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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)

**SCHOOL DEFENDANTS' REPLY
TO STATE DEFENDANTS'
RESPONSE TO SCHOOL
DEFENDANTS' MOTION FOR
RECUSAL**

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 “School Defendants”) hereby submit their Reply to Defendants TONY THURMOND’s and ROB BONTA’s (collectively “State Defendants”) Response to School Defendants’ Motion for Recusal of Judge Sykes (“Motion”).

I. INTRODUCTION

In School Defendants’ Motion, School 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). School 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

1 direct, personal, or substantial connection to the outcome of a case or to its parties.”
2 *In re Complaint of Jud. Misconduct*, 816 F.3d 1266, 1267 (9th Cir. 2016).

3 State Defendants’ assert that Judge Sykes’ role with NAPAC does not create
4 an appearance of partiality. However, Judge Sykes, by way of her dedicated service
5 to the District and its Native American community, holds a close, direct relationship
6 with the District rather than mere community involvement. NAPAC is included
7 among the various “Parent Led Groups” identified on the District’s own website.
8 Riverside Unified School District, Family engagement groups and directory,
9 https://www.riversideunified.org/parents/family_engagement_groups_and_directory
10 . Notably, the District includes a separate category of community groups under the
11 heading “Independent Parent Groups,” which does not include NAPAC. *Id.* As
12 stated in the District’s Motion, Judge Sykes was not only in attendance at the
13 District’s February 6, 2025, Board meeting, but presented a report to the Board on
14 behalf of NAPAC and the District’s Parent Led Groups as part of a separately
15 agendized report session for District groups. A reasonable person may therefore
16 believe that NAPAC is not a separate organization. Rather, NAPAC may be
17 considered an extension of the District by a reasonable outside party.

18 State Defendants assert that Judge Sykes’ role as NAPAC co-chair does not
19 create an appearance of partiality, relying upon several cases arising under the
20 educational context. However, each of these cases may be distinguished as the
21 relationships between the sitting judges and educational institutions were each more
22 distant than Judge Sykes’ admirable ongoing service as the co-chair of a District
23 parent group.

24 In *Easley v. Univ. of Michigan Board of Regents*, 906 F.2d 1143 (6th Cir.
25 1990), the relationship between the judge and the university was limited to the
26 judge’s alumni status and participation in an alumni social group. This clearly falls
27 short of the relationship Judge Sykes maintains with the District through her
28 ongoing service with NAPAC. Although *Harris v. Board of Supervisors of*

1 *Louisiana State University*, 409 Fed.App’x 725 (5th Cir. 2010) presents a more
2 substantial relationship between the sitting judge and the party education institution,
3 it remains distinguishable. In *Harris*, the court denied the plaintiff’s motion for
4 recusal because the sitting judge sat on the Alumni Board of Trustees for the LSU
5 Law Center, an entity which was not a party to litigation rather than the LSU Board
6 of Supervisors. Plaintiff in *Harris* failed to provide any information with respect to
7 this affiliation with the university. However, no relationship between the sitting
8 judge and the LSU Board of Supervisors, the entity responsible for directing the use
9 of university funds, resources, and facilities, was alleged to exist. Here, School
10 Defendants have provided additional information which may cause Judge Sykes’
11 service to her community as the co-chair of the District’s NAPAC to appear partial
12 to the District. Specifically, NAPAC is a District group which, on occasion,
13 presents to the District’s governing Board in a specially agendized portion of the
14 District’s governing Board meetings.

15 In *Esonwune v. Regents of Univ. of California*, the sitting judge had
16 previously been a faculty member with U.C. Berkeley Law and used externs for
17 academic credit. *Esonwune v. Regents of Univ. of Cal.*, No. 17-CV-01102-LB, 2017
18 WL 4025209, at *8 (N.D. Cal. Sept. 13, 2017). Similarly, *Lunde v. Helms*, 29 F.3d
19 367 (8th Cir. 1994), *Roe v. St. Louis University*, 746 F.3d 874 (8th Cir. 2014), and
20 *Wu v. Thomas*, 996 F.2d 271 (11th Cir. 1993), mere participation in a schools
21 educational programs was not sufficient to warrant recusal. Here however, Judge
22 Sykes role goes beyond merely participating in educational programs. Rather,
23 Judge Sykes, in her leadership role with NAPAC, reports to the District Board as
24 well as seeks direct support from the Board.

25 Accordingly, because Judge Sykes has served the District and its Native
26 American community through NAPAC, it may appear to a reasonable person that
27 Judge Sykes holds a direct relationship with the District, and therefore may question
28 Judge Sykes’ impartiality in this matter.

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

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

28 U.S.C. § 455(b)(4) 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) (Emphasis added).

State Defendants cite to *Maurey v. University of Southern California*, 12 Fed.App’x 529 (9th Cir. 2001) which upheld the denial of a recusal motion in an employment case involving USC’s School of Urban and Regional Planning even though the sitting judge served on the Board of Councilors at USC Law School. Here, unlike in *Maurey*, School Defendants argue not that Judge Sykes relationship established the basis for a financial interest. Rather, School Defendants assert that Judge Sykes’ service as the NAPAC co-chair creates an “other interest” warranting recusal. Nonetheless, NAPAC, by way of its position with the District, is entangled with the finances of the District as it relies on District resources to carry out its mission.

Judge Sykes, by way of her position as the co-chair of the NAPAC, has an interest that could be substantially affected by the outcome of the proceeding. 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 position as NAPAC's co-chair constitutes an interest in the District's NAPAC. 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, School 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

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 **SCHOOL DEFENDANTS' REPLY TO STATE DEFENDANTS' RESPONSE TO SCHOOL DEFENDANTS' MOTION FOR RECUSAL** 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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