

1 ROB BONTA
Attorney General of California
2 MICHAEL L. NEWMAN
Senior Assistant Attorney General
3 LAURA L. FAER
Supervising Deputy Attorney General
4 EDWARD NUGENT (SBN 330479)
DELBERT TRAN (SBN 323993)
5 Deputy Attorneys General
455 Golden Gate Avenue, Suite 11000
6 San Francisco, CA 94102-7004
Telephone: (415) 510-4400
7 E-mail: Delbert.Tran@doj.ca.gov
Attorneys for the People of the State of California

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Code § 6103*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN BERNARDINO**

13 **THE PEOPLE OF THE STATE OF**
14 **CALIFORNIA, EX. REL. ROB BONTA,**
15 **ATTORNEY GENERAL OF THE STATE**
OF CALIFORNIA,

16 Plaintiff,

17 v.

18 **CHINO VALLEY UNIFIED SCHOOL**
19 **DISTRICT,**

20 Defendant,

21 and

22 **NICHOLE VICARIO et al.,**

23 Defendants-Interveners.
24

Case No. CIVSB2317301

**THE PEOPLE OF THE STATE OF
CALIFORNIA'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
OPPOSITION TO DEFENDANT'S
MOTION TO DISSOLVE PERMANENT
INJUNCTION**

Date: August 19, 2026
Time: 8:30 a.m.
Dept: S-28
Judge: Hon. Michael A. Sachs
Trial Date:
Action Filed: August 28, 2023

TABLE OF CONTENTS

	Page
Introduction	6
Statement of Facts	8
I. <i>People v. Chino Valley Unified School District</i>	8
II. <i>Mirabelli v. Olson</i>	9
Standard of Review	11
Argument	11
I. The Supreme Court’s Per Curiam Opinion in <i>Mirabelli</i> Provides No Basis for Dissolving This Court’s Permanent Injunction	11
II. The U.S. District Court’s Injunction in <i>Mirabelli</i> Provides No Basis for Dissolving This Court’s Permanent Injunction	16
III. The Ninth Circuit’s Recent Preliminary Order in <i>Huntington Beach v.</i> <i>Newsom</i> Provides No Basis for Dissolving This Court’s Permanent Injunction	17
IV. The Interests of Justice Do Not Warrant Dissolution of This Court’s Permanent Injunction	18
Conclusion	21

TABLE OF AUTHORITIES

		<u>Page</u>
3	CASES	
4	<i>Anspach ex rel. Anspach v. City of Phila. Dept. of Pub. Health</i>	
5	(3d Cir. 2007) 503 F.3d 256.....	12
6	<i>Bomberger v. McKelvey</i>	
7	(1950) 35 Cal.2d 607	15
8	<i>City of Huntington Beach v. Newsom</i>	
9	(9th Cir., June 18, 2026, No. 25-3826) 2026 WL 1785110	7, 17, 18
10	<i>DeShaney v. Winnebago Cty. Dept. of Soc. Servs.</i>	
11	(1989) 489 U.S. 189	12
12	<i>Dion v. Weber</i>	
13	(2026) 119 Cal.App.5th 291	20
14	<i>Estate of Molera</i>	
15	(1972) 23 Cal.App.3d 993, 997-998	16
16	<i>Flynt v. Cal. Gambling Control Com.</i>	
17	(2002) 104 Cal.App.4th 1125	16
18	<i>Freiberg v. City of Mission Viejo</i>	
19	(1995) 33 Cal.App.4th 1484	17
20	<i>Grimm v. Gloucester Cty. Sch. Bd.</i>	
21	(4th Cir. 2020) 972 F.3d 586.....	13, 15
22	<i>Haitian Refugee Center, Inc. v. Baker</i>	
23	(11th Cir. 1992) 953 F.2d 1498.....	12
24	<i>In re Marilyn H.</i>	
25	(1993) 5 Cal.4th 295	14
26	<i>Loeffler v. Medina</i>	
27	(2009) 174 Cal.App.4th 1495	11
28	<i>McCoy v. Matich</i>	
	(1954) 128 Cal.App.2d 50.....	20
	<i>Mirabelli v. Bonta</i>	
	(2026) 607 U.S. 492 (<i>per curiam</i>).....	<i>passim</i>
	<i>Mirabelli v. Bonta</i>	
	(9th Cir., Jan. 5, 2026, No. 25-8056) 2026 WL 44874	10

TABLE OF AUTHORITIES

(continued)

Page

<i>Mirabelli v. Bonta</i> (9th Cir., Mar. 3, 2026, No. 25-8056) 2026 WL 622693	11
<i>Mirabelli v. Olson</i> (S.D. Cal. 2023) 691 F.Supp.3d 1197	10, 13
<i>Mirabelli v. Olson</i> (S.D. Cal. 2025) 820 F.Supp.3d 1123	10
<i>Mirabelli v. Olson</i> (S.D. Cal., Dec. 22, 2025) No. 23-cv-768-BEN-WVG	9
<i>New York v. Ferber</i> (1982) 458 U.S. 747	14
<i>People v. Engram</i> (2010) 50 Cal.4th 1131	17
<i>Rubin v. Ross</i> (2021) 65 Cal.App.5th 153	16, 18
<i>Salazar v. Eastin</i> (1995) 9 Cal.4th 836	11
<i>Socialist Workers etc. Comm. v. Brown</i> (1975) 53 Cal.App.3d 879.....	16
<i>Sontag Chain Stores Co. v. Super. Ct. in & for Los Angeles Cty.</i> (1941) 18 Cal.2d 92	11
<i>The Inland Oversight Comm. v. City of San Bernardino</i> (2018) 27 Cal.App.5th 771	16
<i>Trump v. Boyle</i> (2025) 145 S.Ct. 2653	15
<i>United States v. Skrmetti</i> (2025) 605 U.S. 495	13, 15
STATUTES	
California Civil Code § 3424.....	11

TABLE OF AUTHORITIES
(continued)

