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6 Attorney for Plaintiff PLANS, INC.

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 PLANS, Inc.,

10 Plaintiff,

11 vs.

12 SACRAMENTO CITY UNIFIED SCHOOL

13 DISTRICT, TWIN RIDGES ELEMENTARY

14 SCHOOL DISTRICT, DOES 1-100,

15 Defendant

) Case No.: CIV. S-98-0266 FCD PAN

) PLAINTIFF'S SEPARATE STATEMENT OF
) DISPUTED MATERIAL FACTS IN
) PREPARATION FOR PRETRIAL
) CONFERENCE

) Date: February 11, 2005

) Time: 3:00 p.m.

) Courtroom: 2

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17 Plaintiff, PLANS, Inc. hereby submits its STATEMENT OF DISPUTED FACTS in
18 preparation for the above referenced PRETRIAL CONFERENCE.

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20 DISPUTED FACTUAL ISSUES:

21 The parties agree that this case involves issues of law, and/or mixed questions of law and fact, in
22 constitutional adjudication.

23 1. Whether Anthroposophy is a religion under the Establishment Clause.

24 A. Whether Anthroposophy addresses fundamental and ultimate questions having to do with
25 "deep and imponderable matters."

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27 B. Whether Anthroposophy is "comprehensive in nature."

1 C. Whether Anthroposophy can be recognized by formal and external signs such as formal
2 services, ceremonial functions, the existence of clergy, structure and organization, efforts at propagation,
3 observance of holidays and other similar manifestations associated with the traditional religions.

4 D. Whether Anthroposophy currently has adherents.

5 2. Whether any religion is benefited by the use of Waldorf inspired methodology at defendant(s)'
6 schools.

7 3. Whether defendant(s) use of public funds benefit or provide aid to any religion, and if so, what is
8 the nature of such benefit or aid.

9 4. Whether public funding of Waldorf education has the unintended consequence of advancing
10 religion generally, or Anthroposophy, specifically.

11 5. What degree of entanglement between church and state is generated by Waldorf education.

12 6. Whether the Waldorf teaching method and Anthroposophy are in fact inseparable in theory and
13 as practiced by Defendants resulting in excessive governmental entanglement with religion.

14 7. Whether state monitoring of the Waldorf education will be necessary to ensure that no violations
15 occur.

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18 Dated: February 1, 2005

RESPECTFULLY SUBMITTED:

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22 SCOTT M. KENDALL, ESQ.
23 Attorney for Plaintiff, PLANS, Inc.
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