

1 Harmeet K. Dhillon (SBN: 207873)
2 harmeet@dhillonlaw.com
3 Karin M. Sweigart (SBN: 247462)
4 ksweigart@dhillonlaw.com
5 Jesse Franklin-Murdock (SBN: 339034)
6 jfranklin-murdock@dhillonlaw.com
7 Francis Adams (SBN: 349786)
8 fadams@dhillonlaw.com
9 DHILLON LAW GROUP INC.
10 177 Post Street, Suite 700
11 San Francisco, California 94108
12 Telephone: (415) 433-1700
13 Facsimile: (415) 520-6593

9 JOSHUA W. DIXON*
10 ERIC A. SELL*
11 CENTER FOR AMERICAN LIBERTY
12 1311 South Main Street, Suite 207
13 Mount Airy, MD 21771
14 Telephone: (703) 687-6200
15 Email: JDixon@LibertyCenter.org
16 ESell@LibertyCenter.org

17 * **Pro Hac Vice Pending**

18 Attorneys for Proposed Intervenors

19 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

20 **COUNTY OF SAN BERNARDINO**

21 **THE PEOPLE OF THE STATE OF**
22 **CALIFORNIA, EX REL. ROB BONTA,**
23 **ATTORNEY GENERAL OF THE STATE**
24 **OF CALIFORNIA,**

25 Plaintiff,

26 v.

27 **CHINO VALLEY UNIFIED SCHOOL**
28 **DISTRICT,**

Defendant,

Case Number: CIV SB 2317301

PROSPECTIVE INTERVENORS' EX
PARTE APPLICATION FOR LEAVE
TO INTERVENE AND DECLARATION
OF COUNSEL

Judge: Hon. Thomas S. Garza

Date: September 15, 2023

Time: 8:30 a.m.

Dept.: S27

1 **NICHOLE VICARIO**, an individual,
2 **RICHARD N. WALES Jr.**, an individual,
3 **MISTY STARTUP**, an individual,
4 **DARICE DE GUZMAN**, an individual,
5 **KRISTI MARCOS**, an individual, and
6 **KRISTAL BARRET**, an individual.

Prospective Intervenors

7 **NOTICE OF *EX PARTE* APPLICATION FOR LEAVE TO INTERVENE**

8 Notice is hereby given that on September 15, 2023, at 8:30 A.M. in Department S27 of the
9 above-titled Court, located at 247 W 3rd St, San Bernardino, CA 92415, Nicole Vicario, Richard N.
10 Wales Jr., Misty Startup, Darice De Guzman, Kristi Marcos, and Kristal Barret (collectively,
11 “Prospective Intervenors”), by and through their counsel, will and do move the Court for
12 an *ex parte* application for an order granting them leave to intervene as party-defendants in this
13 action.

14 Prospective Intervenors are entitled to intervene as a matter of right under Section
15 387(c)(1)(B) because, as parents with children who attend school in the Chino Valley Unified School
16 District (“CVUSD”), they have a fundamental right to “direct their child[ren]’s upbringing” that is
17 “compelling” and “among the most basic of civil rights.” *American Academy of Pediatrics v.*
18 *Lungren*, 16 Cal. 4th 307, 396 (1997) (quoting *In re Roger S.*, 10 Cal. 3d 921, 934 (1977)); *see also*
19 *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972).

20 This interest is implicated by the “transaction” at issue in this litigation: the adoption and
21 continuing validity of a school policy concerning parental notification. Deciding this matter without
22 Prospective Intervenors’ participation would impair their ability to protect their interest in directing
23 the upbringing of their own children, including their ability to proceed with full information regarding
24 their children’s physical and mental well-being, as well as their ability to vindicate their interest in
25 directing the upbringing of their children through local democratic processes.

26 Prospective Intervenors’ interests are not adequately represented by the existing parties
27 because neither party specifically represents parents and parental rights. Prospective Intervenors are
28 seeking to oppose Plaintiff; therefore, Plaintiff cannot represent their position. And CVUSD has

1 broader interests that are not coextensive with Prospective Intervenors' that prevent it from
2 adequately representing Prospective Intervenors in this action.


