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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO  
HONORABLE PATRICK MARLETTE, JUDGE, DEPARTMENT 19

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HINDU AMERICAN FOUNDATION, ARJUN BHAGAT, )  
YASHWANT VAISHNAV and RITA PATEL, )

Petitioners, )

-vs-

No. 06CS00386

CALIFORNIA STATE BOARD OF EDUCATION, )  
and DOES 1-10, )

Respondents. )

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FRIDAY, APRIL 21, 2006

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REPORTER'S TRANSCRIPT OF  
PROCEEDINGS

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APPEARANCES:

For the Petitioners:

DEBORAH CAPLAN, RICHARD MIADICH  
and N. EUGENE HILL,  
Attorneys at Law  
Sacramento, California

For the Respondents:

TODD M. SMITH and EILEEN GRAY,  
Attorneys at Law  
Sacramento, California

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Linda Ricci, CSR No. 7614

1 FRIDAY, APRIL 21, 2006

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3 The matter of HINDU AMERICAN FOUNDATION, ARJUN BHAGAT,  
4 YASHWANT VAISHNAV and RITA PATEL Petitioners, versus CALIFORNIA  
5 STATE BOARD OF EDUCATION, and DOES 1-10, Defendants, Case No.  
6 06CS00386, came on regularly before the Honorable PATRICK  
7 MARLETTE, Judge of the Superior Court,  
8 State of California, County of Sacramento, Department 19  
9 thereof.

10 The Petitioners were represented by DEBORAH CAPLAN,  
11 RICHARD MIADICH and N. EUGENE HILL, Attorneys at Law,  
12 Sacramento,  
13 California.

14 The Respondents were represented by TODD M. SMITH and  
15 EILEEN GRAY, Attorneys at Law, Sacramento, California.

16 The following proceedings were then had, to wit:

17 THE COURT: We are back on the record.

18 Counsel, I'll say this at this point, I appreciate your  
19 presentation today, and honing in on the facts and allowing me  
20 to -- I'm sure when you walked in here, you didn't expect me to  
21 be picking out, here's what I liked to hear, here is what I  
22 don't. I've practiced law long enough to know what that feeling  
23 is when the judge is taking you out of what you've been  
24 considering in the car on the way to work all morning, and I  
25 appreciate you accommodating my needs on that as well as the  
26 briefs that you both submitted in this matter.

27 This is going to be a lengthy process requiring, I  
28 anticipate, volumes of evidence regarding comparisons, as  
Ms. Caplan said, not only the things that are being said

1 represented in these textbooks about the Hindu religion but also  
2 in comparison with how other religions are presented, and I  
3 think that is a requirement of the content standards.

4 The difficulty at this point is that the burden of proof  
5 is on the Petitioners, and based on what has been presented, I  
6 cannot find -- I am not convinced that Petitioner has carried  
7 their burden to show the likelihood that they would succeed on  
8 the merits, particularly on this issue of the content.

9 So I'm going to deny your request for the Preliminary  
10 Injunction and, counsel, I'll urge you both to get together and  
11 come up with a schedule for briefing on the writ that will  
12 accommodate both sides.

13 So, Respondent, I'll leave you to you draw up an order for  
14 me.

15 MR. SMITH: Yes, your Honor.

16 THE COURT: Counsel, thank you it very much.

17 MS. CAPLAN: You Honor, are you encouraging the parties to  
18 try to resolve this in a matter that would allow to be resolved  
19 before the school year -- the text is printed for the school  
20 year?

21 THE COURT: If that can be resolved, then I think  
22 everybody's interests are going to be served. Certainly the  
23 Board is aware of how strongly Petitioner feels about these  
24 issues. And I'm not going to say that the Board is not taking  
25 those into consideration, but certainly the Board is aware of  
26 the practical consequences if once -- we as I said before, once  
27 we finish to get a disposition on the Petition for a Writ of  
28 Mandate.

