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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

15 **OUR WATCH WITH TIM**
16 **THOMPSON**, a California non-profit
17 organization;

18 Plaintiff,

19 vs.

20 **ROB BONTA**, the attorney general of
21 California;

22 Defendants.

Case No.:

**VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

DEMAND FOR JURY TRIAL

23 **INTRODUCTION**

24 1. This action seeks to vindicate one of the most fundamental and longstanding
25 constitutional rights: the right of parents to raise their children. *See, e.g., Pierce v. Soc’y*
26 *of the Sisters of the Holy Names of Jesus & Mary*, 268 U.S. 510, 535 (1925) (“The child
27 is not the mere creature of the state; those who nurture him and direct his destiny have
28 the right, coupled with the high duty, to recognize and prepare him for additional
obligations.”); *Troxel v. Granville*, 530 U.S. 57, 72-73 (2000) (“[A] State [may not]

1 infringe on the fundamental right of parents to make child rearing decisions simply
2 because a state judge believes a ‘better’ decision could be made.”).

3 2. California recently passed Senate Bill (“SB”) 107, which violates the right
4 of parents to direct the upbringing and care of their child. SB 107 allows minors to obtain
5 gender transition procedures like harmful puberty blockers, cross-sex hormones, and
6 irreversible surgeries without parental consent, while denying parents access to their
7 child’s medical information. The bill also allows California to exercise “emergency
8 jurisdiction” over minors seeking gender dysphoria treatment.

9 3. Court precedent affirms the right of parents to make medical decisions for
10 their children. “The right to family association includes the right of parents to make
11 important medical decisions for their children, and of children to have those decisions
12 made by their parents rather than the state.” *Wallis v. Spencer*, 202 F.3d 1126, 1141 (9th
13 Cir. 2000); *see also Calabretta v. Floyd*, 189 F.3d 808 (9th Cir.1999) (holding that “[t]he
14 government’s interest in the welfare of children embraces not only protecting children
15 from physical abuse, but also protecting children’s interest in the privacy and dignity of
16 their homes and in the lawfully exercised authority of their parents.”).

17 4. Parents, not the government, are best suited to decide whether their child
18 should undergo a life-altering and irreversible surgery that seeks to change the sex of the
19 child.

20 5. For instance, research reveals that 80 to 95 percent of children who
21 experience gender confusion will ultimately embrace their biological sex if they are not
22 encouraged to pursue gender identity treatments.¹ Even transgender activist
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24

25 ¹ E.g., Kenneth J. Zucker, *Gender Dysphoria in Children and Adolescents*, in PRINCIPLES
26 AND PRACTICES OF SEX THERAPY 395,407 (6th ed., 2020), available at
27 [https://www.sribd.com/document/516620519/Principles-and-Practice-of-Sex-Therapy-Sixth-Edition-by-Kathryn-S-K-Hall-Yitzchak-M-Binik; Stephen B. Levine, Reflections on the Clinician’s Role with Individuals Who Self-identify as Transgender, Arch. Sex. Behav. \(2021\), Available at https://doi.org/10.1007/s10508-021-02142-1.](https://www.sribd.com/document/516620519/Principles-and-Practice-of-Sex-Therapy-Sixth-Edition-by-Kathryn-S-K-Hall-Yitzchak-M-Binik; Stephen B. Levine, Reflections on the Clinician’s Role with Individuals Who Self-identify as Transgender, Arch. Sex. Behav. (2021), Available at https://doi.org/10.1007/s10508-021-02142-1.)
28

1 organizations recommend that health professionals defer to parents “as they work
2 through the options and implications” of gender dysphoria in their child. ²

3 6. SB 107 also violates the Full Faith and Credit Clause to the United States
4 Constitution, which requires California to defer to the laws and jurisdiction of the 49
5 other states regarding the care and custody of children. SB 107 overrides the jurisdiction
6 of courts in a family’s home state that are usually the proper forum for custody
7 determinations by allowing California courts to take emergency jurisdiction to make
8 custody determinations over a child struggling with gender dysphoria. California has
9 decided that its courts—not those of the family's home state—should be the final arbiters
10 of whether parents are fit to raise their child.

11 7. California has neither a legitimate nor legal interest in exceeding its
12 jurisdiction by taking deeply personal, intimate, and life-altering medical decisions of
13 out of state children into their own hands.

14 8. Plaintiff Our Watch With Tim Thompson is a 501(c)(3) organization
15 dedicated to protecting family and parental rights in California. Our Watch With Tim
16 Thompson has had to divert organizational resources to address the effects of SB 107,
17 including implementing education programs and designing and disseminating literature
18 and podcasts to reach churches and parents outside of California.

19 9. Immediate relief is necessary to prevent the State of California from
20 permanently harming minors, hiding medical information from parents, taking away
21 custody of children from their own parents, and denying courts of the family’s home state
22 the ability to exercise its rightful jurisdiction over the case.

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26 ² World Professional Association for Transgender Health, Standards of Care for the Health of
27 Transsexual, Transgender, and Gender-Nonconforming People at 17 (version 7, 2012) (“WPATH
28 Guidelines”), available at https://www.wpath.org/media/cms/Documents/SOC%20v7/SOC%20V7_English2012.pdf?t=613669341.

