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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-VET  
**ANSWER OF THE STATE-LEVEL  
 DEFENDANTS TO PLAINTIFFS’  
 FIRST AMENDED 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 said paragraph contains  
17 conclusions of law which do not require an answer. Defendants are without sufficient  
18 knowledge or information to form a belief as to the truth of the allegations contained in  
19 said paragraph with respect to Plaintiff's residence, and on that basis deny each and  
20 every remaining allegation.

21          8.     Answering Paragraph 8 of the Complaint, said paragraph contains  
22 conclusions of law which do not require an answer. 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 the allegations.

25          9.     Answering paragraph 9 of the Complaint, defendants are without sufficient  
26 knowledge or information to form a belief as to the truth of the allegations contained in  
27 said paragraph, and on that basis deny each and every remaining allegation.

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1           10. Answering Paragraph 10 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           11. Answering Paragraph 11 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. Furthermore, paragraph 11 contains conclusions of law which do not require an  
9 answer.

10           12. Answering Paragraph 12 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. Furthermore, paragraph 12 contains conclusions of law which do not require an  
14 answer.

15           13. Answering Paragraph 13 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           14. Answering Paragraph 14 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. Paragraph 14 also contains legal argument that is incapable of being admitted or  
23 denied; to the extent that a response is required, Defendants deny said allegations.

24           15. Answering Paragraph 15 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. Paragraph 15 also contains legal argument that is incapable of being admitted or  
28 denied; to the extent that a response is required, Defendants deny said allegations. To the

1 extent that Paragraph 15 purports to characterize case law, the language and holding in  
2 the case speaks for itself and is incapable of being admitted or denied, such that no  
3 response is required.

4 16. Answering Paragraph 16 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.

### 8 III. JURISDICTION AND VENUE

9 17. Answering Paragraph 17 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 18. Answering Paragraph 18 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 19. Answering Paragraph 19 of the Complaint, said paragraph contains  
18 conclusions of law which do not require an answer. Defendants are without sufficient  
19 knowledge or information to form a belief as to the truth of the allegations contained in  
20 said paragraph with respect to Plaintiffs' residence, and on that basis deny the  
21 allegations. To the extent that said paragraph may be deemed to require a response,  
22 answering Defendants admit that Escondido Union School District ("EUSD") is located  
23 in Escondido, California, but deny each and every remaining allegation of said  
24 paragraph.

### 25 IV. THE PARTIES

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

9           23. Answering paragraph 23 of the Complaint, Defendants admit that EUSD is  
10 located in Escondido, California in San Diego County, and that publicly available  
11 information from Ed-State.org reflects that as of census day 2022-23, EUSD had  
12 enrollment of 17,181 in grades K through 8th, and that in school year 2018-19, the only  
13 year reported in Ed Data, EUSD reported having 1059 teachers, 117 pupil services staff  
14 with credentials, and 747 classified staff. As to the remaining allegations, Defendants  
15 have insufficient information to admit or deny the remaining allegations in the  
16 paragraph, and, therefore deny each and every remaining allegation of said paragraph.

17           24. Answering paragraph 24 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           25. Answering paragraph 25 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           26. Answering paragraph 26 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           27. Answering paragraph 27 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           28. Answering paragraph 28 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           29. Answering paragraph 29 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           30. Answering paragraph 30 of the Complaint, Defendants have insufficient  
8 information to admit or deny the allegations in the paragraph, and, therefore deny each  
9 and every allegation of said paragraph.

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

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

16          33. Answering paragraph 33 of the Complaint, Defendants have insufficient  
17 information to admit or deny the allegations in the paragraph, and, therefore deny each  
18 and every allegation of said paragraph.

19          34. Answering paragraph 34 of the Complaint, the State-level Defendants admit  
20 that the California Department of Education (“CDE”) is a state agency whose legal  
21 obligations are set forth in statutes that speak for themselves and are incapable of being  
22 admitted or denied, and therefore no response is required. To the extent that Plaintiffs  
23 purport to otherwise characterize such obligations, Defendants deny said allegations. To  
24 the extent that paragraph 34 cites to constitutional provisions, they speak for themselves  
25 and are incapable of being admitted or denied, and therefore no response is required. To  
26 the extent that Plaintiffs purport to otherwise characterize such constitutional provisions,  
27 Defendants deny said allegations. Defendants admit that CDE is not a named Defendant.  
28 Defendants deny each and every remaining allegation in said paragraph.

1           35. Answering paragraph 35 of the Complaint, the State-level Defendants admit  
2 that Gavin Newsom was the Governor of California whose legal obligations are set forth  
3 in statutes that speak for themselves and are incapable of being admitted or denied, and  
4 therefore no response is required. To the extent that Plaintiffs purport to otherwise  
5 characterize said obligations or make legal argument about them, Defendants deny said  
6 allegations. Defendants admit that the case caption states he is sued in his official  
7 capacity.

8           36. Answering paragraph 36 of the Complaint, the State-level Defendants admit  
9 that Rob Bonta was the Attorney General of California whose legal obligations are set  
10 forth in statutes that speak for themselves and are incapable of being admitted or denied,  
11 and therefore no response is required. To the extent that Plaintiffs purport to otherwise  
12 characterize said obligations or make legal argument about them, Defendants deny said  
13 allegations. Defendants admit that the case caption states he is sued in his official  
14 capacity. Defendants deny each and every remaining allegation in said paragraph.

15           37. Answering paragraph 37 of the Complaint, Defendants admit that Tony  
16 Thurmond has been the California Superintendent of Public Instruction since January  
17 2019 and that his legal obligations are set forth in statutes that speak for themselves and  
18 are incapable of being admitted or denied, such that no response is required. To the  
19 extent that Plaintiffs purport to otherwise characterize said obligations or make legal  
20 argument about them, Defendants deny said allegations. Defendants admit that the case  
21 caption states he is sued in his official capacity. Defendants deny each and every  
22 remaining allegation in said paragraph.

