Victor Leung (SBN 268590)
vleung@aclusocal.org
Ariana Rodriguez (SBN 322701)
arodriguez@aclusocal.org
ACLU of Southern California
P.O. Box 811370
Los Angeles, CA 90081
Tel: 213-977-9500
Fax: 213-915-0219

Sarah Hinger (Pro Hac Vice pending)
shinger@aclu.org
Jonathan Newton (Pro Hac Vice pending)
jnewton@aclu.org
American Civil Liberties Union
125 Broad Street
New York, NY 10004
Tel: 212-549-2500
Fax: 332-220-0903

Counsel for proposed Defendant-Intervenors

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

1776 PROJECT FOUNDATION,

Plaintiff,

v.

ALBERTO M. CARVALHO, Superintendent of the Los Angeles Unified School District (LAUSD), SCOTT SCHMERELSON, President of the Los Angeles Unified School District (LAUSD) Board of Education, and BOARD OF EDUCATION OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT,

Case No. 2:26-cv-00548-HDV-AGR

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO INTERVENE AS DEFENDANTS

District Judge: Hon. Hernán D. Vera
Magistrate Judge: Hon. Alicia G. Rosenberg

Hearing Date: July 30, 2026
Hearing Time: 10:00 AM
Courtroom: 5B
Judge: Hernán D. Vera

Defendants,

A.M., a minor by and through their parent and next of kin Niglmoro Okuk; E.H., a minor by and through their parent and next of kin Latonya Huey.

Proposed Defendant-Intervenors.

TABLE OF CONTENTS

PAGE

TABLE OF AUTHORITIES iiv

I. INTRODUCTION 1

II. BACKGROUND 2

III. PROPOSED INTERVENORS 3

IV. ARGUMENT 5

A. Intervenors are Entitled to Intervention as of Right Under Federal Rule of Civil Procedure 24(a) 5

1. Intervenors' Motion is Timely 6

2. Intervenors Have a Significantly Protectable Interest Relating to the Action 8

3. Disposition of the Action Without Intervenors Will Impair or Impede Intervenors' Ability to Protect Their Interests 9

4. Intervenors' Interests Are Not Adequately Represented by the Existing Parties 9

B. In the Alternative, Permissive Intervention is Appropriate Under Federal Rule of Civil Procedure 24(b) 11

V. CONCLUSION 13

TABLE OF AUTHORITIES

PAGE(S)

CASES

Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water Dist., 162 F. Supp. 3d 1053 (C.D. Cal. 2014) 6

Alaska v. Suburban Propane Gas Corp., 123 F.3d 1317 (9th Cir. 1997) 6

Am. Civ. Rights Found. v. Los Angeles Unified Sch. Dist., 169 Cal. App. 4th 436 (2008) 1, 3, 4, 5

ASPIRA of New York, Inc. v. Bd. of Educ. of N.Y., 58 F.R.D. 62 (S.D.N.Y. 1973) 12

Beckman Indus., Inc. v. Int'l Ins. Co., 966 F.2d 470 (9th Cir. 1992) 11

Brown v. Bd. of Educ., 347 U.S. 483 (1954) 12

California ex rel. Lockyer v. United States, 450 F.3d 436 (9th Cir. 2006) 8

Caulfield v. Bd. of Educ. of N.Y., 632 F.2d 999 (2d Cir. 1980) 12

Crawford v. Bd. of Educ., 17 Cal.3d 280 (1976) 1, 2, 3, 12

Cruz-Guzman v. State, 998 N.W.2d 262 (Minn. 2023) 12

Donnelly v. Glickman, 159 F.3d 405 (9th Cir. 1998) 8

Empire Blue Cross & Blue Shield v. Janet Greeson's A Place For Us, 62 F.3d 1217 (9th Cir. 1995) 6

Freedom from Religion Found., Inc. v. Geithner, 644 F.3d 836 (9th Cir. 2011) 11

Greene v. United States,
996 F.2d 973 (9th Cir. 1993) 5, 8

Idaho Farm Bureau Fed'n v. Babbitt,
58 F.3d 1392 (9th Cir. 1995) 6

Johnson v. San Francisco Unified Sch. Dist.,
500 F.2d 349 (9th Cir. 1974) 10

People for the Ethical Treatment of Animals, Inc. v. United States Fish & Wildlife Serv.,
No. CV-12-04435, 2012 WL 12887325 (C.D. Cal. Oct. 11, 2012) 10

