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Employees

8 **UNITED STATES DISTRICT COURT**

9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 ELIZABETH MIRABELLI, an
individual, and LORI ANN WEST, an
11 individual,

12 Plaintiffs,

13 v.

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

16 Defendants.

Case No.: 23CV0768 BEN VET

**DEFENDANT SCHOOL
EMPLOYEES' OPPOSITION TO
MOTION FOR CONTEMPT AND
RESPONSE TO REQUEST FOR
CLAIRIFCATION**

Judge: Hon. Roger T. Benitez

Courtroom: 5A

Hearing Date: January 10, 2024

Hearing Time: 10:00 a.m.

18
19 Defendants oppose the motion for contempt, but concur with the request for
20 clarification of the Court's Order.

21 **A. Clarification of the Court's Order Would Be Helpful.**

22 The Court ordered the Defendants not to enforce against the Plaintiffs the policy
23 of protecting students gender identity from their parents at the student's request and not
24 to retaliate against either of them.

25 The Escondido Union School District Defendants, the State
26 Defendants, and their officers, agents, servants, employees,
27 and attorneys, and those persons in active concert or
28 participation with them, and those who gain knowledge of

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1 this injunction order, or know of the existence of this
2 injunction order, are enjoined from enforcing against
3 Plaintiffs Mirabelli or West, EUSD AR 5145.3 or the
4 associated official policy described in the California
5 Department of Education’s FAQs page on gender identity-
6 related disclosures by teachers to parents, and are to restrain
7 any governmental employee or entity from taking any adverse
8 employment actions thereupon against Plaintiffs Mirabelli or
9 West, until further Order of this Court.

10 Order Granting Motion for Preliminary Injunction, ECF No. 42 at p.36.

11 After the Court entered that order — in what seems to be direct opposition to the
12 Court’s order — the California Attorney General threatened to sue the District if it does
13 not protect the privacy of students who wish to keep their gender identity secret from
14 their parents. Dec. of Rankins-Ibarra, p. 2:7-12. The Order did not address the
15 application of the policy with other teachers, whether religious or secular, or how the
16 District should respond to a student request to keep their gender identity confidential if
17 that student is in one of the Plaintiff’s classes.

18 The District is unsure how to comply with State law, but absolutely sure how to
19 comply with the Court’s Order. The District does not require the two Plaintiffs to
20 comply with the State’s required policy. Dec. of Rankins-Ibarra, pp. 2:26 – 3:7. This
21 confusion, the potential inconsistent policy position, the very strong emotional political
22 positions taken on both sides in this controversy, and the State’s threats, have created
23 substantial disruption in the operation of the District. The District is unsure how to treat
24 other teachers who assert religious beliefs in opposition to the policy, unsure how to
25 keep student gender-identity confidential as required by the State, and unsure how to
26 enforce the states policy of protecting student gender identity. Clarification of the
27 Court’s Order would very helpful.

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1 **A. Contempt Requires Clear and Convincing Evidence Not Present Here.**

2 To establish civil contempt, the moving party must demonstrate by clear and
3 convincing evidence that the alleged contemnor violated a specific and definite court
4 order by failing to take “take all reasonable steps within the party’s power to comply.”
5 *In re Dual–Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 695 (9th Cir.
6 1993). Plaintiffs have not met that burden. There is no evidence that would even
7 approach the “clear and convincing” standard. Actually, there is not any evidence any
8 Defendant violated the order or any part of the order.

9 Contempt is not appropriate for many reasons. Neither the District nor any of the
10 Defendants have retaliated against the Plaintiff in violation of the Court’s Order. Dec.
11 of Rankins-Ibarra, p. 1:24-27. More importantly, Plaintiffs have not identified a
12 Defendant who they contend violated the Order. The Plaintiffs’ employer — the
13 District -- is not a party. The alleged delayed investigation was not delayed by the
14 District, or any individual Defendant, but by the nature of the investigation.

15 **B. Plaintiff Mirabelli’s Declaration Does Provide Evidence of Contempt**

16 Plaintiff Mirabelli’s declaration does not provide evidence of any named
17 defendant retaliating against her. It does prove she requested to be placed on paid leave
18 of absence before the Court issued the Order, and that the District accommodated that
19 request. It shows that teachers and students said things, some inappropriate and some
20 protected political opinions. It shows she was hurt by the comments and wanted to go
21 on leave. It proves she is not ready to return to work. Dec. of Mirabelli, p. 5:16-18.
22 After the Order was issued, there is evidence that people marched on the streets,
23 picketed and protested. She does not provide any legal method the District could use
24 to stop a peaceful protest off campus.

