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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By A. Lopez, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

NEW EARTH, a non-profit,
Plaintiff,

v.

CULVER CITY UNIFIED SCHOOL
DISTRICT and DOES 1-20,
Defendants.

Case No. 24STCV13243
[Assigned to: Hon. Stephen P. Pfahler – Dept.
68]

**DECLARATION OF YANA GRAMMER
IN OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT**

Date: February 24, 2026
Time: 8:30 a.m.
Dept.: 68

Action Filed: May 28, 2024

I, Yana Grammer, declare as follows:

1. I am over the age of 18 and if called as a witness could and would testify competently to the facts set forth herein. I make this declaration in support of Plaintiff New Earth's Opposition to Defendant Culver City Unified School District's (the "District") Motion for Summary Judgment.

2. In 2004 I, along with my husband Harry Grammer, founded plaintiff New Earth. New Earth was founded as and since its inception has as operated as a non profit designed to help troubled youths transition from involvement with the penal system back into society. New Earth has employed various protocols in connection with this process that focus on developing self esteem and self confidence and emphasizing self empowerment and artistic expression. New

1 Earth has helped more than 40,000 youths re-integrate into society after having experienced legal
2 and other personal problems.

3 3. I am extremely proud of the work New Earth has done and New Earth has been
4 recognized many times for the work it has done. In particular, Barack Obama has recognized the
5 benefits New Earth has bestowed on the Los Angeles community. In 2018, the website
6 Obama.org described the work of New Earth as follows:

7
8 **Empowering justice-involved youth through arts,
9 education, and vocational programs**

10 ***The Problem:***

11 L.A. County incarcerates more youth than any other county in the
12 nation, with a 69% recidivism rate. Kids disproportionately come
13 from low-income communities of color and return to over-policed
14 neighborhoods and failing schools that offer no job training or
15 formal community support, ensuring that they go on to
16 overpopulated adult prisons. California has seen a push for youth
17 diversion, including within L.A. County's troubled probation
18 department—but it needs partners on the ground to lead the way.

19 ***The Approach:***

20 **New Earth** runs poetry, art, education, job training, and counseling
21 programs at L.A. County detention centers, probation detention
22 camps, and group homes, in addition to running a joint charter high
23 school that supports youth from detention, to probation, and
24 beyond. **New Earth's** programs have slashed recidivism rates from
25 69% to 5% for full participants. Begun at an open mic café in 2003,
26 its flagship FLOW spoken-word program has operated in all 14 L.A.
27
28

juvenile detention centers since 2004, with more than 10,000 L.A.

youth taking at least one New Earth course.

See <https://www.obama.org/fellowship/2018-fellows/harry-grammer/>

4. I have been heavily involved in the management of New Earth since its inception and am currently the CEO of New Earth.

5. In early 2022 the District approached New Earth about implementing a program to assist District students who were experiencing troubles. I was the New Earth representative responsible for discussing this concept with the District and negotiating what became the contract at issue in this case. I advised the District, in particular representatives Quoc Tran and Paula Amezola, that New Earth was interested in working with the District but that developing and implementing this program would be a significant undertaking for New Earth, whose staff was already busy with existing programs. I advised the District Quoc Tran and Paula Amezola that New Earth would need to hire and train new staff to develop and implement the program contemplated by the District. The District advised me that they understood and wanted to proceed with retaining New Earth..

6. It was of paramount importance to New Earth that if it implemented this project with the District that it be paid a contract price substantial enough to cover the expenses of the project and provide what would be considered “profit” for a for-profit company. Because New Earth is a non-profit, it does not distribute profit to its owners but instead would use the “profit” from this project to cover unanticipated project costs and to help fund other New Earth projects. In layman’s terms, New Earth needed to insure it charged a project cost that would allow it to make money rather than lose money on the project.

7. With these concepts in mind, I drafted a June 2, 2022 proposal that, when signed by the District, would become a binding contract. Although characterized as a “bare bones” proposal by the District, it was actually a 10 page single spaced document which explained in detail the services to be provided, the duration of the contract and the price per period the contract remained in effect. The proposal was signed by Quoc Tran on June 22, 2022 and became a valid contract. A true and correct copy of that signed contract is attached hereto as **Exhibit 1**. I was never told by

1 the District that the contract was vague in its terms or incomplete.

