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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

1776 PROJECT FOUNDATION, Plaintiff, UNITED STATES OF AMERICA, Plaintiff-Intervenor, 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	Case No. 2:26−CV−00548−HDV−CTSx **[PROPOSED] MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT-INTERVENORS' MOTION TO DISMISS** District Judge: Hon. Hernán D. Vera Magistrate Judge: Hon. Christina T. Shay Hearing Date: Sept. 24, 2026 Hearing Time: 10:00 a.m. Courtroom: 5B

LOS ANGELES UNIFIED SCHOOL DISTRICT, 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.	Judge: Hernán D. Vera

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I. INTRODUCTION

The creation of Los Angeles Unified School District's ("LAUSD" or the "District") Predominantly Hispanic, Black, Asian, or Other Non-Anglo ("PHBAO") program is rooted in remedying LAUSD's history of racial segregation. In *Crawford v. Board of Education*, Case No. 822854 (1963), the trial court found that LAUSD's schools were "substantially segregated" and that the District had violated its obligations under the California Constitution to undertake reasonable efforts to alleviate such segregation. *Crawford v. Bd. of Educ.*, 17 Cal. 3d 280, 302 (1976). The California Supreme Court affirmed the trial court's findings and ordered LAUSD to "prepare and implement a reasonably feasible desegregation plan." *Id.* at 310. In 1981, the trial court approved the District's desegregation plan, outlining requirements for "predominantly Hispanic, Black, or Asian and Other schools." (Ex. B, "*Crawford* Order").[1] The *Crawford* Order "has never been reversed, vacated, or overruled" and therefore "remains in effect." *Am. Civ. Rts. Found. v. Los Angeles Unified Sch. Dist.*, 169 Cal. App. 4th 436, 452 (2008).

Ignoring the factual and procedural history of *Crawford*, Plaintiff 1776 Project Foundation ("Plaintiff 1776") and Plaintiff-Intervenor United States of America ("United States") (collectively, "Plaintiffs") assert that LAUSD's compliance with the *Crawford* Order now violates the Equal Protection Clause of the United States Constitution. Additionally, Plaintiff 1776 further alleges that LAUSD's court-ordered desegregation efforts violate Title VI of the Civil Rights Act of 1964 and the California Constitution. Plaintiffs claim that LAUSD's implementation of a binding desegregation order, which by design is intended to alleviate the vestiges of unlawful discrimination, is itself discriminatory. While Plaintiffs' assertions are devoid of any factual or empirical support and are entirely unmoored from history, the Court need not reach the merits of this case, nor should it. The Court should instead reject Plaintiffs' attempt to effectively

[1] Exhibit numbers refer to those exhibits attached to Defendant-Intervenors' Request for Judicial Notice.

enjoin the *Crawford* Order and dismiss this case under *Younger v. Harris*, 401 U.S. 37 (1971). All factors the Court should consider under *Younger* strongly favor abstention.

First, *Crawford* is ongoing. The *Crawford* Order issued in 1981 is a "forward-looking plan" with ongoing obligations. *Am. Civ. Rts. Found.*, 169 Cal. App. 4th at 451. It "has never been reversed, vacated, or overruled" and therefore "remains in effect." *Id.* at 452. Because class members continue to avail themselves of the state judicial remedies issued under the *Crawford* Order, the matter continues.

Second, federal litigation in this matter threatens California's "interest in enforcing the orders and judgments of its courts." *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 73 (2013) (citing *Pennzoil v. Texaco Inc.*, 481 U.S. 1,13 (1987)). The Court cannot grant the remedies Plaintiffs seek without undermining the state courts' ability to fashion and oversee forward-looking remedies or circumventing the state judicial process for modifying or setting aside injunctions that require future, affirmative steps to come into compliance with law. *Younger* abstention was designed for cases where, as here, federal jurisdiction interferes with the procedures by which state courts administer their judicial system and ensure compliance with their judgments.

Third, the present litigation implicates an important state interest. In *Crawford*, the California Supreme Court explicitly highlighted the "special constitutional significance [of desegregation policies] with respect to the field of education, because, at least in this state, education has been explicitly recognized for equal protection purposes as a 'fundamental interest.'" *Crawford*, 17 Cal. 3d at 297. Because this case focuses on the composition and administration of schools, including under the California Constitution, the state has an essential interest in the outcome of Plaintiffs' claims.

