT - know and practice dividing by two digit divisors, interpret remainders, find two digit quotients, relate multiplication and division problems. |
| CCCS | 5.OA1.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5 | 5.OA1.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5 | 5.OA1.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5 | 5.OA1.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5 | 5.OA1.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5, OAT1.2.3, SNF 1.2.3.5, SMD 1.2.5NBT.3.5 |
| SLE(s) | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Diagnostic Checkpoint on p. 198. | Chapter 5 practice test p. 199 | Chapter 5 test | Chapter 5 test review | check wrong answers go over questions |
| Homework | | | | | |
| Time/Subject | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting | 10:20-10:55 Spelling/Handwriting |
| Objective(s) | SWBAT - know and understand the spelling words in unit 21, ar and er sounds. | SWBAT - know and understand the spelling words in unit 21, ar and er sounds. | SWBAT - know and understand the spelling words in unit 21, ar and er sounds. | SWBAT - know and understand the spelling words in unit 21, ar and er sounds. | SWBAT - know and understand the spelling words in unit 21, ar and er sounds. |
| CCCS | SRF-3, SL1.2.4, 2 a., 5 d., 6 a. | SRF-3, SL1.2.4, 2 a., 5 d., 6 a. | SRF-3, SL1.2.4, 2 a., 5 d., 6 a. | SRF-3, SL1.2.4, 2 a., 5 d., 6 a. | SRF-3, SL1.2.4, 2 a., 5 d., 6 a. |
| SLE(s) | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 124, do p. 125 1-20 | do p. 126 1-20 | Spelling test Unit 21 | Spelling test Unit 21 | Unit 21 test review |
| Homework | worksheet p. 71 | worksheet p. 72 | | | |
| Time/Subject | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Spanish | 10:55-11:25 Reading |
| Objective(s) | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | SR1.2.3.5.6, SR1.2.5.6.8, SRF.3.4, SSL.1.2 |
| SLE(s) | | | | | 2 a. b. c. 5 d. |
| Activity | PRESIDENTS DAY | | | | Spectrum Reading page 8-9 |

$\Delta \pi$ EXHIBIT 11
Deponent Bickel
Date 11/10/15 RptRw
www.fda.gov

| Assessment Homework Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies French, and English Colonization and Settlement |
|--|---|---|--|---|
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRL1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL1.2 | SRL1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL1.2 | SRL1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL1.2 | SRL1.2.3.5.6, SRI.2.5.6.8, SRF.3.4, SSL1.2 |
| SLE(s) | MUSIC | 2 a, b, c, 5 d. | 2 a, b, c, 5 d. | 2 a, b, c, 5 d. |
| Materials | | | | American Will Be |
| Activity | | PE | DEAR TIME - ISLAND READING | Complete all unfinished worksheets |
| Assessment | | PE | | Ch 6. |
| Homework | | | | |
| Time/Subject | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Science seeds develop, grow, and reproduce for a plant. |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | SRL.3, SL1.2.4 | SRL.3, SL1.2.4 | seeds develop, grow, and reproduce for a plant. |
| SLE(s) | | 2 a, b, c, 5 d. | 2 a, b, c, 5 d. | 2 a, b, c, 5 d. |
| Materials | | | Vocabulary workshop, Sadlier-Oxford | Science, McGraw-Hill |
| Activity | | PE | Vocab test unit 16 | Ch 6 chapter review |
| Assessment | | PE | | Unit 2 test next Tuesday |
| Homework | | | | |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT - know and understand the meaning behind service of others | SWBAT - know and understand the meaning behind service of others | SWBAT - know and understand the meaning behind service of others | SWBAT - know and understand the meaning behind service of others |
| CCCS | | | | |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book | Coming To God's Life book |
| Activity | Ch 18, read p. 168 discuss how a priest helps others | Ch 18, read p. 170-171, answer the questions on p. 171 | Ch 18, read p. 172-173, divide the class in 4 groups and have them draw a symbol for their ministry. | Ch 18 Test |
| Assessment | | | | |
| Homework | | | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT - know and understand Spanish, French, and English Colonization and Settlement. | SWBAT - know and understand Spanish, French, and English Colonization and Settlement. | SWBAT - know and understand Spanish, French, and English Colonization and Settlement. | SWBAT |
| CCCS | | | | |
| SLE(s) | | | | |
| Materials | COMPUTER | COMPUTER | COMPUTER | Art Project |
| Activity | | | | |
| Assessment | | | | |
| Homework | | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science |
| Objective | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. | SWBAT - know and understand how seeds develop, grow, and reproduce for a plant. |
| CCCS | | | | |

SLE(s)
Materials
Activity
Assessment
Homework

PRESIDENTS DAY

COMPUTER
COMPUTER
COMPUTER

2 a.b.d.e., 4c., 5d., 6a.b.c.
Science, McGraw-Hill
Ch 2 study guide review

2 a.b.d.e., 4c., 5d., 6a.b.c.
Science, McGraw-Hill
Ch 2 study guide review

Art Project

*Be sure to
correct so the
students will have
something to study
(correctly)
Ronde*

Week Of: March 3-7-2014

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Notes:

Time/Subject

8:05-9:00 English/Writing

8:05-9:00 English/Writing

8:05-9:00 English/Writing

8:05-9:00 English/Writing

8:05-9:00 English/Writing

Objective(s)
CCCS
SLE(s)SWBAT - know and understand how to write a persuasive essay
SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.
2 a.c., 5 d., 6 a.SWBAT - know and understand how to write a persuasive essay
SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.
2 a.c., 5 d., 6 a.SWBAT - know and understand how to write a persuasive essay
SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.
2 a.c., 5 d., 6 a.SWBAT - know and understand how to write a persuasive essay
SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.
2 a.c., 5 d., 6 a.SWBAT - know and understand how to write a persuasive essay
SRF.3, SL.1.2.3.4, SW.1.2.3.4.5.
2 a.c., 5 d., 6 a.Materials
Activity
Assessment
HomeworkLanguage Arts Today, McGraw-Hill
Read p. 330-331, discuss elements to a persuasive essayLanguage Arts Today, McGraw-Hill
Read p. 332-336, answer questions with whole class discuss thinking like a writerLanguage Arts Today, McGraw-Hill
Read p. 337, brainstorm essay ideasLanguage Arts Today, McGraw-Hill
Read p. 340-341, discuss facts and opinionsLanguage Arts Today, McGraw-Hill
Read p. 342-343, start a checklist and graphic organizer.

Time/Subject

9:00-10:00 Math

9:00-10:00 Math

9:00-10:00 Math

9:00-10:00 Math

9:00-10:00 Math

Objective(s)
CCCS
SLE(s)SWBAT - know and practice Multiplying and Dividing Decimals
5.OA.1, 5.NBT.1.3.5, 6, 7, 5MD.1.2, 2 a., 5 d., 6 a.SWBAT - know and practice Multiplying and Dividing Decimals
5.OA.1, 5.NBT.1.3.5, 6, 7, 5MD.1.2, 2 a., 5 d., 6 a.SWBAT - know and practice Multiplying and Dividing Decimals
5.OA.1, 5.NBT.1.3.5, 6, 7, 5MD.1.2, 2 a., 5 d., 6 a.SWBAT - know and practice Multiplying and Dividing Decimals
5.OA.1, 5.NBT.1.3.5, 6, 7, 5MD.1.2, 2 a., 5 d., 6 a.SWBAT - know and practice Multiplying and Dividing Decimals
5.OA.1, 5.NBT.1.3.5, 6, 7, 5MD.1.2, 2 a., 5 d., 6 a.Materials
Activity
Assessment
HomeworkScott Foresman book
Read p. 225-223, do p. 223, 8-27 evenScott Foresman book
Diagnostic checkpoint p. 225Scott Foresman book
Read p. 226-227, do p. 227, 7-30 oddScott Foresman book
Read p. 230-231, do p. 231, 5-29 oddScott Foresman book
Read p. 230-231, do p. 231, 5-29 odd

Time/Subject

10:20-10:55 Spelling/Handwriting

10:20-10:55 Spelling/Handwriting

10:20-10:55 Spelling/Handwriting

10:20-10:55 Spelling/Handwriting

10:20-10:55 Spelling/Handwriting

Objective(s)
CCCS
SLE(s)SWBAT - know and understand the spelling words that are often mispronounced
SRF.3, SL.1.2.4
2 a., 5 d., 6 a.SWBAT - know and understand the spelling words that are often mispronounced
SRF.3, SL.1.2.4
2 a., 5 d., 6 a.SWBAT - know and understand the spelling words that are often mispronounced
SRF.3, SL.1.2.4
2 a., 5 d., 6 a.SWBAT - know and understand the spelling words that are often mispronounced
SRF.3, SL.1.2.4
2 a., 5 d., 6 a.SWBAT - know and understand the spelling words that are often mispronounced
SRF.3, SL.1.2.4
2 a., 5 d., 6 a.Materials
Activity
Assessment
HomeworkMcGraw-Hill
Read p. 132, pronounce words whole classMcGraw-Hill
Do p. 133, core and contentMcGraw-Hill
Do p. 135, core, 1-20, content, 1-8, and reviewMcGraw-Hill
Spelling test Unit 23McGraw-Hill
Review Spelling test Unit 23

Time/Subject

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

Objective
CCCS
SLE(s)

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

Materials
Activity
Assessment
Homework

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Time/Subject

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

Objective
CCCS
SLE(s)

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

Materials
Activity
Assessment
Homework

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Time/Subject

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

Objective
CCCS
SLE(s)

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

Materials
Activity
Assessment
Homework

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Time/Subject

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

10:55-11:25 Spanish

Objective
CCCS
SLE(s)

SWBAT

SWBAT

SWBAT

SWBAT

SWBAT

Materials
Activity
Assessment
Homework

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

Spectrum Reading page 12-13

EXHIBIT 12

Dependent: Shirley

Date: 11/16/15

www.denton.tx.us

| Time/Subject | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Reading | 11:25-12:10 | Social Studies |
|--------------|--|--|--|--|--|--|--|--|
| Objective | SWBAT | know and understand the story | SWBAT | know and understand the story | SWBAT | know and understand the story | SWBAT | know and understand the story |
| CCCS | Kate Shelley | | Kate Shelley | | Kate Shelley | | Kate Shelley | |
| SLE(s) | SRL1.2.3.5.6, SRL2.3.5.6, SRL3.4.5SL1.2 | | SRL1.2.3.5.6, SRL2.3.5.6, SRL3.4.5SL1.2 | | SRL1.2.3.5.6, SRL2.3.5.6, SRL3.4.5SL1.2 | | SRL1.2.3.5.6, SRL2.3.5.6, SRL3.4.5SL1.2 | |
| Materials | 2 a, b, c, 5 d. | | 2 a, b, c, 5 d. | | 2 a, b, c, 5 d. | | 2 a, b, c, 5 d. | |
| Activity | Reading Fantastic Voyage | | Reading Fantastic Voyage | | Reading Fantastic Voyage | | Reading Fantastic Voyage | |
| Assessment | Read p. 264, do flash cards, read the story | | Read p. 264, do flash cards, read the story | | Read p. 264, do flash cards, read the story | | Read p. 264, do flash cards, read the story | |
| Homework | "Kate Shelley" p. 266-273 | | "Kate Shelley" p. 266-273 | | "Kate Shelley" p. 266-273 | | "Kate Shelley" p. 266-273 | |
| Time/Subject | 12:10-12:30 | Reading/Journey/Vocab. | 12:10-12:30 | Reading/Journey/Vocab. | 12:10-12:30 | Reading/Journey/Vocab. | 12:10-12:30 | Science |
| Objective | SWBAT | | SWBAT | | SWBAT | | SWBAT | |
| CCCS | | | | | | | | |
| SLE(s) | | | | | | | | |
| Materials | MUSIC | | MUSIC | | MUSIC | | MUSIC | |
| Activity | MUSIC | | MUSIC | | MUSIC | | MUSIC | |
| Assessment | MUSIC | | MUSIC | | MUSIC | | MUSIC | |
| Homework | | | | | | | | |
| Time/Subject | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion | 1:05-1:45 | Religion |
| Objective | SWBAT | know and understand the meaning behind Lent and reflection | SWBAT | know and understand the meaning behind Lent and reflection | SWBAT | know and understand the meaning behind Lent and reflection | SWBAT | know and understand the meaning behind Lent and reflection |
| CCCS | | | | | | | | |
| SLE(s) | | | | | | | | |
| Materials | | | | | | | | |
| Activity | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | | 1 a-d, 2 a-c, 3 a-c, 5d. | |
| Assessment | Coming To God's Life book | | Coming To God's Life book | | Coming To God's Life book | | Coming To God's Life book | |
| Homework | Read p. 188-189, discuss celebrating Lent | | Read p. 190-191, discuss Jesus' 40 days in the desert and fasting | | Read p. 192-193, Discuss Lent service | | Read p. 194-195, Discuss Lent service | |
| Time/Subject | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Social Studies | 1:45-2:30 | Art |
| Objective | SWBAT | know and understand Life in the Southern Colonies | SWBAT | know and understand Life in the Southern Colonies | SWBAT | know and understand Life in the Southern Colonies | SWBAT | |
| CCCS | | | | | | | | |
| SLE(s) | | | | | | | | |
| Materials | | | | | | | | |
| Activity | 2 a, 3c, 4 a-c, 5d. | | 2 a, 3c, 4 a-c, 5d. | | 2 a, 3c, 4 a-c, 5d. | | 2 a, 3c, 4 a-c, 5d. | |
| Assessment | American Will Be | | American Will Be | | American Will Be | | American Will Be | |
| Homework | Read p. 167-173, discuss slavery in the southern colonies worksheets | | Answer questions on p. 173, 1-4 make flash Read Flow lines p. 174-175 work on worksheets | | Answer questions on p. 173, 1-4 make flash Read Flow lines p. 174-175 work on worksheets | | Answer questions on p. 173, 1-4 make flash Read Flow lines p. 174-175 work on worksheets | |
| Time/Subject | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Science | 2:30-3:10 | Science |
| Objective | SWBAT | know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT | know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT | know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT | know and understand weather, weather patterns, and layers of the atmosphere. |
| CCCS | | | | | | | | |
| SLE(s) | | | | | | | | |
| Materials | | | | | | | | |
| Activity | 2 a,b,d,e,4c,5d,6a,b,c. | | 2 a,b,d,e,4c,5d,6a,b,c. | | 2 a,b,d,e,4c,5d,6a,b,c. | | 2 a,b,d,e,4c,5d,6a,b,c. | |
| Assessment | Science, McGraw-Hill | | Science, McGraw-Hill | | Science, McGraw-Hill | | Science, McGraw-Hill | |
| Homework | | | | | | | | |
| Time/Subject | 3:10-3:50 | Art | 3:10-3:50 | Art | 3:10-3:50 | Art | 3:10-3:50 | Art |
| Objective | SWBAT | | SWBAT | | SWBAT | | SWBAT | |
| CCCS | | | | | | | | |
| SLE(s) | | | | | | | | |
| Materials | | | | | | | | |
| Activity | ART Project | | ART Project | | ART Project | | ART Project | |
| Assessment | | | | | | | | |
| Homework | | | | | | | | |
| Time/Subject | 12:20-3:00 | Art - 3:00-3:15 Reward Time | 12:20-3:00 | Art - 3:00-3:15 Reward Time | 12:20-3:00 | Art - 3:00-3:15 Reward Time | 12:20-3:00 | Art - 3:00-3:15 Reward Time |

| | | | | | |
|------------------------------------|---|----------|--------------------------|--|----------|
| Activity Assessment Homework | Topic 2, Water in the Air Read p. 112-117, discuss cloud formation | COMPUTER | Do p. 117 questions, 1-5 | Topic 1-2, study guide quiz next week | HALF DAY |
|------------------------------------|---|----------|--------------------------|--|----------|

Week Of: April 7-11-2014

Days of the Week

Monday

Tuesday

Wednesday

Thursday

Friday

Notes:

Time/Subject

Objective(s)

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

8:05-9:00 English/Writing

SWBAT - know and understand how to write an adventure story

SFR-3, SL1.2.3.4, 5.W.1.2.3.4.5.

2 a., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Prepare for Rite of Reconciliation

Work on rough draft, adventure story

9:00-10:00 Math

SWBAT - know and understand factors and divisibility and fractions

5.OA.1.5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 266-267, do p. 267, 7-23

workbook p. 7-4

10:20-10:55 Spelling/Handwriting

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SFR-3, SL1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 160-161, do p. 161, 1-20, 1-8

worksheet 95

10:55-11:25 Spanish

SWBAT

Objective

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

8:05-9:00 English/Writing

SWBAT - know and understand how to write an adventure story

SFR-3, SL1.2.3.4, 5.W.1.2.3.4.5.

2 a., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Prepare for Rite of Reconciliation

Work on rough draft, adventure story

9:00-10:00 Math

SWBAT - know and understand factors and divisibility and fractions

5.OA.1.5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 268-269, do p. 269, 1-5

workbook p. 7-4

10:20-10:55 Spelling/Handwriting

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SFR-3, SL1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 162, 1-20

worksheet p. 96

10:55-11:25 Spanish

SWBAT

Objective

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

8:05-9:00 English/Writing

SWBAT - know and understand how to write an adventure story

SFR-3, SL1.2.3.4, 5.W.1.2.3.4.5.

2 a., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Writing in journal, and share

topic: If you opened your own restaurant what would you cook what is the menu?

9:00-10:00 Math

SWBAT - know and understand factors and divisibility and fractions

5.OA.1.5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Do diagnostic checkpoint p. 270

workbook 7-6

10:20-10:55 Spelling/Handwriting

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SFR-3, SL1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Do p. 163, all

worksheet p. 97

10:55-11:25 Spanish

SWBAT

Objective

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

8:05-9:00 English/Writing

SWBAT - know and understand how to write an adventure story

SFR-3, SL1.2.3.4, 5.W.1.2.3.4.5.

2 a., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read 413-414, revise story, change vivid verbs and adjectives, peer edit

9:00-10:00 Math

SWBAT - know and understand factors and divisibility and fractions

5.OA.1.5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 272-273, do p. 273, 6-23

workbook 7-6

10:20-10:55 Spelling/Handwriting

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SFR-3, SL1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Spelling test Unit 28

10:55-11:25 Spanish

SWBAT

Objective

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

8:05-9:00 English/Writing

SWBAT - know and understand how to write an adventure story

SFR-3, SL1.2.3.4, 5.W.1.2.3.4.5.

2 a., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 415-416, proofread story

peer editing finishe rough draft

turn in rough draft

9:00-10:00 Math

SWBAT - know and understand factors and divisibility and fractions

5.OA.1.5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 274-275 do p. 275, # 5-22

workbook 7-6

10:20-10:55 Spelling/Handwriting

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SFR-3, SL1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 164, say words aloud, give meanings

10:55-11:25 Reading

SWBAT

Objective

CCCS

SLE(s)

Materials

Activity

Assessment

Homework

Time/Subject

8:05-9:00 English/Writing

SWBAT - know and understand how to write an adventure story

SFR-3, SL1.2.3.4, 5.W.1.2.3.4.5.

2 a., 5 d., 6 a.

Language Arts Today, McGraw-Hill

Read p. 413-414, revise story, change vivid verbs and adjectives, peer edit

9:00-10:00 Math

SWBAT - know and understand factors and divisibility and fractions

5.OA.1.5.NTB.1.3.5, 6, 7, SNF, 1-7,

2 a., 5 d., 6 a.

Scott Foresman book,

Read p. 274-275 do p. 275, # 5-22

workbook 7-6

10:20-10:55 Spelling/Handwriting

SWBAT - know and understand the spelling words in unit 28, Unstressed syllables with

SFR-3, SL1.2.4

2 a., 5 d., 6 a.

Spelling, McGraw-Hill

Read p. 164, say words aloud, give meanings

10:55-11:25 Reading

SWBAT

Objective

CCCS

SLE(s)

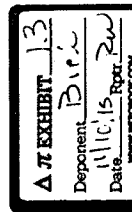
Materials

Activity

Assessment

Homework

Time/Subject



| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
|--------------|--|--|--|--|
| Objective | SWBAT know and understand the story Jr. | SWBAT know and understand the story Jr. | SWBAT know and understand the story Jr. | SWBAT know and understand life in the |
| CCCS | Identified race and skill lesson summarizing. | Identified race and skill lesson summarizing. | Identified race and skill lesson summarizing. | New England Colonies |
| SLE(s) | SRL1.2.3.5.6, SRL2.5.6.8, SRL3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRL3.4, SSL1.2 | SRL1.2.3.5.6, SRL2.5.6.8, SRL3.4, SSL1.2 | |
| Materials | 2 a.b.c., 5 d. | 2 a.b.c., 5 d. | 2 a.b.c., 5 d. | 2 a.b.c., 5 d. |
| Activity | Reading Fantastic Voyage | PE | Reading Fantastic Voyage | American Will Be |
| Assessment | Read p. 384-397, review vocabulary | PE | Test Jr. Identified Race | Work on Chapter 8 worksheets |
| Homework | make flash cards | PE | | |
| Time/Subject | workbook p. 162 | workbook p. 165-166 | | |
| Time/Subject | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Reading Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | weather patterns, and layers of the atmosphere. |
| CCCS | | SRL3, 5L1.2.4 | SRL3, 5L1.2.4 | |
| SLE(s) | | 2 a.b.c., 5 d. | 2 a.b.c., 5 d. | 2 a.b.c., 5 d. |
| Materials | | PE | PE | Science, McGraw-Hill |
| Activity | DEAR TIME READING JOURNEY | PE | DEAR TIME/READING JOURNEY | Topic 3 quiz |
| Assessment | | PE | | |
| Homework | | PE | | |
| Time/Subject | | | | |
| Objective | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| CCCS | SWBAT - know and understand the meaning behind becoming a Catholic | SWBAT - know and understand the meaning behind becoming a Catholic | SWBAT - know and understand the meaning behind becoming a Catholic | SWBAT - know and understand the meaning behind becoming a Catholic |
| SLE(s) | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| Materials | Coming to God's Life | Coming to God's Life | Coming to God's Life | Coming to God's Life |
| Activity | Chapter 24, read p. 220-223 | Read p. 224-225, review and discuss | Read p. 224-225, review and discuss | Chapter 24 test |
| Assessment | discuss faith | The Apostles' Creed | on p. 229 | Chapter 24 Test review |
| Homework | | | | |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Art |
| Objective | SWBAT - know and understand life in the New England Colonies | SWBAT - know and understand life in the New England Colonies | SWBAT - know and understand life in the New England Colonies | SWBAT |
| CCCS | | | | |
| SLE(s) | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | Art Project |
| Materials | American Will Be | American Will Be | American Will Be | Easter Bunny art |
| Activity | Read p. 194-195, do review #1-4, p. 195 | Read p. 198-201, do review #1-4 p. 201 | Lesson 4 | |
| Assessment | Lesson 3 | | | |
| Homework | | | | |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Art - 3:00-3:15 Reward Time |
| Objective | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. | weather patterns, and layers of the atmosphere. |
| CCCS | | | | |
| SLE(s) | 2 a.b.d.e., 4c, 5d., 6a.b.c. | 2 a.b.d.e., 4c, 5d., 6a.b.c. | 2 a.b.d.e., 4c, 5d., 6a.b.c. | Art Project |
| Materials | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Easter Bunny Art |

| | | | | |
|------------------------------------|-------------------------------------|---------------------------------|---|--------------|
| Activity Assessment Homework | Read p. 120-125, work on worksheets | COMPUTER Test Review Topic 2 | Read p. 125-129, do review # 1-5 Test review | HANDS ON ART |
|------------------------------------|-------------------------------------|---------------------------------|---|--------------|