2 8. The contract specifies a first year contract price of \$600,000 and a second year
3 contract price of \$1,500,000, with the third year price subject to negotiation based upon how many
4 students were being serviced by New Earth. The first and second year prices were based upon the
5 number of students the District represented would be enrolled in New Earth programs but they
6 were firm prices that were material terms of the contract. New Earth relied on the guarantee that
7 these prices would be paid in entering into the contract and performing the contract, including
8 hiring and training new staff to perform the contractual obligations. I was comfortable leaving the
9 price for the third year to be negotiated and determined later but not the first and second year.
10 New Earth would never have entered into the contract and incurred the costs and burdens it did if
11 it had any idea the District would not honor its commitment to pay the full contract price for the
12 first and second year.

13 9. Once the contract was formed, New Earth hired and trained new staff and allocated
14 internal resources to the contract project. New Earth then performed the services contemplated by
15 the contract fully and without any significant issues.

16 10. Subsequent to the formation of the contract, I understood that the District issued a
17 purchase order ("PO") to pay New Earth for its services. A true and correct copy of the relevant
18 PO is attached as Exhibit C to the Jimenez Declaration submitted by the District. I understood this
19 PO to be an internal document that the District needed to issue to allocate funds to pay New Earth.
20 In that sense, I thought the PO was a piece of the contract on the District's end. However, neither
21 I nor anyone else at New Earth was ever advised that the District believed that the PO would add
22 to or alter the terms of our existing contract. Neither I or anyone else at New Earth was advised to
23 review the PO or the referenced terms on the District's web-site. Neither I or anyone else at New
24 Earth ever signed off on any terms or conditions associated with the PO or otherwise agreed to be
25 bound by such terms. New Earth certainly never executed the PO or agreed that the District could
26 unilaterally decide to pay less than the specified price both side agreed to for years one and two of
27 the contract.

28 11. The District paid only \$600,000 of the second year contract price of \$1,500,000,

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resulting in significant damages to New Earth..

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on this 4th day of February, 2026, at Los Angeles, California.

/s/ Yana Grammer
Yana Grammer

EXHIBIT 1



PR - 440

Newearthlife.org
6001 Bristol Parkway
Culver City, CA 90230
(310) 455-2847

June 2, 2022

Quoc Tran
Superintendent
Culver City Unified School District
Administrative Office
4034 Irving Place
Culver City, CA 90232

Dear Mr. Tran,

New Earth is pleased to offer our comprehensive social-emotional supportive curriculum and services to the Culver City School District. Since 2004, New Earth has been providing our trauma-informed supportive services to the Los Angeles County Office of Education students detained at the various probation camps and juvenile halls throughout Los Angeles County. Since 2015, New Earth has also provided its programs and services in partnership with co-located partner charter schools at our Arts & Leadership Center in Culver City; as well as programs at LAUSD schools throughout the county. Our arts programs are based on the California Standards of Education and are embedded in English and Science classes so students can earn school credits. Our trauma-informed case management, social emotional support, leadership programs, and training programs allow us to maintain a less than 7% recidivism rate among previously incarcerated youth who participated in our programs. Ninety-eight percent of our enrolled young people have no further contact with law enforcement. Since we began our work almost 20 years ago we have served over 30,000 young people between the ages of 12-25.

As part of this engagement we will provide the following programs and services in partnership with the Culver City School District. Serving up to 400 Culver City High



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School and Middle School Students in year one and two and 800 students in year three and beyond. This proposal includes a general scope of work. Additional programs and services may be added as requested without a requirement to modify the proposal.

Prevention and Early Intervention Support Services

New Earth will provide Prevention and Early Intervention Support Services to Culver City High School and Middle school students who fall within the identified priority populations that includes underserved stressed populations; youth in stressed families; trauma exposed; youth at risk for school failure; and youth at risk of/or experiencing juvenile justice involvement. Services include, but are not limited to the following:

Trauma Informed Care and Case Management

New Earth will provide participants with weekly Trauma Informed Care and Case Management Services. These services will include, but are not limited to: motivational interviewing, psycho-education, resource referrals, life skills building, problem solving and solution focused techniques, and transition planning.

Therapy Services

New Earth will provide individual and group therapy. We will use evidence-based practices and treatments to address trauma, as well as any other current mental health symptoms that the participant agree to address or that may impose a barrier to participant's achieving their goals. We will include families in the services we provide.



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Trauma Exposed Services

New Earth will conduct a non-invasive trauma assessment for each Participant to identify type of traumas they have been exposed to. Programming services and structures will be created and conducted through this trauma informed service.

