

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

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ELIZABETH MIRABELLI, Case No. : 3:23-cv-  
individual, and LORI ANN WEST, an  
individual, ORDER:

Plaintiffs,

v.

MARK OLSON, in his official capacity, as  
President of the EUSD Board of  
Education, et al., DISMISS

(1) GRANTING MOTION  
PRELIMINARY INJUNCTION

(2) DENYING MOTIONS  
DISMISS

[ ECF Nos. 5, Defendant

Plaintiffs Elizabeth Mirabelli and L  
fifty-five years of experience between  
("EUSD"). They bring claims against me  
certain members of the EUSD administrat  
well as members of the California State  
(collectively, "State Defendants") for  
Amendment to the United States Constitu

1 for a preliminary injunction and the EU  
2 dismiss the claims. A hearing was held

3 I. BACKGROUND

4 If a school student suffers a life-t  
5 during a class on physical fitness, and  
6 want his parents to find out, would it  
7 hide the event from the parents? Of co  
8 sexual assault, or expresses suicidal t  
9 thoughts or behavior? Would it be acce  
10 would be serious medical conditions to  
11 constitutional right to be informed of  
12 parent's right to make decisions concer  
13 of their children is one of the oldest  
14 enjoy. However, if a school student ex  
15 the first visible sign that the child i  
16 dysphoria, conditions that may (or may  
17 social-emotional health consequences, w  
18 teachers to hide the event from the par

19 Plaintiffs Elizabeth Mirabelli and L  
20 Middle School, which is part of EUSD.  
21 teaches physical education. According  
22 of the Year" at different times while t  
23 district with approximately 16,000 stud  
24 government-created entity it is obligat  
25 the California Constitution as well as  
26 Constitution. Local school districts h  
27 familiar with the needs and opportuniti  
28 providing a public education for Escond

1 and supervises teachers and as part of  
2 time to time with the parents of studen

3 One current subject that EUSD faces  
4 concepts of gender identification, gend  
5 incongruence, and self-transitioning. A  
6 clinically diagnosed incongruence betwe  
7 untreated, gender dysphoria may lead to  
8 abuse, self-harm, and suicide. No. de2: 22-cv-18  
9 WL 1521889, at \*1 (M. D. Ala. May 13, 20  
10 EUSD has a newly adopted policy of: (1)  
11 expressed gender identification, and (2)  
12 enforced requirement of faculty confide  
13 newly expressed gender identification.

14  
15  
16 <sup>1</sup> According to DSM-5, the criteria for (1)  
17 A marked incongruence between one's exp  
18 at least 6 months in duration, as  
19 A. A marked incongruence between one  
20 and/or secondary sex characteristics (o  
21 sex characteristics)  
22 B. A strong desire to be rid of one'  
23 because of a marked incongruence with o  
24 adolescents, a desire to prevent the de  
25 characteristics)  
26 C. A strong desire for the primary a  
27 gender  
28 D. A strong desire to be of the othe  
29 one's designated gender)  
30 E. A strong desire to be treated as  
31 from one's designated gender)  
32 F. A strong conviction that one has  
33 gender (or some alternative gender diff  
34 The condition is associated with clinic  
35 occupational, or other important areas

1 The result of the new EUSD policy is  
2 a parent the fact that a student identi  
3 new name or new pronouns during the sch  
4 different from the birth name and birth  
5 accurate communication with the parents  
6 to the school. A teacher who knowingly  
7 discriminatory harassment and is subjec

8 EUSD has other formal policies that  
9 tension with the new policy. For examp  
10 have a right and an obligation to be en  
11 in the intellectual, physical, emotiona  
12 child." Compl. Exh. 15(7). And BP 411  
13 students, parents/guardians, staff, or  
14 information in . . . school records" i  
15 (9). Both existing policies BP 0100(7)  
16 constitutional rights but appear to be

17 The plaintiffs in this action are tw  
18 teachers maintain sincere religious bel  
19 student should be accurate; communicati  
20 mislead a student's parent. The teache  
21 constitutional right to make decisions  
22 The teachers allege a well-founded fear  
23 the EUSD gender identification confiden  
24 student's parents her own observations  
25 gender incongruence.

26 The plaintiffs bring a facial and as  
27 a preliminary injunction to enjoin the  
28 action against them in the event that t

1 policy. Because the plaintiffs have shown  
2 to them, a preliminary injunction would  
3 preliminary injunction factors tip in  
4 injunction is granted.

5 II. LEGAL STANDARDS

6 Federal Rule of Civil Procedure 65 governs  
7 injunctions. Plaintiffs seeking injunctive relief  
8 succeed on the merits; (2) they are likely to  
9 preliminary relief; (3) the balance of  
10 is in the public interest. *Am. Trucking Ass'n v. E.U.S. Dep. of Transp.*, 555 U.S. 7, 12 S.Ct. 1131, 182 L.Ed.2d 1013 (2008), *cert. denied*, 129 S.Ct. 1131, 182 L.Ed.2d 1013 (2009), *cert. denied*, 130 S.Ct. 1131, 182 L.Ed.2d 1013 (2010), *cert. denied*, 131 S.Ct. 1131, 182 L.Ed.2d 1013 (2011), *cert. denied*, 132 S.Ct. 1131, 182 L.Ed.2d 1013 (2012), *cert. denied*, 133 S.Ct. 1131, 182 L.Ed.2d 1013 (2013), *cert. denied*, 134 S.Ct. 1131, 182 L.Ed.2d 1013 (2014), *cert. denied*, 135 S.Ct. 1131, 182 L.Ed.2d 1013 (2015), *cert. denied*, 136 S.Ct. 1131, 182 L.Ed.2d 1013 (2016), *cert. denied*, 137 S.Ct. 1131, 182 L.Ed.2d 1013 (2017), *cert. denied*, 138 S.Ct. 1131, 182 L.Ed.2d 1013 (2018), *cert. denied*, 139 S.Ct. 1131, 182 L.Ed.2d 1013 (2019), *cert. denied*, 140 S.Ct. 1131, 182 L.Ed.2d 1013 (2020), *cert. denied*, 141 S.Ct. 1131, 182 L.Ed.2d 1013 (2021), *cert. denied*, 142 S.Ct. 1131, 182 L.Ed.2d 1013 (2022), *cert. denied*, 143 S.Ct. 1131, 182 L.Ed.2d 1013 (2023), *cert. denied*, 144 S.Ct. 1131, 182 L.Ed.2d 1013 (2024), *cert. denied*, 145 S.Ct. 1131, 182 L.Ed.2d 1013 (2025), *cert. denied*, 146 S.Ct. 1131, 182 L.Ed.2d 1013 (2026), *cert. denied*, 147 S.Ct. 1131, 182 L.Ed.2d 1013 (2027), *cert. denied*, 148 S.Ct. 1131, 182 L.Ed.2d 1013 (2028), *cert. denied*, 149 S.Ct. 1131, 182 L.Ed.2d 1013 (2029), *cert. denied*, 150 S.Ct. 1131, 182 L.Ed.2d 1013 (2030).  
11 *Am. Trucking Ass'n v. E.U.S. Dep. of Transp.*, 2023 WL 5763345, \*2 (9th Cir. Sept. 12, 2023).  
12 established that the first factor is satisfied where there is a  
13 constitutional violation and injury. *Id.* Plaintiffs have  
14 prevail on the merits, that showing usually tips the balance  
15 no matter how brief. *Id.* Plaintiffs' showing of a likelihood of  
16 succeeding on the merits also tips the balance in their favor,  
17 'always in the public interest to prevent the violation of  
18 (citations omitted). The Ninth Circuit has held that a  
19 'that a stronger showing of one element may tip the balance,  
20 the balance of equities 'tips sharply in favor of the party  
21 'serious questions' on the merits—a less likely result.  
22 *Id.*, No. 22-10000, 2023 WL 5946036, at \*35 (9th Cir. Sept. 13, 2023).

24 III. DISCUSSION

25 Since 2003, EUSD has maintained a no-action policy  
26 discriminatory harassment against its employees. Plaintiffs  
27 actual or perceived race, gender, and ethnicity. Plaintiffs  
28 questioned here. However, on August 13, 2023, EUSD

1 related school shutdowns, it is alleged  
 2 ("AR") 5145.3. AR 5145.3 gives definit  
 3 harassment under BP 5145.3. Compl. at  
 4 and its application that is at the cent  
 5 It is alleged that AR 5145.3 was not  
 6 is alleged that AR 5145.3 was not passe  
 7 alleged that AR 5145.3 was not widely c  
 8 5145.3 was adopted by school district a  
 9 opportunity for parental or public input  
 10 existence or significance until Februar  
 11 a district-wide video conference ~~reac~~ ~~heres~~ ~~est~~ ~~im~~  
 12 rights of gender diverse students ~~Comp~~ ~~ber~~  
 13 118 and Exh. 4.