1 10. Accordingly, Plaintiff seeks declaratory relief holding SB 107
2 unconstitutional, injunctive relief preventing further enforcement of SB 107, and
3 reasonable attorneys' fees.

4 **PARTIES – PLAINTIFFS**

5 11. Plaintiff OUR WATCH WITH TIM THOMPSON (“Our Watch”),
6 governed by Pastor Tim Thompson, is a California non-profit public benefit corporation
7 committed to protecting family and parental rights, religious liberty, and the right to life
8 across California. Our Watch accomplishes its mission through legislative advocacy,
9 education of California citizens, and mobilization of California citizens to get involved
10 in community events.

11 12. Specifically, Our Watch’s mission is committed to tackling major cultural
12 issues, including the sexual indoctrination of children, critical race theory, and abortion
13 rights. Our Watch firmly believes that transgenderism is a cultural issue that it must deal
14 with in accordance with God’s design for every child, as outlined in the Bible. SB 107
15 conflicts with Our Watch’s mission by allowing children, without parental consent, to
16 change their identity and therefore God’s design for their life.

17 13. Our Watch is directly harmed by SB 107. Since the enactment of SB 107,
18 Our Watch has diverted resources from its other focus areas like critical race theory and
19 abortion rights to counteract the harms of SB 107. The organization has implemented
20 new educational outreach programs outside of California and even funded de-
21 transitioning teenagers to come on the organization’s podcast to speak on the issue.

22 14. Our Watch has also diverted resources, so it can reach parents and churches
23 in other states through its podcast and literature. Specifically, Our Watch has hired
24 individuals to warn parents and churches in California and outside of California about
25 the devastating effects of SB 107 and to explain how parents and churches can protect
26 their children.

27 15. SB 107 was the primary catalyst that prompted Our Watch to focus intently
28 on educating parents and churches about transgender issues. The bill has caused Our

1 Watch to divert time and attention from its other focus areas and activities like legislative
2 advocacy. Thus, Our Watch is not just continuing with normal business. Although
3 counteracting SB 107 aligns with Our Watch’s mission, the bill has caused Our Watch to
4 shift its focus from education of California residents to education of out of state residents.
5 The bill has also caused Our Watch to divert time and attention from other issues, causes,
6 and activities that align with its mission.

7 **PARTIES – DEFENDANTS**

8 16. Defendant ROB BONTA is the Attorney General of California and is sued in
9 his official capacity. His authority is delegated to him by Article V, section 13 of the
10 California Constitution and is authorized to enforce SB 107.

11 **JURISDICTION AND VENUE**

12 17. This civil rights action raises federal questions under the United States
13 Constitution, specifically the First and Fourteenth Amendments and the Full Faith and
14 Credit Clause, and under federal law, particularly 42 U.S.C. § 1983.

15 18. This Court has authority to grant the requested declaratory relief under the
16 Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, implemented through Rule 57 of
17 the Federal Rules of Civil Procedure. This Court is also authorized to grant injunctive
18 relief and damages under 28 U.S.C. § 1343, pursuant to Rule 65 of the Federal Rules of
19 Civil Procedure, and reasonable attorney’s fees and costs under 42 U.S.C. § 1988.

20 19. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1)–(2) because all
21 Defendant are situated in this judicial district.

22 **FACTUAL BACKGROUND**

23 **Gender Dysphoria In Children**

24 20. “Gender dysphoria” refers to the psychological distress often associated with
25 the mismatch between a person’s biological sex and his or her perceived gender identity.
26 Gender dysphoria is a serious mental health condition that requires professional help.

27 21. Multiple studies have found that approximately 80-95% of children who
28 experience gender dysphoria ultimately find comfort with their biological sex and cease

1 experiencing gender dysphoria as they age if they are not encouraged to pursue gender
2 identity treatments. *E.g.*, Zucker, *supra* ¶ 4, at 407 (summarizing studies); Levine, *supra*
3 ¶ 4 (same).

4 22. There is a disagreement in the medical community about the proper
5 approach when a child experiences gender dysphoria, specifically whether a social
6 gender transition is appropriate for children. Some mental health professionals believe
7 that socially transitioning to a different gender identity during childhood, and affirmation
8 of that alternative identity by adults, can become self-reinforcing and have profound
9 long-term effects on the child’s psyche and identity. *E.g.*, Kenneth J. Zucker, *The Myth*
10 *of Persistence: Response to “A Critical Commentary on Follow-Up Studies &*
11 *‘Desistance’ Theories about Transgender and Non-Conforming Children”* by Temple
12 *Newhook et al.*, 19:2 Int’l J. of Transgenderism 231 (2018)³ (“I would argue that parents
13 who support, implement, or encourage a gender social transition (and clinicians who
14 recommend one) are implementing a psychosocial treatment that will increase the odds
15 of long-term persistence.”)

16 23. Other medical and psychiatric professionals believe that the best response
17 is to affirm a child’s perceived gender identity and to support a social transition to that
18 identity.

19 24. However, medical professionals on both sides of the debate generally agree
20 that social transitions are a significant psychotherapeutic intervention that can drastically
21 change outcomes in children.

