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 Superintendent of Public Instruction and State Board of Education Members in their
 9 official capacities

10 *(Defendants Tony Thurmond in his official capacity and State Board of Education*
 11 *members in their official capacity are governmental parties exempt from the provisions*
 12 *of FRCP 7.1)*

13 **UNITED STATES DISTRICT COURT**
 14 **SOUTHERN DISTRICT OF CALIFORNIA**

16 **ELIZABETH MIRABELLI, an**
 17 **individual, and LORI ANN WEST, an**
 18 **individual,**
 19 **Plaintiffs,**
 20 **v.**
 21 **MARK OLSON, Superintendent of**
 22 **EUSD, et al.,**
 23 **Defendants.**

Case No. 3:23-cv-0768-BEN-WVG

**NOTICE OF SUBSTITUTION OF
 DOCUMENTS [ECF NO. 23 AND
 23-1]**

1 On June 26, 2023, the State-level Defendants filed a Notice of Motion and Motion to
2 Dismiss, and a Memorandum of Points and Authorities in Support of the same
3 (Document number 23 and 23-1). Attorneys for the State-level Defendants were made
4 aware that comments from attorneys inadvertently remained in the Memorandum of
5 Points and Authorities. Such comments are privileged and the State-level Defendants do
6 not intend any waiver of privilege. The State-level Defendants ask that the court replace
7 the previously filed documents with the two documents that are being refiled, with the
8 only change being the deletion of the inadvertent disclosures. Thus, the State-level
9 Defendants request that documents numbered 23 and 23-1 be substituted in the docket.

10 Dated: June 27, 2023

Respectfully submitted,

11 LEN GARFINKEL
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14 By: /s/ Rebecca P. Feil

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17 Attorney for State-level Defendants
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