14 Among the policy points discussed wa  
 15 student's transgender status and reveal  
 16 legitimate need for the information," t  
 17 discriminatory ~~wa~~ ~~erres~~ ~~ss~~ ~~pe~~ ~~en~~ ~~ti~~ ~~f~~ ~~i~~ ~~c~~ ~~a~~ ~~l~~ ~~l~~ ~~y~~ ~~i~~ ~~d~~ ~~e~~ ~~n~~ ~~t~~ ~~i~~  
 18 not have a legitimate need for the info  
 19 student's consent to reveal gender info  
 20 student. Compl. at ¶ 129.

21 According to the Complaint, the Febr  
 22 conducted by Defendant Tracy Schmidt, D  
 23 introduced by Albert Ngo, Director of C  
 24 presentation, Schmidt describes the rig  
 25 "So, now, lets go through what  
 26 students] are. And this is taken  
 27 policy on discrimination and haras  
 28 determining gender identity. The  
 the student[']s assertion of their

1 treat the student immediately, con  
2 identity. The student's assertion  
3 for a formal declaration. There's  
4 for us to begin  
5 treating that student consistent w  
6 Students also have a right to priv  
7 private information, and the Distr  
8 information to others with the stu  
9 disclosure of a student's gender i  
10 employee by a student, that employ  
11 permission to share woth. others in  
12 caretakers. The main take away is  
13 the student's comfort. If one wan  
14 student's status, they must be gra  
15 , caretakers, other teacher  
16 even support staff. You have to s

17 Compl. at Exh. 4, p 3-4 (emphasis added  
18 discrimination or harassment - - which i  
19 to people without a legitimate need for  
20 included among those who do not have a  
21 discrimination/harassment includes, "re  
22 diverse status to individuals who do no  
23 without the student's consent, ~~at~~ ~~the~~ ~~care~~ ~~takers~~."  
24 p 7 (emphasis added).

25 In August 2022, at the outset of th  
26 from school staff with a list of studen  
27 list included directions on whether or  
28 to the students' parents. Compl. at ¶¶  
29 an email with a list of students and en  
30 [redacted] (pronouns are he/him). Dad  
31 [redacted] and she/her when calling hom

1 Both plaintiffs sought relief from E  
2 Although it did not contest the sincerity  
3 extend that accommodation to the plaintiff  
4 Compl. Exh. 7 (Letter from attorney for  
5 teachers are required to follow the 'pr  
6 student's gender identity status with t  
7 permission."); Compl. Exh. 9 (Letter fr  
8 ("Question (1): What if a parent direct  
9 identity? Clarification. Your clients  
10 the scope of the intent of their intera  
11 may involve behavior as it relates to s  
12 clients have questions about questions  
13 equity laws/regulations, they should co  
14 guidance.").

15 Consequently, when it comes to commu  
16 been told by EUSD through its attorneys  
17  
18 . " Teac  
19 may refer the parent to the school prin  
20 information either, without the student  
21 of the student's age), the school distr  
22 Parents are left outside. This was exp

23 EUSD Attorney: Yes. So ultimately  
24 to your question, if a child went  
25 and then we get to a parent, and t  
26 to lie but saying this is beyond n  
27 administrator; ultimately, an admi  
28 child's wishes not to disclose and



1 Hearing Transcript, at 98. It is alleged  
2 have a desire to telephone parents to s  
3 the other hand, to be consistent with t  
4 conceal pertinent information that can  
5 affirmatively mislead a student's paren

6 EUSD responds in part, that AR 5415.  
7 and communicated through the California  
8 about the School Success and  
9 Bill 1266) (hereinafter "FAQs"). Compl

10 FAQs provides an answer to the question  
11 with the student's parents, other stude

12 A transgender or gender nonconform  
13 express their gender identity open  
14 home. Revealing a student's gende  
15 others may compromise the student'  
16 a student's privacy is of the utmo  
17 transgender students to keep their  
18 grounded in California's antidiscr  
19 federal and state laws. Disclosin  
20 without the student's permission n  
21 antidiscrimination law by increasi  
22 to harassment and may violate the

20 FAQs page 7 explains that if a student  
21 school district personnel are required  
22 age is not a factor, "as children as ea  
23 identity."

24 To this end, the state Department of  
25 double set of books to be kept by a sch  
26 nonconforming students. For example, F  
27 that schools keep records that reflect  
28

1 (e.g., copy of the birth certificate) a  
2 should consider placing physical documents  
3 nurse's office." And at FAQs page 7, "  
4 documentation supporting a legal name o  
5 update all unofficial school records (e  
6 reflect the student's name and gender m  
7 identity."

8 The upshot of the Board of Education  
9 whether in kindergarten, eighth grade,  
10 called by a new name or new pronouns, s  
11 student by the newly preferred indicato  
12 sheets, school IDs, and report cards ar  
13 student may go through each school day  
14 in person and on records according to t

15 However, under the antidiscrimination  
16 the parents of this change without the  
17 the best position to observe the studen  
18 social health and well-being of the stu  
19 nonconformance or dysphoria, under the  
20 inform the parents without the student'  
21 nondisclosure, FAQs page 6 says, "schoo  
22 determine who can or will be informed o  
23 including the student's family. With r  
24 limitations that a student places on th  
25 . " (Emphasis add

#### 26 A. Medical Opinion

27 The government approach articulated  
28 with respected medical opinions. The p

1 expert in the field of children and ado  
 2 Declaration of Dr. Erica E. Anderson,  
 3 credentialed clinical psychologist with  
 4 practice, Anderson has seen and support  
 5 gender-identity-related issues, many of  
 6 both, to a gender identity at that 3d if fA and s  
 7 herself as a transg n5d. er Avno d n e a r s. o n ' s t e s t  
 8 following excerpts:

9 " A child or adolescent who exhibits  
 10 receive a careful professional assessment  
 11 name and pronouns may be the first visi  
 12 dealing with gender dysphoria or relate  
 13 involvement is necessary to obtain prof  
 14 experiencing gender incongruence, to pr  
 15 dysphoria or other coexisting condition  
 16 parental consent interferes with parent  
 17 therapeutic approach prior to transiti  
 18 about whether a transition will be best  
 19 the parent-child relationship. Nor is  
 20 they present as transgender in some con  
 21 best interests. 8".

22 Anderson opines, " a social transiti  
 23 psychological changes a person can expe  
 24 a social transition based solely upon t  
 25 consultation with parents and app 11 o p 4 2 i a  
 26 directly on the point of concern for th  
 27 teachers in the position of accepting w  
 28 further direct such teachers to withhol

1 minor children is. h a t g e t t y 4 p r o b A r e d n a t s c n " c  
 2 appropriate for parents to say 'no' to  
 3 to, among other things, allow time for  
 4 mental health professional before makin  
 5 is to help their children a t a v i d o . m a k C o n g c  
 6 standards, the World Professional Assoc  
 7 Standards of Care ("SOC") 7 and 8 recog  
 8 whether to 'allow' a social transition  
 9 suggest that school personnel should de  
 10 let alone doing so and hiding t h e i n f o

11 Parental involvement is not optional  
 12 incongruence. After all, "Parents are  
 13 regularly interacted with a child or ad  
 14 entire life, and therefore they have a  
 15 Indeed, parents often have more knowled  
 16 whether their child or adolescent exhib  
 17 dysphoria during the a e t a r i l i e s . t y C e o a n s s e q o u f e r  
 18 explains, "parental involvement is a cr  
 19 long the child or adolescent has been e  
 20 might be any external cause of those fe  
 21 feelings are a t t o i p e r 6 s . i s t A n d e r s o n c o n t i n u

22 And, as WPATH notes, "a parent/  
 23 provide critical context in situat  
 24 experiences very recent or sudden  
 25 diversity and a corresponding gend  
 26 when there is concern for possible  
 27 media influence on a young person'  
 28 concept."

indeed, WPATH's SOC 8 recommends "  
 primary caregiver(s) in the assess

situations," and adds that "include the assessment process to encourage parental understanding and support one of the most helpful practices

. at ¶¶ 68-69. Concealing from a parent not in the best medical interests of a social transition at school over the path between the parent and child. Similarly which they present as transgender in so in their best interests." After all, "[excluding parents from decisions about structure for a child or adolescent who

Anderson's opinion regarding EUSD's policies is,

contrary to widely accepted mental practice. I am not aware of any endorse EUSD's policies which encourage socially transitioning a child or of mental health professionals and parents or over their objection.