23           38. Answering paragraph 38 of the Complaint, the State-level Defendants admit  
24 that the State Board of Education (“SBE”) is an 11-member body whose obligations are  
25 set forth in statutes that speak for themselves and are incapable of being admitted or  
26 denied, such that no response is required. To the extent that Plaintiffs purport to  
27 otherwise characterize said obligations or make legal argument about them, Defendants  
28 deny said allegations. Defendants admit that the SBE is not a named Defendant. With

1 respect to allegations as to why Plaintiffs sued the members of the SBE, Defendants are  
2 without sufficient knowledge or information to form a belief as to the truth of the  
3 allegations contained in said paragraph, and on that basis deny said allegations.

4 39. Answering paragraph 39 of the Complaint, the State-level Defendants admit  
5 that Linda Darling-Hammond is a member and President of the SBE. Defendants admit  
6 that the case caption states she is sued in her official capacity. Defendants deny each and  
7 every remaining allegation of said paragraph.

8 40. Answering paragraph 40 of the Complaint, the State-level Defendants admit  
9 that Cynthia Glover Woods is a member and Vice President of the SBE. Defendants  
10 admit that the case caption states she is sued in her official capacity. To the extent that  
11 said paragraph may be deemed to require an answer, Defendants deny each and every  
12 remaining allegation of said paragraph.

13 41. Answering paragraph 41 of the Complaint, the State-level Defendants admit  
14 that Francisco Escobedo is a member of the SBE. Defendants admit that the case caption  
15 states he is sued in his official capacity. To the extent that said paragraph may be  
16 deemed to require an answer, Defendants deny each and every remaining allegation of  
17 said paragraph.

18 42. Answering paragraph 42 of the Complaint, the State-level Defendants admit  
19 that Brenda Lewis is a member of the SBE. Defendants admit that the case caption states  
20 she is sued in her official capacity. To the extent that said paragraph may be deemed to  
21 require an answer, Defendants deny each and every remaining allegation of said  
22 paragraph.

23 43. Answering paragraph 43 of the Complaint, the State-level Defendants admit  
24 that James J. McQuillen is a member of the SBE. Defendants admit that the case caption  
25 states he is sued in his official capacity. To the extent that said paragraph may be  
26 deemed to require an answer, Defendants deny each and every remaining allegation of  
27 said paragraph.

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1           44. Answering paragraph 44 of the Complaint, the State-level Defendants admit  
2 that Sharon Olken is a member of the SBE. Defendants admit that the case caption states  
3 she is sued in her official capacity. To the extent that said paragraph may be deemed to  
4 require an answer, Defendants deny each and every remaining allegation of said  
5 paragraph.

6           45. Answering paragraph 45 of the Complaint, the State-level Defendants admit  
7 that Gabriela Orozco-Gonzalez is a member of the SBE. Defendants admit that the case  
8 caption states she is sued in her official capacity. To the extent that said paragraph may  
9 be deemed to require an answer, Defendants deny each and every remaining allegation  
10 of said paragraph.

11           46. Answering paragraph 46 of the Complaint, the State-level Defendants admit  
12 that Kim Pattillo Brownson is a member of the SBE. Defendants admit that the case  
13 caption states she is sued in her official capacity. To the extent that said paragraph may  
14 be deemed to require an answer, Defendants deny each and every remaining allegation  
15 of said paragraph.

16           47. Answering paragraph 47 of the Complaint, the State-level Defendants admit  
17 that Haydee Rodriguez is a member of the SBE. Defendants admit that the case caption  
18 states she is sued in her official capacity. To the extent that said paragraph may be  
19 deemed to require an answer, Defendants deny each and every remaining allegation of  
20 said paragraph.

21           48. Answering paragraph 48 of the Complaint, the State-level Defendants admit  
22 that Alison Yoshimoto-Towery is a member of the SBE. Defendants admit that the case  
23 caption states she is sued in her official capacity. To the extent that said paragraph may  
24 be deemed to require an answer, Defendants deny each and every remaining allegation  
25 of said paragraph.

26           49. Answering paragraph 49 of the Complaint, the State-level Defendants admit  
27 that Naomi Porter was a member of the SBE at the time Plaintiffs filed their Complaint.  
28 Defendants admit that the case caption states she is sued in her official capacity. To the

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

3 **V. FACTUAL ALLEGATIONS**

4 50. Answering Paragraph 50 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.

8 51. Answering Paragraph 51 of the Complaint, Defendants are without  
9 sufficient knowledge or information to form a belief as to the truth of the allegations  
10 contained in said paragraph, and on that basis deny each and every allegation contained  
11 therein. Said paragraph also contains conclusions of law that do not require an answer.

12 52. Answering Paragraph 52 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 that basis deny each and every allegation contained  
15 therein.

16 53. Answering Paragraph 53 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 54. Answering Paragraph 54 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 55. Answering Paragraph 55 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           56.    Answering Paragraph 56 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           57.    Answering Paragraph 57 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           58.    Answering Paragraph 58 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           59.    Answering Paragraph 59 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           60.    Answering Paragraph 60 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           61.    Answering Paragraph 61 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           62.    Answering Paragraph 62 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           63.    Answering Paragraph 63 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           64.    Answering Paragraph 64 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; to  
9 the extent a response is required, Defendants deny said allegations.

10          65.    Answering Paragraph 65 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          66.    Answering Paragraph 66 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          67.    Answering Paragraph 67 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          68.    Answering Paragraph 68 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.

26          69.    Answering Paragraph 69 of the Complaint, Defendants are without  
27 sufficient knowledge or information to form a belief as to the truth of the allegations

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

3 70. Answering Paragraph 70 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 71. Answering Paragraph 71 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 legal argument and conclusions of law that do not  
11 require an answer; to the extent a response is required, Defendants deny said allegations.

12 72. Answering Paragraph 72 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. Said paragraph also contains conclusions of law that do not require an answer; to  
16 the extent a response is required, Defendants deny said allegations. Further answering  
17 Paragraph 72, to the extent Plaintiffs cite to case law, the language and holding of the  
18 cited case speaks for itself and is incapable of being admitted or denied; therefore no  
19 response is required. To the extent Plaintiffs purport to otherwise characterize such case  
20 law, Defendants deny said allegations.