S. Cal. Edison Co. v. Lynch,
307 F.3d 794, 803 (9th Cir. 2002) 8

Sheff v. O'Neill,
No. LND-CV-175045066-S, 2017 WL 4812624 (Conn. Super. Ct. Aug. 7, 2017) 12

Smith v. Los Angeles Unified Sch. Dist.,
830 F.3d 843 (9th Cir. 2016). 7, 9

Spangler v. Pasadena City Bd. of Ed.,
552 F.2d 1326 (9th Cir. 1977) 12

Stout v. Jefferson Cty. Bd. of Educ.,
882 F.3d 988 (11th Cir. 2018) 12

Sw. Ctr. for Biological Diversity v. Berg,
268 F.3d 810 (9th Cir. 2001) 9

Thomas v. Sch. Bd. St. Martin Par.,
756 F.3d 380 (5th Cir. 2014), *remanded to*, No. 6:65-cv-11314, 2016 U.S. Dist. LEXIS 8580 (W.D. La. Jan. 21, 2016) 12

Trbovich v. United Mine Workers of Am.,
404 U.S. 528 (1972) 10

United States ex rel. McGough v. Covington Techs. Co.,
967 F.2d 1391 (9th Cir.1992) 5

W. Watersheds Project v. Haaland,
22 F.4th 828 (9th Cir. 2022) 7, 9

Wilderness Soc. v. U.S. Forest Serv.,
630 F.3d 1173 (9th Cir. 2011) 6, 8

RULES

Federal Rule of Civil Procedure 24 ..... 2, 9

Federal Rule of Civil Procedure 24(a) ..... passim

Federal Rule of Civil Procedure 24(b)(1)(B) 11

Federal Rule of Civil Procedure 24(b) 2, 13

Local Rule 7-3 7

I. INTRODUCTION

The proposed intervenors, Niglmoro Okuk on behalf of her minor child, A.M.; Latonya Huey on behalf of her minor child E.H. (collectively, "Intervenors" or the "*Crawford* Class Intervenors"), are the parents of Black students who attend public school in Los Angeles Unified School District ("LAUSD" or the "District"). Intervenors are members of the plaintiff class who sued the District in *Crawford v. Bd. of Educ.*, 17 Cal.3d 280 (1976), to dismantle its segregated school system, ultimately securing the court-ordered desegregation remedies at issue in this federal lawsuit. Their children are enrolled in magnet programs or public schools designated as Predominantly Hispanic,[1] Black, Asian, or Other Non-Anglo ("PHBAO") by LAUSD in accordance with the *Crawford* desegregation order. *Am. Civ. Rts. Found. v. Los Angeles Unified Sch. Dist.*, 169 Cal. App. 4th 436, 438–40 (2008). Intervenors would be the only parties representing Black students who, as beneficiaries of the desegregation remedy, are directly affected by the 1776 Project Foundation Plaintiffs' ("1776 Plaintiffs") and Plaintiff-Intervenor United States' ("United States") (collectively, "Plaintiffs") attack on the District's desegregation programs.

Intervenors satisfy the requirements for intervention as of right under Federal Rule of Civil Procedure 24(a). Their Motion to Intervene is timely because the *Crawford* Class Intervenors are intervening at an early stage in the litigation. No party is prejudiced by Intervenors' involvement, and Intervenors filed their motion without delay. Intervenors have a significantly protectable interest in LAUSD's compliance with its related, court-ordered desegregation obligations. Moreover, none of the existing parties adequately represent all of Intervenors' interests. Plaintiffs seek to dismantle LAUSD's desegregation remedies and, among other

[1] Consistent with the trial court's language in the September 1981 *Crawford* desegregation order, Intervenors use the term "Hispanic" when referring to students of Hispanic or Latino descent. *See Am. Civ. Rts. Found. v. Los Angeles Unified Sch. Dist.*, 169 Cal. App. 4th 436, 444–45 (2008).

things, the District has diverging interests as a government actor.

For similar reasons, Intervenors alternatively qualify for permissive intervention under Rule 24(b). The *Crawford* Class Intervenors filed their Motion to Intervene promptly and plan to file a motion to dismiss on or before the Court's existing deadline. Additionally, Intervenors' and the District's defenses plainly share common questions of fact or law because LAUSD is required—by court order and under the California Constitution—to alleviate segregation in its schools.

