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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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WESTERN DIVISION

MADISON MCPHERSON, et al.,
v.
JURUPA UNIFIED SCHOOL
DISTRICT, et al.,
Defendants.

Case No. 5:25-cv-02362 SSS (SPx)
**NOTICE OF MOTION AND
MOTION TO DISMISS**
[Fed. R. Civ. P. 12(b)(1) & (6)]
Plaintiffs,
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

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

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

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

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

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Dated: January 9, 2026

ROB BONTA
Attorney General of California

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/s/ Stacey Leask
STACEY LEASK

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/s/ Katherine Bruck
KATHERINE BRUCK

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Deputy Attorneys General
*Attorneys for Defendant Department of
Education*

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Dated: January 9, 2026

/s/ J. Scott Donald

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

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