Rather, when a child presents with name or pronouns, the very first professional assessment by a mental expertise in child gender incongru not be, as EUSD's policies provide unhesitating affirmance of the child involvement or knowledge.

at ¶¶ 82-83. Anderson concludes,

EUSD's policies are contrary to be maintaining the relationship between Best mental health practices abhor between parents and children, create all cases, parental consent is required

1 psychological treatment to minors.  
2 science of mental health recognize  
3 regarding a minor's mental and emo  
4 from first-hand accounts by parent  
5 from immature children.

6 at ¶ 85.

7 To sum up, the plaintiffs correctly  
8 confidentiality and non-disclosure to p  
9 the health of their gender incongruent  
10 As such, for purposes of a motion for p  
11 weight.

#### 12 B. Youthful Impetuosity

13 Though it does not require the wisdom  
14 Supreme Court recognizes that youth ten  
15 decisions. "First, as any parent knows  
16 tend to confirm, 'a lack of maturity an  
17 found in youth more often than in adult  
18 These qualities often result in impetuo  
19 , 543 U.S. 551, 569 (2005) (cita  
20 perhaps especially true in the school s  
21 susceptible to negative influences and  
22 And "the character of a juvenile is not  
23 traits of juveniles are at mōr7e0 t(rcaintsaitiorny  
24 notes the Court, "the relevance of you  
25 the signature qualities of youth are tr  
26 and recklessness that may dominate in y

#### 27 C. Federal Constitutional Rights of P

28 Although the plaintiffs ultimately s  
policy violates state law, a decision o

1 preliminary injunctive relief. This is  
2 EUSD's policies are in direct tension with  
3 direct the upbringing and education of  
4 constitutional rights is plainly committed  
5 upon which federal courts may decide the  
6 duty of federal courts to do so.

7 The United States Supreme Court has  
8 parents have a right, grounded in the  
9 upbringing, and to maintain the well-being  
10 U.S. 57, 67-68 (2000), the Court remarked  
11 to determine, without undue interference  
12 educate the child. The parental right  
13 Clause of the Fourteenth Amendment." The  
14 formulated and "long ha[s] been interpreted  
15 Amendment concepts of liberty and independence  
16 and nurture of the child," free from state

17 Beginning with, 262 U.S. 390, 400 (1923)  
18 American people have always regarded education  
19 matters of supreme importance which should  
20 to the right of control, it is the natural  
21 suitable to their station in life."

22 In *Wisconsin v. Estate of Allen*, 268 U.S. 510, 535 (1925)  
23 "the liberty of parents and guardians to  
24 under their control," and said, "[t]he  
25 nurture him and direct his destiny have  
26 and prepare him for additional obligations."

27 In *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944)  
28 "[i]t is cardinal with us that the custody

1 parents, whose primary function and fre  
2 can neither supply nor hinder."

3 In , 405 U.S. 645 (1972), the C  
4 frequently emphasized the importance of  
5 conceive and to raise one's children ha

6 In , 442 U.S. 584, 604 (1979), t  
7 jurisprudence historically has reflecte  
8 unit with broad parental authority over

9 followed that course; our constitutiona  
10 'the mere creature of the State' and, o

11 the right, coupled with the high duty,  
12 additional obligations.'" The Court con

13 a presumption that parents possess what  
14 capacity for judgment required for maki

15 historically it has recognized that nat  
16 interests of (the itrat d hoinlsd roem i.t"ted). "The

17 power should supersede parental authori  
18 neglect children is repugnant to 3.0 c A t h e r t i c

19 recognized the parental right to be inv  
20 on - - the need for medical care or trea

21 Simply because the decision of a p  
22 child or because it involves risks  
23 the power to make that decision fr  
24 agency or officer of the state. T

25 be made for a tonsillectomy, apper  
26 procedure. Most children, even in  
27 able to make sound judgments conce  
28 including their need for medical c

and must make those judgments.



1           , 442 U.S. at 603-04 ("The fact that  
2 complain about a parental refusal to pr  
3 parents' authority to decide what is be  
4       In           , 455 U.S. 745, 753 (1982),  
5 fundamental liberty interest of natural  
6 their child does not evaporate simply b  
7       In           , 497 U.S. 417, 447 (1990)  
8 natural parent who has demonstrated suf  
9 thereafter entitled to raise the childr  
10       In           , 550 U.S. 516, 529 (  
11 "it is not a novel proposition to say t  
12 education and upbringing of their child  
13       These are not strange or novel notio  
14 Ninth Circuit recently acknowledged, ye  
15 constitutionally protected intere3s8t Fir. n4  
16 792, 799 (2022), the court observed, "[  
17 control of their children — is perhaps  
18 recognized by the Supreme Court. Our c  
19 and children under the Fourth and Fourt  
20       The constitutional right of parents  
21 protected through Congressional policy,  
22 and Privacy Act ("FERPA") (20 U.S.C. §  
23 schools to provide parents the opportun  
24 education records (34 CFR 99.10 - 99.12  
25 of the importance of parents being invo  
26 includes more than academics and extend  
27 child, according to FERPA, takes second  
28

1 In the end, EUSD's policy of elevati  
2 paramount importance, while excluding a  
3 that kind of choice, is as foreign to f  
4 medically unwise.

5 D. State Law Right to Privacy

6 EUSD responds that the policy is req  
7 statute. Rather, the argument goes tha  
8 to privacy as applied to the school set  
9 the meaning of state law and federal co  
10 binding interpretation. On S.F. 2d 1565 (9th Ci  
11 are none, federal courts look to decisi  
12 predicting the decision of the state's  
13 , 16 Cal. 4th 307, 315 (1997), Calif  
14 "requirement that medical care be provi  
15 remains the general rule, b  
16 the United States." (Emphasis added.)  
17 exceptions to the general rule (mittid m"  
18 to obtain specific types of medical ser  
19 transitioning is not among the exceptio

20 Concerning the California's state co  
21 regulations like AR 5415.3, the state's  
22 binding interpretation, and no state ap  
23 Whether a child's state law right to pr  
24 own parents after the child has express  
25

---

26  
27 <sup>2</sup> These are described as "statutes that  
28 obtain medical care only for specific,  
minor to consent to medical at a 316 for ot

1 new name and referred to by new pronoun  
2 right to privacy is a reasonable expect  
3 desire to be publicly known in school b  
4 to by teachers and students and others  
5 be said to have a reasonable expectatio

6 While the Court is unaware of state  
7 right to quasi-privacy about their gend  
8 right above a parent's right to know, t  
9 obligations. For ,ex 125 Cal. App. 4th 140  
10 California court of appeal made clear t  
11 " We categorically reject the absurd sug  
12 trumps a parent's right to direct and c  
13 whom the child. may 14150 c(iatit tations omit  
14 parents in the care, custody, and contr  
15 fundamental liberty interests recognize  
16 (quoting 530 U. S. abn 65) ues, " [w] hether  
17 parents have broad authority to over laly si r  
18 parents' obligations regarding children  
19 to exercise lawful control over the act  
20 parents to at d of 4100 -" 11 (citing Cal. Penal  
21 [parents of a child " under the age of 1  
22 care, supervision, protection, and cont  
23 or " cause" the child to " become or to r  
24 300 [juvenile dependency], 601 [habitu  
25 delinquency] of the Welfare and Institu  
26 punishment for a violation of that duty  
27 [parents who fail to compel their child  
28 prosecuti 6h y; Code, § 1714.1 [parents ma

1 minor child]; Gov. Code, § 38772, subd.  
2 their minor child for the child's defac  
3 subd. (a) [parents are liable for damag  
4 child in injuring or killing a pupil or  
5 property belonging to a school or schoo  
6 [parents may be liable for petty theft  
7 control].)

