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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*  
*of FRCP 7.1)*

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

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

Case No. 3:23-cv-0768-BEN-KSC  
**ANSWER OF THE STATE-LEVEL  
 DEFENDANTS TO COMPLAINT**  
 Courtroom: 5A  
 Judge: Hon. Roger T. Benitez

**I. ANSWER**

COME NOW defendants TONY THURMOND, in his official capacity as the California State Superintendent of Public Instruction; LINDA DARLING- HAMMOND, in her official capacity as President of the California State Board of Education; CYNTHIA GLOVER WOODS, in her official capacity as Vice President of the California State Board of Education; FRANCISCO ESCOBEDO, in his official capacity as a member of the California State Board of Education; BRENDA LEWIS, in her official capacity as a member of the California State Board of Education; JAMES J. MCQUILLEN, in his official capacity as a member of the California State Board of Education; SHARON OLKEN, in her official capacity as a member of the California State Board of Education; GABRIELA OROZCO- GONZALEZ, in her official capacity as a member of the California State Board of Education; KIM PATTILLO BROWNSON, in her official capacity as a member of the California State Board of Education; HAYDEE RODRIGUEZ, in her official capacity as a member of the California State Board of Education; ALISON YOSHIMOTO-TOWERY, in her official capacity as a member of the California State Board of Education; and NAOMI PORTER, in her official capacity as a member of the California State Board of Education, (collectively, “State-level Defendants” or “Defendants”), and in response to plaintiffs’ Elizabeth Mirabelli’s and Lori Ann West’s (“Plaintiffs”) complaint (“Complaint”) on file herein, ECF 1, admit, deny, and allege as follows:

**II. INTRODUCTION**

1. Answering Paragraph 1 of the Complaint, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis deny each and every allegation contained therein. Paragraph 1 also contains legal argument that is incapable of being admitted or denied; to the extent that a response is required, Defendants deny said allegations.

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1           2.     Answering Paragraph 2 of the Complaint, Defendants are without sufficient  
2 knowledge or information to form a belief as to the truth of the allegations contained in  
3 said paragraph, and on that basis deny each and every allegation contained therein.

4           3.     Answering Paragraph 3 of the Complaint, Defendants are without sufficient  
5 knowledge or information to form a belief as to the truth of the allegations contained in  
6 said paragraph, and on that basis deny each and every allegation contained therein.

7           4.     Answering Paragraph 4 of the Complaint, Defendants are without sufficient  
8 knowledge or information to form a belief as to the truth of the allegations contained in  
9 said paragraph, and on that basis deny each and every allegation contained therein.

10          5.     Answering Paragraph 5 of the Complaint, Defendants are without sufficient  
11 knowledge or information to form a belief as to the truth of the allegations contained in  
12 said paragraph, and on that basis deny each and every allegation contained therein.

13          6.     Answering Paragraph 6 of the Complaint, Defendants are without sufficient  
14 knowledge or information to form a belief as to the truth of the allegations contained in  
15 said paragraph, and on that basis deny each and every allegation contained therein.

16          7.     Answering Paragraph 7 of the Complaint, Defendants are without sufficient  
17 knowledge or information to form a belief as to the truth of the allegations contained in  
18 said paragraph, and on that basis deny each and every allegation contained therein.

19          8.     Answering Paragraph 8 of the Complaint, Defendants are without sufficient  
20 knowledge or information to form a belief as to the truth of the allegations contained in  
21 said paragraph, and on that basis deny each and every allegation contained therein.

22          9.     Answering Paragraph 9 of the Complaint, Defendants are without sufficient  
23 knowledge or information to form a belief as to the truth of the allegations contained in  
24 said paragraph, and on that basis deny each and every allegation contained therein.

25          10.    Answering Paragraph 10 of the Complaint, Defendants are without  
26 sufficient knowledge or information to form a belief as to the truth of the allegations  
27 contained in said paragraph, and on that basis deny each and every allegation contained  
28 therein.

1           11. Answering Paragraph 11 of the Complaint, Defendants are without  
2 sufficient knowledge or information to form a belief as to the truth of the allegations  
3 contained in said paragraph, and on that basis deny each and every allegation contained  
4 therein.

5           12. Answering Paragraph 12 of the Complaint, Defendants are without  
6 sufficient knowledge or information to form a belief as to the truth of the allegations  
7 contained in said paragraph, and on that basis deny each and every allegation contained  
8 therein.

9           13. Answering Paragraph 13 of the Complaint, Defendants are without  
10 sufficient knowledge or information to form a belief as to the truth of the allegations  
11 contained in said paragraph, and on that basis deny each and every allegation contained  
12 therein. Paragraph 13 also contains legal argument that is incapable of being admitted or  
13 denied; to the extent that a response is required, Defendants deny said allegations.

14           14. Answering Paragraph 14 of the Complaint, it contains legal argument that is  
15 incapable of being admitted or denied. To the extent that Paragraph 14 purports to  
16 characterize case law, the language and holding in the case speaks for itself and is  
17 incapable of being admitted or denied, such that no response is required. To the extent  
18 that a response is required, Defendants deny said allegations.

19           15. Answering Paragraph 15 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23   **III. JURISDICTION AND VENUE**

24           16. Answering Paragraph 16 of the Complaint, said paragraph contains  
25 conclusions of law which do not require an answer. To the extent that said paragraph  
26 may be deemed to require an answer, answering Defendants deny each and every  
27 allegation of said paragraph.

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1 17. Answering Paragraph 17 of the Complaint, said paragraph contains  
2 conclusions of law which do not require an answer. To the extent that said paragraph  
3 may be deemed to require an answer, answering Defendants deny each and every  
4 allegation of said paragraph.

5 18. Answering Paragraph 18 of the Complaint, said paragraph contains  
6 conclusions of law which do not require an answer. Defendants are without sufficient  
7 knowledge or information to form a belief as to the truth of the allegations contained in  
8 said paragraph with respect to Plaintiff’s residence, and on that basis deny the  
9 allegations. To the extent that said paragraph may be deemed to require a response,  
10 answering Defendants admit that Escondido Union School District (“EUSD”) is located  
11 in Escondido, California, but deny each and every remaining allegation of said  
12 paragraph.

13 **IV. THE PARTIES**

14 19. Answering paragraph 19 of the Complaint, Defendants have insufficient  
15 information to admit or deny the allegations in the paragraph, and, therefore deny each  
16 and every allegation of said paragraph.

17 20. Answering paragraph 20 of the Complaint, Defendants have insufficient  
18 information to admit or deny the allegations in the paragraph, and, therefore deny each  
19 and every allegation of said paragraph.

20 21. Answering paragraph 21 of the Complaint, Defendants admit that EUSD is  
21 a public school district in California whose legal obligations are set forth by statutes that  
22 speak for themselves and are incapable of being admitted or denied, such that no  
23 response is required. To the extent that Plaintiffs purport to otherwise characterize said  
24 obligations, Defendants deny said allegations.

25 22. Answering paragraph 22 of the Complaint, Defendants admit that EUSD is  
26 located in Escondido, California in San Diego County, and that publicly available  
27 information from Ed-State.org reflects that as of census day 2022-23, EUSD had  
28 enrollment of 17,181 in grades K through 8th, and that in school year 2018-19, the only

1 year reported in Ed Data, EUSD reported having 1059 teachers, 117 pupil services staff  
2 with credentials, and 747 classified staff. As to the remaining allegations, Defendants  
3 have insufficient information to admit or deny the remaining allegations in the  
4 paragraph, and, therefore deny each and every remaining allegation of said paragraph.

5 23. Answering paragraph 23 of the Complaint, Defendants have insufficient  
6 information to admit or deny the allegations in the paragraph, and, therefore deny each  
7 and every allegation of said paragraph.

8 24. Answering paragraph 24 of the Complaint, Defendants have insufficient  
9 information to admit or deny the allegations in the paragraph, and, therefore deny each  
10 and every allegation of said paragraph.

11 25. Answering paragraph 25 of the Complaint, Defendants have insufficient  
12 information to admit or deny the allegations in the paragraph, and, therefore deny each  
13 and every allegation of said paragraph.

14 26. Answering paragraph 26 of the Complaint, Defendants have insufficient  
15 information to admit or deny the allegations in the paragraph, and, therefore deny each  
16 and every allegation of said paragraph.

17 27. Answering paragraph 27 of the Complaint, Defendants have insufficient  
18 information to admit or deny the allegations in the paragraph, and, therefore deny each  
19 and every allegation of said paragraph.

20 28. Answering paragraph 28 of the Complaint, Defendants have insufficient  
21 information to admit or deny the allegations in the paragraph, and, therefore deny each  
22 and every allegation of said paragraph.

