



Lozano Smith

ATTORNEYS AT LAW

Sloan R. Simmons
Attorney at Law

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September 29, 2025

By U.S. Mail

Supreme Court
Attn: Clerk's Office
1 First Street, NE
Washington, D.C. 20543

Re: *Freedom Foundation v. Rita Gail Turner, et al.*, Case No. 25-156;
Notice of Limited Participation of LAUSD Defendants-Appellees-Respondents; and
Notice of Change of Address

Dear Clerk of Court:

Respondents Rita Gail Turner, in her official capacity as Litigation Research Coordinator in the Public Records Act Unit of the Office of General Counsel for the Los Angeles Unified School District ("LAUSD"), Devora Navera Reed, in her official capacity as General Counsel for LAUSD, and Alberto M. Carvalho, in his official capacity as Superintendent of LAUSD (collectively, "LAUSD Defendants"), submit this letter to the Supreme Court to ensure for clarity in their participation (or lack thereof) in the above-captioned case.

While the LAUSD Defendants are named as defendants in the underlying complaint, pursuant to a stipulation of the parties, the District Court issued an order on September 19, 2023, entitled "Order Re Joint Stipulation of Freedom Foundation and Defendants Rita Gail Turner, Devora Navera Reed, and Alberto M. Carvalho . . . Re Limited Participation of LAUSD Defendants[.]" a true and correct copy of which is enclosed with this letter as Exhibit "A." Pursuant to that order, the LAUSD Defendants are not active participants in this litigation, were not active with regard to the Intervenor-Defendants' motions to dismiss resulting in the order and judgment appealed to the Ninth Circuit, and were not active in the proceedings before the Ninth Circuit resulting in the opinion for which review is sought in this case.

Consistent with the above, and pursuant to the District Court's September 19, 2023, Order, the LAUSD Defendants will not actively participate in these proceedings before the Supreme Court. The LAUSD Defendants will not be filing a response to Petition for Certiorari of Petitioner Freedom Foundation and will not otherwise actively appear in this matter were certiorari to be granted. The LAUSD Defendants anticipate and assume that Defendant-Intervenor California Public Employment Relations Board, United Teachers Los Angeles, Service Employees International Union, Local 99, and Attorney General Rob Bonta in his official capacity as

Limited Liability Partnership

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Attorney General of California, will continue to actively participate in this matter, including in responding to the Petition.

The LAUSD Defendants have provided advanced notice of this letter to Petitioner Freedom Foundation and the Defendant-Intervenors. Said parties have also been served with this letter in advance of submission to the Court.

Please also note that effective September 29, 2025, the attorneys for Defendant Rita Gail Turner, Devora Navera Reed, and Alberto M. Carvalho, Lozano Smith, has changed its physical and mailing address for service of notices and documents in the above-captioned matter.

The new address for Lozano Smith is as follows; **LOZANO SMITH 400 Capitol Mall, Suite 2200, Sacramento, CA 95814**. The telephone number, fax, and email addresses will remain the same. Request is further made for all parties to update their file to reflect this change. Any and all notices and documents sent via post mail regarding this action should be sent to the address above.

Sincerely,

LOZANO SMITH

A handwritten signature in blue ink, appearing to read "Sloan R. Simmons".

Sloan R. Simmons

SRS/st

Enclosure

PROOF OF SERVICE

I, Sydney Tucker, declare that I am employed in the County of Sacramento California. I am over the age of 18 years and not a party to this action; my business address is 400 Capitol Mall, Suite 2200 Sacramento, CA 95814. My email address is stucker@lozanosmith.com

On September 29, 2025, I served the following:

NOTICE OF LIMITED PARTICIPATION OF LAUSD DEFENDANTS-APPELLEES-RESPONDENTS; AND NOTICE OF CHANGE OF ADDRESS

on each interested party in said cause, and as indicated below:

Attorney for Petitioner:

Shella Sadovnik Alcabes
salcabes@freedomfoundation.com

Attorney for Intervenor Defendant:

Joseph William Eckhart
joseph.eckhart@perb.ca.gov

Jane Elizabeth Reilley
jane.reilley@doj.ca.gov

Scott A. Kronland
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J Felix De La Torre
felix.delatorre@perb.ca.gov

Jeremy G Zeitlin
jeremy.zeitlin@perb.ca.gov

[X] **(By Electronic Mail)** on all parties in said action by transmitting a true and correct to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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Supreme Court
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1 First Street, NE
Washington, D.C. 20543

- [X] (***Regular U.S. Mail***) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Sacramento.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 29, 2025, Sacramento, California.