25 Plaintiff Mirabelli requested paid leave of absence before the Court issued the
26 Order and the District accommodated her request. After the Court issued its order, she
27 again requested leave as an accommodation, and again, the District agreed. The District
28 has told her she can return to work whenever she wants. Dec. of McGuire, p. 2:4-5.

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1 The Assistant Superintendent met with Plaintiff Mirabelli and her counsel to
2 develop an agreement for her to return to work. *Id.* at 2:2-3. She was concerned about
3 people protesting. *Id.* at 2:3. He explained the situation and the District offered a plan
4 to provide her with security. She is able to return to work whenever she is ready. She
5 has not requested to return to work after that meeting. *Id.* at 2:6-7. Moreover, she says
6 she is not now medically ready to return to work. Dec. of Mirabelli, p. 5:16-18.

7 The evidence she provides of comments made to her by students and teachers all
8 occurred before she went out on leave of absence and before the Court issued its order.
9 She requested the District protect her from all comments before she would return to
10 work. But most of the conduct of teachers and students that she found hurtful are
11 outside the District’s power to control, because those people have First Amendment
12 rights to oppose the position the Plaintiffs have taken, as long as they do not create a
13 disruption with their speech. “It can hardly be argued that either students or teachers
14 shed their constitutional rights to freedom of speech or expression at the schoolhouse
15 gate.” *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503, 506
16 (1969). She even went so far as to ask the District to issue a policy against discussing
17 the case on campus. Dec. of Paul Jona, Ex 5. That would be a violation of the First
18 Amendment and an illegal prior restraint.

19 She does not provide evidence of adverse conduct by any Defendant, or of
20 conduct any Defendant could legally stop, that occurred after the Order was issued. The
21 only thing she says about conduct after the order was issued is that, “The school
22 community does not accept or even accommodate my sincere Christian beliefs. I believe
23 this is due to a lack of impartiality and neutrality on behalf of EUSD leadership, and a
24 failure to enforce Board Policy 1325 on the promotion of controversial issues.” Dec.
25 of Mirabelli, p. 5:4-7. Her belief is not evidence of conduct by any named defendant in
26 violation of the Order. She also says the investigation into her complaints took a long
27 time and the District had great difficulty determining how it could meet her demands to
28 ensure no student or staff member expressed something she would object to. She does

1 not identify any physical threat. All of her concerns are around comments and posters
2 before the Order was issued and her fear of more comments if she returns. But she has
3 been informed that she may return to work at any time.

4 **C. Plaintiff West’s Declaration Does Not Provide Evidence of Contempt**

5 Plaintiff West was placed on paid leave of absence pending an investigation into
6 allegations she made racial remarks in class. Dec. of Rankins-Ibarra, p. 3:26-4:2. She
7 questions the validity of the complaint made by a student because the comments were
8 made several years ago. That complaint requires an investigation, even if the validity
9 of the complaint is doubted.

10 But it is entirely possible that these events triggered a memory in the student that
11 persuaded them to bring forward a valid complaint. Nevertheless, there is only
12 speculation, rather than evidence, that any named Defendants did anything to encourage
13 the student to complain.

14 There has been some difficulty completing the investigation because of issues
15 with scheduling of witnesses. The complaining party has agreed to extend the time for
16 the investigation. Dec. of Rankins-Ibarra, p. 4:5-6.

17 Plaintiff West is on paid administrative leave for reasons completely unrelated to
18 the Court’s Order. A student formally complained about racial remarks West made and
19 the District put her on leave pending an investigation into allegations. *Id.* Plaintiffs’
20 counsel argues that complaint is suspect, but whether or not that is true, the District
21 cannot ignore a complaint of racial discrimination from a student. The standard
22 procedure is to place the accused person on leave and investigate. More likely is the fact
23 the controversy brought some memories to the forefront in the minds of some students
24 and produced this complaint. Nevertheless, placing a teacher on paid administrative
25 leave pending an investigation into allegations of racist remarks in class is routine.

26 Plaintiffs’ citation to the Education Code for the proposition that the investigation
27 should have been done in 90 working days is misleading. That statute, Education Code
28 section 87623, only applies to college teachers, not elementary school teachers, and the

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1 provisions for extensions in the statute were omitted. Nevertheless, there is no evidence
2 that the length of the investigation was illegal, and no evidence that the length of the
3 investigation was extended as a retaliation in violation of the Court’s Order.

