



Superior Court of California
County of Kern

Date: December 04, 2015

Time: 8:00 AM - 5:00 PM

S1500CV283224

SANDERS VS KERN HIGH SCHOOL DISTRICT

Courtroom Staff

Honorable: J. Eric Bradshaw

Clerk: Evelyn Galvan

Court reporter:

Bailiff:

Interpreter:

Language of:

PARTIES:

ARLENE SANDERS, Plaintiff, not present	SAHAR DURALI, Attorney, not present
BOARD OF TRUSTEES OF KHSD, Defendant, not present	SLOAN SIMMONS, Attorney, not present
BRYON SCHAEFER, Defendant, not present	SLOAN SIMMONS, Attorney, not present
BRYON SHAEFER, IN HIS CAPACITY AS SUPERINTENDENT OF THE KERN HIGH SCHOOL DISTRICT, Defendant, not present	
CARMEN RAMIREZ, Plaintiff, not present	SAHAR DURALI, Attorney, not present
CATHERINE ROBLES, Plaintiff, not present	CYNTHIA RICE, Attorney, not present
CHAD VEGAS, MIKE WILLIAMS, BRYAN BATEY, JEFF FLORES, AND PHILIP PETERS, IN THEIR OFFICIAL CAPACITY AS MEMBERS OF THE KERN HIGH SCHOOL DISTRICT BOARD OF TRUSTEES, Defendant, not present	
CHRISTINE LIZARDI FRAZIER, IN HER CAPACITY AS KERN COUNTY SUPERINTENDENT OF SCHOOLS, Defendant, not present	MARK BRESEE, Attorney, not present
DOLORES HUERTA FOUNDATION, Plaintiff, not present	SAHAR DURALI, Attorney, not present
FAITH IN ACTION KERN COUNTY, Plaintiff, not present	SAHAR DURALI, Attorney, not present
GABRIEL ELDER, Plaintiff, not present	SAHAR DURALI, Attorney, not present
ISIDRO LARRALDE, Plaintiff, not present	SAHAR DURALI, Attorney, not present
JUAN MORAN, Plaintiff, not present	SAHAR DURALI, Attorney, not present
KATINA FRANKS, Plaintiff, not present	SAHAR DURALI, Attorney, not present
KERN COUNTY OFFICE OF EDUCATION, Defendant, not present	MARK BRESEE, Attorney, not present
KERN HIGH SCHOOL DISTRICT, Defendant, not present	SLOAN SIMMONS, Attorney, not present
KESCHEL COLLINGS, Plaintiff, not present	SAHAR DURALI, Attorney, not present
LINDA REED, Plaintiff, not present	THOMAS SAENZ, Attorney, not present

LORI DE LEON, Plaintiff, not present	SAHAR DURALI, Attorney, not present
MARBELLA OJEDA, Plaintiff, not present	THOMAS SAENZ, Attorney, not present
MARIA GALLARDO, Plaintiff, not present	THOMAS SAENZ, Attorney, not present
MARIO RAMIREZ, Plaintiff, not present	SAHAR DURALI, Attorney, not present
PATRICIA CRAWFORD, Plaintiff, not present	SAHAR DURALI, Attorney, not present
ROBERT ROBLES, Plaintiff, not present	SAHAR DURALI, Attorney, not present
RUBY WATSON, Plaintiff, not present	SAHAR DURALI, Attorney, not present
THE CALIFORNIA DEPARTMENT OF EDUCATION, Defendant, not present	BRUCE YONEHIRO, Attorney, not present
THE NATIONAL BROTHERHOOD ASSOCIATION, Plaintiff, not present	SAHAR DURALI, Attorney, not present
THE STATE OF CALIFORNIA, Defendant, not present	KARLI EISENBERG, Attorney, not present
TOM TORLAKSON, IN HIS CAPACITY AS STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, Defendant, not present	
TYSON REED, Plaintiff, not present	THOMAS SAENZ, Attorney, not present
VIRGINIA MELCHOR, Plaintiff, not present	SAHAR DURALI, Attorney, not present

NATURE OF PROCEEDINGS: RULING

Hearing Start Time: 9:00 AM

The above entitled cause came on regularly on this date and time with parties and/or counsel appearing as reflected above.

- DEFENDANT/RESPONDENT STATE OF CALIFORNIA S DEMURRER TO SECOND AMENDED AND SUPPLEMENTAL COMPLAINT, HERETOFORE SUBMITTED:

* * * * *

Defendant/respondent State of California s demurrer to the FIRST, SECOND, THIRD, SIXTH, EIGHTH, NINTH and TENTH causes of action: SUSTAINED WITHOUT LEAVE TO AMEND.

The causes of action contain no allegations establishing a right to relief against the defendant/respondent State of California. See State of California v. Superior Court (1974) 12 Cal.3d 237, 255; and Serrano v. Priest (1976) 18 Cal.3d 728, 751-752. The Supreme Court s decision in Butt v. State of California (1992) 4 Cal.4th 668, and other cases cited by plaintiffs/petitioners, do not address the issue presented by the instant demurrer, i.e., whether a valid cause of action has been stated against the defendant/respondent State of California (as opposed to one or more of its agencies).

The SIXTH cause of action substantive due process challenge, alleged only against defendant/respondent State of California, fails to state facts sufficient to constitute a cause of action under the Due Process Clause of the Fourteenth Amendment because, as a matter of law, Education Code sections 48900(i) and 48900(k) are not unconstitutionally vague, ambiguous or overbroad on their face.

- Under Submission Ruling; Due: March 04, 2016

FUTURE HEARINGS:

January 12, 2016 8:30 AM Demurrer
Bradshaw, J. Eric
Bakersfield Traffic Courtroom 2
Sheriff, Deputy

MINUTE ORDER FINALIZED BY: EVELYN GALVAN

ON: DECEMBER 04, 2015

CERTIFICATE OF MAILING

The undersigned, of said Kern County, certify: That I am a Deputy Clerk of the Superior Court of the State of California, in and for the County of Kern, that I am a citizen of the United States, over 18 years of age, I reside in or am employed in the County of Kern, and not a party to the within action, that I served the *Minute Order dated December 04, 2015* attached hereto on all interested parties and any respective counsel of record in the within action by depositing true copies thereof, enclosed in a sealed envelope(s) with postage fully prepaid and placed for collection and mailing on this date, following standard Court practices, in the United States mail at Bakersfield California addressed as indicated on the attached mailing list.

Date of Mailing: December 04, 2015

Place of Mailing: Bakersfield, CA

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

Terry McNally
CLERK OF THE SUPERIOR COURT

Date: December 04, 2015

By: _____
Evelyn Galvan, Deputy Clerk

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MAILING LIST

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**SANDERS VS KERN HIGH SCHOOL DISTRICT
S1500CV283224**

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VIRGINIA MELCHOR
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ARLENE SANDERS
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GABRIEL ELDER
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No Known Address

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DISTRICT
No Known Address

THE STATE OF CALIFORNIA
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AS KERN COUNTY SUPERINTENDENT OF
SCHOOLS
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No Known Address