Week Of: April 28-May 2-2014

Days of the Week

Monday

Tuesday

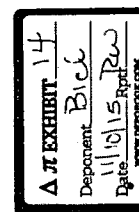
Wednesday

Thursday

Friday

Notes:

| Time/Subject | 8:05-9:00 | English/Math | 8:05-9:00 | English/Writing | 8:05-9:00 | English/Writing | 8:05-9:00 | English/Writing |
|--------------|--|--|--|--|--|--|--|--|
| Objective(s) | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions | SWBAT - know and understand how to use prepositions |
| CCCS | SRE.3, 5L.1.2.3.4, 5W.1.2.3.4.5. | SRE.3, 5L.1.2.3.4, 5W.1.2.3.4.5. | SRE.3, 5L.1.2.3.4, 5W.1.2.3.4.5. | SRE.3, 5L.1.2.3.4, 5W.1.2.3.4.5. | SRE.3, 5L.1.2.3.4, 5W.1.2.3.4.5. | SRE.3, 5L.1.2.3.4, 5W.1.2.3.4.5. | SRE.3, 5L.1.2.3.4, 5W.1.2.3.4.5. | SRE.3, 5L.1.2.3.4, 5W.1.2.3.4.5. |
| SLE(s) | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. | 2 a.c., 5 d., 6 a. |
| Materials | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill | Language Arts Today, McGraw-Hill |
| Activity | Read p. 430-431, do p. 431, 6-20 | Read p. 430-433, do p. 433, 6-20 | Read p. 430-433, do p. 433, 6-20 | Read p. 430-433, do p. 433, 6-20 | Read p. 430-433, do p. 433, 6-20 | Read p. 430-433, do p. 433, 6-20 | Read p. 430-433, do p. 433, 6-20 | Read p. 430-433, do p. 433, 6-20 |
| Assessment | | | | | | | | |
| Homework | Glencoe p. 149-150 | Glencoe p. 151-152 | Glencoe p. 159-160 | Glencoe p. 161-162 | Glencoe p. 161-162 | Glencoe p. 161-162 | Glencoe p. 161-162 | Glencoe p. 161-162 |
| Time/Subject | 9:00-10:00 | Math | 9:00-10:00 | Math | 9:00-10:00 | Math | 9:00-10:00 | Math |
| Objective(s) | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions | SWBAT - know and understand factors and divisibility and fractions |
| CCCS | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, | 5.OA.1, 5.NTB.1.3.5, 6, 7, SNF, 1-7, |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, | Scott Foresman book, |
| Activity | Read p. 282-283, do p. 283, 8-30 | Read p. 284-285, do p. 285, 8-30 | Read p. 284-285, do p. 285, 8-30 | Read p. 284-285, do p. 285, 8-30 | Read p. 284-285, do p. 285, 8-30 | Read p. 284-285, do p. 285, 8-30 | Read p. 284-285, do p. 285, 8-30 | Read p. 284-285, do p. 285, 8-30 |
| Assessment | | | | | | | | |
| Homework | workbook p. 7-11 | workbook p. 7-12 | workbook p. 7-12 | workbook p. 7-12 | workbook p. 7-12 | workbook p. 7-12 | workbook p. 7-12 | workbook p. 7-12 |
| Time/Subject | 10:20-10:55 | Spelling/Handwriting | 10:20-10:55 | Spelling/Handwriting | 10:20-10:55 | Spelling/Handwriting | 10:20-10:55 | Spelling/Handwriting |
| Objective(s) | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review | SWBAT - know and understand the spelling words in unit 25-29, review |
| CCCS | SRE.3, 5L.1.2.4 | SRE.3, 5L.1.2.4 | SRE.3, 5L.1.2.4 | SRE.3, 5L.1.2.4 | SRE.3, 5L.1.2.4 | SRE.3, 5L.1.2.4 | SRE.3, 5L.1.2.4 | SRE.3, 5L.1.2.4 |
| SLE(s) | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. | 2 a., 5 d., 6 a. |
| Materials | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill | Spelling, McGraw-Hill |
| Activity | Read p. 168, do p. 168 | Read p. 169 | Read p. 169 | Read p. 169 | Read p. 169 | Read p. 169 | Read p. 169 | Read p. 169 |
| Assessment | | | | | | | | |
| Homework | worksheet 101-102 | worksheet p. 103-104 | worksheet p. 105-106 | worksheet p. 105-106 | worksheet p. 105-106 | worksheet p. 105-106 | worksheet p. 105-106 | worksheet p. 105-106 |
| Time/Subject | 10:55-11:25 | Spanish | 10:55-11:25 | Spanish | 10:55-11:25 | Spanish | 10:55-11:25 | Spanish |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | | | | | | | | |
| SLE(s) | | | | | | | | |
| Materials | | | | | | | | |
| Activity | | | | | | | | |
| Assessment | | | | | | | | |
| Homework | | | | | | | | |



| Time/Subject | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Reading | 11:25-12:10 Social Studies |
|--------------|--|--|--|--|
| Objective | SWBAT know and understand the story | SWBAT know and understand the story | SWBAT know and understand the story | SWBAT know and understand life in the Middle Colonies |
| CCCS | Heart of a runner and skill lesson summarizing. SRL1.2.3.5.6, SRF 3.4, SSL1.2 | Heart of a runner and skill lesson summarizing. SRL1.2.3.5.6, SRF 3.4, SSL1.2 | Heart of a runner and skill lesson summarizing. SRL1.2.3.5.6, SRF 3.4, SSL1.2 | Heart of a runner and skill lesson summarizing. SRL1.2.3.5.6, SRF 3.4, SSL1.2 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Activity | Reading Fantastic Voyage | Reading Fantastic Voyage | Reading Fantastic Voyage | American Will Be |
| Assessment | Read p. 42-44, review vocabulary | Read p. 42-44, review vocabulary | Read p. 42-44, review vocabulary | Finish reading p. 212, do review, #1-4, p. 212, start lesson 1 worksheets |
| Homework | workbook p. 182 | workbook p. 182 | workbook p. 182 | Lesson 1 |
| Time/Subject | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Reading/Journey/Vocab. | 12:10-12:30 Science |
| Objective | SWBAT | SWBAT | SWBAT | SWBAT |
| CCCS | SRF 3.4, SSL1.2.4 | SRF 3.4, SSL1.2.4 | SRF 3.4, SSL1.2.4 | SRF 3.4, SSL1.2.4 |
| SLE(s) | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. | 2 a. b. c., 5 d. |
| Activity | DEAR TIME READING JOURNEY | DEAR TIME READING JOURNEY | DEAR TIME READING JOURNEY | DEAR TIME READING JOURNEY |
| Assessment | MUSIC | MUSIC | MUSIC | MUSIC |
| Homework | MUSIC | MUSIC | MUSIC | MUSIC |
| Time/Subject | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion | 1:05-1:45 Religion |
| Objective | SWBAT - know and understand the meaning behind becoming a Catholic | SWBAT - know and understand the meaning behind becoming a Catholic | SWBAT - know and understand the meaning behind becoming a Catholic | SWBAT - know and understand the meaning behind becoming a Catholic |
| CCCS | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. | 1 a-d, 2 a-c, 3 a-c, 5d. |
| SLE(s) | Coming to God's Life | Coming to God's Life | Coming to God's Life | Coming to God's Life |
| Activity | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter |
| Assessment | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter |
| Homework | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter | Chapter 26, read p. 240-241, do activity on p. 241, writing a letter |
| Time/Subject | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies | 1:45-2:30 Social Studies |
| Objective | SWBAT - know and understand life in the Middle Colonies | SWBAT - know and understand life in the Middle Colonies | SWBAT - know and understand life in the Middle Colonies | SWBAT - know and understand life in the Middle Colonies |
| CCCS | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. | 2 a., 3c., 4 a-c, 5d. |
| SLE(s) | American Will Be | American Will Be | American Will Be | American Will Be |
| Activity | Review Study Guide and worksheets | Review Study Guide and worksheets | Review Study Guide and worksheets | Review Study Guide and worksheets |
| Assessment | Pass back chapter review | Pass back chapter review | Pass back chapter review | Pass back chapter review |
| Homework | Study for Chapter 8 test | Study for Chapter 8 test | Study for Chapter 8 test | Study for Chapter 8 test |
| Time/Subject | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science | 2:30-3:10 Science |
| Objective | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. | SWBAT - know and understand weather, weather patterns, and layers of the atmosphere. |
| CCCS | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. | 2 a.b.d.e, 4c, 5d, 6a.b.c. |
| SLE(s) | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill |
| Materials | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill | Science, McGraw-Hill |

| | | | | | |
|------------------------------------|------------------------------|----------|-------------------|--------------|-----------|
| Activity Assessment Homework | Pass out topic 4 study guide | COMPUTER | review of topic 4 | Topic 4 quiz | NO SCHOOL |
|------------------------------------|------------------------------|----------|-------------------|--------------|-----------|

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015

1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

| | | |
|------------------------------|---|-------------------------------|
| KRISTEN BIEL, an individual, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 2:15-cv-04248 (TJH) (ASx) |
| |) | |
| ST. JAMES SCHOOL, A CORP, a |) | |
| California non-profit |) | |
| corporation, and DOES 1-50, |) | |
| inclusive, |) | |
| |) | |
| Defendants. |) | |

DEPOSITION OF

KRISTEN BIEL

TUESDAY, NOVEMBER 10, 2015

400 North Tustin Avenue, Suite 120

Santa Ana, California

Reported by: ROBERTA WIMBERLY, CSR No. 4882



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EXHIBIT B PAGE 58

ER 719

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
14

1 Q You studied dance?

2 A I'm sorry.

3 Q Did you study dance? .

4 A Yes.

5 Q Okay. You were eventually hired as a substitute
6 teacher at St. James. Right?

7 A Yes.

8 Q Do you recall the month and year?

9 A March of 2013 to June of 2013.

10 Q As a substitute?

11 A Long-term sub.

12 Q What do you mean by "long-term sub"?

13 A A substitute teacher sometimes can substitute for
14 just one day. A long-term sub is like a full-time
15 teacher. I'm there every day all the time teaching, but
16 for somebody who is out, usually because they are
17 pregnant.

18 Q Who was out during that time, what teacher?

19 A I don't remember her name. Sorry.

20 Q Was she on maternity leave?

21 A Yes.

22 Q So you were first hired as a substitute teacher
23 at St. James in March of 2013. Right?

24 A Yes.

25 Q And your term ended in June of 2013?



KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
15

1 A Yes.

2 Q What grade did you teach during that time period?

3 A First grade.

4 Q Did you teach the 'first' grade by yourself during
5 those few months?

6 A I was a team teacher. I taught two days a week
7 and Alisa taught three days a week.

8 Q Alisa? What is her last name?

9 A Gobey. I can't recall her last name. It's
10 difficult to remember.

11 Q She taught three days a week?

12 A Yes.

13 Q Was she a long-term sub, too?

14 A No. She was a permanent teacher.

15 Q Was she the one who was on maternity leave?

16 A No.

17 Q Who were you subbing for that was on maternity
18 leave?

19 A I don't remember her name.

20 Q But she was a first grade teacher?

21 A Yes. They shared the position.

22 Q I see. So Alisa shared the first grade teaching
23 position with this other teacher that went on maternity
24 leave?

25 A Yes.



KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
17

1 long-term sub?

2 A No.

3 Q You know who Sister Mary Margaret is. Right?

4 A Yes.

5 Q Did she hire you?

6 A Yes.

7 Q Was she your supervisor?

8 A Yes.

9 Q You know who Father Meyers is?

10 A Yes.

11 Q Was he ever your supervisor?

12 A Not that I know of.

13 Q After your long-term substitute -- after you
14 subbed for the first grade -- that ended in June of 2013.
15 Right?

16 A Yes.

17 Q Were you then hired as a full-time teacher?

18 A Yes.

19 Q Who hired you?

20 A Sister Mary Margaret.

21 Q Do you know when she hired you as a full-time
22 teacher?

23 A June of 2013.

24 Q For what position?

25 A Fifth grade teacher.



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EXHIBIT B PAGE 61

ER 722

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
18

1 (Exhibit 1 was marked for identification by the
2 court reporter.)

3 BY MS. FERMIN:

4 Q Kristen, if you would look over this document and
5 let me know when you're done.

6 A Explain "look over." Do you want me to full on
7 read it or do you want me to glance at it?

8 Q I want you to tell me if you recognize it. Do
9 you recognize the document?

10 A Yes.

11 Q Okay. What is it?

12 A An employment contract.

13 Q Is this your employment contract for the
14 2013-2014 school year at St. James?

15 A I believe so.

16 Q On page 5 -- yes, on page 5, is that your
17 signature?

18 A It looks like my signature.

19 Q Do you recall signing an employment contract
20 prior to teaching the 2013 to 2014 school year at
21 St. James?

22 A Ask the question again.

23 Q Do you recall signing an employment contract
24 before you started teaching at St. James full time?

25 A Yes.



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EXHIBIT B PAGE 62

ER 723

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
19

1 Q Does this look like the contract that you signed?

2 A It looks like it.

3 Q Do you have any reason to believe it's not the
4 contract that you signed?

5 A Not at this time.

6 Q Was it your understanding this contract was for
7 the 2013 to 2014 school year?

8 A Yes.

9 Q And that the start date of your employment,
10 according to this contract, was August 26, 2013, at the
11 top?

12 A Yes.

13 Q And the end date of this employment contract was
14 June 30th, 2014, as indicated at the top of the contract?

15 A That's what it says.

16 Q Was that your understanding?

17 A As I look at it now.

18 Q Did you have a different understanding when you
19 signed the contract?

20 A Not that I can recall.

21 Q Was it your understanding at the time that you
22 signed this contract that the terms of your employment
23 were contained in this document?

24 A I'm sorry. Rephrase the question.

25 MS. FERMIN: Can you read it back, please.



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EXHIBIT B PAGE 63

ER 724

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
20

1 (Record read as follows:

2 "Q Was it your understanding at the time
3 that you signed this contract that the terms
4 of your employment were contained in this
5 document?")

6 MS. SHOEMAKER: Objection; vague and ambiguous.
7 It calls for a legal contention.

8 BY MS. FERMIN:

9 Q Do you understand the question?

10 A Not really, no.

11 Q Does this contract contain the terms of your
12 employment at St. James?

13 MS. SHOEMAKER: Same objections.

14 THE WITNESS: It appears to.

15 BY MS. FERMIN:

16 Q What did you think the significance of this
17 contract was when you signed it?

18 A I don't understand the question.

19 Q You signed this document?

20 A Yes.

21 Q And presumably you read it.

22 A Yes.

23 Q Was it your understanding that this document
24 outlined the terms of your employment at St. James?

25 MS. SHOEMAKER: Same objections; vague and



KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
21

1 ambiguous, calls for a legal contention. You can answer
2 her question.

3 THE WITNESS: Yes.

4 BY MS. FERMIN:

5 Q Was it your understanding that your employment
6 with St. James ended as of June 30th, 2014?

7 A No, that's not what my understanding was.

8 Q What was your understanding?

9 A That I would continue teaching there at
10 St. James.

11 Q Indefinitely?

12 A As far as I knew. I thought, yes, I would be
13 teaching there for a while.

14 Q Was it your understanding that tenure was not
15 granted to any teacher at St. James?

16 A Yes.

17 Q If you can turn to paragraph 7 of this contract.
18 The last sentence where it says "You understand that
19 tenure is not granted," do you see that?

20 A Yes.

21 Q Can you read that to yourself until the end of
22 the seventh paragraph and let me know when you're done.

23 A I understand what I read.

24 Q Is it your understanding that you needed to renew
25 this contract in order to teach for the following school



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EXHIBIT B PAGE 65

ER 726

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
22

1 year?

2 A It says that in the contract.

3 Q Did you read that portion before you signed it?

4 A I don't recall.

5 Q You don't recall reading that portion?

6 A No.

7 Q Do you recall reading the contract before you
8 signed it?

9 A I don't recall sitting down and actually while
10 she was waiting there signing it. I don't recall doing
11 that at that time.

12 Q Did you ever read the contract before you signed
13 it?

14 A Yes, I did.

15 Q The entire contract?

16 A I think so.

17 Q Is it your understanding that you were not
18 guaranteed employment for the following school year at
19 St. James?

20 A Yes.

21 Q Were you compensated in full for the 2013 school
22 year -- I'm sorry -- 2013-2014 school year?

23 A Was I compensated for the 2014 year?

24 Q For the entire school year from August to June of
25 2014.



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EXHIBIT B PAGE 66

ER 727

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
23

1 A I was paid -- I believe my last check was June --
2 was it June 6th? She did pay me while I was out having
3 chemo. But I don't recall getting a check for June 30th.

4 Q Do you have a contention that you are owed unpaid
5 wages for the 2013-2014 school year?

6 A Can you rephrase that?

7 MS. FERMIN: Can you read that back, please.

8 (Record read as follows:

9 "Q Do you have a contention that you
10 are owed unpaid wages for the 2013-2014
11 school year?"

12 THE WITNESS: I don't think so.

13 BY MS. FERMIN:

14 Q You were paid in full for that school year?

15 A I'm not sure if I got a last check.

16 Q When was the last check that you received?

17 A The one that I remember was June -- it had a
18 June 6th date on it.

19 Q You weren't working in June?

20 A I came to the school and worked after school
21 grading papers, yes.

22 Q In June?

23 A Yes.

24 Q In June you graded papers?

25 A Yes.



KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
24

1 Q Are you claiming that St. James School owes you
2 unpaid wages?

3 A Again, the same question. I'm sorry. I'm not
4 sure. I'd have to check my records.

5 Q What records would you check?

6 A My last paycheck stub.

7 Q St. James is a Catholic school. Right?

8 A Yes.

9 Q Are you Catholic?

10 A Yes.

11 Q Was it your understanding that as a Catholic
12 school St. James had the goal of incorporating the faith
13 into their curriculum?

14 A Yes.

15 Q As a Catholic school St. James promoted and
16 developed the Catholic faith amongst its elementary school
17 students?

18 A Are you asking me to agree?

19 Q Is that your understanding?

20 A Yes.

21 Q As a teacher at St. James your duties encompassed
22 promoting and furthering the Catholic faith amongst your
23 students?

24 MS. SHOEMAKER: Objection; vague and ambiguous.

25 BY MS. FERMIN:



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EXHIBIT B PAGE 68

ER 729

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
25

- 1 Q Is that your understanding?
- 2 A What do you mean by "promoting and furthering"?
- 3 Q Incorporating it into the curriculum.
- 4 A We prayed every day, yes.
- 5 Q You prayed with your students?
- 6 A Yes.
- 7 Q In the morning or at the end of the day?
- 8 A Both.
- 9 Q Twice a day?
- 10 A Yes.
- 11 Q Did you teach your students any Catholic prayers?
- 12 A They already knew them. I didn't need to teach
- 13 them anything. And I had prayer leaders. The prayers
- 14 that were said in the classroom were said mostly by the
- 15 students. We had prayer leaders. That was like a job.
- 16 Q Did you pray the Hail Mary with your students?
- 17 A We did.
- 18 Q The Lord's Prayer?
- 19 A We did, yes.
- 20 Q Those are Catholic prayers, aren't they?
- 21 A Hail Mary is.
- 22 Q The Lord's Prayer is not a Catholic prayer?
- 23 A It's a Christian prayer.
- 24 Q But used in mass. Right?
- 25 A Yes, but used in mass of other Christian



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EXHIBIT B PAGE 69

ER 730

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

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26

1 religions, as well.

2 Q Going back to Exhibit 1, the second paragraph
3 that is entitled "Philosophy," can you read that to
4 yourself and let me know when you're done.

5 A I understand.

6 Q Was it your understanding that as a teacher you
7 performed your duties with this overriding mission of the
8 school in mind to develop and promote the Catholic faith?

9 MS. SHOEMAKER: Objection; vague and ambiguous,
10 legal contention. You can answer.

11 THE WITNESS: Can you rephrase the question?

12 BY MS. FERMIN:

13 Q Was it your understanding that as a teacher at
14 St. James you had to abide with the school's mission in
15 promoting and developing the Catholic faith within the
16 school?

17 A Yes.

18 Q Did you teach the subject of religion to your
19 fifth graders at St. James?

20 A Yes.

21 Q How often per week did you teach religion?

22 A Four days.

23 Q Four days a week?

24 A Uh-huh.

25 Q How long would these religion classes last?



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EXHIBIT B PAGE 70

ER 731

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
27

1 A 30 minutes, approximately.

2 Q 30 minutes each day four days a week?

3 A Approximately. Sometimes they were longer and
4 sometimes they were shorter. It depends on the schedule.

5 Q What did this religion curriculum entail?

6 A Reading from a workbook and answering questions
7 from the workbook.

8 Q What was the name of the workbook?

9 A I don't recall.

10 Q Was it called "Coming To God's Life"?

11 A I'm not sure. It's the curriculum that Sister
12 Mary Margaret gave me. It's what they teach at that
13 school.

14 Q Would you recognize it if you saw the book?

15 A Probably.

16 Q "Coming to God's Life" doesn't ring a bell as
17 that being the workbook?

18 A I don't recall the name.

19 Q So your lessons for religion were done from this
20 curriculum workbook?

21 A Yes.

22 Q What kind of lessons were in this workbook?

23 A Religion lessons.

24 Q Can you give me an example?

25 A Telling the story of Jesus, telling the stories



KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
28

1 of the disciples. Just the stories of the Bible.

2 Q Was this a Catholic workbook?

3 A I think so.

4 Q Did you teach your students any songs, religious
5 songs?

6 A I don't recall teaching them anything. They may
7 know songs and sing them, but I don't recall teaching them
8 any. I don't remember.

9 Q Did you teach your students about the
10 significance of lent?

11 A I'm sorry. What?

12 Q The significance of lent?

13 A Oh, we did talk about lent.

14 Q What did you talk about regarding lent?

15 A I followed the instructions in the book.

16 Q Which entailed the significance of lent?

17 A Yes.

18 Q What about Easter? Did you teach your students
19 the significance of Easter?

20 A Yes.

21 Q What about Catholic practices like the Eucharist
22 and confession?

23 A Yes.

24 Q You taught your students the significance --

25 A That was in the book.



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1 Q -- of the Eucharist and confession?

2 A That was in the book, yes. But the kids -- I'm
3 sorry. Never mind.

4 Q Did you give tests based on this religious
5 workbook?

6 A Yes.

7 Q How often would you give tests?

8 A Weekly.

9 Q Did you ever attend mass with your students?

10 A Yes.

11 Q Where was mass held?

12 A It was kind of a multi-purpose room.

13 Q It was school mass, I'm assuming.

14 A Yes. The church and the school are not
15 connected.

16 Q So it was a mass just with the St. James
17 students?

18 A Yes.

19 Q Okay. How often did school mass take place?

20 A Once a month.

21 Q You attended the school mass with your students?

22 A Yes.

23 MS. FERMIN: I'm going to mark this as Exhibit
24 No. 2.

25 (Exhibit 2 was marked for identification by the



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1 court reporter.)

2 BY MS. FERMIN:

3 Q Have you seen this document before?

4 A I saw something similar to it. I'm not sure if
5 it's exactly the same one or not.

6 Q But you've seen something like this before?

7 A Uh-huh.

8 Q What is it?

9 A A schedule of hours.

10 Q Hours for what?

11 A Of required teaching.

12 Q For each subject?

13 A It looks like it.

14 Q Were you given a document like this?

15 A Yes.

16 Q Was it your understanding that for these subjects
17 you were required to teach a certain number of minutes per
18 week?

19 A Yes.

20 Q For the fifth grade in the fifth grade column,
21 religion shows 200 minutes per week.

22 A Yes.

23 Q Is that right?

24 A That's what it says.

25 Q Was it your understanding that you had to abide



KRISTEN BIEL
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1 by that as a teacher?

2 A Yes.

3 Q That you had to teach religion for approximately
4 200 minutes per week?

5 A Is that what it says? Per week?

6 Q Weekly time allotments at the top.

7 A Okay.

8 Q Was that your understanding?

9 A Yes.

10 Q When you went to school mass with your students,
11 was it Father Meyers who conducted mass?

12 A Not always.

13 Q But it was always led by a Catholic priest?

14 A No.

15 Q Who was it led by if not a priest?

16 A Sister Mary Margaret and Sister Lana.

17 Q What was your role during school masses?

18 A To make sure the kids were quiet and in their
19 seats.

20 Q Did your students ever participate in mass?

21 A Yes.

22 Q In what way?

23 A They would bring the gifts.

24 Q Who trained them on bringing the gifts?

25 A They were trained from previous years.



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ER 736

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1 Q Did you go over with your students on how to
2 present the gifts in mass?

3 A As far as rehearsal? I don't think we did
4 rehearsal. Most of them know how to do it already.

5 Q So you did not go over how to present gifts?

6 A I don't remember. Maybe we quickly did
7 something, or not. I don't remember. It wasn't that
8 often.

9 Q Just for the record, when you say "gifts," you
10 are referring to the Eucharist. Right?

11 A Yes.

12 Q How often would your class present the gifts at
13 school mass?

14 A It was only twice a year.

15 Q That they would present the gifts?

16 A Yes, something like that. Not very often. It
17 was kind of a volunteer thing if the kids wanted to do it.

18 Q During these school masses you mentioned that you
19 made sure that the kids were quiet and sitting down and
20 behaving during mass. Right?

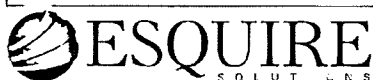
21 A Yes.

22 Q Did your students pray during school mass?

23 A Yes.

24 Q Did you pray, too?

25 A Yes.



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1 MS. FERMIN: I'm going to mark this as Exhibit 3.

2 (Exhibit 3 was marked for identification by the
3 court reporter.)

4 THE WITNESS: This is Virtus.

5 BY MS. FERMIN:

6 Q I'm sorry.

7 A Sorry.

8 Q Do you recognize this certificate?

9 A Yes.

10 Q Did you receive this certificate?

11 A Yes.

12 Q What was it for?

13 A Virtus.

14 Q V-i-r-t-u-s?

15 A Yes.

16 Q What is Virtus?

17 A A training for child abuse.

18 Q This was required by St. James?

19 A Yes.

20 Q Prior to your employment. Right?

21 A Yes, I guess.

22 Q Did you take any other training seminars for
23 St. James?

24 A We went to a religious conference together.

25 Q Is that called Congress?



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- 1 A Yes.
- 2 Q What took place at this conference?
- 3 A We took classes.
- 4 Q What kind of classes?
- 5 A Education classes mostly.
- 6 Q How long was this conference?
- 7 A About four or five hours.
- 8 Q Just one day?
- 9 A Yes.
- 10 Q What did they teach you?
- 11 A Different techniques on teaching and
- 12 incorporating God.
- 13 Q Who were the instructors?
- 14 A I do not know.
- 15 Q Were they priests or sisters?
- 16 A No, not all of them.
- 17 Q Was the focus of this conference how to develop
- 18 your skills as a religious educator?
- 19 A I don't remember what the focus was. Sorry. I
- 20 don't know.
- 21 Q Well, you said they taught you different
- 22 techniques and incorporating God.
- 23 A That's what I remember about it.
- 24 Q Was this a Catholic conference?
- 25 A I'm not sure if it was Catholic or not.

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1 that.

2 Q Other than this religious conference, did you
3 attend any other conferences or training for your
4 employment at St. James?

5 A Not that I remember.

6 MS. FERMIN: I'm going to mark this as Exhibit
7 No. 4.

8 (Exhibit 4 was marked for identification by the
9 court reporter.)

10 BY MS. FERMIN:

11 Q Do you recognize this document?

12 A Yes.

13 Q What is it?

14 A Observation report.

15 Q Was this a performance review --

16 A Yes.

17 Q -- that was taken of you during your employment
18 at St. James?

19 A Yes.

20 Q At this time you were teaching the fifth grade?

21 A Yes.

22 Q Is that your signature on the last page?

23 A It looks like it.

24 Q Do you recall signing this?

25 A I don't recall, but I guess I did.



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ER 740

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1 Q Did Sister Mary Margaret sit in your classroom
2 and observe your teaching?

3 A Yes.

4 Q And she reduced her observations to this
5 document?

6 A Yes.

7 Q Did you go over this document with her?

8 A I may have.

9 Q Did you go over it with her in her office or in
10 your classroom after the observation?

11 A I don't remember.

12 Q But you remember talking to her about this?

13 A Yes.

14 Q On the first page under "WCEA Catholic Identity
15 Factors," do you see that section?

16 A Uh-huh.

17 Q There is a box that Sister Mary Margaret checked.
18 "There is visible evidence of signs, sacrament, traditions
19 of the Roman Catholic church in the classroom." Do you
20 see that?

21 A Uh-huh.

22 Q She check marked it?

23 A Okay.

24 Q Was it your understanding that was a requirement
25 in teaching?



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1 A Well, it was a requirement -- yes.

2 Q Yes?

3 A Yeah.

4 Q And then in the second box she checked

5 "Curriculum includes Catholic values infused through all
6 subject areas." Was it your understanding that was also a
7 requirement for you as a teacher?

8 A Yes.

9 Q She writes "Respect" next to that sentence. Do
10 you have a recollection of what she meant by that?

11 MS. SHOEMAKER: Calls for speculation. You can
12 answer.

13 THE WITNESS: No, I don't remember.

14 BY MS. FERMIN:

15 Q These boxes that are listed on this document,
16 they are all requirements or factors that you were
17 evaluated on as a teacher at St. James. Right?

18 A I'm sorry. What?

19 MS. FERMIN: Can you reread the question, please.

20 (Record read as follows:

21 "Q These boxes that are listed on this
22 document, they are all requirements or
23 factors that you were evaluated on as a
24 teacher at St. James. Right?")

25 MS. SHOEMAKER: Calls for speculation, vague and



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ER 742

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1 ambiguous. You can answer, if you know.

2 THE WITNESS: Well, I guess.

3 BY MS. FERMIN:

4 Q Sister Mary Margaret checked "Curriculum includes
5 Catholic values infused through all subject areas." How
6 did you do that in all subject areas?

7 A I'm sorry. Which one is that?

8 Q The second box at the top.

9 A Well, she was -- I'm sorry. Ask the question
10 again.

11 Q How did you infuse or incorporate Catholic values
12 in all your subjects?

13 A Well, she was there for the math portion. I
14 don't remember how we did it.

15 Q But it was your understanding that you had to
16 incorporate Catholic values in all subjects?

17 A Yes. But it looks like I did. I just don't
18 remember.

19 Q On the last page Sister Mary Margaret has some
20 handwritten observations. Do you see that?

21 A Yes.

22 Q The first one she writes, "Many things on desks,"
23 and then she puts a list, Kleenex box, markers, pencil
24 sharpeners, water bottles, books, et cetera, binder,
25 staple. Do you recall discussing this with her?



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1 A Yes.

2 Q Was it in your classroom or was it in her office?

3 A I don't remember.

4 Q Was it immediately after she did this
5 observation?

6 A No, not that I remember.

7 Q What did Sister tell you about this observation?

8 A I'm sorry. I don't understand. What do you mean
9 what did she tell me?

10 Q You remember having this discussion with Sister
11 about many things on the desk. Right?

12 A Yes.

13 Q Okay. What did she tell you about that?

14 A What she wrote. She wrote it down.

15 Q What did she say?

16 A I don't remember exactly what she said.

17 Q How about generally?

18 A She wanted me to work on having the kids not have
19 so many things on their desk.

20 Q When did she tell you this?

21 A I don't remember.

22 Q Was it in November of 2013?

23 MS. SHOEMAKER: Asked and answered. You can
24 answer again.

25 THE WITNESS: I don't remember when she presented



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1 this to me.