8 Another California court of appeal m  
9 Amendment context, a child's right to p  
10 room must give way to a parent's ~~superior~~ <sup>188</sup> ~~superior~~  
11 Cal. App. 4th 978 (Cal. App. 2010). The a

12 [The minor] Appellant argues the  
13 objection to their entry constitut  
14 constitutional rights, noting mino  
15 protections of the Constitution an  
16 seizure provisions of the Fourth A  
17 question minors are entitled to th  
18 Amendment, adults and minors are n  
19 the same degree of constitutional

20 at 989-90 (citations ~~explains~~ <sup>189</sup> ~~explains~~ <sup>190</sup> ~~explains~~). "To f  
21 supervision, parents must be empowered  
22 even over the objection of ~~990~~ <sup>191</sup> ~~990~~ <sup>192</sup> ~~990~~ <sup>193</sup> ~~990~~ <sup>194</sup> ~~990~~ <sup>195</sup> ~~990~~ <sup>196</sup> ~~990~~ <sup>197</sup> ~~990~~ <sup>198</sup> ~~990~~ <sup>199</sup> ~~990~~ <sup>200</sup> ~~990~~ <sup>201</sup> ~~990~~ <sup>202</sup> ~~990~~ <sup>203</sup> ~~990~~ <sup>204</sup> ~~990~~ <sup>205</sup> ~~990~~ <sup>206</sup> ~~990~~ <sup>207</sup> ~~990~~ <sup>208</sup> ~~990~~ <sup>209</sup> ~~990~~ <sup>210</sup> ~~990~~ <sup>211</sup> ~~990~~ <sup>212</sup> ~~990~~ <sup>213</sup> ~~990~~ <sup>214</sup> ~~990~~ <sup>215</sup> ~~990~~ <sup>216</sup> ~~990~~ <sup>217</sup> ~~990~~ <sup>218</sup> ~~990~~ <sup>219</sup> ~~990~~ <sup>220</sup> ~~990~~ <sup>221</sup> ~~990~~ <sup>222</sup> ~~990~~ <sup>223</sup> ~~990~~ <sup>224</sup> ~~990~~ <sup>225</sup> ~~990~~ <sup>226</sup> ~~990~~ <sup>227</sup> ~~990~~ <sup>228</sup> ~~990~~ <sup>229</sup> ~~990~~ <sup>230</sup> ~~990~~ <sup>231</sup> ~~990~~ <sup>232</sup> ~~990~~ <sup>233</sup> ~~990~~ <sup>234</sup> ~~990~~ <sup>235</sup> ~~990~~ <sup>236</sup> ~~990~~ <sup>237</sup> ~~990~~ <sup>238</sup> ~~990~~ <sup>239</sup> ~~990~~ <sup>240</sup> ~~990~~ <sup>241</sup> ~~990~~ <sup>242</sup> ~~990~~ <sup>243</sup> ~~990~~ <sup>244</sup> ~~990~~ <sup>245</sup> ~~990~~ <sup>246</sup> ~~990~~ <sup>247</sup> ~~990~~ <sup>248</sup> ~~990~~ <sup>249</sup> ~~990~~ <sup>250</sup> ~~990~~ <sup>251</sup> ~~990~~ <sup>252</sup> ~~990~~ <sup>253</sup> ~~990~~ <sup>254</sup> ~~990~~ <sup>255</sup> ~~990~~ <sup>256</sup> ~~990~~ <sup>257</sup> ~~990~~ <sup>258</sup> ~~990~~ <sup>259</sup> ~~990~~ <sup>260</sup> ~~990~~ <sup>261</sup> ~~990~~ <sup>262</sup> ~~990~~ <sup>263</sup> ~~990~~ <sup>264</sup> ~~990~~ <sup>265</sup> ~~990~~ <sup>266</sup> ~~990~~ <sup>267</sup> ~~990~~ <sup>268</sup> ~~990~~ <sup>269</sup> ~~990~~ <sup>270</sup> ~~990~~ <sup>271</sup> ~~990~~ <sup>272</sup> ~~990~~ <sup>273</sup> ~~990~~ <sup>274</sup> ~~990~~ <sup>275</sup> ~~990~~ <sup>276</sup> ~~990~~ <sup>277</sup> ~~990~~ <sup>278</sup> ~~990~~ <sup>279</sup> ~~990~~ <sup>280</sup> ~~990~~ <sup>281</sup> ~~990~~ <sup>282</sup> ~~990~~ <sup>283</sup> ~~990~~ <sup>284</sup> ~~990~~ <sup>285</sup> ~~990~~ <sup>286</sup> ~~990~~ <sup>287</sup> ~~990~~ <sup>288</sup> ~~990~~ <sup>289</sup> ~~990~~ <sup>290</sup> ~~990~~ <sup>291</sup> ~~990~~ <sup>292</sup> ~~990~~ <sup>293</sup> ~~990~~ <sup>294</sup> ~~990~~ <sup>295</sup> ~~990~~ <sup>296</sup> ~~990~~ <sup>297</sup> ~~990~~ <sup>298</sup> ~~990~~ <sup>299</sup> ~~990~~ <sup>300</sup> ~~990~~ <sup>301</sup> ~~990~~ <sup>302</sup> ~~990~~ <sup>303</sup> ~~990~~ <sup>304</sup> ~~990~~ <sup>305</sup> ~~990~~ <sup>306</sup> ~~990~~ <sup>307</sup> ~~990~~ <sup>308</sup> ~~990~~ <sup>309</sup> ~~990~~ <sup>310</sup> ~~990~~ <sup>311</sup> ~~990~~ <sup>312</sup> ~~990~~ <sup>313</sup> ~~990~~ <sup>314</sup> ~~990~~ <sup>315</sup> ~~990~~ <sup>316</sup> ~~990~~ <sup>317</sup> ~~990~~ <sup>318</sup> ~~990~~ <sup>319</sup> ~~990~~ <sup>320</sup> ~~990~~ <sup>321</sup> ~~990~~ <sup>322</sup> ~~990~~ <sup>323</sup> ~~990~~ <sup>324</sup> ~~990~~ <sup>325</sup> ~~990~~ <sup>326</sup> ~~990~~ <sup>327</sup> ~~990~~ <sup>328</sup> ~~990~~ <sup>329</sup> ~~990~~ <sup>330</sup> ~~990~~ <sup>331</sup> ~~990~~ <sup>332</sup> ~~990~~ <sup>333</sup> ~~990~~ <sup>334</sup> ~~990~~ <sup>335</sup> ~~990~~ <sup>336</sup> ~~990~~ <sup>337</sup> ~~990~~ <sup>338</sup> ~~990~~ <sup>339</sup> ~~990~~ <sup>340</sup> ~~990~~ <sup>341</sup> ~~990~~ <sup>342</sup> ~~990~~ <sup>343</sup> ~~990~~ <sup>344</sup> ~~990~~ <sup>345</sup> ~~990~~ <sup>346</sup> ~~990~~ <sup>347</sup> ~~990~~ <sup>348</sup> ~~990~~ <sup>349</sup> ~~990~~ <sup>350</sup> ~~990~~ <sup>351</sup> ~~990~~ <sup>352</sup> ~~990~~ <sup>353</sup> ~~990~~ <sup>354</sup> ~~990~~ <sup>355</sup> ~~990~~ <sup>356</sup> ~~990~~ <sup>357</sup> ~~990~~ <sup>358</sup> ~~990~~ <sup>359</sup> ~~990~~ <sup>360</sup> ~~990~~ <sup>361</sup> ~~990~~ <sup>362</sup> ~~990~~ <sup>363</sup> ~~990~~ <sup>364</sup> ~~990~~ <sup>365</sup> ~~990~~ <sup>366</sup> ~~990~~ <sup>367</sup> ~~990~~ <sup>368</sup> ~~990~~ <sup>369</sup> ~~990~~ <sup>370</sup> ~~990~~ <sup>371</sup> ~~990~~ <sup>372</sup> ~~990~~ <sup>373</sup> ~~990~~ <sup>374</sup> ~~990~~ <sup>375</sup> ~~990~~ <sup>376</sup> ~~990~~ <sup>377</sup> ~~990~~ <sup>378</sup> ~~990~~ <sup>379</sup> ~~990~~ <sup>380</sup> ~~990~~ <sup>381</sup> ~~990~~ <sup>382</sup> ~~990~~ <sup>383</sup> ~~990~~ <sup>384</sup> ~~990~~ <sup>385</sup> ~~990~~ <sup>386</sup> ~~990~~ <sup>387</sup> ~~990~~ <sup>388</sup> ~~990~~ <sup>389</sup> ~~990~~ <sup>390</sup> ~~990~~ <sup>391</sup> ~~990~~ <sup>392</sup> ~~990~~ <sup>393</sup> ~~990~~ <sup>394</sup> ~~990~~ <sup>395</sup> ~~990~~ <sup>396</sup> ~~990~~ <sup>397</sup> ~~990~~ <sup>398</sup> ~~990~~ <sup>399</sup> ~~990~~ <sup>400</sup> ~~990~~ <sup>401</sup> ~~990~~ <sup>402</sup> ~~990~~ <sup>403</sup> ~~990~~ <sup>404</sup> ~~990~~ <sup>405</sup> ~~990~~ <sup>406</sup> ~~990~~ <sup>407</sup> ~~990~~ <sup>408</sup> ~~990~~ <sup>409</sup> ~~990~~ <sup>410</sup> ~~990~~ <sup>411</sup> ~~990~~ <sup>412</sup> ~~990~~ <sup>413</sup> ~~990~~ <sup>414</sup> ~~990~~ <sup>415</sup> ~~990~~ <sup>416</sup> ~~990~~ <sup>417</sup> ~~990~~ <sup>418</sup> ~~990~~ <sup>419</sup> ~~990~~ <sup>420</sup> ~~990~~ <sup>421</sup> ~~990~~ <sup>422</sup> ~~990~~ <sup>423</sup> ~~990~~ <sup>424</sup> ~~990~~ <sup>425</sup> ~~990~~ <sup>426</sup> ~~990~~ <sup>427</sup> ~~990~~ <sup>428</sup> ~~990~~ <sup>429</sup> ~~990~~ <sup>430</sup> ~~990~~ <sup>431</sup> ~~990~~ <sup>432</sup> ~~990~~ <sup>433</sup> ~~990~~ <sup>434</sup> ~~990~~ <sup>435</sup> ~~990~~ <sup>436</sup> ~~990~~ <sup>437</sup> ~~990~~ <sup>438</sup> ~~990~~ <sup>439</sup> ~~990~~ <sup>440</sup> ~~990~~ <sup>441</sup> ~~990~~ <sup>442</sup> ~~990~~ <sup>443</sup> ~~990~~ <sup>444</sup> ~~990~~ <sup>445</sup> ~~990~~ <sup>446</sup> ~~990~~ <sup>447</sup> ~~990~~ <sup>448</sup> ~~990~~ <sup>449</sup> ~~990~~ <sup>450</sup> ~~990~~ <sup>451</sup> ~~990~~ <sup>452</sup> ~~990~~ <sup>453</sup> ~~990~~ <sup>454</sup> ~~990~~ <sup>455</sup> ~~990~~ <sup>456</sup> ~~990~~ <sup>457</sup> ~~990~~ <sup>458</sup> ~~990~~ <sup>459</sup> ~~990~~ <sup>460</sup> ~~990~~ <sup>461</sup> ~~990~~ <sup>462</sup> ~~990~~ <sup>463</sup> ~~990~~ <sup>464</sup> ~~990~~ <sup>465</sup> ~~990~~ <sup>466</sup> ~~990~~ <sup>467</sup> ~~990~~ <sup>468</sup> ~~990~~ <sup>469</sup> ~~990~~ <sup>470</sup> ~~990~~ <sup>471</sup> ~~990~~ <sup>472</sup> ~~990~~ <sup>473</sup> ~~990~~ <sup>474</sup> ~~990~~ <sup>475</sup> ~~990~~ <sup>476</sup> ~~990~~ <sup>477</sup> ~~990~~ <sup>478</sup> ~~990~~ <sup>479</sup> ~~990~~ <sup>480</sup> ~~990~~ <sup>481</sup> ~~990~~ <sup>482</sup> ~~990~~ <sup>483</sup> ~~990~~ <sup>484</sup> ~~990~~ <sup>485</sup> ~~990~~ <sup>486</sup> ~~990~~ <sup>487</sup> ~~990~~ <sup>488</sup> ~~990~~ <sup>489</sup> ~~990~~ <sup>490</sup> ~~990~~ <sup>491</sup> ~~990~~ <sup>492</sup> ~~990~~ <sup>493</sup> ~~990~~ <sup>494</sup> ~~990~~ <sup>495</sup> ~~990~~ <sup>496</sup> ~~990~~ <sup>497</sup> ~~990~~ <sup>498</sup> ~~990~~ <sup>499</sup> ~~990~~ <sup>500</sup> ~~990~~ <sup>501</sup> ~~990~~ <sup>502</sup> ~~990~~ <sup>503</sup> ~~990~~ <sup>504</sup> ~~990~~ <sup>505</sup> ~~990~~ <sup>506</sup> ~~990~~ <sup>507</sup> ~~990~~ <sup>508</sup> ~~990~~ <sup>509</sup> ~~990~~ <sup>510</sup> ~~990~~ <sup>511</sup> ~~990~~ <sup>512</sup> ~~990~~ <sup>513</sup> ~~990~~ <sup>514</sup> ~~990~~ <sup>515</sup> ~~990~~ <sup>516</sup> ~~990~~ <sup>517</sup> ~~990~~ <sup>518</sup> ~~990~~ <sup>519</sup> ~~990~~ <sup>520</sup> ~~990~~ <sup>521</sup> ~~990~~ <sup>522</sup> ~~990~~ <sup>523</sup> ~~990~~ <sup>524</sup> ~~990~~ <sup>525</sup> ~~990~~ <sup>526</sup> ~~990~~ <sup>527</sup> ~~990~~ <sup>528</sup> ~~990~~ <sup>529</sup> ~~990~~ <sup>530</sup> ~~990~~ <sup>531</sup> ~~990~~ <sup>532</sup> ~~990~~ <sup>533</sup> ~~990~~ <sup>534</sup> ~~990~~ <sup>535</sup> ~~990~~ <sup>536</sup> ~~990~~ <sup>537</sup> ~~990~~ <sup>538</sup> ~~990~~ <sup>539</sup> ~~990~~ <sup>540</sup> ~~990~~ <sup>541</sup> ~~990~~ <sup>542</sup> ~~990~~ <sup>543</sup> ~~990~~ <sup>544</sup> ~~990~~ <sup>545</sup> ~~990~~ <sup>546</sup> ~~990~~ <sup>547</sup> ~~990~~ <sup>548</sup> ~~990~~ <sup>549</sup> ~~990~~ <sup>550</sup> ~~990~~ <sup>551</sup> ~~990~~ <sup>552</sup> ~~990~~ <sup>553</sup> ~~990~~ <sup>554</sup> ~~990~~ <sup>555</sup> ~~990~~ <sup>556</sup> ~~990~~ <sup>557</sup> ~~990~~ <sup>558</sup> ~~990~~ <sup>559</sup> ~~990~~ <sup>560</sup> ~~990~~ <sup>561</sup> ~~990~~ <sup>562</sup> ~~990~~ <sup>563</sup> ~~990~~ <sup>564</sup> ~~990~~ <sup>565</sup> ~~990~~ <sup>566</sup> ~~990~~ <sup>567</sup> ~~990~~ <sup>568</sup> ~~990~~ <sup>569</sup> ~~990~~ <sup>570</sup> ~~990~~ <sup>571</sup> ~~990~~ <sup>572</sup> ~~990~~ <sup>573</sup> ~~990~~ <sup>574</sup> ~~990~~ <sup>575</sup> ~~990~~ <sup>576</sup> ~~990~~ <sup>577</sup> ~~990~~ <sup>578</sup> ~~990~~ <sup>579</sup> ~~990~~ <sup>580</sup> ~~990~~ <sup>581</sup> ~~990~~ <sup>582</sup> ~~990~~ <sup>583</sup> ~~990~~ <sup>584</sup> ~~990~~ <sup>585</sup> ~~990~~ <sup>586</sup> ~~990~~ <sup>587</sup> ~~990~~ <sup>588</sup> ~~990~~ <sup>589</sup> ~~990~~ <sup>590</sup> ~~990~~ <sup>591</sup> ~~990~~ <sup>592</sup> ~~990~~ <sup>593</sup> ~~990~~ <sup>594</sup> ~~990~~ <sup>595</sup> ~~990~~ <sup>596</sup> ~~990~~ <sup>597</sup> ~~990~~ <sup>598</sup> ~~990~~ <sup>599</sup> ~~990~~ <sup>600</sup> ~~990~~ <sup>601</sup> ~~990~~ <sup>602</sup> ~~990~~ <sup>603</sup> ~~990~~ <sup>604</sup> ~~990~~ <sup>605</sup> ~~990~~ <sup>606</sup> ~~990~~ <sup>607</sup> ~~990~~ <sup>608</sup> ~~990~~ <sup>609</sup> ~~990~~ <sup>610</sup> ~~990~~ <sup>611</sup> ~~990~~ <sup>612</sup> ~~990~~ <sup>613</sup> ~~990~~ <sup>614</sup> ~~990~~ <sup>615</sup> ~~990~~ <sup>616</sup> ~~990~~ <sup>617</sup> ~~990~~ <sup>618</sup> ~~990~~ <sup>619</sup> ~~990~~ <sup>620</sup> ~~990~~ <sup>621</sup> ~~990~~ <sup>622</sup> ~~990~~ <sup>623</sup> ~~990~~ <sup>624</sup> ~~990~~ <sup>625</sup> ~~990~~ <sup>626</sup> ~~990~~ <sup>627</sup> ~~990~~ <sup>628</sup> ~~990~~ <sup>629</sup> ~~990~~ <sup>630</sup> ~~990~~ <sup>631</sup> ~~990~~ <sup>632</sup> ~~990~~ <sup>633</sup> ~~990~~ <sup>634</sup> ~~990~~ <sup>635</sup> ~~990~~ <sup>636</sup> ~~990~~ <sup>637</sup> ~~990~~ <sup>638</sup> ~~990~~ <sup>639</sup> ~~990~~ <sup>640</sup> ~~990~~ <sup>641</sup> ~~990~~ <sup>642</sup> ~~990~~ <sup>643</sup> ~~990~~ <sup>644</sup> ~~990~~ <sup>645</sup> ~~990~~ <sup>646</sup> ~~990~~ <sup>647</sup> ~~990~~ <sup>648</sup> ~~990~~ <sup>649</sup> ~~990~~ <sup>650</sup> ~~990~~ <sup>651</sup> ~~990~~ <sup>652</sup> ~~990~~ <sup>653</sup> ~~990~~ <sup>654</sup> ~~990~~ <sup>655</sup> ~~990~~ <sup>656</sup> ~~990~~ <sup>657</sup> ~~990~~ <sup>658</sup> ~~990~~ <sup>659</sup> ~~990~~ <sup>660</sup> ~~990~~ <sup>661</sup> ~~990~~ <sup>662</sup> ~~990~~ <sup>663</sup> ~~990~~ <sup>664</sup> ~~990~~ <sup>665</sup> ~~990~~ <sup>666</sup> ~~990~~ <sup>667</sup> ~~990~~ <sup>668</sup> ~~990~~ <sup>669</sup> ~~990~~ <sup>670</sup> ~~990~~ <sup>671</sup> ~~990~~ <sup>672</sup> ~~990~~ <sup>673</sup> ~~990~~ <sup>674</sup> ~~990~~ <sup>675</sup> ~~990~~ <sup>676</sup> ~~990~~ <sup>677</sup> ~~990~~ <sup>678</sup> ~~990~~ <sup>679</sup> ~~990~~ <sup>680</sup> ~~990~~ <sup>681</sup> ~~990~~ <sup>682</sup> ~~990~~ <sup>683</sup> ~~990~~ <sup>684</sup> ~~990~~ <sup>685</sup> ~~990~~ <sup>686</sup> ~~990~~ <sup>687</sup> ~~990~~ <sup>688</sup> ~~990~~ <sup>689</sup> ~~990~~ <sup>690</sup> ~~990~~ <sup>691</sup> ~~990~~ <sup>692</sup> ~~990~~ <sup>693</sup> ~~990~~ <sup>694</sup> ~~990~~ <sup>695</sup> ~~990~~ <sup>696</sup> ~~990~~ <sup>697</sup> ~~990~~ <sup>698</sup> ~~990~~ <sup>699</sup> ~~990~~ <sup>700</sup> ~~990~~ <sup>701</sup> ~~990~~ <sup>702</sup> ~~990~~ <sup>703</sup> ~~990~~ <sup>704</sup> ~~990~~ <sup>705</sup> ~~990~~ <sup>706</sup> ~~990~~ <sup>707</sup> ~~990~~ <sup>708</sup> ~~990~~ <sup>709</sup> ~~990~~ <sup>710</sup> ~~990~~ <sup>711</sup> ~~990~~ <sup>712</sup> ~~990~~ <sup>713</sup> ~~990~~ <sup>714</sup> ~~990~~ <sup>715</sup> ~~990~~ <sup>716</sup> ~~990~~ <sup>717</sup> ~~990~~ <sup>718</sup> ~~990~~ <sup>719</sup> ~~990~~ <sup>720</sup> ~~990~~ <sup>721</sup> ~~990~~ <sup>722</sup> ~~990~~ <sup>723</sup> ~~990~~ <sup>724</sup> ~~990~~ <sup>725</sup> ~~990~~ <sup>726</sup> ~~990~~ <sup>727</sup> ~~990~~ <sup>728</sup> ~~990~~ <sup>729</sup> ~~990~~ <sup>730</sup> ~~990~~ <sup>731</sup> ~~990~~ <sup>732</sup> ~~990~~ <sup>733</sup> ~~990~~ <sup>734</sup> ~~990~~ <sup>735</sup> ~~990~~ <sup>736</sup> ~~990~~ <sup>737</sup> ~~990~~ <sup>738</sup> ~~990~~ <sup>739</sup> ~~990~~ <sup>740</sup> ~~990~~ <sup>741</sup> ~~990~~ <sup>742</sup> ~~990~~ <sup>743</sup> ~~990~~ <sup>744</sup> ~~990~~ <sup>745</sup> ~~990~~ <sup>746</sup> ~~990~~ <sup>747</sup> ~~990~~ <sup>748</sup> ~~990~~ <sup>749</sup> ~~990~~ <sup>750</sup> ~~990~~ <sup>751</sup> ~~990~~ <sup>752</sup> ~~990~~ <sup>753</sup> ~~990~~ <sup>754</sup> ~~990~~ <sup>755</sup> ~~990~~ <sup>756</sup> ~~990~~ <sup>757</sup> ~~990~~ <sup>758</sup> ~~990~~ <sup>759</sup> ~~990~~ <sup>760</sup> ~~990~~ <sup>761</sup> ~~990~~ <sup>762</sup> ~~990~~ <sup>763</sup> ~~990~~ <sup>764</sup> ~~990~~ <sup>765</sup> ~~990~~ <sup>766</sup> ~~990~~ <sup>767</sup> ~~990~~ <sup>768</sup> ~~990~~ <sup>769</sup> ~~990~~ <sup>770</sup> ~~990~~ <sup>771</sup> ~~990~~ <sup>772</sup> ~~990~~ <sup>773</sup> ~~990~~ <sup>774</sup> ~~990~~ <sup>775</sup> ~~990~~ <sup>776</sup> ~~990~~ <sup>777</sup> ~~990~~ <sup>778</sup> ~~990~~ <sup>779</sup> ~~990~~ <sup>780</sup> ~~990~~ <sup>781</sup> ~~990~~ <sup>782</sup> ~~990~~ <sup>783</sup> ~~990~~ <sup>784</sup> ~~990~~ <sup>785</sup> ~~990~~ <sup>786</sup> ~~990~~ <sup>787</sup> ~~990~~ <sup>788</sup> ~~990~~ <sup>789</sup> ~~990~~ <sup>790</sup> ~~990~~ <sup>791</sup> ~~990~~ <sup>792</sup> ~~990~~ <sup>793</sup> ~~990~~ <sup>794</sup> ~~990~~ <sup>795</sup> ~~990~~ <sup>796</sup> ~~990~~ <sup>797</sup> ~~990~~ <sup>798</sup> ~~990~~ <sup>799</sup> ~~990~~ <sup>800</sup> ~~990~~ <sup>801</sup> ~~990~~ <sup>802</sup> ~~990~~ <sup>803</sup> ~~990~~ <sup>804</sup> ~~990~~ <sup>805</sup> ~~990~~ <sup>806</sup> ~~990~~ <sup>807</sup> ~~990~~ <sup>808</sup> ~~990~~ <sup>809</sup> ~~990~~ <sup>810</sup> ~~990~~ <sup>811</sup> ~~990~~ <sup>812</sup> ~~990~~ <sup>813</sup> ~~990~~ <sup>814</sup> ~~990~~ <sup>815</sup> ~~990~~ <sup>816</sup> ~~990~~ <sup>817</sup> ~~990~~ <sup>818</sup> ~~990~~ <sup>819</sup> ~~990~~ <sup>820</sup> ~~990~~ <sup>821</sup> ~~990~~ <sup>822</sup> ~~990~~ <sup>823</sup> ~~990~~ <sup>824</sup> ~~990~~ <sup>825</sup> ~~990~~ <sup>826</sup> ~~990~~ <sup>827</sup> ~~990~~ <sup>828</sup> ~~990~~ <sup>829</sup> ~~990~~ <sup>830</sup> ~~990~~ <sup>831</sup> ~~990~~ <sup>832</sup> ~~990~~ <sup>833</sup> ~~990~~ <sup>834</sup> ~~990~~ <sup>835</sup> ~~990~~ <sup>836</sup> ~~990~~ <sup>837</sup> ~~990~~ <sup>838</sup> ~~990~~ <sup>839</sup> ~~990~~ <sup>840</sup> ~~990~~ <sup>841</sup> ~~990~~ <sup>842</sup> ~~990~~ <sup>843</sup> ~~990~~ <sup>844</sup> ~~990~~ <sup>845</sup> ~~990~~ <sup>846</sup> ~~990~~ <sup>847</sup> ~~990~~ <sup>848</sup>

