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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

THE PEOPLE OF THE STATE OF CALIFORNIA, EX REL, ROB BONTA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, Plaintiff(s) v. CHINO VALLEY UNIFIED SCHOOL DISTRICT Defendant(s) And NICHOLE VICARIO, et al., Defendants-Interveners	Case No.: CIVSB2317301 **DEFENDANT CHINO VALLEY UNIFIED SCHOOL DISTRICT'S MOTION TO DISSOLVE THE COURT'S OCTOBER 3, 2024, FINAL JUDGMENT AND PERMANENT INJUNCTION** Date: August 19, 2026 Time: 8:30 am Dept.: S-28

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant Chino Valley Unified School District ("Defendant" or "District") respectfully moves this Court to dissolve the final judgment and permanent injunction in light of intervening Supreme Court precedent that renders the judgment inconsistent with controlling law. On March 2, 2026, the United States Supreme Court held in *Mirabelli v. Bonta* that California policies restricting

parental notification regarding a child's gender identity or social transition likely violate the Free Exercise Clause and the Due Process Clause of the Fourteenth Amendment. ((2026) 146 S.Ct. 797.) The injunction in this case prohibits the District from implementing parental notification requirements materially indistinguishable from those at issue in *Mirabelli*. As a result, the injunction now compels conduct that the Supreme Court has held likely violates the United States Constitution. Because *Mirabelli* constitutes a material change in controlling law, and because continued enforcement of the injunction would place the District in direct conflict with federal constitutional mandates, the injunction must be dissolved.

II. BACKGROUND

A. The District's Policy

In July 2023, the District adopted Board Policy 5020.1 ("Policy"), which required school personnel to notify parents when a student requested to be treated as a gender different from their biological sex, including requests involving names, pronouns, or access to sex-segregated facilities. Specifically, the Policy required a student's parent(s) or guardian(s) to be notified when the student is:

(a) Requesting to be identified or treated, as a gender (as defined in Education Code section 210.7) other than the student's biological sex or gender listed on the student's birth certificate or any other official records. This includes any request by the student to use a name that differs from their legal name (other than a commonly recognized diminutive of the child's legal name) or to use pronouns that do not align with the student's biological sex or gender listed on the student's birth certificate or other official record.

(b) Accessing sex-segregated school programs and activities, including athletic teams and competitions, or using bathroom or changing facilities that do not align with the student's biological sex or gender listed on the birth certificate or other official records.

(c) Request to change any information contained in the student's official or unofficial records.

(Policy 5020.1 §§ 1.(a)-1(c).)

B. The Court's Injunction

On August 28, 2023, Plaintiff the People of the State of California, acting by and through Attorney General Rob Bonta ("People") filed a Complaint for Declaratory and Injunctive Relief against the District seeking to enjoin enforcement of the Policy, alleging violations of the California Constitution and state statutes, namely: violation of California Constitution art. I, § 1 & 7; California Education Code § 220; California Government Code § 1135. On September 6, 2023, the Court granted a temporary restraining order against the District, and on October 19, 2023, the Court granted a preliminary injunction against the District. The District filed its Answer to the Complaint on November 27, 2023. On January 5, 2024, the Court granted the application of Nichole Vicario, Richard N. Wales, Jr., Misty Startup, Darice De Guzman, Kristi Marcos, and Kristal Barret ("Defendants-Interveners") to intervene, and on June 13, 2024, the Defendants-Interveners filed their Answer to the Complaint. On March 24, 2024, the People filed a Motion for Judgment on the Pleadings, or in the Alternative, for Summary Adjudication, and on June 20, 2024, the District and Defendants-Interveners (collectively, "Defendants") filed a Motion for Summary Judgment, or in the alternative, for Summary Adjudication. On September 9, 2024, the Court issued its Ruling on the People's Motion for Judgment on the Pleadings, or in the Alternative, for Summary Adjudication and the Defendants' Motion for Summary Judgment, or, in the Alternative, for Summary Adjudication.

On October 3, 2024, this Court entered a final judgment and permanent injunction enjoining enforcement of the gender identity specific provisions of the District's Board Policy 5020.1 (specifically, the requirements in former sections 1.(a) and 1.(b) that school personnel notify parents within three days if a student requested to be addressed by a name, pronoun, or to access facilities or programs, not aligned with the student's sex listed on official records). The Court's ruling was based on its then-applicable interpretation of California Constitution art. I, § 1 & 7; Education Code § 220; and Government Code § 11135.

C. The Supreme Court's Decision in *Mirabelli*

On March 2, 2026, the United States Supreme Court issued a per curiam decision in *Mirabelli v. Bonta* (2026) 146 S.Ct. 797 addressing California policies that restricted parental notification regarding students' gender identity. Vacating the Ninth Circuit's stay of the district court's class-wide permanent injunction as to the parent plaintiff class (*Mirabelli v. Bonta* (9th Cir., Jan. 5, 2026, No. 25-8056) 2026 WL 44874, at *4), the Court held that parents challenging such policies "are likely to succeed on the merits" of their claims under the Free Exercise Clause and the Due Process Clause of the Fourteenth Amendment. (*Mirabelli*, 146 S.Ct. at 802.)

