

1 FAGEN FRIEDMAN & FULFROST, LLP  
 Milton E. Foster III, SBN 250357  
 2 mfoster@f3law.com  
 Nathaniel Rosilez, SBN 339229  
 3 nrosilez@f3law.com  
 4160 Temescal Canyon Road, Suite 610  
 4 Corona, California 92883  
 Phone: 951.215.4900  
 5 Fax: 951.215.4911

6 Attorneys for RIVERSIDE UNIFIED  
 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 RIVERSIDE  
 UNIFIED SCHOOL DISTRICT,  
 LEANN IACUONE, AND AMANDA  
 CHANN’S OPPOSITION TO  
 PLAINTIFFS’ MOTION FOR  
 RECONSIDERATION**

The Hon. Sunshine Suzanne Sykes

Trial Date: None Set

**Fagen Friedman & Fulfrost, LLP**  
 4160 Temescal Canyon Road, Suite 610  
 Corona, California 92883  
 Main 951.215.4900 • Fax 951.215.4911

**Fagen Friedman & Fulfrost, LLP**  
4160 Temescal Canyon Road, Suite 610  
Corona, California 92883  
Main 951.215.4900 • Fax 951.215.4911

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

---

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Plaintiffs Save Girls’ Sports’ (“SGS”), T.S.’s, and K.S.’s (SGS, T.S., and K.S. collectively “Plaintiffs”) Motion for Reconsideration (“Motion”) requests that the Court reconsider its Order Granting Defendants’ Motion to Dismiss and Denying Plaintiffs’ Motion for Judicial Notice (hereinafter the “Order”) dismissing the entire case as no motion was made to dismiss Plaintiff’s First through Fourth Claims for Relief, or the damages claims in Plaintiffs’ Fifth and Sixth Claims for Relief. Plaintiffs further argue that Plaintiff’s claims for monetary relief are not moot under Title IX nor Section 1983, and that the Court erred because it had previously permitted each of these claims for damages to proceed previously and subsequently dismissed Plaintiffs’ case in its entirety. Plaintiffs lastly argue that their claims are not moot because Defendants’ policies are still in effect which may result in another athlete creating the same issues and controversies.

Defendants Riverside Unified School District (“District”), Dr. Leann Iacuone (“Iacuone”), and Amanda Chann (“Chann”) (District, Iacuone, and Chann hereinafter “School Defendants”) do not dispute that School Defendants did not raise challenges to Plaintiffs’ First through Fourth Claims for Relief stated in Plaintiff’s Second Amended Complaint (“SAC”). In the Court’s Order Granting in Part and Denying in Part Defendant Riverside Unified School District’s Motion to Dismiss and Granting the State of California’s Motion to Dismiss Plaintiff’s First Amended Complaint, the Court declined to dismiss Plaintiffs; Fourth Claim for Relief.

However, with regards to Plaintiff’s Fifth through Eighth Claims for Relief, School Defendants requested dismissal as to Plaintiffs’ Fifth and Sixth Claims for Relief, and for Plaintiffs’ Seventh and Eighth claims to be stricken as beyond the leave granted by the Court to Plaintiffs to amend Plaintiffs complaint. ECF No. 77.

1 With regards to Plaintiffs’ Fifth and Sixth Claims for Relief, School Defendants  
2 argue both that Plaintiff lacked standing to pursue her requests for injunctive relief,  
3 and that Plaintiff failed to state each claim. Further, School Defendants argue that  
4 Plaintiffs’ Seventh and Eighth Claims for Relief, along with Plaintiffs’ allegations  
5 regarding A.H., exceed the leave granted by the Court.

6 Accordingly, Plaintiffs’ requests for injunctive relief pursuant to Plaintiffs’  
7 Fifth through Eighth Claims for Relief should remain dismissed by this Court. To  
8 the extent the Court does determine it appropriate to reconsider its Order, School  
9 Defendants believe that the arguments raised in School Defendants’ arguments  
10 raised in their Motion to Dismiss and Strike Plaintiffs’ SAC warrant dismissal of  
11 Plaintiff’s Fifth through Eighth Claims for Relief and should be considered by the  
12 Court.

