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Attorneys for plaintiff PLANS, INC.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

PLANS, Inc.,

Plaintiffs,

v.

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT,  
TWIN RIDGES ELEMENTARY SCHOOL DISTRICT,  
DOES 1 - 100,

Defendants.

CASE NO.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

[U.S. Const., amends. I, XIV; 42 U.S.C. § 1983; Cal. Const., art. XVI, § 5 and art. IX, § 8]

Dept:

Plaintiff alleges:

1. This action arises under the First and Fourteenth Amendments to the Constitution of the United States; and U.S.C. Title 42, § 1983.
2. Plaintiff PLANS, Inc. (People for Legal and Non-Sectarian Schools, hereinafter "PLANS") is a non-profit California Corporation organized for the purpose, among other things, of educating the public regarding Waldorf education. Members of PLANS include taxpayers that reside in the Sacramento City Unified School District and the Twin Ridges Elementary School District.
3. Defendant Sacramento City Unified School District (hereinafter "Sacramento City") is, and at all times herein mentioned was, a school district duly organized and existing under the laws of the State of California.
4. Defendant Twin Ridges Elementary School District (hereinafter "Twin Ridges") is, and at all times herein mentioned was, a school district duly organized and existing under the laws of the State of California.
5. Plaintiff is ignorant of the true names and capacities of defendants sued herein as Does 1-100, inclusive, and therefore sues these defendants by these fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named defendants is responsible in some manner for the occurrences herein alleged, and that plaintiff's

injuries as herein alleged were proximately caused by the wrongful conduct of these fictitiously named defendants.

6. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned, Does 1-100 were the agents, servants, and employees of their codefendants and in doing the things hereinafter alleged were acting within the course and scope of their authority as agents, servants, and employees with the permission and consent of their codefendants.

7. Plaintiff is informed and believes that defendants Sacramento City and Twin Ridges operate taxpayer funded Waldorf schools at various locations within their districts and/or under their authority.

8. Plaintiff is informed and believes that a primary purpose and primary effect of said operation of Waldorf schools is to advance religion, including the religious doctrines of Anthroposophy.

9. Members of PLANS are injured, as taxpayers, by such establishment of religion in violation of the First and Fourteenth Amendments of the United States Constitution, and Article XVI, § 5 and Article IX, § 8 of the California Constitution.

10. Plaintiff is informed and believes that defendants Sacramento City and Twin Ridges intend to continue to operate Waldorf schools within their districts and/or under their authority.

11. Unless and until enjoined by this court, defendants Sacramento City and Twin Ridges will continue to operate Waldorf schools, thereby causing great and irreparable injury in that such continuing conduct violates the right of PLANS members to be free from establishing religion through taxpayer funding in violation of the First and Fourteenth Amendments of the United States Constitution, and Article XVI, § 5 and Article IX, § 8 of the California Constitution.

12. Plaintiff has no adequate remedy at law for the injuries suffered, and to be suffered in the future, in that it is impossible to calculate a sum of money that will compensate plaintiff and its members for the continuing violation of federal and state constitutional rights under color of law.

13. An actual controversy has arisen and now exists between plaintiff and defendants concerning their respective duties in that plaintiff contends that defendants are operating taxpayer funded Waldorf schools within their respective districts and/or authority in violation of the First and Fourteenth Amendments of the United States Constitution, and Article XVI, § 5 and Article IX, § 8 of the California Constitution.

14. Plaintiff desires a judicial determination and declaration as to whether defendants' operation of taxpayer funded Waldorf schools within their respective districts and/or authority violates the First and Fourteenth Amendments of the United States Constitution, and Article XVI, § 5 and Article IX, § 8 of the California Constitution.

15. A judicial declaration is necessary and appropriate at this time under the circumstances in order that plaintiff and defendants may ascertain their respective rights regarding the continuation of taxpayer funded Waldorf schools.

16. By reason of defendants' acts and conduct as herein alleged, plaintiff, and its members, were deprived of their rights, privileges, and immunities secured for them by the First Amendment of the Constitution of the United States, all in violation of Title 42 of the United States Code, Section 1983.

WHEREFORE, plaintiff prays judgment against defendants, and each of them as follows:

1. For a preliminary and permanent injunction enjoining defendants from operating taxpayer funded Waldorf schools, or other schools that similarly violate the First and Fourteenth Amendments of the United States Constitution, and Article XVI, § 5 and Article IX, § 8 of the California Constitution.

2 For a judicial declaration that the defendants' operation of Waldorf schools violates the First and Fourteenth Amendments of the United States Constitution, and Article XVI, § 5 and Article IX, § 8 of the California Constitution.

3. For costs of suit herein incurred;
4. For reasonable attorneys' fees as authorized by Title 42 United States Code, Section 1988; and
5. For such other and further relief as the court deems proper.

Dated: February 10, 1998

McKINLEY & SMITH  
A Professional Corporation

By: \_\_\_\_\_

SCOTT M. KENDALL,  
Attorney for PLANS, Inc.