	<u>Page</u>
Code of Civil Procedure	
§ 533.....	11
§ 1049.....	16
Education Code	
§ 220.3, subd. (a).....	17
§ 220.5, subd. (a).....	17
Evidence Code	
§ 452, subd. (h)	15
§ 453.....	15
 CONSTITUTIONAL PROVISIONS	
California Constitution	
Due Process Clause	12
Equal Protection Clause	14
United States Constitution	
Fourteenth Amendment.....	9
 OTHER AUTHORITIES	
9 Witkin, Cal. Proc. (6th ed. 2026) Decisions of Lower Federal Courts § 527	16
Assemb. Bill No. 1955 (2023-2024 Reg. Sess.)	17, 18
Cal. Policy Center, <i>Supreme Court Delivers Major Win for California Parents in Mirabelli Case</i> (Mar. 6, 2026), https://tinyurl.com/nw478537	15
Chino Valley Unified School District’s Board Policy 5020.1	<i>passim</i>
Chino Valley Unified School District’s Board Policy 5020.1	
section 1.(a)	6, 9
section 1.(b).....	6, 9
section 1.(c).....	6, 9
section 5	9

INTRODUCTION

Two years ago, this Court granted the People of the State of California (People) a permanent injunction against sections 1.(a) and 1.(b) of Defendant Chino Valley Unified School District’s Board Policy 5020.1 because the policy facially discriminated against transgender and gender nonconforming students by forcing school personnel to “out” those students to their parents, even if their parents have not asked for such notification; even when disclosure would result in physical, emotional, or psychological abuse; and even when less harmful alternatives, such as non-discriminatory disclosure policies, were available.¹ Defendant now seeks to dissolve this Court’s injunction, claiming that the Supreme Court’s emergency docket ruling addressing a motion to vacate a stay in *Mirabelli v. Bonta* (2026) 607 U.S. 492 (*per curiam*) has changed controlling law. Defendant is incorrect and has not met its burden to justify dissolution.

First, the Supreme Court’s *Mirabelli* emergency docket ruling does not represent a change in controlling law, let alone one that affects the validity of this Court’s injunction. *Mirabelli* recognized only that parents who make a request to their child’s school for information about the symptoms of gender dysphoria likely have a substantive due process right not to be “shut out of” participation in decisions regarding their children’s mental health, and that a “conceal[ment]” policy would likely violate this right. (607 U.S. at p. 497.) The Supreme Court did *not* suggest that school officials are constitutionally obligated to notify parents who do not ask every time their child asks to be identified by a different name or pronoun. And even as to parents who ask, the Supreme Court confirmed that any such right is not absolute, including where disclosure would lead to abuse. (*Ibid.*)

This Court similarly described and accounted for parents’ substantive due process rights when issuing its permanent injunction. This Court acknowledged the existence of parental substantive due process rights, as described by the U.S. District Court in its preliminary injunction decision in *Mirabelli*. This Court then explained why the injunction entered here does

¹ See Summary Adjudication Order at pp. 12-15. The injunction also applies to section 1.(c) of Policy 5020.1 as it applies to adult students, and the injunction prohibits Defendant from enacting “any policy or regulation” substantially similar to Policy 5020.1. (Final Judg. and Permanent Injunction at pp. 3-4.) References to Policy 5020.1 throughout this brief refer to the enjoined provisions.

1 not infringe those rights—unlike the alleged “secrecy” policies challenged in *Mirabelli*, this
2 Court’s permanent injunction does not require secrecy.² This Court’s permanent injunction only
3 bars Defendant’s categorical, discriminatory forced disclosure policy—Policy 5020.1. Nothing in
4 this Court’s injunction prevents school officials from providing information to parents when they
5 ask for it, which is consistent with the Supreme Court’s interim ruling in *Mirabelli*.

6 Moreover, the Supreme Court’s ruling does not change this Court’s application of the
7 State’s equal protection requirement or its antidiscrimination laws, or this Court’s conclusion that
8 Defendant failed to satisfy strict scrutiny pursuant to those laws, given Policy 5020.1’s overbroad
9 generalizations and the availability of narrower alternatives.³ And, in any event, the *per curiam*
10 opinion cannot amount to a change in law because it is preliminary and does not conclusively
11 resolve the relevant issues of law, so it is not an appropriate basis for dissolving the injunction.

12 Second, Defendant’s motion at times appears to seek dissolution based on the federal
13 district court’s injunction in *Mirabelli*. The district court’s decision also provides no basis for
14 dissolution because federal district court decisions are not binding on this Court; the district
15 court’s *Mirabelli* injunction remains subject to a pending appeal before the Ninth Circuit; and, in
16 any event, this Court’s decision and injunction are consistent with the district court’s reasoning.

17 Third, a recent unpublished order in *City of Huntington Beach v. Newsom* (9th Cir., June
18 18, 2026, No. 25-3826) 2026 WL 1785110, does not disturb this Court’s injunction. That
19 preliminary order simply applies the Supreme Court’s *per curiam* opinion in *Mirabelli*, meaning
20 that it does not change any controlling law for the reasons explained above.

21 Fourth, Defendant has not met its burden to show that dissolving this Court’s injunction is
22 necessary to advance the ends of justice. Absent an injunction, Policy 5020.1 (and policies similar
23 to it) would inflict irreparable harm on transgender and gender nonconforming students by
24 unlawfully discriminating against them in violation of their state constitutional equal protection
25 rights.⁴ Moreover, the Supreme Court’s *Mirabelli* opinion recognized the State’s compelling

26
27 ² See Summary Adjudication Order at pp. 19, 39 (“There is no forced secrecy in this
case[.]”).

28 ³ Summary Adjudication Order at p. 15.

⁴ See Summary Adjudication Order at p. 3.