## 13 **II. ARGUMENT**

### 14 **A. Standard of Review**

15 The Federal Rules of Civil Procedure do not expressly provide for motions  
16 for reconsideration. Such motions, however, are uniformly recognized (as  
17 demonstrated by Rule 7-18 of the Civil Local Rules of this District) and construed  
18 as a motion to alter or amend judgment under either Rule 59(e) or Rule 60(b). *See*  
19 *Osterneck v. Ernst & Whinney*, 489 U.S. 169, 174 (1989). Reconsideration is “an  
20 extraordinary remedy, to be used sparingly...” *Kona Enters., Inc. v. Estate of*  
21 *Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

22 “[A] motion for reconsideration should not be granted absent highly unusual  
23 circumstances...” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.  
24 1999). Thus, reconsideration is only appropriate in certain limited circumstances in  
25 which the district court “(1) is presented with newly discovered evidence, (2)  
26 committed clear error or the initial decision was manifestly unjust, or (3) if there is  
27 an intervening change in controlling law.” *School Dist. No. 1J v. AC & S, Inc.*, 5  
28 F.3d 1255, 1263 (9th Cir. 1993). The burden is upon the movant to “set forth facts

1 or law of a strongly convincing nature to induce the court to reverse its prior  
2 decision.” *Arteaga v. Asset Acceptance, LLC*, 733 F. Supp. 2d 1218, 1236 (E.D.  
3 Cal. 2010). This is a “high hurdle” for Plaintiffs to meet. *Weeks v. Bayer*, 246 F.3d  
4 1231, 1236 (9th Cir. 2001). Plaintiffs' Motion unquestionably requests  
5 reconsideration of matters properly encompassed in the Court's decision on School  
6 Defendants’ and CDE’s motions to dismiss.

7 **B. Plaintiffs’ Fifth Through Eighth Claims are Moot as to the Claims for**  
8 **Injunctive Relief**

9 A motion for reconsideration “is not a vehicle for relitigating old issues,  
10 presenting the case under new theories, securing a rehearing on the merits, or  
11 otherwise taking a ‘second bite at the apple.’ ” See *Sequa Corp. v. GBJ Corp.* (2nd  
12 Cir. 1998)156 F.3d 136, 144. “A party seeking reconsideration must show more  
13 than a disagreement with the Court's decision, and recapitulation of the cases and  
14 arguments considered by the court before rendering its original decision fails to  
15 carry the moving party's burden.” *United States v. Westlands Water Dist*, 134  
16 F.Supp.2d 1111, 1131 (E.D. Cal. 2001) (internal citations omitted).

17 Rule 7-18 of Local Rules of the Central District of California provides in  
18 pertinent part, “No motion for reconsideration may in any manner repeat any oral or  
19 written argument made in support of, or in opposition to, the original motion.” Rule  
20 7-18 merely restates one of the most important restrictions placed  
21 upon motions for reconsideration by the Ninth Circuit. As the Ninth Circuit has  
22 repeatedly held, a motion for reconsideration cannot be brought based upon  
23 arguments already raised in the original motion. *E.g., Taylor v. Knapp*, 871 F.2d  
24 803, 805 (9th Cir. 1989); *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir.  
25 1985).

26 Plaintiffs again seek to litigate the mootness of Plaintiffs’ claims for  
27 injunctive relief, again arguing that the policies that allowed M.L. and A.H. to  
28 compete with Plaintiffs remain in place, and that their allegations related to A.H.

Fagen Friedman & Fulfrost, LLP  
4160 Temescal Canyon Road, Suite 610  
Corona, California 92883  
Main 951.215.4900 • Fax 951.215.4911

1 evidences a risk of the same harm to Plaintiffs as those harms posed by M.L.,  
2 specifically the loss of opportunities and placements from Plaintiffs due to their  
3 inclusion in events. Plaintiffs arguments are merely restated arguments made by  
4 Plaintiffs in Opposition to the School Defendants’ Motion to Dismiss and Strike  
5 Plaintiffs’ SAC (ECF 83 at pp. 1096-98), as well as in response to Plaintiffs’  
6 Opposition to the CDE’s Motion to Dismiss Plaintiffs’ SAC. ECF 85 at pp. 1116-  
7 1120. Plaintiffs Motion fails to introduce any new legal authority sufficient to show  
8 any clear error as to whether Plaintiffs’ claims for injunctive relief are moot.

9 Further, as the Court indicated in the Order, “The newly added allegations in  
10 the SAC regarding another transgender female do not present the same type of  
11 injury” as that alleged in Plaintiffs’ FAC. ECF 91 at p. 1178. In Plaintiffs’ FAC,  
12 “the core of [Plaintiffs’] injury is their intrateam placement on the Martin Luther  
13 King girls’ cross-country team.” ECF 68 at p. 766. The Court specifically  
14 highlighted T.S.’s removal from the Varsity Top 7 for M.L. and K.S.’s lost  
15 opportunities to compete for a Varsity spot but for M.L.’s participation. *See ibid.* In  
16 its Order, the Court correctly determined that Plaintiffs are no longer directly  
17 affected by the circumstances Plaintiffs originally complained of, specifically  
18 M.L.’s participation on the girls’ cross-country team. ECF 91 at p. 1178. As the  
19 Court states, Plaintiffs injuries alleged in the SAC cannot be traced to that individual  
20 in the same manner that was possible while M.L. had attended MLKHS with  
21 Plaintiffs.” *Ibid.*

22 Thus, Plaintiffs’ Motion should be denied as to Plaintiffs’ requests for  
23 injunctive relief pursuant to Plaintiffs’ Fifth through Eighth Claims for Relief as  
24 each request for injunctive relief remains moot.