4 Finally, on technical grounds, a contempt order would be improper for lack of
5 certainty. Plaintiffs speculated, but do not identify any Defendant who took any action
6 against either Plaintiff, nor do they offer any evidence that any Defendant took any
7 action to retaliate against either Plaintiff. Plaintiffs argue they are afraid for their safety,
8 but there is no evidence of any physical threat, or any indication of the likelihood of any
9 physical harm to either plaintiff.

10 The conduct Plaintiffs describe by students and other teachers is largely protected
11 speech. Although a complicated area of law, speech by a teacher acting as a citizen on
12 an issue of public concern is protected speech. *Kennedy v. Bremerton School District*,
13 142 S.Ct. 2407, 2424 (2022). Speech by students is also protected unless it is disruptive
14 or violates the rights of others. “[T]he conduct of students in the school setting,
15 including their speech, may be restricted if either [1] it might reasonably [lead] school
16 authorities to forecast substantial disruption of or material interference with school
17 activities” or [2] it collides with the rights of other students to be secure and to be let
18 alone.” *Chen Through Chen v. Albany Unified School District*, 56 F.4th 708, 716–717,
19 (9th Cir. 2022) cert. denied sub nom. *Epple v. Albany Unified School District* (2023)
20 143 S.Ct. 2641. (Internal quotations omitted.)

21 Plaintiffs may find the comments to be hurtful, but they are largely protected
22 speech. They were not sufficiently severe or pervasive to constitute harassment. *Harris*
23 *v. Forklift Systems, Inc.*, 510 U.S. 17, 21 (1993). Plaintiffs argue they are entitled to
24 know about discipline of teachers or students, but, to the extent that the District has
25 issued discipline to a student or teacher for their conduct against the Plaintiffs, that
26 discipline is protected by privacy rights so that Plaintiffs are not entitled to be informed
27 about that discipline. “Our precedents demand that we ‘engage in the delicate task of
28 weighing competing interests’ to determine whether the government may properly

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1 disclose private information.” *In re Crawford*, 194 F.3d 954, 959 (9th Cir. 1999).

2 Plaintiffs are clearly unhappy with the intense controversy surrounding this issue,
3 which is not only local, but is arising in school districts across the Country. The
4 Defendants are unhappy with the controversy too.

5 **B. Qualified Immunity Bars Attorney Fees**

6 Plaintiffs are seeking attorney fees. But attorney fees are not appropriate in this
7 case. These individual Defendants are entitled to qualified immunity.

8 **C. The Legal Issue Is a Novel Issue of First Impression**

9 The issue of students’ rights to privacy for gender-identity issues is a novel issue.
10 It has only recently arisen and there was no case law when the decisions were made to
11 enforce the policy. These individual Defendants believed they were complying with
12 state law in all their actions when they applied the advice from the Department of
13 Education. Moreover, another federal court has ruled the other way on this issue.
14 *Regino v. Staley* (E.D. Cal., Mar. 9, 2023, No. 223CV00032JAMDMC) 2023 WL
15 2432920, at *1. It was certainly not clear to the individual Defendants they might be
16 accused of contempt because of issues outside their control, such as the legal protests.
17 There is certainly no settled law on the issue.

18 **D. Qualified Immunity Applies Where the Law Is Not Clear**

19 Qualified immunity applies to cases like this. Qualified immunity seeks to
20 guarantee that public officials who are subjected to suit are on notice that their actions
21 were unlawful. *Hope v. Pelzer*, 536 U.S. 730 (2002). In order to make a determination
22 regarding qualified immunity, a court may first determine that, given the facts alleged
23 and, in the light most favorable to the plaintiff, the official's conduct violated the
24 plaintiff's constitutional right. *Saucier v. Katz*, 533 U.S. 194, 195 (2001). If a
25 constitutional right was violated, then it must be determined that the right was clearly
26 established. This determination rests upon the specific context of the case, and not a broad
27 general proposition. *Id.* Moreover, the court must inquire whether it would be clear to a
28 reasonable official that his or her conduct was unlawful in the given situation. *Id.* In

1 *Pearson v. Callahan*, 555 U.S. 223 (2009), the Court held that a court may determine
2 which prong of the analysis should be addressed first in light of the circumstances.

3 Here, it is indisputable that the issue is anything but clear, particularly when
4 another court has issued the opposite ruling. These individual Defendants are entitled
5 to qualified immunity.

