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14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
16 WESTERN DIVISION  
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18  
19 MADISON MCPHERSON, et al.,  
20 Plaintiffs,  
21 v.  
22 JURUPA UNIFIED SCHOOL  
DISTRICT, et al.,  
23 Defendants.  
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Case No. 5:25-cv-02362 SSS (SPx)

**NOTICE OF MOTION AND  
MOTION TO DISMISS**

**[Fed. R. Civ. P. 12(b)(1) & (6)]**

Date: March 13, 2026  
Time: 2:00 p.m. via Zoom  
videoconference  
Courtroom: 2  
Judge: The Honorable Sunshine  
S. Sykes  
Trial Date: Not Set  
Action Filed: 9/09/2025

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on March 13, 2026, at 2:00 p.m., or as soon thereafter as the matter may be heard before the Honorable Sunshine Sykes in Courtroom 2 of the United States District Court for the Central District of California, Eastern Division, located at 3470 Twelfth Street, Riverside, CA 92501, Defendants California Department of Education (CDE) and California Interscholastic Federation (CIF) will and do hereby move to dismiss all claims asserted against them in the First Amended Complaint under Federal Rules of Civil Procedure 12(b)(1) and (6) on the following grounds:

As to all claims for relief asserted against CDE and CIF (claims 2 and 3), this Court lacks subject matter jurisdiction under Rule 12(b)(1) because the Plaintiffs lack standing. Additionally, Plaintiffs' claims are barred under the doctrine of sovereign immunity. The claims are also barred by the Spending Clause of the U.S. Constitution, as there was no clear notice that Title IX unambiguously requires, as a condition of federal funding, the categorical exclusion of transgender girls from girls' interscholastic sports and facilities.

Both of Plaintiffs' claims against CDE and CIF should also be dismissed under Rule 12(b)(6) on the grounds that the Plaintiffs have failed to state cognizable claims under either the Supremacy Clause or Title IX. Plaintiffs have not adequately pled either facial or as-applied preemption claims, because the First Amended Complaint alleges no express preemption provision in Title IX or otherwise, nor is there any demonstrable conflict between Title IX and AB 1266. To the extent Plaintiffs assert a Title IX claim against CDE and CIF, that claim fails because disparate impact claims are unavailable under Title IX's private right of action, their interpretation of Title IX is barred by the Spending Clause and binding Ninth Circuit precedent, and they fail to allege either effective accommodation or equal treatment Title IX claims.

1 This motion is made following the conferences of counsel pursuant to Local  
2 Rule 7-3, which took place on December 4, 2025, December 5, 2025, December 9,  
3 2025, and between December 10, 2025 and January 9, 2026, and is based upon this  
4 Notice, the accompanying Memorandum of Points and Authorities in support, the  
5 papers and pleadings on file in this action, and such matters as may be presented to  
6 the Court at the time of the hearing.

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8 Respectfully submitted,

9 Dated: January 9, 2026

ROB BONTA  
Attorney General of California

11 /s/ Stacey Leask  
STACEY LEASK

12 /s/ Katherine Bruck  
KATHERINE BRUCK

13  
14 Deputy Attorneys General  
*Attorneys for Defendant Department of*  
15 *Education*

16  
17 Dated: January 9, 2026

/s/ J. Scott Donald

18 J. SCOTT DONALD  
19 *Attorney for Defendant California*  
*Interscholastic Federation*