1 interest in protecting students from abuse, and without an injunction, Policy 5020.1 would require
2 disclosure without exception, even when doing so would lead to abuse. And, in any event, the
3 interests of justice strongly counsel against dissolving the permanent injunction because
4 Defendant: (1) has numerous alternatives to the enjoined Policy available, including all of the
5 alternatives recognized in this Court’s order;⁵ (2) represented to this Court that it had no plans or
6 intent to reinstate the enjoined Policy;⁶ and (3) chose not to appeal this Court’s judgment and
7 preserve its claims via appeal, despite its awareness of the ongoing proceedings in *Mirabelli*.

8 STATEMENT OF FACTS

9 I. *PEOPLE V. CHINO VALLEY UNIFIED SCHOOL DISTRICT*

10 Despite repeated warnings that Policy 5020.1 violated the rights of transgender students
11 and would endanger them, the Chino Valley Unified School District Board of Education (Board)
12 adopted Policy 5020.1 on June 20, 2023. In relevant part, Policy 5020.1 required school staff to
13 notify parents or guardians “in writing, within three days,” regardless of any parental request,
14 whenever any District employee, administrator, or certificated staff “becomes aware” that a
15 student is: “[r]equesting to be identified or treated” as a gender “other than the student’s
16 biological sex or gender.” (Summary Adjudication Order at pp. 1-2.) This notification
17 requirement encompassed: (a) any student’s request to use a name or pronouns that do not align
18 with the student’s biological sex or gender; (b) a student accessing sex-segregated school
19 programs and activities that do not align with the student’s biological sex or gender; or (c) any
20 student’s request to change any information contained in the student’s official or unofficial
21 records. (*Ibid.*) Policy 5020.1 contained no exception to its disclosure requirements, even if a
22 school staff member had reasonable notice that disclosure would result in abuse of a child.

23 At the Board meeting where Defendant adopted Policy 5020.1, members of its Board
24 voiced support for Policy 5020.1 based on express statements of animus, prejudice, and
25 stereotypes against transgender individuals. One Board member stated, “there’s always been man,
26 women,” and he described transgender identity as a “dismantling of our humanity” and a “mental

27 ⁵ Summary Adjudication Order at p. 15.

28 ⁶ Defendants’ Separate Statement of Fact No. 16 in Support of Defendants’ Motion for
Summary Judg.

1 illness.” (Summary Adjudication Order at p. 4.) The Board member also suggested that the Policy
2 was needed to save children because gender identity was like a “death culture” and “a stop to it”
3 was needed. (*Ibid.*) Another Board member agreed that Policy 5020.1 was needed to prevent the
4 “abolition of family.” (*Ibid.*) And the Board President expressed “appreciat[ion]” for the Board
5 members’ viewpoints, asserting that transgender and gender nonconforming youth need “non-
6 affirming” parental actions so that they can “get better,” calling the State Superintendent of Public
7 Instruction a “danger to [the] students” for “proposing things that pervert children.” (*Ibid.*)

8 Following an investigation, the People commenced the underlying action to enjoin Policy
9 5020.1’s forced outing provisions and declare those provisions unlawful.⁷ This Court initially
10 granted the People a temporary restraining order and then a preliminary injunction against Policy
11 5020.1. During the litigation, the Court granted several parents’ motion to intervene in support of
12 Defendant, in which the parents asserted parental substantive due process rights under the
13 Fourteenth Amendment to the U.S. Constitution. (See Order Granting Prospective Interveners’
14 Application for Leave to Intervene.) After cross-motions for summary judgment and adjudication,
15 this Court granted summary adjudication in favor of the People of the State of California, issuing
16 a permanent injunction against—and declaring unlawful—sections 1.(a) and 1.(b) of Policy
17 5020.1, as well as section 1.(c) as applied to adult students. (Final Judg. and Permanent Injunction
18 at 2-4.)

19 On October 3, 2024, this Court entered final judgment. Neither Defendant nor
20 Defendants-Interveners appealed any aspect of the Court’s final judgment.

21 **II. MIRABELLI V. OLSON**

22 *Mirabelli v. Olson* (S.D. Cal., Dec. 22, 2025) No. 23-cv-768-BEN-WVG, began in 2023,
23 when two teachers alleged that their school district’s alleged “secrecy” policy interfered with their
24 federal due process and free exercise rights to disclose to parents if students were going by
25 different names and pronouns at school. At the time this Court was deciding summary
26 adjudication in *People v. Chino Valley Unified School District*, the federal district court had

27 ⁷ Specifically, the People’s complaint challenged the forced disclosure provisions in
28 sections 1.(a) through 1.(c) of Policy 5020.1, and section 5 insofar as it implements sections 1.(a)
through 1.(c). (Complaint, ¶¶ 1-2.)

1 issued the *Mirabelli* plaintiffs a preliminary injunction in a decision that recognized parents’
2 substantive due process rights in this context. (*Mirabelli v. Olson* (S.D. Cal. 2023) 691 F.Supp.3d
3 1197, 1211.) The parties briefed the relationship between this case and *Mirabelli* before this
4 Court. (See, e.g., Defendants’ Memorandum of Points & Authorities in Support of Defendants’
5 Motion for Summary Judg. at pp. 22, 24, 35).

6 The *Mirabelli* plaintiffs later amended their complaint to bring a putative class action on
7 behalf of parents and teachers throughout the State, shifting their focus to what they viewed to be
8 the State’s alleged “secrecy” policies. (*Mirabelli v. Olson* (S.D. Cal. 2025) 820 F.Supp.3d 1123,
9 1133.) Based on its view that the challenged state policies prohibited school employees from
10 informing parents of a student’s gender identity or gender expression absent a student’s consent,
11 the district court granted summary judgment to the plaintiffs and issued a permanent injunction.
12 (*Id.* at pp. 1136-60.)

