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6 Attorney for Plaintiffs

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 (SAN FRANCISCO)  
11

12 THE PEOPLE OF THE STATE OF  
13 CALIFORNIA, *ex rel.* CAROL  
14 SPOONER, et al.,

15 Plaintiffs,

16 vs.

17 PACIFICA FOUNDATION, a  
18 California non-profit public benefit  
19 corporation and charitable trust, et al.,

20 Defendants.

Case No. C 00 3815 MJJ

**PLAINTIFFS' OPPOSITION TO  
FOUNDATION DEFENDANTS'  
EXPEDITED MOTION TO BEGIN  
LIMITED DISCOVERY**

Date: Not noticed  
Time: Not noticed.  
Ctrm: Eleven  
Judge: Hon. Martin J. Jenkins

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22 Plaintiffs oppose the Foundation Defendants' expedited motion to begin limited  
23 discovery.

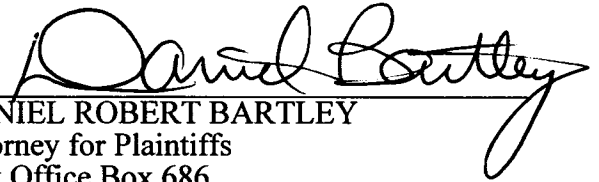
24 It is good judicial economy to wait to first ascertain whether the Court is going to  
25 remand because there is no basis for FCC preemption or because of the abstention doctrine, or  
26 both. If the District Court remands on either of those bases, such will render moot the  
27 realignment issue.  
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1 Re-alignment is unnecessary to the determination of the remand motion. Moreover, the  
2 moving Defendants have not met their burden to develop any probative facts about the positions  
3 of the individuals in question or to propose a specific discovery plan to obtain relevant facts.  
4 Defendants have failed to show good cause for the unspecified discovery they seek.

5 Finally, it is in no one's interest to run up tens of thousands of dollars in attorney fees,  
6 travel costs, and expedited court reporter fees to take depositions on an issue that should be  
7 rendered moot at the January 9, 2001, hearing.

8  
9 Dated: November 20, 2000

Respectfully submitted,

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DECLARATION OF PROOF OF SERVICE

The undersigned declares he/she is employed in the county of Marin, State of California, by Daniel Robert Bartley Law Offices, P.O. Box 686, Novato, CA, 94948-0686. I am over the age of 18 and not a party to this action. On today's date, I served, true and correct copies of "PLAINTIFFS' OPPOSITION TO FOUNDATION DEFENDANTS' EXPEDITED MOTION TO BEGIN LIMITED DISCOVERY" by placing such in sealed envelopes addressed as follows:

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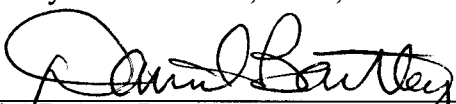
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I then placed such envelopes for collection, processing and mailing with the United States Postal Service on today's date, following the firm's ordinary business practices. Pursuant to these practices, with which I am readily familiar, sealed, addressed envelopes are deposited in the ordinary course of business with the United States Postal Service on the same date they are collected and processed, with postage thereon fully prepaid. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed on this 21st day of November, 2000, at Novato, California.

  
\_\_\_\_\_  
Daniel Robert Bartley