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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

MAE M., through her guardian ad litem
Anthony M.. SUSAN C., through her guardian
ad litem Sabrina C.. GWEN S., through their
guardian ad litem Ramona S.. CARSON L.,
through his guardian ad litem Nancy L..
DAVID P., through his guardian ad litem
RACHEL P., VIOLET B., through her
guardian ad litem INEZ B., STELLA B.,
through her guardian ad litem INEZ B.,
TEMECULA VALLEY EDUCATORS
ASSOCIATION, AMY EYTCHISON,
KATRINA MILES, JENNIFER SCHARF,
and DAWN SIBBY,

Plaintiffs,

v.

JOSEPH KOMROSKY, JENNIFER
WIERSMA, DANNY GONZALEZ,
ALLISON BARCLAY, and STEVEN
SCHWARTZ, in their official capacities as
members of TEMECULA VALLEY
UNIFIED SCHOOL DISTRICT BOARD
OF TRUSTEES, TEMECULA VALLEY
UNIFIED SCHOOL DISTRICT, and DOES
1 – 20,

Defendants.

Case No.: CVSW2306224

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Honorable Irma Poole Asberry
Dept.: 5

Date: January 24, 2024
Time: 8:30 a.m.
Reservation ID: 055754333143

Action Filed: August 2, 2023
Trial Date: None Set

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2 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

3 PLEASE TAKE NOTICE THAT on January 24, 2024 at 8:30 a.m., or as soon
4 thereafter as counsel may be heard in Department 5 of the above-captioned Court, located at
5 4050 Main Street, Riverside, California 92501, Plaintiffs will and hereby do move for a
6 preliminary injunction ordering Defendants Joseph Komrosky, Jennifer Wiersma, Danny
7 Gonzalez, Allison Barclay, and Steven Schwartz, in their official capacities as members of the
8 Temecula Valley Unified School District Board of Trustees, the Temecula Valley Unified
9 School District (“TVUSD” or “Temecula Unified”), and Does 1–100 to cease implementa-
10 tion of Resolution No. 2022-23/21 (“Resolution 21”), including the delay and censorship of
11 civil rights curricular materials, and the forced disclosure provisions of Board Policy 5020.01
12 (“Policy 5020.01” or the “Policy”).¹

13 Good cause exists for the requested Preliminary Injunction. As demonstrated in the
14 accompanying Memorandum of Points and Authorities and supporting declarations,
15 Defendants’ continued implementation of Resolution 21, which denies Temecula students
16 access to curriculum mandated by State law, violates the California Constitution’s Due
17 Process, Free Speech, and Equal Protection Clauses. Defendants’ continued implementation
18 Policy 5020.01, which requires that Temecula Unified staff document and notify parents
19 when transgender and gender diverse students express their gender identity at school, also
20 violates the Equal Protection Clause. The balance of hardships weighs decisively in Plaintiffs’
21 favor.
22
23

24 _____
25 ¹ Plaintiffs seek to enjoin:

- 26 ○ Subdivisions (1)(a) and (b) in full;
27 ○ Subdivision (1)(c), insofar as it applies to transgender or gender diverse students’ requests
28 to change their name, pronouns, sex, or gender on unofficial records; and
○ Subdivision (5), insofar as it applies to transgender or gender diverse students (i) requesting
to be treated as a gender other than the student’s biological sex or gender listed on the
student’s birth certificate or any other official records or (ii) accessing sex-segregated school
programs or activities that do not align with a student’s biological sex or gender listed on
the student’s birth certificate or other official records.

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DATED: November 29, 2023

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By: *Mark Rosenbaum*

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