2 BY MS. FERMIN:

3 Q How many times did she talk to you about having
4 many things on the children's desks?

5 A I don't know.

6 Q Was it more than once?

7 A Yes.

8 Q More than five times?

9 A Not that I think, no.

10 Q Less than five times?

11 A I think so. I'm not sure.

12 Q You don't recall when she had this conversation
13 with you?

14 A No.

15 Q How about where?

16 A No.

17 Q Did you disagree with her when she told you that
18 she wanted the children's desks to be neater?

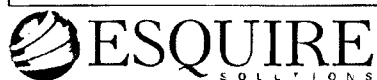
19 A No.

20 Q She then writes "Have a zipper bag for items.
21 Work on organization." Do you see that?

22 A Yes.

23 Q Did she talk to you about working on being more
24 organized?

25 A She wanted the children to put their pens in a



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ER 745

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1 zipper bag and then keep it in their desk.

2 Q She told you this?

3 A Yes. And I told my students that.

4 Q Did you think that your students' desks were
5 cluttered?

6 A I don't -- no.

7 Q You didn't?

8 A I didn't think so.

9 Q Did you think that your classroom was cluttered?

10 A No.

11 Q So when Sister Mary Margaret talked to you about
12 having many things on the students' desks and
13 disorganization, you disagreed with her?

14 A No, I didn't disagree with her.

15 Q Did you agree with her?

16 A I didn't agree. I said I would work on it.

17 Q In the next comment she says "Do the students
18 work in SS books." What are SS books?

19 A I'm assuming it was the extra math book she
20 wanted them to work on.

21 Q What are these extra math books?

22 A Extra math lessons besides the math books.
23 "Simple Solutions" is the name of it.

24 Q Is it a supplement?

25 A Yes.



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1 Q Were your students working in the "Simple
2 Solutions" book?

3 A Yes.

4 Q She then writes "Never allow them to color the
5 pages of the book." Did she talk to you about this?

6 A I don't recall that one.

7 Q She writes the name Julia Francesca. Do you see
8 that?

9 A Yes.

10 Q Who is that?

11 A Julia Thowel and Francesca. Those are two
12 separate students.

13 Q Of yours?

14 A Yes.

15 Q Did Sister Mary Margaret talk to you about Julia
16 and Francesca?

17 A I don't remember anything about this, no.

18 Q Were the students required to work in their
19 "Simple Solutions" book?

20 A Yes.

21 Q Did Sister Mary Margaret ever meet with you in
22 her office regarding your teaching style?

23 A Yes.

24 Q How often would she meet with you?

25 A At first not very often.



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1 Q When did that change?

2 A I don't recall. Maybe January, February.

3 January maybe.

4 Q How often did she meet with you in her office
5 regarding your teaching starting in January?

6 A We met weekly.

7 Q Was it just you and her --

8 A Yes.

9 Q -- or was somebody else present? What did Sister
10 tell you during these meetings?

11 A I don't understand. What do you mean "what"?

12 Q What did you talk about?

13 A Different things.

14 Q Like what?

15 A A bunch of different things. I don't recall
16 specifically anything. She just wanted to meet with me
17 weekly to help me fine tune my tests.

18 Q So she met with you every week and you talked
19 about fine tuning your tests?

20 A Yes.

21 Q Nothing else?

22 A Well, there may have been other things, but that
23 was the main reason I would meet with her, is her to go
24 over the tests.

25 Q What did she say about your tests?



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1 testing and that the students were understanding and
2 learning.

3 Q Did you allow your students to take tests over?

4 A Not that I recall.

5 Q Did Sister Mary Margaret ever tell you that you
6 shouldn't allow your students to take tests over or repeat
7 tests?

8 A She mentioned it.

9 Q What did she say?

10 A I don't exactly remember.

11 Q But she told you that students were not allowed
12 to repeat or retake tests?

13 A To retake the same test, yeah.

14 Q And you were not doing that?

15 A No.

16 MS. SHOEMAKER: Counsel, I want to take a quick
17 five-minute break.

18 MS. FERMIN: Sure.

19 MS. SHOEMAKER: Thank you.

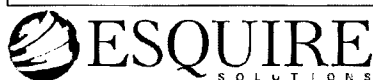
20 (Recess taken.)

21 BY MS. FERMIN:

22 Q Ms. Biel, we are back on the record. You
23 remember that you are still under oath. Right?

24 A Yes.

25 Q We were talking about Sister's instruction that



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1 Q Describe what was on the board.

2 A It was a poster that showed the daily homework
3 and showed them that they had tests at the end of the week
4 or when their next test was.

5 Q Did you ever give anything to the parents to let
6 them know when the tests would be given?

7 A I don't remember.

8 Q Did students have notebooks that they brought
9 home?

10 A Yes.

11 Q Did you ever put test schedules in these
12 notebooks for the parents to see?

13 A I don't know if I did. It was required that the
14 students wrote in their homework books.

15 Q Did you check the students' homework books?

16 A Yes.

17 Q How often?

18 A Pretty much every day.

19 Q Did you make sure that the test schedules were in
20 the students' homework books?

21 A I don't recall making sure. That was their
22 responsibility.

23 MS. SHOEMAKER: I'm sorry. Are you distracted at
24 all?

25 THE WITNESS: Yeah. I'm sorry. Yeah, the



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1 talking. Sorry.

2 MS. FERMIN: Off the record.

3 (Recess taken.)

4 BY MS. FERMIN:

5 Q Did Sister Mary Margaret ever tell you to make
6 sure the parents received the test schedule?

7 A Not that I remember.

8 Q Do you know what a work habit is?

9 A Yes.

10 Q What is that?

11 A It's a behavior system.

12 Q Describe the system.

13 A It's a system set up by Sister Mary Margaret.

14 Q Can you describe it?

15 A Work habits include finishing homework,
16 completing projects, and cleanliness.

17 Q Would they receive some kind of grade or mark
18 regarding these work habits?

19 A Yes.

20 Q Where?

21 A It was mostly on cards.

22 Q Would you write these cards out?

23 A The children marked on their cards.

24 Q What did they do with the cards?

25 A It was kept in the back of the room in a little



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1 card case.

2 Q So these cards would show whether a student fails
3 to submit homework or complete a project or was
4 reprimanded for some other behavior problem?

5 A Yes.

6 Q Who wrote them on the cards? Was it you or the
7 student?

8 A The student wrote them on the card, yes.

9 Q They would put it in the card box?

10 A Yes.

11 Q What would you do with these markings? Would you
12 call the parent, put it in a report card?

13 A I looked at them weekly, and if there were
14 problems, I let the parents know, and then I reviewed them
15 for the grades at the trimester end.

16 Q When you had these meetings with Sister Mary
17 Margaret, did she ever talk to you about how you handled
18 work habits in your classroom?

19 A Yes.

20 Q What did she say about them?

21 A She gave me suggestions on how to use the work
22 habits either through a book or card system.

23 Q What else did she talk to you about regarding
24 your work habit system?

25 A I don't know what you mean. I don't understand.



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1 Q Did she say anything else about your work habit
2 system?

3 A She was working on that with me.

4 Q Why?

5 A Because it's her system.

6 Q Did she have a problem with how you were
7 implementing this work habit system?

8 A I don't think she had a problem. I think she had
9 suggestions on what to do. She suggested I do something
10 to make it work better.

11 Q What was not working correctly about it?

12 A Well, the card system ended up being what we
13 decided to use instead of just making a list in the back.
14 It began with a list, and then she suggested doing a card
15 system. That's what we ended up doing.

16 Q Where was this list?

17 A In the back of the room on the desk.

18 Q In a book? On a piece of paper?

19 A On a piece of paper in a little folder.

20 Q What issue did she have with having the work
21 habits on a list in the back of the room?

22 A I don't understand. She didn't have an issue
23 with that.

24 Q Why did she want it changed to the card system?

25 MS. SHOEMAKER: Calls for speculation.



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1 THE WITNESS: I don't know. She felt it wasn't
2 working and she liked the card system better.

3 BY MS. FERMIN:

4 Q Were students allowed to erase their work habits
5 from the list that you had in the back of the room?

6 A I don't know. It depends on the situation, I
7 guess.

8 Q In what situation would it be appropriate for
9 students to erase their work habit?

10 A I don't remember. Things happen. So many things
11 happen during the school year with kids and all the things
12 they go through.

13 Q So you would allow your students, depending on
14 the situation, to erase their work habit from the list in
15 the back of the room?

16 A I'm not remembering if it was allowed or what I
17 did. I don't remember exactly the system. I don't know.

18 Q You don't remember whether you let your students
19 erase their work habits depending on certain situations?

20 A It wasn't common.

21 Q Did it happen?

22 A It may have. I don't remember.

23 Q Did Sister Mary Margaret comment on the fact that
24 students in your classroom would erase their names from
25 the work habit list?



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1 A I mean if their grade was a certain percentage --
2 if their grades were a certain percentage -- I don't
3 remember exactly -- at a certain percentage, then they
4 were able to be on the honor roll.

5 Q Were students placed on the honor roll once
6 during a school year?

7 A Every trimester.

8 Q For the first trimester in 2013, how many of your
9 students made it on the honor roll?

10 A All but one.

11 Q What about for the second trimester?

12 A I don't recall how many.

13 Q Was it the same as the first?

14 A No.

15 Q Did Sister Mary Margaret comment on how many of
16 your students made it on the honor roll in the first
17 trimester?

18 A She said that's a lot.

19 Q What about for the third trimester? How many of
20 your students made it on the honor roll?

21 A I honestly don't remember.

22 Q Was it the same as the first?

23 A No.

24 Q Did Sister Mary Margaret ever talk to you about
25 the level of noise in your classroom?



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1 A Yes.

2 Q What did she say to you about that?

3 A She felt that they needed to sit in their seats
4 and be quiet.

5 Q "They" meaning your students?

6 A Yes.

7 Q Did she tell you this in your classroom or in her
8 office?

9 A I don't recall where it was.

10 Q How many times did she address this with you?

11 A I don't recall. A few.

12 Q More than once?

13 A Yes.

14 Q More than five times?

15 A Probably not, no.

16 Q Was this one of the things that you guys talked
17 about in her office during your weekly meetings?

18 A It could be, I guess. It could be one. I don't
19 remember.

20 Q At St. James what was the highest grade you
21 taught as a substitute?

22 A At St. James?

23 Q Yes.

24 A Fifth grade.

25 Q That's in 2013?



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ER 756

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1 A Oh, as a substitute. I'm sorry. First grade.

2 Q What about at the other schools that you subbed
3 at? What was the highest grade?

4 A Eighth grade.

5 Q Was your job at St. James as a fifth grade
6 teacher your first full-time teaching position?

7 A Yes.

8 Q In the 2013-2014 school year, was that the first
9 time you were solely responsible for a class?

10 A Yes.

11 MS. FERMIN: I'll mark this as Exhibit 5.

12 (Exhibit 5 was marked for identification by the
13 court reporter.)

14 BY MS. FERMIN:

15 Q Does this look familiar to you?

16 A Yes.

17 Q Is this one of your lesson plans for the fifth
18 grade?

19 A Yes.

20 Q Your lesson plans typically looked like this in
21 terms of the chart and the subject in color. Correct?

22 A The color code was my idea, yeah.

23 Q The week at the top of the lesson plan?

24 A Uh-huh.

25 Q And these were your plans that you created for



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1 A Sometimes I did.

2 Q Did you handwrite your notes or did you type them
3 on a computer?

4 A I handwrote them.

5 Q Do you still have those notes?

6 A I don't have them anymore, no.

7 Q What did you do with them?

8 A I don't remember what happened to my notebook.

9 Q Did Sister Mary Margaret take notes during these
10 meetings?

11 A I don't remember. Sometimes maybe.

12 Q Have you seen those notes?

13 A All of her notes? I've seen some. She's given
14 me some on a little sticky.

15 Q Other than her notes that she gave you on little
16 stickies, did you see any other handwritten notes by
17 Ms. Biel regarding your meetings?

18 A I'm sorry. Can you ask the question again?

19 Q Other than her notes on stickies, did you see any
20 other handwritten notes?

21 A I may have.

22 Q Okay. Before the break I marked as Exhibit 5
23 some of your lesson plans. Do you still have that?

24 A It's right here, yes.

25 Q Before the break you said that these were your



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EXHIBIT B PAGE 97

ER 758

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1 lesson plans for the week of September 23rd to
2 September 27th of 2013.

3 A '13, yes. Wait. 2013, yes.

4 Q Just going over these lesson plans, you created
5 the text that is under each time. Is that right?

6 A I created the text? You mean the books or --

7 Q On this document --

8 A I typed it in, yes.

9 Q These are your plans that you created?

10 A Yes.

11 Q What was the procedure at St. James when you
12 created lesson plans? Did you submit them? Did you have
13 to submit them?

14 A Yes.

15 Q To who?

16 A Sister Mary Margaret.

17 Q Every week?

18 A Yes.

19 Q What day would you have to submit it to
20 Sister Mary Margaret?

21 A I don't recall the exact date. We would usually
22 give them to her a week before.

23 Q And then what would she do with your lesson
24 plans?

25 A She would review them.



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1 Q And make comments on them?

2 A Yes.

3 Q And then return them to you?

4 A Yes.

5 Q When she returned the lesson plans to you, did
6 you ever have any conversation with her regarding her
7 comments?

8 A Usually I would do what she said. I don't recall
9 ever -- she would make the notes, and I would do it.

10 Q How did she return your lesson plans?

11 A I'm sorry. What?

12 Q How would she return your lesson plans to you?

13 A They were in a binder, like a folder, and so I
14 would give them to her, she would review them and hand
15 them back to me.

16 Q Personally?

17 A Sometimes personally. Sometimes she would leave
18 them in my box.

19 Q Did you ever have a conversation with her
20 regarding the lesson plans that you submitted to her after
21 she reviewed them?

22 A I don't recall a specific conversation.

23 Q On page 2 of Exhibit 5, there are handwritten
24 notes at the top. Do you see that?

25 A Yes.



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ER 760

KRISTEN BIEL
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1 Q That is Sister Mary Margaret's note?

2 A Yes.

3 Q It says "Be sure to let the students know the
4 test schedule."

5 A Yes.

6 Q Did she have a conversation with you regarding
7 this critique?

8 A She may have. I don't recall a specific
9 conversation.

10 Q What did you do in response to this comment?

11 A I put up a board and had the tests marked on the
12 board. This was September, so it was the beginning of the
13 year.

14 Q On the same page under the religion subject
15 matter, there is a "materials" reference there, "Coming to
16 God's Life" book.

17 A Okay.

18 Q Was that the textbook that you taught out of for
19 the religion course?

20 A I guess so. It was the workbook.

21 Q Do you recognize that to be the workbook?

22 A I'm not 100 percent sure exactly what it was
23 called, but it probably was. We didn't work out of
24 anything else but a workbook.

25 Q You wrote that title under "Materials." Right?



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EXHIBIT B PAGE 100

ER 761

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1 A Yes, I'm the one that wrote that.
2 MS. FERMIN: I'm going to mark this as Exhibit 6.
3 (Exhibit 6 was marked for identification by the
4 court reporter.)

5 BY MS. FERMIN:

6 Q This is another one of your lesson plans at
7 St. James?

8 A Yes.

9 Q For the week of November 4 to 8, 2013?

10 A Yes.

11 Q On the second page there is another handwritten
12 note from Sister Mary Margaret. Correct?

13 A Uh-huh.

14 Q Is that yes?

15 A Yes, I see it. Yes.

16 Q It says "Be sure to do study guides together and
17 correct."

18 A Okay.

19 Q Do you recall seeing that note on this lesson
20 plan?

21 A I see it now. I'm sure -- yes.

22 Q Do you have any reason to believe that this note
23 wasn't on your lesson plan when it was returned to you?

24 A No.

25 Q Do you use study guides in your classroom?



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EXHIBIT B PAGE 101

ER 762

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1 A Yes.

2 Q What are the study guides?

3 A What do you mean what are the study guides?

4 Q What are they?

5 A They help the students prepare for a test.

6 Q Do you create the study guides?

7 A Some of them I did.

8 Q Who filled out the study guides?

9 A The students.

10 Q You would correct them?

11 A We would correct them as a class.

12 Q Do you know why Sister Mary Margaret remarked on
13 this lesson plan to make sure to correct the study guides?

14 MS. SHOEMAKER: Calls for speculation.

15 THE WITNESS: I don't know why.

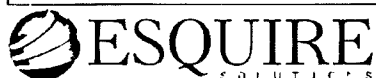
16 BY MS. FERMIN:

17 Q Did she have a conversation with you at any point
18 in time, including in your weekly meetings, regarding your
19 use of study guides in the classroom?

20 A Not anything specific I can remember.

21 Q Did she ever have a conversation with you at any
22 point in time, including your meetings with her --
23 including your weekly meetings with her regarding you not
24 correcting your study guides?

25 A She may have mentioned it.



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ER 763

KRISTEN BIEL
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1 MS. FERMIN: I'm going to mark this as Exhibit 7.
2 (Exhibit 7 was marked for identification by the
3 court reporter.)

4 BY MS. FERMIN:

5 Q This is another lesson plan for the week of
6 November 18 through 22. Is that right?

7 A Yes.

8 Q On the second page under the religion section --
9 this is the curriculum for the religion course. Right?

10 A Yes.

11 Q Where it says "Discuss Eucharist" in the second
12 column -- do you see that?

13 A Yes.

14 Q And then in the next section, the third column
15 says "Discuss Last Supper."

16 A Okay.

17 Q Are these topics that you would teach during your
18 religion course?

19 A Yes.

20 Q What is the Last Supper? That's from the Bible.
21 Right?

22 A Yes.

23 MS. FERMIN: I'll mark this as 8.

24 (Exhibit 8 was marked for identification by the
25 court reporter.)



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BIEL vs. ST. JAMES SCHOOL

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1 BY MS. FERMIN:

2 Q This is your lesson plan for December 9 to
3 December 13, 2013?

4 A Okay.

5 Q On the second page under religion, the religion
6 course, third column, it says "Discuss communion."

7 A Yes.

8 Q This, again, is another topic you would teach as
9 part of the religion curriculum?

10 A Yes.

11 MS. FERMIN: I'm going to mark this as Exhibit
12 No. 9.

13 (Exhibit 9 was marked for identification by the
14 court reporter.)

15 BY MS. FERMIN:

16 Q This lesson plan is for January 20 to 24.
17 Correct?

18 A Yes.

19 Q Sister Mary Margaret writes another comment in
20 the right-hand column, "Be sure to correct study guides."
21 Do you see that?

22 A I see it, yes.

23 Q Do you recall her commenting about your use of
24 study guides at this point in time?

25 MS. SHOEMAKER: Vague and ambiguous.



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ER 765

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1 THE WITNESS: I don't recall a specific
2 conversation. This was important to her.

3 BY MS. FERMIN:

4 Q I'm sorry.

5 A This was important to her, I guess. She wrote
6 it.

7 Q Your correcting the study guides?

8 A She wrote it.

9 Q But she didn't talk to you about you correcting
10 study guides?

11 A I'm sorry. I don't understand the question.

12 Q Did she talk to you about correcting study
13 guides?

14 A She may have.

15 Q Again, in January of 2014?

16 A I don't remember a specific date.

17 Q Did you do anything different in response to
18 Sister Mary Margaret's critique regarding your use of
19 study guides?

20 A Yes.

21 Q What did you do differently?

22 A I would go over the study guides in the class
23 with the children before the test.

24 Q Would you correct the study guides?

25 A Sometimes I would grade them, but most of the



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EXHIBIT B PAGE 105

ER 766

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1 time they did not count as a grade. They were counted as
2 work done. They weren't graded like a test.

3 Q So you wouldn't correct the study guides on a
4 consistent basis?

5 MS. SHOEMAKER: That misstates prior testimony.

6 BY MS. FERMIN:

7 Q Is that right?

8 MS. SHOEMAKER: Can you repeat the question?

9 MS. FERMIN: Can you reread the question, please.

10 (Record read as follows:

11 "Q So you wouldn't correct the study
12 guides on a consistent basis?"

13 THE WITNESS: We did it together as a class.

14 BY MS. FERMIN:

15 Q Every week?

16 A Yes.

17 MS. FERMIN: This is marked as Exhibit 10.

18 (Exhibit 10 was marked for identification by the
19 court reporter.)

20 BY MS. FERMIN:

21 Q This is another one of your lesson plans for
22 January 27 to 31, 2014. Right?

23 A Yes.

24 Q On the last page Sister Mary Margaret writes
25 another note. It says "Remember we have talked about



KRISTEN BIEL
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1 things on desk."

2 A Okay.

3 Q Do you recall her talking to you about things on
4 the students' desks in January of 2014?

5 A I don't remember the exact date. She may have
6 mentioned it.

7 Q Did you do anything different in regards to
8 Sister's remark here in January?

9 A I don't remember specifically what we did, but if
10 she asked something, I did it.

11 Q Did you change the condition of your students'
12 desks from November of 2013 when Sister Mary Margaret gave
13 you that observation report?

14 A Yes.

15 Q Sister Mary Margaret told you to organize your
16 students' desk at least on two occasions, one in November
17 and one in January of 2014. Right?

18 A Yes.

19 MS. FERMIN: This is Exhibit 11.

20 (Exhibit 11 was marked for identification by the
21 court reporter.)

22 BY MS. FERMIN:

23 Q This is another lesson plan of yours for
24 February 17th to the 21st of 2014. Is that right?

25 A Yes.



KRISTEN BIEL
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1 Q On the last page Sister Mary Margaret writes
2 another comment, "Be sure to correct so the students will
3 have something to study correctly." This was in regards
4 to your use of the study guides?

5 A I guess.

6 Q Was that your understanding?

7 A I guess, by reading this.

8 Q So on at least three lesson plans Sister Mary
9 Margaret commented on your use of the study guides in the
10 classroom?

11 A Yes.

12 (Exhibit 12 was marked for identification by the
13 court reporter.)

14 BY MS. FERMIN:

15 Q Exhibit 12 is another lesson plan dated March 3rd
16 through the 7th, 2014. Right?

17 A Yes.

18 Q On the last page Sister Mary Margaret again
19 writes "Be sure that SG are corrected." That's in
20 relation to the study guides again?

21 MS. SHOEMAKER: Calls for speculation.

22 THE WITNESS: I'm not sure. I don't know.

23 BY MS. FERMIN:

24 Q Do you have any idea what she is talking about
25 here?



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EXHIBIT B PAGE 108

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1 BY MS. FERMIN:

2 Q Was there a particular reason why she wanted --

3 A I have no idea.

4 Q -- why she wanted to see your corrected tests?

5 Were you correcting the tests consistently?

6 A Yes.

7 Q On the second page under the religion heading,
8 you write "No one understands the meaning behind becoming
9 a Catholic." Do you see that?

10 A No. Where?

11 Q Under the religion subject. It says "No one
12 understands the meaning behind becoming a Catholic." Was
13 that another topic that you addressed or taught to your
14 children in the religion curriculum?

15 A Yes.

16 Q What entailed that lesson?

17 A I don't remember. Sorry. It was too long ago.

18 Q That topic is covered in the "Coming to God's
19 Life" workbook?

20 A Yes.

21 (Exhibit 14 was marked for identification by the
22 court reporter.)

23 BY MS. FERMIN:

24 Q Exhibit 14 is the last one. This is another
25 lesson plan from April 22nd, 2014.



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EXHIBIT B PAGE 109

ER 770

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1 A Uh-huh.

2 Q Yes?

3 MS. SHOEMAKER: Say yes.

4 THE WITNESS: Yes. I'm sorry.

5 BY MS. FERMIN:

6 Q At the bottom Sister Mary writes another comment
7 about remember things on desks. Do you recall receiving
8 this comment on the study guides?

9 A I don't recall, no. I don't remember all these
10 comments.

11 Q Did Sister Mary Margaret talk to you as of April
12 2014 regarding things on your students' desks?

13 A Not that I remember.

14 Q Sister Mary Margaret addressed her concerns
15 regarding the condition of your students' desks on
16 numerous occasions. Right?

17 MS. SHOEMAKER: Vague and ambiguous.

18 BY MS. FERMIN:

19 Q Is that right?

20 A Not that I'm aware.

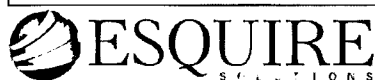
21 Q She never addressed that in --

22 A I didn't say that.

23 Q I'm sorry.

24 A I didn't say that.

25 MS. FERMIN: Can you read the question back,



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1 please.

2 (Record read.)

3 BY MS. FERMIN:

4 Q Did Sister Mary Margaret address on more than one
5 occasion her concerns regarding the condition of your
6 students' desks?

7 A Yes.

8 Q As late as May of 2014. Right?

9 A Yes.

10 Q Did Sister Mary Margaret address her concerns
11 regarding your use of the study guides on more than one
12 occasion?

13 A Yes.

14 Q The last concern being addressed as late as March
15 of 2014. Right?

16 A Yeah. I'm not sure if that meant study guides or
17 not. I'm not sure on March.

18 Q The SG --

19 A Yeah. I'm not sure what that is.

20 Q Sister Mary Margaret addressed her concerns
21 regarding you correcting your students' tests on more than
22 one occasion with you. Is that correct?

23 A I'm sorry. Ask that question again.

24 MS. FERMIN: Can you read that back?

25 (Record read as follows:



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1 Q May 23rd?

2 A Yeah. It was that Memorial Day weekend.

3 Q How did you pick that date?

4 A My first chemo date was the 27th. It just made
5 sense since it was Memorial Day weekend, the next week
6 have off and get ready for my chemo.

7 Q You picked to be off one week before your first
8 chemo treatment?

9 A It wasn't really a week. It was maybe Tuesday, I
10 think. On a Tuesday.

11 Q In any case, you decided on this date for your
12 last day teaching for the fifth grade?

13 A I think Sister Mary Margaret and I decided
14 together.

15 Q When did you decide with Sister Mary Margaret
16 that May 23rd would be your last day?

17 A I don't recall.

18 Q Was it during the same conversation when you told
19 her that your doctor recommended chemo and then surgery
20 and then chemo?

21 A I don't remember.

22 Q You stopped teaching before Memorial Day weekend
23 or after?

24 A The Thursday before.

25 Q Did you have a box at school, an inbox?



KRISTEN BIEL
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1 A Yes.

2 Q How often would you check it?

3 A Daily.

4 Q Even up until May 23rd?

5 A Yes.

6 Q How about after you stopped teaching? Did you
7 check your box?

8 A I checked my box as long as it had my name on it
9 in case people wanted to leave notes and things. People
10 left me notes and papers. So I did check it. When I came
11 in to grade papers, I would check it.

12 Q You mentioned after your last day of teaching,
13 which was the Thursday before Memorial Day weekend, you
14 would come in and continue to work but not teach.

15 A Right.

16 Q What would you do after you stopped teaching?

17 A I would grade some tests and load the grades onto
18 the computer.

19 Q Who was teacher that took over your classroom?

20 A I don't remember her name.

21 Q Did Sister Mary Margaret know that you continued
22 to grade tests and load them onto the computer?

23 A Yes.

24 Q Did you have a conversation with her regarding
25 this?



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BIEL vs. ST. JAMES SCHOOL

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1 A I don't.

2 Q On Exhibit 18, the third paragraph, Sister Mary
3 Margaret writes, "We had many conversations about your
4 classroom management." Is that a true statement?

5 A I don't know if we had many conversations. We
6 had some.

7 Q Which took place in her office during your weekly
8 meetings?

9 A Yes.

10 Q And then she says, "I have tried to offer
11 suggestions which I thought would help you." Is that
12 true?

13 MS. SHOEMAKER: Calls for speculation. You can
14 answer.

15 THE WITNESS: Yes.

16 BY MS. FERMIN:

17 Q And then in the third paragraph she says, "I do
18 think you are better suited for a position in the primary
19 grades." She told you that before -- she had told you
20 that. Right?