6 **E. Attorney Fees are Damages Barred by Qualified Immunity**

7 Qualified immunity bars damages, including attorney fees and costs. *C.F. v.*
8 *Capistrano Unified School Dist.* (C.D. Cal. 2009) 656 F.Supp.2d 1190, 1199, aff'd sub
9 nom. *C.F. ex rel. Farnan v. Capistrano Unified School Dist.* (9th Cir. 2011) 654 F.3d
10 975. In that case, the court analyzed a similar issue and held that “the qualified
11 immunity defense also bars claims for costs and attorneys' fees.” Ibid.

12 In that matter, the Court granted part of the Defendants’ Motion for Summary
13 Judgment, ruling the Defendants were entitled to qualified immunity. Plaintiffs then
14 sought attorney fees after they were granted an injunction. The Court held that qualified
15 immunity protects defendants from liability for attorney fees as well as claims for costs.
16 The Ninth Circuit approved the analysis. “Although Farnan sought only nominal
17 damages, the attorney's fees and costs for which Corbett could be liable absent the
18 protection of qualified immunity undoubtedly would be considerable after more than
19 three years of litigation.” *C.F. ex rel. Farnan v. Capistrano Unified School Dist.* (9th
20 Cir. 2011) 654 F.3d 975, 984.

21 The trial court in *C.F. v. Capistrano Unified School Dist.* relied on a similar case,
22 out of the Eleventh Circuit, which also held that costs, expenses and attorneys’ fees are
23 barred by qualified immunity.

24 A question has been presented in this appeal about whether
25 the monetary damages which the defense of qualified
26 immunity bars include plaintiffs' claims for costs, expenses of
27 litigation, and attorneys' fees.⁷ The answer is “yes.” We hold
28 that, for qualified immunity purposes, the term “damages”

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1 includes costs, expenses of litigation, and attorneys' fees
2 claimed by a plaintiff against a defendant in the defendant's
3 personal or individual capacity.

4 *D'Aguanno v. Gallagher* (11th Cir. 1995) 50 F.3d 877, 881. The court reached that
5 conclusion based in part on an analysis of the purpose of qualified immunity.

6 The policy that supports qualified immunity—especially
7 removing for most public officials the fear of personal
8 monetary liability — would be undercut greatly if
9 government officers could be held liable in their personal
10 capacity for a plaintiff's costs, litigation expenses, and
11 attorneys' fees in cases where the applicable law was so
12 unsettled that defendants, in their personal capacity, were
13 protected from liability for other civil damages.

14 *D'Aguanno v. Gallagher*, *supra*, at 881.

15 The *D'Aguanno* Court also relied on legislative history and policy to reach its
16 conclusion:

17 Because section 1988, especially when read in the light of its
18 legislative history, requires no award of costs, litigation
19 expenses, or attorneys' fees from defendants in their personal
20 capacity and because the policy underlying qualified
21 immunity would in no way be advanced by the award of such
22 costs and fees against defendants in their personal capacity,
23 we hold that such awards, even in actions for injunctive and
24 declaratory relief, are barred when the defendant's conduct
25 meets the objective good faith standard encompassed by the
26 qualified immunity doctrine.

27 *Ibid.*

28 ///

1 Because these individual Defendants could not have known that complying with
2 the advice from the State on the issue of student gender-identify-privacy was against
3 federal law, they are entitled to the defense of qualified immunity, it follows that, under
4 the controlling case law, Plaintiffs’ are not entitled to recover any damages, which
5 includes costs, expenses of litigation, and attorneys’ fees claimed by Plaintiffs. That
6 bar applies equally to this motion for contempt where the individual have not done
7 anything that is in violation of clearly settled law.

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13 Dated: December 27, 2023

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15 Bv: _____
16 Daniel R. Shinoff
17 Attorney for Defendant School Employees
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7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 ELIZABETH MIRABELLI, an individual, and
LORI ANN WEST, an individual ,

11 Plaintiffs,

12 v.

13
14 MARK OLSON, in his official capacity as
President of the EUSD Board of Education, et
15 al.

16 Defendants.

Case No.: 23CV0768 BEN VET

**DECLARATION OF ASSISTANT
SUPERINTENDENT ANDREW
MCGUIRE IN OPPOSITION TO
MOTION FOR CONTEMPT AND IN
FAVOR OF CLARIFICATION**

Judge: Hon. Roger T. Benitez

Courtroom: 5A

Hearing Date: January 10, 2024

Hearing Time: 10:00 a.m.

