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

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION**

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

Plaintiffs,

vs.

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

Defendants.

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

**DECLARATION OF NATHANIEL  
B. ROSILEZ**

The Hon. Sunshine Suzanne Sykes

Trial Date: None Set

*(Filed concurrently with Ex Parte  
Application for Recusal of Judge Sykes;  
Declaration of Milton R. Foster, III and  
[Proposed Order])*

1 I, Nathaniel B. Rosilez, declare as follows:

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

9 2. On May 7, 2025, I sent an email to Plaintiffs’ counsel stating the  
10 grounds on which Defendants intend to bring an ex parte application for recusal of  
11 Judge Sykes and further orally advised Plaintiffs’ counsel of Defendants’ intent to  
12 file an ex parte application seeking the recusal of Judge Sykes. Plaintiffs’ counsel  
13 could not indicate whether Plaintiffs oppose or did not oppose Defendants’ ex parte  
14 application at that time absent a review of Defendants prepared ex parte application.

15 3. On May 7, 2025, I left a voicemail with counsel for defendants Tony  
16 Thurmond and Rob Bonta (collectively “State Defendants”) orally advising counsel  
17 for State Defendants of Defendants’ intent to file an ex parte application seeking the  
18 recusal of Judge Sykes in the above-captioned matter and requested to speak further  
19 to obtain their position as to whether State Defendants do or do not oppose  
20 Defendants’ ex parte application. I then sent an email to counsel for State  
21 Defendants stating the grounds on which Defendants intend to bring an ex parte  
22 application for recusal of Judge Sykes and requested to further discuss this matter.

23 4. On May 8, 2025, counsel for State Defendants responded via telephone  
24 to my request to discuss Defendants’ intent to file an ex parte motion for recusal. I  
25 again shared with counsel the grounds on which Defendants intend to bring an ex  
26 parte application for recusal of Judge Sykes. Counsel informed me that they could  
27 not indicate whether State Defendants would oppose Defendants’ ex parte  
28 application at that time. Counsel for State Defendants thereafter sent a follow up

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1 email to me confirming that State Defendants lacked sufficient information to either  
2 oppose or join in the ex parte application. Attached as Exhibit A is a true and  
3 correct copy of State Defendants' email dated May 8, 2025.

4 5. On May 8, 2025, Plaintiffs' counsel confirmed via email that they  
5 could not indicate whether Plaintiffs oppose or did not oppose Defendants' ex parte  
6 application absent a review of Defendants' prepared ex parte application.

7 6. On May 9, 2025, my office sent a meet and confer letter to counsel for  
8 State Defendants further clarifying Defendants' arguments in support of an ex parte  
9 application for recusal of Judge Sykes. Attached as Exhibit B is a true and correct  
10 copy of the meet and confer letter sent to State Defendants dated May 8, 2025.

11 7. On May 9, 2025, State Defendants reiterated the points made in their  
12 email contained in Exhibit A attached hereto.

13 8. Plaintiffs' counsel Julianne Fleischer is an attorney with Advocates for  
14 Faith & Freedom, located at 25026 Las Brisas Road Murrieta, California 92562.  
15 Ms. Fleischer's phone number is 951.304.7583, and her email address is  
16 jfleischer@faith-freedom.com.

17 9. State Defendants' counsel Stacey Leask is an attorney with the  
18 California Department of Justice, located at 355 Golden Gate Ave, Ste 11000, San  
19 Francisco, CA 94102. Ms. Leask's phone number is 415.510.3524, and her email  
20 address is Stacey.Leask@doj.ca.gov.

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

23 Executed on this 9th day of May, 2025, at Corona, California.

24  
25  
26  
27  
28  


Nathaniel B. Rosilez

190-115/7283690.1

# Exhibit A

**From:** [Stacey Leask](#)  
**To:** [Nathaniel Rosilez](#)  
**Cc:** [Milton E. Foster](#); [Sara Rosas](#); [Darrell Spence](#); [Katherine Grainger](#); [Truman Braslaw](#)  
**Subject:** RE: T.S. et al. v. RUSD et al. - ex parte application for recusal of Judge Sykes  
**Date:** Thursday, May 8, 2025 12:03:00 PM  
**Attachments:** [image001.png](#)

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**\*\*EXTERNAL EMAIL\*\***

Hello Mr. Rosilez,

Thank you for today's phone call. As I indicated to you, State Defendants do not have sufficient information at this time to either oppose or join in the ex parte application, which we haven't seen. And while State Defendants may ultimately not object to the relief School District Defendants seek as described below, State Defendants would like the opportunity to review the moving papers, conduct our own investigation/analyses, and respond.

