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Department of Education
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION
13

14 **MADISON MCPHERSON, et al.,**
15 Plaintiffs,
16
17 **v.**
18 **JURUPA UNIFIED SCHOOL**
DISTRICT, et al.
19 Defendants.
20
21

Case No. 5:25-cv-02362-SSS (SPx)

**STIPULATION re PLAINTIFFS’
PRAYERS FOR RELIEF**

Complaint: September 18, 2025
First Amended Complaint: November
5, 2025

Judge: Hon. Sunshine S. Sykes

22 Pursuant to Local Rule 7-3 and in furtherance of meet and confer efforts prior
23 to the filing of responsive pleadings, the undersigned counsel, on behalf of their
24 respective clients, submit the following stipulation of the parties’ agreement
25 regarding Plaintiffs’ prayers for relief as pled in the operative complaint.

26 **THE PARTIES HEREBY STIPULATE TO THE FOLLOWING:**

27 1. On September 9, 2025, Plaintiffs Madison McPherson; A.M., a minor by
28 and through her guardian ad litem, Saul Ruiz; Maribel Munoz, individually; H.H., a

1 minor by and through her guardian ad litem, Aiysha Hazameh; and Hanan
2 Hazameh, individually (collectively, Plaintiffs), filed a complaint in this action
3 naming the Jurupa Unified School District (JUSD), California Interscholastic
4 Federation (CIF), and California Department of Education (CDE) as defendants.

5 2. On November 12, 2025, pursuant to stipulation of the parties (*see* Docket
6 No. 26), Plaintiffs filed the First Amended Complaint (the FAC) (Docket No. 29).

7 3. A Stipulation extending the time to respond to the FAC was filed by the
8 parties on December 11, 2025. (Docket No. 31.) On December 15, 2025, the Court
9 granted the Stipulation, thereby setting the deadline to file responsive pleadings to
10 the FAC as January 9, 2026. (Docket No. 33.)

11 4. Following the filing of the FAC, the parties, by and through their
12 respective counsel, met and conferred by telephone and by email concerning the
13 FAC. In particular, the parties conferred regarding the claims asserted and each of
14 the forms of relief sought by Plaintiffs.

15 5. The FAC pleads that, as of the time of filing, Plaintiff Madison
16 McPherson has graduated from Jurupa Valley High School. Having already
17 graduated from high school, Plaintiff Madison McPherson does not seek to compete
18 or participate in any interscholastic sports in California in the future.

19 6. On December 10, 2025, Plaintiffs gave written notice to counsel for
20 JUSD, counsel for CDE, and counsel for CIF that Plaintiffs A.M. and H.H. had
21 elected to graduate early from Jurupa Valley High School and that Plaintiffs were
22 therefore willing to stipulate that they no longer seek any injunctive relief as to
23 certain claims.

24 7. On January 6, 2026, counsel for Plaintiffs transmitted an email to CDE's
25 counsel to confirm that all Plaintiffs are withdrawing their prayers for injunctive
26 relief as to both two claims alleged against CDE and CIF. In reply, counsel for
27 CDE transmitted an email to Plaintiffs' counsel indicating that, under relevant legal
28 authority, punitive damages are not available under Title IX and that declaratory

1 relief is also unavailable due to Plaintiffs' graduation. Plaintiffs' counsel
2 subsequently submitted a response email to all counsel on January 8, 2026,
3 indicating that they are willing to drop their request for punitive damages as to the
4 Title IX claims. A true and correct copy of counsels' emails, dated January 6,
5 2026, and January 8, 2026, respectively, are attached as **Exhibit A**.

6 8. Upon consideration of the relevant legal authority, Plaintiffs stipulate and
7 agree to withdraw their prayers for injunctive relief as to all claims alleged against
8 CDE and CIF, and to withdraw their prayers for punitive damages as to the Title IX
9 claims, as against all named defendants.

10 9. In furtherance of this stipulation and agreement, Plaintiffs also stipulate
11 and agree to strike from the FAC the following portion in paragraph 41 that states
12 "and will again be competing in track and field in the upcoming track and field
13 season" and the following sentence in paragraph 279 that states "Additionally, H.H.
14 plans to participate in the upcoming track and field season[.]"

15 10. Plaintiffs otherwise do not waive or withdraw any other prayer for
16 damages or relief as pled in the FAC.

17 IT IS SO STIPULATED by the parties, through their respective counsel, that:

- 18 1. Plaintiffs hereby withdraw all prayers for injunctive relief with respect to
19 all claims alleged in the FAC against CDE and CIF.
- 20 2. Plaintiffs hereby withdraw their prayers for punitive damages as to the Title
21 IX claims alleged in the FAC against CDE and CIF; and
- 22 3. This stipulation does not constitute a waiver of any claim, right, or defense
23 to the FAC.

