

1 Kevin T. Snider, State Bar No. 170988
2 Matthew B. McReynolds, State Bar No. 234797
3 PACIFIC JUSTICE INSTITUTE
4 P.O. Box 276600
5 Sacramento, CA 95827
6 Tel. (916) 857-6900
7 Fax (916) 857-6902

8 Michael J. Pepper, State Bar No. 192265
9 *Counsel for Service*
10 P.O. Box 11630
11 Santa Ana, CA 92711
12 Phone: (714) 796-7150
13 Fax: (714) 796-7182
14 Email: michaelpepper@pji.org

15 *Attorney for Defendants*

16 UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA
18 EASTERN DIVISION

19 FREEDOM FROM RELIGION
20 FOUNDATION, INC., ET AL.,

21 Plaintiffs,

22 vs.

23 CHINO VALLEY UNIFIED
24 SCHOOL DISTRICT BOARD OF
25 EDUCATION, ETC. ET AL,

26 Defendants

) Case No.:5:14-CV-02336 JGB(DTBx)

)
) OBJECTION TO PLAINTIFFS'
) LATE FILED SUPPLEMENTAL
) DECLARATIONS IN SUPPORT
) OF THEIR MOTION FOR
) SUMMARY JUDGMENT

)
) Hearing Date: November 2, 2015
) Hearing Time: 9:00 a.m.
) Courtroom: 1 Riverside
) Hon. Jesus G. Bernal

27 Defendants THE CHINO VALLEY UNIFIED SCHOOL DISTRICT
28 BOARD OF EDUCATION, AND CHINO VALLEY UNIFIED SCHOOL
DISTRICT BOARD OF EDUCATION BOARD MEMBERS JAMES NA,
SYLVIA OROZCO, CHARLES DICKIE, AND IRENE HERNANDEZ-BLAIR

1 IN THEIR OFFICIAL REPRESENTATIVE CAPACITIES, hereby object to
2 Plaintiffs' Supplemental Declarations in Support of Plaintiffs' Motion For
3 Summary Judgment filed November 23, 2015.

4 Defendants object on three central grounds:

- 5 1) Plaintiffs filed the declarations long after the time to file documents
6 in support of their Summary Judgment had passed, and after
7 Defendants had filed their opposition. There is no justification
8 given as to why the declarations could not have been filed in a
9 timely manner, and Plaintiffs give none. L.R. 7-5(b).
- 10 2) Plaintiffs newly filed declarations have failed to attest to personal
11 knowledge. FRCP 56(c)(4) (An affidavit or declaration used to
12 support or oppose a motion must be made on personal knowledge,
13 set out facts that would be admissible in evidence, and show that
14 the affiant or declarant is competent to testify on the matters
15 stated.)
- 16 3) The declarations are of little evidentiary value. "Cookie-cutter"
17 declarations do not inspire confidence. *Espinoza v. Domino's*
18 *Pizza, LLC*, 2009 U.S. Dist. LEXIS 31093 (C.D. Cal. Feb. 18,
19 2009). Court's strongly disapprove of such. *Silverman v.*
20 *Smithkline Beecham Corp.*, 2007 U.S. Dist. LEXIS 80030, fn. 5
21 (C.D. Cal. Oct. 15, 2007).
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24 In view of the lateness of the declarations, the failure of the declarants to
25 assert personal knowledge, and the failure to provide statements unique to the
26 individual declarants, Defendants request that this Court strike the offending
27 declarations.
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PACIFIC JUSTICE INSTITUTE

/S/ Kevin Snider
Kevin T. Snider
Matthew B. McReynolds
Michael J. Peffer
Attorneys for Defendants