23 29. Answering paragraph 29 of the Complaint, Defendants have insufficient  
24 information to admit or deny the allegations in the paragraph, and, therefore deny each  
25 and every allegation of said paragraph.

26 30. Answering paragraph 30 of the Complaint, Defendants have insufficient  
27 information to admit or deny the allegations in the paragraph, and, therefore deny each  
28 and every allegation of said paragraph.

1           31. Answering paragraph 31 of the Complaint, Defendants have insufficient  
2 information to admit or deny the allegations in the paragraph, and, therefore deny each  
3 and every allegation of said paragraph.

4           32. Answering paragraph 32 of the Complaint, Defendants have insufficient  
5 information to admit or deny the allegations in the paragraph, and, therefore deny each  
6 and every allegation of said paragraph.

7           33. Answering paragraph 33 of the Complaint, the State-level Defendants admit  
8 that the California Department of Education is a state agency whose legal obligations are  
9 set forth in statutes that speak for themselves and are incapable of being admitted or  
10 denied, and therefore no response is required. To the extent that Plaintiffs purport to  
11 otherwise characterize such obligations, Defendants deny said allegations. Defendants  
12 admit that CDE is not a named Defendant. With respect to allegations as to why  
13 Plaintiffs sued “the officers of the CDE,” assuming the reference is to Superintendent  
14 Thurmond, Defendants are without sufficient knowledge or information to form a belief  
15 as to the truth of the allegations contained in said paragraph, and on that basis deny said  
16 allegations.

17           34. Answering paragraph 34 of the Complaint, Defendants admit that Tony  
18 Thurmond has been the California Superintendent of Public Instruction since January  
19 2019 and that his legal obligations are set forth in statutes that speak for themselves and  
20 are incapable of being admitted or denied, such that no response is required. To the  
21 extent that Plaintiffs purport to otherwise characterize said obligations or make legal  
22 argument about them, Defendants deny said allegations. Defendants admit that the case  
23 caption states he is sued in his official capacity. Defendants deny each and every  
24 remaining allegation in said paragraph.

25           35. Answering paragraph 35 of the Complaint, the State-level Defendants admit  
26 that the State Board of Education (“SBE”) is an 11-member body whose obligations are  
27 set forth in statutes that speak for themselves and are incapable of being admitted or  
28 denied, such that no response is required. To the extent that Plaintiffs purport to

1 otherwise characterize said obligations or make legal argument about them, Defendants  
2 deny said allegations. Defendants admit that the SBE is not a named Defendant. With  
3 respect to allegations as to why Plaintiffs sued members of the SBE, Defendants are  
4 without sufficient knowledge or information to form a belief as to the truth of the  
5 allegations contained in said paragraph, and on that basis deny said allegations.

6 36. Answering paragraph 36 of the Complaint, the State-level Defendants admit  
7 that Linda Darling-Hammond was a member and President of the SBE at all relevant  
8 times involved in this litigation. Defendants admit that the case caption states she is sued  
9 in her official capacity. Defendants deny each and every remaining allegation of said  
10 paragraph.

11 37. Answering paragraph 37 of the Complaint, the State-level Defendants admit  
12 that Cynthia Glover Woods was a member and Vice President of the SBE at all relevant  
13 times involved in this litigation. Defendants admit that the case caption states she is sued  
14 in her official capacity. To the extent that said paragraph may be deemed to require an  
15 answer, Defendants deny each and every remaining allegation of said paragraph.

16 38. Answering paragraph 38 of the Complaint, the State-level Defendants admit  
17 that Francisco Escobedo was a member of the SBE at all relevant times involved in this  
18 litigation. Defendants admit that the case caption states he is sued in his official capacity.  
19 To the extent that said paragraph may be deemed to require an answer, Defendants deny  
20 each and every remaining allegation of said paragraph.

21 39. Answering paragraph 39 of the Complaint, the State-level Defendants admit  
22 that Brenda Lewis was a member of the SBE at all relevant times involved in this  
23 litigation. Defendants admit that the case caption states she is sued in her official  
24 capacity. To the extent that said paragraph may be deemed to require an answer,  
25 Defendants deny each and every remaining allegation of said paragraph.

26 40. Answering paragraph 40 of the Complaint, the State-level Defendants admit  
27 that James J. McQuillen was a member of the SBE at all relevant times involved in this  
28 litigation. Defendants admit that the case caption states he is sued in his official capacity.

1 To the extent that said paragraph may be deemed to require an answer, Defendants deny  
2 each and every remaining allegation of said paragraph.

3 41. Answering paragraph 41 of the Complaint, the State-level Defendants admit  
4 that Sharon Olken was a member of the SBE at all relevant times involved in this  
5 litigation. Defendants admit that the case caption states she is sued in her official  
6 capacity. To the extent that said paragraph may be deemed to require an answer,  
7 Defendants deny each and every remaining allegation of said paragraph.

8 42. Answering paragraph 42 of the Complaint, the State-level Defendants admit  
9 that Gabriela Orozco-Gonzalez was a member of the SBE at all relevant times involved  
10 in this litigation. Defendants admit that the case caption states she is sued in her official  
11 capacity. To the extent that said paragraph may be deemed to require an answer,  
12 Defendants deny each and every remaining allegation of said paragraph.

13 43. Answering paragraph 43 of the Complaint, the State-level Defendants admit  
14 that Kim Pattillo Brownson was a member of the SBE at all relevant times involved in  
15 this litigation. Defendants admit that the case caption states she is sued in her official  
16 capacity. To the extent that said paragraph may be deemed to require an answer,  
17 Defendants deny each and every remaining allegation of said paragraph.

18 44. Answering paragraph 44 of the Complaint, the State-level Defendants admit  
19 that Haydee Rodriguez was a member of the SBE at all relevant times involved in this  
20 litigation. Defendants admit that the case caption states she is sued in her official  
21 capacity. To the extent that said paragraph may be deemed to require an answer,  
22 Defendants deny each and every remaining allegation of said paragraph.

23 45. Answering paragraph 45 of the Complaint, the State-level Defendants admit  
24 that Alison Yoshimoto-Towery was a member of the SBE at all relevant times involved  
25 in this litigation. Defendants admit that the case caption states she is sued in her official  
26 capacity. To the extent that said paragraph may be deemed to require an answer,  
27 Defendants deny each and every remaining allegation of said paragraph.

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1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 53. Answering Paragraph 53 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 54. Answering Paragraph 54 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 55. Answering Paragraph 55 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 56. Answering Paragraph 56 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 57. Answering Paragraph 57 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 58. Answering Paragraph 58 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 59. Answering Paragraph 59 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 60. Answering Paragraph 60 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 61. Answering Paragraph 61 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein. Said paragraph also contains conclusions of law that do not require an answer;  
11 to the extent a response is required, Defendants deny said allegations.

12 62. Answering Paragraph 62 of the Complaint, Defendants are without  
13 sufficient knowledge or information to form a belief as to the truth of the allegations  
14 contained in said paragraph, and on that basis deny each and every allegation contained  
15 therein.

16 63. Answering Paragraph 63 of the Complaint, Defendants are without  
17 sufficient knowledge or information to form a belief as to the truth of the allegations  
18 contained in said paragraph, and on that basis deny each and every allegation contained  
19 therein.

20 64. Answering Paragraph 64 of the Complaint, Defendants are without  
21 sufficient knowledge or information to form a belief as to the truth of the allegations  
22 contained in said paragraph, and on that basis deny each and every allegation contained  
23 therein.

24 65. Answering Paragraph 65 of the Complaint, Defendants are without  
25 sufficient knowledge or information to form a belief as to the truth of the allegations  
26 contained in said paragraph, and on that basis deny each and every allegation contained  
27 therein.

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1           66. Answering Paragraph 66 of the Complaint, Defendants are without  
2 sufficient knowledge or information to form a belief as to the truth of the allegations  
3 contained in said paragraph, and on that basis deny each and every allegation contained  
4 therein.

5           67. Answering Paragraph 67 of the Complaint, Defendants are without  
6 sufficient knowledge or information to form a belief as to the truth of the allegations  
7 contained in said paragraph, and on that basis deny each and every allegation contained  
8 therein.

9           68. Answering Paragraph 68 of the Complaint, Defendants are without  
10 sufficient knowledge or information to form a belief as to the truth of the allegations  
11 contained in said paragraph, and on that basis deny each and every allegation contained  
12 therein. Said paragraph also contains legal argument and conclusions of law that do not  
13 require an answer; to the extent a response is required, Defendants deny said allegations.