Accordingly, Intervenors respectfully submit this Memorandum in support of their Motion to Intervene as of right or, alternatively, by permission under Federal Rule of Civil Procedure 24.

II. BACKGROUND

In 1963, students filed a class action lawsuit against LAUSD in Los Angeles Superior Court to desegregate the school system. *Crawford v. Bd. of Educ.*, 17 Cal.3d 280, 286–87 (1976). The plaintiff class in *Crawford* ("*Crawford* Class") includes "all black and Hispanic students attending school in the Los Angeles Unified School District." *Los Angeles Branch NAACP v. Los Angeles Unified Sch. Dist.*, 750 F.2d 731, 734 (9th Cir. 1984).

After a lengthy trial, the superior court found in 1970 that the District's schools were substantially segregated. *Crawford*, 17 Cal.3d at 287–88. According to the court, for example, eighty elementary schools had Black student enrollments that exceeded 50%, even though Black students comprised only 22.6% of LAUSD's total student population. *Id.* at 287–88 nn.2–3. Moreover, out of the eighty majority-Black elementary schools, seventy-two of the schools were more than 90% Black. *Id.* In that same year, the District enrolled majority Black student populations in fifteen junior high schools and nine high schools. *Id.* But out of these schools, thirteen junior high schools and seven high schools had Black student enrollments that surpassed 90%. *Id.*

The California Supreme Court affirmed the judgment, ordering LAUSD to

take "reasonable and feasible" steps to alleviate segregation and to demonstrate meaningful progress toward that goal. *Crawford*, 17 Cal.3d at 306–07. In doing so, the court reiterated an important principle of California law: "In California, all public school districts bear an obligation under the state Constitution to undertake reasonably feasible steps to alleviate school segregation, regardless of the cause of such segregation." *Id.* at 301–02.

The basis for LAUSD's operative desegregation plan was submitted to the trial court in June 1981. *Am. Civ. Rts. Found. v. Los Angeles Unified Sch. Dist.*, 169 Cal. App. 4th 436, 443 (2008). While framed in terms of the 1981-1982 school year, the plan was "'intended to be a continuing master plan' subject to adjustment necessary to meet its goals." *Id.* Magnet programs—public schools or programs with specialized curricula and innovative educational themes designed to attract a diverse student body—were "integral" to LAUSD's desegregation plan and were to give priority to non-White students in overcrowded schools. *Id.*

In September 1981, the superior court issued an order, which approved of the District's desegregation plan with modifications (the "*Crawford* Order"). *Id.* at 444. The court noted that in the eighteen years since the case's inception, all material facts had changed, including society's understanding of racial issues and messaging. *Id.* Among other things, the court ordered LAUSD to maintain a student-teacher ratio of at least 27:1 in PHBAO schools and authorized expenditures in furtherance of the desegregation plan. *Id.* at 444–45. It found "that the Plan, as ordered changed by the Court, will protect the rights of all students and meet Constitutional standards." *Id.* at 450 (citing the *Crawford* Order at 7). The *Crawford* Order remains in effect and LAUSD remains bound by its terms. *Id.* at 450–52.

III. PROPOSED INTERVENORS

Intervenors include the following *Crawford* Class members: (1) Latonya Huey, on behalf of her minor child, E.H., a Black student in eighth grade at Mark

Twain Middle School in LAUSD, *see* L.H. Decl. (attached as Exhibit 1); (2) Niglmoro Okuk, on behalf of her minor child, A.M., a Black second grade student at Point Fermin Marine Science Magnet School in LAUSD. *See* N.O. Decl. (attached as Exhibit 2).

