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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,

v.

CHINO VALLEY UNIFIED SCHOOL
DISTRICT,

Defendant,

and

NICHOLE VICARIO, et al.,

Defendants-Interveners.

Case No.: CIVSB2317301

**DEFENDANT CHINO VALLEY UNIFIED
SCHOOL DISTRICT'S REPLY
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO DISSOLVE PERMANENT
INJUNCTION**

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

I. ARGUMENT

Despite its arguments to the contrary, Plaintiff cannot wish away the intervening recognition of parental substantive due process rights by the Supreme Court of the United States. In *Mirabelli v. Bonta* (2026) 607 U.S. 492 (per curiam), the Court held that parents are likely to succeed on claims that California policies concealing a child’s symptoms of gender dysphoria at school—and facilitating social transitioning without parental knowledge—violate the fundamental right of parents “not to be shut out of participation in decisions regarding their children’s mental health.” (*Id.* at 497.) The Ninth Circuit immediately gave that holding concrete force in *City of Huntington Beach v. Newsom* (9th Cir. June 18, 2026) No. 25-3826, 2026 U.S. App. LEXIS 17884, enjoining key anti-notification provisions of Assembly Bill 1955 as applied to objecting parents seeking precisely that information.

This Court’s permanent injunction bars the District from enforcing (and from adopting any substantially similar version of) Policy 5020.1, the very sort of affirmative parental notification policy that *Mirabelli* and *City of Huntington Beach* now protect as constitutionally required or, at minimum, constitutionally protected. Plaintiff’s formalistic insistence that the injunction “does not require secrecy” cannot erase the practical and legal reality: by freezing the District into a non-notification default under the shadow of state equal protection theories that treated systematic notification as facial discrimination, the injunction has become inequitable and inconsistent with the federal constitutional baseline. Code of Civil Procedure section 533 and Civil Code section 3424 authorize dissolution upon a change in the law or when the ends of justice so require. Both grounds are met. The motion should be granted.

A. The Supreme Court’s decision in *Mirabelli* constitutes an intervening change in controlling law.

Plaintiff labors to minimize *Mirabelli* as a merely “preliminary” emergency docket ruling limited to parents who have already “asked” and subject to an “abuse” caveat. (Plaintiff’s Memo. of P&A in Opp. to Def’s Mot. to Dissolve Permanent Injunction (“Opp”) at 12, 15.) That characterization misreads both the opinion and the governing standards for modifying permanent injunctions.

1 California law has long recognized that a permanent injunction of continuing character may
2 be dissolved or modified when the law upon which it rests has changed. (*Sontag Chain Stores Co.*
3 *v. Super. Ct.* (1941) 18 Cal.2d 92, 94–95; Code Civ. Proc., § 533; Civ. Code, § 3424.) The moving
4 party bears the burden, but the trial court retains sound discretion to consider the particular
5 circumstances of each case. (*Salazar v. Eastin* (1995) 9 Cal.4th 836, 849–50.) An intervening
6 decision of the Supreme Court of the United States that restores parental constitutional protections
7 in the precise domain governed by the injunction qualifies as such a change—even when rendered
8 on the emergency docket and framed in terms of likelihood of success.

9 *Mirabelli* is not an abstract musing. The Court vacated the Ninth Circuit’s stay of a
10 permanent injunction as to parent plaintiffs, holding that those parents “very likely have standing
11 because they are objects of the challenged exclusion policies,” that class certification was likely
12 proper, and that the policies “likely violate parents’ rights to direct the upbringing and education of
13 their children.” (607 U.S. at 497–98.) Justice Barrett’s concurrence (joined by the Chief Justice and
14 Justice Kavanaugh) underscored that the assessment is preliminary and does not conclusively
15 resolve the merits—yet the Court nonetheless restored significant injunctive protection precisely
16 because the parents were likely to succeed. (*Id.* at 497, 500.) That is the hallmark of controlling
17 constitutional guidance, not advisory dicta.