Intervention Services

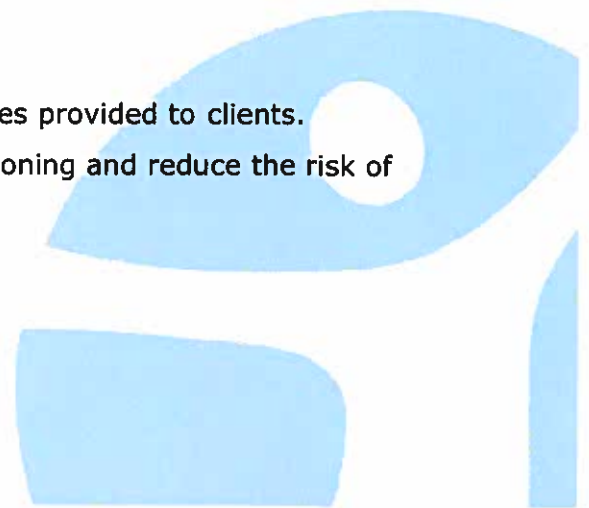
We will provide crisis intervention to Participants as needed. The interventions shall include but not be limited to crisis, drug and alcohol treatment, and gang intervention services.

Mental Health Services

New Earth will develop a mental health action plan for Participants (if applicable). The mental health plan shall be developed and worked on throughout the program. Motivational interviewing, goal setting, and problem solving shall be utilized while developing the mental health plan. The mental health plan shall include referrals (if needed) and continuum of care for mental health services, plus any other interventions clients received while in the program.

New Earth will:

- Provide mental health pre-and post-assessments.
- Track all prevention and intervention support services provided to clients.
- Increase protective factors, increase adaptive functioning and reduce the risk of developing potentially serious mental illness.





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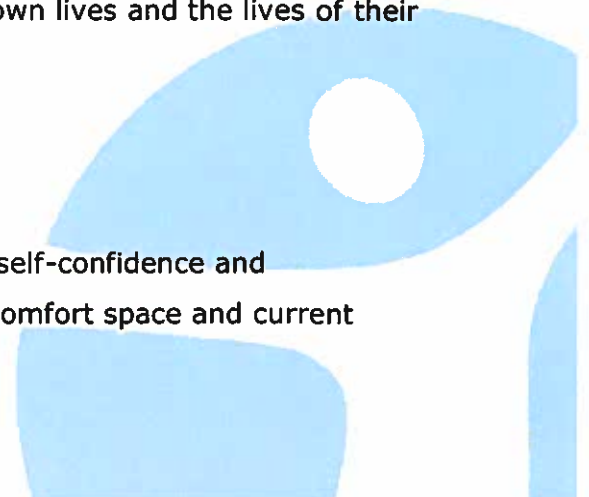
- Reduce negative outcomes such as suicidal ideation, incarceration, school failure or dropout, unemployment, prolonged suffering and homelessness through enriched service.
- Share pertinent information around specific high risk students, their risk factors and other qualitative and quantitative data with the school district.
- Participate with community based partners including, Didi Hirsch, Open Paths, Department of Mental Health (DMH) and others to host specialty trainings to raise awareness of mental health, mental health needs, the impacts of trauma, and how to access mental health services.

New Earth Enrichment Programming

FLOW (Fluent Love of Words) Hip Hop Poetry and Music classes enhance social-emotional development by encouraging self-expression via creative writing and student presentations in a peer group setting. Using a project based learning curriculum, FLOW encourages students to interact with instructors and each other in a positive way that promotes social emotional benefits in addition to educational advancement. Students are empowered to share their artistic talents – their poems, writings and music without fear of failure or judgment. Students often lead classroom conversations. This increases self-confidence and enables students to know themselves as thinkers, communicators, creators and instruments of positive change both in their own lives and the lives of their peers.

FLOW (Fluent Love of Words)

FLOW uses poetic expression to instill in youth a sense of self-confidence and empowerment by teaching them to think outside of their comfort space and current





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predicament and inspiring them to make positive choices in their everyday lives. In this class, students study the structure of poetry and begin to open up and tell their own stories through their poetry pieces. Each module is concluded with a project culmination a showcase where students share their work in a public group of peers and facility staff.