13 The Ninth Circuit then stayed the district court’s permanent injunction pending appeal.
14 (*Mirabelli v. Bonta* (9th Cir., Jan. 5, 2026, No. 25-8056) 2026 WL 44874.) The Ninth Circuit
15 stated that it was unclear exactly what state policies the district court found objectionable, and
16 that it did not appear in the record that state policies categorically forbid disclosure. (*Id.* at p. *3.)
17 The Ninth Circuit held that the State had shown “a substantial case for relief on the merits based
18 on the sweeping nature of the district court’s injunction, the dubious class certification, and the
19 weakness of Plaintiffs’ substantive due process claim.” (*Ibid.*)

20 The Supreme Court, on its emergency docket, then vacated the Ninth Circuit’s stay in part
21 and maintained it in part. (*Mirabelli, supra*, 607 U.S. at p. 496 (*per curiam*).) The Court vacated
22 the Ninth Circuit’s stay as to the parent plaintiffs only, while maintaining the stay as to the
23 teacher plaintiffs. (*Ibid.*; see also *id.* at p. 498.) In doing so, the Court did not make final
24 determinations on the merits. Justice Barrett, joined by the Chief Justice and Justice Kavanaugh,
25 wrote separately to emphasize that the Court’s “assessment is preliminary” and does not
26 “conclusively resolve [the merits],” which will “continue to [be] litigate[d] in the Ninth Circuit.”
27 (See *id.* at p. 500 (conc. opn. of Barrett, J.).) The Ninth Circuit has confirmed, based on the
28 Supreme Court’s ruling, that its earlier stay of the preliminary injunction as to the teacher

1 plaintiffs remains in place. (*Mirabelli v. Bonta* (9th Cir., Mar. 3, 2026, No. 25-8056) 2026 WL
2 622693 at *1.) *Mirabelli* remains pending and on appeal in the Ninth Circuit.

3 STANDARD OF REVIEW

4 Generally, “a judicial decree will not be set aside by reason of a change of law resulting
5 from a subsequent decision by a higher court reaching a contrary conclusion.” (*Sontag Chain*
6 *Stores Co. v. Super. Ct. in & for Los Angeles Cty.* (1941) 18 Cal.2d 92, 94.) “[T]here must be an
7 end to litigation, and hence it is the long established policy of the law to, so far as possible,
8 prohibit the further contest of an issue once judicially decided and to accord finality to
9 judgments.” (*Ibid.*) Exceptions to this rule arise, however, when there is a change in the facts or
10 law underlying the injunction, or when dissolving an injunction is necessary to advance the ends
11 of justice. (See *id.* at pp. 94-95; Code of Civ. Proc. § 533; Civ. Code § 3424.) The moving party
12 has the burden to justify dissolving the injunction. (See *Loeffler v. Medina* (2009) 174
13 Cal.App.4th 1495, 1504.) The decision to grant or deny a motion to dissolve a permanent
14 injunction “rests in the sound discretion of the trial court upon a consideration of all the particular
15 circumstances of each individual case.” (*Salazar v. Eastin* (1995) 9 Cal.4th 836, 849-850.)

16 ARGUMENT

17 I. THE SUPREME COURT’S PER CURIAM OPINION IN *MIRABELLI* PROVIDES NO BASIS 18 FOR DISSOLVING THIS COURT’S PERMANENT INJUNCTION

19 Defendant lacks any basis for dissolving this Court’s final judgment. Defendant asserts no
20 change in facts; their arguments rest entirely on the contention that the Supreme Court’s *Mirabelli*
21 opinion reflects a change in law that requires this Court to dissolve its permanent injunction.
(Defendant’s Memorandum of Points & Authorities at pp. 1-2.) That is wrong.

22 First, *Mirabelli* fails to represent a relevant change in law because the Supreme Court did
23 not hold that forced disclosure policies like Policy 5020.1 are constitutionally required. In its *per*
24 *curiam* opinion, the Supreme Court stated that parents likely have a substantive due process right
25 “not to be shut out of participation in decisions regarding their children’s mental health,” and that
26 a State’s policies likely violate that right to the extent they “conceal” from parents the information
27 that a child has “exhibit[ed] symptoms of gender dysphoria at school” and “facilitate a degree of
28

1 gender transitioning during school hours.” (*Mirabelli, supra*, 607 U.S. at p. 497.) As the Supreme
2 Court stated, however, such parental due process rights are not absolute. Among other things,
3 States must disclose this information only to parents who request it, and the State may
4 permissibly restrict school officials from disclosing a student’s gender identity “to parents who
5 would engage in abuse.” (*Ibid.*)

6 In *Mirabelli*, the Supreme Court did not suggest that school officials are constitutionally
7 obligated to provide information to parents who have not asked to receive it. To the contrary, the
8 *Mirabelli* Court issued its opinion understanding that the district court’s injunction applies not to
9 “all the parents of California public school students,” but “only for those parents who object to
10 the challenged policies or seek religious exemptions.” (*Id.* at p. 498) This is because the
11 Constitution “does not require the Government to assist the holder of a constitutional right in the
12 exercise of that right.” (*Haitian Refugee Center, Inc. v. Baker* (11th Cir. 1992) 953 F.2d 1498,
13 1513); see also *DeShaney v. Winnebago Cty. Dept. of Soc. Servs.* (1989) 489 U.S. 189, 195
14 “[‘The Due Process Clause] cannot fairly be extended to impose an affirmative obligation on the
15 State to ensure that those interests do not come to harm through other means.”]; *Anspach ex rel.*
16 *Anspach v. City of Phila. Dept. of Pub. Health* (3d Cir. 2007) 503 F.3d 256, 262 [“familial liberty
17 interest protected under the Constitution” does not “impose a *constitutional* obligation on state
18 actors to contact parents of a minor or to encourage minors to contact their parents”].)