18 Plaintiff’s attempt to cabin the right to parents who have already “requested” information,
19 and to treat the abuse exception as a free pass for non-disclosure regimes, runs counter to the Court’s
20 logic. (Opp. at 6, 17.) The Court protected the right “not to be shut out of participation in decisions
21 regarding their children’s mental health.” (*Mirabelli*, 607 U.S. at 497.) Gender dysphoria “has an
22 important bearing on a child’s mental health.” (*Id.*) When a child exhibits symptoms at school,
23 policies that conceal that information and facilitate transitioning without parental knowledge likely
24 violate the right. The abuse caveat is a limitation on the *right*—the State may restrict disclosure “to
25 parents who would engage in abuse”—not a license for categorical non-notification. (*Id.*) Nothing
26 in *Mirabelli* suggests that school officials may adopt (or be judicially forced into) a default of silence
27 until a parent happens to inquire. Affirmative policies that ensure parents receive timely notice of
28 the relevant indicators advance, rather than infringe, the constitutional interest the Court identified.

1 (*City of Huntington Beach*, 2026 U.S. App. LEXIS 17884, at *10 (“In light of *Mirabelli*, AB 1955
2 thus forbids the mandatory policies that the Constitution requires with respect to information about
3 a child exhibiting symptoms of gender dysphoria, and the objecting parents who affirmatively desire
4 any such information from schools have sufficient Article III standing because they are the ‘objects’
5 of AB 1955’s provisions.”).)

6 Nor does *Mirabelli* leave this Court’s State Equal Protection Clause analysis undisturbed.
7 (*See Opp.* at 14.) The summary adjudication order treated Policy 5020.1 as facially discriminatory
8 against transgender and gender nonconforming students and applied strict scrutiny, concluding that
9 the District failed to demonstrate narrow tailoring. That analysis cannot survive once federal law
10 recognizes parental substantive due process rights as a compelling interest of constitutional
11 dimension that notification policies serve. A state law equal protection theory that treats the very
12 mechanism for vindicating federal parental rights as presumptively unconstitutional is incompatible
13 with the Supremacy Clause. The “overbroad generalizations,” (*Opp.* at 15), critique also loses force:
14 the Policy targeted the precise behavioral indicators (*e.g.*, requests for different names or pronouns
15 and access to sex-segregated facilities) that signal the mental health concerns *Mirabelli* protects.
16 Tailored exceptions for credible risk of abuse remain available; a wholesale judicial prohibition on
17 systematic notification does not.

18 Plaintiff’s refrain that this Court’s injunction “imposes no such secrecy” is formalistic. (*Opp.*
19 at 17.) In the real world of school administration, the absence of a clear, uniform notification
20 policy—coupled with the threat of state equal protection liability and the backdrop of AB 1955—
21 produces precisely the concealment dynamic the Supreme Court condemned. The injunction’s
22 prohibition on “any policy or regulation” substantially similar to Policy 5020.1 entrenches that
23 dynamic. (*See Opp.* at 6, n.1.) Intervening federal constitutional law has rendered the injunction
24 untenable.

25 **B. The U.S. District Court’s injunction in *Mirabelli* reinforces the change in law.**

26 The Opposition correctly notes that lower federal court decisions are not binding on
27 California courts. That observation does not diminish the significance of the district court’s
28 permanent injunction in *Mirabelli*, which the Supreme Court has partially restored and which

1 remains pending in the Ninth Circuit. The district court’s reasoning—that concealment policies
2 stand in direct tension with parents’ substantive due process rights—aligns with the Supreme
3 Court’s subsequent holding and with this Court’s own earlier acknowledgment of those rights. The
4 pending appeal does not erase the intervening clarification of federal law; it underscores that the
5 legal landscape remains in active flux in a direction that undermines the permanent injunction
6 entered here.

7 **C. The Ninth Circuit’s order in *City of Huntington Beach* confirms that *Mirabelli* controls**
8 **and renders this Court’s injunction untenable.**

9 Plaintiff’s effort to dismiss *City of Huntington Beach* as a “preliminary,” “unpublished”
10 order that “simply applies” *Mirabelli* and therefore “does not change any controlling law” cannot
11 withstand examination. (Opp. at 7, 18.) *City of Huntington Beach* is the first and most direct
12 application of *Mirabelli* by the federal court of appeals that supervises California. It demonstrates
13 that the Supreme Court’s recognition of parental rights has immediate, practical force against
14 California’s own statutory framework of parental exclusion.