21 73. Answering Paragraph 73 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. Said paragraph also contains conclusions of law that do not require an answer; to  
25 the extent a response is required, Defendants deny said allegations. Further answering  
26 Paragraph 73, to the extent Plaintiffs cite to case law, the language and holding of the  
27 cited cases speaks for itself and is incapable of being admitted or denied; therefore no

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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; to  
7 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. Said paragraph also contains conclusions of law that do not require an answer; to  
16 the extent a response is required, Defendants deny said allegations. Further answering  
17 Paragraph 75, to the extent Plaintiffs cite to case law, the language and holding of the  
18 cited cases speaks for itself and is incapable of being admitted or denied such that no  
19 response is required; to the extent Plaintiffs purport to otherwise characterize such case  
20 law, Defendants deny said allegations.

21 76. Answering Paragraph 76 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. Said paragraph also contains conclusions of law that do not require an answer; to  
25 the extent a response is required, Defendants deny said allegations. Further answering  
26 Paragraph 76, to the extent Plaintiffs cite to case law, the language and holding of the  
27 cited cases speaks for itself and is incapable of being admitted or denied such that no

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

3 77. Answering Paragraph 77 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; to  
7 the extent a response is required, Defendants deny said allegations. Further answering  
8 Paragraph 77, 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 78. Answering Paragraph 78 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 79. Answering Paragraph 79 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 80. Answering Paragraph 80 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 81. Answering Paragraph 81 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 82. Answering Paragraph 82 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 83. Answering Paragraph 83 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 84. Answering Paragraph 84 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 85. Answering Paragraph 85 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 86. Answering Paragraph 86 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 87. Answering Paragraph 87 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 88. Answering Paragraph 88 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 89. Answering Paragraph 89 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 90. Answering Paragraph 90 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 91. Answering Paragraph 91 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 92. Answering Paragraph 92 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 93. Answering Paragraph 93 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 94. Answering Paragraph 94 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 95. Answering Paragraph 95 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 96. Answering Paragraph 96 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 97. Answering Paragraph 97 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 98. Answering Paragraph 98 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 99. Answering Paragraph 99 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.

19 100. Answering Paragraph 100 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.

23 101. Answering Paragraph 101 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.

27 102. Answering Paragraph 102 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.

3 103. Answering Paragraph 103 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.

7 104. Answering Paragraph 104 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.

11 105. Answering Paragraph 105 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.

15 106. Answering Paragraph 106 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.

19 107. Answering Paragraph 107 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.

23 108. Answering Paragraph 108 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.

27 109. Answering Paragraph 109 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.

3 110. Answering Paragraph 110 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.

7 111. Answering Paragraph 111 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.

11 112. Answering Paragraph 112 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.

15 113. Answering Paragraph 113 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.

19 114. Answering Paragraph 114 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 114, 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.

25 115. Answering Paragraph 115 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 ///

1 therein. Further answering Paragraph 115, to the extent Plaintiffs reference EUSD policy  
2 number BP 0410, Defendants contend that the policy speaks for itself.

3 116. Answering Paragraph 116 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 116, to the extent Plaintiffs reference EUSD policy  
7 numbers BP 0410 and 5145.3, Defendants contend that the policies speak for  
8 themselves.

9 117. Answering Paragraph 117 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; to  
13 the extent a response is required, Defendants deny said allegations. Further answering  
14 Paragraph 117, 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.

18 118. Answering Paragraph 118 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.

22 119. Answering Paragraph 119 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 119, to the extent Plaintiffs reference EUSD policy  
26 number BP 5145.3, Defendants contend that the policy speaks for itself.

27 120. Answering Paragraph 120 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.

3 121. Answering Paragraph 121 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.

7 122. Answering Paragraph 122 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.

11 123. Answering Paragraph 123 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.

15 124. Answering Paragraph 124 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.

19 125. Answering Paragraph 125 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.

23 126. Answering Paragraph 126 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.

27 127. Answering Paragraph 127 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.

3 128. Answering Paragraph 128 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.

7 129. Answering Paragraph 129 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.

11 130. Answering Paragraph 130 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.

15 131. Answering Paragraph 131 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; to  
19 the extent a response is required, Defendants deny said allegations. Further answering  
20 Paragraph 131, 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.

24 132. Answering Paragraph 132 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           133. Answering Paragraph 133 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           134. Answering Paragraph 134 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           135. Answering Paragraph 135 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           136. Answering Paragraph 136 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           137. Answering Paragraph 137 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           138. Answering Paragraph 138 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           139. Answering Paragraph 139 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           140. Answering Paragraph 140 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           141. Answering Paragraph 141 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           142. Answering Paragraph 142 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           143. Answering Paragraph 143 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           144. Answering Paragraph 144 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           145. Answering Paragraph 145 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           146. Answering Paragraph 146 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           147. Answering Paragraph 147 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           148. Answering Paragraph 148 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; to  
9 the extent a response is required, Defendants deny said allegations. Further answering  
10 Paragraph 148, to the extent Plaintiffs cite to statutes, the statutes speak 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           149. Answering Paragraph 149 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           150. Answering Paragraph 150 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           151. Answering Paragraph 151 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.

26           152. Answering Paragraph 152 of the Complaint, Defendants are without  
27 sufficient knowledge or information to form a belief as to the truth of the allegations

28 ///

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

3 153. Answering Paragraph 153 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.

7 154. Answering Paragraph 154 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 154, to the extent Plaintiffs reference EUSD policy  
11 numbers BP 0100 and 4119.21, Defendants contend that the policies speak for  
12 themselves.

13 155. Answering Paragraph 155 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.

17 156. Answering Paragraph 156 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.

21 157. Answering Paragraph 157 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 157, to the extent Plaintiffs reference EUSD policy  
25 number BP 6144 and AR 6144, Defendants contend that the policies speak for  
26 themselves.

27 158. Answering Paragraph 158 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.

3 159. Answering Paragraph 159 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.

7 160. Answering Paragraph 160 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.

11 161. Answering Paragraph 161 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.

15 162. Answering Paragraph 162 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.

19 163. Answering Paragraph 163 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.

23 164. Answering Paragraph 164 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.