/s/ Sydney Tucker
Sydney Tucker

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FREEDOM FOUNDATION,
a not-for-profit organization,

Plaintiff,

v.

RITA GAIL TURNER, in her official
capacity as Litigation Research
Coordinator in the Public Records Act
Unit of the Office of General Counsel
for the Los Angeles Unified School
District; DEVORA NAVERA REED,
in her official capacity as General
Counsel for Los Angeles Unified
School District; and ALBERTO M.
CARVALHO, in his official capacity
as Superintendent of Los Angeles
Unified School District,

Defendants.

Case No. 2:23-CV-03286-WLH-JPR

**ORDER RE JOINT STIPULATION
OF PLAINTIFF FREEDOM
FOUNDATION AND DEFENDANTS
RITA GAIL TURNER, DEVORA
NAVERA REED, AND ALBERTO
M. CARVALHO (LAUSD
DEFENDANTS) RE LIMITED
PARTICIPATION OF LAUSD
DEFENDANTS [29]**

1 Plaintiff Freedom Foundation (“Freedom Foundation” or “Foundation”) is a
2 501(c)(3) non-profit that “informs public employees about their rights to refrain from
3 union membership and the payment of union dues,” in accordance with the United
4 States Supreme Court’s holding in *Janus v. Am. Fed’n of State, Cnty. & Mun. Emps.,*
5 *Council 31*, 138 S. Ct. 2448 (2018). (Compl., Docket No. 1 ¶¶ 5, 10). The same day
6 the Supreme Court decided *Janus*, former California Governor Jerry Brown signed
7 Senate Bill 866 (“SB 866”) into law. (*Id.* ¶ 15). SB 866 codified California Government
8 Code section 3556 (“section 3556”), which provides, in part, that “[t]he date, time, and
9 place of” orientations for new public employees “shall not be disclosed to anyone other
10 than the employees, the exclusive representative, or a vendor that is contracted to
11 provide a service for purposes of the orientation.” (*Id.* ¶ 21).

12 On January 19, 2023, Freedom Foundation submitted a request for public records
13 to the Office of the General Counsel for the Los Angeles Unified School District
14 (“LAUSD”) under the California Public Records Act, California Government Code
15 §§ 2650, *et seq.* (*Id.* ¶ 28). The request sought the “date, time, and place of all
16 orientations for new District employees scheduled from February 1, 2023, to August
17 30, 2023.” (*Id.* ¶ 29). According to Freedom Foundation, “the purpose of this request
18 was to enable the Foundation to communicate with new public employees about their
19 First Amendment rights in protected public fora outside the location of the orientations,
20 either by face-to-face conversations or providing them with written information.” (*Id.*
21 ¶ 30). On January 30, 2023, Defendant Rita Gail Turner, a Litigation Research
22 Coordinator in the Public Records Act Unit of the Office of the General Counsel for
23 LAUSD, denied the Foundation’s request for the date, time, and location of new
24 employee orientations in compliance with section 3556. (*Id.* ¶¶ 32, 35).

25 On May 1, 2023, Freedom Foundation filed suit challenging the constitutionality
26 of the provision of section 3556 that prohibits the disclosure of information regarding
27 orientations for public employees. (*See generally id.*). In particular, Freedom
28

1 Foundation seeks a declaratory judgment that the challenged provision in section 3556
2 violates the First Amendment, a permanent injunction preventing LAUSD Defendants
3 from enforcing section 3556, and “\$1.00 in nominal damages from each of the
4 Defendants for the deprivation of the Foundation’s First Amendment rights.” (*See id.*
5 at 19–20). Freedom Foundation names three LAUSD employees as official capacity
6 Defendants: Turner; Devora Navera Reed, General Counsel for LAUSD; and Alberto
7 M. Carvalho, Superintendent of LAUSD (collectively, “LAUSD Defendants”). (*Id.*
8 ¶¶ 6–8).

9 On June 16, 2023, the California Public Employment Relations Board
10 (“PERB”)—the California government agency that enforces section 3556—filed a
11 Motion to Intervene as Defendants in this matter. (PERB Mot. to Intervene, Docket
12 No. 25); Cal. Gov’t Code § 3555.5.