1 IV. LIKELIHOOD OF SUCCESS ON THE MERIT

2 In their motion for preliminary inju  
3 rights to free speech and the free exer  
4 plaintiffs claim that the federal const  
5 are being violated. As an initial impr  
6 joined as plaintiffs at this time. Mor  
7 injunction motion, plaintiffs are not c  
8 Consequently, the issue is not resolved

9 A. Section 1983 liability

10 Local government units such as publi  
11 persons to whom 42 U.S.C. § 1983 applie  
12 sued directly under § 1983 for monetary  
13 the action that is alleged to be uncons  
14 statement, ordinance, regulation, or de  
15 body's officers." , 436 U.S. 658, 690  
16 language of § 1983 "plainly imposes lia  
17 official policy, 'causes' an employæ t  
18 692; , 935 F.3d 804, 808 (

19 B. Freedom Speech Clause

20 Plaintiffs first claim for relief as  
21 constitutional right to freedom of spee  
22

23  
24 child's bedroom. Unlike the paren  
25 parents of minor children have leg  
26 both permit and, in essence, requi  
27 authority over their child's bedro  
28 parents have the "responsibility"  
(Fam. Code, § 3900) and must "exer  
supervision, protection, and contr  
188 Cal. App. 4th, at 1258 Cal. App. 4th

1 matters of public concern do not end at  
2 them to adhere to an ideological orthod  
3 condition of their employment. 393  
4 U.S. 503, 506 (1969).