In other words, we prefer that the matter be taken up on a regularly noticed motion that allows for an opportunity for all parties to respond.

The motion could also be heard on shortened time if we can collectively agree on a hearing date and briefing schedule.

Please kindly attach this email to your forthcoming application.

Thank you,  
Stacey

Stacey L. Leask  
Deputy Attorney General  
Office of the Attorney General  
California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
T: (415) 510-3524  
F: (415) 703-5480

---

**From:** Nathaniel Rosilez <nrosilez@f3law.com>  
**Sent:** Wednesday, May 7, 2025 5:00 PM  
**To:** Stacey Leask <Stacey.Leask@doj.ca.gov>; Darrell Spence <Darrell.Spence@doj.ca.gov>; Katherine Grainger <Katherine.Grainger@doj.ca.gov>; Truman Braslaw <Truman.Braslaw@doj.ca.gov>  
**Cc:** Milton E. Foster <mfooster@f3law.com>; Sara Rosas <srosas@f3law.com>  
**Subject:** T.S. et al. v. RUSD et al. - ex parte application for recusal of Judge Sykes

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Good afternoon counsel,

Our office has become aware that Judge Sunshine Sykes sits as the co-chair to the Riverside Unified School District's Native American Parent Advisory Council ("NAPAC"). The NAPAC is a District parent led group, is listed on the District website and relies upon District resources and facilities to achieve its mission is to ensure that Native American students receive equitable support, thrive academically, and celebrate their cultural heritage within the educational system. Our office believes that Judge Sykes' continued involvement with the District's Native American Parent Advisory Council constitutes grounds for which Judge Sykes must recuse herself from hearing this matter pursuant to 28 U.S.C. § 455(a) and 28 U.S.C. § 455(b). To that end, and in light of the pending oral arguments on the defendants' respective motions to dismiss, we intend to file an ex parte application tomorrow seeking an order recusing Judge Sykes from hearing this matter. Please advise of your availability tomorrow morning before 11 to discuss or let us know if the state defendants will not be in opposition to the school defendants' ex parte application.

Best regards,  
Nathaniel



Nathaniel Rosilez

Direct: (951) 215-4906 | Mobile: [\(951\) 897-9246](tel:9518979246)

Email: [nrosilez@f3law.com](mailto:nrosilez@f3law.com) | Web: [www.f3law.com](http://www.f3law.com)

Please consider the environment before printing this email.

**CONFIDENTIALITY NOTICE:** This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

# Exhibit B



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Milton E. Foster III  
Direct Dial: 951-215-4907  
mfoster@f3law.com

May 9, 2025

Via E-Mail

Rob Bonta  
Darrell W. Spence  
Stacey L. Leask  
Katherine J. Grainger  
Truman S. Braslaw  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004

Re: ***Save Girls' Sports, et al. v. Riverside Unified School District, et al.***  
Ex Parte Application for Recusal of Judge Sykes

Dear Counsel:

This correspondence shall serve to further meet and confer efforts regarding the District's ex parte application for recusal.

