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15	OF CALIFORNIA – WESTERN DIVISION		
16	OF CALIFORNIA -	WESTERN DIVISION	
17	AMEDICA UNITECTOD VIDC et al	CASE NO. 2:15-cv-02124-PA-AJW	
18	AMERICA UNITES FOR KIDS, et al.,		
19	Plaintiffs, v.	PLAINTIFFS' FIRST REQUEST TO ENTER LAND PURSUANT TO	
20	SANDRA LYON, et al.,	FED. R. CIV. P. 34(a)(2)	
21	Defendants.		
22	•		
23			
24			
25			
26		Complaint filed: March 23, 2015	
27			
28			

1	Pursuant to Fed. R. Civ. P. 34(a)(2), Plaintiffs America Unites for Kids and	
2	Public Employees for Environmental Responsibility, request that Defendants,	
3	Sandra Lyon, Superintendent, Santa Monica Malibu Unified School District	
4	(SMMUSD or District), Jan Maez, Associate Superintendent and Chief Financial	
5	Officer of SMMUSD, and Laurie Lieberman, Dr. Jose Escarce, Craig Foster, Maria	
6	Leon-Vazquez, Richard Tahvildaran-Jesswein, Oscar De La Torre, and Ralph	
7	Mechur, Members of the Board of Education of the SMMUSD, allow Plaintiffs and	
8	their agents to enter onto the land of Malibu Middle and High School and Juan	
9	Cabrillo Elementary School (collectively, the School) to inspect, photograph, test, or	
10	sample the property or an object on the property:	
11	Locations	
12	Malibu Middle and High School	
13	30215 Morning View Drive,	
14	Malibu, California	
15		
16	Juan Cabrillo Elementary School	
17	30237 Morning View Drive,	
18	Malibu, California	
19		
20	<u>When</u>	
21	May 15, 2015, beginning at three p.m. through Sunday May 17, 2015.	
22	If the inspection and sampling sought cannot be completed in that time	
23	period, it will continue on May 22, 2015, starting at three p.m., through Sunday May	
24	24, 2015, or at some other mutually-convenient time.	
25	If sampling reveals the presence of polychlorinated biphenyls (PCBs) in	
26	building materials other than caulk above legal limits under the Toxic Substances	
27	Control Act, Plaintiffs will return for additional inspection and sampling of such	
28	materials at a mutually convenient time when school is not in session.	
	1	

Manner of Inspection

Plaintiffs intend to employ the services of a firm which has expertise in the field of PCB identification, sampling and remediation to visually inspect all of the regularly occupied rooms in the School which were constructed before 1980, on the inside and outside, for potentially PCB-containing materials. These consultants will take one to four small samples of caulk for each of these pre-1980 regularly occupied rooms in the School. They will also take samples of other building materials in some of the rooms or on the outside of the School buildings which appear to potentially contain PCBs because of their proximity to caulk or other PCB-containing materials, or because they are materials which were sometimes manufactured containing PCBs at the time the school buildings were constructed.

The samples of caulk and other building materials will be removed and placed in sealed containers for shipment for laboratory analysis. All activities will be conducted when school is not in session, and there will be no disruption to the operation of the School or damage to its premises.

Dated: April 9, 2015 PAULA DINERSTEIN

Attorneys for Plaintiff Public Employees for

Environmental Responsibility

Public Employees for Environmental Responsibility

PROOF OF SERVICE

(x)

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 2300 South Sepulveda Blvd., Los Angeles, California, 90064.

On April 2, 2015, I served the within document(s) described as: **PLAINTIFFS' FIRST REQUEST TO ENTER LAND PURSUANT TO FED. R. CIV. P. 34(a)(2)** on the interested parties in this action as stated below:

Mark E. Elliott, Esq.
Pillsbury Winthrop Shaw Pittman LLP
725 S. Figueroa Street, Suite 2800
Los Angeles, California 90017

attorney's office.

Attorneys for Defendants Sandra Lyon, et al.

BY MESSENGER DELIVERY: I caused a messenger service to leave the document(s) in an envelope or package clearly labeled to identify the attorney being served with a receptionist or with a person having charge of the

I certify that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 2, 2015, at Los Angeles, California.

Jacqueline Neal