27 165. Answering Paragraph 165 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.

3 166. Answering Paragraph 166 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.

7 167. Answering Paragraph 167 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.

11 168. Answering Paragraph 168 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.

15 169. Answering Paragraph 169 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.

19 170. Answering Paragraph 170 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.

23 171. Answering Paragraph 171 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.

27 172. Answering Paragraph 172 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.

3 173. Answering Paragraph 173 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.

7 174. Answering Paragraph 174 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.

11 175. Answering Paragraph 175 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.

15 176. Answering Paragraph 176 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.

19 177. Answering Paragraph 177 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.

23 178. Answering Paragraph 178 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.

27 179. Answering Paragraph 179 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.

3 180. Answering Paragraph 180 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.

7 181. Answering Paragraph 181 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.

11 182. Answering Paragraph 182 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.

15 183. Answering Paragraph 183 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.

19 184. Answering Paragraph 184 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.

23 185. Answering Paragraph 185 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.

27 186. Answering Paragraph 186 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.

3 187. Answering Paragraph 187 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.

7 188. Answering Paragraph 188 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.

11 189. Answering Paragraph 189 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.

15 190. Answering Paragraph 190 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.

19 191. Answering Paragraph 191 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 answer;  
23 to the extent that an answer may be deemed to be required, Defendants deny such  
24 allegations.

25 192. Answering Paragraph 192 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 and Legal Advisory are "not a formal agency interpretation" and affirmatively allege

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

12 193. Answering Paragraph 193 of the Complaint, Defendants admit that Cal.  
13 Educ. Code § 221.5(f) states that “A pupil shall be permitted to participate in sex-  
14 segregated school programs and activities, including athletic teams and competitions,  
15 and use facilities consistent with his or her gender identity, irrespective of the gender  
16 listed on the pupil's records.” The statute speaks for itself and is incapable of being  
17 admitted or denied. To the extent that this paragraph purports to otherwise characterize  
18 the statute, it contains legal conclusions that are incapable of being admitted or denied  
19 and therefore no response is required; to the extent a response is required, To the extent  
20 that said paragraph may be deemed to require an answer, answering Defendants deny  
21 each and every remaining allegation of said paragraph.

22 194. Answering Paragraph 194 of the Complaint, Defendants are without  
23 sufficient knowledge or information of the “website” to which the paragraph refers in  
24 order to form a belief as to the truth of the allegations contained in said paragraph, or  
25 knowledge or information regarding any contention of EUSD so as to form a belief as to  
26 the truth of the allegations in said paragraph, and on that basis deny each and every  
27 allegation contained therein. To the extent the paragraph is deemed to refer to CDE’s  
28 FAQs, the FAQs speak for themselves and are incapable of being admitted or denied; to

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

3 195. Answering paragraph 195 of the Complaint, said paragraph contains  
4 conclusions of law that do not require an answer. Further answering Paragraph 195, 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.

8 196. Answering paragraph 196 of the Complaint, said paragraph contains  
9 conclusions of law that do not require an answer. Further answering Paragraph 196, 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.

12 197. Answering paragraph 197 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 197, 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 purport  
17 to otherwise characterize said cases, Defendants deny said allegations. To the extent that  
18 said paragraph may be deemed to require an answer, answering Defendants deny each  
19 and every allegation of said paragraph.

20 198. Answering paragraph 198 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 198, 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 characterize 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            199. Answering paragraph 199 of the Complaint, the cited statute speaks for  
2 itself and is incapable of being admitted or denied.

3            200. Answering paragraph 200 of the Complaint, the cited statute speaks for  
4 itself and is incapable of being admitted or denied.

5            201. Answering paragraph 201 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            202. Answering Paragraph 202 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            203. Answering paragraph 203 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            204. Answering paragraph 204 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            205. Answering paragraph 205 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            206. Answering paragraph 206 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           207. Answering paragraph 207 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           208. Answering paragraph 208 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           209. Answering paragraph 209 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           210. Answering paragraph 210 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           211. Answering paragraph 211 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           212. Answering paragraph 212 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           213. Answering paragraph 213 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           214. Answering paragraph 214 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           215. Answering paragraph 215 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 arguments which are  
9 incapable of being admitted or denied.

10           216. Answering paragraph 216 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           217. Answering paragraph 217 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           218. Answering paragraph 218 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           219. Answering paragraph 219 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.

26           **VI. THE STATE OFFICIALS ARE NECESSARY DEFENDANTS**

27           220. Answering paragraph 220 of the Complaint, said paragraph contains legal  
28 conclusions and arguments which are incapable of being admitted or denied. Further

1 answering Paragraph 220, to the extent Plaintiffs cite to case law, the language and  
2 holding of the cited cases speaks for itself and is incapable of being admitted or denied  
3 such that no response is required. To the extent Plaintiffs purport to otherwise  
4 characterize such case law, Defendants deny said allegations.

5 221. Answering paragraph 221 of the Complaint, paragraph 221 contains  
6 conclusions of law which do not require an answer. To the extent that plaintiffs cite  
7 statutes, they speak for themselves and are incapable of being admitted or denied. To the  
8 extent that Plaintiffs purport to otherwise characterize said statutes, Defendants deny  
9 said allegations. To the extent that said paragraph may be deemed to require an answer,  
10 answering Defendants deny each and every allegation of said paragraph.

11 222. Answering paragraph 222 of the Complaint, said paragraph contains  
12 conclusions of law which do not require an answer. To the extent that plaintiffs cite  
13 statutes, they speak for themselves and are incapable of being admitted or denied. To the  
14 extent that Plaintiffs purport to otherwise characterize said statutes, Defendants deny  
15 said allegations. To the extent that said paragraph may be deemed to require an answer,  
16 answering Defendants deny each and every allegation of said paragraph.

17 223. Answering paragraph 223 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. Paragraph 223 also contains conclusions of law and argument which do not  
21 require an answer. To the extent that said paragraph may be deemed to require an  
22 answer, answering Defendants deny each and every allegation of said paragraph.