22 25. Given the lack of evidence on long-term outcomes and divergent views on
23 this sensitive issue, the World Health Professional Association for Transgender Health
24 (“WPATH”), a transgender advocacy organization, recommends that health
25 professionals defer to *parents* “as they work through the options and implications,” even

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27 ³ Kenneth J. Zucker, *The Myth of Persistence: Response to “A Critical Commentary on Follow-*
28 *Up Studies & ‘Desistance’ Theories about Transgender and Non-Conforming Children”* by Temple
Newhook et al., 19:2 Int’l J. of Transgenderism 231 (2018). Available at
<https://www.researchgate.net/publications/325443416>.

1 if they ultimately “do not allow their young child to make a gender-role transition.”
2 WPATH Guidelines, *supra* ¶ 4, at 17.

3 26. If medical professionals agree that social transitions are a significant
4 intervention for children, medical transitions are even more significant. Yet, many clinics
5 in the United States are quick to offer irreversible medical treatment, including puberty
6 blocking hormones and gender reassignment surgeries, to kids who would otherwise
7 outgrow their gender-questioning. These treatments are offered despite known long-term
8 and often irreversible side effects.

9 27. For example, puberty blocking hormones can permanently alter
10 neurodevelopment, sexual function, and bone development in children. *See* Jorgensen,
11 S.C.J., Hunter, P.K., Regenstreif, L., Sinai, J. and Malone, W.J. (2022), *Puberty blockers*
12 *for gender dysphoric youth: A lack of sound science*. J Am Coll Clin Pharm, 5: 1005-
13 1007, at 1005 (citing studies).⁴ Further, it has been suggested that puberty suppression
14 may alter the course of gender identity development, essentially “locking in” a gender
15 identity that may have reconciled with biological sex during the natural course of
16 puberty. *Id.*

17 28. There is no doubt that gender reassignment surgery causes life-long,
18 irreversible side effects in children. Girls as young as 14⁵ can have their breasts
19 permanently cut off. While reconstruction surgeries are available, girls are left with
20 permanent scars and disfigurement and a lack of function and sensation in their breasts.

21 29. No large-scale, long-term studies have tracked the incidence of detransition
22 and regret among patients who received gender-affirming medical treatment as minors.
23 This is due in large part to these subjects being untouchable within the medical and
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25 ⁴ Jorgensen, S.C.J., Hunter, P.K., Regenstreif, L., Sinai, J. and Malone, W.J. (2022), *Puberty*
26 *blockers for gender dysphoric youth: A lack of sound science*. J Am Coll Clin Pharm, 5: 1005-1007, at
1005. Available at <https://doi.org/10.1002/jac5.1691>

27 ⁵ *See* Peter Rowe (April 14, 2016) *Surgery Unburdens Transgender Boy*. LA Times. Available
28 at: <https://www.latimes.com/local/california/la-me-transgender-teen-20160414-story.html> (discussing
story of 14 year old girl who received gender reassignment surgery).

1 research communities. However, preliminary studies in the United States have shown
2 that more than a quarter of patients who started gender-affirming hormones before age
3 18 stopped getting refills for their medication within four years. *See* Christina M Roberts,
4 David A Klein, Terry A Adirim, Natasha A Schvey, Elizabeth Hisle-Gorman,
5 Continuation of Gender-affirming Hormones Among Transgender Adolescents and
6 Adults, *The Journal of Clinical Endocrinology & Metabolism*, Volume 107, Issue 9,
7 September 2022, Pages e3937–e3943.⁶

8 30. While there are no long-term studies reflecting the incidence of regret and
9 detransition in minors, there exists countless lived experiences of minors who socially or
10 medically transitioned and later reversed course. Chloe Cole is one such example.⁷

11 31. Cole was 13 when doctors placed her on puberty blockers, followed a few
12 weeks later by testosterone. At 15, Cole wanted breast removal surgery. Her parents
13 wanted her to wait until she was older to undergo such treatment; however, doctors
14 readily agreed to a double mastectomy for Cole.

15 32. In June 2020, surgeons performed a mastectomy on Cole – just one month
16 before her sixteenth birthday. Less than a year later, Cole regretted her surgery and
17 medical transition following a discussion about breastfeeding and pregnancy. Cole has
18 reconciled with her biological sex, but she is still suffering with long-term effects from
19 her surgery, including severed nerve endings, permanent changes in pigmentation, and
20 fluid emission.⁸ Cole regrets that this surgery stripped her of “the beauty of motherhood”

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22 ⁶ Christina M Roberts, David A Klein, Terry A Adirim, Natasha A Schvey, Elizabeth Hisle-
23 Gorman, Continuation of Gender-affirming Hormones Among Transgender Adolescents and
24 Adults, *The Journal of Clinical Endocrinology & Metabolism*, Volume 107, Issue 9, September 2022,
25 Pages e3937–e3943. Available at <https://doi.org/10.1210/clinem/dgac251>.

26
27 ⁷ Robin Respaut, Chad Terhune, Michelle Conlin (December 22, 2022) *Why Detransitioners*
28 *are Crucial to the Science of Gender Care*. Reuters. Available at:
<https://www.reuters.com/investigates/special-report/usa-transyouth-outcomes/> (telling Cole’s story of
transition and detransition as a minor).