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Dated: January 9, 2026

/s/ Stacey Leask
STACEY LEASK
*Attorney for Defendant California
Department of Education*

Dated: January 9, 2026

/s/ J. Scott Donald
J. SCOTT DONALD
*Attorney for Defendant California
Interscholastic Federation*

Dated: January 9, 2026

/s/ Julianne Fleischer
JULIANNE FLEISCHER
ROBERT H. TYLER
Attorneys for Plaintiffs

FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), I, Stacey Leask, attest that each of the signatories to this filing concur in the filing's content and have authorized the filing.

Dated: January 9, 2026

/s/ Stacey Leask
STACEY LEASK
*Attorney for Defendant California
Department of Education*

EXHIBIT A

From: [Julianne Fleischer](#)
To: [Amy Evenstad](#); [Stacey Leask](#)
Cc: [Darrell Spence](#); [Katie Bruck](#); [Sue Kenney - Advocates](#); [Erin Mersino](#); [Regina Zernay](#); [ScottD@SDNLaw.com](#)
Subject: RE: McPherson v. Jurupa USD et al. - prayer for relief
Date: Thursday, January 8, 2026 3:55:55 PM

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Amy and Stacey,

At this time, Plaintiffs are only willing to drop their request for punitive damages as to the Title IX claims. Plaintiffs will not be dropping their requests for declaratory relief.

Thank you,

Julianne

Julianne E. Fleischer, Esq.
Senior Legal Counsel



Riverside County

25026 Las Brisas Road
Murrieta, California 92562
Telephone: 951-304-7583

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From: Amy Evenstad <aevenstad@mccuneharber.com>
Sent: Wednesday, January 7, 2026 11:29 AM
To: Stacey Leask <Stacey.Leask@doj.ca.gov>; Julianne Fleischer <jfleischer@faith-freedom.com>
Cc: Darrell Spence <Darrell.Spence@doj.ca.gov>; Katie Bruck <Katherine.Bruck@doj.ca.gov>; Sue Kenney - Advocates <skenny@faith-freedom.com>; Erin Mersino <EMersino@faith-freedom.com>; Regina Zernay <rzernay@mccuneharber.com>; ScottD@SDNLaw.com
Subject: RE: McPherson v. Jurupa USD et al. - prayer for relief

Hi Stacey,

Thank you for your email. We agree that punitive damages are not available under Title IX.

Barnes v. Gorman, 536 U.S. 181, 187–88 (2002); *Cummings v. Premier Rehab Keller, P.L.L.C.*, 596 U.S. 212, 224 (2022).

The proposed stipulation is acceptable to the District and you have my consent to put my electronic signature on it.

Amy A. Evenstad, Esq.
aevenstad@mccuneharber.com

From: Stacey Leask <Stacey.Leask@doj.ca.gov>
Sent: Wednesday, January 7, 2026 9:45 AM
To: Julianne Fleischer <jfleischer@faith-freedom.com>
Cc: Darrell Spence <Darrell.Spence@doj.ca.gov>; Katie Bruck <Katherine.Bruck@doj.ca.gov>; Sue Kenney - Advocates <skenney@faith-freedom.com>; Erin Mersino <EMersino@faith-freedom.com>; Amy Evenstad <aevenstad@mccuneharber.com>; Regina Zernay <rzernay@mccuneharber.com>; ScottD@SDNLaw.com
Subject: RE: McPherson v. Jurupa USD et al. - prayer for relief

Hi Julianne,

Thank you for confirming. We'd like to propose a written stipulation to keep a clear record that this prayer for relief is no longer being sought. Attached is a draft for your review. We also copied the JUSD counsel and CIF counsel to invite them to join in this stipulation.

Regarding declaratory relief, that relief is also no longer available. Article III standing to seek declaratory relief requires that "the facts alleged, under all the circumstances, show that there is a substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *Bayer v. Neiman Marcus Grp.*, 861 F.3d 853, 867 (9th Cir. 2017) (quoting *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 127 (2007)). Accordingly, "a declaratory judgment merely adjudicating past violations of federal law—as opposed to continuing or future violations of federal law—is not an appropriate exercise of federal jurisdiction." *Id.* at 868. Due to Plaintiffs' early graduation, there is no continuing or future violation that can sustain a claim for declaratory relief.

Punitive damages also are not available under Title IX. *See Videckis v. Pepperdine Univ.*, No. 15-cv-00298-DDP-JCX, 2017 WL 11633265, at *1 (C.D. Cal. July 18, 2017) (citing *Barnes v. Gorman*, 536 U.S. 181, 186 (2002); *Jones v. Beverly Hills Unified Sch. Dist.*, No. 08-cv-7201-JFW-PJW, 2010 WL 11549365, at *6 (C.D. Cal. Feb. 23, 2010) (same).

Please advise as to whether Plaintiffs will stipulate to drop their requests for declaratory relief and punitive damages as well. If not, we will proceed with the stipulation only as to injunctive

relief.