Fourth, the ongoing state court proceedings provide an adequate opportunity to raise Plaintiffs' claims. When, as here, a plaintiff fails to present its federal claims in related state-court proceedings, federal courts recognize a presumption that state procedures will afford an adequate remedy. The burden then shifts to "the federal plaintiff to show 'that state procedural law barred presentation of [its] claims.'" *Pennzoil*, 481 U.S.

at 14–15.

Fifth, Plaintiffs' proposed remedy would effectively enjoin key aspects of the *Crawford* Order. Whereas the *Crawford* Order requires LAUSD to implement the PHBAO program to facilitate desegregation and mitigate the harmful effects of racial isolation, *Crawford* Order at 4–7, Plaintiffs' proposed permanent injunction would prohibit the District from using race in any manner. Compliance with Plaintiffs' proposed injunction would result in violation of the other, and vice versa.

Sixth, none of the strikingly narrow exceptions to *Younger* abstention apply. Although federal courts recognize bad faith, harassment, and other unusual circumstances as limited exceptions to *Younger* abstention, they are plainly inapposite here when viewed in light of the state court proceedings in *Crawford*.

Accordingly, the Court must abstain from exercising jurisdiction and dismiss Plaintiffs' Complaint and Complaint-in-Intervention.

II. BACKGROUND

A. *Crawford* Factual and Procedural History

In 1963, the ACLU initiated *Crawford v. Board of Education*, a state court class action brought on behalf of Mary Ellen Crawford and other Black and Hispanic[2] students. Crawford was a Black student who sought to enroll at her local high school, where 98 percent of students were white. *See* Ex. A, *Crawford* Compl. at 2. After denying Crawford's request, LAUSD directed her to enroll at a more-distant high school where 99 percent of students were Black. *See id*. The lawsuit sought to desegregate the two high schools and eventually expanded to include all of LAUSD's schools. *See id.*; *Los Angeles Branch NAACP v. Los Angeles Unified Sch. Dist.*, 750 F.2d 731, 734 (9th Cir. 1984) (en banc).

[2] Consistent with the trial court's language in the *Crawford* Order, Defendant-Intervenors use the term "Hispanic" when referring to students of Hispanic or Latino descent. *See Crawford* Order at 5; *see also Los Angeles Branch NAACP v. Los Angeles Unified Sch. Dist.*, 750 F.2d 731, 734 (9th Cir. 1984) (en banc) (noting that plaintiff class members in *Crawford* include all Black and "Hispanic" students attending the District's schools).

In 1970, the trial court issued a writ of mandate after finding LAUSD operated impermissibly segregated schools. *Crawford*, 17 Cal. 3d at 287–88. The segregation was extensive. A 1971 federal survey of public school enrollment "found that the Los Angeles school district was among the most segregated in the entire country." *Id.* at 287 n.2. For example, in 1968, 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 trial court's judgment, ordering the District to take "reasonable and feasible" steps to alleviate the harms of segregation and to demonstrate meaningful progress in the task. *Crawford*, 17 Cal. 3d at 306-307.

In 1977, LAUSD submitted its desegregation plan. In 1978, the trial court issued orders requiring "large-scale mandatory reassignment of pupils on a racial and ethnic basis." *Crawford v. Bd. of Educ.*, 113 Cal. App. 3d 633, 636 (1980). This, and the trial court's modified order in 1980, were reversed by the California Court of Appeal in light of Proposition 1, which eliminated the state court's power to order mandatory reassignment of pupils based on race unless required by the U.S. Constitution. *Id.* at 636-57. While affirming the California Court of Appeal's reversal, the U.S. Supreme Court held that California "school districts retain the obligation to alleviate segregation regardless of cause." *Crawford v. Bd. of Educ.*, 458 U.S. 527, 544 (1982) (affirming reversal). In other words, "state courts [like the *Crawford* Court] still may order desegregation measures other than [mandatory] pupil school assignment or pupil transportation." *Id.*

On remand, LAUSD submitted its plan for desegregation in June 1981. *See* Ex. C, LAUSD Plan for Desegregation, June 30, 1981 ("Deseg. Plan"); *Am. Civ. Rts.*

Found., 169 Cal. App. 4th at 443. It was "'intended to be a continuing master plan' subject to adjustment necessary to meet its goals." Deseg. Plan at 1; *Am. Civ. Rts. Found.*, 169 Cal. App. 4th at 443. Magnet programs—public schools or programs with specialized curricula and innovative educational themes designed to establish and maintain desegregated enrollment—were "integral" to LAUSD's desegregation program, and were to be "located in the areas of predominantly Hispanic, Black, or Asian and Other enrollment." *See Crawford* Order at 6; Deseg. Plan at 43–44; *Am. Civ. Rts. Found.*, 169 Cal. App. 4th at 443.