⁸ Edie Hepel (September 24, 2022) *Meet Chloe Cole, The 18-Year-Old Leading The Fight To*
Protect Children From Transgender Surgeries. Catholic News Agency.
[https://www.catholicnewsagency.com/news/252376/chloe-cole-leading-fight-to-protect-children-](https://www.catholicnewsagency.com/news/252376/chloe-cole-leading-fight-to-protect-children-from-transgender-surgeries)
from-transgender-surgeries (Cole speaks of the long-term effects of her surgeries).

1 at an age when she was not able to fully comprehend the loss. Cole now speaks out
2 publicly to end gender-affirming care for minors.

3 33. There are many other stories like Cole’s, including Max Robinson and Max
4 Lizzara⁹, which reflect that gender-affirming healthcare for minors is a nuanced and
5 sensitive issue – one that parents should be intimately involved in.

6 **Senate Bill 107**

7 34. On September 29, 2022, Governor Gavin Newsom signed into law SB 107,
8 rendering California a sanctuary state. The law allows minor children from any state to
9 obtain puberty blockers and cross-sex hormones and undergo irreversible surgeries
10 without parental involvement.

11 35. SB 107 was initially drafted by Senator Scott Wiener “in response to recent
12 executive and legislative action in states like Alabama and Texas” that have banned
13 minors from receiving sterilizing puberty blockers, cross-sex hormones, and transgender
14 surgeries or that have labeled these treatments as child abuse. A true and correct copy of
15 Senator Wiener’s statement is attached hereto as Exhibit 1.

16 36. For example, Arizona recently passed a law that requires transgender kids
17 to wait until 18 to receive gender reassignment surgery. Discussing the bill, Governor
18 Doug Doucey stated, “The reason is simple, and common sense – this is a decision that
19 will dramatically affect the rest of an individual’s life, including the ability of that
20 individual to become a biological parent later in life.”¹⁰

21 37. In Texas, it is now considered child abuse to subject children to a wide
22 variety of medical treatments for gender transitioning, including reassignment surgeries
23 and administration of puberty-blocking drugs or supraphysiologic doses of testosterone
24 or estrogen. Texas Governor Greg Abbott and Attorney General Ken Paxton specifically
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26 ⁹ *Supra* 7.

27 ¹⁰ Dani Birzer (March 30, 2022) *Arizona Governor Signs Two Bills Impacting Transgender*
28 *Minors*. The Associated Press. Available at <https://www.kold.com/2022/03/30/arizona-governor-signs-two-bills-impacting-transgender-minors/> (discussing Arizona’s Senate Bill 1138).

1 highlighted “issues of physical and emotional harm associated with these procedures and
2 treatments” and noted every child’s fundamental right to procreation.¹¹

3 38. Governor Newsom signed SB 107 into law because “[s]tates across the
4 country [were] passing laws to demonize the transgender community....” The bill is a
5 direct attack on the laws and policies of other states like Alabama and Texas.

6 39. SB 107 prohibits California courts from enforcing “a law of another state
7 that authorizes a state agency to remove a child from their parent or guardian based on
8 the parent or guardian allowing their child to receive gender-affirming health care.” S.B.
9 107 § 8.

10 40. SB 107 will allow California doctors, via telehealth appointments, to
11 prescribe cross-sex hormones to children in South Dakota or Utah, where gender-
12 reassignment treatment is banned.

13 41. SB 107 also denies parents the right to access their child’s medical
14 information. Section 1 of the bill mandates that doctors conceal a child's medical
15 information from parents if it is related to "gender identity" drugs and procedures. S.B.
16 107 § 1.

17 42. Section 2 prohibits a parent from enforcing another state’s legal process in
18 California to obtain medical information regarding their child as it relates to “gender-
19 affirming health care” or “gender-affirming mental health care:” “no subpoena shall be
20 issued pursuant to this section if the foreign subpoena is based on a violation of another
21 state’s laws that interfere with a person’s right to allow a child to receive gender-
22 affirming health care or gender-affirming mental health care.” S.B. 107 § 2(e).

23 43. Section 5 of SB 107 gives California emergency jurisdiction over a child
24 who appears in the state and is “unable to obtain gender-affirming care” in the child’s
25 home state. S.B. 107 § 5. This means that a child could go to California, seek gender

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27 ¹¹ In 2022, Governor Greg Abbott wrote a letter directing the Texas Department of Family and
28 Protective Services to investigate for child abuse any parents who subject their children to sex-change
procedures based on a legal opinion from Attorney General Ken Paxton. That letter and supporting legal
opinion is available here: <https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf>.

1 transition procedures, and have a court exercise emergency jurisdiction, overriding the
2 jurisdiction of the family’s home state.

3 44. California law generally prohibits “unjustifiable conduct” to get jurisdiction
4 in a California court for custody determinations. Section 7 of SB 107 creates a carve-out,
5 explicitly stating that “taking of a child” away “from the person who has legal custody”
6 is not unjustifiable conduct if done to pursue gender transition procedures in California.
7 S.B. 107 § 7.

8 45. SB 107 amended California law to directly conflict with federal law by
9 taking away other states’ rightful jurisdiction of children visiting California who seek –
10 or claims to be seeking – puberty blockers, cross-sex hormones, irreversible gender
11 reassignment surgery, etc. Section 4 of SB 107 updates the California Family Code to
12 read: “[t]he presence of a child in this state for the purpose of obtaining gender-affirming
13 health care or gender-affirming mental health care...is sufficient to meet the
14 requirements” for California courts to exercise jurisdiction over a custody decision. S.B.
15 107 § 4. This ignores the proper and rightful jurisdiction of the child’s home state.