19 The Supreme Court’s preliminary ruling in *Mirabelli* is also limited because it tethered the
20 parental right at issue to a child’s mental health, not to their gender identity or gender expression
21 more generally. As the Supreme Court stated: “Gender dysphoria is a condition that has an
22 important bearing on a child’s mental health,” and “when a child exhibits symptoms of gender
23 dysphoria at school,” the parental substantive due process right “not to be shut out of participation
24 in decisions regarding their children’s mental health” is likely violated to the extent state laws
25 “conceal that information from parents and facilitate a degree of gender transitioning during
26 school hours” without informing parents. (*Mirabelli, supra*, 607 U.S. at p. 497.) But the right “not
27 to be shut out of participation in decisions regarding [a] child’s mental health” will not be
28 implicated every time a student expresses a transgender identity because merely being

1 transgender is not a “symptom[] of gender dysphoria,” the factor on which the Supreme Court
2 based its analysis. (See *ibid.*) Gender dysphoria is “a medical condition” from which only
3 “[s]ome transgender individuals suffer” that is “characterized by persistent, clinically significant
4 distress resulting from an incongruence between gender identity and biological sex.” (*United*
5 *States v. Skrametti* (2025) 605 U.S. 495, 502-503 (emphasis added); see also *id.* at p. 519 [“there is
6 a ‘lack of identity’ between transgender status and . . . medical diagnoses” of “gender
7 dysphoria”].) By contrast, merely being transgender is “not a psychiatric condition, and ‘implies
8 no impairment in judgment, stability, reliability, or general social or vocational capabilities.’”
9 (*Grimm v. Gloucester Cty. Sch. Bd.* (4th Cir. 2020) 972 F.3d 586, 594, cert. den. (2021) 141 S.Ct.
10 2878.)

11 This Court’s summary adjudication decision does not conflict with the Supreme Court’s
12 decision in *Mirabelli*. This Court has already explained as much. At the time this Court issued its
13 order, the district court in *Mirabelli* had issued a preliminary injunction decision asserting that
14 “conceal[ment]” policies “are in direct tension with” parental substantive due process rights
15 (*Mirabelli v. Olson, supra*, 691 F.Supp.3d at pp. 1210-1213), and the parties had briefed the
16 relevance of *Mirabelli* before this Court (see, e.g., Defendants’ Memorandum of Points &
17 Authorities in Support of Defendants’ Motion for Summary Judg. at pp. 22, 24, 35).

18 This Court’s summary adjudication order then assumed the reasoning of *Mirabelli* and
19 explained why it was inapposite. “To the extent [Policy 5020.1] was also intended to promote
20 parents’ ‘fundamental rights’ to rear children,” this Court explained, those “fundamental rights
21 [are] undeniable.” (Summary Adjudication Order at pp. 16-17 [citing *Mirabelli v. Olson, supra*,
22 691 F.Supp.3d 1197].) But as this Court correctly observed, *Mirabelli* addressed “conceal[ment]”
23 policies (*Mirabelli, supra*, 607 U.S. at p. 497), and the Court’s permanent injunction imposes no
24 such concealment (Summary Adjudication Order at p. 19). “Although parents have undeniable
25 rights, a determination that [Policy 5020.1] is unconstitutional does not directly infringe upon
26 those rights.” (*Ibid.*)

27 “[E]ven in the absence of [Policy 5020.1] there is no mandated secrecy, unlike in *Mirabelli*,
28 so presumably school personnel can still inform parents when appropriate.” (*Ibid.*) “Parents

1 are . . . still free to have conversations with their child about gender and gender identity,” and
2 “parents still have the right to observe a classroom, talk to a teacher, and review educational
3 records.” (*Ibid.*) This Court also identified numerous other ways in which parents might be
4 informed without discriminating categorically against vulnerable students or targeting them for
5 forced disclosure—for example, through a facially neutral policy that focuses on “mental health”
6 or “psychological distress,” instead of targeting “the protected group itself.” (*Id.* at p. 15.) In sum,
7 nothing in this Court’s injunction prevents school officials from providing mental health
8 information to parents when they ask for it, which is all that *Mirabelli* suggests is constitutionally
9 required.

10 Moreover, Policy 5020.1 is inconsistent with several of the limitations described by the
11 Supreme Court in *Mirabelli*. The Supreme Court’s opinion recognized that the State has a
12 compelling interest in restraining disclosure to prevent abuse, and that school employees have no
13 constitutional obligation to provide information to parents who have not objected to having that
14 information withheld from them. (See *Mirabelli, supra*, 607 U.S. at p. 497; see also *In re Marilyn*
15 *H.* (1993) 5 Cal.4th 295, 307 [the “welfare of a child is a compelling state interest that a state has
16 not only a right, but a duty, to protect”]; *New York v. Ferber* (1982) 458 U.S. 747, 756-757
17 [noting State’s compelling interest in “safeguarding the physical and psychological well-being of
18 a minor”].) Here, Policy 5020.1 compelled notification to all parents in all circumstances,
19 including when notification would result in abuse, and when a parent had not asked for—or had
20 said they did not want—their child’s gender identity reported to them by a school employee.
21 Because Policy 5020.1 exceeds the limitations described by the Supreme Court’s preliminary
22 order in *Mirabelli*, it exceeds what the Supreme Court has outlined as likely required under
23 parental substantive due process, and may be invalidated for discriminating in violation of state
24 law.

25 Second, *Mirabelli* does not affect this Court’s conclusion that Defendant’s Policy 5020.1
26 violates the State’s Equal Protection Clause and antidiscrimination statutes. In its decision, this
27 Court correctly explained that discrimination based on transgender status, in California, is subject
28 to strict scrutiny. (Summary Adjudication Order at p. 11.) It then noted that such “discrimination

1 is built into the operative language of [Policy 5020.1],” subjecting Policy 5020.1 to strict scrutiny.
2 (*Id.* at p. 12.) As this Court explained, even if “the District may have a compelling interest” in
3 advancing parental due process rights, Defendant failed to satisfy strict scrutiny for two
4 independent reasons. The Policy applied “overbroad generalizations,” treating “all transgender
5 children the same irrespective of the child’s actual health.” (*Id.* at pp. 13-15 [noting that expert
6 testimony established, and state law affirms, that “there is nothing wrong or pathological with
7 being transgender or gender nonconforming in and of itself”]; see also *United States v. Skrmetti*
8 (2025) 605 U.S. 495, 502-503 [recognizing that only “[s]ome transgender individuals suffer”
9 from gender dysphoria (emphasis added)]; *Grimm v. Gloucester Cty. Sch. Bd.*, *supra*, at p. 594
10 [“Being transgender is also not a psychiatric condition”].) And Defendant also failed to
11 satisfy strict scrutiny because a number of more narrowly tailored alternatives exist. (Summary
12 Adjudication Order at pp. 13-15; see also *supra* at pp. 13-14.) *Mirabelli* does not disturb any of
13 these conclusions.