21 A Like I said, I never received this letter. So I
22 don't know.

23 Q Apart from this letter?

24 A She didn't tell me that, no. I mean I didn't
25 really know anything until June 6th.



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EXHIBIT B PAGE 114

ER 775

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November 10, 2015
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1 A Yes.

2 Q Was this the letter that you were referring to
3 after your June 6th meeting with Sister Mary Margaret?

4 A Yes.

5 Q Why did you write this letter to Sister?

6 A She asked me to.

7 Q For what purpose?

8 A I don't know what her purpose was. She didn't
9 tell me.

10 Q At that June 6th meeting she told you that she
11 was looking for someone else to take your job, to replace
12 you?

13 MS. SHOEMAKER: Misstates prior testimony. You
14 can answer.

15 THE WITNESS: I'm not sure that's the exact
16 wording, but something close to that, I guess.

17 BY MS. FERMIN:

18 Q You said that she wanted you to write a letter
19 about things she thought you needed to improve on.

20 A Uh-huh.

21 Q The first item on your letter is student desks.
22 Do you see that?

23 A I do, yeah.

24 Q You write that moving forward you would not have
25 as many things on your students' desks. Right?



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EXHIBIT B PAGE 115

ER 776

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1 A I explained starting from day one classroom desks
2 will have nothing attached to any part of them, all items
3 will be kept in a pouch behind and space inside. Only a
4 mechanical pen, eraser, blue or black pen and red
5 correcting pen will be allowed on the desk.

6 Q Sister Mary Margaret had addressed this with you
7 on more than one occasion throughout the school year?

8 A Yes.

9 Q The next section is homework. Any missing
10 homework will result in a work habit?

11 A Yes.

12 Q What did Sister Mary Margaret tell you about her
13 concerns regarding your work habit procedure?

14 A She wanted me to follow her procedure, and this
15 work habit procedure she wanted me to follow specifically.
16 So I let her know that I will follow her work habit
17 specifically, her procedure.

18 Q Were you not following her procedure prior to
19 this?

20 A No, I believe I was following it.

21 Q Sister Mary Margaret told you that she had
22 concerns regarding your work habit procedure prior to June
23 2014?

24 A I'm sorry. Ask that again. I'm sorry. What was
25 your question?



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EXHIBIT B PAGE 116

ER 777

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BIEL vs. ST. JAMES SCHOOL

November 10, 2015
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1 MS. FERMIN: Can you repeat it, please.

2 (Record read as follows:

3 "Q Sister Mary Margaret told you that
4 she had concerns regarding your work
5 habit procedure prior to June 2014?")

6 THE WITNESS: Yes.

7 BY MS. FERMIN:

8 Q Under procedural changes in the middle of the
9 paragraph, you write, "I will utilize the wonderful book
10 you've created for me."

11 A Yes.

12 Q What was that book?

13 A Sister Mary Margaret had, I guess, prepared a
14 book for following work habits and she wanted me -- she
15 wanted me to follow that book precisely.

16 Q Was it the book of guidelines?

17 A I think so.

18 Q Procedures?

19 A Something like that.

20 Q Did the book have a name?

21 A No.

22 Q When did she give you this book?

23 A I don't recall the exact date.

24 Q Was it in June 2014?

25 A It was pretty recent to that time.



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EXHIBIT B PAGE 117

ER 778

KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

November 10, 2015
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1
2
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6
7
8 I, KRISTEN BIEL, do hereby declare under penalty
9 of perjury that I have read the foregoing transcript of my
10 deposition; that I have made such corrections as noted
11 herein, in ink, initialed by me, or attached hereto; that
12 my testimony as contained herein, as corrected, is true
13 and correct.

14
15 EXECUTED this _____ day of _____,
16 20____, at _____, _____
17 (City) (State)

18
19 _____
20 KRISTEN BIEL
21
22
23
24
25



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EXHIBIT B PAGE 118

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KRISTEN BIEL
BIEL vs. ST. JAMES SCHOOL

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REPORTER'S CERTIFICATE

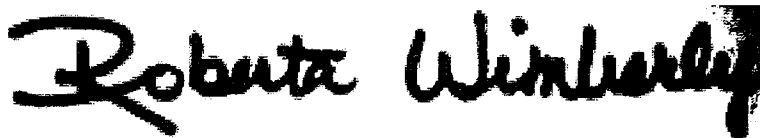
I, the undersigned, a Certified Shorthand
Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before
me at the time and place herein set forth; that any
witnesses in the foregoing proceedings, prior to
testifying, were placed under oath; that a verbatim record
of the proceedings was made by me using machine shorthand
which was thereafter transcribed under my direction;
further, that the foregoing is an accurate transcription
thereof.

I further certify that I am neither financially
interested in the action nor a relative or employee of any
attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed
my name.

Dated: _____



ROBERTA WIMBERLY
CSR No. 4882



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EXHIBIT B PAGE 119

ER 780

Mary M. Kreuper

November 12, 2015

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
 3
 4

5 KRISTEN BIEL, an individual,)
)

6 Plaintiff,)
)

7 vs)

Case No. 15-cv-

04248-TJH (ASx)

8 ST. JAMES SCHOOL, A CORP., a)
)

California corporation; and)

Volume I

9 DOES 1-50, inclusive,)
)

10 Defendants.)
)

11
 12
 13
 14
 15 DEPOSITION OF MARY M. KREUPER

16 Woodland Hills, California

17 Thursday, November 12, 2015
 18
 19
 20
 21
 22
 23

24 Reported by: Alla Ponto
 CSR No. 11046

25 NDS Job No.: 174564

1

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Mary M. Kreuper

November 12, 2015

1 A. Twenty-seven years.

2 Q. Where is -- strike that.

3 What is St. James?

4 A. St. James is a Catholic elementary school.

5 Q. Is it affiliated with the St. James Church in
6 Torrance?

7 A. Yes, it is.

8 Q. What's the --

9 A. Redondo Beach.

10 Q. St. James Church in Redondo Beach has an
11 affiliation with the St. James School in Torrance?

12 A. That's correct.

13 Q. What is the affiliation?

14 A. It's a parish school.

15 Q. Have you always been employed for the last
16 27 years at St. James, the parish school, as opposed to
17 St. James, the parish?

18 A. Yes.

19 Q. What is your current role at St. James?

20 A. I am the principal of the school.

21 Q. How long have you been the principal?

22 A. 27 years.

23 Q. 27 years ago, that would be 1993?

24 A. No, earlier. It was about 88/89 school year.

25 Q. I am bad at math. And you have always been

11

Mary M. Kreuper

November 12, 2015

1 A. Nine.

2 Q. Has the school generally looked the same
3 structure-wise in the 20 years you have been there?
4 Meaning, has it always been a parish school that taught
5 nine grades?

6 A. Yes.

7 Q. What grades are taught there?

8 A. K to 8.

9 Q. How many classes?

10 A. Nine.

11 Q. So one class per grade?

12 A. That's correct.

13 Q. Has there always been one class per grade?

14 A. No.

15 Q. When was it different?

16 A. When -- let's see. Years before I came there,
17 they had three grades of each class.

18 Q. Okay.

19 A. It went down to two, and then it went down to
20 one.

21 Q. Do you know when it went down to one?

22 A. Before I came. I'm not sure.

23 Q. In the 27 years you have been there, there's
24 been one class per grade; correct?

25 A. That's correct.

20

Mary M. Kreuper

November 12, 2015

1 A. Define work performance.

2 Q. Her job performance in the broadest, sort of,
3 spectrum.

4 My understanding is she wasn't asked back,
5 according to the verified discovery responses, due to
6 her job performance.

7 Did you have any issues with her job
8 performance from August to November?

9 A. Yes.

10 Q. What issues did you have?

11 A. Classroom management, grading, policy.

12 Q. Grading policy?

13 A. No. Grading, and then policy.

14 Q. Okay. Any other issues?

15 A. That's pretty much it.

16 Q. What classroom management did you observe?

17 A. I observed a chaotic environment, lots of
18 talking, lots of getting out of their seats with
19 seemingly no purpose, just because they wanted to go
20 visit a friend. I observed much clutter in the
21 classroom and mostly on and around the students' desks.

22 Q. Okay. Any other issues with classroom
23 management?

24 A. Yes. We have a homework policy.

25 Q. Okay.

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Mary M. Kreuper

November 12, 2015

1 A. And if a child misses five homeworks, they are
2 asked to serve a homework room. They have to come on
3 Tuesday, Wednesday and Thursday and do their homework in
4 a specific homework room.

5 Mrs. Biel -- and she had a homework notebook.
6 When they have missing homeworks, they put their name in
7 a book so that they know when they get five.

8 If they brought the homework in the next day
9 or the following day, she would allow them to erase
10 their name as having handed it in.

11 Q. Okay. Any other issues with classroom
12 management?

13 A. Those are the biggest ones.

14 Q. The chaotic environment, is that something
15 that you noticed from day one?

16 A. No. Probably two weeks into it, maybe.

17 Q. How did you observe the issue?

18 A. Walkthroughs and walk-bys of her classroom.

19 Q. How frequently were you doing walkthroughs
20 during that 1st trimester?

21 A. I probably did, maybe, one a week.

22 Q. 15 minutes?

23 A. More or less.

24 Q. Are you walking through all of your classes?

25 A. Yes.

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Mary M. Kreuper

November 12, 2015

1 Q. Throughout the school?

2 A. Correct.

3 Q. And you walk by?

4 A. Yes.

5 Q. What is a walk-by?

6 A. If I had to go to the 4th grade classroom,
7 which is right next door, I would walk by Kristen's
8 classroom, and I would look in, and I would notice.

9 Q. Got you. The chaotic environment started two
10 weeks in.

11 Did it continue through that 1st trimester?

12 A. Yes.

13 Q. So every time you did a walkthrough or
14 walk-by, you would notice a chaotic environment?

15 A. I would notice it when -- if I walked in. But
16 as soon as they saw me, they stopped. So it didn't
17 carry on.

18 Q. Every time you did a walkthrough or a walk-by,
19 did you notice a chaotic environment in her 5th grade
20 class?

21 A. The majority of the time.

22 Q. Okay. Much clutter around the students'
23 desks -- was that a problem from day one?

24 A. No. I think it was -- it started, again,
25 about two weeks into it.

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Mary M. Kreuper

November 12, 2015

1 Q. Explain to me a little bit about what you mean
2 by clutter.

3 A. The students were allowed to have little
4 baskets that they taped to the side of their desks,
5 several baskets, and then they would put their pens in
6 there. They had many, many pens and pencils. They had
7 erasers on their desks, they had pencils, they had
8 Kleenex, they had water bottles, and lot of clutter on
9 their desks.

10 Q. Okay. Every student in the class?

11 A. The majority of them, yes.

12 Q. Water bottles -- are they not allowed to have
13 water bottles at their desk?

14 A. It's not a usual kind of a thing that students
15 have. We have drinking fountains. They can go out and
16 get a drink if they want.

17 Q. Can they have a water bottle at the desk?

18 A. If the teacher allows them to do it.

19 Q. Do you prevent the teachers from allowing
20 students to have water bottles at their desk?

21 A. I asked them not to.

22 Q. Is that a policy somewhere?

23 A. Not written.

24 Q. Why do you not want them to have water bottles
25 at their desk?

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Mary M. Kreuper

November 12, 2015

1 A. Because, again, it causes the clutter, it
2 spills. They have an opportunity to have a drink
3 whenever they want to.

4 Q. Did you have any problems with water bottles
5 spilling in Mrs. Biel's classroom?

6 A. I didn't have a problem, but they did
7 sometimes spill.

8 Q. How many times did they spill?

9 A. I don't know. Two or three that I saw; so I
10 don't know if it happened after that.

11 Q. They had erasers on their desks. Are they not
12 allowed on have erasers on their desks?

13 A. They can have one, but it was a lineup of
14 different kinds of erasers, and then they had a special
15 kind that they traded during class.

16 Q. Okay. This is every student?

17 A. No, I don't think every student, but the
18 majority of students.

19 Q. They would have a line of erasers?

20 A. A line of erasers, pencil sharpeners, those
21 little tiny ones that they have or Hello Kitty ones or
22 whatever kind.

23 Q. They had water bottles, erasers, pens and
24 pencils. Okay.

25 Were they not allowed to have these objects on

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Mary M. Kreuper

November 12, 2015

1 their desks?

2 A. Their desks are small; so they can have a pen
3 or a pencil, whatever they needed. But to have all the
4 rest of it on there, no. It shouldn't have been like
5 that.

6 Q. What is the policy at St. James on how many
7 pens they can have at their desk?

8 A. I don't think there's any written policy.

9 Q. What about erasers?

10 A. Well, one eraser, one pen, one pencil.

11 Q. That's the policy?

12 A. It's not written, but that's what I had asked
13 Kristen to do to limit the number of things they had on
14 their desks.

15 Q. Did any of the other students in any other
16 grades have clutter on their desks?

17 A. Not to the extent that they did. They didn't
18 have things that attached on the desks.

19 Q. So these things are attached on the desks,
20 baskets that they keep their supplies in; correct?

21 A. Yes.

22 Q. And Mrs. Biel allowed them to do that?

23 A. Yes.

24 Q. And you had a problem with that?

25 A. I had a problem with the number of things on

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Mary M. Kreuper

November 12, 2015

1 Q. Did you ever take any video of the chaotic
2 environment?

3 A. No.

4 Q. Water bottles, pencils, pens, erasers on their
5 desks,

6 Did they have any other -- did they have any
7 other things that caused clutter on their desks?

8 A. Kleenex and pencil sharpeners.

9 Q. Okay. Anything else?

10 A. Not that I can think of.

11 Q. If I understand, they are not prohibited from
12 having these objects on their desks. They just had too
13 much of it; is that fair?

14 A. That's fair.

15 Q. Was this a problem that continued throughout
16 the 1st trimester?

17 A. Yes.

18 Q. Homework policy.

19 When did you first notice that there was --
20 Ms. Biel was doing -- had a problem with the homework
21 policy?

22 A. I noticed that the 5th graders never were in
23 homework room.

24 Q. Okay. How did you know, though, that she was
25 allowing kids to erase their names from the homework

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Mary M. Kreuper

November 12, 2015

1 book?

2 A. I think one of the students told me.

3 Q. Which student?

4 A. I don't know. I don't remember which student.

5 Q. Uh-huh.

6 A. I don't remember that.

7 Q. How -- other than maybe one student told you
8 they were allowed to erase their names, how do you know
9 Ms. Biel was allowing students to erase their names from
10 the homework book?

11 A. When I asked her about it, she said, "Well, I
12 won't do that anymore."

13 Q. What did you ask her?

14 A. "Are you allowing children to erase their
15 names in the homework notebook?"

16 And she said, "Yes, but I won't do that any
17 more."

18 Q. And when did you have this conversation with
19 her?

20 A. Probably sometime in the 1st trimester.

21 Q. What caused you to have that conversation with
22 her?

23 A. I heard that -- I saw that no one was in the
24 homework room in 5th grade, and I think one of the
25 students told me that, that they were allowed to do

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Mary M. Kreuper

November 12, 2015

1 Q. You don't know one way or the other?

2 A. No. That's right.

3 Q. Did you see 5th graders in the homework room
4 after this conversation with Mrs. Biel?

5 A. No.

6 Q. Do you believe that she was still allowing
7 students to erase their name from the homework book?

8 A. My experience tells me that children in every
9 grade go to homework room.

10 Q. You assumed that she was still allowing it to
11 happen?

12 A. I am not sure.

13 Q. Anyone tell you that she was allowing it to
14 happen after the conversation?

15 A. No.

16 Q. Did you talk to Mrs. Biel about the chaotic
17 environment?

18 A. Yes.

19 Q. How many times you think you talked to her
20 about it?

21 A. It probably came up in the times that I met
22 with her.

23 Q. How often would you meet with her in the 1st
24 trimester?

25 A. Probably once every two weeks or so.

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Mary M. Kreuper

November 12, 2015

1 Q. Why were you meeting with her then?

2 A. She would bring her lesson plans, or I would
3 want to see her about the clutter that I saw on the
4 desks or that kind of thing.

5 Q. Did you talk to her about the clutter
6 throughout the 1st trimester?

7 A. Yes.

8 Q. Did the chaotic environment improve during the
9 1st trimester or get worse from the first time you
10 noticed it?

11 A. I think it stayed the same.

12 Q. What about the clutter? Did it stay the same?

13 A. Yes.

14 Q. The homework policy we discussed. Okay.

15 What is the grading issues that you had in the
16 1st trimester?

17 A. All the students in her classroom with the
18 exception of one was on the honor roll.

19 Q. It's because they are all doing their
20 homework; right?

21 A. Right.

22 Q. Every single one was on the honor roll?

23 A. Except one.

24 Q. How does one get on the honor roll at
25 St. James?

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Mary M. Kreuper

November 12, 2015

1 (Plaintiff's Exhibit 3 was marked for
2 identification by the court reporter
3 and is attached hereto.)

4 BY MR. BROCK:

5 Q. Have you seen this document before?

6 A. Yes, I have.

7 Q. Can you tell me what this document is.

8 A. This is the observation report that I did for
9 Kristen.

10 Q. Okay. When did you perform this report?

11 A. In November.

12 Q. 2013?

13 A. Yes.

14 Q. This would have been after the 1st trimester?

15 A. Yes.

16 Q. It says, "2:10, Excell."

17 Can you tell me what that mean?

18 A. After I did this report, Kristen asked me if I
19 would come up to the computer lab and see an Excell
20 class that she was going to do. Graphics. I said,
21 "Yes."

22 Q. Okay. "Subject: Math."

23 What does that mean?

24 A. That's the subject I observed.

25 Q. How long did you observe her teaching?

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Mary M. Kreuper

November 12, 2015

1 teaching profession."

2 Do you know what that means?

3 A. Yes. It means that this is a template that is
4 used with the California teaching profession.

5 Q. Can you read into the record what it says on
6 the bottom under "observed"?

7 A. It says, "Observed many things on the desks,
8 Kleenex box, markers. Julia."

9 Q. Who is Julia?

10 A. She's one of the students in there.

11 Q. Are you saying that that student had things on
12 the desk or all of the students had things on their
13 desks?

14 A. All the students had things on the desks. She
15 had an inordinate amount of markers on the desk.

16 Q. Okay.

17 A. It says:

18 "Pencil sharpeners, water
19 bottles, books, et cetera, under
20 the desks and in the aisle. It's
21 a fire hazard. Binders, staple
22 removers, tape, Scotch tape."

23 Now I am suggesting these
24 things: "Have a zipper bag for
25 these items. Work on

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Mary M. Kreuper

November 12, 2015

1 organization. Do the students
2 work in their Simple Solution
3 books? Never allow the student
4 to color the pages of the book."

5 Q. "Julia," again?

6 A. Yes.

7 Q. Okay.

8 A. And "Francesca." And then, "Go over the page
9 ahead of time." I can't read that.

10 Q. Okay.

11 A. And at the end of it, she had a good review of
12 music rules.

13 Q. It says "plus 10 over 12"?

14 A. That's what I had suggested that she use as
15 her grading. If there were 12 items, then if they got
16 10 right, she put a plus 10 over 12. I thought it would
17 be easy for her to see that and be able to grade those.

18 Q. Did you feel this was a positive performance
19 evaluation?

20 A. Parts of it were.

21 Q. What parts weren't? Was that the parts that
22 you observed?

23 A. Yes.

24 Q. Did you meet with Ms. Biel to go over this
25 evaluation?

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Mary M. Kreuper

November 12, 2015

1 A. Earlier you had mentioned the learning curve.

2 Q. Uh-uh.

3 A. And I observed these things and spoke to her
4 with the hope that that would be part of the learning
5 curve, but it didn't happen.

6 Q. Okay. She signs this November 18th.

7 Is there a break for the Christmas holiday?

8 A. Yes.

9 Q. When is that break?

10 A. Usually around the 19th or 20th of December.

11 Q. Until when?

12 A. Until January -- first week of January.

13 Q. From the date of this exam up until the 19th
14 or 20th of December, did you observe any other issues
15 with Ms. -- strike that.

16 Between this performance evaluation,
17 December 19th and 20th, did you observe any problems
18 with Ms. Biel's performance?

19 A. The same continued ones.

20 Q. Did you talk to her?

21 A. Yes.

22 Q. How many times do you think you talked to her
23 during that period of time?

24 A. Between November and Christmas vacation,
25 probably twice.

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Mary M. Kreuper

November 12, 2015

1 (Plaintiff's Exhibit 4 was marked for
2 identification by the court reporter
3 and is attached hereto.)

4 BY MR. BROCK:

5 Q. Can you tell me what this document is?

6 A. When I spoke with Ms. Biel or met with her, I
7 would write down things that we talked about, things
8 that I wanted to bring up.

9 Q. Is this document -- is this what you wrote
10 down?

11 A. Yes.

12 Q. Are there any other -- any additional
13 documents, any more notebooks that you have concerning
14 conversations with Ms. Biel other than these four pages?

15 A. No.

16 Q. On the top it says, "missing homework"?

17 A. Uh-huh.

18 Q. Do you know when you started keeping notes of
19 conversations with Ms. Biel?

20 A. Probably after November.

21 Q. Did you keep notes of conversations with other
22 teachers?

23 A. No.

24 Q. Why did you start keeping them of Ms. Biel?

25 A. Because I was trying to help her to be a

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Mary M. Kreuper

November 12, 2015

1 better teacher, and I wanted to be able to refer back to
2 things and to see if they had changed.

3 Q. Was she assigned mentors?

4 A. Yes.

5 Q. Who were her mentors?

6 A. Kathleen McDermott and Cynthia Wight.

7 Q. Why did you assign her mentors?

8 A. Every -- we call them departments. K, 1 and 2
9 meet weekly there; 3, 4 and 5 meet together; and 6, 7
10 and 8 meet together. They discuss upcoming things.
11 They discuss curriculum. They discuss procedures and
12 policies.

13 Q. Did you assign her a mentor at the beginning
14 of the school year?

15 A. Yes.

16 Q. Is that because she was a new teacher?

17 A. It was -- no. Everyone has a mentor. Those
18 two were -- they all do.

19 Q. I see. Did you assign Mrs. Biel a mentor
20 because of the issues that you had noticed with her job
21 performance?

22 A. No.

23 Q. Is there any way you can narrow down the time
24 frame, other than after November when you started
25 keeping notes?

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Mary M. Kreuper

November 12, 2015

1 A. Would you repeat that question?

2 Q. You started keeping notes after November. I
3 want to know if there's any way you can narrow down that
4 time frame.

5 A. It was from November until May.

6 Q. Is this document in order? For instance,
7 you're writing as you talk to her. So the first page
8 would be the first conversation you had with her
9 continuing to the last? It's like a timeline?

10 A. They were my things that I spoke with her
11 about.

12 Q. But is it in order?

13 For instance, the first time you wrote
14 "missing homework," that would have been maybe one of
15 the first conversations you had with Ms. Biel when you
16 documented it. And then as you had conversations, you
17 just kept a timeline going. So the first page would be
18 maybe conversations you had in November, second page
19 would be conversations after that, and so forth?

20 A. Not exactly. I think I put that "missing
21 homework" up there because I wanted to remember to talk
22 with her about it again.

23 The checks were consistently. I talked with
24 her about those things consistently. So if in November
25 I mentioned something, say, the honor roll, then I

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Mary M. Kreuper

November 12, 2015

1 would -- if that came up again, I would put a check.

2 For instance, "the level of noise" on Page 2,
3 there are several checks there because I kept noticing
4 it. So I would check that, and I would bring it up to
5 her again.

6 Q. Let's start with the first page. It says,
7 "missing homework."

8 Do you know when you wrote that?

9 A. No, I don't.

10 Q. It has one, two and three. Is says, "health
11 most important"?

12 A. Uh-huh.

13 Q. What do you mean by that?

14 A. When she first told me that she had cancer, I
15 told her that her health was the most important thing.

16 Q. Do you know when she told you she had cancer?

17 A. The Monday after Easter vacation.

18 Q. Did you write then "health most important" the
19 Monday after Easter vacation?

20 A. Most likely I did.

21 Q. Sometime after that?

22 A. Yes.

23 Q. Did you start these notes after Easter
24 vacation?

25 A. No.

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Mary M. Kreuper

November 12, 2015

1 Q. Is there a reason why the first page of this
2 document has "health most important"?

3 A. I think it's because that first page was
4 blank, and I had started already, and then I went back
5 and filled that in because I wanted to be sure that I
6 knew that I had told her that her health was the most
7 important thing.

8 Q. The second page of Exhibit 4, starting at the
9 top, is that the first thing you recall documenting then
10 about Mrs. Biel?

11 A. I don't think so. I think that was one of the
12 things that I talked with her about. One of the things
13 that I observed because I had subbed in there, there's
14 no test schedule, and so I wrote that, and then the
15 "Work habits" and "erasing, work habits, grades, and
16 behavior chart" that she had.

17 Q. Do you know when you wrote everything on the
18 second page?

19 A. No, I don't. It was over a period of time.

20 Q. Well, I am trying to understand the order of
21 it. So if I can find out which page you started with
22 and --

23 A. The honor roll would have been November.

24 Q. Second page?

25 A. Second page.

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Mary M. Kreuper

November 12, 2015

1 Q. "Janelli"?

2 A. Uh-huh.

3 Q. November, here (indicating).

4 A. Uh-huh.

5 Q. What about "setting up" --

6 A. "Setting up paper format."

7 Q. Uh-huh.

8 A. There's a special format that the students use
9 to head their papers, and she wasn't doing that. They
10 could just do it wherever they wanted to.

11 Q. Do you know when you would have wrote that?

12 A. After the honor roll, November, in November.

13 Q. At the top it says, "Erasing work habit
14 grades, work habit chart." It has a "No. 2. Condition
15 of room. Things on floor, et cetera."

16 Do you know when you wrote all of this?

17 A. It was before the report cards.

18 Q. Before November?

19 A. Or during November, first part of November.

20 Q. But before you wrote "honor roll"; correct?

21 A. Correct.

22 Q. Then it says --

23 A. "Report card."

24 Q. "Report card," slash, "duplicate."

25 What do you mean by that?

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Mary M. Kreuper

November 12, 2015

1 A. Her report cards -- they hand in their
2 duplicate report cards to me, and then they transfer the
3 grades onto their report cards.

4 So when I looked at them, I didn't notice any
5 kind of a glaring -- anything glaring. Then on the
6 report cards, when everyone was on the honor roll, I was
7 pretty shocked at that.

8 Q. Did you write that after the report cards came
9 out?

10 A. It was after the -- yes, it would have to be.

11 Q. What about "level of noise"?

12 A. It was -- again, I continued to notice the
13 level of noise.

14 Q. So I think I understand. So you write out all
15 of these things as they come up. And then the next time
16 you meet with her, if it's still a problem, you check
17 it?

18 A. That's right.

19 Q. "Pen for math."

20 What do you mean by that?

21 A. Students are not allowed to use pen for math.
22 They have to use a pencil.

23 Q. What does it say underneath that?

24 A. "Missing homework. Can they bring it in the
25 next day."

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EXHIBIT C PAGE 143

ER 804

Mary M. Kreuper

November 12, 2015

1 Q. There's a star there. Why did you do that?

2 A. Because that was really an important policy.
3 We can't allow this -- I mean, if you don't have your
4 homework on the day that it's due, then it's missing.

5 Q. What do you say underneath that?

6 A. She was not wanting to take accountability for
7 student behavior.

8 Q. What do you mean by that?

9 A. I think, when I met with her, I would bring up
10 again the level of noise or the behavior in the
11 classroom, and she would say something to the effect,
12 "It doesn't bother me."

13 Q. Okay. Next page, "Change up format of tests."

14 A. I had asked, as time went on, to see all the
15 tests that she was giving because it was the same format
16 all the time.