In September 1981, the trial court issued the *Crawford* Order, which approved LAUSD's desegregation plan with modifications. 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.* at 444. Acknowledging the trial court's "duty to supervise the preparation and implementation of a reasonably feasible desegregation plan," *Crawford* Order at 3, the superior court ordered, in relevant part:

1. The District may proceed to construct new schools and to build additions to existing schools as overcrowding and other needs require.
2. The definition of groups used in the plan is ordered to change forthwith to end the use of terminology classifying "Black, Hispanic, and Asian children, as well as those of other non-Anglo ancestries, as "minority" students. This usage is factually incorrect. These students in fact comprise the vast majority of the school population.

   To label a group a minority when it is a majority is harmful to those children. Facts, as opposed to labels, are not harmful to children. Society expects and demands factual representations by educators and elected school boards.

   It is the duty of the Board and the District, and each of them to use factual descriptions. They must reflect the current composition of the student

population for the applicable school year. The Board and the District and each of them are ordered forthwith to use words that honestly reflect the facts as they exist in the current school year. The court will refer to the facts as they are in the real world.

The facts are that students previously called the "minority" are actually the "majority". Therefore, these students will hereafter be referred to as "Black", "Hispanic", or "Asian and Other", as appropriate. History does change, and when it does it must be reported accurately.

The use of the term RIMS (racially isolated minority schools) shall cease forthwith. Use of this label is deceptive, demeaning and inaccurate. The District is ordered to use a neutral term in its place. The neutral term shall not utilize the word "minority." The old labels are harmful to the self-esteem of the very children this action purports to protect.

3. All new elementary and junior high school Magnet schools and programs established under this plan will be located in the areas of predominantly Hispanic, Black, or Asian and Other enrollment.
4. The pupil-teacher ratio in predominantly Hispanic, Black, or Asian and Other schools operated under this plan must be maintained at 27:1 or less in order to enrich the opportunities for students.
5. All Hispanic, Black, Asian and Other pupils who volunteer are entitled to access to all programs involving the voluntary transfer of students.
6. The Board of Education is ordered to publicize the transfer options open to pupils in areas where most Hispanic, Black or Asian and Other families reside.
7. The District must issue annual reports on educational conditions and achievement in predominantly Hispanic, Black, or Asian schools and distribute these reports to parents and students and each of them.

8. The share of desegregation expenditures allocated to payment of administrative expenses shall not exceed the administrative expense ratio characteristic of the District's overall budget.
9. The District shall prepare, and make public on or before July 15, 1983, a full report of the measures taken and results achieved under its Plan. The report shall focus on whether the Plan has achieved meaningful progress toward the goals set forth in Crawford I and II and each of them, within the constraints exerted by present conditions.

Crawford Order at 4–7. Finding that the modified desegregation plan would protect the rights of students and meet constitutional standards, the trial court discharged the writ of mandate and retained jurisdiction for determination of attorneys' fees. *Id.* at 8.

B. The *Crawford* Order Remains in Effect

"In 1996, California voters approved Proposition 209, which in part prohibits discrimination against or preferential treatment in favor of any individual or group on the basis of race, ethnicity, or national origin in the operation of public education." *Am. Civ. Rts. Found.*, 169 Cal. App. 4th at 439. "Proposition 209 included the following exception, found in article I, section 31, subdivision (d): 'Nothing in this section shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this section.'" *Id.*

In 2005, the American Civil Rights Foundation ("ACRF") sought declaratory and injunctive relief against LAUSD, alleging that the magnet school provisions and Permit with Transportation program violated Proposition 209 to the extent the programs use race or ethnicity to select students. *Id.* at 4401. Ultimately, the case turned on whether the *Crawford* Order was in effect as of the effective date of Proposition 209. *Id.* at 448. The appellate court rejected ACRF's argument that the *Crawford* Court eliminated the court-ordered desegregation by retaining jurisdiction for the "sole purpose" of determining attorneys' fees. *Id.* at 450. Rather, the appellate court found that the superior court's suspension of active supervision did not terminate the desegregation order. *Id.*

at 450–52. "'In *Pasadena City Bd. of Education v. Spangler*, 427 U.S. 424 (1976) . . . we held that a school board is entitled to a rather precise statement of its obligations under a desegregation decree. If such a decree is to be terminated or dissolved, respondents as well as the school board are entitled to a like statement from the court.'" *Id.* at 251 (quoting *Bd. of Educ. of Okla. City Pub. Schs., Indep. Sch. Dist. No. 89, Okla. Cnty., Okla. v. Dowell*, 498 U.S. 237, 246 (1991). Because the *Crawford* Order "has never been reversed, overruled, vacated, revoked, modified, or withdrawn," the court determined that it "remains in effect." *Id.* at 450, 452.