14 Third, the Supreme Court’s opinion does not constitute an intervening change in law
15 because it reflects only preliminary views. The opinion addressed an emergency application to
16 vacate a Ninth Circuit stay of the district court’s judgment, pending appeal. In doing so, the
17 Supreme Court assessed plaintiffs’ likelihood of success on the merits—not their ultimate
18 success. (See *Mirabelli*, *supra*, at pp. 496-497.) “The word ‘likely’ is important,” Justice Barrett
19 emphasized, “because it reflects that [the Supreme Court’s] assessment is preliminary” and does
20 not “conclusively resolve [the merits].” (*Id.* at p. 500 (conc. opn. of Barrett, J.); see also, e.g.,
21 *Trump v. Boyle* (2025) 145 S.Ct. 2653, 2654 [“our interim orders are not conclusive as to the
22 merits”].) Indeed, counsel for Defendant has acknowledged that the Supreme Court in *Mirabelli*
23 “considered the stay only, not the merits of the case.”⁸ Thus, the Supreme Court’s preliminary
24 decision in *Mirabelli* does not reflect a change in relevant law because it did not fully resolve or
25 predetermine the ultimate resolution of the issues presented. (Cf. *Bomberger v. McKelvey* (1950)

26 ⁸ Cal. Policy Center, *Supreme Court Delivers Major Win for California Parents in*
27 *Mirabelli Case* (Mar. 6, 2026), <https://tinyurl.com/nw478537>. The People ask the Court take
28 judicial notice of opposing counsel’s statements because this fact is “not reasonably subject to
dispute” and is “capable of immediate and accurate determination.” (Evid. Code § 452, subd. (h);
see *id.* § 453.)

1 35 Cal.2d 607, 612 [“[A] decision on an application for a preliminary injunction does not amount
2 to a decision on the ultimate rights in controversy” and thus has no “res judicata” effect]; *Socialist
3 Workers etc. Comm. v. Brown* (1975) 53 Cal.App.3d 879, 890 [same].) *Mirabelli* does not warrant
4 dissolution of this Court’s injunction.

5 **II. THE U.S. DISTRICT COURT’S INJUNCTION IN *MIRABELLI* PROVIDES NO BASIS FOR**
6 **DISSOLVING THIS COURT’S PERMANENT INJUNCTION**

7 Though Defendant asserts the Supreme Court’s opinion in *Mirabelli* as the purported
8 change in law underlying their motion, Defendant later in its brief erroneously conflates the
9 Supreme Court’s *Mirabelli* emergency docket opinion with the underlying injunction issued by
10 the district court in *Mirabelli*, which has been stayed in part and remains on appeal in the Ninth
11 Circuit. (See, e.g., Defendant’s Memorandum of Points & Authorities at p. 5 [referring repeatedly
12 to the “*Mirabelli* injunction”].)⁹ In any event, the district court’s injunction also provides no
13 grounds for dissolving this Court’s permanent injunction.

14 To begin, “the decisions of the lower federal courts . . . are not binding on state courts”
15 (9 Witkin, Cal. Proc. (6th ed. 2026) Decisions of Lower Federal Courts, § 527), even on “federal
16 questions” (*Flynt v. Cal. Gambling Control Com.* (2002) 104 Cal.App.4th 1125, 1132; see also,
17 e.g., *Rubin v. Ross* (2021) 65 Cal.App.5th 153, 167). Additionally, the district court’s injunction
18 in *Mirabelli* is subject to a pending appeal before the Ninth Circuit, meaning that it cannot be
19 treated as binding for purposes of this litigation. (Cf. Code Civ. Proc. § 1049 [“An action is
20 deemed to be pending . . . until its final determination upon appeal”]; *Estate of Molera* (1972) 23
21 Cal.App.3d 993, 997-998 [summary judgment in a related case could not render case moot
22 because the summary judgment was subject to appeal]; *The Inland Oversight Comm. v. City of*
23 *San Bernardino* (2018) 27 Cal.App.5th 771, 780 [“Under California law, a judgment ‘is not final
24 for purposes of res judicata during the pendency of and until the resolution of the appeal.’”].) For
25 these reasons, the district court injunction is not a change in law and is not binding on this Court.

26 ⁹ Defendant also misstates the facts in this case, including when it erroneously asserts that
27 the alleged state policy at issue in *Mirabelli* is materially “indistinguishable” from or “identical”
28 to Chino Valley’s own enjoined Policy 5020.1, and when it refers to the People as “Defendants”
in this case, despite the fact that the People were the Plaintiff in this matter. (Defendant’s
Memorandum of Points & Authorities at pp. 5-7.)