17 Q. I see. Underneath that?

18 A. "Children may not have all that stuff on their
19 desks."

20 Q. Underneath that?

21 A. "Study guides are still not corrected."

22 Q. Underneath that?

23 A. "Student council applications. Grades were
24 different on the duplicates than on the report cards."

25 Q. Do you know when you would have wrote that?

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Mary M. Kreuper

November 12, 2015

1 A. That was probably in springtime.

2 Q. March, April?

3 A. Yes.

4 Q. It says "2nd" --

5 A. "Trimester."

6 Q. When does the 2nd trimester start?

7 A. In January, maybe.

8 Q. What do you mean by "2nd trimester"?

9 A. We divide it into 1st, 2nd and 3rd.

10 Q. Does this mean you are starting to document
11 things now that occurred during the 2nd trimester?

12 A. No. That probably refers back to the student
13 council applications.

14 Q. What does it say underneath that?

15 A. "Change grades on duplicates, work habits and
16 behavior after I saw them."

17 Q. What do you mean by that?

18 A. Well, when I saw them, the grades appeared to
19 be different than they were on the report card when they
20 got their report card.

21 Q. She had changed the grades?

22 A. Apparently.

23 Q. Underneath that?

24 A. They did not -- some did not earn the work
25 habit and behavior grade which would have kept them off

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Mary M. Kreuper

November 12, 2015

1 contract."

2 Q. Based on her job performance?

3 A. That's right.

4 Q. And these were during meetings you had with
5 her?

6 A. Yes.

7 Q. How frequently were you having meetings with
8 her?

9 A. After January, I met with her weekly.

10 Q. Did you set up these meetings, or did she
11 request them?

12 A. No, she didn't request them. I asked to see
13 her.

14 Q. Once a week?

15 A. Sometimes twice a week.

16 Q. Why did you ask to see her?

17 A. Because I wanted to check in with her to see
18 how she was doing with regards to all the things we
19 talked about.

20 Q. Did you check in with other teachers?

21 A. On those same issues?

22 Q. On any issues.

23 A. I check in with teachers regularly, yes.

24 Q. Did you have meetings once a week or twice a
25 week --

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Mary M. Kreuper

November 12, 2015

1 parent."

2 What does that mean?

3 A. I asked all the teachers not to communicate
4 with parents via e-mail. I ask them to either have a
5 face-to-face conference or to telephone them.

6 Q. Was she having a problem with that?

7 A. She did it. She would e-mail the parents.

8 Q. Do you know how many times she e-mailed the
9 parents?

10 A. No, I don't.

11 Q. "Technology," what does that mean?

12 A. It needs to be curricular related.

13 She had asked me to come up and observe a
14 couple of things in the computer lab that she wanted to
15 do that were not necessarily related to the curriculum.

16 Q. "Water bottle," we know that. "Grades for
17 group work."

18 What did you mean by that?

19 A. That was the same as the religion.

20 Q. Then you have "6/2014" and "6-17-2014."

21 A. Uh-huh.

22 Q. Is there any reason why you dated these
23 particular issues?

24 A. No, there wasn't. No.

25 Q. From the time that she first started up until

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Mary M. Kreuper

November 12, 2015

1 the Christmas break, did any parents express any issues
2 they had with Ms. Biel's work performance?

3 A. There were some parents who did come to me.
4 I'm not sure about the timeline.

5 Q. How many parents ever express to you concerns
6 about Ms. Biel's work performance?

7 A. There were four.

8 Q. Who were the parents?

9 A. Patty Schiappa.

10 Q. Uh-huh.

11 A. Mara Delgadillo, Jonnell O'Dowd, and there was
12 one other one. I don't recall the name.

13 Q. Do you recall what Patty told you?

14 A. Yes. That she was pleasantly surprised and
15 shocked that her son Nikko made the honor roll because
16 he was not an honor roll student.

17 Q. I'm sure Nikko --

18 A. Sorry?

19 Q. Go ahead.

20 A. And she came in and said that -- all of them
21 said it was the lack of structure in the classroom and
22 that they seemed to be able to do whatever they wanted
23 to do.

24 Q. Patty told you that about Ms. Biel?

25 A. Yes.

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Mary M. Kreuper

November 12, 2015

1 Q. Mary -- Mara?

2 A. Mara. Her daughter is a bright girl and
3 certainly deserved to be on the honor roll. She didn't
4 have a problem with that. But it was the lack of
5 structure in the classroom. Her daughter found it hard
6 to study when there's so much noise in the classroom and
7 to work.

8 Q. And Jonnell O'Dowd?

9 A. She didn't correct the study guides. And so,
10 therefore, when they took their tests, some of the
11 answers that they gave on the test were incorrect
12 because they just studied the study guide.

13 Q. Okay.

14 A. That, and also the -- again, lack of
15 structure.

16 Q. Was Jonnell a teacher there?

17 A. Yes.

18 Q. What about Mara?

19 A. No.

20 Q. Patty?

21 A. No.

22 Q. What grade did Jonnell teach?

23 A. 7th grade.

24 Q. And the other parent, do you recall what her
25 complaints were?

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Mary M. Kreuper

November 12, 2015

1 A. I think it was a him. It was basically the
2 same thing. It was -- the kids would come home with
3 stories about what they did and how they were able to
4 talk and take off their shoes in class and those kinds
5 of things.

6 Q. Parent complaints about teachers -- does that
7 happen on a pretty regular basis?

8 A. No.

9 Q. So the complaints that you had about
10 Mrs. Biel, was that unusual?

11 A. Yes.

12 Q. You don't recall the timing of any of these
13 complaints?

14 A. No.

15 Q. Other than these parents and Jonnell, did any
16 other teachers complain about Mrs. Biel?

17 A. It wasn't so much a complaint as an
18 observation of what was going on in the classroom. Many
19 classes had to walk by her room in order to get to the
20 music room. And on occasion, teachers would say to me,
21 "Oh, it's so noisy in there." One of the teachers said
22 it was chaotic.

23 Q. Who was that?

24 A. Sister Lana.

25 Q. Did all the teachers make observations to you

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Mary M. Kreuper

November 12, 2015

1 about what they saw in Mrs. Biel's classroom?

2 A. I don't think that they did. No, not all the
3 teachers. No.

4 Q. Did any parent praise Ms. Biel?

5 A. Not to me.

6 Q. To other people?

7 A. I don't know.

8 Q. Did any of the other teachers praise
9 Mrs. Biel?

10 A. Not for teaching.

11 Q. For what?

12 A. She made jewelry. A lot of the teachers
13 bought jewelry from her.

14 She would -- she would want to be involved in
15 the fun things that we did. For instance, we did a
16 flash dance -- not flash dance, flash mob. And she was
17 the one that instigated that, and she taught us the
18 dance to that. So those kind of things that other
19 teachers would say.

20 Q. Other than the four parents, other teachers,
21 did anyone else ever express to you any concerns that
22 they had with Ms. Biel?

23 A. Not that I recall.

24 Q. Is there any reason why you didn't do more
25 written formal evaluations of Ms. Biel other than the

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Mary M. Kreuper

November 12, 2015

1 one in November?

2 A. I met with her regularly about two or three
3 times a week, and I would do my walkthroughs. To me,
4 speaking with her, I was trying to -- again, trying to
5 help her to develop some good classroom management
6 skills, and it was better -- I thought it would be more
7 helpful to talk with her.

8 Q. Okay. I will hand you a document we'll mark
9 as Exhibit 5.

10 (Plaintiff's Exhibit 5 was marked for
11 identification by the court reporter
12 and is attached hereto.)

13 BY MR. BROCK:

14 Q. Have you seen this document before?

15 A. Yes, I have.

16 Q. Can you tell me what this document is?

17 A. This is an intent to return form.

18 Q. Tell me what an intent to return form is.

19 A. In, most likely, February, first part of
20 March, I give everybody this paper because then that
21 gives me an indication of if I need to start looking for
22 teachers or if I need to fill spaces that would be
23 vacated by a teacher not returning.

24 Q. Do you know when you gave this form to
25 Ms. Biel?

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1 school year?

2 A. No, she didn't.

3 Q. There's some checked box on credentialing?

4 A. Uh-huh.

5 Q. Did any part of Ms. Biel's credentials play
6 any role in why she was not asked for the 2014/2015
7 school year?

8 A. No.

9 Q. All right. When did you decide that Ms. Biel
10 would not be returning for the next school year?

11 A. My tendency was in, say, March. When I found
12 out that she was wanting to return, I thought, well, you
13 know, I will work with her until to see if things
14 change. So probably in March I thought that I don't
15 think this is going to work out.

16 Q. Was there a particular event that happened
17 that caused you to make a decision that it's probably
18 not going to work out or was it just an accumulation of
19 things? What was it, if you can tell me?

20 A. I think it was the lack of doing the things
21 that I had asked her to do.

22 Q. In particular, what things?

23 A. Classroom, the orderliness or lack of in the
24 classroom, the chaoticness of the classroom -- that
25 never changed.

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Mary M. Kreuper

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1 I found out that she wasn't using a grammar
2 book that she was supposed to be using.

3 She was also not letting children work in the
4 Simple Solutions book, and I had asked her to do that.

5 I think -- I believe that she did do that
6 after I had said to her, "Let them work in the book."
7 It's a workbook.

8 Q. When you made the decision in March 2014, did
9 you communicate your decision to Ms. Biel at that time?

10 A. I think first I determined in my own mind I
11 don't think this is going to work. However, I continued
12 to try and work with her up through March and April.
13 And, then, finally it just wasn't going to work.

14 Q. Did you ever tell Ms. Biel she would not be
15 offered a contract prior to her going out on leave?

16 A. Before May 22nd. I said a couple of times,
17 "I'm going to find it difficult to offer you a
18 contract."

19 Q. You said that a couple of times?

20 A. Couple of times, uh-huh.

21 Q. And when is the first time you said that to
22 her?

23 A. Probably after this, probably the first part
24 of March.

25 Q. When is the second time?

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Mary M. Kreuper

November 12, 2015

1 A. Probably -- maybe the first part of April, I
2 continued to meet with her to try and resolve these
3 issues, and it just wasn't working.

4 Q. Did you ever tell her she would not be offered
5 a contract prior to her going out on leave?

6 A. Yes -- no. Prior to her going out -- prior to
7 May 22nd.

8 Q. When Ms. Biel went out on leave, did you ever
9 tell her that she would not be offered a contract?

10 A. Yes, I did.

11 Q. When did you tell her?

12 A. When?

13 Q. Yes.

14 A. I don't remember. It was between April and
15 May. Yeah.

16 Q. Do you know when Ms. Biel told you she had
17 cancer?

18 A. Yes.

19 Q. When was that?

20 A. It was the Monday after Easter vacation.

21 Q. Do you know the date?

22 A. April -- probably the middle or toward the end
23 of April.

24 MR. BROCK: Let's take a break.

25 (Whereupon, at the hour of 12:36 P.M.,

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November 12, 2015

1 Can you tell me how frequently teachers went
2 out on a leave of absence that lasted longer than one or
3 two weeks?

4 A. Only for babies, and that was four of them.

5 Q. Had any teacher taken a leave of absence for
6 any medical condition other than pregnancy?

7 A. No.

8 Q. Four teachers in your 27 years went out on
9 maternity leave?

10 A. Correct.

11 Q. Okay.

12 A. And so Annie subbed for two days a week, not
13 the three that I said.

14 Q. Okay. Tell me when -- Ms. Biel told you she
15 had cancer following Easter break?

16 A. Yes.

17 Q. Do you know if it was a Monday?

18 A. Yes.

19 Q. Sometime in April?

20 A. Yes.

21 Q. Tell me how she told you.

22 A. She came in to my office, and she said that
23 during Easter vacation, she had found a lump on her
24 breast and went to the doctor, and they wanted to do
25 some tests, and they thought it was cancer.

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November 12, 2015

1 2013/2014 school year?

2 A. No, she didn't.

3 Q. When did she take off?

4 A. She said that her last day would be May 22nd.

5 Q. When did she inform you that her last day
6 would be May 22nd?

7 A. Probably a couple of weeks before that.

8 Q. Do you recall a specific date?

9 A. No, I don't.

10 Q. Was it during this late April, early May
11 conversation?

12 A. Probably a little bit after that. I think she
13 had to get more doctors' consults.

14 Q. Tell me about that conversation where she
15 informs you she would not be finishing the school year.

16 A. She said that she was going to undergo some
17 type of treatment. It was sort of vague. I don't know
18 that she had -- actually knew. She was going to undergo
19 some kind of treatment, and she needed to be -- her last
20 day needed to be May 22nd.

21 Q. Do you know how much notice that was?

22 A. Probably two weeks.

23 Q. Did she tell you how long she would be unable
24 to work?

25 A. It was vague. She wasn't quite sure.

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November 12, 2015

1 A. I told her I was not going to be able to offer
2 her a contract.

3 Q. When did you first tell her that?

4 A. It was before May 15th and -- I would say
5 probably early May.

6 Q. That's after the Easter break; correct?

7 A. Yes.

8 Q. Did you tell -- did you ever tell Ms. Biel
9 before the Easter Monday -- strike that.

10 Did you ever tell Ms. Biel before the Monday
11 after Easter, when she told you she might have cancer,
12 that she was not going to get a contract for the
13 following school year?

14 A. I mentioned on several occasions in early
15 January, February when I met with her, that because of
16 her performance, that I was going to find it very
17 difficult to offer her a contract.

18 Q. I understand that. Did you tell her, though,
19 prior to her informing you she might have cancer on that
20 Monday after Easter, that you made your decision and she
21 was not going to get a contract?

22 A. I told her that -- I said to her that this
23 didn't look like it was working out. No. I don't think
24 I ever said that I definitely was not going to rehire
25 her.

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Mary M. Kreuper

November 12, 2015

1 A. Yes.

2 Q. When did you tell her that?

3 A. With that letter on May 15th and then before
4 leading up to it all those other times that I told her
5 that I would find it difficult, that I just didn't think
6 I could offer her a contract.

7 Q. But did you ever tell her she would not be
8 given a contract?

9 A. No.

10 Q. I will hand you a document that we will mark
11 as Exhibit 6.

12 (Plaintiff's Exhibit 6 was marked for
13 identification by the court reporter
14 and is attached hereto.)

15 BY MR. BROCK:

16 Q. Can you tell me what this document is?

17 A. This is my formal letter to her saying that I
18 would not be prepared to offer her a contract.

19 Q. When did you prepare this letter?

20 A. May 15th.

21 Q. Is this the first time you communicated to
22 Ms. Biel definitively that she would not be offered a
23 contract for the 2014/2015 school year?

24 A. Definitively, yes.

25 Q. You had hinted that you had trouble giving her

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Mary M. Kreuper

November 12, 2015

1 a contract, but this is the first time you tell her she
2 ain't coming back?

3 A. I don't think I hinted. I think it was
4 stronger than a hint. Because when I say to somebody "I
5 am not" -- "I don't think I'm prepared" -- "I don't
6 think I am going to be able to offer you a contract,"
7 that's what I meant, and this was the formal declaration
8 of that.

9 Q. At any time prior to May 15, 2014, did you
10 tell Ms. Biel that you are not prepared to offer her a
11 contract for the 2014/2015 school year?

12 A. Yes.

13 Q. How did you -- did you write this document
14 before or after Ms. Biel told you two weeks prior to
15 May 22nd that that would be her last day?

16 A. Please repeat that.

17 Q. When you sent this document --

18 A. Yes.

19 Q. -- did you know Ms. Biel's last day of work
20 would be May 22nd?

21 A. Yes.

22 Q. She had already told you that May 22nd would
23 be her last day; correct?

24 A. Right.

25 Q. How did you present this document to Ms. Biel?

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1 A. As I do with any teacher, I put it in their
2 mailbox. I put letters or notes in their mailboxes.

3 Q. Where is their mailbox?

4 A. In the faculty room.

5 Q. Do you know if Ms. Biel got this letter?

6 A. No.

7 Q. You don't know?

8 A. I don't know.

9 Q. Did you ever follow up with Ms. Biel prior to
10 May 22nd when her last day of work was to ensure that
11 she got this letter?

12 A. No.

13 Q. Did you ever have a conversation with Ms. Biel
14 prior to May 22nd where she discussed receiving this
15 letter?

16 A. No.

17 Q. Did you -- when is the last time you looked in
18 her mailbox?

19 A. I don't actually look at it. If I have
20 something to put in it, I do. I don't make it a
21 practice to look at it. There's lots of things in
22 there.

23 Q. Do you still have her mailbox?

24 A. No. I mean, somebody else's name is there,
25 but it's there.

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November 12, 2015

1 Q. Did you clean out her mailbox?

2 A. I think it was cleaned out.

3 Q. Do you know who cleaned it out?

4 A. I think she did.

5 Q. Have you put letters like this in other
6 teachers' mailboxes, letters expressing -- strike that.

7 Have you put a letter to a teacher saying they
8 would not be offered a contract in one of their
9 mailboxes?

10 A. No.

11 Q. This is the first time?

12 A. Well, yes.

13 Q. Is there any reason why you didn't personally
14 deliver this letter to Ms. Biel?

15 A. That's not my ordinary way of communicating
16 with something like this. I usually put -- any notes or
17 something in the mailbox. That's my ordinary way of
18 doing it.

19 I did that because I felt that I had talked so
20 much with her, and there was nothing else left to say.
21 I think she knew that I wasn't prepared to offer the
22 contract, and this was the formal -- saying that I
23 wasn't.

24 Q. Why did you wait until May 15, 2014, to write
25 a letter to Ms. Biel advising her that she would not

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Mary M. Kreuper

November 12, 2015

1 have a contract for the 2014/2015 school year?

2 A. That's the day that we have to let teachers
3 know.

4 Q. Who has mandated that to be the day?

5 A. It's in the contract, I believe.

6 Q. What contract?

7 A. On No. 7 on Page 2 at the bottom.

8 Q. Did you ever extend Mrs. Biel's introductory
9 period?

10 A. What does that mean?

11 Q. Part of the contract, Page 5, No. 5, there's
12 an introductory period for a newly hired or transferred
13 teacher. The introductory period is a minimum of 90
14 calendar days and may be extended in writing for up to
15 another 90 calendar days at the discretion of the
16 principal.

17 A. Uh-huh.

18 Q. Did you ever extend her introductory period?

19 A. I kept her until she requested that her last
20 day be the 22nd of May. Yes.

21 Q. Did you notify her in writing that her
22 introductory period would be extended by 90 days
23 after --

24 A. No.

25 Q. -- after the initial 90 days?

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Mary M. Kreuper

November 12, 2015

1 2014/2015 school year following chemotherapy and
2 surgery?

3 A. I think we had conversations about that, but
4 it wasn't about the chemotherapy or her illness. It was
5 about her teaching and her classroom management.

6 Q. I will hand you a document. It's a series of
7 documents that we marked yesterday in Ms. Biel's
8 deposition. We'll mark them collective as 9.

9 (Plaintiff's Exhibit 9 was marked for
10 identification by the court reporter
11 and is attached hereto.)

12 BY MR. BROCK:

13 Q. Can you tell me what these documents are?

14 A. These are a copy of her lesson plans.

15 Q. What are the lesson plans?

16 A. The lesson plans are the outline for the week
17 of what the teacher intends that they -- she intends to
18 be taught during that course of that week.

19 Q. Do all teachers provide you a lesson plan?

20 A. Yes.

21 Q. Do you write notes on the plan for
22 suggestions?

23 A. Yes.

24 Q. Do you have any more plans for Ms. Biel other
25 than those?

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Mary M. Kreuper

November 12, 2015

1 A. Ritterman.

2 Q. Ritterman. She also happened to teach 5th
3 grade; correct?

4 A. Yes, she did.

5 Q. Did you -- the difference -- how do I phrase
6 this? I don't want to be argumentative.

7 The problems that you had with Mrs. Biel's
8 work performance, did you chalk that up to a difference
9 in teaching philosophy, or did you consider her not a
10 capable teacher?

11 What did you attribute to the problems that
12 she had with that 5th grade class?

13 MS. FERMIN: Vague.

14 BY MR. BROCK:

15 Q. You can answer, if you understand.

16 A. Rephrase it.

17 Q. I am trying to understand -- did you attribute
18 anything about -- to why Ms. Biel had trouble with the
19 5th graders during that school year?

20 A. I think she was very permissible, and she was
21 not structured.

22 Q. Did you feel that was -- those were issues
23 that she could improve upon over time?

24 A. I tried to help her with those issues; but at
25 the end of the day, she was not able or capable or

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November 12, 2015

1 willing to make the changes.

2 Q. When you say she was not structured and
3 permissive, was that your opinion about her teaching
4 style, or was that just sort of an objective fact? I'm
5 trying to understand.

6 MS. FERMIN: Vague.

7 THE WITNESS: I think I know what you mean.

8 BY MR. BROCK:

9 Q. Yeah.

10 A. No. It was the reality that I saw. Every
11 time I walked by or went in or I subbed for her, I saw
12 it.

13 Q. How many times did you sub for her?

14 A. Three or four.

15 Q. Did you feel that the kids in her 5th grade
16 class didn't get a good educational experience during
17 that year?

18 A. From an educator's point of view, I don't
19 think they did. From their point of view and their
20 parents' point of view, they did.

21 Q. Why is that?

22 A. Because when children who never made the honor
23 roll are on the honor roll, the parents were ecstatic.

24 From my point of view, all the things that I
25 tried to help Kristen with and help her to be a better

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Mary M. Kreuper

November 12, 2015

1 teacher, she didn't follow through on those which caused
2 her not to be a good 5th grade teacher, in my opinion.

3 Q. Could there be a difference of opinion based
4 on different types of teaching style that maybe she
5 was -- someone else could consider her a good teacher?

6 MS. FERMIN: Lack of foundation; calls for
7 speculation; incomplete hypothetical.

8 BY MR. BROCK:

9 Q. Do you understand?

10 A. Rephrase it for me.

11 Q. It's your opinion she wasn't a good teacher.
12 Parents thought she might have been or whatever.

13 Do you think your opinion is based on a
14 difference in teaching philosophy between the way
15 Mrs. Biel teaches and maybe the way you thought a
16 teacher should teach?

17 MS. FERMIN: Vague.

18 THE WITNESS: I was her supervisor, and I am
19 the one responsible for the education of the children.
20 So when I hear, you know, parents and other teachers
21 telling me about chaos that goes on in the room -- I
22 tell all the teachers that one of my expectations is
23 that they have a classroom that is conducive to
24 learning. And when parents come to me and say, "My
25 child is struggling because it's too noisy," or "They

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Mary M. Kreuper

November 12, 2015

1 don't have their test schedules," or "They don't
2 have" -- whatever it is that they are giving an example
3 of, and when I see it and I experience that, then 5th
4 grade was not a good fit for her.

5 BY MR. BROCK:

6 Q. Did you feel like her 5th graders didn't learn
7 what they needed to learn in her classroom that year?

8 A. Yes, I think that's true.

9 Q. All the parents -- you just told me about
10 parents talking about chaos.

11 Are you talking about any additional parents
12 than the ones that you already told me about?

13 A. No. I think -- I can't say for sure. Someone
14 might have made a comment, but I don't know. Those are
15 the ones that formally came and spoke with me.

16 Q. Any parents send you an e-mail or anything in
17 writing about the problem that they had with Mrs. Biel?

18 A. No.

19 Q. You would agree -- it's your opinion that
20 Ms. Biel wasn't performing like she should have as a 5th
21 grader teacher; correct?

22 A. I don't think it's my opinion. What I have
23 done is I based it on fact. So the reality was that she
24 wasn't.

25 Q. Right. Is there an objective test that

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Mary M. Kreupcr

November 12, 2015

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the _____ day of _____,
at _____,
(CITY) (STATE)

MARY M. KREUPCR

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Mary M. Kreuper

November 12, 2015

1 STATE OF CALIFORNIA)
2) ss:
3 COUNTY OF LOS ANGELES)

4 I, ALLA PONTO, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 11046, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

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EXHIBIT C PAGE 170

ER 831

Mary M. Kreuper

November 12, 2015

1 I further certify that I am not a relative or
2 employee or attorney or counsel of any of the parties,
3 nor am I a relative or employee of such attorney or
4 counsel, nor am I financially interested in the outcome
5 of this action.
6

7 IN WITNESS WHEREOF, I have subscribed my name
8 this 20th day of November, 2015.
9

10
11 

12 ALLA PONTO, CSR No. 11046
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Janell O'Dowd

January 28, 2016

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, AN INDIVIDUAL,

PLAINTIFF,

VS.

ST. JAMES SCHOOL, A CORP., A
CALIFORNIA CORPORATION; AND
DOES 1-50, INCLUSIVE,

DEFENDANTS.

CASE No. 15-cv-
04248-TJH (ASx)DEPOSITION OF
JANELL O'DOWD
Volume 1
Torrance, California
Thursday, January 28, 2016Reported By:
Maria A. Hasakian
CSR No. 8469
NDS Job No. 179228

Janell O'Dowd

January 28, 2016

1 Q And then after that, it was primarily formal
2 evaluations?
3 A Correct.
4 Q One time per year?
5 A Once per year.
6 Q Do you prepare lesson plans each week for your
7 class?
8 A Yes.
9 Q And does Sister Mary Margaret review those each
10 week?
11 A Yes.
12 Q And does she comment on them each week?
13 A She does.
14 Q As recently as last year, did you have a formal
15 evaluation for your class by Sister Mary Margaret?
16 A I believe last year, yes.
17 Q How about for this year?
18 A No.
19 Q Is it possible that it just hasn't occurred
20 yet, the formal evaluation, for this school year?
21 A Correct.
22 Q Have you ever been assigned to mentor any other
23 teachers at St. James?
24 A Yes.
25 Q Are you currently mentoring any teachers?

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1 A No. I don't know if I was necessarily the
2 person in charge but I kind of -- like I was -- we worked
3 kind of as a team.
4 Q And who would be the head mentor of that group?
5 A It would have been Sister Lana.
6 Q Do you have any -- do you know why she would
7 have been the head mentor of that group?
8 A Why? She's an amazing teacher.
9 Q Do you remember the name of the last teacher
10 that the two of you mentored together?
11 A Courtney Zimmerman.
12 Q And she's still with St. James?
13 A Correct.
14 Q And it's my understanding that teachers get
15 assigned to mentor another teacher when they first start?
16 A Yes.
17 Q And how long did your managership of Courtney
18 Zimmerman last?
19 A Pretty much her first year.
20 Q And it stopped after that?
21 A We -- I mean, the three of us continue to meet
22 each day. So I think we continue to mentor each other.
23 Q But more formally?
24 A Formally for a year.
25 Q And how much time with Courtney would you spend

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1 in that first year each time you met?
2 A I would meet with her once a week for probably
3 about -- it would vary from week to week.
4 Q On average?
5 A 30 minutes to half an hour -- I mean,
6 30 minutes to an hour.
7 Q And that meeting was separate from the meeting
8 you had with her and Sister Lana?
9 A No, we met together.
10 Q And that three-person meeting was 30 minutes?
11 A Yes.
12 Q If there was ever any issue with Ms. Zimmerman,
13 would you have brought it to the attention of Sister Mary
14 Margaret?
15 MR. VASIN: I'm just going to object. It's
16 vague, ambiguous, and calls for speculation.
17 You're asking hypothetically?
18 MS. SHOEMAKER: Yes.
19 Q You can answer.
20 A So if I had a problem with Ms. Zimmerman, yes,
21 I would have gone to Sister.
22 *Q Approximately how many times did you have to go
23 to Sister Mary Margaret with issues that you had with
24 Ms. Zimmerman?
25 MR. VASIN: Well, I'm going to object at this

Page 19

1 point. It invades Ms. Zimmerman's right to privacy.
2 It's not relevant to this lawsuit. It's not likely to
3 lead to the discovery of admissible evidence.
4 So I'm going to instruct the witness not to
5 answer at this point.
6 BY MS. SHOEMAKER:
7 Q Do you remember the school year when Ms. Biel
8 began teaching the fifth grade, what year that was?
9 A No. It was -- well, what -- like was it three
10 years ago? One, two, three. I don't remember.
11 Q We've alleged that it occurred in 2013 to 2014.
12 A Okay.
13 Q Does that sound about right?
14 A Uh-huh.
15 Q Yes?
16 A Yes.
17 Q And at that time, Mallory was in her class; is
18 that correct?
19 A Yes.
20 Q And during that 2013 to 2014 school year, did
21 you personally observe any problems with Ms. Biel's
22 teaching?
23 MR. VASIN: I'm just going to object as overly
24 broad, vague, ambiguous.
25 THE WITNESS: Yes.

