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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)

**DEFENDANTS' REPLY TO
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
RECUSAL OF JUDGE SYKES**

Date: June 13, 2025

Time: 2:00 p.m.

Crtrm.: 2

The Hon. Sunshine Suzanne Sykes

Trial Date: None Set

Defendants RIVERSIDE UNIFIED SCHOOL DISTRICT (“District”), Dr. LEANN IACUONE (“Iacuone”), and AMANDA CHANN (“Chann”) (District, Iacuone, and Chann collectively “Defendants”) hereby submit their Reply to Plaintiffs T.S., K.S., and Save Girls’ Sports’ (collectively, “Plaintiffs”) Opposition to Defendants’ Motion for Recusal of Judge Sykes (“Motion”).

I. INTRODUCTION

In Defendants’ Motion, Defendants argued that pursuant to 28 U.S.C. § 455(a) and 28 U.S.C. § 455(b)(4), Judge Sykes should recuse herself as an outside party may reasonably question her impartiality based upon her preexisting relationship with the District and, by way of her relationship with the District, holds an “other interest that could be substantially affected by the outcome of the proceeding.” 28 U.S.C. § 455(b)(4). Defendants Motion is based upon Judge Sykes admirable service to the District and its Native American community through her leadership of the District’s Native American Parent Advisory Council (“NAPAC”).

II. RECUSAL OF JUDGE SYKES IS APPROPRIATE UNDER THE CIRCUMSTANCES OF THIS CASE

A. Recusal Of Judge Sykes Is Appropriate Pursuant To 28 U.S.C. Section 455(a).

Under 28 U.S.C. Section 455(a), a federal judge must recuse herself “in any proceeding in which his (or her) impartiality might reasonably be questioned.” The inquiry under 28 U.S.C. Section 455(a), “is an objective one, made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances.” *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302 (2000). “[W]hat matters is not the reality of bias or prejudice but its appearance.” *Liteky v. United States*, 510 U.S. 540, 548 (1994). Recusal is mandated “where a judge has a direct, personal, or substantial connection to the outcome of a case or to its parties.” *In re Complaint of Jud. Misconduct*, 816 F.3d 1266, 1267 (9th Cir. 2016). “The

1 judge's conduct during the proceedings should not, except in the ‘rarest of
2 circumstances’ form the sole basis for recusal under § 455(a).” *United States v.*
3 *Holland*, 519 F.3d 909, 912 (9th Cir. 2008) (quoting *Liteky*, 510 U.S. at 555).

4 Plaintiffs assert that Judge Sykes’ role as the NAPAC co-chair does not create
5 an appearance of partiality. However, unlike the relationships in the cases upon
6 which Plaintiffs’ rely in their opposition, Judge Sykes’ position as the co-chair of
7 the District’s NAPAC may reasonably be interpreted as a close, direct relationship
8 with the District rather than mere community involvement. NAPAC is listed among
9 the “Parent Led Groups” identified on the District’s own website. Riverside Unified
10 School District, Family engagement groups and directory,
11 https://www.riversideunified.org/parents/family_engagement_groups_and_directory
12 . Notably, the District includes a separate category of community groups under the
13 heading “Independent Parent Groups,” which does not include NAPAC. *Id.* As
14 stated in the District’s Motion, Judge Sykes was not only in attendance at the
15 District’s February 6, 2025, Board meeting, but presented a report to the Board on
16 behalf of NAPAC and the District’s Parent Led Groups. While Judge Sykes
17 certainly is invited by the District to attend Board meetings as a member of the
18 community pursuant to Board Bylaw 9323, members of the public address the
19 Board during a public comment session rather than separately agendaized report
20 session for District groups.

21 A reasonable person may therefore believe that NAPAC is not a separate
22 organization. Rather, NAPAC may be considered an extension of the District, and
23 thereby question whether Judge Sykes, as NAPAC’s co-chair, may proceed in an
24 impartial matter. That the District and its counsel, each far more intimately familiar
25 with litigation than the reasonable person would be expected to be, do not believe
26 that Judge Sykes would be impartial is immaterial as to whether a reasonable person
27 may question whether Judge Sykes’ position as a co-chair of a District group impact
28 Judge Sykes’ ability to remain impartial.

1 The cases relied upon by Plaintiffs are distinguishable from the District's
2 instant Motion. *Perry v. Schwarzenegger*, 630 F.3d 909 (9th Cir. 2011) ("*Perry II*")
3 is plainly inapposite as NAPAC is a District group rather than an unrelated outside
4 entity with an interest in the subject matter of litigation. Further, unlike in *Armenian*
5 *Assembly of America, Inc. v. Cafesjian*, 783 F. Supp. 2d 78 (D.D.C. 2011), *aff'd*,
6 758 F.3d 265 (D.C. Cir. 2014), Judge Sykes is not a past member of an organization
7 that advocates for positions advanced by the District but instead actively serves the
8 District and the community as the current co-chair of a District group. Similarly,
9 unlike in *In re Complaint of Judicial Misconduct*, 816 F.3d 1266 (9th Cir. 2016),
10 Defendants do not seek recusal based upon Judge Sykes past relationship with the
11 District or service in an alumni association board; rather, the District's request for
12 recusal is based on Judge Sykes' present and ongoing relationship with the District.