23 224. Answering paragraph 224 of the Complaint, said paragraph contains  
24 conclusions of law which do not require an answer. To the extent that plaintiffs cite  
25 statutes, they speak for themselves and are incapable of being admitted or denied. To the  
26 extent that Plaintiffs purport to otherwise characterize said statutes, Defendants deny  
27 said allegations. To the extent that said paragraph may be deemed to require an answer,  
28 answering Defendants deny each and every allegation of said paragraph.

1           225. Answering paragraph 225 of the Complaint, said paragraph contains  
2 conclusions of law which do not require an answer. To the extent that plaintiffs cite  
3 statutes, they speak for themselves and are incapable of being admitted or denied. To the  
4 extent that Plaintiffs purport to otherwise characterize said statutes, Defendants deny  
5 said allegations. To the extent that said paragraph may be deemed to require an answer,  
6 answering Defendants deny each and every allegation of said paragraph.

7           226. Answering paragraph 226 of the Complaint, said paragraph contains  
8 conclusions of law which do not require an answer. To the extent that plaintiffs cite  
9 regulations, they speak for themselves and are incapable of being admitted or denied. To  
10 the extent that Plaintiffs purport to otherwise characterize said regulations, Defendants  
11 deny said allegations. To the extent that said paragraph may be deemed to require an  
12 answer, answering Defendants deny each and every allegation of said paragraph.

13           227. Answering Paragraph 227 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 with respect to the actions of the Westminster School  
16 District in 2003, and on that basis deny the allegations. Said paragraph contains  
17 conclusions of law which do not require an answer. To the extent that plaintiffs cite  
18 statutes and regulations, they speak for themselves and are incapable of being admitted  
19 or denied. To the extent that said paragraph may be deemed to require a response,  
20 answering Defendants admit that the Westminster School District is located in Orange  
21 County, California, but deny each and every remaining allegation of said paragraph.

22           228. Answering Paragraph 228 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 with respect to the actions of the Westminster School  
25 District, and on that basis deny the allegations. Said paragraph contains conclusions of  
26 law which do not require an answer. To the extent that plaintiffs cite statutes and  
27 regulations, they speak for themselves and are incapable of being admitted or denied

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1 to the extent that said paragraph may be deemed to require a response, answering  
2 Defendants deny each and every remaining allegation of said paragraph.

3 229. Answering Paragraph 229 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 with respect to the actions of the Westminster School  
6 District in 2004, and on that basis deny the allegations. Said paragraph contains  
7 conclusions of law which do not require an answer. To the extent that said paragraph  
8 may be deemed to require a response, answering Defendants deny each and every  
9 remaining allegation of said paragraph.

10 230. Answering Paragraph 230 of the Complaint, Defendants admit that the CDE  
11 issued a Legal Advisory in 2004 regarding Gender Equity and Discrimination Laws in  
12 California Public Schools. Said paragraph contains conclusions of law and legal  
13 argument which do not require an answer. To the extent that said paragraph may be  
14 deemed to require a response, answering Defendants deny each and every remaining  
15 allegation of said paragraph.

16 231. Answering Paragraph 231 of the Complaint, Defendants admit that the CDE  
17 issued a Legal Advisory in 2004 regarding Gender Equity and Discrimination Laws in  
18 California Public Schools and the text of said Legal Advisory speaks for itself. To the  
19 extent that Plaintiffs purport to otherwise characterize said Advisory, Defendants deny  
20 said allegations. To the extent that said paragraph may be deemed to require a response,  
21 answering Defendants deny each and every remaining allegation of said paragraph.

22 232. Answering Paragraph 232 of the Complaint, Defendants admit that the CDE  
23 issued a Legal Advisory in 2004 regarding Gender Equity and Discrimination Laws in  
24 California Public Schools and the text of said Legal Advisory speaks for itself. To the  
25 extent that Plaintiffs purport to otherwise characterize said Advisory, Defendants deny  
26 said allegations. Paragraph 232 also contains legal argument which is incapable of being  
27 admitted or denied and does not require an answer. To the extent that said paragraph

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1 may be deemed to require a response, answering Defendants deny each and every  
2 remaining allegation of said paragraph.

3 233. Answering Paragraph 233 of the Complaint, said paragraph cites statutes  
4 that speak for themselves and are incapable of being admitted or denied. To the extent  
5 Plaintiffs purport to otherwise characterize such statutes, Defendants deny said  
6 allegations. To the extent that said paragraph may be deemed to require a response,  
7 answering Defendants deny each and every remaining allegation of said paragraph.

8 234. Answering Paragraph 234 of the Complaint, Defendants admit that the  
9 School Success and Opportunity Act was enacted in 2013. To the extent that plaintiffs  
10 cite statutes, they speak for themselves and are incapable of being admitted or denied.  
11 To the extent Plaintiffs purport to otherwise characterize such statutes, Defendants deny  
12 said allegations. To the extent that said paragraph may be deemed to require a response,  
13 answering Defendants deny each and every remaining allegation of said paragraph.

14 235. Answering Paragraph 235 of the Complaint, Defendants admit that the CDE  
15 published a Legal Advisory on gender identity in 2016 and the text of said Legal  
16 Advisory speaks for itself. The CDE admits that it has published FAQs related to AB  
17 1266, which speak for themselves. Paragraph 235 contains legal argument which is  
18 incapable of being admitted or denied and does not require an answer. To the extent that  
19 said paragraph may be deemed to require a response, answering Defendants deny each  
20 and every remaining allegation of said paragraph.

21 236. Answering Paragraph 236 of the Complaint, Defendants admit that the CDE  
22 published a Legal Advisory on gender identity in 2016 and the text of said Legal  
23 Advisory speaks for itself. To the extent Plaintiffs purport to otherwise characterize the  
24 Advisory, Defendants deny said allegations. To the extent that plaintiffs cite statutes,  
25 they speak for themselves and are incapable of being admitted or denied. To the extent  
26 Plaintiffs purport to otherwise characterize the Advisory, Defendants deny said  
27 allegations. To the extent that said paragraph may be deemed to require a response,  
28 answering Defendants deny each and every remaining allegation of said paragraph.