C. Defendant-Intervenors Are Members of the *Crawford* Class

As explained in proposed Defendant-Intervenors' Motion to Intervene, Niglmoro Okuk on behalf of her minor child, A.M.; Latonya Huey on behalf of her minor child, E.H. (collectively, "Defendant-Intervenors"), are the parents of Black students who attend magnet programs or public schools designated as PHBAO in the District. *See* Mem. of P. & A. in Supp. of Mot. to Intervene as Defs. 3–5, Dkt. No. 36–1. They are members of the *Crawford* plaintiff class who sued the District to dismantle its segregated school system, ultimately securing the state court-ordered desegregation remedies at issue in this federal lawsuit. *Id.* at 1. Intervenors are the only parties representing Black students who, as beneficiaries of the desegregation remedy, are directly affected by the Plaintiffs' attack on the District's desegregation programs. *Id.*

D. Plaintiffs' Allegations Target Conduct Directly Resulting from the *Crawford* Order

Plaintiff 1776 alleges that LAUSD's implementation of PHBAO schools violates the Fourteenth Amendment's Equal Protection Clause and Article I, Section 31 of the California Constitution because they "provide services designed and intended 'for' particular racial groups, and disadvantage similarly situated non-PHBAO school students."

(Compl. ¶ 44, 55.) The United States asserts a claim only under the U.S. Constitution's Equal Protection Clause. (Compl.-in-Intervention ¶¶ 31–42.)

To support their claims, Plaintiffs allege that PHBAO schools have more favorable student-teacher ratios, as PHBAO schools had an average 25:1 student-to-teacher ratio. (Compl. ¶ 28; Compl.-in-Intervention ¶ 5.) Indeed, the *Crawford* Order mandates a pupil-teacher ratio of 27:1 or less in "predominantly Hispanic, Black, or Asian and Other schools operated under this plan." *Crawford* Order at 6. Plaintiffs also allege that students at PHBAO schools receive additional points on their applications when applying to magnet schools. (Compl. ¶ 29; Compl.-in-Intervention ¶ 5.) The court-approved desegregation plan reflected that "[m]inority[3] students attending overcrowded schools will continue to receive priority for admission." Deseg. Plan at 74; *Am. Civ. Rts. Found.*, 169 Cal. App. 4th at 444. Plaintiffs further allege that LAUSD allocates a disproportionate amount of its budget to PHBAO schools, which Plaintiff 1776 also alleges is a violation of Title VI of the Civil Rights Act of 1964. (Compl. ¶ 31, 51, 52; Compl.-in-Intervention ¶ 27.) The *Crawford* Order authorized expenditures in furtherance of the desegregation plan. *Crawford* Order at 4–7.

III. LEGAL STANDARD

"A motion to dismiss on *Younger* abstention grounds is properly brought under Rule 12(b)(1)." *Doe v. Bd of Trustees of Cal. State Univ.*, No. 2:25-cv-06691, 2025 WL 3780265, at *6 (C.D. Cal. Dec. 30, 2025); *see also Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 100 n.3 (1998) (*Younger* abstention has been "treated as jurisdictional"); *Washington v. L.A. Cnty. Sheriff's Dep't*, 833 F.3d 1048, 1058 (9th Cir. 2016) ("[A] dismissal due to *Younger* abstention [is] similar to a dismissal under Rule 12(b)(1) . . . "). In deciding the motion, the Court may "look beyond the complaint and consider

[3] While LAUSD's desegregation plan used the word "minority," the *Crawford* Order rebuffed its use as "factually inaccurate" and "harmful" given that non-White students comprised the majority in segregated schools. *Crawford* Order at 4–5. Accordingly, the Court should refuse to engage with Plaintiff 1776's play on semantics insofar that Plaintiff 1776 refers to White students as a "minority." (Compl. ¶¶ 2, 26.)

extrinsic evidence."[4] *Warren v. Fox Fam. Worldwide, Inc.*, 328 F.3d 1136, 1141 n.5 (9th Cir. 2003).