1 In any event, as explained above, the issues in *Mirabelli* and this case are distinct. *Mirabelli*
2 involves an alleged state concealment policy, whereas this case involves a local school district's
3 affirmative disclosure policy compelling staff to disclose to all parents in all circumstances,
4 without exception. As this Court already recognized, *Mirabelli*'s injunction against "mandated
5 secrecy" does not conflict with this Court's injunction, which imposes no such secrecy and still
6 permits school personnel to provide information to parents when they request it. (Summary
7 Adjudication Order at p. 19.) Furthermore, the Supreme Court only preliminarily upheld portions
8 of the district court's injunction subject to the limitations recognized in the Supreme Court's *per*
9 *curiam* opinion, discussed *supra* at pp. 11-13. Because Policy 5020.1 exceeds those limitations, it
10 can in no way be held to be required by the district court's *Mirabelli* injunction.¹⁰

11 **III. THE NINTH CIRCUIT'S RECENT PRELIMINARY ORDER IN *HUNTINGTON BEACH V.***
12 ***NEWSOM* PROVIDES NO BASIS FOR DISSOLVING THIS COURT'S PERMANENT**
13 **INJUNCTION**

14 For similar reasons, a recent preliminary order by the Ninth Circuit in *Huntington Beach*,
15 2026 WL 1785110, does not affect this Court's permanent injunction. In *Huntington Beach*, a
16 municipality and several parents objecting to "secrecy" policies challenged the legality of
17 Assembly Bill No. 1955 (AB 1955), a statute generally prohibiting policies that would require
18 school employees "to disclose any information related to a pupil's sexual orientation, gender
19 identity, or gender expression . . . without the pupil's consent, unless otherwise required by state
20 or federal law." (Ed. Code, § 220.5, subd. (a); see also Ed. Code, § 220.3, subd. (a).) The panel
21 twice denied requests from the parent plaintiffs for a preliminary injunction pending appeal for
22 lack of standing. (*Huntington Beach*, 2026 WL 1785110 at p. *1.) Following the Supreme Court's
23 emergency docket ruling in *Mirabelli*, the Ninth Circuit granted a motion for reconsideration and

24 ¹⁰ For the reasons explained, the *Mirabelli* injunction has no bearing on the permanent
25 injunction here. If this Court determines otherwise, however, the proper course would be to stay
26 consideration of this motion until the *Mirabelli* appeal is fully resolved, since the injunction may
27 be substantially modified or vacated in further proceedings. (*Freiberg v. City of Mission Viejo*
28 (1995) 33 Cal.App.4th 1484, 1489 [trial court has "inherent power to stay proceedings in the
interests of justice and to promote judicial efficiency"]; see also *People v. Ingram* (2010) 50
Cal.4th 1131, 1146 [same].)

1 enjoined, pending appeal, the state defendants from enforcing two provisions of AB 1955 as to
2 seven of the parent plaintiffs. (*Id.* at p. *4.)

3 The Ninth Circuit’s preliminary, unpublished order in *Huntington Beach* does not announce
4 any new principles of law. It simply reiterates the reasoning of the emergency docket decision in
5 *Mirabelli*, preliminarily enjoining AB 1955 only as to the parent plaintiffs in that case “who
6 object[ed]” to AB 1955 and sought “information about their respective children exhibiting
7 symptoms of gender dysphoria.” (*Id.* at pp. *3-4.) Thus, for the same reasons explained *supra* at
8 pp. 11-16, the preliminary order in *Huntington Beach* order does not affect this Court’s
9 permanent injunction. Furthermore, the issues in *Huntington Beach* are distinct from those
10 governed by this Court’s injunction. The *Huntington Beach* order narrowly and preliminarily
11 enjoined AB 1955; but AB 1955 was not a basis for this Court’s injunction because, as this Court
12 explained, AB 1955 was “not currently effective” when this Court issued its final judgment.
13 (Summary Adjudication Order at pp. 9-10.)¹¹ The *Huntington Beach* order does not provide
14 grounds for dissolving this Court’s injunction.

15 **IV. THE INTERESTS OF JUSTICE DO NOT WARRANT DISSOLUTION OF THIS COURT’S** 16 **PERMANENT INJUNCTION**

17 Defendant’s equitable arguments are also unavailing. Defendant primarily argues that this
18 Court’s injunction is inequitable because they believe it to violate federal law. (See Defendant’s
19 Memorandum of Points & Authorities at p. 7 [asserting that the District would have to “infringe[]
20 on parents’ federally protected rights” and “face[] potential exposure to liability”].) As explained
21 above, this Court’s injunction does not violate parental rights and is consistent with the reasoning
22 in the Supreme Court’s *Mirabelli* opinion.

23 Defendant also erroneously claims that this Court’s injunction “was originally grounded in
24 concerns about student privacy under state law” and that *Mirabelli* changes the equitable analysis
25 because it “makes clear that parental constitutional rights must be given primacy.” (Defendant’s
26 Memorandum of Points & Authorities at p. 7.) Not so. The injunction was primarily grounded on
27 discrimination against transgender students, not privacy. (See Summary Adjudication Order at

28 ¹¹ Additionally, as noted *supra* at p. 16, the decisions of federal circuit courts do not bind
state courts, even on federal questions. (See, e.g., *Rubin v. Ross*, *supra*, 65 Cal.App.5th at p. 167.)

1 pp. 37-43 [granting motion as to first, second, and third causes of action as to state constitutional
2 equal protection and state statutory discrimination claims and denying motion as to privacy
3 claims, except as to adult students].)

4 To the contrary, the interests of justice favor maintaining this Court’s permanent injunction.
5 As demonstrated in the underlying proceedings in this case, an injunction is necessary to avoid
6 irreparable harm to students through the violation of their state equal protection rights.
7 (Preliminary Injunction Order at p. 4.) As explained *supra* at pp. 14-15, *Mirabelli* does not
8 change this Court’s conclusion that Policy 5020.1 facially and unlawfully discriminated against
9 transgender and gender non-conforming students. (See Decl. of Edward Nugent in Support of
10 People’s Mot. for Judg. on the Pleadings, Ex. 27 [Preliminary Injunction Hearing PM Transcript]
11 at p. 44:4-9 “[M]y ultimate concern are the kids. They are marginalized and sometimes they feel
12 they’re not protected, that nobody has their back. And my job as the judge is to have their
13 back . . .”].)