The class is designed to achieve the following objectives:

- Enhance social consciousness and critical thinking skills
- Expose students to social emotional skills that will increase their success in group settings and among peers
- Encourage students to take ownership of their environment and learning experiences
- Create a sense of comfort speaking and performing in groups
- Expand students' ability to write and read in English
- Promote literacy
- Promoting a deeper sense of self awareness and respect for self and community
- Mastery in music production, recording, engineering and utilizing Prezi and PowerPoint
- Preparing students to transition back into the community being more responsible, better decision makers, more productive and skilled

FLOW seamlessly integrates with the teacher's core lesson plan. FLOW is based on the California Common Core Standards for grades 6-12 which include: reading, literature, reading for informational text, writing, speaking and listening; and language. Our teachers facilitate a **PBL (project based learning)** environment to ensure that all instruction is aligned. All lesson plans are aligned with the themes of that are presented within the classroom setting.



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We integrate STEM and Technology by teaching students how to use intricate music production software i.e.: Final Cut Pro and Garage Band and then students learn how to mix and make original Hip Hop musical beats. Once they have their beat identified our instructors record their writings to the beats in their mobile recording studio. The songs are then mastered and a final, produced song. F.L.O.W students learn how to record, produce and mix/master their own music. Once they have completed twelve recording sessions, they receive a F.L.O.W. Studio Master Certificate.

Down to Earth Gardening

New Earth's Down to Earth Community Garden program makes it possible for youth to experience a new type of connection to the earth through gardening. We offer the opportunity for the youth to learn about organic growing, ecological sustainability and partnership while tending to the environment. The outcomes have been: crime prevention, creating a sense of community among peers, vocational training and an "inner peace" students report experiencing as a result of this program. New Earth's Down to Earth Community Garden Program is based on Common Core for Biology, which includes the following:

- Cell Biology
- Genetics
- Ecology
- Evolution
- Physiology

Down to Earth Outcomes:

- Improve the behavior, attitude and relationships of the youth





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- Expose students to social skills increase their comfort and success in group settings and among peers
- Provide job training skills in horticulture and landscaping by teaching about tools equipment and techniques
- Students learn about biology through direct experience working with the earth

Knowledge of Self

Students will learn how to increase positive emotions through mindfulness practices and body-based practices that promote healing and resilience. This course is designed to allow youth to explore the inner workings of their psyche to find greater self awareness and connect their choices and actions with outcomes in their life. The goal of this class is to gain knowledge about their own capabilities, motivations and inner workings.

Culver City School District Staff Professional Development

Trauma Informed Resilience Oriented (TIRO) Training

Facilitate implementation of the first phase of a trauma-informed resilience-oriented (TIRO) change strategic plan with a focus on stabilization and capacity building through training, structured practice opportunities, and reflective evaluation.

1. Develop a personal and professional abiding *why?*, which is the firm knowledge that becoming TIRO is essential to achieving the outcomes for which teams and individuals are responsible, thereby increases motivation for mobilizing the internal and external resources necessary for the TIRO change process.
2. Decrease burnout and increase the capacity component of change-readiness through a combination of decreasing energy drains and improving efficiency and skills.



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3. Come out of chaos and crisis mode by moving to a state of relative calm and a preventative and proactive stance to the work that will open capacity for durable change.

4. Interpersonal conflict resolution to improve team dynamics that will be stretched by the change process.

Community Trauma and Trauma Informed Engagement Staff Training

When addressing problematic behavior, a trauma informed approach asks the question "*What happened to you?*" instead of asking "*What's wrong with you?*" School district professionals thoroughly explore *what has happened* to individuals and communities who have experience community trauma. This is a collaborative professional development amongst both administration and direct service staff. We offer training that helps service providers and administrators working with gang and drug impacted communities create a trauma informed culture that nurtures excellence, achievement and social development. The success of our social emotional programs will continually be enhanced as program leadership continue to become more trauma informed and supportive of the social-emotional needs of both the students and educators.

Restorative Justice Training to Foster Positive Classroom and School Culture

During this ongoing staff development training, we will teach fundamental theory and practices for engaging with students, staff and parents in your school setting. Topics include how to set high expectations while being supportive, how to provide direct feedback and ask questions that foster accountability, and the most effective methods to resolve common conflicts.



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We will also teach school-based staff and administrators how to facilitate circles, an essential process for creating a positive learning environment and school culture. Circles may be used to build social capital, resolve social problems and respond when harm occurs.

Additionally, our instructors address many issues related to building relationships and community. Concepts include how and when to have one-on-one conversations; the effective use of informal time as students gather; and setting norms for running both in-person and virtual circles. Plus, participants will learn creative uses of tools, including breakout rooms, whiteboard, chatroom, and how to work with small groups while other students do individual work.