16 46. Section 6 further exacerbates this problem by stating that, even if California
17 is an “inconvenient forum” compared to another state based on factors like how long the
18 child has lived outside the state, where evidence for the case is located, and where the
19 parties to the case are located, California courts must disregard these important
20 considerations and claim sole jurisdiction if the child’s case involves gender identity
21 issues. S.B. 107 § 6. SB 107 was passed despite concerns that it violated the Uniform
22 Child Custody Jurisdiction Enforcement Act.¹²

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¹² The California Family Council posted footage of the committee hearing concerning SB 107. It is available here: <https://www.youtube.com/watch?v=A-Lf3X6-og0>. The California Family Council also summarized that hearing in this article: California Family Council (July 18, 2022) *New Bill Lets Courts Take Custody of Minors Who Flee to CA for Trans-Treatments*. Available at: <https://www.californiafamily.org/2022/07/new-bill-lets-courts-take-custody-of-minors-who-flee-to-ca-for-trans-treatments/>.

1 **FIRST CAUSE OF ACTION**
2 **VIOLATION OF THE DUE PROCESS CLAUSE**
3 **OF THE FOURTEENTH AMENDMENT**
4 **(42 U.S.C. § 1983)**

5 47. Plaintiff incorporates by reference the allegations in the preceding
6 paragraphs 1 through 46, as if fully set forth herein.

7 48. The Fourteenth Amendment provides that no State shall “deprive any
8 person of life, liberty, or property, without due process of law.” U.S. Const. Art. XIV.

9 49. The Due Process Clause, “guarantees more than fair process.” *Washington*
10 *v. Glucksberg*, 521 U.S. 702, 719 (1997). The Clause also includes a substantive
11 component that “provides heightened protection against government interference with
12 certain fundamental rights and liberty interests,” *Id.* at 720, including “the fundamental
13 right of parents to make decisions concerning the care, custody, and control of their
14 children.” *Troxel v. Granville*, 530 U.S. 57, 66 (2000).

15 50. “The right to family association includes the right of parents to make
16 important medical decisions for their children, and of children to have those decisions
17 made by their parents rather than the state.” *Wallis v. Spencer*, 202 F.3d 1126, 1141 (9th
18 Cir. 2000); *see also Calabretta v. Floyd*, 189 F.3d 808 (9th Cir.1999) (holding that “[t]he
19 government’s interest in the welfare of children embraces not only protecting children
20 from physical abuse, but also protecting children’s interest in the privacy and dignity of
21 their homes and in the lawfully exercised authority of their parents.”).

22 51. SB 107 violates the Due Process Clause by stripping parents of their
23 fundamental right to direct the upbringing and care for of their child, including accessing
24 their child’s medical records as it relates to “gender-affirming care” or “gender-affirming
25 mental health care.” S.B. 107 § 1. The bill prevents parents from seeking court
26 intervention to gain access to their child’s medical records. S.B. 107 § 2.

27 52. SB 107 further violates the Due Process Clause because the bill allows the
28 “taking of the child” away from his or her parents to California to obtain gender transition

1 procedures. S.B. 107 § 7. California courts may then exercise emergency jurisdiction
2 over the child. S.B. 107 § 5.

3 53. Plaintiff has suffered damages due to SB 107 because it has had to divert
4 resources to combat the devastating effects of the bill. The bill frustrates Plaintiff's
5 mission – namely – the preservation of parental rights.

6 54. Plaintiff has no adequate remedy at law and will suffer irreparable harm
7 unless the Court enjoins Defendant's violation of the Due Process Clause.

8 55. Plaintiff is entitled to recover their costs and attorneys' fees under 42 U.S.C.
9 § 1988 plus injunctive relief and a judicial declaration that SB 107 is unconstitutional.

10 **SECOND CAUSE OF ACTION**

11 **VIOLATION OF THE RIGHT TO FAMILIAL ASSOCIATION**

12 **UNDER THE FIRST AND FOURTEENTH AMENDMENTS**

13 **(42 U.S.C. § 1983)**

14 56. Plaintiffs incorporate by reference the allegations in the preceding
15 paragraphs 1 through 55, as if fully set forth herein.

16 57. Pursuant to the Due Process Clause of the Fourteenth Amendment, parents
17 have a “fundamental liberty interest” in “the companionship and society of his or her
18 child” and that the state's interference with that liberty interest without due process of
19 law is remediable under 42 USC § 1983. *Kelson v. City of Springfield*, 767 F.2d 651,
20 654-55 (9th Cir. 1985) (citing *Santosky v. Kramer*, 455 U.S. 745, 753 (1982)). “[T]his
21 constitutional interest in familial companionship and society logically extends to protect
22 children from unwarranted state interference with their relationships with their parents.”
23 *Smith v. City of Fontana*, 818 F.2d 1411, 1418 (9th Cir.1987) overruled on other grounds
24 by *Hodgers–Durgin v. de la Vina*, 199 F.3d 1037 (9th Cir.1999).