1           237. Answering Paragraph 237 of the Complaint, Defendants admit that the CDE  
2 published a Legal Advisory on gender identity in 2016 and the text of said Legal  
3 Advisory speaks for itself. Answering Defendants further admit that the CDE published  
4 the FAQ page related to AB 1266 and the text of said FAQ page speaks for itself. To the  
5 extent Plaintiffs purport to otherwise characterize the Legal Advisory or FAQs,  
6 Defendants deny said allegations. To the extent that plaintiffs cite statutes, they speak for  
7 themselves and are incapable of being admitted or denied. To the extent that said  
8 paragraph may be deemed to require a response, answering Defendants deny each and  
9 every remaining allegation of said paragraph.

10           238. Answering Paragraph 238 of the Complaint, Defendants admit that the CDE  
11 published the FAQ page related to AB 1266 and the text of said FAQ page speaks for  
12 itself. To the extent Plaintiffs purport to otherwise characterize the Legal Advisory or  
13 FAQs, Defendants deny said allegations. To the extent that Paragraph 238 addresses  
14 CSBA and EUSD Board policies, they speak for themselves and are incapable of being  
15 admitted or denied. Paragraph 238 contains legal argument that is incapable of being  
16 admitted or denied and does not require an answer. To the extent that said paragraph  
17 may be deemed to require a response, answering Defendants deny each and every  
18 remaining allegation of said paragraph.

19           239. Answering Paragraph 239 of the Complaint, Defendants admit that the CDE  
20 issued a press release on July 21, 2023, and the language of said press release speaks for  
21 itself. To the extent Plaintiffs purport to otherwise characterize the press release,  
22 Defendants deny said allegations. To the extent that said paragraph may be deemed to  
23 require a response, answering Defendants deny each and every remaining allegation of  
24 said paragraph.

25           240. Answering Paragraph 240 of the Complaint, Defendants admit that the  
26 California Attorney General filed a lawsuit against Chino Valley Unified School District  
27 (“CVUSD”) on August 28, 2023. The language of the complaint in this lawsuit speaks  
28 for itself. To the extent Plaintiffs purport to otherwise characterize the lawsuit,

1 Defendants deny said allegations. To the extent that said paragraph may be deemed to  
2 require a response, answering Defendants deny each and every remaining allegation of  
3 said paragraph.

4 241. Answering Paragraph 241 of the Complaint, Defendants admit that the  
5 California Attorney General filed a lawsuit against CVUSD on August 28, 2023. The  
6 language of the complaint in this lawsuit speaks for itself. To the extent Plaintiffs  
7 purport to otherwise characterize the lawsuit, Defendants deny said allegations. To the  
8 extent that said paragraph may be deemed to require a response, answering Defendants  
9 deny each and every remaining allegation of said paragraph.

10 242. Answering Paragraph 242 of the Complaint, Defendants admit that the  
11 California Attorney General obtained a temporary restraining order against Chino Valley  
12 Unified School District in the state court matter *People v. Chino Valley Unified School*  
13 *District* on September 6, 2023. The language of the order of the court speaks for itself.  
14 Answering Defendants further admit that the court in this action issued a preliminary  
15 injunction against EUSD and the state defendants on September 14, 2023. The language  
16 of the court order speaks for itself. Answering Defendants further admit that the state  
17 court in *People v. Chino Valley Unified School District* granted a preliminary injunction  
18 to California Attorney General that was the subject of a written order on January 11,  
19 2024. The language of the court order speaks for itself. To the extent that said paragraph  
20 may be deemed to require a response, answering Defendants deny each and every  
21 remaining allegation of said paragraph.

22 243. Answering Paragraph 243 of the Complaint, Defendants admit that that  
23 Attorney General issued a press release that speaks for itself. To the extent Plaintiffs  
24 purport to otherwise characterize the lawsuit, Defendants deny said allegations.  
25 Defendants are without sufficient knowledge or information to form a belief as to the  
26 truth of the remaining allegations contained in said paragraph with respect to the alleged  
27 actions of the California Attorney General, and on that basis deny each and every  
28 allegation contained therein.

1           244. Answering Paragraph 244 of the Complaint, Defendants admit that in this  
2 matter, the court heard argument on the CDE’s motion for judgment on the pleadings  
3 and issued an order requiring Plaintiffs to file a First Amended Complaint adding the  
4 Attorney General and the State of California. The language of the order of the court  
5 speaks for itself. Defendants further admit that the Attorney General issued a Legal Alert  
6 on January 10, 2024, that speaks for itself. To the extent Plaintiffs purport to otherwise  
7 characterize the Legal Alert, Defendants deny said allegations. Defendants are without  
8 sufficient knowledge or information to form a belief as to the truth of the remaining  
9 allegations contained in said paragraph with respect to the alleged actions of the  
10 California Attorney General, and on that basis deny each and every allegation contained  
11 therein.

12           245. Answering Paragraph 245 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 with respect to the alleged actions of the California Attorney  
15 General, and on that basis deny each and every allegation contained therein.

16           246. Answering paragraph 246 of the Complaint, said paragraph contains  
17 conclusions of law which do not require an answer. The legal duties of the Defendants  
18 are set forth in relevant statutes that speak for themselves and are incapable of being  
19 admitted or denied. To the extent that Plaintiffs purport to otherwise characterize said  
20 statutes, Defendants deny said allegations. To the extent that said paragraph may be  
21 deemed to require an answer, answering Defendants deny each and every allegation of  
22 said paragraph.

23           247. Answering paragraph 247 of the Complaint, said paragraph contains  
24 conclusions of law and legal argument which do not require an answer. Any oral or  
25 written statements of EUSD speak for themselves and are incapable of being admitted or  
26 denied, and to the extent Plaintiffs purport to otherwise characterize said statements,  
27 Defendants deny said allegations. As for the allegation that the Attorney General is suing  
28 a school district for not following CDE’s 2016 Legal Advisory and FAQs on gender

1 identity, Defendants affirmatively allege that the lawsuit did not mention the Legal  
2 Advisory, the lawsuit referred to the FAQs as making “general recommend[ations],” and  
3 this court acknowledged at the hearing on August 30, 2023 that the lawsuit did not allege  
4 that the school district in question was required to follow the FAQs. (Transcript, p. 71, ll.  
5 2-9.) To the extent that said paragraph may be deemed to require an answer, answering  
6 Defendants deny each and every allegation of said paragraph.