25 **C. Plaintiffs Incorrectly Contend no Motion was Made to Dismiss Plaintiffs’**  
26 **Fifth and Sixth Claims for Relief**

27 Plaintiffs incorrectly claim that neither School Defendants nor the CDE  
28 moved to dismiss Plaintiffs’ Fifth and Sixth monetary damages claims. In their

**Fagen Friedman & Fulfrost, LLP**  
4160 Temescal Canyon Road, Suite 610  
Corona, California 92883  
Main 951.215.4900 • Fax 951.215.4911

1 Motion to Dismiss and Strike Plaintiffs’ SAC, School Defendants clearly move to  
2 dismiss Plaintiffs’ claim for Title IX: Effective Accommodation Violation as well as  
3 Plaintiffs’ claim for Title IX: Equal Treatment Violation for failure to state a claim.  
4 ECF 77 at 1004, 1013-7. Therein School Defendants identified fatal deficiencies to  
5 both Plaintiffs’ Fifth and Sixth Claims for Relief.

6 With regards to Plaintiffs’ Fifth Claim for relief for Effective  
7 Accommodation Violation, School Defendants argue that Plaintiffs SAC failed to  
8 establish that M.L.’s participation on the track & field and cross-country teams  
9 affected the substantial proportionality of participation opportunities available for  
10 female athletes at King High School on an institutional basis. As to Plaintiffs’ Sixth  
11 Claim for Relief, School Defendants argued Plaintiffs’ SAC lacked any allegations  
12 to establish unequal treatment based on an overall comparison of the male and  
13 female athletic programs. Thus, Defendants clearly moved to dismiss Plaintiffs’  
14 Fifth and Sixth Claims for Relief in their entirety.

15 Plaintiffs’ Motion should thus be denied as to Plaintiffs’ Fifth and Sixth  
16 Claims for Relief.

17 **III. CONCLUSION**

18 For all of the foregoing reasons, Defendants respectfully request that the  
19 Court reject Plaintiffs’ Motion for Reconsideration as to Plaintiff’s Fifth through  
20 Eighth Claims for Relief.

21 DATED: March 6, 2026

FAGEN FRIEDMAN & FULFROST, LLP

22  
23  
24 By: \_\_\_\_\_



25 Milton E. Foster III  
26 Attorneys for RIVERSIDE UNIFIED SCHOOL  
27 DISTRICT, AMANDA CHANN, and LEANN  
28 IACUONE

190-115/9250140.1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 March 6, 2026, I served true copies of the following document(s) described as **DEFENDANTS RIVERSIDE UNIFIED SCHOOL DISTRICT, LEANN IACUONE, AND AMANDA CHANN’S OPPOSITION TO PLAINTIFFS’ MOTION FOR RECONSIDERATION** 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 March 6, 2026, at Corona, California.

\_\_\_\_\_  
Sara Rosas

**Fagen Friedman & Fulfro, LLP**  
4160 Temescal Canyon Road, Suite 610  
Corona, California 92883  
Main 951.215.4900 • Fax 951.215.4911

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

Robert Tyler  
Julianne Fleischer  
ADVOCATES FOR FAITH & FREEDOM  
25026 Las Brisas Road  
Murrieta, CA 92562  
Telephone: (951) 600-2733  
[btyler@faith-freedom.com](mailto:btyler@faith-freedom.com)  
[ifleischer@faith-freedom.com](mailto:ifleischer@faith-freedom.com)

Attorneys for Plaintiffs T.S. and K.S.

Rob Bonta  
Darrell W. Spence  
Stacey L. Leask  
Katherine J. Grainger  
Truman S. Braslaw  
OFFICE OF THE ATTORNEY GENERAL  
455 Golden Gate Ave., Ste. 11000  
San Francisco, CA 94102  
Telephone: (415) 510-3524  
Facsimile: (415) 703-5480  
[Stacev.leask@doj.ca.gov](mailto:Stacev.leask@doj.ca.gov)

Attorneys for Defendants, State  
Superintendent of Public Instruction  
Tony Thurmond and Attorney  
General Rob Bonta

**Fagen Friedman & Fulfro, LLP**  
4160 Temescal Canyon Road, Suite 610  
Corona, California 92883  
Main 951.215.4900 • Fax 951.215.4911