

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No. 5:24-cv-02480-SSS-SPx Date May 12, 2025

Title *T. S. et al. v. Riverside Unified School District et al.*

Present: The Honorable SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE

Irene Vazquez

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (IN CHAMBERS) ORDER DENYING DEFENDANT’S EX
PARTE APPLICATION TO MODIFY THE SCHEDULING
ORDER AND CONTINUING MAY 16, 2025 HEARING
[DKT. 49]**

Before the Court is Defendants Amanda Chann, Leann Iacuone, and Riverside Unified School District’s (“School Defendants”) Ex Parte Application for Recusal. [Dkt. 49].

To justify ex parte relief, the moving party must make two showings: (1) “the evidence must show that the moving party’s cause will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures”; and (2) “it must be established that the moving party is without fault in creating the crisis that requires ex parte relief, or that the crisis occurred as a result of excusable neglect.” *Mission Power Engineering Co. v. Continental Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).

Here, the School Defendants fail to meet the second prong. The School Defendants state they are without fault in creating the crisis because they learned of the facts underlying their application and emailed the Court’s Courtroom Deputy on March 25, 2025. The manner in which the School Defendants have pursued the relief they seek is and continues to be entirely improper.

Without ruling on the merits of the Application, the Court recounts the facts underlying its filing. In March, the School Defendants' Office Manager—emailed this Court's Courtroom Deputy to raise the facts underlying their current Application. At that time, the Courtroom Deputy responded that "If the court wishes to communicate with the parties, it will formally issue written rulings and orders. In the future, please refrain from communicating via email on such matters with the court, as the court considers it to be improper. All parties should be aware that any further improper communication may result in an OSC."

To explain, School Defendants' communication twice violated this Court's Local Rules. Fundamentally, School Defendants violated Local Rule 83-2.5, which requires that "[a]ll matters must be called to a judge's attention by appropriate application or motion filed in compliance with these Local Rules." School Defendants cannot ask for substantive relief using email.

The communication is additionally in violation of another part of the same rule stating that "Attorneys or parties to any action or proceeding shall refrain from writing letters to the judge, sending e-mail messages to the judge, making telephone calls to chambers, or otherwise communicating with a judge in a pending matter unless opposing counsel is present." Here, School Defendants did not include Defendants Tony Thurmond and Rob Bonta ("State Defendants"), who may have opposing interests, on its email. It appears that School Defendants did not raise the issue to the State Defendants until May 8, who then requested the School Defendants bring a regularly noticed motion. [Dkt. 49-2 Ex. A].

School Defendants cannot make improper communications to the Court, and then state they are without fault when the Court does not act on those improper communications. School Defendants are not without fault in creating the crisis that precipitated their request for emergency relief. They could have brought a regularly noticed motion six weeks ago and did not.

Accordingly, the School Defendants' Ex Parte Application [Dkt. 49] is **DENIED**. To give the School Defendants time to file a regularly noticed motion before the hearing of any substantive motions in the case, the Court **CONTINUES** the hearings on the School Defendants and State Defendants motions to dismiss [Dkt. 37, 41] to **June 20, 2025 at 2:00 p.m.**

IT IS SO ORDERED.