14           69. Answering Paragraph 69 of the Complaint, Defendants are without  
15 sufficient knowledge or information to form a belief as to the truth of the allegations  
16 contained in said paragraph, and on that basis deny each and every allegation contained  
17 therein. Said paragraph also contains conclusions of law that do not require an answer;  
18 to the extent a response is required, Defendants deny said allegations. Further answering  
19 Paragraph 69, to the extent Plaintiffs cite to case law, the language and holding of the  
20 cited case speaks for itself and is incapable of being admitted or denied; therefore no  
21 response is required. To the extent Plaintiffs purport to otherwise characterize such case  
22 law, Defendants deny said allegations.

23           70. Answering Paragraph 70 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein. Said paragraph also contains conclusions of law that do not require an answer;  
27 to the extent a response is required, Defendants deny said allegations. Further answering  
28 Paragraph 70, to the extent Plaintiffs cite to case law, the language and holding of the

1 cited cases speaks for itself and is incapable of being admitted or denied; therefore no  
2 response is required. To the extent Plaintiffs purport to otherwise characterize such case  
3 law, Defendants deny said allegations.

4 71. Answering Paragraph 71 of the Complaint, Defendants are without  
5 sufficient knowledge or information to form a belief as to the truth of the allegations  
6 contained in said paragraph, and on that basis deny each and every allegation contained  
7 therein. Said paragraph also contains conclusions of law that do not require an answer;  
8 to the extent a response is required, Defendants deny said allegations. Further answering  
9 Paragraph 71, to the extent Plaintiffs cite to case law, the language and holding of the  
10 cited cases speaks for itself and is incapable of being admitted or denied such that no  
11 response is required; to the extent Plaintiffs purport to otherwise characterize such case  
12 law, Defendants deny said allegations.

13 72. Answering Paragraph 72 of the Complaint, Defendants are without  
14 sufficient knowledge or information to form a belief as to the truth of the allegations  
15 contained in said paragraph, and on that basis deny each and every allegation contained  
16 therein. Said paragraph also contains conclusions of law that do not require an answer;  
17 to the extent a response is required, Defendants deny said allegations. Further answering  
18 Paragraph 72, to the extent Plaintiffs cite to case law, the language and holding of the  
19 cited cases speaks for itself and is incapable of being admitted or denied such that no  
20 response is required; to the extent Plaintiffs purport to otherwise characterize such case  
21 law, Defendants deny said allegations.

22 73. Answering Paragraph 73 of the Complaint, Defendants are without  
23 sufficient knowledge or information to form a belief as to the truth of the allegations  
24 contained in said paragraph, and on that basis deny each and every allegation contained  
25 therein. Said paragraph also contains conclusions of law that do not require an answer;  
26 to the extent a response is required, Defendants deny said allegations. Further answering  
27 Paragraph 73, to the extent Plaintiffs cite to case law, the language and holding of the  
28 cited cases speaks for itself and is incapable of being admitted or denied such that no

1 response is required; to the extent Plaintiffs purport to otherwise characterize such case  
2 law, Defendants deny said allegations.

3 74. Answering Paragraph 74 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein. Said paragraph also contains conclusions of law that do not require an answer;  
7 to the extent a response is required, Defendants deny said allegations. Further answering  
8 Paragraph 74, to the extent Plaintiffs cite to case law, the language and holding of the  
9 cited cases speaks for itself and is incapable of being admitted or denied such that no  
10 response is required; to the extent Plaintiffs purport to otherwise characterize such case  
11 law, Defendants deny said allegations.

12 75. Answering Paragraph 75 of the Complaint, Defendants are without  
13 sufficient knowledge or information to form a belief as to the truth of the allegations  
14 contained in said paragraph, and on that basis deny each and every allegation contained  
15 therein.

16 76. Answering Paragraph 76 of the Complaint, Defendants are without  
17 sufficient knowledge or information to form a belief as to the truth of the allegations  
18 contained in said paragraph, and on that basis deny each and every allegation contained  
19 therein. To the extent that Plaintiff cites a statute, the statute speaks for itself and is  
20 incapable of being admitted or denied such that no response is required. To the extent  
21 that Plaintiff purport to otherwise characterize said authority, to the extent a response if  
22 required, Defendants deny such allegations.

23 77. Answering Paragraph 77 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 78. Answering Paragraph 78 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 79. Answering Paragraph 79 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 80. Answering Paragraph 80 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 81. Answering Paragraph 81 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 82. Answering Paragraph 82 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 83. Answering Paragraph 83 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 84. Answering Paragraph 84 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 85. Answering Paragraph 85 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 86. Answering Paragraph 86 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 87. Answering Paragraph 87 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 88. Answering Paragraph 88 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 89. Answering Paragraph 89 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 90. Answering Paragraph 90 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 91. Answering Paragraph 91 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 92. Answering Paragraph 92 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 93. Answering Paragraph 93 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 94. Answering Paragraph 94 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 95. Answering Paragraph 95 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 96. Answering Paragraph 96 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 97. Answering Paragraph 97 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 98. Answering Paragraph 98 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 99. Answering Paragraph 99 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 100. Answering Paragraph 100 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 101. Answering Paragraph 101 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 102. Answering Paragraph 102 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 103. Answering Paragraph 103 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 104. Answering Paragraph 104 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 105. Answering Paragraph 105 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 106. Answering Paragraph 106 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 107. Answering Paragraph 107 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 108. Answering Paragraph 108 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 109. Answering Paragraph 109 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 110. Answering Paragraph 110 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 111. Answering Paragraph 111 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein. Further answering Paragraph 111, it contains legal argument and conclusions of  
23 law that are incapable of being admitted or denied such that no response is required: to  
24 the extent that a response is required, Defendants deny said allegations.

25 112. Answering Paragraph 112 of the Complaint, Defendants are without  
26 sufficient knowledge or information to form a belief as to the truth of the allegations  
27 contained in said paragraph, and on that basis deny each and every allegation contained

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1 therein. Further answering Paragraph 112, to the extent Plaintiffs reference EUSD  
2 policy number BP 0410, Defendants contend that the policy speaks for itself.

3 113. Answering Paragraph 113 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein. Further answering Paragraph 113, to the extent Plaintiffs reference EUSD  
7 policy numbers BP 0410 and 5145.3, Defendants contend that the policies speaks for  
8 themselves.

9 114. Answering Paragraph 114 of the Complaint, Defendants are without  
10 sufficient knowledge or information to form a belief as to the truth of the allegations  
11 contained in said paragraph, and on that basis deny each and every allegation contained  
12 therein. Said paragraph also contains conclusions of law that do not require an answer;  
13 to the extent a response is required, Defendants deny said allegations. Further answering  
14 Paragraph 114, to the extent Plaintiffs cite to case law, the language and holding of the  
15 cited cases speaks for itself and is incapable of being admitted or denied such that no  
16 response is required; to the extent Plaintiffs purport to otherwise characterize such case  
17 law, Defendants deny said allegations.

18 115. Answering Paragraph 115 of the Complaint, Defendants are without  
19 sufficient knowledge or information to form a belief as to the truth of the allegations  
20 contained in said paragraph, and on that basis deny each and every allegation contained  
21 therein.

22 116. Answering Paragraph 116 of the Complaint, Defendants are without  
23 sufficient knowledge or information to form a belief as to the truth of the allegations  
24 contained in said paragraph, and on that basis deny each and every allegation contained  
25 therein. Further answering Paragraph 116, to the extent Plaintiffs reference EUSD  
26 policy number BP 5145.3, Defendants contend that the policy speaks for itself.

27 117. Answering Paragraph 117 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 118. Answering Paragraph 118 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 119. Answering Paragraph 119 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 120. Answering Paragraph 120 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 121. Answering Paragraph 121 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 122. Answering Paragraph 122 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 123. Answering Paragraph 123 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 124. Answering Paragraph 124 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 125. Answering Paragraph 125 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 126. Answering Paragraph 126 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 127. Answering Paragraph 127 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 128. Answering Paragraph 128 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein. Said paragraph also contains conclusions of law that do not require an answer;  
19 to the extent a response is required, Defendants deny said allegations. Further answering  
20 Paragraph 128, to the extent Plaintiffs cite to a statute, the statute speaks for itself and is  
21 incapable of being admitted or denied such that no response is required; to the extent  
22 Plaintiffs purport to otherwise characterize such authority, Defendants deny said  
23 allegations.

24 129. Answering Paragraph 129 of the Complaint, Defendants are without  
25 sufficient knowledge or information to form a belief as to the truth of the allegations  
26 contained in said paragraph, and on that basis deny each and every allegation contained  
27 therein.

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1           130. Answering Paragraph 130 of the Complaint, Defendants are without  
2 sufficient knowledge or information to form a belief as to the truth of the allegations  
3 contained in said paragraph, and on that basis deny each and every allegation contained  
4 therein.