**RECUSAL OF JUDGE SYKES IS APPROPRIATE**

**Recusal is Appropriate Pursuant to 28 U.S.C. § 455(a)**

28 U.S.C. § 455(a) requires a federal judge to recuse herself “in any proceeding in which his (or her) impartiality might reasonably be questioned.” *See also United States v. Anderson*, 160 F.3d 231, 233-234 (5th Cir. 1998). A party seeking recusal must demonstrate that, if a reasonable person knew of all of the circumstances, they would harbor doubts about the judge's impartiality. *Travelers Ins. Co. v. Liljeberg Enterprises, Inc.*, 38 F.3d 1404, 1408 (5th Cir. 1994). If a judge concludes that her impartiality might be reasonably questioned, then she should find that the statute requires his recusal. *In re Faulkner*, 856 F.2d 716, 721 (5th Cir. 1988) (citing *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860, 108 S.Ct. 2194, 100 L.Ed.2d 855 (1988)). Importantly, the appearance of partiality requires recusal “even though no actual partiality exists because the judge does not recall the facts, because the judge actually has no interest in the case or because the judge is pure in heart and incorruptible.” *Liljeberg*, 486 U.S. at 860. “If the question of whether § 455(a) requires disqualification is a close one, the balance tips in favor of recusal.” *In re Boston's Children First*, 244 F.3d 164, 167 (1st Cir. 2001).



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School Defendants are aware that Judge Sykes sits as the co-chair of the District's Native American Parent Advisory Council ("NAPAC") and has, on occasion, presented to the District's governing Board of Education ("Board") on behalf of NAPAC and other similarly situated parent groups. NAPAC requests and relies on the use of District resources and facilities to help it carry out its mission and various programs it puts on. Although School Defendants do not believe that Judge Sykes would base any of her rulings on the continued allocation of District funds to NAPAC or the continued use of District facilities by NAPAC, it would not be unreasonable for an outside party to, either innocently or maliciously, misrepresent the Court's ruling as less than impartial. This is especially true in a highly politicized case such as this, given the current politicization of transgender inclusion in sports and the appearance of Plaintiffs T.S. and K.S., as well as their counsel, on national media stations to discuss this matter.

Moreover, Judge Sykes continued handling of this matter potentially places the District in a challenging position. When contemplating requests from NAPAC for the use of District facilities or resources, the District may be faced with questions about any impact or import the case may have on the District's response to requests for aide. The District should not be placed in such a position.

Regardless of which way this Court would rule on motions filed by the Parties, the impartiality of Judge Sykes may be reasonably questioned by those outside this litigation based upon her preexisting relationship with the District. Accordingly, we believe recusal of Judge Sykes is proper here.

**Recusal is Appropriate Pursuant to 28 U.S.C. § 455(b)(4)**

28 U.S.C. § 455(b) further requires a judge to recuse herself where "[she], individually or as a fiduciary, or [her] spouse or minor child residing in [her] household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding." 28 U.S.C. § 455(b)(4).

Judge Sykes, by way of her position as the co-chair of the NAPAC, arguably has a vested interest that could be substantially affected by the outcome of the proceeding. District resources are a finite resource: for every dollar spent in litigation or on any award that may be granted to Plaintiff, one less dollar is available that may be allocated to NAPAC. Defendants believe that Judge Sykes position and interest in the District's NAPAC and the continued use of District resources therefore also provides sufficient grounds for recusal.

**Granting Relief on an Ex Parte Basis is Appropriate**

In response to our earlier meet and confer phone calls, State Defendants indicated that a motion for recusal could be heard on shortened time if the Parties can collectively agree on a hearing date and briefing schedule. However, the hearings on State Defendants' and School Defendants' respective motions to dismiss are currently set to be heard on May 16, 2025. It would not be

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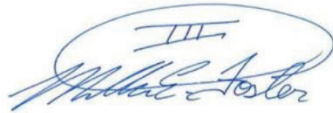
feasible otherwise to bring a regularly noticed motion for recusal and have decision on that motion prior to the hearings on the motions to dismiss as currently scheduled.

**CONCLUSION**

Please advise of any further comment or position by the State Defendants by 1 pm today. Thank you for your attention to this matter.

Sincerely,

FAGEN FRIEDMAN & FULFROST, LLP



Milton E. Foster III

MEF:NBR

190-115/7282473.1

**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 NATHANIEL B. ROSILEZ** on the interested parties in this action as follows:

Robert Tyler  
Julianne Fleischer  
ADVOCATES FOR FAITH & FREEDOM  
25026 Las Brisas Road  
Murrieta, CA 92562  
Telephone: (951) 600-2733  
[btyler@faith-freedom.com](mailto:btyler@faith-freedom.com)  
[jfleischer@faith-freedom.com](mailto:jfleischer@faith-freedom.com)

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