5 It is clear from the supporting docu  
6 with the policy. However, the argument  
7 curricular speech is foreclosed by F. 3d  
8 Cir. 2011) considered the speech of a hig  
9 expression took the form of posters abo  
10 court "recognize[d] that 'expression is  
11 to her employer in exacth a 967e. for C ear tsa ilnal r  
12 a citizen when he went to school and ta  
13 or regulated their comings - and - goings;  
14 according to The court explained that be  
15 school teacher, the speech belonged not  
16 "Because the speech at issue owes its e  
17 acted well within constitutional limits  
18 not desiate. 970. concluded, "[a]ll the spe  
19 complains belongs to the government, an  
20 itself.' When it does, 'it is entitled  
21 wants to expre 975.. ' "

22 Here, like the plaintiffs are public sc  
23 plaintiffs are not asserting that they  
24 school and teach class, take attendance  
25 goings, as employees. These activities  
26 their duties as teachers is the duty to  
27 time about the student's school perform  
28 the school day as teachers is their own

1 course of their employment duties. Con  
2 speech takes place during the school da  
3 of their position, to foreclose<sup>4</sup> a free

4 The teachers could make out a freedo  
5 speak in accordance with the school pol  
6 plaintiff has said that they have been  
7 settings where the AR 5145.3 policy sti  
8 out a freedom of speech claim if the po  
9 deliberately convey an illegal message.  
10 successful freedom of speech claim on t  
11 5145.3, as presented to faculty, and EU  
12 accommodations, appears to demand that  
13 to parents about the names and pronouns  
14 that would be unlawful and in derogation o  
15 The merits of the first claim for relie  
16 decided later, however, because the tea  
17 sufficiently clear to be entitled to pr

18 C.Free Exercise Clause

19 The plaintiffs' second and third cla  
20 requiring non-disclosure (or parental e  
21 religion as guaranteed by the First Ame  
22 religious beliefs. Their beliefs are w  
23 beliefs are better described and develo

24  
25

---

26 <sup>4</sup> Plaintiffs argue that the controlling I  
27 746 F.3d 402 (9th Cir. 2014) 818 F.3d 85  
28 2015). However, these cases address is  
education context, which the Court is n

1 short, Mirabelli believes that the rela  
2 inherently sacred and life-long bond, o  
3 ultimate right and responsibility to ca  
4 similar vein, West believes that the re  
5 by God with the intent that the parents  
6 their child. Both Mirabelli and West b  
7 at 269-70.

8 EUSD preliminarily argues that AR 51  
9 religious beliefs at all because the po  
10 But that cannot be fairly said when the  
11 by misdirection and substitution, accur  
12 name, gender, or pronouns at school. I  
13 task of talking with parents about a st  
14 personnel. It is quite another to requ  
15 knowledge that the information ~~will be~~  
16 school. It is that aspect which infrin  
17 belief. Hearing Transcript, at 100.

18 "The Free Exercise Clause of the Fir  
19 the Fourteenth Amendment, provides that  
20 the free exercise' of religio~~n~~. S." Ct. 1  
21 (2021); C , 508 U.S. 520,  
22 (same). "Nor may the government 'act i  
23 presupposes the illegitimacy of religio  
24 2023 WL 5946036, at \*38 (quoting  
25 , 138 S. Ct. 1719, 1731 (2018)).  
26 government must demonstrate that 'a law  
27 interests of the highest order and must  
28 . (quoting 508 U.S. at 546). And while



1 acceptable, logical, consistent, or com  
2 Amendment print edition, as Mirabelli's and  
3 acceptable, consistent, and align with  
4 EUSD policies BP 4119.21(9) (required h  
5 involvement).

6 "Distilled, Supreme Court authority  
7 Free Exercise Clause that the governmen  
8 satisfies strict scrutiny. First, a pu  
9 have 'a mechanism for individualized ex  
10 'treat . . . comparable secular activit  
11 government may not act in a manner 'hos  
12 the Free Exercise Clause's bar on even  
13 meet any one of these requirements subj  
14 strict scrutiny." , 2023 WL 5946036,  
15 omitted).

16 Under the First Amendment, a plaiinti  
17 government entity has burdened her sinc  
18 not 'neutral' or 'generally, a5p4p lFi.c4at h1 e1.  
19 (9th Cir. 2022) (quoting 142 S. Ct. 240  
20 General applicability requires, among o  
21 evenhanded. m(acintear.tions omitted). "A go  
22 applicability requirement if it 'prohib  
23 conduct that undermines the government'  
24 provides 'a mechanism for individualize

25  
26

27  
28 <sup>5</sup> 141 S. Ct. at 1876 (quoting  
. , 450 U. S. 707, 714 (1981)).

1 general applicability test is 1s4U2f fSi.c iCetn  
2 2422 (citations omitted).

3 1.General Applicability.

4 " A law is not generally applicable  
5 particular reasons for a person's conduct  
6 exemptions. 1'4"1 S. Ct. at 1877 (citation  
7 a formal mechanism for granting exceptions  
8 regardless whether any exceptions (scihatei

9 That is so because such a policy " 'invi  
10 not complying with the policy are worth

11 . EUSD argues the policy i  
12 it provided training on the policy to a  
13 appear to be wholly accurate. EUSD cit  
14 EUSD Oppo. Dkt 16 at 16. But Schmidt d

15 January 2018 and clasD of d leadr ættiad of d fn Slu  
16 ¶ 2. Yet, AR 5145.3 was adopted two yea

17 5145.3 specifically took place in 2022.  
18 teachers claim: that training regarding  
19 Evidence is lacking showing the policy  
20 teachers, office staff, or non-teaching

21 . EUSD next asserts that  
22 because the only exceptions in the poli  
23 violate the policy. EUSD Oppo at 17.

24 the harm plaintiffs seek to prevent, bu  
25 Under the policy, communications to par

26 when EUSD decides that the parent lacks  
27 are no standards written in the policy  
28 that it requires a case-by-case decisio

1 by EUSD depends on a determination of whether  
2 gender-related information has a legitimate  
3 definition of a discretionary exemption  
4 the government to consider the particular  
5 mechanism for individualized exemptions.  
6 interpreters contend that the mere existence  
7 grant exemptions can be sufficient to result  
8 of the actual exercise.” 2023 WL 594603  
9 (citation omitted).

10 2. Scrutiny.

11 The reasons proffered by the defendant  
12 scrutiny nor the rational basis tests.  
13 neutral or not of general application  
14 i, 508 U.S. at 546.

15 EUSD contends that the government’s  
16 from (an undefined) harm is a compelling  
17 disclosure to parents is narrowly tailored  
18 unconvincing. First, both the Ninth Circuit  
19 broad formulations of compelling government  
20 , 52 F.4th 773, 791-92 (9th Cir. 2023)  
21 (identifying the issue as “not whether  
22 enforcing its non-discrimination policies  
23 denying an exception to [plaintiff].”)  
24 of significant events that beg for medical  
25 like hiding a gym student’s soccer concussion  
26 likely to cause greater harm and is not

27 The record includes an instance where  
28 preferred name, referred to the student

1 with laughter by the class. One would  
2 parents about such an event. If the ch  
3 being the subject of laughter and poten  
4 informed, the parents could do somethin  
5 at home discussions. On the other hand  
6 or others, or to be disruptive and disc  
7 approach the problem. Either way, igno  
8 universe disregards plaintiffs' right t  
9 constitutional rights in general. Igno  
10 EUSD has at best articulated an over  
11 plaintiffs. EUSD has not demonstrated  
12 unnecessarily impinge on the plaintiffs  
13 on the plaintiffs' (and any EUSD employ  
14 with all parents, of all of their assign  
15 tailoring. EUSD has not offered any sh  
16 restrictive measures than those impleme  
17 different potential accommodations. As  
18 fails at least the tailoring prong of t  
19 , 2023 WL 5946036, at \*56.