5           131. Answering Paragraph 131 of the Complaint, Defendants are without  
6 sufficient knowledge or information to form a belief as to the truth of the allegations  
7 contained in said paragraph, and on that basis deny each and every allegation contained  
8 therein.

9           132. Answering Paragraph 132 of the Complaint, Defendants are without  
10 sufficient knowledge or information to form a belief as to the truth of the allegations  
11 contained in said paragraph, and on that basis deny each and every allegation contained  
12 therein.

13           133. Answering Paragraph 133 of the Complaint, Defendants are without  
14 sufficient knowledge or information to form a belief as to the truth of the allegations  
15 contained in said paragraph, and on that basis deny each and every allegation contained  
16 therein.

17           134. Answering Paragraph 134 of the Complaint, Defendants are without  
18 sufficient knowledge or information to form a belief as to the truth of the allegations  
19 contained in said paragraph, and on that basis deny each and every allegation contained  
20 therein.

21           135. Answering Paragraph 135 of the Complaint, Defendants are without  
22 sufficient knowledge or information to form a belief as to the truth of the allegations  
23 contained in said paragraph, and on that basis deny each and every allegation contained  
24 therein.

25           136. Answering Paragraph 136 of the Complaint, Defendants are without  
26 sufficient knowledge or information to form a belief as to the truth of the allegations  
27 contained in said paragraph, and on that basis deny each and every allegation contained  
28 therein.

1           137. Answering Paragraph 137 of the Complaint, Defendants are without  
2 sufficient knowledge or information to form a belief as to the truth of the allegations  
3 contained in said paragraph, and on that basis deny each and every allegation contained  
4 therein.

5           138. Answering Paragraph 138 of the Complaint, Defendants are without  
6 sufficient knowledge or information to form a belief as to the truth of the allegations  
7 contained in said paragraph, and on that basis deny each and every allegation contained  
8 therein.

9           139. Answering Paragraph 139 of the Complaint, Defendants are without  
10 sufficient knowledge or information to form a belief as to the truth of the allegations  
11 contained in said paragraph, and on that basis deny each and every allegation contained  
12 therein.

13           140. Answering Paragraph 140 of the Complaint, Defendants are without  
14 sufficient knowledge or information to form a belief as to the truth of the allegations  
15 contained in said paragraph, and on that basis deny each and every allegation contained  
16 therein.

17           141. Answering Paragraph 141 of the Complaint, Defendants are without  
18 sufficient knowledge or information to form a belief as to the truth of the allegations  
19 contained in said paragraph, and on that basis deny each and every allegation contained  
20 therein.

21           142. Answering Paragraph 142 of the Complaint, Defendants are without  
22 sufficient knowledge or information to form a belief as to the truth of the allegations  
23 contained in said paragraph, and on that basis deny each and every allegation contained  
24 therein.

25           143. Answering Paragraph 143 of the Complaint, Defendants are without  
26 sufficient knowledge or information to form a belief as to the truth of the allegations  
27 contained in said paragraph, and on that basis deny each and every allegation contained  
28 therein.

1           144. Answering Paragraph 144 of the Complaint, Defendants are without  
2 sufficient knowledge or information to form a belief as to the truth of the allegations  
3 contained in said paragraph, and on that basis deny each and every allegation contained  
4 therein.

5           145. Answering Paragraph 145 of the Complaint, Defendants are without  
6 sufficient knowledge or information to form a belief as to the truth of the allegations  
7 contained in said paragraph, and on that basis deny each and every allegation contained  
8 therein. Said paragraph also contains conclusions of law that do not require an answer;  
9 to the extent a response is required, Defendants deny said allegations. Further answering  
10 Paragraph 128, to the extent Plaintiffs cite to statute, the statutes speaks for themselves  
11 and are incapable of being admitted or denied such that no response is required; to the  
12 extent Plaintiffs purport to otherwise characterize such authority, Defendants deny said  
13 allegations.

14           146. Answering Paragraph 146 of the Complaint, Defendants are without  
15 sufficient knowledge or information to form a belief as to the truth of the allegations  
16 contained in said paragraph, and on that basis deny each and every allegation contained  
17 therein. To the extent footnote 33 references EUSD policies, Defendants contend that  
18 the policies speak for themselves.

19           147. Answering Paragraph 147 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23           148. Answering Paragraph 148 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27           149. Answering Paragraph 149 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 150. Answering Paragraph 150 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 151. Answering Paragraph 151 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein. Further answering Paragraph 151, to the extent Plaintiffs reference EUSD  
11 policy numbers BP 0100 and 4119.21, Defendants contend that the policies speaks for  
12 themselves.

13 152. Answering Paragraph 152 of the Complaint, Defendants are without  
14 sufficient knowledge or information to form a belief as to the truth of the allegations  
15 contained in said paragraph, and on that basis deny each and every allegation contained  
16 therein.

17 153. Answering Paragraph 153 of the Complaint, Defendants are without  
18 sufficient knowledge or information to form a belief as to the truth of the allegations  
19 contained in said paragraph, and on that basis deny each and every allegation contained  
20 therein.

21 154. Answering Paragraph 154 of the Complaint, Defendants are without  
22 sufficient knowledge or information to form a belief as to the truth of the allegations  
23 contained in said paragraph, and on that basis deny each and every allegation contained  
24 therein. Further answering Paragraph 154, to the extent Plaintiffs reference EUSD  
25 policy number BP 6144 and AR 6144, Defendants contend that the policies speak for  
26 themselves.

27 155. Answering Paragraph 155 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 156. Answering Paragraph 156 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 157. Answering Paragraph 157 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 158. Answering Paragraph 158 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 159. Answering Paragraph 159 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 160. Answering Paragraph 160 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 161. Answering Paragraph 161 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 162. Answering Paragraph 162 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 163. Answering Paragraph 163 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 164. Answering Paragraph 164 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 165. Answering Paragraph 165 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 166. Answering Paragraph 166 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 167. Answering Paragraph 167 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 168. Answering Paragraph 168 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 169. Answering Paragraph 169 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 170. Answering Paragraph 170 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 171. Answering Paragraph 171 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 172. Answering Paragraph 172 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 173. Answering Paragraph 173 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 174. Answering Paragraph 174 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 175. Answering Paragraph 175 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 176. Answering Paragraph 176 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 177. Answering Paragraph 177 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 178. Answering Paragraph 178 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 179. Answering Paragraph 179 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 180. Answering Paragraph 180 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 181. Answering Paragraph 181 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein.

23 182. Answering Paragraph 182 of the Complaint, Defendants are without  
24 sufficient knowledge or information to form a belief as to the truth of the allegations  
25 contained in said paragraph, and on that basis deny each and every allegation contained  
26 therein.

27 183. Answering Paragraph 183 of the Complaint, Defendants are without  
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis deny each and every allegation contained  
2 therein.

3 184. Answering Paragraph 184 of the Complaint, Defendants are without  
4 sufficient knowledge or information to form a belief as to the truth of the allegations  
5 contained in said paragraph, and on that basis deny each and every allegation contained  
6 therein.

7 185. Answering Paragraph 185 of the Complaint, Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the allegations  
9 contained in said paragraph, and on that basis deny each and every allegation contained  
10 therein.

11 186. Answering Paragraph 186 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 contained in said paragraph, and on that basis deny each and every allegation contained  
14 therein.

15 187. Answering Paragraph 187 of the Complaint, Defendants are without  
16 sufficient knowledge or information to form a belief as to the truth of the allegations  
17 contained in said paragraph, and on that basis deny each and every allegation contained  
18 therein.

19 188. Answering Paragraph 188 of the Complaint, Defendants are without  
20 sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis deny each and every allegation contained  
22 therein. Said paragraph also contains conclusions of law which do not require an  
23 answer; to the extent that an answer may be deemed to be required, Defendants deny  
24 such allegations.

25 189. Answering Paragraph 189 of the Complaint, Defendants lack sufficient  
26 knowledge or information to form a belief as to the truth of the allegations as to what  
27 EUSD did, and on that basis deny such allegations. Defendants admit that CDE's FAQs  
28 are "not a formal agency interpretation" and affirmatively allege that Plaintiffs have

1 asserted that “the FAQ page is non-binding.” Dkt. 10, p. 22, n. 11. To the extent that  
2 this paragraph indicates that the FAQ page is not subject to “any judicial deference,” that  
3 would be a conclusion of law, which is incapable of being admitted or denied and does  
4 not require an answer by Defendants. The FAQs speak for themselves and are incapable  
5 of being admitted or denied such that no response is required; to the extent Plaintiffs  
6 purport to otherwise characterize the FAQs, Defendants deny said allegations. To the  
7 extent that Plaintiffs cite case law, the language and holding of the cited case speaks for  
8 itself and is incapable of being admitted or denied. To the extent that said paragraph  
9 may be deemed to require an answer, answering Defendants deny each and every  
10 remaining allegation of said paragraph.