Page 20

Janell O'Dowd

January 28, 2016

1 BY MS. SHOEMAKER;
 2 Q And what were those issues?
 3 A One, their calculators were being used for
 4 math. I had a problem with study guides not being
 5 corrected, I had a problem with the math workbook not
 6 being used. I had a problem with the use of the Simple
 7 Solution math workbooks, the classroom environment and I
 8 guess that the work not being challenging.
 9 Q Any other problems you can think of?
 10 A Not at this second.
 11 Q You said one of the problems was that they were
 12 using calculators for math?
 13 A Yes.
 14 Q What's the issue with that?
 15 A Long division. So this is -- I mean, fifth
 16 grade usually calculators aren't used. So it was just
 17 the type of problems the calculators were being used for.
 18 Q And then you said something about having issues
 19 with the study guides?
 20 A Uh-huh.
 21 Q What do you mean by that?
 22 A The students were given study guides after they
 23 completed a chapter. She was passing out the study
 24 guides, giving them class time to finish them but then
 25 never going back to correct the answer. So then when my

Page 21

1 daughter would bring the study guides to prepare for a
 2 test, they didn't have the correct answers on it. So
 3 then as a present, I was going back looking in the book
 4 trying to fix -- find the correct answers so that I could
 5 then help her study.
 6 Q And what book were you looking in?
 7 A This was social studies.
 8 Q A teacher book? Your daughter's school book?
 9 A No, my daughter's school book.
 10 Q To see -- to see if the answer she had in the
 11 study guide was correct?
 12 A Correct.
 13 Q So it's not like you had the teacher manual
 14 readily available?
 15 A No.
 16 Q And then you mentioned an issue with the math
 17 workbooks?
 18 A Uh-huh.
 19 Q What was that?
 20 A Our math workbook supplements our textbook and
 21 she was not using the math book. So they weren't having
 22 homework to reinforce the math skills that they were
 23 being taught during the day.
 24 Q So the issue was that the supplements weren't
 25 being used?

Page 22

1 A Correct.
 2 Q And what about the Simple Solution books?
 3 A She -- it's a consumable math workbook and they
 4 were not using it as a consumable. So they were using a
 5 piece of paper but then when she would go -- so the kids
 6 were doing it on paper. So then when the kids would have
 7 a test on it, there was no work in the workbook for the
 8 parents to review or you'd --
 9 Q Go ahead.
 10 A So you couldn't find your child's mistake or
 11 help them with a mistake.
 12 Q And what's a consumable?
 13 A You write in it. So like your textbook you
 14 would not write in. We can't -- we don't highlight our
 15 books but a workbook is a consumable because you write in
 16 it.
 17 Q And if it was on loose leaf paper, it'd be hard
 18 to keep all that work together?
 19 A Uh-huh, and I don't even think they had -- they
 20 got those back.
 21 Q The?
 22 A The loose leaf papers.
 23 Q And you mentioned you had an issue with the
 24 classroom environment?
 25 A Uh-huh.

Page 23

1 Q And what do you mean by that?
 2 A Very loud, noisy, sometimes I'd walk by and
 3 there'd be kids just, you know, walking or crawling on
 4 the floor. And just with their desks, they had taped
 5 pencil holders and things around their desk and just
 6 books on the -- in the aisle.
 7 Q How close was your classroom to Ms. Blei's
 8 classroom?
 9 A We were separated by, let's see, one, two, I
 10 think three classrooms.
 11 Q Could you hear noise from her classroom when
 12 you were in your classroom?
 13 A No.
 14 MR. VASIN: You answered the question.
 15 THE WITNESS: Okay.
 16 BY MS. SHOEMAKER:
 17 Q So when you state that the classroom was loud
 18 or noisy, you only heard this when you walked by the
 19 classroom; is that correct?
 20 A When I walked by or when I was in the computer
 21 lab.
 22 Q And where is the computer lab in reference to
 23 her classroom?
 24 A Right next door.
 25 Q Is the computer lab in between your two

Page 24

Janell O'Dowd

January 28, 2016

| | |
|--|---|
| <p>1 Q Any other students?</p> <p>2 A Not that I remember.</p> <p>3 Q And how many conversations did you have with</p> <p>4 A.W. about issues with Ms. Biel's teaching?</p> <p>5 A I drove to soccer practice with them in my car.</p> <p>6 So if I had -- if Mallory came home using her calculator</p> <p>7 in the car, I would say, is it true that you're allowed</p> <p>8 to use your calculator? And then how -- how are you able</p> <p>9 to use your calculator?</p> <p>10 The kids would talk about things that happened</p> <p>11 during the day. So I would just get in on the</p> <p>12 conversation and ask questions about, you know, the</p> <p>13 events.</p> <p>14 Q Was F.D. also in the car with these drives to</p> <p>15 soccer practice?</p> <p>16 A Not all of them.</p> <p>17 Q Is that where the conversations with F.D. would</p> <p>18 have taken place?</p> <p>19 A Yes.</p> <p>20 Q Do you recall discussing any issues, other than</p> <p>21 the one you previously told me about?</p> <p>22 A No.</p> <p>23 Q And approximately how many times did you have</p> <p>24 these conversations?</p> <p>25 A I don't know. September, October, November.</p> | <p>1 Q When does --</p> <p>2 A Progress report or report card?</p> <p>3 Q Progress report.</p> <p>4 A Progress report. Sorry. It would be six weeks</p> <p>5 into school.</p> <p>6 Q So the first conversation took place</p> <p>7 approximately six weeks after the start of the school</p> <p>8 year?</p> <p>9 A I think I said first trimester that we -- I met</p> <p>10 with her the first trimester, during the first trimester.</p> <p>11 So that would have been before Thanksgiving.</p> <p>12 Q But you spoke to her about Mallory's progress</p> <p>13 report?</p> <p>14 A That was later in the year.</p> <p>15 Q So I'm just right now talking about this first</p> <p>16 conversation you had with her.</p> <p>17 A Okay.</p> <p>18 Q What was discussed at the first -- during the</p> <p>19 first conversation?</p> <p>20 A I don't remember the specifics.</p> <p>21 Q So the issues -- so --</p> <p>22 A If I -- no. It's probably the math workbook.</p> <p>23 MR. VASIN: Well --</p> <p>24 BY MS. SHOEMAKER:</p> <p>25 Q I don't want you to guess.</p> |
| Page 37 | Page 39 |
| <p>1 Maybe 12 conversations. If I drove -- if I had to drive</p> <p>2 extra carpool, I mean, there would have been more.</p> <p>3 Q Did you have -- ever have any conversations</p> <p>4 about the issues with Ms. Biel's teaching with Sister</p> <p>5 Mary Margaret?</p> <p>6 A Yes.</p> <p>7 Q And approximately how many conversations did</p> <p>8 you have with her?</p> <p>9 A Probably about three.</p> <p>10 Q Do you remember when the first conversation</p> <p>11 took place?</p> <p>12 A It would have been sometime in the first</p> <p>13 trimester.</p> <p>14 Q And what was said in that conversation?</p> <p>15 A I don't -- I don't recall what specifically we</p> <p>16 talked about.</p> <p>17 Q What do you recall generally speaking about?</p> <p>18 A I know I spoke to her about three things. We</p> <p>19 talked about the math workbooks not being used. I talked</p> <p>20 to her about Mallory's progress report. I discussed the</p> <p>21 study guides with her and the math workbook.</p> <p>22 Q When do progress reports come out for the</p> <p>23 students?</p> <p>24 A Midway through the trimester. The first one</p> <p>25 comes out about Thanksgiving.</p> | <p>1 MR. VASIN: Don't guess.</p> <p>2 THE WITNESS: Then, no, I don't.</p> <p>3 BY MS. SHOEMAKER:</p> <p>4 Q So you recall having approximately three</p> <p>5 conversations with Sister Mary Margaret?</p> <p>6 A Uh-huh.</p> <p>7 Q Yes?</p> <p>8 A Yes.</p> <p>9 Q And during those three conversations, within at</p> <p>10 least one conversation, you discussed the math workbooks,</p> <p>11 Mallory's progress report, study guides and math</p> <p>12 workbook?</p> <p>13 A Yes.</p> <p>14 Q You don't recall specifically which issues were</p> <p>15 discussed in which conversation?</p> <p>16 A No.</p> <p>17 Q And when you refer to Mallory's progress</p> <p>18 report, are you referring to her first progress report?</p> <p>19 A I'm not positive.</p> <p>20 Q And what would your problem have been with</p> <p>21 Mallory's progress report?</p> <p>22 A She had a behavior check.</p> <p>23 Q Do you remember when the second two</p> <p>24 conversations you had with Sister Mary Margaret took</p> <p>25 place?</p> |
| Page 38 | Page 40 |

Janell O'Dowd

January 28, 2016

| | |
|---|--|
| <p>1 PENALTY OF PERJURY CERTIFICATE</p> <p>2</p> <p>3 I hereby declare I am the witness in the within</p> <p>4 matter, that I have read the foregoing transcript and</p> <p>5 know the contents thereof; that I declare that the same</p> <p>6 is true to my knowledge, except as to the matters which</p> <p>7 are therein stated upon my information or belief, and as</p> <p>8 to those matters, I believe them to be true.</p> <p>9 I declare being aware of the penalties of perjury,</p> <p>10 that the foregoing answers are true and correct.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 Executed on the _____ day of _____,</p> <p>16 at _____,</p> <p>17 (CITY) (STATE)</p> <p>18</p> <p>19</p> <p>20</p> <p>21 _____</p> <p>22 JANELL O'DOWD</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 69</p> | <p>1 I further certify that I am not a relative or</p> <p>2 employee or attorney or counsel of any of the parties,</p> <p>3 nor am I a relative or employee of such attorney or</p> <p>4 counsel, nor am I financially interested in the outcome</p> <p>5 of this action.</p> <p>6</p> <p>7 IN WITNESS WHEREOF, I have subscribed my name</p> <p>8 this _____ day of _____,</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 MARIA A. HASAKIAN, CSR No. 8469</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 71</p> |
| <p>1 STATE OF CALIFORNIA)</p> <p>2) ss:</p> <p>3 COUNTY OF LOS ANGELES)</p> <p>4</p> <p>5 I, MARIA A. HASAKIAN, do hereby certify:</p> <p>6 That I am a duly qualified Certified Shorthand</p> <p>7 Reporter, in and for the State of California, holder of</p> <p>8 certificate number 8469, which is in full force and</p> <p>9 effect and that I am authorized to administer oaths and</p> <p>10 affirmations;</p> <p>11 That the foregoing deposition testimony of the</p> <p>12 herein named witness was taken before me at the time and</p> <p>13 place herein set forth;</p> <p>14 That prior to being examined, the witness named</p> <p>15 in the foregoing deposition, was duly sworn or affirmed</p> <p>16 by me, to testify the truth, the whole truth, and</p> <p>17 nothing but the truth;</p> <p>18 That the testimony of the witness and all</p> <p>19 objections made at the time of the examination were</p> <p>20 recorded stenographically by me, and were thereafter</p> <p>21 transcribed under my direction and supervision;</p> <p>22 That the foregoing pages contain a full, true</p> <p>23 and accurate record of the proceedings and testimony to</p> <p>24 the best of my skill and ability;</p> <p>25 That prior to the completion of the foregoing</p> <p>deposition, review of the transcript was requested.</p> <p style="text-align: right;">Page 70</p> | <p>1 ERRATA SHEET</p> <p>2</p> <p>3 If any corrections to your deposition are necessary,</p> <p>4 indicate them on this sheet, giving the change, page</p> <p>5 number, line number and reason for change.</p> <p>6 PAGE LINE FROM TO</p> <p>7 Reason _____</p> <p>8 _____</p> <p>9 Reason _____</p> <p>10 _____</p> <p>11 Reason _____</p> <p>12 _____</p> <p>13 Reason _____</p> <p>14 _____</p> <p>15 Reason _____</p> <p>16 _____</p> <p>17 Reason _____</p> <p>18 _____</p> <p>19 Reason _____</p> <p>20 _____</p> <p>21 Reason _____</p> <p>22 _____</p> <p>23 Reason _____</p> <p>24 _____</p> <p>25 Signature of Deponent _____ Date _____</p> <p style="text-align: right;">Page 72</p> |

Kathleen McDermott

December 3, 2015

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3
4

5 KRISTEN BIEL, an individual,)
6)

7 Plaintiff,)
8)

9 vs)

Case No.

15-cv-04248-TJH (ASx)

10 ST. JAMES SCHOOL, A CORP., a)
11 California corporation; and)
12 DOES 1-50, inclusive,)
13)

14 Defendants.)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

DEPOSITION OF KATHLEEN McDERMOTT

Torrance, California

Thursday, December 3, 2015

Reported by: Gina Anne George
CSR No. 11260
NDS Job No.: 176678

1

Kathleen McDermott

December 3, 2015

1 that as a substitute.

2 Q And where did you have your meetings?

3 A Usually in my classroom, maybe fifth, but
4 normally it would have been in my room.

5 Q Do you have a bigger classroom?

6 A No.

7 Q You just like meeting in there?

8 A Third grade we couldn't meet there because the
9 homework is going on in that classroom and -- usually it
10 was just mine.

11 Q Okay. When does the school year start?

12 A August, end of August we start with meetings.

13 Q And it goes to what month?

14 A Halfway through June.

15 Q During Kristen Biel's first year teaching as a
16 fifth grade teacher, did you meet once a week from
17 August through June with her?

18 A No, she didn't finish out the year.

19 Q Until she left in May, did you meet with her
20 once per week?

21 A Yes, unless it wasn't possible because of
22 different schedules people had.

23 Q From that time August through May that you were
24 meeting with her once per week, was there any specific
25 topic that was often discussed or a certain issue that

30

Kathleen McDermott

December 3, 2015

1 she had that you had to go over multiple times with her?

2 A I talked with her at the beginning of the year
3 about behavior problems that I knew she was having, you
4 know. I asked her questions because she had come to me
5 about things. The other one was her classroom
6 maintenance.

7 Q When you say behavior problems, what do you
8 mean?

9 A The children were often out of control.

10 Q What do you mean by out of control?

11 A Not working, sometimes outside of the
12 classroom, having behavior problems, different things.

13 Q Would they ever get in physical altercations?

14 A No, but that's not -- that doesn't happen at
15 our school, so...

16 Q What do you mean, then, with problems outside
17 the classroom?

18 A Where the children wouldn't be following rules
19 and there would be different problems that I saw, other
20 people saw, and I talked with her about them.

21 Q Did you have this group of students the year
22 before Ms. Biel taught?

23 A I'm the only fourth grade teacher.

24 Q Is that a yes?

25 A Yes.

31

Kathleen McDermott

December 3, 2015

1 into her room about something that I just needed to pass
2 on to her and I would observe something and I could have
3 mentioned it then.

4 Q Did you ever discuss these issues with Sister
5 Mary Margaret?

6 A Yes.

7 Q When did you discuss those issues with her?

8 A If I knew there was problem and I knew Sister
9 would want to know, it would probably be because --
10 well, when I would talk with Kristen and there wasn't
11 any kind of change, I would brought up to Sister. I
12 wasn't Kristen's boss.

13 Q So if you saw an issue and discussed it with
14 Kristen at one of these meetings and you saw it wasn't
15 resolved, you would then bring it to Sister Mary
16 Margaret?

17 A Probably not that quickly. I probably would
18 have talked with Kristen about it again because I know
19 Sister herself would be checking in in the classroom
20 because she comes to our rooms, so I figure that would
21 be taken care of by sister, but I would have talked to
22 Kristen again by giving her other suggestions to try to
23 help.

24 Q Did Sister Mary Margaret ever ask you to
25 discuss some of these issues with Kristen?

35

Kathleen McDermott

December 3, 2015

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the ____ day of _____,
at _____,
(CITY) (STATE)

KATHLEEN McDERMOTT

62

Kathleen McDermott

December 3, 2015

1 STATE OF CALIFORNIA)
2) ss:
3 COUNTY OF ORANGE)
4

5 I, GINA ANNE GEORGE, do hereby certify:

6 That I am a duly qualified Certified Shorthand
7 Reporter, in and for the State of California, holder of
8 certificate number 11260, which is in full force and
9 effect and that I am authorized to administer oaths and
affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

63

Network Deposition Services, Inc. • networkdepo.com • 866-NET-DEPO

Kathleen McDermott

December 3, 2015

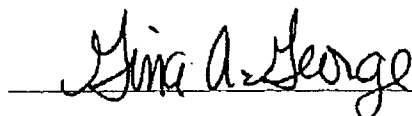
1 I further certify that I am not a relative or
2 employee or attorney or counsel of any of the parties,
3 nor am I a relative or employee of such attorney or
4 counsel, nor am I financially interested in the outcome
5 of this action.

6
7 IN WITNESS WHEREOF, I have subscribed my name
8 this 16th day of December, 2015.

9

10

11



12

GINA A. GEORGE, CSR No. 11260

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64

Sister Lana Chang

January 28, 2016

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, AN INDIVIDUAL,

PLAINTIFF,

VS.

ST. JAMES SCHOOL, A CORP., A
CALIFORNIA CORPORATION; AND
DOES 1-50, INCLUSIVE,

DEFENDANTS.

CASE No. 15-cv-
04248-TJH (ASx)DEPOSITION OF
SISTER LANA CHANG
Volume 1
Torrance, California
Thursday, January 28, 2016Reported By:
Maria A. Hasakian
CSR No. 8469
NDS Job No. 177678

Sister Lana Chang

January 28, 2016

1 A Yes.
 2 Q And does Sister Mary Margaret review those
 3 lesson plans each week?
 4 A She does review them.
 5 Q Does she ever put comments on the lesson plans?
 6 A Yes.
 7 Q And when you say "informal classroom
 8 observations," what do you mean by that?
 9 A She comes into the classroom informally,
 10 unannounced and without a pre-identified purpose.
 11 Q Just to watch you teach or see how the
 12 classroom is running?
 13 A I think that's a by-product.
 14 Q Okay. When you have your formal evaluations,
 15 does Sister Mary Margaret give you any written
 16 information as a result of that formal evaluation? Does
 17 she put together a report or an idea of how you're doing?
 18 A She has.
 19 Q Okay. It's my understanding, after speaking
 20 with some of the other teachers, that some of the
 21 teachers have a mentorship with other teachers.
 22 Is that accurate?
 23 A Yes.
 24 Q And who's in your mentorship group?
 25 A Currently no one. We're assigned as mentors

Page 25

1 when there is a new member to the staff.
 2 Q During the 2013 to 2014 school year when
 3 Ms. Biel was a fifth grade teacher, did you have a -- did
 4 you mentor any teachers at that time?
 5 A No.
 6 Q Do you remember the last year that you had --
 7 you were mentoring a teacher?
 8 A The specific year, no.
 9 Q Within the last ten years?
 10 A Yes.
 11 Q Within the last five?
 12 A Probably.
 13 Q Do you remember which teacher you were assigned
 14 to mentor?
 15 A Yes.
 16 Q And who was that?
 17 A Courtney Zimmerman, grade six.
 18 Q Is Ms. Zimmerman still working for St. James?
 19 A Yes.
 20 Q Was there any other teacher assigned to be
 21 Ms. Zimmerman's mentor with you?
 22 A Yes.
 23 Q And who was that?
 24 A Janell O'Dowd.
 25 Q And what grade does Ms. O'Dowd teach?

Page 26

1 A Seventh.
 2 Q My understanding is, when they match up
 3 mentors, it's usually based on the grades you teach. Is
 4 that accurate?
 5 A Correct.
 6 Q Okay. During the 2013, 2014 school year when
 7 Ms. Biel was a fifth grade teacher, do you recall
 8 personally observing any problems with her teaching?
 9 MR. VASIN: I'm just going to object as overly
 10 broad, vague and ambiguous.
 11 THE WITNESS: It's hard to answer that. It's
 12 hard to answer because I wasn't her supervisor.
 13 BY MS. SHOEMAKER:
 14 Q I'm just asking about things you personally
 15 observed, not about what someone told you or what you
 16 spoke to someone about, just your own personal
 17 observations during that school year, not if she was a
 18 good or bad teacher.
 19 A Oh, okay. My personal observation was, to me,
 20 her classroom seemed very loud many times when my class
 21 walked by. We walked by once a week.
 22 Q Anything else that you recall personally
 23 observing?
 24 A I observed that her classroom seemed not in
 25 order or less in order than I would think it would be.

Page 27

1 Q Anything else you can recall?
 2 A I remember noticing that there -- that several
 3 times I saw students outside her classroom and they
 4 didn't seem -- they were just out there. And one time or
 5 sometimes I would say, "Why -- what are you doing?" And
 6 they -- they would say they're going to the bathroom.
 7 "Well, it doesn't look like you're going to the
 8 bathroom. It looks like you're standing there. So go to
 9 the bathroom and go back to your room."
 10 Q Anything else you can recall observing?
 11 A I would say -- I don't have any specifics.
 12 Q Nothing else you can recall?
 13 A Just in the way of observation, no.
 14 Q Okay. So the issues that you personally
 15 observed -- and I'm just going to go through those
 16 again -- was that the classroom seemed loud, that the
 17 classroom seemed not in order and sometimes you would see
 18 students outside the classroom; is that correct?
 19 A Now, I guess this would also be an observation.
 20 After Kristen Biel, when she did not complete the year,
 21 Sister Mary Margaret asked for volunteers to help
 22 her tidy up the room for the incoming substitute. And so
 23 I volunteered and I noticed that the English workbooks
 24 were -- well, they indicated very little usage. And
 25 because I teach English to the sixth and seventh graders

Page 28

Sister Lana Chang

January 28, 2016

1 as well as eighth grade, I -- I felt terrible that the
2 books were not very used. And I asked if I could take
3 those books and have the students use them the next year.
4 So I observed that the English workbooks had very little
5 use in them. That'd be an observation.

6 Q And this was -- you noticed this after she went
7 on her leave?

8 A Yes.

9 Q Okay. So the first thing you noticed was that
10 the classroom seemed loud when your class walked by
11 one time per week?

12 A Uh-huh. Uh-huh.

13 Q Yes?

14 A Yes. I'm sorry. I'm sorry.

15 Q It's okay.

16 Why would your class only walk one time per
17 week?

18 A Our music class is weekly and we needed to walk
19 by that class in order to reach it.

20 Q And when you walked by her classroom and you
21 said it seemed loud, was her classroom door opened or
22 closed?

23 A I couldn't say.

24 Q So it could have been opened or closed?

25 A Yes.

Page 29

1 Q And you also said that the classroom seemed not
2 in order or less in order.

3 A Yes.

4 Q What do you mean by that?

5 A I -- I would say that the student supplies
6 were -- were not kept in an orderly fashion. There were
7 things on the floor. There were things on the desk.
8 There were things under the desk. At the end of the day,
9 this was the case. During the day, this was the case.
10 There were things on the counter. It seemed not in
11 order.

12 Q And did you observe these things when you
13 walked by with your class?

14 A No, when I was in the classroom.

15 Q And why were you in her classroom?

16 A One time I was in her classroom in the early
17 part of the year because she thought that she did not
18 have the teacher's editions that she needed and I was
19 puzzled. And so I thought perhaps she didn't know what
20 they looked like, the particular book.

21 So I asked her if she would like me to go into
22 her classroom to look for them that day and I could do it
23 at a certain time. And I asked her if that would be all
24 right with her, if I went in that time. And she said yes
25 and so I went in. That was one time.

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1 And the students -- I don't know what they were
2 doing but I -- I looked for the books and I can't even
3 tell you if I found them.

4 And then another time she invited the teachers
5 into her room after school because we were going to be
6 having an in-service about how to use something. And she
7 offered her classroom as a place where we could all
8 gather and so we were all in her room that day after
9 school.

10 Q So you noticed that the classroom seemed not in
11 order during class hours as well as after school hours;
12 is that --

13 A Yes. Yes.

14 Q And when you say there were things on the
15 floor, what sort of things are you referring to?

16 A Anything. Pencils, erasers, markers, papers,
17 work product, books.

18 Q They were scattered around the floor?

19 A Just -- just anywhere, uh-huh.

20 Q And when you say there were things on the desk
21 that caused the classroom to seem not in order, what sort
22 of things are you referring to?

23 A The students had -- well, they made things out
24 of paper and/or whatever and had -- they decorated their
25 desks. And they had lots of supplies on and around their

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1 desks.

2 Q Such as pens and papers?

3 A Lots of pens.

4 Q Do you allow your students to keep pens at
5 their desk?

6 A Yes.

7 Q Do you have a limit on the number of pens they
8 can keep on their desk?

9 A Yes.

10 Q And what number is that?

11 A They may have one pen out -- they may have out
12 what they're using.

13 Q Do they keep any pens at the desk themselves,
14 not necessarily on top?

15 A In the desk.

16 Q In the desk?

17 A Yes. Yes, they do.

18 Q Do you have a number limit on the number of
19 pens they can keep inside their desk?

20 A Yes.

21 Q And how many pens is that?

22 A Well, it's a collection. It's what fits into
23 their zipper pouch and their tray.

24 Q Is this a rule that you personally came up with
25 or that the school mandates?

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Sister Lana Chang

January 28, 2016

1 A That they would not continue the habits that
2 they seemed to have in fifth grade.
3 Q And what habits were those?
4 A I would say their classroom behavior that would
5 be reflected in the noise and their classroom order and
6 their leaving the classroom.
7 Q I'm going back really quick to one thing.
8 You said that at the -- after Ms. Biel went on
9 leave, you noticed the English workbooks didn't look
10 used?
11 A Uh-huh.
12 Q Yes?
13 A Yes. Sorry.
14 Q What did you mean by that?
15 A There were many pages that were not completed.
16 Q The problems that you personally observed with
17 Ms. Biel, did you ever discuss any of those issues with
18 any of the students?
19 A No.
20 Q Did you ever discuss any of the issues with
21 Ms. Biel's teaching with Sister Mary Margaret?
22 A Can I answer that without a yes or a no?
23 Q Go ahead.
24 A Only because it was not a discussion. I might
25 have commented to her but it would not have been a back

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1 just keep on schedule."
2 And I remember remarking to Sister Mary
3 Margaret that I found that phenomenal.
4 Q Did you ever have any conversations with
5 Ms. Biel about any of the issues with the classroom that
6 you saw?
7 A No.
8 Q Did you ever make any suggestions that she
9 could use to improve?
10 A I never offered any.
11 Q Were you aware, during the 2013, 2014 school
12 year, that it was Ms. Biel's first permanent teaching
13 position?
14 A Yes.
15 Q Would you agree that a first year, full-time,
16 permanent teaching position can be difficult?
17 A Yes.
18 Q Other than Ms. O'Dowd, which you testified
19 previously, did any other parents complain to you about
20 Ms. Biel?
21 A Not to me, no.
22 Q Did Ms. O'Dowd make any complaints to you,
23 other than the conversations you discussed previously,
24 that you referred to as just comments back and forth?
25 A My comments, yes, uh-huh.

