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[Fee exempt Pursuant to
Govt. Code § 6103]

19 SUPERIOR COURT OF THE STATE OF CALIFORNIA
20 FOR THE COUNTY OF RIVERSIDE

21 MAE M., ET AL.,
22
23 Plaintiffs,
24
25 v.
26 JOSEPH KOMROSKY ET AL.,
27
28 Defendants.

Case No. CVSW2306224

**CHINO VALLEY UNIFIED SCHOOL
DISTRICT'S EX PARTE APPLICATION
FOR LEAVE TO FILE BRIEF OF
AMICUS CURIAE IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Reservation Number: 298713397568

Judge: Hon. Irma Poole Asberry
Date: January 22, 2024
Time: 8:30 a.m.
Dept.: 05

Complaint Filed: August 2, 2023

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APPLICATION TO FILE BRIEF OF AMICUS CURIAE

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD PLEASE TAKE NOTICE that on January 22, at 8:30 a.m., or as soon thereafter as counsel can be heard, in Department 5 of the Riverside Historic Courthouse, located at 4050 Main Street, Riverside, CA 92501, proposed amicus curiae, Chino Valley Unified School District (“CVUSD”), will and hereby does move this Court, on an ex parte basis, pursuant to California Rules of Court, rules 3.1200 to 3.1207, for the Court to grant CVUSD’s request for leave to file the attached Brief of Amicus Curiae on behalf of Chino Valley Unified School District in Support of Defendants’ Opposition to Plaintiffs’ Motion for Preliminary Injunction, to be heard on January 24, 2024, at 8:30 a.m., in the same department of this Court. (See *In re Marriage Cases* (2008) 43 Cal.4th 757, 791 fn. 10 (“The superior court, in exercising its traditional broad discretion over the conduct of pending litigation, retain[s] the authority to determine the manner and extent of . . . participation as amici curiae that would be of most assistance to the court”); cf. Cal. R. Ct. 8.200(c), 8.520(f) (rules governing amicus curiae briefs in the Court of Appeal and Supreme Court, respectively).)

Proposed amicus curiae specifically seeks leave of the Court to submit the attached concurrently filed brief explaining why the Court should deny Plaintiffs’ motion for preliminary injunction. Counsel for Defendants have informed CVUSD that they do not intend to oppose CVUSD’s ex parte application. CVUSD has not received a response from Plaintiffs’ counsel at time of filing.

THE PROPOSED BRIEF WOULD ASSIST THE COURT IN DECIDING THIS MATTER

Pursuant to Rules 8.200(c) and 8.520(f) of the California Rules of Court, proposed amicus curiae respectfully submits this application for leave to file a brief in the present action in support of Defendants’ Opposition to Plaintiffs’ Motion for Preliminary Injunction. Proposed amicus curiae respectfully contends that this brief would assist the Court in deciding this matter by explaining why Plaintiffs are unlikely to succeed on the merits and emphasizing the harm that would befall students, parents, teachers, and the District generally if a preliminary injunction were

1 granted. (*See Connerly v. State Personnel Bd.* (2006) 37 Cal.4th 1169, 1177 (“Amici curiae
2 presentations assist the court by broadening its perspective on the issues raised by the parties.”).)
3 Temecula Valley Unified School District’s Policy 5020.01 and Resolution 21 and related
4 curriculum restrictions are necessary to ensure students’ well-being and to ensure parents remain
5 involved in their children’s education and direct their upbringing. The proposed brief is attached to
6 this application. Additionally, pursuant to Rule 3.1204 of the California Rules of Court, the
7 accompanying Declaration of Emily Rae contains the required ex parte notice to counsel for the
8 parties. No party or counsel for any party authored the proposed amicus curiae brief, nor did any
9 outside entity fund its preparation.

10 **INTEREST OF AMICUS CURIAE**

11 Chino Valley Unified School District is a California public K-12 school district that has also
12 adopted Board Policy 5020.1 that is substantially similar to the board policies at issue in the
13 instant case. The Liberty Justice Center is a nonprofit, nonpartisan public-interest law firm that
14 seeks to protect economic liberty, private property rights, free speech, and other fundamental
15 rights. The Liberty Justice Center pursues its goals through strategic, precedent-setting litigation to
16 revitalize constitutional restraints on government power and protections for individual rights. *See,*
17 *e.g., Janus v. AFSCME*, 138 S. Ct. 2448 (2018) (representing petitioner Mark Janus). The Liberty
18 Justice Center advocates for parents and schools in a number of cases supporting parental rights
19 and educational choice, including the *California v. Chino Valley Unified School District* action
20 pending in the Superior Court for the County of San Bernardino (Case No. CIVSB2317301).

21 **CONCLUSION**

22 For these reasons, the Court should grant the Liberty Justice Center’s ex parte application on
23 behalf of Chino Valley Unified School District to file the attached brief of amicus curiae in
24 support of Defendant’s opposition to Plaintiffs’ motion for preliminary injunction.

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26 Respectfully submitted,
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Dated: January 19, 2024

LIBERTY JUSTICE CENTER

By: Emily Rae
Emily Rae