25 58. Moreover, the First Amendment protects the right to intimate association.
26 *See Bd. of Dirs. of Rotary Int'l v. Rotary Club of Duarte*, 481 U.S. 537, 544 (1987)
27 (quoting *Roberts v. U.S. Jaycees*, 468 U.S. 609, 619-20 (1984)). First Amendment
28 protections extend to “family relationships, that presuppose ‘deep attachments and

1 commitments to the necessarily few other individuals with whom one shares not only a
2 special community of thoughts, experiences, and beliefs but also distinctively personal
3 aspects of one's life.’” *Lee v. City of Los Angeles*, 250 F.3d 668, 685 (9th Cir. 2001)
4 (quoting *Board of Dirs. of Rotary Int'l v. Rotary Club*, 481 U.S. 537, 545 (1987)).

5 59. Protecting family relations “from unwarranted state interference” is
6 necessary to safeguard the ability to define one's identity which is central to the concept
7 of liberty. *Keates v. Koile*, 883 F.3d 1228, 1236 (9th Cir. 2018) (citing *Roberts v. United*
8 *States Jaycees*, 468 U.S. 609, 619 (1984)).

9 60. SB 107 constitutes an “unwarranted interference” of parents’ rights to
10 familial association under the First Amendment and Fourteenth Amendment, as SB 107
11 allows the “taking of the child” away from his or her parents to California to obtain
12 gender transition procedures. S.B. 107 § 7. California courts may then exercise
13 emergency jurisdiction over the child. S.B. 107 § 5.

14 61. The enforcement of SB 107 is the direct and legal cause of the deprivation
15 of parents’ constitutionally protected rights under the First and Fourteenth Amendments
16 to the association, companionship, and society of parent and child.

17 62. Plaintiff has no adequate remedy at law and will suffer irreparable harm
18 unless the Court enjoins Defendant’s violation of the Due Process Clause.

19 63. Plaintiff is entitled to recover their costs and attorneys’ fees under 42 U.S.C.
20 § 1988 plus injunctive relief and a judicial declaration that SB 107 is unconstitutional.

21 **THIRD CAUSE OF ACTION**

22 **VIOLATION OF THE FULL FAITH AND CREDIT**

23 **CLAUSE OF THE FOURTH AMENDMENT**

24 **(42 U.S.C. § 1983)**

25 64. Plaintiffs incorporate by reference the allegations in the preceding
26 paragraphs 1 through 63, as if fully set forth herein.

27 65. The Full Faith and Credit Clause states: “Full faith and credit shall be given
28 in each state to the public acts, records, and judicial proceedings of every other state.

1 And the Congress may by general laws prescribe the manner in which such acts, records,
2 and proceedings shall be proved, and the effect thereof.” U.S. Const. Art. IV, § 1, cl. 1.

3 66. The Full Faith and Credit Clause demands that state court judgments be
4 accorded full effect in the courts of other states and precludes states from adopting any
5 “policy of hostility” toward the public acts of another state. *Franchise Tax Board v.*
6 *Hyatt*, 578 U.S. 171 (2016); *Franchise Tax Bd. of California v. Hyatt*, 139 S. Ct. 1485
7 (2019).

8 67. The clause also requires states to recognize judgments from other state
9 courts, so that “a cause of action merged in a judgment in one state is likewise merged
10 in every other.” *Magnolia Petroleum Co. v. Hunt*, 340 U.S. 430, 439 (1943).

11 68. 28 U.S.C. § 1738A generally requires each state to give full faith and credit
12 to child custody determinations made by another state, and further recognizes that a
13 child’s home state is generally the state with jurisdiction to make such determinations.

14 69. SB 107 violates the Full Faith and Credit Clause because the bill was passed
15 as a direct “policy of hostility” towards statutes passed in other states, which restrict or
16 criminalize gender-transition procedures for minors.

17 70. For instance, State Senator Scott Wiener, the sponsor of SB 107, stated that
18 SB 107 was “[i]n response to recent executive and legislative action in states like
19 Alabama and Texas.” See Exhibit 1. Governor Newsom similarly commented that he
20 was signing SB 107 because “[s]tates across the country [were] passing laws to demonize
21 the transgender community.”

22 71. SB 107 further violates the Full Faith and Credit Clause by taking away
23 other states’ rightful jurisdiction for any child visiting California who seeks—or claims
24 to be seeking—puberty blockers, cross-sex hormones, etc.

25 72. Specifically, SB 107 amended the California Family Code to state that the
26 presence of a child in California for the purpose of obtaining gender-affirming health
27 care is sufficient for California courts to exercise jurisdiction over custody decisions for
28 the child. This ignores the rightful authority and jurisdiction of other states.

1 73. Plaintiff has no adequate remedy at law and will suffer irreparable harm
2 unless the Court enjoins Defendant's violation of the Full Faith and Credit Clause.

3 74. Plaintiff is entitled to recover their costs and attorneys' fees under 42 U.S.C.
4 § 1988 plus injunctive relief and a judicial declaration that SB 107 is unconstitutional.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff prays for relief as follows:

- 7 1. For damages;
- 8 2. For an order declaring SB 107 unconstitutional;
- 9 3. For an order temporarily, preliminarily, and permanently enjoining SB 107;
- 10 4. For costs, attorneys' fees, and interest, as allowed by law; and
- 11 5. For such other relief the Court determines is proper.