E.H.'s family has lived in Los Angeles for over twenty-five years. L.H. Decl. at ¶ 2. E.H., who is 13 years old, participates in a multilingual instructional program offered by LAUSD and is enrolled in a Mandarin immersion learning program. *Id.* at ¶¶ 4, 9. E.H.'s school of attendance, Mark Twain Middle School, is designated as a PHBAO school by LAUSD, *id.* at ¶ 4, consistent with the *Crawford* desegregation remedy. *See Am. Civ. Rts. Found.*, 169 Cal. App. 4th at 444–45. E.H.'s resident school, Pio Pico Middle School, is also designated as a PHBAO school. L.H. Decl. at ¶ 5. Starting in the 2026-27 school year, E.H. will attend Venice High School, which is also designated as a PHBAO school. *Id.* at ¶ 6. E.H. will be able to continue learning Mandarin at Venice High School, where E.H. will be enrolled in the dual language Mandarin program. *Id.* at ¶ 11. It has been important for E.H.'s mother that E.H. be multilingual due to the social and cognitive benefits of speaking multiple languages. *Id.* at ¶ 10. E.H.'s mother selected the first Mandarin program at Braddock Elementary partly because of its cultural and economic diversity. *Id.* at ¶ 10. E.H.'s mother selected the current program at Mark Twain Middle School for similar cultural and socioeconomic diversity reasons. *Id.* E.H. loves travelling, learning different languages, and is an avid reader. *Id.* at ¶ 12. E.H. would like to be an Emergency Room physician when they grow up. *Id.* at ¶ 7.

A.M. is an eight-year-old Black third grader at Point Fermin Marine Science Magnet School ("Point Fermin") in LAUSD, and their family has lived in Los Angles for five generations. N.O. Decl. at ¶¶ 2–3. Point Fermin provides a specialized marine science curriculum for students. *Id.* at ¶ 4. A.M. has benefitted greatly from attending Point Fermin, in part, due to its close relationship with San Pedro institutions like Aquariums and the Marine Mammal Rescue Center. *Id.* at ¶

9. A.M. wants to work with sea animals when they grow up and is particularly interested in marine biology and the local ecosystem. *Id.* at ¶ 7. A.M. participates in crotchet club, garden club, dance, and theatre at Point Fermin. *Id.* at ¶ 8. A.M.'s mother selected Point Fermin because it was important for her that A.M. attend a school with more racial and economic diversity than A.M.'s resident school. *Id.* at ¶ 6. A.M.'s resident school is Charles W. Barrett Elementary, which is designated by LAUSD as a PHBAO school, *id.* at ¶ 5, consistent with the *Crawford* Order and desegregation plan. *See Am. Civ. Rts. Found.*, 169 Cal. App. 4th at 444–45. At Point Fermin, A.M. has been nurtured on its safe and beautiful campus. N.O. Decl. at ¶ 10. The school has encouraged A.M. to follow their interests in science and ecology and has fostered A.M.'s interests in the arts. *Id.*

IV. ARGUMENT

A. Intervenors are Entitled to Intervention as of Right Under Federal Rule of Civil Procedure 24(a)

Intervenors are entitled to intervention as of right under Federal Rule of Civil Procedure 24(a), which requires a court, upon timely motion, to permit intervention as of right by anyone who "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a). "Generally, Rule 24(a)(2) is construed broadly in favor of proposed intervenors" and, when applying the rule, courts "are guided primarily by practical considerations." *United States ex rel. McGough v. Covington Techs. Co.*, 967 F.2d 1391, 1394 (9th Cir. 1992)*; see also Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993) ("The rule is construed broadly in favor of applicants for intervention.").

The Ninth Circuit applies a four-part test. The motion must: (1) "be timely"; (2) "claim a 'significantly protectable' interest relating to the property or transaction which is the subject of the action"; (3) demonstrate that "the disposition of the action

may as a practical matter impair or impede [the applicant's] ability to protect [it's] interest"; and (4) show that the applicant's interest is "inadequately represented by the parties to the action." *Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011) (internal citation omitted).

1. Intervenors' Motion is Timely

Intervenors' motion is timely. Courts consider a totality of the circumstances of the proposed intervention, focusing on the: (1) "stage of the proceedings at which intervention is sought"; (2) "prejudice that would be suffered by other parties if intervention were granted"; and (3) "reason for and length of the delay in seeking intervention." *Alaska v. Suburban Propane Gas Corp.*, 123 F.3d 1317, 1319 (9th Cir. 1997) (citing *Empire Blue Cross & Blue Shield v. Janet Greeson's A Place For Us*, 62 F.3d 1217, 1219 (9th Cir. 1995)).