7 248. Answering paragraph 248 of the Complaint, said paragraph contains  
8 conclusions of law and legal argument which do not require an answer. To the extent  
9 Plaintiffs purport to characterize case law, the language and holding in the cited cases  
10 speak for themselves and are incapable of being admitted or denied. To the extent that  
11 said paragraph may be deemed to require an answer, answering Defendants deny each  
12 and every allegation of said paragraph.

## 13 VII. CLAIMS FOR RELIEF

### 14 A. First Claim for Relief: Violation of Free Speech Clause of First 15 Amendment to U.S. Constitution: Compelled Speech & Viewpoint 16 Discrimination (By Both Plaintiffs Against All Defendants).

17 249. Answering paragraph 249 of the Complaint, Defendants reiterate their  
18 responses above as to each incorporated paragraph.

19 250. Answering paragraph 250 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  
23 constitutional provisions and case law, the language and holding in the cited  
24 constitutional provisions and cases speaks for itself and is incapable of being admitted or  
25 denied.

26 251. Answering paragraph 251 of the Complaint, said paragraph contains  
27 conclusions of law which do not require an answer. To the extent that said paragraph  
28 may be deemed to require an answer, answering Defendants deny each and every  
allegation of said paragraph. To the extent Plaintiffs purport to characterize

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

4 252. Answering paragraph 252 of the Complaint, said paragraph contains  
5 conclusions of law which do not require an answer. To the extent that said paragraph  
6 may be deemed to require an answer, answering Defendants deny each and every  
7 allegation of said paragraph. To the extent Defendants Plaintiffs characterize  
8 constitutional provisions and case law, the language and holding in the cited  
9 constitutional provisions and cases speaks for itself and is incapable of being admitted or  
10 denied.

11 253. Answering paragraph 253 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  
15 constitutional provisions and case law, the language and holding in the cited  
16 constitutional provisions and cases speaks for itself and is incapable of being admitted or  
17 denied.

18 254. Answering paragraph 254 of the Complaint, said paragraph contains  
19 conclusions of law which do not require an answer. To the extent that said paragraph  
20 may be deemed to require an answer, answering Defendants deny each and every  
21 allegation of said paragraph. To the extent Plaintiffs purport to characterize case law, the  
22 language and holding in the cited case speaks for itself and is incapable of being  
23 admitted or denied.

24 255. Answering paragraph 255 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. To the extent Plaintiffs purport to characterize case law,

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

3 256. Answering paragraph 256 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.

7 257. Answering paragraph 257 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.

11 258. Answering paragraph 258 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.

15 259. Answering paragraph 259 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.

19 260. Answering paragraph 260 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.

23 261. Answering paragraph 261 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.

27 262. Answering paragraph 262 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, the  
3 language and holding in the cited case speaks for itself and is incapable of being  
4 admitted or denied.

5 263. Answering paragraph 263 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.

9 264. Answering paragraph 264 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. To the extent Plaintiffs purport to characterize case law, the  
13 language and holding in the cited cases speaks for itself and is incapable of being  
14 admitted or denied.

15 265. Answering paragraph 265 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 case law, the  
19 language and holding in the cited cases speaks for itself and is incapable of being  
20 admitted or denied.

21 266. Answering paragraph 266 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. To the extent Plaintiffs purport to characterize case law, the  
25 language and holding in the cited cases speaks for itself and is incapable of being  
26 admitted or denied.

27 267. Answering paragraph 267 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.

3 268. Answering paragraph 268 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.

7 269. Answering paragraph 269 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.

11 270. Answering paragraph 270 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.

15 271. Answering paragraph 271 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 **B. Second Claim for Relief: Violation of Free Exercise Clause of First**  
20 **Amendment to U.S. Constitution: Not Generally Applicable due to**  
**Categorical Exemptions (By Both Plaintiffs Against All Defendants).**

21 272. Answering paragraph 272 of the Complaint, Defendants reiterate their  
22 responses above as to each incorporated paragraph.

23 273. Answering paragraph 273 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. To the extent Plaintiffs purport to characterize  
27 constitutional provisions and case law, the language and holding in the cited

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1 constitutional provisions and case law speaks for itself and is incapable of being  
2 admitted or denied.

3 274. Answering paragraph 274 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  
7 constitutional provisions and case law, the language and holding in the cited  
8 constitutional provisions and case law speaks for itself and is incapable of being  
9 admitted or denied.

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

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

22 277. Answering paragraph 277 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.

26 278. Answering paragraph 278 of the Complaint, said paragraph contains  
27 conclusions of law which do not require an answer. To the extent that said paragraph

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

3 279. Answering paragraph 279 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.

7 280. Answering paragraph 280 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.

11 281. Answering paragraph 281 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.

15 282. Answering paragraph 282 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 case law, the  
19 language and holding in the cited case law speaks for itself and is incapable of being  
20 admitted or denied.

21 283. Answering paragraph 283 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.

25 284. Answering paragraph 284 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

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

3 285. Answering paragraph 285 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.

9 286. 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. To the extent Plaintiffs purport to characterize case law, the  
13 language and holding in the cited case law speaks for itself and is incapable of being  
14 admitted or denied.

15 287. Answering paragraph 287 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.

19 288. Answering paragraph 288 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.

23 289. Answering paragraph 289 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.

27 290. Answering paragraph 290 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 **C. Third Claim for Relief: Violation of Free Exercise Clause of First**  
4 **Amendment to U.S. Constitution: Not Generally Applicable Due to**  
5 **Categorical Exemptions (By Both Plaintiffs Against All Defendants).**

6 291. Answering paragraph 291 of the Complaint, Defendants reiterate their  
7 responses above as to each incorporated paragraph.

8 292. Answering paragraph 292 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, the  
12 language and holding in the cited case law speaks for itself and is incapable of being  
13 admitted or denied.

14 293. Answering paragraph 293 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, the  
18 language and holding in the cited case law speaks for itself and is incapable of being  
19 admitted or denied.