When *Younger* abstention applies, the case must be dismissed. *See Beltran v. State of Cal.*, 871 F.2d 777, 782 (9th Cir. 1988) ("Where *Younger* abstention is appropriate, a district court cannot refuse to abstain, retain jurisdiction over the action, and render a decision on the merits after the state proceedings have ended. To the contrary, *Younger* abstention requires *dismissal* of the federal action.") (emphasis in original) (citing *Gibson v. Berryhill*, 411 U.S. 564, 577 (1973)).

IV. ARGUMENT

A. The Court Must Dismiss the Case Because All of the *Younger* Abstention Criteria Apply

This case meets all of the criteria for *Younger* abstention; therefore, the Court must dismiss Plaintiffs' claims. *Younger* abstention applies in certain circumstances, including in a civil proceeding like the present litigation, where the case involves "certain orders . . . uniquely in furtherance of the state courts' ability to perform their judicial functions." *Sprint Commc'ns., Inc. v. Jacobs*, 571 U.S. 69, 73 (2013) (citing *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 367–368).

In such cases, courts consider whether the state proceedings (1) "are ongoing," (2) "involve a state's interest in enforcing the orders and judgments of its courts," (3) "implicate an important state interest," and (4) "allow litigants to raise federal challenges." *ReadyLink Healthcare, Inc. v. State Comp. Ins. Fund*, 754 F.3d 754, 759 (9th Cir. 2014). After these threshold elements are satisfied, courts evaluate "whether the federal action would have the practical effect of enjoining the state proceedings and whether an exception to *Younger* applies." *Id.*; *see also Hoopes Vineyard, LLC v. Cnty. of Napa*, No. 25-2715, 2026 WL 983123, at *1 (9th Cir. Apr. 13, 2026) (partly affirming

[4] The Court may also consider the evidence submitted with this Motion pursuant to Fed. R. Evid. 201, as outlined in Defendant-Intervenors' Request for Judicial Notice.

Younger abstention and dismissal of claims where federal court plaintiff was not procedurally barred from pursuing its federal claims in state court and its requests for injunctive and declaratory relief would have the same practical effect as enjoining the state court proceedings).

Absent extraordinary circumstances, "interests of comity and federalism instruct [federal courts] to abstain from exercising . . . jurisdiction in certain circumstances when . . . asked to enjoin ongoing state enforcement proceedings." *Nationwide Biweekly Admin., Inc. v. Owen*, 873 F.3d 716, 727 (9th Cir. 2017); *see also Fresh Int'l Corp. v. Agric. Lab. Rels. Bd.*, 805 F.2d 1353, 1356 (9th Cir. 1986) ("When a case falls within the proscription of Younger, a district court must dismiss the federal action.").

1. The *Crawford* Case is Ongoing

It is beyond dispute that the District has an ongoing requirement to comply with the *Crawford* Order because *Crawford* Order's requirements remain in effect and enforceable in the ongoing state court proceedings. "State proceedings are ongoing for the purposes of *Younger* abstention if they are initiated before any proceedings of substance on the merits have taken place in the federal court." *Credit One Bank, N.A. v. Hestrin*, 60 F.4th 1220, 1225 (9th Cir. 2023) (cleaned up). They remain ongoing so long as a remedial injunction is in place. *See, e.g.*, *Cammermeyer v. Perry*, 97 F.3d 1235, 1238–39 (9th Cir. 1996) (finding live and immediate controversy exists where injunctions have been issued as an injunction "must be obeyed until it is stayed, dissolved, or reversed . . . ."); *Meredith v. Oregon*, 321 F.3d 807, 818 (9th Cir. 2003) (finding state proceedings were ongoing where party "continues to avail himself of *state* judicial remedies").

The *Crawford* Order was undeniably issued before the present litigation was initiated and remains in place and enforceable. *Am. Civil Rts. Found.*, 169 Cal. App. 4th at 452 ("[T]he 1981 order has never been reversed, vacated, or overruled, it remains in effect[.]"). The *Crawford* Order expressly mandates that LAUSD "remains subject to

its constitutional duty under State law to undertake reasonably feasible steps to alleviate school segregation regardless of cause." *Crawford* Order at 8. As the California Court of Appeal underscored in 2008: "[A] school district is entitled to rely on the ongoing validity of a desegregation order, in the absence of a clear directive from the court that the district was no longer subject to the order." *Am. Civil Rts. Found.*, 169 Cal. App. 4th at 451. Further, the California Court of Appeal expressly rejected the argument that the *Crawford* Court's suspension of active supervision over the desegregation plan terminated the desegregation order. In doing so, it affirmed the trial court's determination that "[w]ithout an explicit order of termination, it is presumed the [*Crawford* desegregation] order is binding and remains in force." *Id.* at 448. Nothing has changed since that 2008 decision.