The three factors weigh in favor of granting intervention. First, Intervenors filed the motion at an early stage of litigation, before any hearings or rulings on substantive matters, and before the parties filed any dispositive motions. *See Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995) (filing a motion to intervene four months after plaintiff filed the original action, and before any hearings or rulings on substantive matters is considered "a very early stage" and weighs in favor of granting intervention); *see also Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water Dist.*, 162 F. Supp. 3d 1053, 1056 (C.D. Cal. 2014) (observing that the timeliness of a motion to intervene partly depends on whether a defendant has answered the complaint or dispositive motions have been filed). The *Crawford* Class Intervenors seek intervention eleven weeks after the 1776 Plaintiffs executed and filed Proof of Service on LAUSD, which did not occur until nearly two months after the 1776 Plaintiffs filed their Complaint. *See* Pl's. Compl. 2:26-cv-00548, Dkt. No. 1; Return of Service of Summons, Dkt. Nos. 16–18. Furthermore, the *Crawford* Class Intervenors are intervening merely five weeks after the Court granted the United States' intervention motion and entered its Complaint-

in-Intervention. *See* Min. Order, Dkt. No. 28; U.S.'s Compl.-in-Intervention, Dkt. No. 29. As these events demonstrate, the litigation is at an early stage with no discovery, dispositive motions, or hearings or rulings on substantive matters.

As for the second factor, the current parties would suffer no prejudice from Intervenors' inclusion in the action. In weighing this factor, the only prejudice considered is that which flows from an intervenor's failure to intervene after it knew, or reasonably should have known, that its interests were not being adequately represented. *See Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 857 (9th Cir. 2016) (distinguishing this from any prejudice that may flow merely from including another party that strains resolution). The *Crawford* Class Intervenors moved swiftly by promptly notifying Plaintiffs on May 21, 2026 regarding their anticipated intervention and convening a conference under Local Rule 7-3 on May 29. Should the Court grant the intervention motion, Intervenors also plan to file a Motion to Dismiss by June 22, consistent with the Court's existing deadline for LAUSD's motion. Thus, for the same reasons that intervention is timely, it will not prejudice existing parties.

Finally, regarding the third factor, Intervenors have moved without delay in seeking intervention. As courts in this district and circuit have held, the primary consideration is the length of a proposed intervenor's delay against "the point at which the intervenor knew, or reasonably should have known, that its interests were not being adequately represented by existing parties." *W. Watersheds Project v. Haaland*, 22 F.4th 828, 839 (9th Cir. 2022). There has been no delay on Intervenors' part given the brief period it has taken to seek intervention in the pending action. The early stage of the proceedings, lack of prejudice to existing parties, and the lack of delay, weigh in favor of granting Intervenors' timely motion.

2. Intervenors Have a Significantly Protectable Interest Relating to the Action

Intervenors have significant protectable interests relating to Plaintiffs' action. A proposed intervenor demonstrates a "significant protectable interest" if there is (1) "an interest that is protected under some law," and (2) "a 'relationship' between its legally protected interest and the plaintiff's claims." *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 803 (9th Cir. 2002) (quoting *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998)). To satisfy the "significant protectable interest" requirement, "a prospective intervenor's asserted interest need not be protected by the statute under which the litigation is brought[.]" *Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011). Rather, "a party has a sufficient interest . . . if it will suffer a practical impairment of its interests as a result of the pending litigation." *California ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9th Cir. 2006). A proposed intervenor satisfies the "relationship" requirement when resolution of the plaintiff's claims will affect the proposed intervenor. *See Glickman*, 159 F.3d at 410 (citing *Greene v. United States*, 996 F.2d 973, 976–978 (9th Cir. 1993)) (declining to recognize a "significant protectable interest" where the resolution of the plaintiff's claims would not affect the intervenor directly).

Intervenors are members of the *Crawford* Class, comprised of all Black and Hispanic students in the District's schools. They have an interest in their access to desegregated schools, magnet programs, and other educational opportunities LAUSD created to alleviate unlawful segregation. Intervenors will suffer practical impairment of their interests in LAUSD's compliance with the remedies required by the *Crawford* Order, which Plaintiffs' action directly challenges. And Intervenors' interests are legally protected by state law—namely, the California Constitution and the *Crawford* Order. The relationship between the protected interest and Plaintiffs' claims, and the impact of Plaintiffs' claims on the *Crawford* Class Intervenors could not be clearer. The resolution of the pending action will directly affect the *Crawford*

Class Intervenors' access to LAUSD's magnet programs and other remedial desegregation relief.