11 190. Answering Paragraph 190 of the Complaint, Defendants admit that Cal.  
12 Educ. Code § 221.5(f) states that “A pupil shall be permitted to participate in sex-  
13 segregated school programs and activities, including athletic teams and competitions,  
14 and use facilities consistent with his or her gender identity, irrespective of the gender  
15 listed on the pupil's records.” The statute speaks for itself and is incapable of being  
16 admitted or denied. To the extent that this paragraph purports to otherwise characterize  
17 the statute, it contains legal conclusions that are incapable of being admitted or denied  
18 and therefore no response is required; to the extent a response is required, To the extent  
19 that said paragraph may be deemed to require an answer, answering Defendants deny  
20 each and every remaining allegation of said paragraph.

21 191. Answering Paragraph 191 of the Complaint, Defendants are without  
22 sufficient knowledge or information of the “website” to which the paragraph refers in  
23 order to form a belief as to the truth of the allegations contained in said paragraph, or  
24 knowledge or information regarding any contention of EUSD so as to form a belief as to  
25 the truth of the allegations in said paragraph, and on that basis deny each and every  
26 allegation contained therein. To the extent the paragraph is deemed to refer to CDE’s  
27 FAQs, the FAQs speak for themselves and are incapable of being admitted or denied; to  
28 ///

1 the extent the Plaintiffs purport to otherwise characterize the FAQs, Defendants deny  
2 said allegations.

3 192. Answering paragraph 192 of the Complaint, said paragraph contains  
4 conclusions of law that do not require an answer. Further answering Paragraph 192, to  
5 the extent Plaintiffs cite to constitutional provisions and case law, the language and  
6 holding of the constitutional provisions and cited cases speaks for itself and is incapable  
7 of being admitted or denied such that no response is required.

8 193. Answering paragraph 193 of the Complaint, said paragraph contains  
9 conclusions of law that do not require an answer. Further answering Paragraph 193, to  
10 the extent Plaintiffs cite to case law, the language and holding of the cited cases speaks  
11 for itself and is incapable of being admitted or denied such that no response is required.

12 194. Answering paragraph 194 of the Complaint, said paragraph contains  
13 conclusions of law which are incapable of being admitted or denied and do not require  
14 an answer. Further answering Paragraph 194, to the extent Plaintiffs cite to case law, the  
15 language and holding of the cited cases speaks for itself and is incapable of being  
16 admitted or denied such that no response is required. To the extent that Plaintiffs  
17 purport to otherwise characterizes said cases, Defendants deny said allegations. To the  
18 extent that said paragraph may be deemed to require an answer, answering Defendants  
19 deny each and every allegation of said paragraph.

20 195. Answering paragraph 195 of the Complaint, said paragraph contains  
21 conclusions of law which do not require an answer. are incapable of being admitted or  
22 denied and do not require an answer. Further answering Paragraph 195, to the extent  
23 Plaintiffs cite to case law, the language and holding of the cited cases speaks for itself  
24 and is incapable of being admitted or denied such that no response is required. To the  
25 extent that Plaintiffs purport to otherwise characterizes said cases, Defendants deny said  
26 allegations. To the extent that said paragraph may be deemed to require an answer,  
27 answering Defendants deny each and every allegation of said paragraph.

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1           196. Answering paragraph 196 of the Complaint, the cited statute speaks for  
2 itself and is incapable of being admitted or denied.

3           197. Answering paragraph 197 of the Complaint, the cited statute speaks for  
4 itself and is incapable of being admitted or denied.

5           198. Answering paragraph 198 of the Complaint, said paragraph contains  
6 conclusions of law which do not require an answer. The cited FAQs speak for  
7 themselves. To the extent the footnote purports to characterize case law, the case law  
8 speaks for itself and is incapable of being admitted or denied.

9           199. Answering Paragraph 199 of the Complaint, Defendants are without  
10 sufficient knowledge or information to form a belief as to the truth of the allegations  
11 contained in said paragraph, and on that basis deny each and every allegation contained  
12 therein.

13           200. Answering paragraph 200 of the Complaint, Defendants are without  
14 sufficient knowledge or information to form a belief as to the truth of the allegations  
15 contained in said paragraph, and on that basis deny each and every allegation contained  
16 therein.

17           201. Answering paragraph 201 of the Complaint, Defendants are without  
18 sufficient knowledge or information to form a belief as to the truth of the allegations  
19 contained in said paragraph, and on that basis deny each and every allegation contained  
20 therein.

21           202. Answering paragraph 202 of the Complaint, Defendants are without  
22 sufficient knowledge or information to form a belief as to the truth of the allegations  
23 contained in said paragraph, and on that basis deny each and every allegation contained  
24 therein.

25           203. Answering paragraph 203 of the Complaint, Defendants are without  
26 sufficient knowledge or information to form a belief as to the truth of the allegations  
27 contained in said paragraph, and on that basis deny each and every allegation contained  
28 therein.

1           204. Answering paragraph 204 of the Complaint, Defendants are without  
2 sufficient knowledge or information to form a belief as to the truth of the allegations  
3 contained in said paragraph, and on that basis deny each and every allegation contained  
4 therein.

5           205. Answering paragraph 205 of the Complaint, Defendants are without  
6 sufficient knowledge or information to form a belief as to the truth of the allegations  
7 contained in said paragraph, and on that basis deny each and every allegation contained  
8 therein.

9           206. Answering paragraph 206 of the Complaint, Defendants are without  
10 sufficient knowledge or information to form a belief as to the truth of the allegations  
11 contained in said paragraph, and on that basis deny each and every allegation contained  
12 therein.

13           207. Answering paragraph 207 of the Complaint, Defendants are without  
14 sufficient knowledge or information to form a belief as to the truth of the allegations  
15 contained in said paragraph, and on that basis deny each and every allegation contained  
16 therein.

17           208. Answering paragraph 208 of the Complaint, Defendants are without  
18 sufficient knowledge or information to form a belief as to the truth of the allegations  
19 contained in said paragraph, and on that basis deny each and every allegation contained  
20 therein.

21           209. Answering paragraph 209 of the Complaint, Defendants are without  
22 sufficient knowledge or information to form a belief as to the truth of the allegations  
23 contained in said paragraph, and on that basis deny each and every allegation contained  
24 therein.

25           210. Answering paragraph 210 of the Complaint, Defendants are without  
26 sufficient knowledge or information to form a belief as to the truth of the allegations  
27 contained in said paragraph, and on that basis deny each and every allegation contained  
28 therein.

1           211. Answering paragraph 211 of the Complaint, Defendants are without  
2 sufficient knowledge or information to form a belief as to the truth of the allegations  
3 contained in said paragraph, and on that basis deny each and every allegation contained  
4 therein.

5           212. Answering paragraph 212 of the Complaint, Defendants are without  
6 sufficient knowledge or information to form a belief as to the truth of the allegations  
7 contained in said paragraph, and on that basis deny each and every allegation contained  
8 therein. Further, said paragraph contains legal conclusions and argument which are  
9 incapable of being admitted or denied.

10           213. Answering paragraph 213 of the Complaint, Defendants are without  
11 sufficient knowledge or information to form a belief as to the truth of the allegations  
12 contained in said paragraph, and on that basis deny each and every allegation contained  
13 therein.

14           214. Answering paragraph 214 of the Complaint, Defendants are without  
15 sufficient knowledge or information to form a belief as to the truth of the allegations  
16 contained in said paragraph, and on that basis deny each and every allegation contained  
17 therein.

18           215. Answering paragraph 215 of the Complaint, Defendants are without  
19 sufficient knowledge or information to form a belief as to the truth of the allegations  
20 contained in said paragraph, and on that basis deny each and every allegation contained  
21 therein.

22           216. Answering paragraph 216 of the Complaint, said paragraph contains  
23 conclusions of law which do not require an answer. To the extent that said paragraph  
24 may be deemed to require an answer, answering Defendants deny each and every  
25 allegation of said paragraph.

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1 **VI. CLAIMS FOR RELIEF**

2 **A. First Claim for Relief: Violation of Free Speech Clause of First**  
3 **Amendment to U.S. Constitution: Compelled Speech &**  
4 **Viewpoint Discrimination (By Both Plaintiffs Against All**  
5 **Defendants).**

6 217. Answering paragraph 217 of the Complaint, Defendants reiterate their  
7 responses above as to each incorporated paragraph.

8 218. Answering paragraph 218 of the Complaint, said paragraph contains  
9 conclusions of law which do not require an answer. To the extent that said paragraph  
10 may be deemed to require an answer, answering Defendants deny each and every  
11 allegation of said paragraph. To the extent Plaintiffs purport to characterize  
12 constitutional provisions and case law, the language and holding in the cited  
13 constitutional provisions and cases speaks for itself and is incapable of being admitted or  
14 denied.