13 On July 14, 2023, non-parties United Teachers Los Angeles (“UTLA”) and the
14 Service Employees International Union Local 99 (“SEIU Local 99”) (collectively,
15 “Unions”) also filed a Motion to Intervene as Defendants. (Union Mot. to Intervene,
16 Docket No. 27). PERB and the Unions argue that they are entitled to intervene as of
17 right under Federal Rule of Civil Procedure 24(a)(2), or, in the alternative, should be
18 granted permissive intervention under Rule 24(b)(2). (PERB Mot. to Intervene; Union
19 Mot. to Intervene).

20 On July 21, 2023, Plaintiff and LAUSD Defendants filed a joint stipulation
21 regarding LAUSD Defendants’ limited participation in the case. (Stipulation, Docket
22 No. 29). The parties stipulated that, *inter alia*, the LAUSD Defendants would not file
23 a responsive pleading or appear at court proceedings but that they would be bound by
24 the final judicial resolution of this case. (*Id.* ¶¶ 1–3). Additionally, the LAUSD
25 Defendants reserved the rights to file a responsive pleading and/or “return to active
26 participation in the litigation should developments in the case make such action
27 necessary.” (*Id.* ¶ 7).
28

1 On July 28, 2023, the Court ordered briefing from Freedom Foundation and
2 LAUSD Defendants as to 1) the legal authority in support of an order permitting the
3 LAUSD Defendants—the only named defendants in the suit—to abstain while the suit
4 proceeds without them, and 2) whether the Court should certify the question of the
5 constitutionality of section 3556 to the Attorney General of the State of California,
6 pursuant to 28 U.S.C. § 2403(b). (Order, Docket No. 32).

7 In response to the Court's Order, on August 18, 2023, Freedom Foundation and
8 LAUSD Defendants filed a joint brief. (Joint Br., Docket No. 35). Freedom Foundation
9 clarified that it would not oppose PERB's Motion to Intervene. (*Id.* at 2–3). The parties
10 principally argue that the Court should grant PERB's Motion to Intervene since PERB
11 is the California state agency tasked with enforcing section 3556, and that PERB's
12 intervention would render certification to the California Attorney General unnecessary.
13 (*Id.* at 2–4). On the other hand, they argue, LAUSD Defendants take no position on the
14 merits of this case and are not the correct party to defend section 3556. (*Id.* at 4–5).

15 In a separate order, the Court grants PERB's Motion to Intervene and the Unions'
16 Motion to Intervene. In light of the addition of PERB and the Unions as Intervenor-
17 Defendants, and because of the LAUSD Defendants' stated lack of interest in defending
18 this action, the Court **GRANTS** the parties' Joint Stipulation to limit the participation
19 of the LAUSD Defendants.

20 The Court orders as follows:

- 21 1. The LAUSD Defendants will not file a responsive pleading to Plaintiff's
22 Complaint or otherwise defend against Plaintiff's claims in the Complaint before
23 this Court or in any subsequent appeals in this action.
 - 24 2. The LAUSD Defendants will not appear at court proceedings in this case or
25 oppose Plaintiff's claims in this action.
 - 26 3. The LAUSD Defendants shall be bound by the final judicial resolution of this
27 case.
- 28

4. Should Plaintiff alter the scope of relief sought by the Complaint, the LAUSD Defendants reserve the right to file a responsive pleading to the Complaint and/or newly filed pleading upon notice of 21 days to Plaintiff.
5. Plaintiff shall include counsel for the LAUSD Defendants in Plaintiff's service list for all pleadings and notices in this case.
6. The LAUSD Defendants reserve the right to return to active participation in the litigation should developments in the case make such action necessary. Should the LAUSD Defendants determine to return to active participation in the litigation, they shall provide Plaintiff written notice of the intent to return to active participation in the litigation and shall file an answer to the Complaint within 14 days of such notice.
7. So long as the LAUSD Defendants have not filed a responsive pleading or opposed Plaintiff's claims in this Court or in any subsequent appeals, Plaintiff shall not seek attorneys' fees or costs against the LAUSD Defendants.

IT IS SO ORDERED.

Dated: September 19, 2023


HON. WESLEY I. HSU
UNITED STATES DISTRICT JUDGE