3. Disposition of the Action Without Intervenors Will Impair or Impede Intervenors' Ability to Protect Their Interests

Intervention is appropriate where a proposed intervenor shows "that the disposition of the action without [them] may as a practical matter impair or impede their ability to safeguard their protectable interest." *Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 862 (9th Cir. 2016); *see also Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822 (9th Cir. 2001) ("If an absentee would be substantially affected in a practical sense by the determination made in an action, he should, as a general rule, be entitled to intervene.") (quoting Fed. R. Civ. P. 24 advisory committee notes). The Court's adjudication of Plaintiffs' claims will substantially affect the scope and substance of LAUSD's court-ordered remedial programs which Intervenors obtained, after years of contested litigation, to alleviate unlawful segregation in the District's schools. Plaintiffs request a permanent injunction that would prohibit LAUSD from using race "in *any manner* in operating, funding, advertising, or admitting students into school programs." Pl's. Compl. ¶ 2, Dkt. No. 1; U.S.'s Compl.-in-Intervention Prayer for Relief ¶ 2, Dkt. No. 29. Therefore, if the Court were to deny Intervenors' motion and Plaintiffs prevail in the litigation, Intervenors' ability to safeguard their educational and legal interests would be impaired.

4. Intervenors' Interests Are Not Adequately Represented by the Existing Parties

Under Federal Rule of Civil Procedure 24(a), intervention is proper where a proposed intervenor's interests "will not be adequately represented by existing parties." *W. Watersheds Project v. Haaland*, 22 F.4th 828, 840 (9th Cir. 2022). Determining whether a proposed intervenor's interests are adequately represented by an existing party, courts consider whether: (1) "the interest of a present party is

such that it will undoubtedly make all the intervenor's arguments"; (2) "the present party is capable and willing to make the same arguments"; and (3) "the would-be intervenor would offer any necessary elements to the litigation that other parties would neglect." *Sw. Ctr. for Biological Diversity*, 268 F.3d at 822 (internal citation omitted). The proposed intervenor's burden in establishing this requirement "should be treated as minimal" and the "[r]ule is satisfied if the applicant shows that representation of [its] interests 'may be' inadequate." *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972).

No existing party will make all of Intervenors' arguments, nor are they capable of making such arguments. Plaintiffs seek to dismantle LAUSD's desegregation requirements by attempting to terminate the PHBAO program. Plaintiffs' arguments are manifestly adverse to those presented by Intervenors. Moreover, although LAUSD's desegregation programs benefit Intervenors, the District too has diverging interests as a government actor. *See People for the Ethical Treatment of Animals, Inc. v. United States Fish & Wildlife Serv.*, No. CV-12-04435, 2012 WL 12887325, at *3 (C.D. Cal. Oct. 11, 2012) ("Because the interests of the government and the private [party] may diverge, a government agency will not always adequately represent the interests of a private intervenor.") (internal citation omitted).

It is unlikely that LAUSD will make the same arguments as Intervenors namely because here, as in other education and desegregation cases, Intervenors and government actors have diverging interests. The *Crawford* Order is the fruit of decades-long litigation between the *Crawford* Class and LAUSD, which involved significant disagreements about whether and how LAUSD should desegregate its schools. Given this history, it would be counterfactual to assume that LAUSD and the *Crawford* Class Intervenors will make entirely identical arguments. Even if Intervenors and the District currently share a common interest in the ultimate outcome of this action, Intervenors recognize that the District's reasoning for

achieving that outcome will differ.

Furthermore, Intervention as of right is proper for parents concerned about their children's welfare in school desegregation cases. *See Johnson v. San Francisco Unified Sch. Dist.*, 500 F.2d 349, 353–54 (9th Cir. 1974) (holding that parents' unique interest in their children's welfare could not be adequately represented by the school district). A school district "is charged with the representation of all parents within the district[,]" *id.* at 354, and that broad representation may not always align with the sub-groups of parents or individual families. Finally, without Intervenors, the existing parties would fail to offer the essential experiences and viewpoints of the *Crawford* Class members at issue in this litigation, which Intervenors represent. Only Intervenors, as *Crawford* Class members, can directly address how the *Crawford* Order's desegregation programs benefit their children's education and lives. Similarly, only they can effectively convey the detriment they would suffer should the order be dissolved.

Accordingly, Intervenors meet Federal Rule of Civil Procedure 24(a)'s requirements for intervention as of right.