The Court recognized that these policies burden parents' fundamental rights to direct the upbringing, education, and mental health decisions of their children, and that such policies cannot survive strict scrutiny. (*Id*. at 802-03.) "Indeed, the intrusion on parents' free exercise rights here—unconsented facilitation of a child's gender transition—is greater than the introduction of LGBTQ storybooks we considered sufficient to trigger strict scrutiny in *Mahmoud*." (*Id.*)

This "intrusion" included California policies which denied disclosure to parents on a student's gender transition at school unless the student consented, a student's gender transition at school that was kept secret from her parents, school personnel using a different name and incongruent pronouns for a student "behind [parents] backs," and state required training curriculum that "directed teachers not to tell parents about their children's gender identity without the children's consent." (*Id*. at 800-01.) The Court held that "California's policies will likely not survive the strict scrutiny that *Mahmoud* demands" stating that the States arguments for its policies advancing student safety and privacy "cut out the primary protectors of children's best interest: their parents." (*Id*. at 802.)

III. LEGAL STANDARD

Under California Code of Civil Procedure § 533, a court may modify or dissolve an injunction where "there has been a material change in the facts [or] . . . the law upon which the injunction . . . was granted." (*See also* Cal. Civ. Code § 3424(a).)

A trial court retains inherent equitable authority to modify or dissolve injunctions upon showing that the law has been changed or that the ends of justice will be best served. (*Union*

Interchange, Inc. v. Savage (1959) 52 Cal. 2d 601, 604; *see also Sontag Chain Stores Co. v. Superior Court in and for Los Angeles County* (1941) 18 Cal.2d 92, 95; *Harbor Chevrolet Corp. v. Machinists Local Union 1484* (1959) 173 Cal.App.2d 380, 384; *Branker v. Superior Court In and For Riverside County* (1958) 165 Cal.App.2d 816, 818.)

"Under long-established precedent, parents—not the State—have primary authority with respect to the 'upbringing and education of children.'" (*Mirabelli*, 607 U.S. at 803 [citing *Pierce v. Society of Sisters* (1925) 268 U.S. 510, 534-35]; *Meyer v. Nebraska* (1923) 262 U.S. 390, 399-400.) "The right protected by these precedents includes the right not to be shut out of participation in decisions regarding their children's mental health. (*Mirabelli*, 607 U.S. at 803 [citing *Parham v. J.R.* (1979) 442 U.S. 584, 602].)

IV. ARGUMENT

A. *Mirabelli* Constitutes A Material Change in Controlling Law

California Code of Civil Procedure § 533 and California Civil Code § 3424 expressly authorize a court to modify or dissolve an injunction "upon a showing that there has been a material change in the facts upon which the injunction was granted, [or] that the law upon which the injunction was granted has changed." The Supreme Court's decision in *Mirabelli* constitutes a material change in the law upon which the injunction was granted, and its controlling authority on federal constitutional questions is directly implicated in this case. In *Mirabelli*, the Court addressed policies materially indistinguishable from those at issue here, policies that restricted disclosure to parents of a child's gender identity or social transition at school. The injunction in *Mirabelli* specifically states that "[p]arents and guardians have a federal constitutional right to be informed if their public-school student child expresses gender incongruence." (*Mirabelli v. Olson* (S.D. Cal., Dec. 22, 2025, No. 3:23-CV-0768-BEN-VET) 2025 WL 3712993, at *2.) The *Mirabelli* injunction requires schools to affirmatively take action and inform parents if a child requests to transition their gender at school. (*Id.*) The Mirabelli injunction also specifically orders that Defendants Attorney General Rob Bonta, State Superintendent Tony Thurmond, and various members of the State Board of Education are enjoined from enforcing California Constitution art. I, § 1 & 7; Education Code § 220; and Government Code § 11135—the same provisions this Court relied upon in issuing the

injunction in this case—in a manner that serves to mislead parents about their child's gender identity. (*Id.* at *1.)

Critically, the Supreme Court concluded that policies withholding this information from parents likely violate both the Free Exercise Clause and the Fourteenth Amendment's Substantive Due Process Clause, because they impermissibly burden parents' fundamental right to direct the upbringing, care, and education of their children. This holding represents a significant and dispositive shift in the governing legal framework.

In light of *Mirabelli*, the continued enforcement of the present injunction cannot be reconciled with binding constitutional authority or the terms of the federal injunction in that case to which Chino is bound. Where the Supreme Court has now made clear that materially identical policies infringe fundamental parental rights, maintaining an injunction that effectively permits or endorses such policies is legally untenable.