15 219. Answering paragraph 219 of the Complaint, said paragraph contains  
16 conclusions of law which do not require an answer. To the extent that said paragraph  
17 may be deemed to require an answer, answering Defendants deny each and every  
18 allegation of said paragraph. To the extent Plaintiffs purport to characterize  
19 constitutional provisions and case law, the language and holding in the cited  
20 constitutional provisions and cases speaks for itself and is incapable of being admitted or  
21 denied.

22 220. Answering paragraph 220 of the Complaint, said paragraph contains  
23 conclusions of law which do not require an answer. To the extent that said paragraph  
24 may be deemed to require an answer, answering Defendants deny each and every  
25 allegation of said paragraph. To the extent Defendants Plaintiffs to characterize  
26 constitutional provisions and case law, the language and holding in the cited  
27 constitutional provisions and cases speaks for itself and is incapable of being admitted or  
28 denied.

///

1           221. Answering paragraph 221 of the Complaint, said paragraph contains  
2 conclusions of law which do not require an answer. To the extent that said paragraph  
3 may be deemed to require an answer, answering Defendants deny each and every  
4 allegation of said paragraph. To the extent Plaintiffs purport to characterize  
5 constitutional provisions and case law, the language and holding in the cited  
6 constitutional provisions and cases speaks for itself and is incapable of being admitted or  
7 denied.

8           222. Answering paragraph 222 of the Complaint, said paragraph contains  
9 conclusions of law which do not require an answer. To the extent that said paragraph  
10 may be deemed to require an answer, answering Defendants deny each and every  
11 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
12 the language and holding in the cited case speaks for itself and is incapable of being  
13 admitted or denied.

14           223. Answering paragraph 223 of the Complaint, said paragraph contains  
15 conclusions of law which do not require an answer. To the extent that said paragraph  
16 may be deemed to require an answer, answering Defendants deny each and every  
17 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
18 the language and holding in the cited case speaks for itself and is incapable of being  
19 admitted or denied.

20           224. Answering paragraph 224 of the Complaint, said paragraph contains  
21 conclusions of law which do not require an answer. To the extent that said paragraph  
22 may be deemed to require an answer, answering Defendants deny each and every  
23 allegation of said paragraph.

24           225. Answering paragraph 225 of the Complaint, said paragraph contains  
25 conclusions of law which do not require an answer. To the extent that said paragraph  
26 may be deemed to require an answer, answering Defendants deny each and every  
27 allegation of said paragraph.

28

1           226. Answering paragraph 226 of the Complaint, said paragraph contains  
2 conclusions of law which do not require an answer. To the extent that said paragraph  
3 may be deemed to require an answer, answering Defendants deny each and every  
4 allegation of said paragraph.

5           227. Answering paragraph 227 of the Complaint, said paragraph contains  
6 conclusions of law which do not require an answer. To the extent that said paragraph  
7 may be deemed to require an answer, answering Defendants deny each and every  
8 allegation of said paragraph.

9           228. Answering paragraph 228 of the Complaint, said paragraph contains  
10 conclusions of law which do not require an answer. To the extent that said paragraph  
11 may be deemed to require an answer, answering Defendants deny each and every  
12 allegation of said paragraph.

13           229. Answering paragraph 229 of the Complaint, said paragraph contains  
14 conclusions of law which do not require an answer. To the extent that said paragraph  
15 may be deemed to require an answer, answering Defendants deny each and every  
16 allegation of said paragraph.

17           230. Answering paragraph 230 of the Complaint, said paragraph contains  
18 conclusions of law which do not require an answer. To the extent that said paragraph  
19 may be deemed to require an answer, answering Defendants deny each and every  
20 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
21 the language and holding in the cited case speaks for itself and is incapable of being  
22 admitted or denied.

23           231. Answering paragraph 231 of the Complaint, said paragraph contains  
24 conclusions of law which do not require an answer. To the extent that said paragraph  
25 may be deemed to require an answer, answering Defendants deny each and every  
26 allegation of said paragraph.

27           232. Answering paragraph 232 of the Complaint, said paragraph contains  
28 conclusions of law which do not require an answer. To the extent that said paragraph

1 may be deemed to require an answer, answering Defendants deny each and every  
2 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
3 the language and holding in the cited cases speaks for itself and is incapable of being  
4 admitted or denied.

5 233. Answering paragraph 233 of the Complaint, said paragraph contains  
6 conclusions of law which do not require an answer. To the extent that said paragraph  
7 may be deemed to require an answer, answering Defendants deny each and every  
8 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
9 the language and holding in the cited cases speaks for itself and is incapable of being  
10 admitted or denied.

11 234. Answering paragraph 234 of the Complaint, said paragraph contains  
12 conclusions of law which do not require an answer. To the extent that said paragraph  
13 may be deemed to require an answer, answering Defendants deny each and every  
14 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
15 the language and holding in the cited cases speaks for itself and is incapable of being  
16 admitted or denied.

17 235. Answering paragraph 235 of the Complaint, said paragraph contains  
18 conclusions of law which do not require an answer. To the extent that said paragraph  
19 may be deemed to require an answer, answering Defendants deny each and every  
20 allegation of said paragraph.

21 236. Answering paragraph 236 of the Complaint, said paragraph contains  
22 conclusions of law which do not require an answer. To the extent that said paragraph  
23 may be deemed to require an answer, answering Defendants deny each and every  
24 allegation of said paragraph.

25 237. Answering paragraph 237 of the Complaint, said paragraph contains  
26 conclusions of law which do not require an answer. To the extent that said paragraph  
27 may be deemed to require an answer, answering Defendants deny each and every  
28 allegation of said paragraph.

1           238. Answering paragraph 238 of the Complaint, said paragraph contains  
2 conclusions of law which do not require an answer. To the extent that said paragraph  
3 may be deemed to require an answer, answering Defendants deny each and every  
4 allegation of said paragraph.

5           239. Answering paragraph 239 of the Complaint, said paragraph contains  
6 conclusions of law which do not require an answer. To the extent that said paragraph  
7 may be deemed to require an answer, answering Defendants deny each and every  
8 allegation of said paragraph.

9           **B. Second Claim for Relief: Violation of Free Exercise Clause of**  
10           **First Amendment to U.S. Constitution: Not Generally Applicable**  
11           **due to Categorical Exemptions (By Both Plaintiffs Against All**  
12           **Defendants).**

13           240. Answering paragraph 240 of the Complaint, Defendants reiterate their  
14 responses above as to each incorporated paragraph.

15           241. Answering paragraph 241 of the Complaint, said paragraph contains  
16 conclusions of law which do not require an answer. To the extent that said paragraph  
17 may be deemed to require an answer, answering Defendants deny each and every  
18 allegation of said paragraph. To the extent Plaintiffs purport to characterize  
19 constitutional provisions and case law, the language and holding in the cited  
20 constitutional provisions and case law speaks for itself and is incapable of being  
21 admitted or denied.

22           242. Answering paragraph 242 of the Complaint, said paragraph contains  
23 conclusions of law which do not require an answer. To the extent that said paragraph  
24 may be deemed to require an answer, answering Defendants deny each and every  
25 allegation of said paragraph. To the extent Plaintiffs purport to characterize  
26 constitutional provisions and case law, the language and holding in the cited  
27 constitutional provisions and case law speaks for itself and is incapable of being  
28 admitted or denied.

29           243. Answering paragraph 243 of the Complaint, said paragraph contains  
30 conclusions of law which do not require an answer. To the extent that said paragraph

1 may be deemed to require an answer, answering Defendants deny each and every  
2 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
3 the language and holding in the cited case law speaks for itself and is incapable of being  
4 admitted or denied.

5 244. Answering paragraph 244 of the Complaint, said paragraph contains  
6 conclusions of law which do not require an answer. To the extent that said paragraph  
7 may be deemed to require an answer, answering Defendants deny each and every  
8 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
9 the language and holding in the cited case law speaks for itself and is incapable of being  
10 admitted or denied.

11 245. Answering paragraph 245 of the Complaint, said paragraph contains  
12 conclusions of law which do not require an answer. To the extent that said paragraph  
13 may be deemed to require an answer, answering Defendants deny each and every  
14 allegation of said paragraph.

15 246. Answering paragraph 246 of the Complaint, said paragraph contains  
16 conclusions of law which do not require an answer. To the extent that said paragraph  
17 may be deemed to require an answer, answering Defendants deny each and every  
18 allegation of said paragraph.

19 247. Answering paragraph 247 of the Complaint, said paragraph contains  
20 conclusions of law which do not require an answer. To the extent that said paragraph  
21 may be deemed to require an answer, answering Defendants deny each and every  
22 allegation of said paragraph.