14 Moreover, as the Supreme Court recognized in *Mirabelli*, States have a compelling interest
15 in limiting “gender-identity disclosure to parents who would engage in abuse” (*Mirabelli v.*
16 *Bonta, supra*, 607 U.S. at p. 497), providing another reason why the interests of justice support
17 this Court’s injunction. The enjoined Policy 5020.1 provided no exceptions, even when disclosure
18 could cause abuse. In the proceedings below, the People provided ample evidence demonstrating
19 the need for an injunction to protect vulnerable students from such physical, emotional, or
20 psychological abuse, and Defendant provided no evidence (then or now) contradicting those facts.
21 (See, e.g., Declaration of Christine Brady in Support of People’s Opposition to Defendants’
22 Motion for Summary Judg., ¶¶ 68-70 [studies indicating that 10 percent of respondents reported
23 an immediate family member being violent toward them because they are transgender, with 15
24 percent running away or being kicked out of home for being transgender]; Declaration of Christi
25 Bell in Support of People’s Opposition to Defendants’ Motion for Summary Judg., ¶¶ 5, 38-43,
26 65 [“I am currently treating five transitional age youth . . . who identify as transgender and who
27 have experienced abuse or neglect as a direct result of their gender identity,” including four who
28 experienced abuse “when they lived at home as minors”]; People’s Separate Statement of Facts in

1 Support of People’s Opposition to Defendants’ Motion for Summary Judg., Nos. 40-43, 46-54;
2 see also *McCoy v. Matich* (1954) 128 Cal.App.2d 50, 52 [a court’s discretion on whether to
3 dissolve an injunction “should be exercised in favor of the party most likely to be injured”].)

4 Additionally, the interests of justice weigh against Defendant’s motion to dissolve this
5 Court’s injunction given the alternatives available to Defendant and Defendant’s prior
6 representations to this Court that “the District has no plans or intentions to reinstate BP 5020.1.”
7 (Defendants’ Separate Statement of Fact No. 16 in Support of Defendants’ Motion for Summary
8 Judg.; see also Summary Adjudication Order at p. 7.) As explained above, Defendant could have
9 accomplished its goals through existing policies that permit parents to “observe a classroom, talk
10 to a teacher, and review educational records”; or Defendant could have adopted a policy “that
11 more directly focuses on the existing problems (bullying, mental health, psychological distress,
12 uncertainty about a child’s mental welfare in the face of drastic behavior changes, etc.)” instead
13 of “focusing on the individual’s gender expression.” (Summary Adjudication Order at pp. 15, 19.)
14 Given these alternatives, and Defendant’s earlier representation that it had no plans to reinstate to
15 enjoined policy, Defendant has no need to dissolve this Court’s permanent injunction.

16 Finally, Defendant was aware of the federal proceedings in *Mirabelli*, expressly briefed it,
17 yet declined to appeal this Court’s final judgment, notwithstanding the continuing proceedings in
18 *Mirabelli*. If they wished to press their claims in light of ongoing rulings from the federal case,
19 they should have preserved their opportunity to do so through an appeal. The interests of justice
20 counsel against giving Defendant a second bite at the apple when they had ample opportunity to
21 maintain their claims but chose not to do so. (Cf. *Dion v. Weber* (2026) 119 Cal.App.5th 291, 316
22 “[A]s a matter of public policy, it makes little sense . . . to relitigate the merits of an underlying
23 cause of action that was already adjudicated in the final judgment.”].)

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CONCLUSION

For these reasons, the Court should deny Defendant’s motion to dissolve the Court’s permanent injunction.

Dated: August 6, 2026

Respectfully submitted,

ROB BONTA
Attorney General of California
MICHAEL L. NEWMAN
Senior Assistant Attorney General
LAURA L. FAER
Supervising Deputy Attorney General
EDWARD NUGENT
Deputy Attorney General


DELBERT TRAN
Deputy Attorney General
Attorneys for the People of the State of California

DECLARATION OF SERVICE BY E-MAIL

Case Name: People v. Chino Valley Unified School District
Case Number: CIVSB2317301
Party Represented: People of the State of California

Declaration of Electronic Service

1. I am at least 18 years of age and not a party to this matter.
2. I am employed in the Office of the Attorney General of the State of California. My business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230, County of Los Angeles.
3. My electronic service address is Marie.Armenakian@doj.ca.gov.
4. On August 6, 2026, I electronically served the following document[s]:

**THE PEOPLE OF THE STATE OF CALIFORNIA’S MEMORANDUM OF
POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANT’S MOTION
TO DISSOLVE PERMANENT INJUNCTION**

5. I electronically served the aforementioned document[s] by emailing them to the following individual[s]:

******See Attached Service List******

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on August 6, 2026.

M. Armenakian
Declarant

/s/ M. Armenakian
Signature

Case Name: People v. Chino Valley Unified School District
Case Number: CIVSB2317301
Party Represented: People of the State of California

*****Service List*****

CALIFORNIA JUSTICE CENTER

Emily K. Rae
18002 Irvine Blvd., Suite 108
Tustin, CA 92780
E-mail Address: emily@calpolicycenter.org

ADVOCATES FOR FAITH & FREEDOM

Robert Tyler
25026 Las Brisas Road
Murrieta, CA 92562
Telephone: (951) 304-7583
E-mail Address: btyler@faith-freedom.com

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A Professional Law Corporation
Anthony P. De Marco
William Diedrich
20 Pacifica, Suite 1100
Irvine, CA 92618
E-mail Address: ADeMarco@aalrr.com; WDiedrich@aalrr.com

Attorneys for Defendant Chino Valley Unified School District

DHILLON LAW GROUP, INC.

Karin M. Sweigart
Jesse D. Franklin-Murdock
Francis Adams
177 Post Street, Suite 700
San Francisco, CA 94108
E-mail Address: ksweigart@dhillonlaw.com; jfranklin-murdock@dhillonlaw.com;
fadams@dhillonlaw.com

CENTER FOR AMERICAN LIBERTY

Joshua W. Dixon
1311 South Main Street, Suite 207
Mount Airy, MD 21771
E-mail Address: JDixon@libertycenter.org

Attorneys for Defendants-Interveners