B. The Injunction Cannot Be Reconciled With Federal Constitutional Law

The injunction in this case prohibits the District from implementing certain parental notification requirements concerning gender identity. This creates a direct and irreconcilable conflict as the injunction prohibits parental notification, whereas *Mirabelli* recognizes a constitutional right to such notification and therefore requires it. Under the Supremacy Clause, federal constitutional rights override conflicting state law. (U.S. Const. art. VI, cl. 2; *Cohen v. Apple Inc.* (9th Cir. 2022) 46 F.4th 1012, 1027 ["The Supremacy Clause provides the constitutional foundation for federal authority to preempt state law."].) An injunction that rests on state law interpretations cannot be enforced where doing so would require the suppression of rights secured by the United States Constitution. The injunction does not merely operate alongside federal law; it affirmatively prohibits conduct that federal constitutional principles protect. Courts lack authority to enforce such a conflict. Because the injunction here compels the District to act in derogation of parents' constitutional rights, it cannot stand and must be dissolved or modified to conform to controlling federal law. (*See* Cal. Code Civ. Proc. § 533; Cal. Civ. Code § 3424.)

C. Continuing Enforcement Of The Injunction Is Inequitable

Equitable considerations strongly support dissolving the injunction in this case. (*See Welsch v. Goswick* (1982) 130 Cal.App.3d 398, 404 ["[T]he court has the inherent power to vacate or modify an injunction where the circumstances and situation of the parties have so changed as to render such action just and equitable."].) First, continued enforcement would require the District to act in a manner that infringes on parents' federally protected rights. Second, the District faces potential exposure to liability for violating constitutional rights recognized by the Supreme Court. Third, the public interest has shifted. While the injunction was originally grounded in concerns about student privacy under state law, *Mirabelli* makes clear that parental constitutional rights must be given primacy. (*Mirabelli* 146 S.Ct. at 802 ["The State argues that its policies advance a compelling interest in student safety and privacy. But those policies cut out the primary protectors of children's best interests: their parents."] [citing *Troxel v. Granville* (2000) 530 U.S. 57, 68–69].) Courts do not enforce injunctions that compel unlawful conduct or that conflict with higher authority.

D. The Notice Provision Is Part Of The Operative Injunction And Remains Binding

Any attempt to characterize the "notice language" at the end of the *Mirabelli* injunction as non-operative fails. Injunctions are read as a whole, and the notice provision imposes an affirmative obligation on defendants, requiring inclusion of a notice of parental rights in state-created or approved materials. (*People v. Wheeler* (1973) 30 Cal.App.3d 282, 296 ["[T]he language of the injunction must be interpreted in light of the record which discloses the kind of conduct that is sought to be enjoined."]; *Mirabelli* 2025 WL 3712993, at *2.) It is therefore part of the operative relief, not surplusage. The United States Supreme Court confirmed as much. In describing the injunction, the Supreme Court explained that it "compels defendants to include in state-created or approved instructional materials a notice of the rights protected by the injunction." (*Mirabelli*, at 801.) By recognizing and declining to disturb that requirement, the Supreme Court treated it as part of the injunction's operative scope. Defendants cannot now recharacterize that provision as non-binding. Doing so would contradict both the structure of the injunction and the Supreme Court's express understanding of it.

E. Dissolution Is The Appropriate Remedy

Where an injunction is based on legal principles that have been undermined by a change in controlling law, dissolution, not a mere modification, is the appropriate remedy. Because the core legal premise of the injunction has been invalidated, there is no basis to continue its enforcement in any form.

V. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that the Court:

1. Dissolve the Permanent Injunction entered on October 3, 2024; and
2. Grant such further relief as the Court deems just and proper.

DATED: May 5, 2026

CALIFORNIA JUSTICE CENTER

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PROOF OF SERVICE

I am an employee in the County of Riverside. I am over the age of 18 years and not a party to the within entitled action; my business address is 25026 Las Brisas Road, Murrieta, California 92562.

On May 5, 2026, I served a copy of the following document(s) described as **DEFENDANT CHINO VALLEY UNIFIED SCHOOL DISTRICT'S MOTION TO DISSOLVE THE COURT'S OCTOBER 3, 2024, FINAL JUDGMENT AND PERMANENT INJUNCTION** on the interested party(ies) in this action as follows:

SEE ATTACHED SERVICE LIST

☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I transmitted copies of the above-referenced document(s) on the interested parties in this action by electronic transmission. Said electronic transmission reported as complete and without error.

☐ **BY FACSIMILE TRANSMISSION.** Pursuant to agreement and written confirmation of the parties to accept service by facsimile transmission, I transmitted copies of the above-referenced document(s) on the interested parties in this action by facsimile transmission from (951) 600-4996. A transmission report issued as complete and without error.

☒ **BY UNITED STATES POSTAL SERVICE.** I am readily familiar with the practice for collection and processing of correspondence for mailing and deposit on the same day in the ordinary course of business with the United States Postal Service. Pursuant to that practice, I sealed in an envelope, with postage prepaid and deposited in the ordinary course of business with the United States Postal Service in Murrieta, California, the above-referenced document(s).

☐ **BY OVERNIGHT DELIVERY.** I enclosed the above-referenced document(s) in an envelope or package provided by an overnight delivery carrier and addressed as above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ **BY PERSONAL SERVICE.** I caused copies of the above-referenced documents to the addressee(s) noted above served by process server.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am an employee in the office of a member of the bar of this Court who directed this service.

Susan Y. Kenney

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