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1 and forth discussion.
2 Q And what are some of the comments that you
3 would have made to Sister Mary Margaret?
4 A One time when I told her that there was
5 somebody on the -- outside the classroom and I had no
6 idea what he was doing there. And I was not -- I told
7 her because I was not going to pursue it. I think I said
8 a few times that it was loud when we walked back and
9 forth. I mentioned the state of the room. I mentioned
10 the many supplies the students had. I brought to her
11 attention the English workbooks when I asked if I could
12 take them. I think one time I mentioned about a comment
13 that Kristen had made to me about her lesson plans. I
14 think that's all.
15 Q And what comment was that?
16 A She was -- she was walking across the yard with
17 a crate of books and I thought they looked like teacher's
18 editions. And so I had remarked that it looked like she
19 had been very busy that weekend.
20 And she said, oh, she was -- that she had done
21 her lesson plans for three weeks.
22 And I made the comment back to her, "Oh, my
23 word. How did you plan for three weeks? I plan for a
24 week and then I have to change everything even then."
25 And she told me that she just -- she said, "You

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1 Q And what did Ms. O'Dowd say?
2 A Her -- her comments were often related to her
3 daughter's work, since she had a daughter in her class.
4 Q And what did Ms. O'Dowd tell you about that?
5 A She said that they -- that it's -- the student
6 work was often not corrected and that made it difficult
7 for her to help her child. She is the math teacher and
8 so she was -- she said that she was frustrated with how
9 the students were doing their math in fifth grade,
10 knowing that they were going to her in sixth grade. And
11 she would know that from her daughter.
12 She -- she had said that everyone -- almost
13 everyone in the class was on the honor roll and she
14 didn't think her daughter was ever going -- had ever
15 been -- she knew her daughter had never been on the honor
16 roll. She was certainly thrilled but she said she'd
17 never been on the honor roll and how could all these
18 students be on the honor roll. She said something about
19 the test but I don't recall what.
20 Q Anything else you can think of?
21 A From Janell?
22 Q Correct.
23 A Well, she talked about the supplies. I guess
24 they had some kind of erasers and they were -- she
25 thought they were very concerned about collecting -- I

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1 A Yes.
 2 MR. VASIN: Objection.
 3 THE WITNESS: Sorry. Yes.
 4 MR. VASIN: Let me object. It's overly broad.
 5 It's vague and ambiguous, lacks foundation, calls for
 6 speculation.
 7 BY MS. SHOEMAKER:
 8 Q And why do you say that?
 9 A She has more similar structure.
 10 Q Do you think she's a better teacher than
 11 Ms. Biel?
 12 MR. VASIN: I'm just going to object to the
 13 extent it calls for speculation, lacks foundation. It's
 14 vague, ambiguous and overly broad.
 15 THE WITNESS: I think she's a better fit.
 16 BY MS. SHOEMAKER:
 17 Q My question was whether you think she's a
 18 better teacher?
 19 A I don't know.
 20 Q That's fair.
 21 Would you have renewed Ms. Biel's contract if
 22 you were in charge of the -- if you were in charge of
 23 that?
 24 MR. VASIN: Objection. Lacks foundation, calls
 25 for speculation. It's argumentative.

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1 THE WITNESS: I couldn't answer that.
 2 BY MS. SHOEMAKER:
 3 Q And why is that?
 4 A I wouldn't know -- I don't know what I would
 5 need to know as the person responsible for that decision.
 6 MS. SHOEMAKER: I think I'm about finished.
 7 I'm just going to look at my notes really quick.
 8 Q What grade does Ms. Zimmerman teach again?
 9 A Sixth.
 10 Q The English workbooks that you said were not
 11 used, are those grade-specific workbooks?
 12 A Yes.
 13 Q And they were for the fifth grade?
 14 A They were the books the fifth graders used,
 15 uh-huh.
 16 Q Didn't you testify earlier that you wanted to
 17 know if you could take those workbooks?
 18 A Yes.
 19 Q And what were you going to use them for?
 20 A I had some students help me remove some of the
 21 pages and then I used them just for supplementary
 22 practice when they came to sixth grade.
 23 MS. SHOEMAKER: I don't have any further
 24 questions.
 25 MR. VASIN: Okay. Nothing for me.

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1 MS. SHOEMAKER: So we'll stipulate to relieve
 2 the court reporter of her duties under the federal rules
 3 with respect to the handling of the original transcript.
 4 It will be sent to counsel for the deponent's office, who
 5 will make it available for the witness to sign and make
 6 any changes.
 7 Counsel will notify our office within
 8 30 days -- is that okay?
 9 MR. VASIN: That's fine.
 10 MS. SHOEMAKER: -- of receipt of any changes
 11 that have been made and that's it's been signed under
 12 penalty of perjury. Should it not be signed within that
 13 time, it will be deemed signed by operation of
 14 stipulation.
 15 Counsel will maintain custody of the original
 16 transcript and will produce it for all purposes including
 17 trial.
 18 Should the original transcript be lost or
 19 misplaced, we will stipulate that a certified copy can be
 20 used in lieu of the original for all purposes including
 21 trial.
 22 MR. VASIN: Agreed.
 23
 24 (Deposition ending at 12:51 p.m.)
 25

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1 PENALTY OF PERJURY CERTIFICATE
 2
 3 I hereby declare I am the witness in the within
 4 matter, that I have read the foregoing transcript and
 5 know the contents thereof, that I declare that the same
 6 is true to my knowledge, except as to the matters which
 7 are therein stated upon my information or belief, and as
 8 to those matters, I believe them to be true.
 9 I declare being aware of the penalties of perjury,
 10 that the foregoing answers are true and correct.
 11
 12
 13
 14
 15 Executed on the _____ day of _____,
 16 at _____,
 17 (CITY) (STATE)
 18
 19
 20
 21
 22 SISTER LANA CHANG
 23
 24
 25

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Sister Lana Chang

January 28, 2016

| | |
|---|---|
| <p>1 STATE OF CALIFORNIA)) ss: 2 COUNTY OF LOS ANGELES) 3 4 I, MARIA A. HASAKIAN, do hereby certify: 5 That I am a duly qualified Certified Shorthand 6 Reporter, in and for the State of California, holder of 7 certificate number 8469, which is in full force and 8 effect and that I am authorized to administer oaths and 9 affirmations; 10 That the foregoing deposition testimony of the 11 herein named witness was taken before me at the time and 12 place herein set forth; 13 That prior to being examined, the witness named 14 in the foregoing deposition, was duly sworn or affirmed 15 by me, to testify the truth, the whole truth, and 16 nothing but the truth; 17 That the testimony of the witness and all 18 objections made at the time of the examination were 19 recorded stenographically by me, and were thereafter 20 transcribed under my direction and supervision; 21 That the foregoing pages contain a full, true 22 and accurate record of the proceedings and testimony to 23 the best of my skill and ability; 24 That prior to the completion of the foregoing 25 deposition, review of the transcript was requested.</p> <p style="text-align: right;">Page 61</p> | <p>1 ERRATA SHEET 2 3 If any corrections to your deposition are necessary, 4 indicate them on this sheet, giving the change, page 5 number, line number and reason for change. 6 PAGE LINE FROM TO 7 7 Reason _____ 8 _____ 9 Reason _____ 10 _____ 11 Reason _____ 12 _____ 13 Reason _____ 14 _____ 15 Reason _____ 16 _____ 17 Reason _____ 18 _____ 19 Reason _____ 20 _____ 21 Reason _____ 22 _____ 23 Reason _____ 24 _____ 25 Signature of Deponent _____ Date _____</p> <p style="text-align: right;">Page 63</p> |
| <p>1 I further certify that I am not a relative or 2 employee or attorney or counsel of any of the parties, 3 nor am I a relative or employee of such attorney or 4 counsel, nor am I financially interested in the outcome 5 of this action. 6 7 IN WITNESS WHEREOF, I have subscribed my name 8 this ____ day of _____, _____. 9 10 11 12 MARIA A. HASAKIAN, CSR No. 8469 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 62</p> | |

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 (1952-2016)

September 7, 2016

VIA EMAIL AND FACSIMILE

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Re: **Biel. Kristen v. St. James Elementary School**
 Our File No: 0004-238 BLW/MSV/NF

Dear Counsel:

Please allow this to serve as our formal attempt to meet and confer per Local Rule 7-3 regarding our pending motion for summary judgment or, in the alternative, partial summary judgment.

At the recent pre-trial conference, Judge Hatter directed Defendant to file a motion for summary judgment regarding the issue of whether Plaintiff was a "minister" for purposes of the Ministerial Exception. As such we intend on moving for summary judgment as to all of Plaintiff's claims on grounds that her job duties qualified her as a "minister" under the Ministerial Exception, and, as such, Defendant is not liable for its employment-related decisions.

Further, we intend on moving for summary judgment as to Plaintiff's Fifth Cause of Action for Failure to Prevent Discrimination/Retaliation in Violation of the ADA and Plaintiff's Sixth Cause of Action for Wrongful Termination as there is no independent liability under federal law for these claims.

Lastly, we will also move for summary judgment as to all of Plaintiff's claims based on the grounds that Plaintiff cannot establish that Sr. Mary Margaret Kreuper's decision to not offer Plaintiff an employment contract was pretextual.

Re: **Biel v. St. James Catholic School**

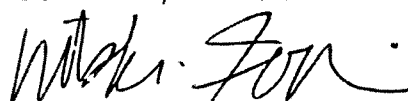
Date: September 7, 2016

Page 2

Please advise as to whether you will be dismissing any causes of action based upon the aforementioned grounds. If you would like to discuss this further, please feel free to contact me.

Very truly yours,

SULLIVAN, BALLOG & WILLIAMS, LLP



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Attorneys for Plaintiff

KRISTEN BIEL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KRISTEN BIEL, an individual,

Plaintiff,

vs.

ST. JAMES SCHOOL, A CORP, a
California non-profit corporation;
and DOES 1-50, inclusive,

Defendants.

) Case No.:

) COMPLAINT FOR:

1. **DISCRIMINATION IN VIOLATION OF THE ADA;**
2. **RETALIATION IN VIOLATION OF THE ADA;**
3. **FAILURE TO ACCOMMODATE IN VIOLATION OF THE ADA;**
4. **FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF THE ADA;**
5. **FAILURE TO PREVENT IN VIOLATION OF THE ADA; and**
6. **WRONGFUL TERMINATION IN VIOLATION OF THE ADA.**

DEMAND FOR JURY TRIAL

Plaintiff, KRISTEN BIEL, hereby brings her employment complaint against the above-named Defendants and states and alleges as follows:

JURISDICTION AND VENUE

1
2 1. This is an employment lawsuit, brought pursuant to 42 U.S.C. § 12101
3 et. seq. to remedy violations of the Americans with Disabilities Act of 1990
4 (“ADA”).

5 2. This Court has original federal question jurisdiction over this action
6 pursuant to 28 U.S.C. § 1331 because Plaintiff alleges violations of the laws of the
7 United States of America.

8 3. The venue is appropriate since the actions giving rise to this lawsuit
9 occurred in Los Angeles County, California, which is located within this district.

10 **THE PARTIES**

11 4. At all times mentioned herein, Plaintiff KRISTEN BIEL was a
12 resident of the State of California.

13 5. At all times mentioned herein, Defendant ST. JAMES SCHOOL, A
14 CORP was a California non-profit corporation that operated St. James Catholic
15 School, a private school, located at 4625 Garnet Street, Torrance, California
16 90503.

17 6. The true names and capacities, whether individual, corporate,
18 associate or otherwise of DOES 1 through 50 are unknown to Plaintiff who
19 therefore sues these defendants under said fictitious names. Plaintiff is informed
20 and believes that each of the defendants named as a Doe defendant is legally
21 responsible in some manner for the events referred to in this Complaint, is either
22 negligently, willfully, wantonly, recklessly, tortiously, strictly liable, statutorily
23 liable or otherwise, for the injuries and damages described below to this Plaintiff.
24 Plaintiff will in the future seek leave of this court to show the true names and
25 capacities of these Doe defendants when it has been ascertained.

26 7. Plaintiff is informed and believes, and based thereon alleges, that each
27 defendant acted in all respects pertinent to this action as the agent of the other
28 defendants, carried out a joint scheme, business plan or policy in all respects

1 pertinent hereto, and the acts of each defendant are legally attributable to the other
2 defendants.

3 8. Hereinafter in the Complaint, unless otherwise specified, reference to
4 a Defendant or Defendants shall refer to all Defendants, and each of them.

5 **ALLEGATIONS**

6 9. Plaintiff commenced employment with Defendant as a long term
7 substitute teacher for the first grade in or around February 2013.

8 10. In or around June 2013, Defendant hired Plaintiff to be a permanent
9 teacher of the fifth grade for the 2013-2014 school year.

10 11. On or about March 1, 2014, Defendant presented Plaintiff with a
11 notice of intent form to return to teach for the 2014-2015 school. Plaintiff
12 immediately returned this form indicating her intent to return to teach.

13 12. Unfortunately, on or about April 24, 2014, Plaintiff was diagnosed
14 with breast cancer. Within days of her diagnosis, Plaintiff informed Defendant's
15 principal, Sister Mary Margaret, of her diagnosis and that she would need a finite
16 leave of absence from work, starting on or about May 23, 2014 and lasting until
17 January 2015, so that Plaintiff's doctors could perform a double mastectomy and
18 so that Plaintiff could undergo chemotherapy and radiation treatment.

19 13. On or about July 15, 2014, while Plaintiff was on a leave of absence,
20 Sister Mary Margaret informed Plaintiff that she believed it was "unfair" to
21 Plaintiff's potential students that Defendant accommodate her leave of absence
22 accommodation request and that Plaintiff would not be placed back to work for
23 Defendant, effectively terminating Plaintiff's employment.

24 14. Plaintiff is informed and believes, and thereon alleges, that Defendant
25 terminated Plaintiff's employment because of her cancer and because it did not
26 want to accommodate her finite leave of absence for no legitimate reason under the
27 law.

28 ///

EXHAUSTION OF ADMINISTRATIVE REMEDIES

15. On December 15, 2014, Plaintiff filed charges with the Equal Employment Opportunity Commission (“EEOC”). Plaintiff received a “Right-To-Sue” letter from the EEOC on March 14, 2015. This Complaint is timely filed pursuant to that letter.

FIRST CAUSE OF ACTION

DISCRIMINATION IN VIOLATION OF THE ADA

(Against ALL Defendants)

16. Plaintiff restates and incorporates herein paragraphs 1 through 15, inclusive, of this Complaint as though fully set forth herein.

17. Plaintiff is, and at all times material hereto was, an employee covered by the ADA. The ADA prohibits discrimination on the basis of disability, which includes cancer, in all employment practices.

18. Defendants are and were at all times material hereto, employers within the meaning of the ADA and, as such, were barred from discriminating in employment decisions on the basis of disabilities as set forth in the ADA.

19. Defendants have at all times relevant hereto regarded Plaintiff as having a disability within the meaning of the ADA. A “disability” means a “a physical or mental impairment that substantially limits one or more major life activities” of an individual. (42 U.S.C. § 12102(1)(A).) Major life activities include, but are not limited to, walking, standing, performing manual tasks, and working. (42 U.S.C. § 12102(2)(A).)

20. Defendants have continuously discriminated against Plaintiff on the basis of disability in violation of the ADA by continuously engaging in a course of conduct that included, but is not limited to, acts described in this complaint.

21. As a proximate result of Defendant's continuous discrimination against Plaintiff, Plaintiff has suffered and continues to suffer substantial losses in earnings, deferred compensation, and other employment benefits and has suffered

1 and continues to suffer embarrassment, humiliation and mental anguish all to his
2 damage in an amount according to proof.

3 22. As a result of Defendant's discriminatory acts as alleged herein,
4 Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as provided
5 by 42 U.S.C. § 12205.

6 **SECOND CAUSE OF ACTION**

7 **RETALIATION IN VIOLATION OF THE ADA**

8 **(Against ALL Defendants)**

9 23. Plaintiff restates and incorporates herein paragraphs 1 through 22,
10 inclusive, of this complaint as though fully set forth herein.

11 24. At all times herein mentioned, the ADA was in full force and effect
12 and was binding on Defendants. The ADA prohibits retaliation against any person
13 who engages in a protective activity.

14 25. Plaintiff engaged in protected activity by requesting reasonable
15 accommodation for her disability. In response, Defendant terminated Plaintiff's
16 employment and accused Plaintiff of being an unfit teacher.

17 26. Defendants' conduct as alleged above constituted unlawful retaliation.

18 27. As a proximate result of the aforesaid acts of Defendants, Plaintiff has
19 suffered actual, consequential and incidental financial losses, including without
20 limitation, loss of salary and benefits, and the intangible loss of employment
21 related opportunities in her field and damage to her professional reputation, all in
22 an amount subject to proof at the time of trial.

23 28. As a proximate result of the wrongful acts of Defendants, Plaintiff has
24 suffered and continues to suffer emotional distress, humiliation, mental anguish
25 and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is
26 informed and believes and thereupon alleges that she will continue to experience
27 said physical and emotional suffering for a period in the future not presently
28 ascertainable, all in an amount subject to proof at the time of trial.

29. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under 42 U.S.C. § 12205.

THIRD CAUSE OF ACTION

FAILURE TO ACCOMMODATE IN VIOLATION OF THE ADA

(Against ALL Defendants)

30. Plaintiff restates and incorporates herein paragraphs 1 through 29, inclusive, of this complaint as though fully set forth herein.

31. Although Defendants, and each of them, knew of Plaintiff's physical disabilities, Defendants, and each of them, refused to accommodate Plaintiff's disabilities. Defendants' actions were in direct contravention of the ADA.

32. Plaintiff alleges that with reasonable accommodations she could have fully performed all duties and functions of her job in an adequate, satisfactory and/or outstanding manner.

33. As a direct and legal result of Defendants refusal to accommodate Plaintiff, Plaintiff has suffered and continues to suffer general and special damages including but not limited to substantial losses in earnings, other employment benefits, physical injuries, physical sickness, as well as emotional distress, all to her damage in an amount according to proof.

34. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under 42 U.S.C. § 12205.

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///

FOURTH CAUSE OF ACTION
FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS
IN VIOLATION OF THE ADA

(Against ALL Defendants)

35. Plaintiff restates and incorporates herein paragraphs 1 through 34, inclusive, of this complaint as though fully set forth herein.

36. The ADA provides that it is unlawful for an employer to fail to engage in a timely, good faith, interactive process with the employee to determine effective reasonable accommodations, if any.

37. Defendants failed to engage in a timely, good faith, interactive process with Plaintiff to determine effective reasonable accommodations for Plaintiff's known disability, and instead Defendants terminated Plaintiff's employment while she was on a leave of absence.

38. As a proximate result of the wrongful conduct of Defendants, and each of them, Plaintiff has suffered and continues to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

39. As a direct and legal result of Defendants' actions, Plaintiff has suffered and continues to suffer general and special damages including but not limited to substantial losses in earnings, other employment benefits and emotional distress, all to his damage in an amount according to proof.

40. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under 42 U.S.C. 12205.

///

///

FIFTH CAUSE OF ACTION
FAILURE TO PREVENT IN VIOLATION OF THE ADA
(Against ALL Defendants)

41. Plaintiff restates and incorporates herein paragraphs 1 through 40, inclusive, of this complaint as though fully set forth herein.

42. At all times herein mentioned, the ADA was in full force and effect and was binding on Defendants. Plaintiff is, and at all times material hereto was, an employee covered by the ADA prohibiting discrimination in employment on the basis of disabilities.

43. Defendants failed to take immediate and appropriate corrective action to end the discrimination against Plaintiff. Defendants also failed to take all reasonable steps necessary to prevent the discrimination from occurring.

44. In failing and/or refusing to take immediate and appropriate corrective action to end the discrimination and in failing and/or refusing to take and or all reasonable steps necessary to prevent discrimination from occurring, Defendants violated the ADA causing Plaintiff to suffer damages as set forth above.

45. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, all in an amount subject to proof at the time of trial.

46. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon alleges that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

47. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under 42 U.S.C. § 12205.

SIXTH CAUSE OF ACTION

WRONGFUL TERMINATION IN VIOLATION OF THE ADA

(Against ALL Defendants)

48. Plaintiff restates and incorporates herein paragraphs 1 through 47, inclusive, of this complaint as through fully set forth herein.

49. At all times herein mentioned, the ADA was in full force and effect and was binding on Defendants.

50. The actions Defendants, and each of them, in terminating Plaintiff on the grounds alleged and described herein were wrongful and in contravention of the ADA and the laws and regulations promulgated thereunder.

51. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, all in an amount subject to proof at the time of trial.

52. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon alleges that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

53. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and

1 has incurred and is expected to continue to incur attorneys' fees and costs in
2 connection therewith. Plaintiff is entitled to recover attorneys' fees and costs
3 under 42 U.S.C. § 12205.
4

5 **WHEREFORE, Plaintiff prays for judgment as follows:**

- 6 1. For general damages, according to proof;
7 2. For medical expenses and related items of expenses, according to
8 proof;
9 3. For loss of earnings, according to proof;
10 4. For attorneys' fees, according to proof;
11 5. For prejudgment interest, according to proof;
12 6. For costs of suit incurred herein; and
13 7. For such other relief and the Court may deem just and proper.
14

15 **DEMAND FOR JURY TRIAL**

16 Plaintiff hereby demands a trial by jury.
17

18 DATED: Friday, June 5, 2015 JML LAW, A Professional Law Corporation
19
20

21 By: /s/ D. Aaron Brock
22

23 JOSEPH M. LOVRETOVICH

24 D. AARON BROCK

25 Attorneys for Plaintiff
26
27
28

ACCO,(ASx),APPEAL, ,DISCOVERY,MANADR

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:15-cv-04248-TJH-AS**

Kristen Biel v. St. James School, A Corp., et al
Assigned to: Judge Terry J. Hatter, Jr
Referred to: Magistrate Judge Alka Sagar
Case in other court: 9th CCA, 17-55180
Cause: 42:12101 Americans With Disabilities Act

Date Filed: 06/05/2015
Date Terminated: 01/17/2017
Jury Demand: Both
Nature of Suit: 445 Civil Rights: Americans
with Disabilities - Employment
Jurisdiction: Federal Question

Plaintiff

Kristen Biel
an individual

represented by **Andrew Stephen Pletcher**
JML Law APLC
21052 Oxnard Street
Woodland Hills, CA 91367
818-610-8800
Fax: 818-610-3030
Email: andrew@jmlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 07/20/2016

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Joseph M Lovretovich
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ATTORNEY TO BE NOTICED

V.

Defendant

St. James School, A Corp.
a California non-profit corporation

represented by **Veronica Fermin**
Ogletree, Deakins, Nash, Smoak & Stewart
Park Tower, Suite 1500
695 Town Center Drive
Suite 1500
Costa Mesa, CA 92626
714-800-7900
Fax: 714-754-1298
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ATTORNEY TO BE NOTICED

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Email: msv@sullivanballog.com
ATTORNEY TO BE NOTICED

Defendant

Does

represented by **Brian Lee Williams**

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2-50, inclusive

(See above for address)
ATTORNEY TO BE NOTICED

Michael S Vasin
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

St. James Catholic School
a California non-lprofit corporation
also known as
 Doe 1

represented by **Brian Lee Williams**
 (See above for address)
ATTORNEY TO BE NOTICED

Michael S Vasin
 (See above for address)
ATTORNEY TO BE NOTICED

Veronica Fermin
 Sullivan Ballog and Williams LLP
 400 North Tustin Avenue Suite 120
 Santa Ana, CA 92705
 714-541-2121
 Fax: 714-541-2120
 Email: nuf@sullivanballog.com
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 06/05/2015 | <u>1</u> | COMPLAINT Receipt No: 0973-15851026 - Fee: \$400, filed by plaintiff Kristen Biel. (Attorney Joseph M Lovretovich added to party Kristen Biel(pty:pla))(Lovretovich, Joseph) (Entered: 06/05/2015) |
| 06/05/2015 | <u>2</u> | CIVIL COVER SHEET filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 06/05/2015) |
| 06/05/2015 | <u>3</u> | Request for Clerk to Issue Summons on Civil Cover Sheet (CV-71) <u>2</u> , Complaint (Attorney Civil Case Opening) <u>1</u> filed by plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 06/05/2015) |
| 06/05/2015 | <u>4</u> | NOTICE OF ASSIGNMENT to District Judge Terry J. Hatter, Jr and Magistrate Judge Alka Sagar. (esa) (Entered: 06/05/2015) |
| 06/05/2015 | <u>5</u> | NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (esa) (Entered: 06/05/2015) |
| 06/05/2015 | <u>6</u> | 21 DAY Summons issued re Complaint <u>1</u> as to defendant St. James School, A Corp. (esa) (Entered: 06/05/2015) |
| 06/05/2015 | <u>7</u> | NOTICE OF DEFICIENCIES in Attorney Case Opening. The following error(s) was found: No Notice of Interested Parties has been filed. A Notice of Interested Parties must be filed with every partys first appearance. See Local Rule 7.1-1. Counsel must file a Notice of Interested Parties immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83-7. (esa) (Entered: 06/05/2015) |
| 06/08/2015 | <u>8</u> | NOTICE of Interested Parties filed by plaintiff Kristen Biel, identifying ST. JAMES SCHOOL, A CORP, a California non-profit corporation. (Lovretovich, Joseph) (Entered: 06/08/2015) |

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| 06/16/2015 | <u>9</u> | MINUTE (IN CHAMBERS) - NEW CASE BEFORE JUDGE HATTER by Judge Terry J. Hatter, Jr: This action has been assigned to the calendar of the HONORABLE TERRY J. HATTER, JR., United States District Judge. Please include the initials TJH in all documents pertaining to this case, as documents are routed using the judge's initials, it is imperative that the correct initials TJH be used on all subsequent filings to prevent any delays in the processing of documents. Additional information about Judge Hatters procedures and schedules can be found on the court's website at www.cacd.uscourts.gov. (jp) (Entered: 06/16/2015) |
| 06/23/2015 | <u>10</u> | PROOF OF SERVICE Executed by Plaintiff Kristen Biel, upon Defendant St. James School, A Corp. served on 6/18/2015, answer due 7/9/2015. Service of the Summons and Complaint were executed upon Cheryl Hugo, person apparently in charge in compliance with California Code of Civil Procedure by substituted service on a domestic corporation, unincorporated association, or public entity and by also mailing a copy. Original Summons NOT returned. (Lovretovich, Joseph) (Entered: 06/23/2015) |
| 07/22/2015 | <u>11</u> | ANSWER to Complaint (Attorney Civil Case Opening) <u>1</u> JURY DEMAND. filed by Defendant St. James School, A Corp..(Attorney Daniel R Sullivan added to party St. James School, A Corp.(pty:dft))(Sullivan, Daniel) (Entered: 07/22/2015) |
| 07/22/2015 | <u>12</u> | NOTICE of Interested Parties filed by Defendant St. James School, A Corp., (Sullivan, Daniel) (Entered: 07/22/2015) |
| 07/27/2015 | <u>13</u> | Order Setting Final Pre-trial Conference and Referring Discovery by Judge Terry J. Hatter, Jr, that all discovery matters which become at issue are referred to Magistrate Judge Alka Sagar for his/her consideration. Please contact the courtroom deputy clerk to the Magistrate Judge regarding these matters. It is Ordered, pursuant to Rule 16 of the FRCP and Local Rule 16, that the Final Pretrial Conference is placed on the Court's calendar for 10/19/2015 at 10:00 AM. (jp) (Entered: 07/27/2015) |
| 08/19/2015 | <u>14</u> | JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 5-7 days, filed by Plaintiff Kristen Biel.. (Lovretovich, Joseph) (Entered: 08/19/2015) |
| 10/16/2015 | <u>15</u> | MINUTE IN CHAMBERS - NOTICE TO ALL PARTIES OF COURT ORDER by Judge Terry J. Hatter, Jr: On the Courts own motion, the Final Pretrial Conference currently scheduled for 10/19/2015 is hereby ordered continued to 11/30/2015 at 10:00 AM. Counsel are reminded that all pretrial documents are due no later than 21 days before the final pretrial conference hearing date. (Pretrial documents: Memo of Contentions of Fact and Law, joint exhibit list, joint witness list, motion in limine and amended or proposed pretrial conference order) (jp) (Entered: 10/19/2015) |
| 10/19/2015 | <u>16</u> | Notice of Appearance or Withdrawal of Counsel: for attorney Joseph M Lovretovich counsel for Plaintiff Kristen Biel. Adding Cathryn Shoemaker as counsel of record for Kristen Biel for the reason indicated in the G-123 Notice. Filed by plaintiff Kirsten Biel. (Lovretovich, Joseph) (Entered: 10/19/2015) |
| 10/30/2015 | <u>17</u> | STIPULATION to AMEND Complaint (Attorney Civil Case Opening) <u>1</u> filed by plaintiff Kristen Biel. (Attachments: # <u>1</u> Exhibit Exhibit A - FAC, # <u>2</u> Proposed Order) (Lovretovich, Joseph) (Entered: 10/30/2015) |
| 11/06/2015 | <u>18</u> | STIPULATION to Continue Final Pretrial Conference from 11/30/2015 to 3/29/2016 filed by plaintiff Kristen Biel. (Attachments: # <u>1</u> Proposed Order)(Lovretovich, Joseph) (Entered: 11/06/2015) |
| 11/10/2015 | <u>19</u> | ORDER by Judge Terry J. Hatter, Jr, re Stipulation to Continue the Final Pre-Trial Conference <u>18</u> . The Final Pretrial Conference is continued to March 28, 2016 at 10:00 a.m. The Court requires the parties to provide pretrial documents to the Court no later |

