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6 Attorneys for RIVERSIDE UNIFIED  
SCHOOL DISTRICT, AMANDA  
7 CHANN, and LEANN IACUONE

8  
9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION**

11  
12 SAVE GIRLS' SPORTS, an  
unincorporated California association;  
13 T.S., a minor by and through her father  
and natural guardian, RYAN  
14 STARLING, individually, and on  
behalf of all others similarly situated;  
15 and K.S., a minor by and through her  
father and mother and natural  
16 guardians, DANIEL SLAVIN and  
CYNTHIA SLAVIN, individually, and  
17 on behalf of all others similarly  
situated;

18 Plaintiffs,

19 vs.

20 TONY THURMOND, in his official  
capacity as State Superintendent of  
21 Public Instruction; ROB BONTA, in his  
official capacity as State Attorney  
22 General; RIVERSIDE UNIFIED  
SCHOOL DISTRICT; LEANN  
23 IACUONE, Principal of Martin Luther  
King High School, in her personal and  
24 official capacity; and AMANDA  
CHANN, Assistant Principal and  
25 Athletic Director of Martin Luther King  
High School, in her personal and  
26 official capacity,

27 Defendants.  
28

CASE NO. 5:24-cv-02480-SSS (SPx)

**DECLARATION OF MILTON E.  
FOSTER, III**

The Hon. Sunshine Suzanne Sykes

Trial Date: None Set

*(Filed concurrently with Ex Parte  
Application for Recusal of Judge Sykes;  
Declaration of Nathaniel B. Rosilez and  
[Proposed Order])*

1 I, Milton E. Foster III, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am a  
3 partner with Fagen Friedman & Fulfrost, LLP, attorneys of record for RIVERSIDE  
4 UNIFIED SCHOOL DISTRICT (“District”), DR. LEANN IACUONE, and  
5 AMANDA CHANN (District, DR. LEANN IACUONE, AND AMANDA CHANN  
6 collectively “Defendants”). If called as a witness, I could and would competently  
7 testify to all facts within my personal knowledge except where stated upon  
8 information and belief.

9 2. On or about November 20, 2024, Plaintiffs T.S. and K.S. filed a  
10 verified complaint for deprivation of the freedom of speech, violation of the due  
11 process clause, and violation of Title IX.

12 3. On January 31, 2025, Plaintiffs T.S., K.S., and Save Girls’ Sports  
13 (collectively “Plaintiffs”) filed a First Amended Complaint alleging claims for  
14 deprivation of the freedom of speech – facial, deprivation of the freedom of speech  
15 – as applied, violation of the due process clause, violatoin of Title IX – sex  
16 discrimination, violation of Title IX – effective accommodatoin, violatoin of Title  
17 IX – equal treatment; and violation of Education Code section 220. Plaintiffs’ FAC  
18 alleges in part that Plaintiffs were harmed due to the District allowing Student M.L.,  
19 a transgender girl, to participate on the girls’ cross country team. Plaintiffs’ FAC  
20 also alleges that the District violated their freedom of speech when the District  
21 restricted Plaintiffs from wearing shirts that containing the messages “Save Girls’  
22 Sports” and “XX≠XY.”

23 4. On February 6, 2025, the District’s Board of Education convened for a  
24 regularly scheduled Board meeting. The livestream of the February 6, 2025, Board  
25 meeting may be found at  
26 [https://www.youtube.com/watch?v=wF8Vi2u8fGM&list=PL2nSyxbo5JI1rdwXL7L](https://www.youtube.com/watch?v=wF8Vi2u8fGM&list=PL2nSyxbo5JI1rdwXL7LbmtopZW52XHnzS&index=5)  
27 [bmtopZW52XHnzS&index=5](https://www.youtube.com/watch?v=wF8Vi2u8fGM&list=PL2nSyxbo5JI1rdwXL7LbmtopZW52XHnzS&index=5).

28 5. Judge Sunshine Suzanne Sykes presented before the District’s Board on

1 behalf of the District’s Native American Parent Advisory Council, District African  
2 American Parent Advisory Council, La Comunidad Latina de Riverside, and Somos  
3 Dual Language Immersion at the regularly scheduled District Board meeting on  
4 February 6, 2025. Judge Sykes was called to present before the Board at  
5 approximately the 2:10:53 mark of the livestream of the February 6, 2025, Board  
6 meeting. Judge Sykes concludes her presentation at approximately the 2:16:40 mark  
7 of the livestream of the February 6, 2025, Board meeting.

8         6.       At approximately the 2:24:12 mark of the livestream of the February 6,  
9 2025, Board meeting, the Board called up Student Jane Doe, the student identified  
10 as Student M.L. in Plaintiff’s First Amended Complaint, and “Jennifer” to give  
11 public comment. Each made public comments related to Plaintiffs’ allegations.  
12 These pertinent public comments conclude at approximately the 2:32:45 mark of the  
13 livestream of the February 6, 2025, Board meeting.

14         7.       On March 25, 2025, my office contacted chambers for Judge Sykes via  
15 email informing the Court that Judge Sykes serves as the co-chair of the District’s  
16 Native American Parent Advisory Committee (“NAPAC”), a parent group that  
17 represents the interests of the District’s Native American students. My office  
18 further informed the Court that NAPAC appears before the District Board of  
19 Education on behalf of itself, and sometimes several other parent group  
20 organizations who represent the interests of other District students.

21         8.       On March 25, 2025, the Court provided a response to my office  
22 informing the parties that if the court wishes to communicate with the parties, it will  
23 formally issue written rulings and orders.

24         9.       As of the date of this filing, no written rulings or orders have been  
25 issued related to Judge Sykes’s involvement with the District’s NAPAC.

26         10.      Defendants, Rob Bonta, and Tony Thurmond have filed motions to  
27 dismiss in this matter and are currently pending oral arguments before Judge Sykes  
28 on May 16, 2025.

1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct.

3 Executed on this 9th day of May, 2025, at Corona, California.  
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7 Milton E. Foster III

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**PROOF OF SERVICE**

**T.S. and K.S. v. Riverside Unified School District, et al.  
Case No. 5:24-cv-02480-SSS (SPx)**

**STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Riverside, State of California. My business address is 4160 Temescal Canyon Road, Suite 610, Corona, CA 92883.

On May 9, 2025, I served true copies of the following document(s) described as **DECLARATION OF MILTON E. FOSTER, III** on the interested parties in this action as follows:

Robert Tyler  
Julianne Fleischer  
ADVOCATES FOR FAITH & FREEDOM  
25026 Las Brisas Road  
Murrieta, CA 92562  
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Attorneys for Plaintiffs T.S. and K.S.

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 9, 2025, at Corona, California.



Lisa Spencer