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Government Code section 6103*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

SEP 15 2023

By 
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

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

15
16
17 **CHINO VALLEY UNIFIED SCHOOL**
18 **DISTRICT,**
19
20

Plaintiff,

v.

Defendant.

Case No. CIVSB2317301

**OPPOSITION TO PROSPECTIVE
INTERVENORS' EX PARTE
APPLICATION FOR LEAVE TO
INTERVENE**

Date: September 18, 2023
Time: 8:30 a.m.
Dept: S-27
Judge: Hon. Tom Garza
Trial Date: 2/26/2024
Action Filed: August 28, 2023

21 The People of the State of California, by and through Rob Bonta, Attorney General of the
22 State of California (the People), hereby file this Opposition to Prospective Intervenors' (Movants)
23 Ex Parte Application for Leave to Intervene.

INTRODUCTION

24
25 In adopting Board Policy 5020.1's forced disclosure provisions (the Policy), Defendant
26 Chino Valley Unified School District (Defendant or the District) violated: (1) the California
27 Constitution's equal protection clause; (2) state statutes prohibiting discrimination based on sex,
28 gender, gender identity, and gender expression; and (3) the California constitutional privacy

1 rights of transgender and gender nonconforming students. (Mem. of Ps & As in Supp. of Ex Parte
2 Appl. for TRO and OSC Re: Prelim. Inj. [Memo], pp. 16-25.) The Policy’s mandate—requiring
3 school officials and employees to “out” transgender and gender nonconforming students to their
4 parents—exposes those students to imminent and irreparable harm, including harassment and
5 emotional, mental, psychological, and physical harm and abuse. (Memo, p. 8.) According to their
6 own public statements, District Board members intended the Policy to single out transgender and
7 gender nonconforming students for this discriminatory treatment, to shame these students, and to
8 expose them to potentially “non-affirming” home environments so they could “get better.”
9 (Compl., p. 11 ¶ 62; see also RJN Ex. 6, 198:4-7.)

10 Intervention is inappropriate and futile here. Movants seek to litigate an entirely different
11 case from the one before the Court. Instead of addressing the merits of the People’s claims about
12 the unlawfulness of the Policy and the harms it causes, Movants are requesting a ruling that
13 parents have an affirmative right to force school employees to out transgender or gender
14 nonconforming students. Movants’ ex parte application to intervene should be denied.

15 ARGUMENT

16 I. Legal Standard

17 Intervention by parties is governed by Code of Civil Procedure section 387. California’s
18 intervention statute is modeled in part after Rule 24 of the Federal Rules of Civil Procedure and
19 “is in substance an exact counterpart” to the parallel federal rule. (*Hodge v. Kirkpatrick*
20 *Development, Inc.* (2005) 130 Cal.App.4th 540, 556.)

21 II. Movants Cannot Intervene as a Matter of Right

22 Movants do not have an unconditional right to intervene in the instant case, by statute or
23 by case law. Without a provision conferring an unconditional right to intervene under Code of
24 Civil Procedure section 387, subdivision (d)(1)(A), a prospective intervenor must satisfy a three-
25 part test under Code of Civil Procedure section 387, subdivision (d)(1)(B) by: (1) claiming an
26 interest in the property or transaction that is subject of the litigation; (2) establishing that they are
27 “so situated that the disposition of the action may impair or impede that person’s ability to protect
28 that interest”; and (3) establishing that their interests will not be adequately represented by the