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16 UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT  
17 OF CALIFORNIA – WESTERN DIVISION

18 AMERICA UNITES FOR KIDS, et al.,

19 Plaintiffs,

20 v.

21 SANDRA LYON, et al.,

22 Defendants.

Case No. 2:15-cv-02124-PA-AJW

**DECLARATION OF ROBIN  
LEVY IN OPPOSITION TO  
DEFENDANTS' MOTION TO  
DETERMINE AMOUNT OF  
COMPENSATORY SANCTION**

Hearing Date: March 14, 2016  
Hearing Time: 1:30 p.m.  
Judge: Hon. Percy Anderson  
Courtroom: 15

Trial Date: 5/17/16  
Final Pretrial Conference: 4/15/16  
Motion Cut-off Date: 3/14/16  
Discovery Cut-off Date: 3/7/16

1 I, Robin Levy, state and declare as follows:

2 1. I am a para educator instructor employed by SMMUSD at Juan  
3 Cabrillo Elementary School (JCES "School"). I have personal knowledge of the  
4 facts set forth herein and if called to testify I could and would testify completely  
5 thereto.

6 2. This is my 5th year working at the School. I spend every school day  
7 from 7:45 am to at least 4 pm, but many times until 7 pm, in Room 22 at JCES.

8 3. On October 21, 2015, I was on a field trip for the School. When I  
9 returned there was a pizza party in the cafeteria area to which I joined to help out.  
10 The Principal, Dr. Pam Herkner (Dr. Pam), found me there and said I need to come  
11 to her office. I followed her there. She told me there was a lawyer to speak to me but  
12 never told me that I was not required to speak to the lawyer. This made me uneasy. I  
13 entered the room and Dr. Pam introduced as Julia Stein from the Pillsbury law firm.  
14 Neither Dr. Pam nor Ms. Stein told me who Ms. Stein was there representing. I did  
15 not know who Pillsbury was or that there was a lawsuit going on or that Pillsbury  
16 was representing the district in this lawsuit. Ms. Stein just started asking me  
17 questions.

18 4. Ms. Stein asked me about October 9, 2015 and the people who came  
19 into my classroom. She said it as if it was already a fact and not a question. Ms.  
20 Stein said the woman was Jennifer DeNicola as a matter of fact but did not ask me  
21 to confirm. Ms. Stein asked what they were doing in my room, referring a man and  
22 woman. I told Ms. Stein that I didn't know what they were doing. I told Ms. Stein  
23 that it was a hot day and I gave them each a bottle of water. She asked me if the man  
24 was Jennifer's husband and I told Ms. Stein I did not know Ms. deNicola's husband.  
25 Then Ms. Stein showed me a photo and pointed to a man and said he was Ms.  
26 deNicola's husband. Ms. Stein asked if that was the man I saw. I told her no.

27 5. At some point Dr. Pam said that no one can be on campus without a  
28

  
DECLARATION OF ROBIN LEVY

1 sticker and I thought this was odd. Anyone can be on campus after school and the  
2 gates are all open and parents are always around doing sports and other things at  
3 both JCES and Malibu High. People always come into the classroom and ask  
4 questions like where is the boys and girls club.

5 6. Ms. Stein brought out the photo of Mr. deNicola again and repeatedly  
6 tried to pressure me to say it was him. She really wanted the unidentified man to be  
7 Mr deNicola, but it was not him. I continued to say no, but Ms. Stein kept pressing  
8 the issue and I told her I never saw that man ever in my life and it was definitely not  
9 the man I gave water to. Ms. Stein still kept pushing the issue.

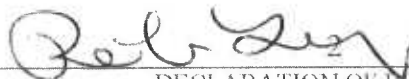
10 7. I felt ambushed and pressured by this entire encounter. Ms. Stein was  
11 really aggressive and put words in my mouth. She tried to corner me into identifying  
12 Matt DeNicola as the man on campus, but this was not true. It was obvious she had  
13 an agenda. With my principal there, I felt obligated to answer her questions even  
14 though she was making me really uncomfortable.

15 8. Ms. Stein wanted me to sign something right then and there but I was  
16 not comfortable, so I did not sign anything.

17 9. On October 26, 2015, Ms. Stein sent me an email. She asked me to sign  
18 a short document that she would present in court. She inferred that I recognized Ms.  
19 deNicola from seeing her at a community rally, but this was not anything we spoke  
20 about at the in person meeting. Ms. Stein never showed me a photo of Ms. deNicola  
21 to identify her, she just acted as if this was fact. I thought she was once again trying  
22 to get me to say something that was not accurate. I was really concerned that they  
23 were trying to set up Ms. deNicola and her husband.

24 10. About a week later, the police showed up on campus and I heard that  
25 the district claimed that there was vandalism. I thought this was ridiculous. But this  
26 confirmed to me that the district was trying to set up Matt and Jennifer DeNicola.

27 11. I have reviewed the photos of room 22 from the defendants (photos  
28



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1 178-185). I have not seen any changes or damage that occurred to the windows in  
2 room 22 or the surrounding area from August 2015 to December 2015. These photos  
3 are what the room looked like when I returned from summer break in August of  
4 2015, when myself and the teacher in my room that I work with, spent many long  
5 days cleaning this room because the summer work left it so dirty. I noticed how bad  
6 the remediation work was completed by the district's contractors. There were cracks  
7 around the metal window sill and the metal itself was smashed and warped. It looks  
8 like it was pried off and smashed back into place, cracking the plaster on the wall  
9 around it. The corners were all cracked and there were large gaps between the  
10 window and the wall. It was really a poor job.

11 12. Then in January 2016, after returning from winter break, there was a  
12 thin layer of brown paint that was put randomly around the window in my room. It  
13 is not all the way around. This is also so sloppy, like a child did it. This paint is  
14 dripping down the wall.

15  
16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed this 21 day of February, 2016, at Malibu, California.

18  
19  
20   
21 Robin Levy