

1 David J. Kaloyanides SBN 160368
E: djpkaplc@me.com
2 DAVID J.P. KALOYANIDES
A PROFESSIONAL LAW CORPORATION
3 15338 Central Avenue
Chino, CA 91710
4 T: (213) 623-8120/F: (213) 402-6292

5 Andrew L. Seidel (PHV)
Rebecca Markert (PHV)
6 E: aseidel@ffrf.org/rmarkert@ffrf.org
Freedom From Religion Foundation, Inc.
7 PO Box 750
Madison, WI 53701
8 T: (608) 256-8900

9 Attorney for Plaintiffs
Freedom From Religion Foundation, Inc.,
10 Michael Anderson, Larry Maldonado, and
Does 1 through 20, inclusive
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12 UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 EASTERN DIVISION
14

15 FREEDOM FROM RELIGION) Case No.: 5:14-CV-2336 JGB (DTBx)
FOUNDATION, INC., et al.,)
16) PLAINTIFFS' NOTICE OF MOTION
Plaintiffs,) AND MOTION FOR SUMMARY
vs.) JUDGMENT
17)
18 CHINO VALLEY UNIFIED) Hearing Date: October 26, 2015
SCHOOL DISTRICT BOARD OF) Hearing Time: 9:00 a.m.
EDUCATION, etc. et al,) Courtroom: 1 Riverside
19) Hon. Jesus G. Bernal
Defendants.)
20

21 **NOTICE**

22 TO DEFENDANT CHINO VALLEY UNIFIED SCHOOL DISTRICT BOARD
23 OF EDUCATION, AND CHINO VALLEY UNIFIED SCHOOL DISTRICT BOARD
24

1 OF EDUCATION BOARD MEMBERS JAMES NA, SYLVIA OROZCO,
2 CHARLES DICKIE, ANDREW CRUZ, AND IRENE HERNANDEZ-BLAIR IN
3 THEIR OFFICIAL REPRESENTATIVE CAPACITIES

4 NOTICE IS HEREBY GIVEN THAT on October 26, 2015 at 9:00 a.m., before
5 the Honorable Jesus G. Bernal, United States District Judge, Plaintiffs Freedom From
6 Religion Foundation, Inc., Michael Anderson, Larry Maldonado, and DOES 1 through
7 20 inclusive, will bring the following motion for hearing:

8
9 **MOTION**

10 Pursuant to Rule 56 of the Federal Rules of Civil Procedure, the Plaintiffs move
11 the Court to enter summary judgment for the Plaintiffs on all of their claims. The
12 grounds for this motion are: (1) that no facts material to the Plaintiffs' claims are in
13 dispute; and (2) that based on the undisputed facts as set forth in the accompanying
14 Statement of Uncontroverted Facts and Conclusions of Law, and for the reasons
15 explained in the accompanying Memorandum of Points and Authorities, Plaintiffs are
16 entitled to judgment as a matter of law. This motion is based on this Notice and
17 Motion, the accompanying Memorandum of Points and Authorities, the accompanying
18 Declarations in Support of this Motion and the exhibits attached thereto, the pleadings,
19 papers, and other documents comprising the record in this action, the argument of
20 counsel at the hearing, and such other evidence as may be presented at the hearing on
21 this motion, and such other matters of which the Court may take judicial notice.

22 This Motion is made following the parties' meet and confer conference.¹

23 _____
24 ¹ The parties conferred regarding this Motion for Summary Judgment during their
25 meet and confer in preparation for the Scheduling conference in the case. This took

1 Accordingly, the Plaintiffs respectfully request that this Court grant them
2 summary judgment on their federal Establishment Claus claim, state Establishment
3 Clause claim, No Preference Clause claim, and No Aid Clause claim, and that the
4 Court enter judgment in favor of Plaintiffs and awarding them the following relief:

- 5 1. Declaratory judgment that Defendants’ conduct during Board of
6 Education Board meetings, which includes prayers, Bible readings,
7 and proselytizing, violate Plaintiffs’ rights protected by the First
8 and Fourteenth Amendments to the United States Constitution;
- 9 2. Declaratory judgment that Defendants’ conduct at Board of
10 Education board meetings of prayers, Bible readings, and
11 proselytizing violate Article I, section 4 and Article XVI, section 5
12 of the California Constitution;
- 13 3. Declaratory judgment that that the customs and practices of the
14 Defendants that promote, endorse and establish religious activities,
15 prayer and instruction in the Defendants’ District schools violates
16 the same provisions of the United States Constitution and
17 California Constitution set forth above;
- 18 4. Permanent Injunction enjoining Defendants their agents,
19 employees and successors in office from conducting or permitting
20 any school-sponsored religious exercises or prayer, including
21 proselytizing, preaching, Bible-readings, or otherwise using their

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23 place on May 8, 2015. The parties discussed the Motion for Summary Judgment
24 several additional times in June and August. On September 23, 2015, the parties
25 discussed this Motion and confirmed their positions as discussed at the previous meet
26 and confer.

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secular offices to promote their personal religious beliefs as part of any Board of Education board meeting;

5. Nominal damages for past violations of Plaintiffs’ constitutional rights;

6. An order awarding Plaintiffs the costs of this action, including a reasonable attorney’s fee under 42 U.S.C. §1988;

7. An order awarding Plaintiffs the costs of this action, including a reasonable attorney’s fee under California Code of Civil Procedure §1021.5, California Civil Code §52.1(h), and under the substantial benefit doctrine; and

8. Such other relief as the Court deems just and proper.

Respectfully submitted,

Dated: September 28, 2015

David J. Kaloyanides

Andrew Seidel
Rebecca Markert
Freedom from Religion Foundation, Inc.

Attorneys for Plaintiffs
Freedom From Religion Foundation,
Inc., Michael Anderson, Larry
Maldonado, and Does 1-20 inclusive.