20 In the end, Mirabelli and West face  
21 your faith and keep your job, or keep y  
22 , U.S. App. LEXIS 11807, \*6 (9  
23 "[r]espect for religious expressions is  
24 Republic.," 142 S. Ct. at 2432-33. The c  
25 District offers for its insistence that  
26 about their own children rests on a mis  
27 child's right to privacy above, and in  
28 Constitution neither mandates nor toler

1 have demonstrated a strong likelihood of  
2 claim against EUSD.

3 In their opposition briefing, the st  
4 plaintiffs' First Amendment claims for  
5 plaintiffs lack Article III standing and  
6 immunity. These arguments address the

7 D.RemainingFactors

8 The plaintiffs have succeeded in dem  
9 merits, which is the first and most imp  
10 "A plaintiff seeking a preliminary inju  
11 the merits, that he is likely to suffer  
12 that the balance of equities tips in hi  
13 interest. 555 U.S. at 20. The remaining  
14 as well.

15 "[A] finding that the plaintiff is i  
16 claim sharply tilts in the plaintiff's  
17 public interest and balance of equities in  
18 23760, \*15 (citations omitted). It is  
19 rights "unquestionably constitute a  
20 (1976); \_\_\_\_\_, 2023 WL 5946036,  
21 the principle as "axiomatic"). Moreove  
22 in a First Amendment case' because the  
23 demonstrate the existence of a (citable  
24 Plaintiffs have accomplished that in th  
25 be entitled to an award of money damage  
26 summer teaching contracts, and constitu  
27 reparable harms. However, without an i  
28 to suffer present and future irreparabl

1 state and EUSD policies and the fact that  
2 administrative leave from their teaching

3 When the nonmovant is the government  
4 , 556 U.S. 418, 435 (2009); 2023 WL  
5 5946036, at \*57 ("Where, as here, the p  
6 entity, the third and fourth factors—the  
7 "merge."). Here, the balance of the eq  
8 the defendants have not established tha  
9 the status quo ante stands while furthe  
10 merits. Finally, the public interest i  
11 policies. 32 F.4th 707, 731  
12 is always in the public interest to pre

13 V. MOTIONS TO DISMISS

14 Both groups of defendants move to di  
15 A.

16 In their motion to dismiss and oppos  
17 injunction, the state defendants do not  
18 defendants argue the plaintiffs lack Ar  
19 Eleventh Amendment immunity. The brief  
20 statements at the hearing and subsequen  
21 district seriously undercut their argum

22 The state defendants argue that plai  
23 issue does not directly affect the plai  
24 twice said that EUSD adopted AR 5145.3

---

27 <sup>6</sup>For purposes of a motion to dismiss, t  
28 are true. , 519 F.3d 1025, 1  
2008).

1 First, at the outset of the hearing could  
2 this rule that you've adopted that says  
3 is mandated by the state?" Counsel res  
4 Hearing Transcript at 3. Later, a simi  
5 given. "The Court: Okay. So to cut to  
6 because the state is telling the school  
7 Attorney: Yes, your honor." Hearing Tr

8 The state defendants maintain that t  
9 is not a state law but only attempts to  
10 considers itself bound by the statement  
11 Suggesting that EUSD is correct in its  
12 of California recently relied on the FA  
13 violating state law.

14 The Attorney General filed a lawsuit  
15 district and obtained a temporary restr  
16 disclosing gender identification inform  
17 ., San Bernardino Superior  
18 2317301 (filed Aug. 28, 2023). In its  
19 school district is violating state law  
20 student requests to be identified as a  
21 gender listed on a birth certificate.  
22 against the Chino Valley Unified School  
23 to the same FAQs publication identified  
24 California Department of Education has  
25 generally recommending that school offi  
26 parents or guardians against the studen  
27 Questions, <https://www.cde.ca.gov/re/di>  
28 added).

1 The state Board of Education, the st  
2 Superintendent of Public Instruction an  
3 California. The state defendants do no  
4 California, the 'State' includes state  
5 State-Level Defendants Mot., Dkt. 25  
6 attorney for EUSD asserts that the Dist  
7 AR 5145.3 based on the State's FAQs pag  
8 state, is currently suing another schoo  
9 and its rationale. With no evidence to  
10 the State is the driving force behind E  
11 constitutional rights. If the plaintiff  
12 injunction against the state defendants  
13 plaintiffs have Article III standing.

14 The state defendants also assert tha  
15 from suit. Insofar as the defendants a  
16 arms of the State of California, and be  
17 suit, the state defendants are correct.  
18 prospective injunctive relief to remedy  
19 law, there is no immunity. U. S. 123, 159

20 Here, the state defendants named are  
21 with only general responsibilities but  
22 and empowered to change state education  
23 a § 1983 action against the government  
24 personal involvement in the acts or omi  
25 violation.' Instead, 'a plaintiff need  
26 constitutional violation and name the o  
27 respond to injunctive relief." 4th at 7  
28 omitted). Therefore, exception applies and



1 the basis of Eleventh Amendment immunity  
2 , 142 S. Ct. 2191, 2197 (2022) ("So  
3 officials most responsible for enforcing  
4 declaratory relief against them." (citing  
5 456 U.S. 265, 275 (1986)).

6 B.

7 The EUSD defendants also move to dis  
8 Additionally, they seek qualified immunity  
9 to state a claim upon which relief can  
10 under Rule 12(b)(6) may occur where the  
11 sufficient facts to support a cognizable  
12 survive a motion to dismiss if, taking  
13 enough facts to "state a claim to re 556  
14 U.S. 662, 678 (2009).

15 The EUSD defendants repeat their arg  
16 preliminary injunction briefing, claimi  
17 and federal law. As a preliminary matt  
18 to be fully and finally determined late  
19 are to be decided later on a fuller rec  
20 the time the Complaint was filed, descr  
21 rights of free speech and free exercise  
22 sufficient question to raise plausible

23 generally discussion on like the o Edu So D  
24 defendants will have the opportunity to  
25 completely on summary judgment or at tr  
26 dismiss for failure to state a claim is

27 Finally, the EUSD defendants ask for  
28 immunity. Certainly, "a plaintiff seek

1 Amendment violation (e.g., a retaliator  
2 public school system in their official  
3 , 32 F.4th at 732. The EUSD def  
4 possibility that the school employees c  
5 employer's policy could have violated t  
6 School Employee Defendants' Mot., Dkt  
7 with the motion to support this factual  
8 them, may be entitled to qualified immu  
9 trial on the merits. Without testimony  
10 this case is unwarranted. Therefore, th  
11 denied.

12 C.

13 All parties make objections to misce  
14 supplements to, their pleadings. The o

## 15 VI. CONCLUSION

16 A request to change one's own name a  
17 that a child or adolescent may be deali  
18 or related coexisting mental-health iss  
19 transition of a school student to a new  
20 conforming dress — is called discrimina  
21 having little medical or factual connec  
22 Plaintiffs Elizabeth Mirabelli and Lori  
23 they are committed to treating all tran  
24 respect, and love. They are entitled t  
25 defendants are requiring them to do her  
26 religious beliefs that parents of schoo  
27 significant gender identity-related eve  
28

1 no disagreement with AR 5145.3. This i  
2 rights.

3 Parental involvement in essential to  
4 Escondido Union School District has ado  
5 communication barrier between parents a  
6 such barriers may have the wherewithal  
7 homeschool, or to move to a different p  
8 socio-economic circumstances have no su  
9 appears to undermine their own constitu  
10 knowledgeable medical opinion. An orde  
11 better interests of the entire communit

12 The school's policy is a trifecta of  
13 guidance and possibly mental health int  
14 organic or whether it is the result of  
15 harms the parents by depriving them of  
16 to care, guide, and make health care de  
17 plaintiffs who are compelled to violat  
18 information they feel is critical for t  
19 religious beliefs.

20  
21 THEREFORE, IT IS ORDERED THAT:

22 1. The Plaintiffs' Motion for Prelim  
23 Escondido Union School District Defenda  
24 agents, servants, employees, and attorn  
25 participation with them, and those who  
26 of the existence of this injunction ord  
27 Mirabelli or West, EUSD AR 5145.3 or th  
28 California Department of Education's FA

1 by teachers to parents, and are to rest  
2 taking any adverse employment actions t  
3 until further Order of this Court.

4 2. The EUSD Defendants' Motion to Di

5 3. The State-Level Defendants' Moti

6 I T I S S O O R D E R E D .

7 Dated: September 14, 2023

HONORABLE ROGER T. BENITEZ  
United States District Court

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28