B. In the Alternative, Permissive Intervention is Appropriate Under Federal Rule of Civil Procedure 24(b)

Alternatively, Intervenors request an order granting permissive intervention. Under Rule 24(b), the Court may—on timely motion—permit anyone to intervene who has a claim or defense that shares with the main action a common question of law or fact.[2] Fed. R. Civ. P. 24(b)(1)(B); *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 473 (9th Cir. 1992). Intervenors plainly meet both requirements.

First, Intervenors' motion is unquestionably timely. As discussed above, *see*

[2] Because Plaintiffs' case involves a federal question and Intervenors raise no new claims, a third requirement of an independent ground for jurisdiction does not apply in this case. *See Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 844 (9th Cir. 2011) ("Where the proposed intervenor in a federal-question case brings no new claims, the jurisdictional concern drops away.").

supra Part IV.A.1, the *Crawford* Class Intervenors filed their motion without delay at the earliest stage of this case's proceedings. No party will be prejudiced or unduly delayed by Intervenors' participation in this lawsuit. Intervenors intend to file a motion to dismiss, or a proposed motion to dismiss if their intervention motion remains pending, on or before the Court's existing filing deadline for LAUSD's motion to dismiss. Thus, the *Crawford* Class Intervenors' Motion to Intervene is well-timed and creates no prejudice.

Second, Intervenors' defenses and those of the District share common questions of fact and law. Like LAUSD, Intervenors will argue that the educational programs Plaintiffs allege are discriminatory emanate from the desegregation relief ordered by the *Crawford* court under the California Constitution. In other words, the desegregation programs encompass important, court-ordered remedial measures intended to alleviate unlawful segregation in the District's schools.

Third, Intervenors and their counsel offer essential familiarity with the factual and legal issues that "will significantly contribute to full development of the underlying factual issues in the suit and to the just and equitable adjudication of the legal questions presented." *Spangler v. Pasadena City Bd. of Ed.*, 552 F.2d 1326, 1329 (9th Cir. 1977). Intervenors would be the only parties which include children enrolled in LAUSD's magnet programs and PHBAO schools who will be adversely affected should Plaintiffs prevail in their challenge of the District's desegregation programs.

Fourth, the American Civil Liberties Union and its attorneys representing Intervenors also bring special expertise. The attorneys served as plaintiff class representatives in *Crawford v. Bd. of Educ.*, 17 Cal.3d at 290. Intervenors' legal representatives also have long challenged racial segregation and supported remedies for race discrimination in public schools throughout the country. *See generally Brown v. Bd. of Educ.*, 347 U.S. 483 (1954); *Cruz-Guzman v. State*, 998 N.W.2d 262 (Minn. 2023); *Stout v. Jefferson Cty. Bd. of Educ.*, 882 F.3d 988 (11th Cir. 2018);

Thomas v. Sch. Bd. St. Martin Par., 756 F.3d 380 (5th Cir. 2014), *remanded to*, No. 6:65-cv-11314, 2016 U.S. Dist. LEXIS 8580 (W.D. La. Jan. 21, 2016); *Caulfield v. Bd. of Educ. of New York*, 632 F.2d 999 (2d Cir. 1980); *ASPIRA of New York, Inc. v. Bd. of Educ. of New York*, 58 F.R.D. 62 (S.D.N.Y. 1973); *Sheff v. O'Neill*, No. LND-CV-175045066-S, 2017 WL 4812624 (Conn. Super. Ct. Aug. 7, 2017).

Intervenors, as well as the attorneys and legal organizations representing them, therefore bring unique knowledge, experience and expertise that will aid in the just, effective, and efficient adjudication of this case.

V. CONCLUSION

For the foregoing reasons, Intervenors respectfully request that this Court grant their Motion to Intervene, pursuant to Federal Rule of Civil Procedure 24(a) or in the alternative, 24(b).

Dated: June 5, 2026

Respectfully Submitted,

AMERICAN CIVIL LIBERTIES UNION & ACLU OF SOUTHERN CALIFORNIA

/s/ *Ariana Rodriguez*
Ariana Rodriguez

Counsel for proposed Defendant-Intervenors

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for proposed Defendant-Intervenors, certifies that this brief contains 4056 words, which complies with the word limit of L.R. 11-6.1.

/s/ *Ariana Rodriguez*
Ariana Rodriguez

Counsel for proposed Defendant-Intervenors

Date: June 5, 2026