23 248. Answering paragraph 248 of the Complaint, said paragraph contains  
24 conclusions of law which do not require an answer. To the extent that said paragraph  
25 may be deemed to require an answer, answering Defendants deny each and every  
26 allegation of said paragraph.

27 249. Answering paragraph 249 of the Complaint, said paragraph contains  
28 conclusions of law which do not require an answer. To the extent that said paragraph

1 may be deemed to require an answer, answering Defendants deny each and every  
2 allegation of said paragraph.

3 250. Answering paragraph 250 of the Complaint, said paragraph contains  
4 conclusions of law which do not require an answer. To the extent that said paragraph  
5 may be deemed to require an answer, answering Defendants deny each and every  
6 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law, the  
7 language and holding in the cited case law speaks for itself and is incapable of being  
8 admitted or denied.

9 251. Answering paragraph 251 of the Complaint, said paragraph contains  
10 conclusions of law which do not require an answer. To the extent that said paragraph  
11 may be deemed to require an answer, answering Defendants deny each and every  
12 allegation of said paragraph.

13 252. Answering paragraph 252 of the Complaint, said paragraph contains  
14 conclusions of law which do not require an answer. To the extent that said paragraph  
15 may be deemed to require an answer, answering Defendants deny each and every  
16 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law, the  
17 language and holding in the cited case law speaks for itself and is incapable of being  
18 admitted or denied.

19 253. Answering paragraph 253 of the Complaint, said paragraph contains  
20 conclusions of law which do not require an answer. To the extent that said paragraph  
21 may be deemed to require an answer, answering Defendants deny each and every  
22 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
23 the language and holding in the cited case law speaks for itself and is incapable of being  
24 admitted or denied.

25 254. Answering paragraph 254 of the Complaint, said paragraph contains  
26 conclusions of law which do not require an answer. To the extent that said paragraph  
27 may be deemed to require an answer, answering Defendants deny each and every  
28 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,

1 the language and holding in the cited case law speaks for itself and is incapable of being  
2 admitted or denied.

3 255. Answering paragraph 255 of the Complaint, said paragraph contains  
4 conclusions of law which do not require an answer. To the extent that said paragraph  
5 may be deemed to require an answer, answering Defendants deny each and every  
6 allegation of said paragraph.

7 256. Answering paragraph 256 of the Complaint, said paragraph contains  
8 conclusions of law which do not require an answer. To the extent that said paragraph  
9 may be deemed to require an answer, answering Defendants deny each and every  
10 allegation of said paragraph.

11 257. Answering paragraph 257 of the Complaint, said paragraph contains  
12 conclusions of law which do not require an answer. To the extent that said paragraph  
13 may be deemed to require an answer, answering Defendants deny each and every  
14 allegation of said paragraph.

15 258. Answering paragraph 258 of the Complaint, said paragraph contains  
16 conclusions of law which do not require an answer. To the extent that said paragraph  
17 may be deemed to require an answer, answering Defendants deny each and every  
18 allegation of said paragraph.

19 **C. Third Claim for Relief: Violation of Free Exercise Clause of First**  
20 **Amendment to U.S. Constitution: Not Generally Applicable due**  
21 **to Categorical Exemptions (By Both Plaintiffs Against All**  
22 **Defendants).**

23 259. Answering paragraph 259 of the Complaint, Defendants reiterate their  
24 responses above as to each incorporated paragraph.

25 260. Answering paragraph 260 of the Complaint, said paragraph contains  
26 conclusions of law which do not require an answer. To the extent that said paragraph  
27 may be deemed to require an answer, answering Defendants deny each and every  
28 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
the language and holding in the cited case law speaks for itself and is incapable of being  
admitted or denied.

1           261. Answering paragraph 261 of the Complaint, said paragraph contains  
2 conclusions of law which do not require an answer. To the extent that said paragraph  
3 may be deemed to require an answer, answering Defendants deny each and every  
4 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
5 the language and holding in the cited case law speaks for itself and is incapable of being  
6 admitted or denied.

7           262. Answering paragraph 262 of the Complaint, said paragraph contains  
8 conclusions of law which do not require an answer. To the extent that said paragraph  
9 may be deemed to require an answer, answering Defendants deny each and every  
10 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,  
11 the language and holding in the cited case law speaks for itself and is incapable of being  
12 admitted or denied.

13           263. Answering paragraph 263 of the Complaint, said paragraph contains  
14 conclusions of law which do not require an answer. To the extent that said paragraph  
15 may be deemed to require an answer, answering Defendants deny each and every  
16 allegation of said paragraph.

17           264. Answering paragraph 264 of the Complaint, said paragraph contains  
18 conclusions of law which do not require an answer. To the extent that said paragraph  
19 may be deemed to require an answer, answering Defendants deny each and every  
20 allegation of said paragraph.

21           265. Answering paragraph 265 of the Complaint, said paragraph contains  
22 conclusions of law which do not require an answer. To the extent that said paragraph  
23 may be deemed to require an answer, answering Defendants deny each and every  
24 allegation of said paragraph.

25           266. Answering paragraph 266 of the Complaint, said paragraph contains  
26 conclusions of law which do not require an answer. To the extent that said paragraph  
27 may be deemed to require an answer, answering Defendants deny each and every  
28 allegation of said paragraph.

1           267. Answering paragraph 267 of the Complaint, said paragraph contains  
2 conclusions of law which do not require an answer. To the extent that said paragraph  
3 may be deemed to require an answer, answering Defendants deny each and every  
4 allegation of said paragraph.

5           268. Answering paragraph 268 of the Complaint, said paragraph contains  
6 conclusions of law which do not require an answer. To the extent that said paragraph  
7 may be deemed to require an answer, answering Defendants deny each and every  
8 allegation of said paragraph. To the extent that plaintiffs cite statutes, they speak for  
9 themselves and are incapable of being admitted or denied. To the extent that Plaintiffs  
10 purport to otherwise characterize said statutes, Defendants deny said allegations.

11           269. Answering paragraph 269 of the Complaint, said paragraph contains  
12 conclusions of law which do not require an answer. To the extent that said paragraph  
13 may be deemed to require an answer, answering Defendants deny each and every  
14 allegation of said paragraph. To the extent that plaintiffs cite dictionaries, they speak for  
15 themselves and are incapable of being admitted or denied. To the extent that Plaintiffs  
16 purport to otherwise characterize said dictionaries, Defendants deny said allegations.

17           270. Answering paragraph 270 of the Complaint, said paragraph contains  
18 conclusions of law which do not require an answer. To the extent that said paragraph  
19 may be deemed to require an answer, answering Defendants deny each and every  
20 allegation of said paragraph.

21           271. Answering paragraph 271 of the Complaint, said paragraph contains  
22 conclusions of law which do not require an answer. To the extent that said paragraph  
23 may be deemed to require an answer, answering Defendants deny each and every  
24 allegation of said paragraph.

25           272. Answering paragraph 272 of the Complaint, said paragraph contains  
26 conclusions of law which do not require an answer. To the extent that said paragraph  
27 may be deemed to require an answer, answering Defendants deny each and every  
28 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law,

1 the language and holding in the cited case law speaks for itself and is incapable of being  
2 admitted or denied.

3 273. Answering paragraph 273 of the Complaint, said paragraph contains  
4 conclusions of law which do not require an answer. To the extent that said paragraph  
5 may be deemed to require an answer, answering Defendants deny each and every  
6 allegation of said paragraph.

7 274. Answering paragraph 274 of the Complaint, said paragraph contains  
8 conclusions of law which do not require an answer. To the extent that said paragraph  
9 may be deemed to require an answer, answering Defendants deny each and every  
10 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law, the  
11 language and holding in the cited case law speaks for itself and is incapable of being  
12 admitted or denied.

13 275. Answering paragraph 275 of the Complaint, said paragraph contains  
14 conclusions of law which do not require an answer. To the extent that said paragraph  
15 may be deemed to require an answer, answering Defendants deny each and every  
16 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law, the  
17 language and holding in the cited case law speaks for itself and is incapable of being  
18 admitted or denied.

19 276. Answering paragraph 276 of the Complaint, said paragraph contains  
20 conclusions of law which do not require an answer. To the extent that said paragraph  
21 may be deemed to require an answer, answering Defendants deny each and every  
22 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law, the  
23 language and holding in the cited case law speaks for itself and is incapable of being  
24 admitted or denied.

25 277. Answering paragraph 277 of the Complaint, said paragraph contains  
26 conclusions of law which do not require an answer. To the extent that said paragraph  
27 may be deemed to require an answer, answering Defendants deny each and every  
28 allegation of said paragraph.