Data Sharing

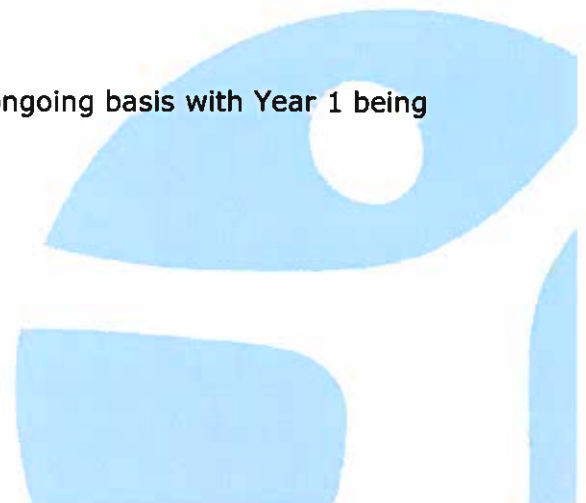
New Earth utilizes a HIPPA-compliant data tracking system that stores and reports on student data, evaluations and outcomes. New Earth will share data as required and available per HIPPA policy compliance with teachers, parents and administrators to better serve the youth and the general school culture.

Funding and related costs

The Social Emotional programming rate is broken down per hour @ \$225/ hour. This is a fully inclusive cost which includes material, supplies, equipment, staff time, administrative and travel costs.

The contract will commence 7/1/2022 and will run on an ongoing basis with Year 1 being the ramp up year.

Total Contract Costs





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Year 1 – July 1, 2022- June 30, 2023 = 2,666 hours = Estimated 60 hours of services per week. **Total Year 1 Cost = \$600,000 -**

Year 2 – July 1, 2023 – June 30, 2024 = 6,666 hours = Estimated 128 hours of services per week. **Total Year 2 Cost = \$1,500,000**

Year 3– July 1, 2024 – June 30, 2025 Cost and hours determined by number of students and hours of work necessary to execute contract.

This proposal covers all service-related costs. Does not include facilities expenses. We will have facilities available to administer services which will incur an additional cost. Thank you for this opportunity to serve Culver City School District students and staff. If the terms of this proposal are acceptable, please sign and date below.

Best Regards,

A handwritten signature in black ink that reads "Harry Grammer".

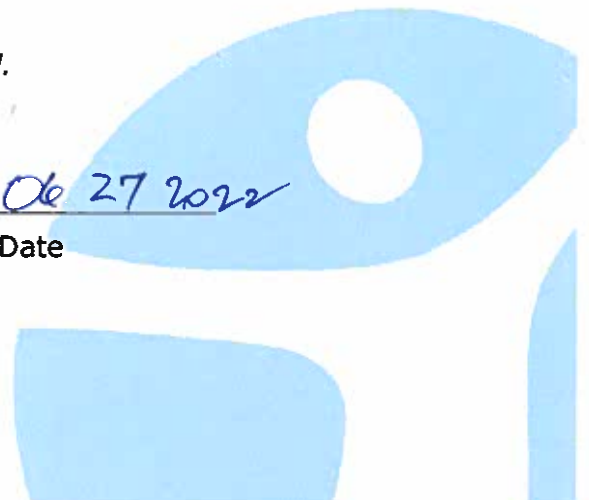
Dr. Harry Grammer
Founder and President
New Earth

I accept the terms and conditions set forth in this proposal.

A handwritten signature in blue ink that reads "Quoc Tran".

Quoc Tran
Superintendent, Culver City Unified School District

Oct 27 2022
Date



PROOF OF SERVICE

**New Earth vs. Culver City Unified School District
LASC - Case No. 24STCV13243**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is City National Plaza, 515 S. Flower Street, 7th Floor, Los Angeles, CA 90071.

On February 4, 2026, I served true copies of the following document(s) described as **DECLARATION OF YANA GRAMMER IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT** on the interested parties in this action as follows:

Samuel R. Santana
Luke L. Punnakanta
Sam A. Bidgoli
DANNIS WOLIVER KELLEY
444 W. Ocean Blvd., Suite 1750
Long Beach, CA 90802

*Attorneys for Defendant CULVER CITY
UNIFIED SCHOOL DISTRICT*

Tel: 562.366.8500
Fax: 562.366.8505
Email: ssantana@dwkesq.com;
lpunnakanta@dwkesq.com;
sbidgoli@dwkesq.com

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address lnonato@hillfarrer.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 4, 2026, at Los Angeles, California.

/s/ Lani A. Nonato

Lani A. Nonato

HILL, FARRER & BURRILL LLP
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
CITY NATIONAL PLAZA
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LOS ANGELES, CALIFORNIA 90071