15 After twice denying preliminary relief pending appeal for lack of Article III standing, the
16 Ninth Circuit granted reconsideration solely in light of *Mirabelli*. (2026 U.S. App. LEXIS 17884,
17 at *5.) The panel held that the objecting parent plaintiffs were likely to succeed on the merits of
18 their substantive due process claim and had standing as the “objects” of the challenged exclusion
19 policies. (*Id.* at *6–11.) It therefore enjoined the State defendants, pending appeal, from enforcing
20 Sections 5 and 6 of AB 1955 (codified at Education Code §§ 220.3(a) and 220.5(a)) as to seven
21 parent plaintiffs “with respect to information about their respective children exhibiting symptoms
22 of gender dysphoria.” (*Id.* at *10.) Those statutory provisions generally prohibit school districts
23 from adopting policies that require employees to disclose information related to a pupil’s gender
24 identity or gender expression without the pupil’s consent. This is not a trivial or easily distinguished
25 development. *City of Huntington Beach* confirms three dispositive points.

26 ***First*, *Mirabelli* is controlling authority in the Ninth Circuit.** The panel treated the Supreme
27 Court’s emergency docket ruling as sufficient to reverse its own prior standing determinations and
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1 to restrain enforcement of a duly enacted California statute. That is the opposite of a ruling of no
2 practical consequence.

3 **Second**, the constitutional right recognized in *Mirabelli* is being operationalized precisely
4 against state barriers to parental notification. The Ninth Circuit protected parents who object to
5 secrecy regimes and seek information about symptoms of gender dysphoria—the identical interests
6 underlying Policy 5020.1. (*City of Huntington Beach*, 2026 U.S. App. LEXIS 17884, at *10 (“AB
7 1955 thus forbids the mandatory policies that the Constitution requires.”).) Thus, as *City of*
8 *Huntington Beach* makes clear, California’s anti-notification statute cannot be enforced against
9 objecting parents seeking the information at issue because such enforcement would violate parental
10 substantive due process rights.

11 **Third**, and most critically for this motion, *City of Huntington Beach* exposes the fatal
12 inconsistency in Plaintiff’s position. Plaintiff insists that this Court’s permanent injunction leaves
13 school officials free to inform parents “when appropriate” and therefore does not create secrecy.
14 (Opp. at 13.) Yet the State’s own legislation—AB 1955—creates the legal and practical pressure
15 toward concealment that *Mirabelli* and *City of Huntington Beach* have now condemned. By
16 permanently enjoining the District from adopting or enforcing a clear, categorical notification policy
17 of the sort contained in Policy 5020.1 (and any substantially similar policy), this Court has locked
18 the District into a regime that is increasingly at odds with the federal constitutional floor. The result
19 is the functional equivalent of the parental exclusion policies that federal courts are now actively
20 enjoining.

21 That AB 1955 was “not currently effective” when this Court entered final judgment is true
22 but irrelevant. (*See* Opp. at 18.) The intervening recognition of parental rights, confirmed and
23 applied in *City of Huntington Beach*, changes the legal and equitable calculus for every injunction
24 that restrains school districts from fulfilling their obligations to parents in this domain. A permanent
25 state court injunction that prohibits the very policies the Constitution protects cannot stand. The
26 unpublished character of the order does not diminish its force as persuasive authority confirming
27 the shift; Plaintiff itself cites to it, and California courts routinely look to Ninth Circuit decisions on
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1 federal constitutional questions for guidance. (*See, e.g., Keith v. S.S. Goldstone* (1978) 81
2 Cal.App.3d 699, 704.)

3 If this Court harbors any residual doubt about the full scope of *Mirabelli* or *City of*
4 *Huntington Beach*, the prudent course is to stay consideration of the motion pending fuller resolution
5 of the federal appeals. (*See Freiberg v. City of Mission Viejo* (1995) 33 Cal.App.4th 1484, 1489.)
6 But the better and more faithful course is to dissolve the injunction now. The legal landscape has
7 changed.