Thank you,

Stacey

Stacey Leask
Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
(415) 510-3524

From: Julianne Fleischer <jfleischer@faith-freedom.com>
Sent: Tuesday, January 6, 2026 10:52 AM
To: Stacey Leask <Stacey.Leask@doj.ca.gov>
Cc: Darrell Spence <Darrell.Spence@doj.ca.gov>; Katie Bruck <Katherine.Bruck@doj.ca.gov>; Sue Kenney - Advocates <skenney@faith-freedom.com>; Erin Mersino <EMersino@faith-freedom.com>
Subject: RE: McPherson v. Jurupa USD et al. - extension request

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Dear Stacey,

Happy New Year! They are in the process of being approved for early graduation at this time. It's unclear when that paperwork will be formally processed, but for purposes of their injunctive relief request (not declaratory relief), the Plaintiffs are no longer seeking injunctive relief as to their claims against CIF and CDE.

Julianne E. Fleischer, Esq.
Senior Legal Counsel



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Murrieta, California 92562
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From: Stacey Leask <Stacey.Leask@doj.ca.gov>

Sent: Monday, January 5, 2026 9:40 AM

To: Julianne Fleischer <jfleischer@faith-freedom.com>

Cc: Darrell Spence <Darrell.Spence@doj.ca.gov>; Katie Bruck <Katherine.Bruck@doj.ca.gov>; Sue Kenney - Advocates <skenney@faith-freedom.com>; Erin Mersino <EMersino@faith-freedom.com>

Subject: RE: McPherson v. Jurupa USD et al. - extension request

Hello Julianne,

I hope you had a good holiday season.

Thank you for your prior email to the School District's counsel indicating that A.M. and H.H. intend to graduate early and therefore will no longer be seeking injunctive relief. Have they already graduated? We take it that also applies to the claims against CDE and CIF, but can you kindly confirm?

Thank you,

Stacey Leask
Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
(415) 510-3524

From: Julianne Fleischer <jfleischer@faith-freedom.com>

Sent: Wednesday, December 10, 2025 1:31 PM

To: Amy Evenstad <aevenstad@mccuneharber.com>; Regina Zernay <rzernay@mccuneharber.com>; Robert Tyler - Advocates <btyler@faith-freedom.com>

Cc: Stacey Leask <Stacey.Leask@doj.ca.gov>; Darrell Spence <Darrell.Spence@doj.ca.gov>; Katie Bruck <Katherine.Bruck@doj.ca.gov>; Stephen Harber <sharber@mccuneharber.com>; Melissa Alvarez <malvarez@mccuneharber.com>; Elizabeth Flores <eflores@mccuneharber.com>; Sue Kenney - Advocates <skenney@faith-freedom.com>; Erin Mersino <EMersino@faith-freedom.com>

Subject: RE: McPherson v. Jurupa USD et al. - extension request

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Hello Amy,

The difficulty is that I have a very busy out of state trial schedule in January and February so I unfortunately don't have a lot of flexibility with dates and deadlines over the next couple

months. As you may also know, the State's counsel and I are counsel in a separate matter with dates and deadlines that run parallel to those in this case. That matter is also before Judge Sykes, and I am working to ensure that there is no overlap in scheduling for the Court, the State's counsel, or myself. That's making coordinating hearing dates and the briefing schedule a bit difficult. That being said, I am happy to work with you to identify hearing and briefing dates that accommodate all parties.

The Court may find it more efficient to hear the State's + CIF's motion alongside the District's motion for this matter so I believe the Court would appreciate us streamlining everything.

I propose the following dates for now:

Defendants' Responsive Pleadings Due: January 9, 2026 (This date takes into account JUSD counsel's 12/9 communication and understanding that the original proposed date was close to the holidays.)

Given Defendants' extended response period to Plaintiffs' complaint and the filing of multiple motions by the State and the District, as well as my upcoming out of state trial schedule, I propose these dates:

Hearing Date: March 13, 2026 (This date takes into account JUSD counsel's 12/9 communication.)

Opposition: February 20, 2026

Reply: February 27, 2026

If it's helpful to discuss over the phone, I'm happy to jump on a call as well. *These proposed dates would also be contingent on the State's and CIF's agreement as well.*

Also, by way of factual update, H.H. and A.M. have elected to graduate early due to ongoing issues they are experiencing in JUSD. Accordingly, we are willing to stipulate that we are no longer seeking injunctive relief on their behalf. However, they continue to seek declaratory relief, monetary damages, and any other relief to which they are legally entitled.

I am willing to work with counsel to ensure the related dates and deadlines work for all parties.

Thank you for your understanding,

Julianne E. Fleischer, Esq.
Senior Legal Counsel



Donate: www.faith-freedom.com

Riverside County

CERTIFICATE OF SERVICE

Case Name: **McPherson, et al. v. Jurupa
Unified School District, et al.**

No. **5:25-cv-02362**

I hereby certify that on January 9, 2026, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATION re PLAINTIFFS' PRAYERS FOR RELIEF WITH EXHIBIT A

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 9, 2026, at San Francisco, California.

R. Caoile

Declarant

/s/ **R. Caoile**

Signature