12 Respectfully submitted,

13 ADVOCATES FOR FAITH & FREEDOM

14
15 Dated: March 6, 2023

/s/Mariah R. Gondeiro

16 Mariah R. Gondeiro

1 **VERIFICATION**

2 I am an officer of Our Watch With Tim Thompson, a party to this action, and
3 authorized to make this verification for and on its behalf, and I make this verification for
4 that reason.

5 I am informed, believe, and on that ground allege that the matters stated in the
6 foregoing **VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE**
7 **RELIEF** are true. The matters stated in the foregoing document are true and based upon
8 my own knowledge. I believe the matters based upon information and belief are also true.

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

11 Executed on March 6, 2023, at Murrieta, California.

12 **OUR WATCH WITH TIM THOMPSON**

13
14 By Timothy R Thompson
15 Tim Thompson
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EXHIBIT “1”

LGBTQ LAWMAKERS IN 19 STATES HAVE OR WILL INTRODUCE LAWS TO PROTECT TRANS KIDS FROM CIVIL AND CRIMINAL PENALTIES WHEN SEEKING GENDER-AFFIRMING CARE

May 3, 2022

SACRAMENTO – Senator Scott Wiener (D-San Francisco), LGBTQ Victory Institute, Equality California and Planned Parenthood Affiliates of California today announced the national, LGBTQ-led rollout of trans refuge state legislation in 19 states. In response to recent executive and legislative action in states like Alabama and Texas, these trans refuge laws will shield trans kids and their families from penalties when seeking gender-affirming care. [\(click here\) to read Senator Wiener's bill](#)

([https://twitter.com/Scott_Wiener/status/1516475367845892099?](https://twitter.com/Scott_Wiener/status/1516475367845892099?ref_src=twsrc%255Etfw%257Ctwcamp%255Etweetembed%257Ctwtterm%255E15164753678458)

[ref_src=twsrc%255Etfw%257Ctwcamp%255Etweetembed%257Ctwtterm%255E15164753678458!](https://twitter.com/Scott_Wiener/status/1516475367845892099?ref_src=twsrc%255Etfw%257Ctwcamp%255Etweetembed%257Ctwtterm%255E15164753678458) trans-refuge-bill-safe-haven-trans-youth), SB 107.

In addition to already-introduced legislation in California by Senator Scott Wiener, in New York by Senator Brad Hoylman and Assemblymember Harry Bronson, and in Minnesota by Senator Scott Dibble, 21 LGBTQ lawmakers representing 16 additional states (19 states total) publicly committed today to introduce trans refuge state bills in **Colorado, Connecticut, Florida, Georgia, Illinois, Kansas, Kentucky, Maine, Michigan, New Hampshire, New Mexico, Oregon, Rhode Island, Vermont, Washington** and **West Virginia**.

“Today, we’re proud to announce that over a third of the states in our country — 19 — are pushing back hard against the horrendous anti-trans legislation we’re seeing in Texas and elsewhere,” said **California State Senator Scott Wiener**.

“Starting with our legislation in California, we are building a coordinated national legislative campaign by LGBTQ lawmakers — a rainbow wall — to provide refuge for trans kids and their families. We’re making it crystal clear: We won’t let trans kids be belittled, used as political pawns, separated from their families, or denied gender-affirming care. We won’t let their parents be criminalized or have their kids taken away. This first of its kind legislative effort sends a clear message both to our community and to those who are attacking our community: We’re all in this together and we’re ready to fight.”

“When trans kids’ lives are on the line, playing defense doesn’t cut it. It’s time to play offense. We are using the collective power of LGBTQ state legislators all across the nation to launch a counter-offensive that aims to protect trans kids and parents while also demonstrating that there is a positive agenda for trans people that lawmakers can support. While LGBTQ elected officials will fight

Case 2:23-cv-00423-DAD-DB Document 1 Filed 03/07/23 Page 20 of 22

tooth and nail to get these passed in every state, now we need allies to step up to help us get it done. And even in states that have little chance of these bills advancing, the message it sends is still incredibly important: trans kids need to know they have leaders standing up and fighting for them," said **Mayor Annise Parker**, President & CEO of LGBTQ Victory Institute.

"Parents should not live in fear of being hunted down by the government for loving and supporting their child. As a native Texan, I'm ashamed of Governor Abbott's hateful attacks against trans kids and their families. But as a Californian, I'm so proud of our state for serving as a beacon of hope and a place of refuge for those children and their parents. We are thankful to Senator Wiener, the Legislative LGBTQ Caucus and our partners at Planned Parenthood for standing with trans youth and their families in this fight," said **Tony Hoang**, Executive Director of Equality California.

"Planned Parenthood Affiliates of California stands with all LGBTQ+ communities, particularly transgender communities, during this moment. We are all too familiar with the extreme and dangerous policing of essential health care and restrictions targeting the trans community—especially trans youth. Planned Parenthood health centers across California will always be open, for all who seek or need care. We strongly support these protections put forth by Senator Wiener," said **Jodi Hicks**, President & CEO of Planned Parenthood Affiliates of California.