1 278. Answering paragraph 278 of the Complaint, said paragraph contains  
2 conclusions of law which do not require an answer. To the extent that said paragraph  
3 may be deemed to require an answer, answering Defendants deny each and every  
4 allegation of said paragraph.

5 279. Answering paragraph 279 of the Complaint, said paragraph contains  
6 conclusions of law which do not require an answer. To the extent that said paragraph  
7 may be deemed to require an answer, answering Defendants deny each and every  
8 allegation of said paragraph.

9 280. Answering paragraph 280 of the Complaint, said paragraph contains  
10 conclusions of law which do not require an answer. To the extent that said paragraph  
11 may be deemed to require an answer, answering Defendants deny each and every  
12 allegation of said paragraph.

13 **D. Fourth Claim for Relief: Declaratory Relief re: The California**  
14 **Department of Education's FAQ Page (By Both Plaintiffs**  
15 **Against All Defendants)**

16 281. Answering paragraph 281 of the Complaint, Defendants reiterate their  
17 responses above as to each incorporated paragraph.

18 282. Answering paragraph 282 of the Complaint, Defendants are without  
19 sufficient knowledge or information to form a belief as to the truth of the allegations  
20 contained in said paragraph, and on that basis deny each and every allegation contained  
21 therein.

22 283. Answering paragraph 283 of the Complaint, with respect to the allegations  
23 about EUSD, Defendants are without sufficient knowledge or information to form a  
24 belief as to the truth of the allegations contained in said paragraph, and on that basis  
25 deny each and every allegation contained therein. With respect to the allegations about  
26 the FAQs, said paragraph contains conclusions of law which do not require an answer.  
27 To the extent that said paragraph may be deemed to require an answer, answering  
28 Defendants deny each and every allegation of said paragraph.

///

1 284. Answering paragraph 284 of the Complaint, said paragraph contains  
2 conclusions of law which do not require an answer. To the extent that said paragraph  
3 may be deemed to require an answer, answering Defendants deny each and every  
4 allegation of said paragraph.

5 285. Answering paragraph 285 of the Complaint, said paragraph contains  
6 conclusions of law which do not require an answer. To the extent that said paragraph  
7 may be deemed to require an answer, answering Defendants deny each and every  
8 allegation of said paragraph.

9 286. Answering paragraph 286 of the Complaint, said paragraph contains  
10 conclusions of law which do not require an answer. To the extent that said paragraph  
11 may be deemed to require an answer, answering Defendants deny each and every  
12 allegation of said paragraph.

13 **VII. PRAYER FOR RELIEF (COMPLAINT)**

14 Defendants deny they deprived the Plaintiffs the enjoyment of any right under the  
15 U.S. Constitution. Defendants also deny that they committed any wrongful act or  
16 omission which caused Plaintiffs any injury or damage whatsoever and further deny that  
17 Plaintiffs are entitled to any relief.

18 **VIII. AFFIRMATIVE DEFENSES**

19 **AS SEPARATE AND AFFIRMATIVE DEFENSES**, Defendants allege as  
20 follows:

21 **AFFIRMATIVE DEFENSE NO. 1:**

22 **(Failure to State a Claim)**

23 The Complaint fails to state a claim upon which relief can be granted.

24 **AFFIRMATIVE DEFENSE NO. 2:**

25 **(Statute of Limitations)**

26 The Complaint and each cause of action therein is barred by the applicable statute  
27 of limitations.

28 ///

1                                   **AFFIRMATIVE DEFENSE NO. 3:**

2                                   **(Subject Matter Jurisdiction)**

3                   The court lacks subject matter jurisdiction over the Complaint, including but not  
4 limited to on the basis that Plaintiffs lack standing to bring the causes of action of the  
5 Complaint.

6                                   **AFFIRMATIVE DEFENSE NO. 4:**

7                                   **(No Deprivation of Rights)**

8                   Answering Defendants did not deprive any person of any right, privilege or  
9 immunity guaranteed by the Constitution or laws of the United States.

10                                  **AFFIRMATIVE DEFENSE NO. 5:**

11                                  **(Estoppel)**

12                   The conduct of Plaintiffs estops them from claiming the damages alleged in the  
13 Complaint.

14                                  **AFFIRMATIVE DEFENSE NO. 6:**

15                                  **(No Interference with Plaintiffs' Constitutional Rights)**

16                   Defendants did not engage in any interference, or attempts to interfere, by threats,  
17 intimidation, violence or coercion with Plaintiffs' exercise or enjoyment of their  
18 constitutional rights.

19                                  **AFFIRMATIVE DEFENSE NO. 7:**

20                                  **(Eleventh Amendment)**

21                   To the extent that Plaintiffs sue any Defendants in their official capacity, an action  
22 against a state official in his or her official capacity is tantamount to a suit against the  
23 State itself and is barred by the Eleventh Amendment.

24                                  **AFFIRMATIVE DEFENSE NO. 8:**

25                                  **(Res Judicata)**

26                   Defendants are informed and believes and, based thereon, allege that some or all  
27 of the claims asserted in the Complaint are barred by the doctrine of *res judicata*.

28                   ///

**AFFIRMATIVE DEFENSE NO. 9:**

**(Failure to Mitigate)**

At all relevant times, Plaintiffs failed to mitigate, minimize, and/or avoid injury and damages, if any.

**AFFIRMATIVE DEFENSE NO. 10:**

**(Waiver)**

Defendants are informed and believe and, based thereon, allege that Plaintiffs executed a waiver and release and/or otherwise agreed to release and waive its rights to some or all of the claims asserted in the Complaint.

**AFFIRMATIVE DEFENSE NO. 11:**

**(Attorney’s Fees)**

Answering Defendants will be entitled to reasonable attorney fees and costs of suit upon prevailing within the meaning of 42 U.S.C. § 1988.

**AFFIRMATIVE DEFENSE NO. 12:**

**(Laches)**

Defendants are informed and believe and, based thereon, allege that Plaintiffs waited an unreasonable period of time before asserting their claims, if any, against Defendants, and are barred from asserting such claims under the doctrine of laches.

**AFFIRMATIVE DEFENSE NO. 13:**

**(Claim for Declaratory Relief not an Independent Cause of Action)**

The fourth cause of action states that it is for “declaratory relief.” However, declaratory relief is a remedy, not an independent cause of action. *Rosenfeld v. JP Morgan Chase Bank, N.A.*, 732 F. Supp. 2d 952, 975 (N.D. Cal. 2010).

**AFFIRMATIVE DEFENSE NO. 14:**

**(Immunity)**

State Defendants are immune from suit.

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**AFFIRMATIVE DEFENSE NO. 15:**

**(Lack of Proximate Cause)**

The sole or proximate cause of any of the wrongs alleged by Plaintiffs in the Complaint were and are the result of conduct by persons and/or entities other Defendants.

**AFFIRMATIVE DEFENSE NO. 16:**

**(Reservation)**

Because the Complaint is stated in conclusory terms, Defendants cannot fully anticipate all affirmative defenses that may be applicable to this matter and reserve the right to assert additional, separate affirmative defenses as may become appropriate in the future due to the discovery of additional facts or information.

**AFFIRMATIVE DEFENSE NO. 17:**

**(Good Faith)**

At all times herein, the State Defendants acted in good faith, fairly, for a lawful purpose, and reasonably under the circumstances.

**AFFIRMATIVE DEFENSE NO. 18:**

**(No immediate danger)**

Plaintiffs fail to state facts sufficient to indicate that they have sustained or are in immediate danger of sustaining some direct injury or irreparable harm which entitles them to injunctive relief. Plaintiffs have adequate remedies at law against any alleged violation of law.

**AFFIRMATIVE DEFENSE NO. 19:**

**(Case or controversy)**

The Complaint fails to state a case or controversy.

///  
///  
///  
///

**AFFIRMATIVE DEFENSE NO. 20:**

**(Discretionary Acts)**

To the extent that any specific acts or decisions of the State Defendants are alleged, they are discretionary in nature, and cannot be properly controlled or directed by injunctive relief as a matter of law.

**IX. PRAYER**

WHEREFORE, Defendants pray for judgment against Plaintiffs as follows:

1. Plaintiffs take nothing by the Complaint;
2. Defendants be awarded costs of suit incurred herein;
3. Defendants be awarded reasonable attorney’s fees incurred herein pursuant to 42 U.S.C. § 1988 and Civil Code sections 1021.7 and 1038;
4. Defendants be awarded such other and further relief as the Court may deem necessary and proper.

Dated: November 13, 2023

LEN GARFINKEL  
General Counsel  
BRUCE YONEHIRO  
Assistant General Counsel

By: /s/ Christopher Mandarano  
CHRISTOPHER MANDARANO  
Deputy General Counsel  
Attorney for State-level Defendants