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| | | than 21 days before the currently scheduled final pretrial conference hearing date on March 28, 2016. (shb) (Entered: 11/10/2015) |
| 11/10/2015 | <u>20</u> | ORDER by Judge Terry J. Hatter, Jr, re Stipulation to Amend Complaint <u>17</u> . Plaintiff is granted leave to file the Proposed First Amended Complaint. The First Amended Complaint shall be filed within 10 days from the date of this Order. Defendants previously filed Answer shall be deemed the Answer to Plaintiffs First Amended Complaint. (shb) (Entered: 11/10/2015) |
| 11/12/2015 | <u>21</u> | FIRST AMENDED COMPLAINT against Defendant St. James School, A Corp. amending Complaint (Attorney Civil Case Opening) <u>1</u> , filed by plaintiff Kristen Biel(Lovretovich, Joseph) (Entered: 11/12/2015) |
| 01/20/2016 | <u>22</u> | STIPULATION to Continue Final Pre-Trial Conference from March 28, 2016 to August 25, 2016 filed by Defendant St. James Catholic School. (Attachments: # <u>1</u> Proposed Order Re: Stipulation to Continue Final Pre-Trial Conference)(Attorney Veronica Fermin added to party St. James Catholic School(pty:dft))(Fermin, Veronica) (Entered: 01/20/2016) |
| 01/22/2016 | <u>23</u> | ORDER by Judge Terry J. Hatter, Jr, GRANTING Stipulation to Continue Final Pretrial Conference, <u>22</u> . The Final Pretrial Conference is continued to 8/29/2016 10:00 AM before Judge Terry J. Hatter Jr. The Court requires the parties to provide a pretrial documents to the court no later than 21 days before the currently scheduled final pretrial conference hearing date. (shb) (Entered: 01/22/2016) |
| 03/24/2016 | <u>24</u> | NOTICE OF MOTION AND MOTION to Compel Answers to Interrogatories of St. James Catholic School filed by plaintiff Kristen Biel. Motion set for hearing on 4/28/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Supplement Joint Stipulation re Motion to Compel)(Lovretovich, Joseph) (Entered: 03/24/2016) |
| 03/25/2016 | <u>25</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents, In re: MOTION to Compel Answers to Interrogatories of St. James Catholic School <u>24</u> . The following error(s) was found: The notice of hearing on the Motion is incorrectly set before District Judge Terry J. Hatter in the docket text, but correctly noticed in the actual filing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (mkr) (Entered: 03/25/2016) |
| 03/25/2016 | <u>26</u> | RESPONSE BY THE COURT TO NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENTS, In re: MOTION to Compel Answers to Interrogatories of St. James Catholic School <u>24</u> . Counsel are directed to re-file the Motion before Magistrate Judge Alka Sagar, and file a Notice of Errata regarding setting the hearing incorrectly before District Judge Terry J. Hatter. (mkr) (Entered: 03/25/2016) |
| 03/28/2016 | <u>27</u> | NOTICE OF MOTION AND MOTION to Compel Answers to Interrogatories of St. James Catholic School filed by plaintiff Kristen Biel. Motion set for hearing on 4/28/2016 at 10:00 AM before Magistrate Judge Alka Sagar. (Attachments: # <u>1</u> Supplement Joint Stipulation re Motion to Compel, # <u>2</u> Supplement Notice of Errata) (Lovretovich, Joseph) (Entered: 03/28/2016) |
| 03/28/2016 | <u>28</u> | NOTICE OF ERRATA filed by Plaintiff Kristen Biel. correcting MOTION to Compel Answers to Interrogatories of St. James Catholic School <u>27</u> (Lovretovich, Joseph) (Entered: 03/28/2016) |
| 03/31/2016 | <u>29</u> | SCHEDULING NOTICE by Magistrate Judge Alka Sagar. A Telephone Conference re: MOTION to Compel Answers to Interrogatories of St. James Catholic School <u>27</u> is set for 4/4/2016 at 10:00 AM before Magistrate Judge Alka Sagar. The Courtroom Deputy |

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| | | Clerk will email counsel the call-in information. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (afe) TEXT ONLY ENTRY (Entered: 03/31/2016) |
| 04/04/2016 | <u>30</u> | MINUTES OF Telephone Conference re Discovery held before Magistrate Judge Alka Sagar. The Court held a telephonic conference re the parties Joint Stipulation on Plaintiff's motion to compel response to Interrogatories, filed on March 28, 2016 (Docket No. <u>27</u>). At the parties' request, the hearing on the motion to compel will remain on calendar for April 28, 2016 at 10:00 a.m. (See Minute Order for complete details) Court Recorder: Not Recorded. (afe) (Entered: 04/04/2016) |
| 04/27/2016 | <u>31</u> | MINUTES (IN CHAMBERS) Telephonic Conference re Discovery by Magistrate Judge Alka Sagar. The Court orders Defendants to - no later than May 4, 2016 - schedule the deposition of the first already- identified parent and either schedule the deposition of the second already-identified parent or provide Plaintiff's counsel with contact information for the second-already identified parent. The hearing date for Plaintiff's motion to compel <u>27</u> - on calendar for April 28, 2016 at 10:00 a.m. -is hereby vacated. (afe) (Entered: 04/27/2016) |
| 05/18/2016 | <u>32</u> | SCHEDULING NOTICE by Magistrate Judge Alka Sagar. A Telephone Conference is set for 5/18/2016 at 11:45 AM before Magistrate Judge Alka Sagar. The call-in information will be emailed to the parties. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (afe) TEXT ONLY ENTRY (Entered: 05/18/2016) |
| 05/18/2016 | <u>33</u> | MINUTES OF Telephonic Conference re Discovery held before Magistrate Judge Alka Sagar. Defendants' relevance objection is OVERRULED. (See Minute Order for complete details) Court Recorder: Not Recorded. (afe) (Entered: 05/18/2016) |
| 05/23/2016 | <u>34</u> | NOTICE of Appearance filed by attorney Michael S Vasin on behalf of Defendants Does, St. James Catholic School, St. James School, A Corp. (Attorney Michael S Vasin added to party St. James Catholic School(pty:dft), Attorney Michael S Vasin added to party St. James School, A Corp.(pty:dft), Attorney Michael S Vasin added to party Does(pty:dft)) (Vasin, Michael) (Entered: 05/23/2016) |
| 07/20/2016 | <u>35</u> | Notice of Appearance or Withdrawal of Counsel: for attorney Joseph M Lovretovich counsel for Plaintiff Kristen Biel. D. Aaron Brock is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by plaintiff KRISTEN BIEL. (Lovretovich, Joseph) (Entered: 07/20/2016) |
| 08/08/2016 | <u>36</u> | NOTICE of Appearance filed by attorney Brian Lee Williams on behalf of Defendants Does, St. James Catholic School, St. James School, A Corp. (Attorney Brian Lee Williams added to party St. James Catholic School(pty:dft), Attorney Brian Lee Williams added to party St. James School, A Corp.(pty:dft), Attorney Brian Lee Williams added to party Does(pty:dft))(Williams, Brian) (Entered: 08/08/2016) |
| 08/08/2016 | <u>37</u> | JOINT Exhibit List filed by PLAINTIFF Kristen Biel.. (Lovretovich, Joseph) (Entered: 08/08/2016) |
| 08/08/2016 | <u>38</u> | Witness List filed by PLAINTIFF Kristen Biel.. (Lovretovich, Joseph) (Entered: 08/08/2016) |
| 08/08/2016 | <u>39</u> | MEMORANDUM of CONTENTIONS of FACT and LAW filed by PLAINTIFF Kristen Biel. (Lovretovich, Joseph) (Entered: 08/08/2016) |
| 08/08/2016 | <u>40</u> | PRE-TRIAL CONFERENCE ORDER filed by Plaintiff Kristen Biel (Lovretovich, Joseph) (Entered: 08/08/2016) |
| 08/08/2016 | <u>41</u> | MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendant St. James Catholic School. (Williams, Brian) (Entered: 08/08/2016) |

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| 08/08/2016 | <u>42</u> | NOTICE OF MOTION AND MOTION IN LIMINE (#1) to Exclude References to Liability Insurance filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude Any and All Reference to Defendant's Liability Insurance is Granted) (Williams, Brian) (Entered: 08/08/2016) |
| 08/08/2016 | <u>43</u> | NOTICE OF MOTION AND MOTION IN LIMINE (#2) to Exclude to Exclude Reference to the Sexual Abuse Scandal Involving The Catholic Church filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude Any and All Reference to Allegations Against the Catholic Church)(Williams, Brian) (Entered: 08/08/2016) |
| 08/08/2016 | <u>44</u> | NOTICE OF MOTION AND MOTION IN LIMINE (#3) to Exclude Reference to Complaints of Discrimination/Retaliation From Other Employees filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude any and all Reference to Other Complaints of Discrimination and/or Retaliation by Other Employees of St. James Catholic School)(Williams, Brian) (Entered: 08/08/2016) |
| 08/08/2016 | <u>45</u> | NOTICE OF MOTION AND MOTION IN LIMINE (#4) to Exclude Cumulative and/or Speculative Evidence of Emotional Distress Damages filed by Defendant St. James School, A Corp.. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude Reference to Cumulative and/or Speculative Evidence of Plaintiff's Emotional Distress Damages)(Williams, Brian) (Entered: 08/08/2016) |
| 08/08/2016 | <u>46</u> | NOTICE OF MOTION AND MOTION IN LIMINE to Exclude References to Plaintiff's Departure from Employment as a "Termination" <i>Motion In Limine</i> (#5) filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude Any and All Reference to the Use of the term "Termination" in Describing the end of Plaintiff's Employment)(Williams, Brian) (Entered: 08/08/2016) |
| 08/08/2016 | <u>47</u> | NOTICE OF MOTION AND MOTION IN LIMINE (#6) to Exclude the Testimony of Barbara Molina at Trial filed by Defendant St. James Catholic School. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order to Exclude the Testimony of Barbara Molina at Trial)(Williams, Brian) (Entered: 08/08/2016) |
| 08/09/2016 | <u>48</u> | NOTICE OF MOTION AND MOTION IN LIMINE (2) to Exclude REFERENCE TO PLEADINGS filed by plaintiff Kristen Biel. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr.(Lovretovich, Joseph) (Entered: 08/09/2016) |
| 08/09/2016 | <u>49</u> | NOTICE OF MOTION AND MOTION IN LIMINE (1) to Exclude EVIDENCE OF COLLATERAL SOURCE filed by plaintiff Kristen Biel. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr.(Lovretovich, Joseph) (Entered: 08/09/2016) |
| 08/09/2016 | <u>50</u> | NOTICE OF MOTION AND MOTION IN LIMINE (3) to Exclude WITNESSES AND DOCUMENTS NOT PREVIOUSLY DISCLOSED filed by plaintiff Kristen Biel. Motion set for hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr.(Lovretovich, Joseph) (Entered: 08/09/2016) |
| 08/09/2016 | <u>51</u> | NOTICE OF MOTION AND MOTION IN LIMINE (4) to Exclude EVIDENCE OF UNRELATED MEDICAL HISTORY filed by plaintiff Kristen Biel. Motion set for |

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| | | hearing on 8/29/2016 at 10:00 AM before Judge Terry J. Hatter Jr.(Lovretovich, Joseph) (Entered: 08/09/2016) |
| 08/10/2016 | <u>52</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Miscellaneous Document <u>40</u> . The following error(s) was found: Incorrect event selected. The correct event is: Civil Events - select - Other Filings -select - Notices - select Notice of Lodging Proposed Pretrial Conference Order. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 08/10/2016) |
| 08/18/2016 | <u>53</u> | Notice of Appearance or Withdrawal of Counsel: for attorney Joseph M Lovretovich counsel for Plaintiff Kristen Biel. Adding Jared W. Beilke as counsel of record for Kristen Biel for the reason indicated in the G-123 Notice. Filed by plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/18/2016) |
| 08/22/2016 | <u>54</u> | OPPOSITION in opposition re: MOTION IN LIMINE (3) to Exclude WITNESSES AND DOCUMENTS NOT PREVIOUSLY DISCLOSED <u>50</u> filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 08/22/2016) |
| 08/22/2016 | <u>55</u> | OPPOSITION in opposition re: MOTION IN LIMINE (4) to Exclude EVIDENCE OF UNRELATED MEDICAL HISTORY <u>51</u> filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 08/22/2016) |
| 08/23/2016 | <u>56</u> | NOTICE OF NON-OPPOSITION to MOTION IN LIMINE (1) to Exclude EVIDENCE OF COLLATERAL SOURCE <u>49</u> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/23/2016) |
| 08/23/2016 | <u>57</u> | NOTICE OF NON-OPPOSITION to MOTION IN LIMINE (2) to Exclude REFERENCE TO PLEADINGS <u>48</u> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/23/2016) |
| 08/23/2016 | <u>58</u> | NOTICE OF NON-OPPOSITION to MOTION IN LIMINE (3) to Exclude WITNESSES AND DOCUMENTS NOT PREVIOUSLY DISCLOSED <u>50</u> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/23/2016) |
| 08/24/2016 | <u>59</u> | OPPOSITION opposition re: MOTION IN LIMINE (#3) to Exclude Reference to Complaints of Discrimination/Retaliation From Other Employees <u>44</u> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/24/2016) |
| 08/24/2016 | <u>60</u> | OPPOSITION re: MOTION IN LIMINE (#6) to Exclude the Testimony of Barbara Molina at Trial <u>47</u> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/24/2016) |
| 08/24/2016 | <u>61</u> | OPPOSITION Opposition To Motion In Limine re: MOTION IN LIMINE to Exclude References to Plaintiff's Departure from Employment as a "Termination" <i>Motion In Limine</i> (#5) <u>46</u> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 08/24/2016) |
| 08/29/2016 | <u>63</u> | MINUTES OF FINAL PRETRIAL CONFERENCE: Final Pretrial Conference held before Judge Terry J. Hatter, Jr: Following discussions with the parties, the Court will set the following dates: Discovery Cut-Off: October 26, 2016; Motion filing Cut-Off: November 26, 2016; Motions in limine filing Cut-Off: November 5, 2016; Jury Trial date: January 10, 2017 at 10:00 a.m. (5-7 days est.)-8 Hours each side. Court Recorder: Court Smart. (shb) (Entered: 08/31/2016) |
| 08/30/2016 | <u>62</u> | ORDER RE JURY INSTRUCTIONS by Judge Terry J. Hatter, Jr.: Jury Trial set for 1/10/2017 at 10:00 AM before Judge Terry J. Hatter Jr. It is Ordered that counsel shall prepare and file proposed jury instructions in accordance with the procedure set forth in |

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| | | this Order. Failure to comply with this Order shall subject counsel to sanctions, in addition to the instructions being returned to be properly prepared. The Court prefers instructions from Kevin F. OMalley, et al., Federal Jury Practice and Instructions (5th ed. Current edition), modified only if necessary to fit the circumstances of each case. Attached is a list of the Court's general civil jury instructions which will be given when applicable. (See order for further details). (shb) (Entered: 08/31/2016) |
| 09/06/2016 | <u>64</u> | FINAL PRETRIAL CONFERENCE ORDER GRANTING IN PART by Judge Terry J. Hatter, Jr (shb) (Entered: 09/06/2016) |
| 10/06/2016 | <u>65</u> | NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action filed by defendant St. James Catholic School. Motion set for hearing on 11/7/2016 at 08:30 AM before Judge Terry J. Hatter Jr. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Judgment) (Fermin, Veronica) (Entered: 10/06/2016) |
| 10/06/2016 | <u>66</u> | STATEMENT of Separate Statement of Uncontroverted Facts and Conclusions of Law NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 10/06/2016) |
| 10/06/2016 | <u>67</u> | DECLARATION of Veronica Fermin in support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> filed by Defendant St. James Catholic School. (Attachments: # <u>1</u> Exhibit A (Part I), # <u>2</u> Exhibit A (Part II), # <u>3</u> Exhibit B (Part I), # <u>4</u> Exhibit B (Part II), # <u>5</u> Exhibit C (Part I), # <u>6</u> Exhibit C (Part II), # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G)(Fermin, Veronica) (Entered: 10/06/2016) |
| 10/06/2016 | <u>68</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Statement (Motion related), <u>66</u> . The following error(s) was found: Other error(s) with document(s) are specified below: This document should be lodged and not e-filed. You may select the event Notice of Lodging under the civil events and go to Other Filings - select Notices and then select Notice of Lodging. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 10/07/2016) |
| 10/11/2016 | <u>69</u> | EX PARTE APPLICATION to Shorten Time for Hearing on to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date</i> filed by defendant St. James Catholic School. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Proposed Order) (Fermin, Veronica) (Entered: 10/11/2016) |
| 10/13/2016 | <u>70</u> | OPPOSITION to EX PARTE APPLICATION to Shorten Time for Hearing on to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date</i> <u>69</u> filed by Plaintiff Kristen Biel. (Attachments: # <u>1</u> Declaration Declaration of Cathryn Fund, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D)(Lovretovich, Joseph) (Entered: 10/13/2016) |
| 10/17/2016 | <u>71</u> | MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/17/2016 | <u>72</u> | REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/17/2016 | <u>73</u> | STATEMENT of Controverted and Uncontroverted Facts NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |

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| 10/17/2016 | <u>74</u> | PLAINTIFF'S COMPENDIUM OF EVIDENCE 1 OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/17/2016 | <u>75</u> | PLAINTIFF'S COMPENDIUM OF EVIDENCE 3 OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/17/2016 | <u>76</u> | PLAINTIFF'S COMPENDIUM OF EVIDENCE 4 OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/17/2016 | <u>77</u> | PLAINTIFF'S COMPENDIUM OF EVIDENCE 2a OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/17/2016 | <u>78</u> | PLAINTIFF'S COMPENDIUM OF EVIDENCE 2b OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/17/2016 | <u>79</u> | PLAINTIFF'S COMPENDIUM OF EVIDENCE 2c OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/17/2016 | <u>80</u> | PLAINTIFF'S COMPENDIUM OF EVIDENCE 2d OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/17/2016 | <u>81</u> | PLAINTIFF'S COMPENDIUM OF EVIDENCE 2e OF 4 re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> <i>Opposition</i> filed by Plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 10/17/2016) |
| 10/18/2016 | <u>82</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Statement (Motion related) <u>73</u> . The following error(s) was found: Incorrect event selected. The correct event is: Civil Events - Other Filings - Notices - Notice of Lodging and attach the Statement of Uncontroverted Facts and Conclusions of Law.. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 10/18/2016) |
| 10/24/2016 | <u>83</u> | REPLY in support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 10/24/2016) |
| 10/24/2016 | <u>84</u> | NOTICE OF LODGING filed <i>Defendant's Response</i> re Statement (Motion related) <u>73</u> (Attachments: # <u>1</u> Defendant's Response to Plaintiffs Separate Statement of Uncontroverted and Controverted Facts and Conclusions of Law in support of Her Opposition to Defendants Motion for Summary Judgment)(Fermin, Veronica) (Entered: 10/24/2016) |
| 10/24/2016 | <u>85</u> | DECLARATION of Veronica Fermin in support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> |

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| | | <i>Reply Brief</i> filed by Defendant St. James Catholic School. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D)(Fermin, Veronica) (Entered: 10/24/2016) |
| 10/24/2016 | <u>86</u> | REQUEST FOR EVIDENTIARY OBJECTIONS TO PLAINTIFF'S COMPENDIUM OF EVIDENCE IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs First through Sixth Causes of Action <u>65</u> filed by Defendant St. James Catholic School. (Fermin, Veronica) (Entered: 10/24/2016) |
| 10/25/2016 | <u>87</u> | MINUTES IN CHAMBERS-ORDER AND NOTICE TO ALL PARTIES by Judge Terry J. Hatter, Jr: denying <u>69</u> EX PARTE APPLICATION to Shorten Time for Hearing Motion to Compel. The Court having read and considered said application, hereby DENIES Defendant's ex parte application and referring the motion to compel to Magistrate Judge Alka Sagar, as this application was filed before the close of discovery. The motion to compel and the mental examination may proceed on a schedule set by the Magistrate Judge. (shb) (Entered: 10/25/2016) |
| 10/26/2016 | <u>88</u> | NOTICE OF ERRATA filed by Defendant St. James Catholic School. correcting Memorandum of Contentions of Fact and Law <u>41</u> (Fermin, Veronica) (Entered: 10/26/2016) |
| 10/26/2016 | <u>89</u> | <i>CORRECTED</i> re: Memorandum of Contentions of Fact and Law <u>41</u> (Fermin, Veronica) (Entered: 10/26/2016) |
| 11/01/2016 | <u>90</u> | SCHEDULING NOTICE by Magistrate Judge Alka Sagar. A Telephone Conference re: re: EX PARTE APPLICATION to Shorten Time for Hearing on to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date</i> <u>69</u> is set for 11/3/2016 at 10:30 AM before Magistrate Judge Alka Sagar. The call-in information will be emailed to the parties. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (afe) TEXT ONLY ENTRY (Entered: 11/01/2016) |
| 11/03/2016 | <u>91</u> | ORDER RE: TELEPHONE CONFERENCE by Magistrate Judge Alka Sagar. The Court held a telephonic conference re EX PARTE APPLICATION to Shorten Time for Hearing to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date</i> <u>69</u> . The Court will issue a separate order. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (afe) TEXT ONLY ENTRY (Entered: 11/03/2016) |
| 11/03/2016 | <u>92</u> | Minute Order re Order Re Schedule for Motion to Compel Plaintiff's Mental Examination held before Magistrate Judge Alka Sagar. On November 3, 2016, the Court conducted a telephonic conference. Plaintiff may file an opposition to Defendant's Motion to Compel Plaintiff's Mental Examination no later than November 9, 2016. Defendant may file a Reply no later than November 16, 2016. The matter will be submitted upon the filing of Defendant's Reply or the date on which it is due. (See Minute Order for complete details) Court Recorder: Not Recorded. (afe) (Entered: 11/03/2016) |
| 11/09/2016 | <u>93</u> | OPPOSITION to EX PARTE APPLICATION to Shorten Time for Hearing on to October 31, 2016 <i>and to Continue the Discovery Cut-Off Date</i> <u>69</u> filed by Plaintiff Kristen Biel. (Attachments: # <u>1</u> Declaration Declaration of Cathryn Fund)(Lovretovich, Joseph) (Entered: 11/09/2016) |
| 11/16/2016 | <u>94</u> | Notice of Withdrawal of Motion to Shorten Time for Hearing, <u>69</u> filed by Defendant St. James Catholic School. (Vasin, Michael) (Entered: 11/16/2016) |
| 12/21/2016 | <u>95</u> | MINUTE IN CHAMBERS-ORDER AND NOTICE TO ALL PARTIES by Judge Terry J. Hatter, Jr:Counsel are hereby notified that the above matter is set on the Court's calendar for Jury Trial on January 10, 2017, and now is vacated. The parties are advised that the court will be issuing an order regarding the motion for summary judgment in |

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| | | January. Accordingly, this Jury Trial is vacated. No appearances are necessary on January 10, 2017. (shb) (Entered: 12/21/2016) |
| 01/17/2017 | <u>96</u> | ORDER AND JUDGMENT by Judge Terry J. Hatter, Jr: GRANTING <u>65</u> MOTION for Summary Judgment in favor of St. James Catholic School, St. James School, A Corp. against Kristen Biel. MD JS-6. Case Terminated. (shb) (Entered: 01/18/2017) |
| 01/20/2017 | <u>97</u> | NOTICE OF LODGING filed re Order on Motion for Summary Judgment <u>96</u> (Attachments: # <u>1</u> Exhibit Judgment)(Vasin, Michael) (Entered: 01/20/2017) |
| 01/24/2017 | <u>98</u> | AMENDED ORDER AND JUDGMENT by Judge Terry J. Hatter, Jr, re Order on Motion for Summary Judgment <u>96</u> . It is Ordered that the motion for summary judgment be, and hereby is, Granted. It is Further Ordered, Adjudged, and Decreed that judgment be, and hereby is, Entered in favor of Defendant St. James School and against Plaintiff Kristen Biel. It is Further Ordered, Adjudged, and Decreed that Plaintiff Kristen Biel shall take nothing and that all parties shall bear their own costs. (See order for further details). (shb) (Entered: 01/24/2017) |
| 02/10/2017 | <u>99</u> | NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by plaintiff Kristen Biel. Appeal of Order,, <u>98</u> . (Appeal Fee - \$505 Fee Paid, Receipt No. 0973-19344582.) (Lovretovich, Joseph) (Entered: 02/10/2017) |
| 02/10/2017 | <u>100</u> | REPRESENTATION STATEMENT re Notice of Appeal to 9th Circuit Court of Appeals <u>99</u> . (Lovretovich, Joseph) (Entered: 02/10/2017) |
| 02/10/2017 | <u>101</u> | Notice of Appearance or Withdrawal of Counsel: for attorney Joseph M Lovretovich counsel for Plaintiff Kristen Biel. Adding Andrew S. Pletcher as counsel of record for Kristen Biel for the reason indicated in the G-123 Notice. Filed by plaintiff Kristen Biel. (Lovretovich, Joseph) (Entered: 02/10/2017) |
| 02/13/2017 | <u>102</u> | NOTIFICATION from Ninth Circuit Court of Appeals of case number assigned and briefing schedule. Appeal Docket No. 17-55180 assigned to Notice of Appeal to 9th Circuit Court of Appeals <u>99</u> as to Plaintiff Kristen Biel. (car) (Entered: 02/13/2017) |

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9th Circuit Case Number(s) No. 17-55180

NOTE: To secure your input, you should print the filled-in form to PDF (File > Print > *PDF Printer/Creator*).

CERTIFICATE OF SERVICE

When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) Sep 20, 2017.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format) /s/ Andrew S. Pletcher

CERTIFICATE OF SERVICE

When Not All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format)