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12 Attorneys for Defendants
13 SUPERINTENDENT KELLY STALEY,
14 in her official capacity; CAITLIN DALBY,
15 in her official capacity; REBECCA KONKIN,
16 in her official capacity; TOM LANDO, in his
17 official capacity; EILEEN ROBINSON, in her
18 official capacity; and MATT TENNIS,
19 in his official capacity

20 IN THE UNITED STATES DISTRICT COURT

21 EASTERN DISTRICT OF CALIFORNIA

22 AURORA REGINO,

23 Plaintiff,

24 vs.

25 SUPERINTENDENT KELLY STALEY, in
26 her official capacity; CAITLIN DALBY, in her
27 official capacity; REBECCA KONKIN, in her
28 official capacity; TOM LANDO, in his official
capacity; EILEEN ROBINSON, in her official
capacity; and MATT TENNIS, in his official
capacity,

Defendants.

Case No.: 2:23-cv-00032-JAM-DMC

JOINT RULE 26(f) REPORT

Complaint Filed: January 6, 2023
Trial Date: Not Yet Set

Plaintiff AURORA REGINO (“Plaintiff”) and Defendants SUPERINTENDENT
KELLY STALEY, CAITLIN DALBY, REBECCA KONKIN, TOM LANDO, EILEEN

1 ROBINSON, and MATT TENNIS (collectively, “Defendants”) by and through their
2 undersigned counsel, jointly submit this report pursuant to Federal Rule of Civil Procedure 26(f)
3 and this Court’s Order Requiring Service of Process and Joint Status Report.

4 **a. Nature of the Case**

5 The District is a public school district. Plaintiff is the parent of two minors who attend
6 District schools. The District has established Administrative Regulation 5145.3 (“AR 5145.3”),
7 which generally provides that the District will acknowledge the transgender identities of their
8 students with or without prior parental consent; and generally will keep said transgender
9 identities confidential from parents if requested by the student unless otherwise required by law.
10 Plaintiff contends that AR 5145.3, on its face, violates her substantive and procedural due
11 process rights to direct the upbringing of her children. The District denies that AR 5145.3, on
12 its face, violates any constitutional rights.

13 Plaintiff further contends that the particular manner in which the District recently
14 applied AR 5145.3 to one of her children, “A.S.,” further violated her substantive and
15 procedural due process rights. The District denies that it applied AR 5145.3 particularly to
16 A.S. in any way that diverged from the face of the regulation. The District further denies any
17 and all factual allegations of wrongdoing set forth in the pleading.

18 All defendants in this matter have been named in their official capacities only as officers
19 of the District.

20 **b. Progress in the Service of Process**

21 All named defendants have been served in this litigation.

22 **c. Possible Joinder of Additional Parties**

23 Plaintiff does not currently intend to join additional parties. Defendants contend that the
24 California Department of Education (“CDE”) may be an indispensable party in this matter as
25 the injunctive relief sought by Plaintiff would run afoul of the CDE’s guidance as to how it will
26 enforce various federal and state laws concerning gender-based discrimination and harassment.
27 Should the Court deny Defendants’ forthcoming Rule 12 motion in whole or part, Defendants
28

1 plan to consider filing a Rule 19 and/or Rule 20 motion seeking joinder of the CDE as a
2 defendant in this litigation.

3 **d. Expected or Desired Amendment of Pleading**

4 Aside from the aforementioned Rule 19 and/or Rule 20 motion seeking joinder of the
5 CDE, Defendants do not currently expect nor desire any amendments to the pleadings.
6 Depending on the content of Defendants' forthcoming Rule 12 motion, Plaintiff may amend her
7 complaint of right under Rule 15.

8 **e. Jurisdiction and Venue**

9 The pleading raises several claims pursuant to title 42 United States Code section 1983.
10 Accordingly, this court has federal question jurisdiction over this matter pursuant to title 28
11 United States Code section 1331.

12 The District is located in Chico, California – a city located within Butte County,
13 California. The geographic boundaries of this Court encompass the entirety of Butte County,
14 California – including Chico, California. Accordingly, venue of the litigation in this Court is
15 proper.