"This is important legislation for any state to help defend against anti-transgender policies. We have to combat hateful discriminatory laws with every tool we have. When they go low, we need to go high," said **Colorado state Representative Brianna Titone**.

"From our state legislatures to Congress, we stand against these laws that are trying to wipe away the history of the LGBTQ community. These so called 'leaders' must understand that when you come for one of us, you come for all us, and we will not stand down," said **Florida state Senator Shevrin Jones**.

"We have made strides to ensure the LGBTQ community has protections. Now is the time to ensure our LGBTQ youth have protections as well," said **Kentucky state Representative Keturah Herron**.

"Politicians across the country are playing games with people's lives by criminalizing the fundamental right of trans youth and their families to seek gender-affirming health care. While we cannot stop these despicable laws from being enacted in other states, we can make sure that these youth and their families can safely receive the care they need in Minnesota, without fear or hatred," said **Minnesota state Senator Scott Dibble**.

"These assaults on families are unacceptable, immoral and something that we must stand together as a state and reject. We must do everything we can to send a clear message that these families are welcome here," said **Minnesota state Representative Liz Reyer**.

"Punishing parents for taking care of their children isn't a crime, it's a parental responsibility. Transgender children and their families need the support of their community, not the threat of imprisonment," said **New Hampshire state**

“It is clear that politicians are using vulnerable trans people to stoke fear and hatred to win elections. We will not allow our state laws to be abused to serve their political agenda. I look forward to seeing Washington State join a coalition of states that are standing up for the rights and dignity of trans people,” said **Washington state Senator Marko Liias**.

“Attacks to the trans community, especially our trans youth, have been far too numerous. We need to stand strong with the trans community by introducing legislation to protect our trans children from hostile state legislatures. I will proudly introduce legislation in West Virginia to ensure our trans children and their parents are protected and supported,” said **West Virginia Delegate Cody Thompson**.

Below is the full list of state lawmakers who have already introduced or will introduce trans refuge state legislation as soon as possible:

- California state Senator Scott Wiener
- Colorado state Representative Brianna Titone
- Connecticut state Representative Raghiv Allie-Brennan
- Florida state Senator Shevrin Jones
- Florida state Representative Michele Rayner
- Georgia state Representative Karla Drenner
- Georgia state Representative Park Cannon
- Illinois state Representative Kelly Cassidy
- Illinois state Representative Lamont Robinson
- Kansas state Representative Brandon Woodard
- Kentucky state Representative Keturah Herron
- Maine state Representative Laurie Osher
- Michigan state Senator Jeremy Moss
- Minnesota state Senator Scott Dibble
- Minnesota state Representative Liz Reyer
- New Hampshire state Representative Gerri Cannon
- New Mexico state Representative Roger Montoya
- New York state Assemblymember Harry Bronson
- New York state Senator Brad Hoylman
- Oregon state Senator Kate Lieber
- Oregon state Representative Dacia Grayber
- Rhode Island state Senator Tiara TyShae Mack
- Vermont state Representative Taylor Small
- Washington state Senator Marko Liias
- West Virginia state Delegate Cody Thompson

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CONTACT OUR OFFICE

Staff (/staff)
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

OUR WATCH WITH TIM THOMPSON, a California non-profit organization

(b) County of Residence of First Listed Plaintiff Riverside (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Mariah Gondeiro, Esq., Advocates for Faith & Freedom 25026 Las Brisas Road Murrieta, California 92562; Tel: 951 600 27

DEFENDANTS

ROB BONTA, the attorney general of California

County of Residence of First Listed Defendant Sacramento (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1983 Violations of the Due Process Clause and Full Faith and Credit Clause. Brief description of cause: Violations of the Due Process Clause and Full Faith and Credit Clause

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE Mar 7, 2023 SIGNATURE OF ATTORNEY OF RECORD /s/ Mariah R. Gondeiro

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Case 2:23-cv-00422-DAD-DB Document 1-1 Filed 03/07/23 Page 2 of 2
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY(S)
OR OF PARTY APPEARING IN PRO PER

Mariah Gondeiro, Esq., CA Bar No. 323683
Julianne Fleischer, Esq., CA Bar No. 337006
ADVOCATES FOR FAITH & FREEDOM
25026 Las Brisas Road
Murrieta, California 92562
Tel: (951) 600-2733

ATTORNEY(S) FOR: Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

OUR WATCH WITH TIM THOMPSON, a
California non-profit organization

Plaintiff(s),

v.
ROB BONTA, the attorney general of California

Defendant(s)

CASE NUMBER:

**CERTIFICATION AND NOTICE
OF INTERESTED PARTIES**

TO: THE COURT AND ALL PARTIES OF RECORD:

The undersigned, counsel of record for Plaintiff Our Watch With Tim Thompson
or party appearing in pro per, certifies that the following listed party (or parties) may have a pecuniary interest in
the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification
or recusal.

(List the names of all such parties and identify their connection and interest. Use additional sheet if necessary.)

PARTY	CONNECTION / INTEREST
OUR WATCH WITH TIM THOMPSON, a California non-profit organization	Plaintiff
ROB BONTA, the attorney general of California	Defendant

March 6, 2023
Date

/s/ Mariah R. Gondeiro
Signature

Attorney of record for (or name of party appearing in pro per):

Plaintiff Our Watch With Tim Thompson