13 *Harris v. Board of Supervisors of Louisiana State University*, 409 Fed.App'x
14 725 (5th Cir. 2010), which presents a more substantial relationship between the
15 sitting judge and the party education institution, remains distinguishable. In *Harris*,
16 the court denied the plaintiff's motion for recusal because the sitting judge sat on the
17 Alumni Board of Trustees for the LSU Law Center, an entity which was not a party
18 to litigation rather than the LSU Board of Supervisors. Plaintiff in *Harris* failed to
19 provide any information with respect to this affiliation with the university.

20 However, no relationship between the sitting judge and the LSU Board of
21 Supervisors, the entity responsible for directing the use of university funds,
22 resources, and facilities, was alleged to exist. Here, School Defendants have
23 provided additional information which may cause Judge Sykes' service to her
24 community as the co-chair of the District's NAPAC to appear partial to the District.
25 Specifically, NAPAC is a District group which, on occasion, presents to the
26 District's governing Board in a specially agendized portion of the District's
27 governing Board meetings.

28 Although Defendants believe that national attention afforded this matter

1 would have only served to amplify questions asked by a reasonable person,
2 Plaintiffs’ position that Judge Sykes’ position as the NAPAC co-chair does not
3 create an appearance of partiality obviates these concerns, precluding further
4 challenges to Judge Sykes’ impartiality based upon her preexisting relationship with
5 the District. Nonetheless, for the reasons stated herein and in Defendants motion,
6 Judge Sykes’ position as the District NAPAC co-chair may cause a reasonable
7 person to question Judge Sykes’ impartiality in this matter.

8 Further, Defendants do not bring this Motion untimely. 28 U.S.C. section 455
9 provides no time by which litigants must move for recusal. Motions for recusal
10 have only been found to be untimely when filed many months following discovery
11 of grounds for recusal. *See, e.g., United States v. Rogers*, 119 F.3d 1377, 1382 (9th
12 Cir.1997) (untimely when made eighteen months after becoming aware of grounds
13 for recusal); *E. & J. Gallo Winery v. Gallo Cattle Co.*, 967 F.2d 1280, 1295-96 (9th
14 Cir.1992) (untimely when filed eight months after party knew grounds for
15 disqualification and after adverse ruling). Additionally, the parties will not be
16 prejudiced by Judge Sykes’ hearing this Motion prior to ruling on each motion to
17 dismiss filed in this matter should recusal be deemed appropriate. *See Preston v.*
18 *United States*, 923 F.2d 731, 735 (9th Cir. 1991) (vacating judgment and remanding
19 case for retrial for failure to recuse).

20 **B. Recusal Is Appropriate Pursuant To 28 U.S.C. Section 455(b).**

21 28 U.S.C. § 455(b)(4) requires a judge to recuse herself where “[she],
22 individually or as a fiduciary, or [her] spouse or minor child residing in [her]
23 household, has a financial interest in the subject matter in controversy or in a party
24 to the proceeding, or *any other interest* that could be substantially affected by the
25 outcome of the proceeding.” 28 U.S.C. § 455(b)(4) (Emphasis added).

26 Here, unlike in *United States v. Rogers*, 119 F.3d 1377 (9th Cir. 1997), Judge
27 Sykes, by way of her position as the co-chair of the NAPAC, has an interest which
28 goes beyond her own financial interests that could be substantially affected by the

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outcome of the proceeding. In *Rogers*, recusal was unwarranted for judge's stock ownership in a company indirectly affected by litigation. As stated above, NAPAC is a District parent led group that relies upon the use of the District's resources to carry out its mission and its ability to carry out its mission may be impacted by this ongoing matter. Judge Sykes, by her position as NAPAC's co-chair, holds a far more substantial interest in the District's NAPAC and NAPAC's ability to carry out its mission through the use of District resources. In that position as the co-chair, Judge Sykes not only presents before the Board, but also requests the use of District resources, facilities, and support to carry out NAPAC's mission. As a District organization, NAPAC stands to be substantially affected by the outcome of this litigation matter. Judge Sykes position as the NAPAC co-chair therefore constitutes an other interest that could be substantially impacted by the outcome of this litigation matter.

III. CONCLUSION

For all of the foregoing reasons, Defendants respectfully requests that Judge Sykes recuse herself in this action and that this matter be assigned to a judicial officer with no connection to any party that would cause a reasonable person to question the impartiality of the assigned judge.

DATED: May 30, 2025

FAGEN FRIEDMAN & FULFROST, LLP

By:



Milton E. Foster III

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

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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 30, 2025, I served true copies of the following document(s) described as **DEFENDANTS' REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR RECUSAL OF JUDGE SYKES** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

☒ **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 30, 2025, at Corona, California.



Sara Rosas

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

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