20 294. Answering paragraph 294 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. To the extent Plaintiffs purport to characterize case law, the  
24 language and holding in the cited case law speaks for itself and is incapable of being  
25 admitted or denied.

26 295. Answering paragraph 295 of the Complaint, said paragraph contains  
27 conclusions of law which do not require an answer. To the extent that said paragraph  
28 may be deemed to require an answer, answering Defendants deny each and every  
allegation of said paragraph.

1           296. Answering paragraph 296 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           297. Answering paragraph 297 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           298. Answering paragraph 298 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           299. Answering paragraph 299 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           300. Answering paragraph 300 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 that plaintiffs cite statutes, they speak for  
21 themselves and are incapable of being admitted or denied. To the extent that Plaintiffs  
22 purport to otherwise characterize said statutes, Defendants deny said allegations.

23           301. Answering paragraph 301 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. To the extent that plaintiffs cite dictionaries, they speak for  
27 themselves and are incapable of being admitted or denied. To the extent that Plaintiffs  
28 purport to otherwise characterize said dictionaries, Defendants deny said allegations.

1           302. Answering paragraph 302 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           303. Answering paragraph 303 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           304. Answering paragraph 304 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. To the extent Plaintiffs purport to characterize case law, the  
13 language and holding in the cited case law speaks for itself and is incapable of being  
14 admitted or denied.

15           305. Answering paragraph 305 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           306. Answering paragraph 306 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           307. Answering paragraph 307 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

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

3 308. Answering paragraph 308 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.

9 309. Answering paragraph 309 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.

13 310. Answering paragraph 310 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.

17 311. Answering paragraph 311 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.

21 312. Answering paragraph 312 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 **D. Fourth Claim for Relief: Declaratory Relief re: The California**  
26 **Department of Education's FAQ Page (By Both Plaintiffs Against All**  
**Defendants)**

27 313. Answering paragraph 313 of the Complaint, Defendants reiterate their  
28 responses above as to each incorporated paragraph.

1           314. Answering paragraph 314 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           315. Answering paragraph 315 of the Complaint, with respect to the allegations  
6 about EUSD, Defendants are without sufficient knowledge or information to form a  
7 belief as to the truth of the allegations contained in said paragraph, and on that basis  
8 deny each and every allegation contained therein. With respect to the allegations about  
9 the FAQs, said paragraph contains conclusions of law which do not require an answer.  
10 To the extent that said paragraph may be deemed to require an answer, answering  
11 Defendants deny each and every allegation of said paragraph.

12           316. Answering paragraph 316 of the Complaint, said paragraph contains  
13 conclusions of law which do not require an answer. To the extent that said paragraph  
14 may be deemed to require an answer, answering Defendants deny each and every  
15 allegation of said paragraph.

16           317. Answering paragraph 317 of the Complaint, said paragraph contains  
17 conclusions of law which do not require an answer. To the extent that said paragraph  
18 may be deemed to require an answer, answering Defendants deny each and every  
19 allegation of said paragraph.

20           318. Answering paragraph 318 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                           **VIII. PRAYER FOR RELIEF (COMPLAINT)**

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

1 **IX. AFFIRMATIVE DEFENSES**

2 **AS SEPARATE AND AFFIRMATIVE DEFENSES**, Defendants allege as  
3 follows:

4 **AFFIRMATIVE DEFENSE NO. 1:**

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

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

7 **AFFIRMATIVE DEFENSE NO. 2:**

8 **(Statute of Limitations)**

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

11 **AFFIRMATIVE DEFENSE NO. 3:**

12 **(Subject Matter Jurisdiction)**

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

16 **AFFIRMATIVE DEFENSE NO. 4:**

17 **(No Deprivation of Rights)**

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

20 **AFFIRMATIVE DEFENSE NO. 5:**

21 **(Estoppel)**

22 The conduct of Plaintiffs estops them from claiming the damages alleged in the  
23 Complaint.

24 **AFFIRMATIVE DEFENSE NO. 6:**

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

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

1 **AFFIRMATIVE DEFENSE NO. 7:**

2 **(Eleventh Amendment)**

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

6 **AFFIRMATIVE DEFENSE NO. 8:**

7 **(Res Judicata)**

8 Defendants are informed and believe and, based thereon, allege that some or all of  
9 the claims asserted in the Complaint are barred by the doctrine of res judicata.

10 **AFFIRMATIVE DEFENSE NO. 9:**

11 **(Failure to Mitigate)**

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

14 **AFFIRMATIVE DEFENSE NO. 10:**

15 **(Waiver)**

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

19 **AFFIRMATIVE DEFENSE NO. 11:**

20 **(Attorney's Fees)**

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

23 **AFFIRMATIVE DEFENSE NO. 12:**

24 **(Laches)**

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

28 ///



1 them to injunctive relief. Plaintiffs have adequate remedies at law against any alleged  
2 violation of law.

3 **AFFIRMATIVE DEFENSE NO. 19:**

4 **(Case or controversy)**

5 The Complaint fails to state a case or controversy.

6 **AFFIRMATIVE DEFENSE NO. 20:**

7 **(Discretionary Acts)**

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

11 **AFFIRMATIVE DEFENSE NO. 21:**

12 **(Misjoinder)**

13 The Complaint improperly joins the State Defendants.

14 **X. PRAYER**

15 WHEREFORE, Defendants pray for judgment against Plaintiffs as follows:

- 16 1. Plaintiffs take nothing by the Complaint;
- 17 2. Defendants be awarded costs of suit incurred herein;
- 18 3. Defendants be awarded reasonable attorney’s fees incurred herein pursuant  
19 to 42 U.S.C. § 1988;
- 20 4. Defendants be awarded such other and further relief as the Court may deem  
21 necessary and proper.

22  
23 Dated: February 12, 2024

LEN GARFINKEL  
General Counsel  
BRUCE YONEHIRO  
Assistant General Counsel

24  
25 By: /s/ Christopher Mandarano  
26 CHRISTOPHER MANDARANO  
27 Deputy General Counsel  
28 Attorney for State-level Defendants