3 This request is timely because it is submitted less than a week after Plaintiff filed the
4 Complaint in this matter and before CVUSD has filed an Answer or Motion to Dismiss.

5 In the Alternative, Prospective Intervenors ask this Court to grant them permissive
6 intervention under Section 378(c)(2) because they have a direct and immediate interest in the matter
7 in litigation, will not enlarge the litigation, present reasons in support of intervention that outweigh
8 potential factors in opposition, and have timely filed a procedurally proper application to intervene.

9 This application will be based on this notice along with the Declaration of Karin M. Sweigart
10 in Support of Ex Parte Application for Leave to Intervene included in this document. Proposed
11 Intervenors also concurrently file a supporting memorandum of points and authorities, the proposed
12 Answer in Intervention, and an opposition to Plaintiff's *Ex Parte* Application for Temporary
13 Restraining Order.

14 Date: September 13, 2023

DHILLON LAW GROUP INC.
CENTER FOR AMERICAN LIBERTY

15
16 By: 
17 Harmeet K. Dhillon (SBN: 207873)
18 Karin M. Sweigart (SBN: 247462)
19 Jesse Franklin-Murdock (SBN: 339034)
20 Francis Adams (SBN: 349786)
21 DHILLON LAW GROUP INC.
22 177 Post Street, Suite 700
23 San Francisco, California 94108
24 Telephone: (415) 433-1700
25 Facsimile: (415) 520-6593

26 JOSHUA W. DIXON*
27 ERIC A. SELL*
28 CENTER FOR AMERICAN LIBERTY
1311 South Main Street, Suite 207
Mount Airy, MD 21771
Telephone: (703) 687-6200

* **Pro Hac Vice Pending**
Attorneys for Intervenors

DECLARATION OF JESSE FRANKLIN-MURDOCK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Jesse Franklin-Murdock, hereby declare:

1. I am over the age of 18 years and a U.S. citizen. I make this declaration based on my own personal knowledge and, if called to testify, could and would do so competently.

2. I am an attorney licensed to practice in the State of California. I am counsel for Dhillon Law Group, located at 177 Post Street, Suite 700, San Francisco, California 94108. I am counsel of record for the proposed Parent Intervenors in the above captioned proceeding.

3. The State of California (“the State”) is the only plaintiff in this case. Counsel of record for the State is Deputy Attorney General, Delbert Tran. Delbert Tran’s physical address is 455 Golden Gate Avenue, Suite 11000, San Francisco, California 94102-7004. Delbert Tran’s email address is Delbert.Tran@doj.ca.gov, and his telephone number is (415) 229-0110.

4. Defendant Chino Valley Unified School District (“CVUSD”) is the only defendant currently in the case. Counsel for the District are Anthony De Marco and William Diedrich of Atkinson, Andelson, Loya, Rudd & Romo PLC. Anthony De Marco’s physical address is 20 Pacifica, Suite 1100, Irvine, California 92618-3371. Anthony De Marco’s email address is ADeMarco@aalrr.com, and his telephone number is (714) 785-4497. William Diedrich’s physical address is 3880 Lemon St., Suite 250, Riverside, CA. William Diedrich’s email address is WDiedrich@aalrr.com, and his telephone number is (951) 403-1949.

5. On September 12, 2023, at approximately 1:14pm, I emailed all party counsel notice that I would be making an ex parte application to the court for leave to intervene on, Thursday, September 14, 2023 and that I intended to appear at the hearing and argue the motion on Friday, September 15, 2023, at 8:30 a.m. Counsel for CVUSD indicated that they supported Proposed Intervenors’ intervention motion. Counsel for the State indicated they would oppose.

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

///
///
///



Executed September 13, 2023, in San Francisco, California.



Jesse Franklin-Murdock

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28