8 **D. The interests of justice compel dissolution.**

9 Even apart from the change-in-law analysis, the ends of justice require dissolution. (Code
10 Civ. Proc., § 533; Civ. Code, § 3424; *Sontag*, 18 Cal.2d at 94–95.)

11 Continued enforcement of the permanent injunction irreparably harms the federal
12 constitutional rights of parents—rights the Supreme Court has now recognized as fundamental in
13 this precise context. Plaintiff’s emphasis on irreparable harm to students through “discrimination”
14 cannot override those federal rights under the Supremacy Clause. (*See Opp.* at 19.) Concerns about
15 potential abuse, while legitimate, are accommodated by the very exception the Supreme Court itself
16 identified; they do not justify a categorical judicial ban on systematic notification. California law
17 already provides a comprehensive system to protect children from abuse and neglect through the
18 Child Abuse and Neglect Reporting Act, which imposes mandatory reporting requirements that a
19 school board policy cannot override. (Pen. Code, §§ 11164–11174.3.)

20 Plaintiff’s reliance on the District’s earlier representation that it had “no plans or intentions
21 to reinstate” Policy 5020.1, and on the District’s decision not to appeal the final judgment, is
22 misplaced. (*See Opp.* at 20.) Those statements were, and that strategic choice was, made under a
23 pre-*Mirabelli* legal regime. Intervening Supreme Court authority that restores parental constitutional
24 protection is precisely the circumstance the governing statutes and cases contemplate for
25 modification or dissolution. Finality yields to the Constitution. (*Cf. Dion v. Weber* (2026) 119
26 Cal.App.5th 291, 316 (public policy considerations counsel against relitigating fully adjudicated
27 merits, but do not freeze an injunction that has become inequitable due to subsequent controlling
28 authority).)

1 The availability of “alternatives”—facially neutral mental health policies, parental
2 observation rights, and the like—cuts both ways. While those alternatives may well be part of a
3 compliance regime, they do not eliminate the District’s right and constitutional duty to adopt a clear,
4 uniform notification policy that systematically vindicates the parental rights recognized in *Mirabelli*
5 and *City of Huntington Beach*. The permanent injunction’s wholesale prohibition on any
6 substantially similar policy disables that option. Justice does not require that the District remain
7 under a judicial restraint that places it at risk of violating federal parental rights—and a federal
8 injunction—in order to avoid state equal protection theories that can no longer be reconciled with
9 the federal baseline.

10 II. CONCLUSION

11 For the foregoing reasons and those stated in Defendant’s motion and supporting documents,
12 Defendant respectfully requests that the Court dissolve the permanent injunction entered on October
13 3, 2024. In the alternative, the Court should stay enforcement of the injunction pending final
14 resolution of the federal proceedings in *Mirabelli* and *City of Huntington Beach*.

15
16 DATED: August 12, 2026

CALIFORNIA JUSTICE CENTER

17
18 By: Emily Rae
19 Emily Rae
20 Attorneys for Defendant Chino Valley Unified
21 School District
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1 **PROOF OF SERVICE**

2 I am an employee in the County of Riverside. I am over the age of 18 years and not a party
3 to the within entitled action; my business address is 18002 Irvine Blvd., Suite 108, Tustin, California
4 92780.

5 On August 12, 2026, I served a copy of the following document(s) described as
6 **DEFENDANT CHINO VALLEY UNIFIED SCHOOL DISTRICT'S REPLY**
7 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO**
8 **DISSOLVE PERMANENT INJUNCTION** on the interested party(ies) in this action as follows:

9 **SEE ATTACHED SERVICE LIST**

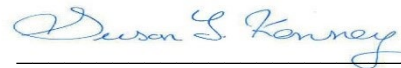
10 ☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court order or an
11 agreement of the parties to accept service by e-mail or electronic transmission, I transmitted
12 copies of the above-referenced document(s) on the interested parties in this action by
electronic transmission. Said electronic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

13 ☒ **BY UNITED STATES POSTAL SERVICE.** I am readily familiar with the practice for
14 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,
15 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).

16 ☐ **BY OVERNIGHT DELIVERY.** I enclosed the above-referenced document(s) in an
17 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
18 regularly utilized drop box of the overnight delivery carrier.

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

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

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24 Susan Y. Kenney

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