

1 ROB BONTA
Attorney General of California
2 MICHAEL L. NEWMAN
Senior Assistant Attorney General
3 LAURA L. FAER (SBN 233846)
Supervising Deputy Attorney General
4 EDWARD NUGENT (SBN 330479)
ALEXANDER SIMPSON (SBN 235533)
5 XIYUN YANG (SBN 315187)
DELBERT TRAN (SBN 323993)
6 Deputy Attorneys General
455 Golden Gate Avenue, Suite 11000
7 San Francisco, CA 94102-7004
Telephone: (415) 229-0110
8 E-mail: Delbert.Tran@doj.ca.gov
Attorneys for the People of the State of California

*Fee Exempt Pursuant to Government
Code § 6103*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 03 2024

BY 
JESSICA JOANIS, DEPUTY

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN BERNARDINO**

13 **THE PEOPLE OF THE STATE OF**
14 **CALIFORNIA, EX REL. ROB BONTA,**
15 **ATTORNEY GENERAL OF THE STATE**
16 **OF CALIFORNIA,**

Plaintiff,

17 v.

18 **CHINO VALLEY UNIFIED SCHOOL**
19 **DISTRICT,**

Defendant,

and

22 **NICHOLE VICARIO et al.,**

23 Defendants-Interveners.

Case No. CIVSB2317301

**[PROPOSED] FINAL JUDGMENT AND
PERMANENT INJUNCTION**

Date:
Time:
Dept: S-28
Judge: Hon. Michael A. Sachs
Trial Date:
Action Filed: August 28, 2023

24
25 On August 28, 2023, Plaintiff the People of the State of California, acting by and through
26 Attorney General Rob Bonta ("the People"), filed their Complaint for Declaratory and Injunctive
27 Relief against Defendant Chino Valley Unified School District ("the District"). On September 6,
28

BY FAX

1 2023, the Court granted a temporary restraining order against the District, and on October 19,
2 2023, the Court granted a preliminary injunction against the District. The District filed its Answer
3 to the Complaint on November 27, 2023. On January 5, 2024, the Court granted the application of
4 Nichole Vicario, Richard N. Wales, Jr., Misty Startup, Darice De Guzman, Kristi Marcos, and
5 Kristal Barret (“Defendants-Interveners”) to intervene, and on June 13, 2024, the Defendants-
6 Interveners filed their Answer to the Complaint.

7 On March 24, 2024, the People filed a Motion for Judgment on the Pleadings, or, in the
8 Alternative, for Summary Adjudication, and on June 20, 2024, the District and Defendant-
9 Interveners (collectively, “Defendants”) filed a Motion for Summary Judgment, or, in the
10 Alternative, for Summary Adjudication. The Court held a hearing on the parties’ cross-motions
11 on August 30, 2024. On September 9, 2024, this Court issued its Ruling on the People’s Motion
12 for Judgment on the Pleadings, or, in the Alternative, for Summary Adjudication and Defendants’
13 Motion for Summary Judgment, or, in the Alternative, for Summary Adjudication (“Ruling”). In
14 the Ruling, the Court:

- 15 • Denied Defendants’ motion for summary judgment.
- 16 • Denied Defendants’ motion for summary adjudication based on mootness grounds.
- 17 • Granted the People’s motion for summary adjudication as to the People’s first, second,
18 and third causes of action with respect to sections 1.(a) and 1.(b) of Chino Valley Unified
19 School District Board Policy 5020.1 (“Policy 5020.1”) and denied Defendants’ motion for
20 summary adjudication as to the People’s first, second, and third causes of action with
21 respect to sections 1.(a) and 1.(b) of Policy 5020.1.
- 22 • Granted Defendants’ motion for summary adjudication as to the People’s first, second,
23 and third causes of action with respect to section 1.(c) of Policy 5020.1 and denied the
24 People’s motion for summary adjudication as to the People’s first, second, and third
25 causes of actions with respect to section 1.(c) of Policy 5020.1.
- 26 • Granted the People’s motion for summary adjudication as to the People’s fourth cause of
27 action as applied to adult students.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- Granted Defendants’ motion for summary adjudication as to the People’s fourth cause of action as applied to minor students.
- Granted the People’s motion for summary adjudication as to section 5 of Policy 5020.1, insofar as section 5 is applied to a disclosure under sections 1.(a) in full, 1.(b) in full, or 1.(c) with respect to adult students. Granted Defendants’ motion for summary adjudication as to section 5 of Policy 5020.1, insofar as section 5 is applied to a disclosure under section 1.(c) with respect to minor students.
- Denied the People’s motion for judgment on the pleadings in part and deemed the remainder of the People’s motion for judgment on the pleadings moot, in light of the rulings granting summary adjudication to the People.

This Court’s Ruling leaves no remaining claims or causes of action for resolution by this Court.

Accordingly, this Court hereby **ORDERS, ADJUDGES, AND DECREES** as follows:


1. This Court declares that sections 1.(a) and 1.(b) of Policy 5020.1 violate Article I, section 7 of the California Constitution, Education Code section 220, and Government Code section 11135.
2. This Court declares that sections 1.(a), 1.(b), and 1.(c) of Policy 5020.1 violate Article I, section 1 of the California Constitution, insofar as they apply to adult students.
3. This Court declares that section 5 of Policy 5020.1 violates Article I, section 7 of the California Constitution, Education Code section 220, and Government Code section 11135, insofar as it implements section 1.(a) and 1.(b) of Policy 5020.1. This Court also declares that section 5 of Policy 5020.1 violates Article I, section 1 of the California Constitution insofar as it implements sections 1.(a)-1(c) of Policy 5020.1 as applied to adult students.
4. Defendant Chino Valley Unified School District and its agents, employees, assigns, and all persons acting in concert with it are permanently enjoined and prohibited from adopting, implementing, enforcing, or otherwise giving effect to—under any policy or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

regulation name or number—the provisions in Policy 5020.1, section 1.(a) in full, section 1.(b) in full, section 1.(c) as applied to adult students, and section 5 insofar as it implements the provisions in section 1.(a) in full, 1.(b) in full, or 1.(c) as applied to adult students.

- 5. Defendant Chino Valley Unified School District is also **FURTHER ORDERED** to provide written notice of this order to all of the District’s agents, employees, assigns, and all persons acting in concert with it and attach this Order thereto no later than 5 p.m. Pacific time on the first business day following service of this final judgment. Defendant Chino Valley Unified School District must promptly file a notice with the Court and serve it on all parties, indicating that the District has provided notice of this final judgment and attaching a copy of the communication that the District provided.
- 6. The judgment shall take effect immediately, and the Clerk is ordered to enter the judgment forthwith.

Dated: OCT 03 2024



Hon. Michael A. Sachs
San Bernardino Superior Court