Because the *Crawford* Order remains in effect and requires ongoing obligations and compliance by LAUSD, this factor weighs in favor of abstention.[5]

2. Plaintiffs' Requested Relief Interferes with California's Interest in Enforcing the Orders and Judgments of its Courts

Plaintiffs ask this Court to enjoin important parts of a remedial order of the California superior court. Such a request implicates essential functions of California's courts and, in these circumstances, a federal court "must" abstain and dismiss the case. *Fresh Int'l Corp. v. Agric. Lab. Rels. Bd.*, 805 F.2d 1353, 1356 (9th Cir. 1986). Cases "that implicate a State's interest in enforcing the orders and judgments of its courts" have long been recognized to require federal court abstention and dismissal. *Sprint Commc'ns, Inc.*, 571 U.S. at 72–73 (citing *Pennzoil Co. v. Texaco Inc.*, 481 U.S. 1

[5] If the continuing applicability of the remedial *Crawford* Order did not require abstention under *Younger*, Plaintiffs would still be required to contend with abstention under the *Rooker-Feldman* doctrine, which bars re-litigation of a state court decision in federal court. *T. M. v. Univ. of Maryland Med. Sys. Corp.*, No. 25-197, 2026 WL 1751823, at *6–7 (Jun. 18, 2026) (applying *Rooker-Feldman* doctrine where plaintiff challenged a state court consent order). Plaintiffs' claims in this litigation were previously aired by an organizational plaintiff representing 65,000 predominately white parents who argued that the Fourteenth Amendment constrained the remedies available under the California Constitution. *See Bustop v. Superior Ct.*, 69 Cal. App. 3d 66, 69 (1977). Those claims were previously rejected. *Bustop, Inc. v. Bd. of Educ.*, 439 U.S. 1380, 1382 (1978) (Rehnquist, J., in chambers).

(1987)). This is especially true where, as here, the case "relate[s] to the state courts' ability to *enforce compliance with judgments already made*." *Cook v. Harding*, 879 F.3d 1035, 1041 (9th Cir. 2018) (emphasis added).

For example, in *Juidice v. Vail*, the Supreme Court determined the federal district court should have abstained—based on *Younger*—from hearing a case that challenged a state court's statutory contempt procedures because the challenged "power lies at the core of the administration of a State's judicial system[.]" *Juidice v. Vail*, 430 U.S. 327, 335 (1977). Here, as in *Juidice*, Plaintiffs ask the Court to "unduly interfere[] with the legitimate activities of the State . . . [which] can readily be interpreted as reflecting negatively upon the state courts' ability to enforce constitutional principles." *Id.* at 336 (cleaned up). This is impermissible under well-established Supreme Court precedent. Like a state court-issued contempt order, the *Crawford* Order, which constitutes an injunctive mandate requiring LAUSD to desegregate, "stands in aid of the authority of the judicial system[.]" *Id*. at 1217 n.12. It remains enforceable in state court "so that [the state court's] orders and judgments are not rendered nugatory[.]" *Id.*

The Supreme Court again found such reasoning controlling in *Pennzoil Co. v. Texaco, Inc*. *See Pennzoil Co.,* 481 U.S. 1, 5–7 (1987). Like in *Juidice*, the Supreme Court found *Younger* abstention was warranted because the case "involve[d] challenges to the processes by which the State compels compliance with the judgments of its courts." *Id.* at 14–15. "Not only would federal injunctions in such cases interfere with the execution of state judgments, but they would do so on grounds that challenge the very process by which those judgments were obtained." *Id.* at 14.

The Supreme Court's reasoning is controlling here as well. The present litigation implicates more than the enforcement of "one particular judgment," *AmerisourceBergen Corp. v. Roden*, 495 F.3d 1143, 1150 (9th Cir. 2007); it seeks to obstruct the state courts' ability to fashion and oversee forward-looking remedies designed to ameliorate systemic constitutional violations and circumvent the state judicial process for modifying or setting aside an existing desegregation order. *See Am. Civ. Rts. Found.*, 169 Cal.

App. 4th at 450 (noting that the *Crawford* Order "has never been reversed, overruled, vacated, revoked, modified, or withdrawn" in accordance with "available means to modify or set aside an existing desegregation order directed to a school district."). Beyond the specific facts of this case, Plaintiffs' attempt to collaterally attack important parts of the *Crawford* Order undermines any state court injunction that required a party to take affirmative steps to come into compliance with law.