16 **f. Anticipated Motions**

17 Today, the District will be filing a Rule 12 motion for dismissal of the entire litigation.
18 The parties are awaiting the outcome of that motion prior to determining whether they anticipate
19 any further motions.

20 The parties request the opportunity to supplement their response to this section within 14
21 days of the Court rendering its order on that motion.

22 **g. Anticipated Discovery**

23 The outcome of the District's forthcoming Rule 12 motion will considerably affect the
24 scope of discovery in this matter. Accordingly, the parties believe the appropriate scope of
25 discovery is currently too uncertain to determine what efforts they anticipate.

26 The parties request the opportunity to supplement their response to this section within 14
27 days of the Court rendering its order on that motion.

28 **h. Litigation Schedule**

1 The outcome of the District's forthcoming Rule 12 motion will considerably affect the
2 scope and timeline of this litigation. Accordingly, the parties believe the course of this
3 litigation is currently too uncertain to schedule a trial date. At this time, the parties do not
4 foresee a reason to divert from the statutory and regulatory discovery and litigation deadlines
5 once a trial date has been scheduled; but again, the outcome of the District's forthcoming Rule
6 12 motion may affect the parties' initial analysis on this question.

7 The parties request the opportunity to supplement their response to this section within
8 14 days of the Court rendering its order on that motion.

9 **i. Appropriateness of Special Procedures**

10 At this time, the parties do not foresee a need for any special procedures in this
11 litigation. However, again, the outcome of the District's forthcoming Rule 12 motion may
12 affect the parties' initial analysis on this question.

13 The parties request the opportunity to supplement their response to this section within
14 14 days of the Court rendering its order on that motion.

15 **j. Trial Time Estimate**

16 The outcome of the District's forthcoming Rule 12 motion will considerably affect the
17 scope of this litigation. Accordingly, the parties believe that how many questions of fact will be
18 presented to the jury in this matter is currently too uncertain to schedule a length of trial.

19 The parties request the opportunity to supplement their response to this section within
20 14 days of the Court rendering its order on that motion.

21 **k. Modification of Standard Pretrial Procedures**

22 At this time, the parties do not foresee a need to diverge from the standard pretrial
23 procedures in this litigation. However, again, the outcome of the District's forthcoming Rule 12
24 motion may affect the parties' initial analysis on this question.

25 The parties request the opportunity to supplement their response to this section within
26 14 days of the Court rendering its order on that motion.

27 **l. Related Cases**

1 In *Konen et al. v. Caldeira et al.*, U.S. District Court, N.D. Cal., Case No. 5:22-cv-
2 05195, the plaintiffs, who are different from Plaintiff here, are challenging another school
3 district's application of a policy / regulation that is similar, but not identical, to the District's AR
4 5145.3. Both sets of counsel in this matter represent parties in that litigation, as well. The
5 parties are not aware of any other litigation that could be considered related to the above-
6 captioned matter.

7 **m. Potential for Settlement Conference**

8 Aside from an award of costs and attorneys' fees, Plaintiff seeks only equitable relief in
9 this matter – declaratory and injunctive relief barring the District from continuing to enforce AR
10 5145.3. The District would be open to an early settlement conference, assuming such would
11 still be necessary after the hearing on the District's Motion to Dismiss, but would face
12 constraints in the extent to which it could alter its current policies and regulations given the
13 guidelines on the transgender issues currently being put forth by the CDE.

14 **n. Any Additional Matters**

15 At this time, the parties do not foresee any additional matters that need the Court's
16 attention. However, again, the outcome of the District's forthcoming Rule 12 motion may
17 affect the parties' initial analysis on this question.

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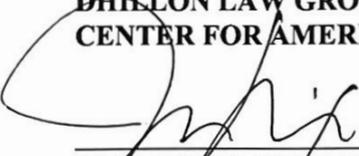
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2 days of the Court rendering its order on that motion.

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4 Dated: March 27, 2023

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14 Dated: March __, 2023

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12 Dated: March 27, 2023

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