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5 Attorneys for Cross-Defendants  
Fresno Unified School District and  
6 San Francisco Unified School District

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 CITY AND COUNTY OF SAN FRANCISCO

11 ELIEZER WILLIAMS, et al.,

12 Plaintiffs,

13 vs.

14 STATE OF CALIFORNIA, DELAINE  
15 EASTIN, State Superintendent of Public  
Instruction, STATE DEPARTMENT OF  
16 EDUCATION, STATE BOARD OF  
EDUCATION,

17 Defendants.

18  
19 And Related Cross-Actions  
20

Case No. 312 236

**NOTICE OF MOTION AND MOTION TO  
SEVER CROSS-COMPLAINT AND STAY  
PROCEEDINGS AGAINST CROSS-  
DEFENDANTS**

[C.C.P. §§ 598, 1048]

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Date: March 27, 2001  
Time: 8:30 a.m.  
Dept: 16, Hall of Justice  
Judge: Hon. Peter J. Busch

21 TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on Tuesday, March 27, 2001, at 8:30 a.m. or as soon thereafter as  
23 the matter may be heard in Department 16, Hall of Justice, of the above-entitled court located at 850  
24 Bryant Street, San Francisco, CA 94102, cross-defendants San Francisco Unified School District and  
25 Fresno Unified School District ("Cross-Defendants") will move this court pursuant to C.C.P. sections  
26 598 and 1048 for an order severing the first amended complaint from the cross-complaint in the above-  
27 captioned lawsuit, that a separate trial be conducted on the cross-complaint, and that all discovery with  
28 respect to the issues and allegations in the cross-complaint be stayed until such time as the issues

**CROSS-DEFENDANTS' MPA IN SUPPORT OF  
MOTION TO SEVER CROSS-COMPLAINT**

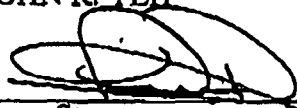
1 presented in the first amended complaint on file herein are tried and resolved.

2 The motion will be made on the grounds that litigating the issues presented in the cross-  
3 complaint is premature, that severance will serve the interests of judicial economy, and that the issues  
4 presented in the first amended complaint and cross-complaint are factually and legally distinct so as to  
5 warrant severance and staying the proceedings against the cross-defendants.

6 The motion will be based upon this Notice of Motion and Motion, the Memorandum of Points  
7 and Authorities filed in support thereof, the papers and documents on file herein, and on such other  
8 documentary and oral evidence as the court may permit at the hearing of this motion.

9 Dated: February 28, 2001

MILLER BROWN & DANNIS  
PETER STURGES  
DANIEL A. OJEDA  
JOHN R. YEH

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13 Peter Sturges  
14 Attorneys for Fresno Unified School District and  
San Francisco Unified School District

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