Desegregation orders are not ordinary judgments because, in school desegregation cases, "the scope of a . . . court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies." *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971). Indeed, in many instances, courts '"retain jurisdiction in school segregation cases to insure (1) that a constitutionally acceptable plan is adopted, and (2) that it is operated in a constitutionally permissible fashion . . . ."' *Raney v. Bd. of Educ. of Gould School Dist.*, 391 U.S. 443, 449 (1968). Black and Hispanic students pressed litigation in *Crawford* for nearly twenty years before the trial court determined that LAUSD had "embarked on a course of action" that would adequately "protect the rights of all students and meet Constitutional standards." *Crawford* Order at 7. It was only then that the *Crawford* Court suspended its active supervision over the case to afford LAUSD "a genuine opportunity . . . to show progress[.]" (*Id.*)

Although ordinary civil judgments may be satisfied by a defined exchange of money or property, there are no set criteria for determining when a desegregation order has been satisfied. The Supreme Court has clearly established that "there is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case." *Green v. Cnty. Sch. Bd. of New Kent Cnty., Va.*, 391 U.S. 430, 439 (1968). Instead, "[t]he matter must be assessed in light of the circumstances present and the options available in each instance." *Id.* California state courts have followed this approach in school desegregation cases as well. *See Bd. of Educ. v. Superior Ct.*, 61 Cal. App. 4th 411, 419 (1998) (explaining that "at the outset of a school desegregation

case the court's authority is invoked to remedy a particular constitutional violation" and "[t]he nature of the violation determines the scope of the remedy."). This is precisely why California state courts have "available means to modify or set aside an existing desegregation order directed to a school district." *Am. Civ. Rts. Found.*, 169 Cal. App. 4th at 451.

Plaintiffs' requested relief would effectively nullify key aspects of the *Crawford* Order and court-ordered desegregation plan, and circumvent the state court's ability to assess, modify, or set aside its own desegregation directive. For example, whereas the *Crawford* Order requires LAUSD to maintain a student-teacher ratio of 27:1 or less to enrich opportunities for students at PHBAO schools, *see Crawford* Order at 6, Plaintiffs contend that LAUSD's adherence to this requirement unlawfully disadvantages students at non-PHBAO schools. (Compl. ¶ 28; Compl.-in-Intervention ¶ 5.) Whereas the court-ordered desegregation plan directs the District to conduct two parent-teacher conferences annually at PHBAO schools, *see* Deseg. Plan at 128, Plaintiffs seek to eliminate this aspect of the PHBAO program because they claim non-PHBAO schools have no such minimum requirement. (Compl. ¶ 4, 30; Compl.-in-Intervention ¶ 22.) Whereas the court-ordered desegregation plan envisioned priority points for students who apply to magnet programs and whose resident schools are designated as PHBAO, *see* Deseg. Plan at 43–45 & Choices Magnet School Programs at 3, Plaintiffs seek to terminate the priority points that PHBAO-zoned students receive—alleging that this practice unlawfully denies educational opportunities to students at non-PHBAO schools based on race. (Compl. ¶ 29; Compl.-in-Intervention ¶ 5, 23.)

At bottom, Plaintiffs seek a determination that key portions of the court-ordered LAUSD's PHBAO program are not permissible. It is not the role of the federal courts, nor is it permissible for them, to set aside a state-court issued desegregation order. To allow the federal courts to do so would not only interfere with the implementation of the *Crawford* Order, but would also undermine the state court's procedures for (1) creating forward-looking and enduring remedies, and separately (2) modifying or setting

aside a segregation order. *See Juidice*, 430 U.S. at 336; *Pennzoil*, 481 U.S. at 14; *AmerisourceBergen*, 495 F.3d at 1150 ("[t]he importance of the [state's] interest is measured by considering its significance broadly, rather than by focusing on the state's interest in the resolution of an individual case."). Plaintiffs' requested relief implicates not only a whole category of state court rulings intended to address the legacy of segregation in education, but also the state court's ability to issue any injunction that requires a party to take affirmative steps to come into compliance with law. Plaintiffs seek to directly interfere with the procedures by which California state courts administer their judicial system and ensure compliance with their judgments, which is exactly the type of case where *Younger* abstention is warranted.