17
18 I, Andrew McGuire, declare as follows:

19 1. I am now, and at all times relevant was, employed as the Assistant Superintendent of
20 Business Services for the Escondido Union Elementary School District. I have personal knowledge
21 of the matters stated in this declaration, except those stated on information and belief, which I believe
22 to be true. If called as a witness, I could and would testify competently to the matters stated in this
23 declaration.

24 2. I reviewed a copy of the Court's Order on the day it was issued. I met with the
25 Superintendent and senior staff to discuss the implications of the Order on other staff, beyond the clear
26 requirement that we must not take any action against either Plaintiff and must not to require either
27 Plaintiff to enforce Regulation AR 5145.3 or Policy BP 5145.3. We then met with our counsel to help
28 us analyze the scope of the Order and to understand how to comply with the Court's Order and state

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1 law as we understood it.

2 3. I met with Plaintiff Mirabelli and her counsel in an effort to develop an agreement for
3 her to return to work. She was concerned about people protesting. I explained the situation and we
4 offered a plan that I believed provided her with the security she wanted. She is able to return to work
5 whenever she is ready. I thought our discussion was positive, although I also thought she might have
6 some questions, but I never received any response. She has not requested to return to work after that
7 meeting.

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

10 Dated: December 22, 2023

DocuSigned by:
By: 
Andrew McGuire, Assistant Superintendent
for Business Services, Escondido Union
Elementary School District

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8 **UNITED STATES DISTRICT COURT**

9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 ELIZABETH MIRABELLI, an individual, and
LORI ANN WEST, an individual ,

11 Plaintiffs,

12 v.
13

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

16 Defendants.
17

Case No.: 23CV0768 BEN VET

**DECLARATION OF
SUPERINTENDNET LUIS A. RANKINS-
IBARRA IN OPPOSITION TO MOTION
FOR CONTEMPT AND IN FAVOR OF
CLARIFICATION**

Judge: Hon. Roger T. Benitez

Courtroom: 5A

Hearing Date: January 10, 2024

Hearing Time: 10:00 a.m.

18
19 I, Dr. Luis A. Rankins-Ibarra, declare as follows:

20 1. I am now, and at all times relevant was, the Superintendent of the Escondido
21 Union Elementary School District. I have personal knowledge of the matters stated in this
22 declaration, except those stated on information and belief which I believe to be true. If called
23 as a witness, I could and would testify competently to the matters stated in this declaration.

24 2. I received a copy of the Court's Order on the day it was issued. I immediately
25 met with senior staff and informed them of the clear requirement not to take any action against
26 either Plaintiff and not to require either Plaintiff to enforce Regulation AR 5145.3 or Policy
27 BP 5145.3. We then met with our counsel to analyze the scope of the Order and to understand
28 how to comply with the Court's Order and state law as we understood it. We faced three

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1 different issues. We understood not to take action against the Plaintiffs. We were unsure how
2 to react if another teacher was requested to keep the issue of gender identity from a parent, and
3 we were unsure how to react if another teacher asserted similar religious beliefs and requested
4 a similar accommodation. We met with the union leadership for both unions, and developed
5 instruction for staff on compliance with the Order, and communicated that understanding to
6 Principals and Counselors.

7 3. After the Court issued its Order in this case, I participated in a conference call
8 with lawyers from the California Attorney General’s Office. In that conversation, the lawyers
9 for the Attorney General told me if the District did not protect the gender identity of students
10 when the student requested it, even to the extent of not telling the parents their student was
11 contemplating changing their gender identity, the Attorney General’s Office would consider
12 action against the District for discrimination on behalf of the student or students. They said
13 they had determined the Order of this Court was very narrow and applied only to enforcing
14 the Policy and Regulation against the two Plaintiffs in this case. They told me this issue had
15 been decided differently in another court and that decision was now in appeal before the Ninth
16 Circuit Court of Appeal.

17 4. The Governing Board has not taken any action on the employment of either of
18 the Plaintiffs after the filing of this Complaint and certainly not after the issuance of the Order.
19 The Board has also not taken any action to amend or act on the Policy or Regulation. The
20 elected Board members are Defendants MARK OLSON, FRANK HUSTON, JOAN
21 GARDNER, DOUG PAULSON, and ZESTY HARPER. Two employee Defendants – JOHN
22 ALBERT and TRACY SCHMIDT -- resigned before the Court issued its Order, consequently,
23 none of those Defendants can be liable for contempt. All decisions and actions taken after the
24 issuance of the Court’s Order relating to the employment status of the Plaintiffs were taken
25 under my instructions.

26 5. We intend to make sure that all students are safe and feel protected. This issue
27 has generated much emotion, with opinion on both sides of the issue. There have been protests
28 against the Court’s Order and against the Plaintiffs’ position on the issue, but also substantial

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1 support for the Order and the Plaintiffs.

2 6. We considered ways to limit the conflict, but we understand we are limited by the
3 First Amendment rights of teachers and students, so that we can only very carefully limit their
4 speech. We considered removing some students from Plaintiff’s classrooms, but that would
5 raise another set of issues. We are concerned that removing a student from either Plaintiff’s
6 class because that student has expressed concern around the issue of gender would be
7 discrimination against the student. That issue has not yet arisen.

8 7. Before the Court issued its Order, in early May, Plaintiff Mirabelli requested to be
9 placed on a paid leave of absence. I agreed, and she has been, and continues to be, on paid
10 leave. She may return at any time she wants.

11 8. Through her attorney she sought absolute assurance that no one would express
12 any political opinion against her before she would return to work. She is apparently concerned
13 that a protest, like the one earlier in the year, might occur if she returned to work. I do not
14 believe that any person has made a threat of any type of physical harm against either Plaintiff.
15 But I do believe that employees have expressed, and will express, their opinions. Expressions
16 of opinion by teachers, even while they are at work, are protected by the First Amendment. I
17 did not believe we could make a promise to stop all speech against her position on the issue.
18 The staff will ensure that no adverse employment action will be taken against either Plaintiff,
19 but I believe I cannot legally stop a teacher or a student from expressing an opinion against
20 either Plaintiff, unless such interchange becomes disruptive.

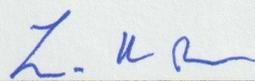
21 9. Both Plaintiffs have asked what discipline has been taken against employees
22 who have spoken out or posted signs in protest. Some of the protest occurred off campus and
23 outside of my control. I understand that discipline of students or staff is protected by privacy
24 rights against disclosure, and I have not responded to those questions and have not instructed
25 counsel to respond to those questions.

26 10. Plaintiff West was initially placed on paid administrative leave after a complaint
27 was made against her by a parent of a student involving harassment and discrimination,
28 subsequently another complaint was made asserting that she had made racially discriminatory

1 remarks in class. Administrative leave pending in investigation is standard procedure and had
2 nothing to do with this lawsuit or the Court's Order. That investigation has been delayed
3 because of difficulty scheduling witness interviews. I assigned the investigation to our legal
4 counsel and instructed that the investigation proceed as quickly as possible. Plaintiff West
5 will be returned to work, or disciplined, when the investigation is completed. The complaining
6 party has agreed to an extension of time because of the difficulty of scheduling interviews.

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

9 Dated: December 26, 2023

Bv: 
Dr. Luis A. Rankins-Ibarra,
Superintendent, Escondido Union
Elementary School District

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Elizabeth Mirabelli v. Mark Olson, President of the EUSD Board of Education, et al.
USDC Court Case No.: 3:23-CV-00768-BEN-VET

PROOF OF SERVICE

(State and Federal Court)

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of San Diego in the office of a member of the bar of this court at whose direction the service was made. My business address is 3636 Fourth Avenue, Suite 200, San Diego, California 92103.

On December 27, 2023, I served the following document(s):

1. DEFENDANT SCHOOL EMPLOYEES’ OPPOSITION TO MOTION FOR CONTEMPT AND RESPONSE TO REQUEST FOR CLAIRIFCATION

2. DECLARATION OF ASSISTANT SUPERINTENDENT ANDREW MCGUIRE IN OPPOSITION TO MOTION FOR CONTEMPT AND IN FAVOR OF CLARIFICATION

3. DECLARATION OF SUPERINTENDNET LUIS A. RANKINSIBARRA IN OPPOSITION TO MOTION FOR CONTEMPT AND IN FAVOR OF CLARIFICATION

BY ELECTRONIC SERVICE via e-mail sent without electronic error on December 27,, 2023, by Nopealey Lay at nlay@as7law.com.

BY ELECTRONIC SERVICE On the date executed below, I served the document(s) listed above via OneLegal.com.

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6 I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

7 Executed on December 27, 2023, at San Diego, California.

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