3. The Present Lawsuit Implicates Important State Interests

California's crucial interests in the present lawsuit could not be clearer. In *Crawford*, the California Supreme Court expressly recognized the "special constitutional significance [of desegregation policies] with respect to the field of education, because, at least in this state, education has been explicitly recognized for equal protection purposes as a 'fundamental interest.'" *Crawford*, 17 Cal. 3d at 297. As the Court explained: "Given the fundamental importance of education, particularly to minority children, and the distinctive racial harm traditionally inflicted by segregated education, a school board bears an obligation, under article, 1, section 7, subdivision (a) of the California Constitution, mandating the equal protection of the laws, to attempt to alleviate segregated education and its harmful consequences . . . . " *Id.*

California and federal courts have also recognized education more broadly as a fundamental state interest under California law. *See, e.g., Whitlow v. California*, 203 F. Supp. 3d 1079, 1089 (S.D. Cal. 2016) (acknowledging there is "no[] dispute that education is a fundamental interest under the California Constitution"); *Hunter by Brandt v. Regents of the Univ. of Calif.*, 971 F. Supp. 1316, 1328 (C.D. Cal. 1997) ("The judi-

ciary has long-recognized that a state's need to provide its citizenry with a quality education is compelling."); *Serrano v. Priest*, 5 Cal. 3d 584, 608–09 (1971) ("We are convinced that the distinctive and priceless function of education in our society warrants, indeed compels, our treating it as a 'fundamental interest.'"); *Butt v. State*, 4 Cal. 4th 668, 685 (1992) ("[It is] well settled that the California Constitution makes public education uniquely a fundamental concern of the State and. . . . [t]he State itself bears the ultimate authority and responsibility to ensure that its district-based system of common schools provides basic equality of educational opportunity.").

Because California has an important state interest in the resolution of Plaintiffs' claims, this factor weighs in favor of abstention.

4. The State Court Proceedings Provide an Adequate Forum to Raise the Issues Presented by the Present Lawsuit

The ongoing state court proceedings provide an adequate opportunity to raise Plaintiffs' federal claims. Where, as here, "a litigant has not attempted to present his federal claims in related state-court proceedings, a federal court should assume that state procedures will afford an adequate remedy, in the absence of unambiguous authority to the contrary." *Pennzoil*, 481 U.S. at 15; *see also Commc'ns Telesystems Int'l v. California Pub. Util. Comm'n*, 196 F.3d 1011, 1019 (9th Cir. 1999) (recognizing that "a plaintiff's failure to raise its federal claims in the state proceedings favors *Younger* abstention"). "[T]he burden on this point rests on the federal plaintiff to show 'that state procedural law barred presentation of [its] claims.'" *Pennzoil*, 481 U.S. at 14–15 (citing *Moore v. Sims*, 442 U.S. 415, 432 (1979)); *see also Younger*, 401 U.S. at 45 ("'The accused should first set up and rely upon his defense in the state courts, even though this involves a challenge of the validity of some statute, unless it plainly appears that this course would not afford adequate protection.'") (quoting *Fenner v. Boykin*, 271 U.S. 240, 244 (1926)).

Accordingly, this factor weighs in favor of abstention under *Younger*.

5. Plaintiffs' Requested Relief Seeks to Enjoin Core Parts of the Active Court Order in *Crawford*

As explained, *supra* Part IV.A.2, it is impossible for LAUSD to fully comply with both the *Crawford* Order and Plaintiffs' sought injunction. Compliance with one injunction will necessarily result in the violation of the other. In determining whether the requested relief will effectively enjoin an existing case, courts examine "how compliance might be enforced if the beneficiaries of the injunction were to charge that it had been disobeyed," particularly where an injunction "impose[s] continuing obligations of compliance." *O'Shea v. Littleton*, 414 U.S. 488, 501 (1974). Because Plaintiffs' requested relief cannot co-exist with the *Crawford* Order and effectively seeks to enjoin key aspects of it, this also weighs in favor of abstention.

6. None of the Narrow Exceptions to *Younger* Abstention Apply

This case does not fall within any of the narrow exceptions to *Younger* abstention. "*Younger* indicated that abstention would not be warranted upon a 'showing of bad faith, harassment, or any other unusual circumstance that would call for equitable relief.'" *Yelp Inc. v. Paxton*, 137 F.4th 944, 951 (9th Cir. 2025) (citing *Younger*, 401 U.S. at 54); *see also Stockton v. Brown*, 152 F.4th 1124,1139 (9th Cir. 2025), *cert. denied,* No. 25-606, 2026 WL 1203416 (U.S. May 4, 2026) (underscoring that the exceptions to *Younger* abstention are "strikingly narrow").

In the *Younger* abstention context, "bad faith" means that the related state court action is entirely meritless and "was brought without a reasonable expectation of obtaining a valid judgment." *Yelp Inc.*, 137 F.4th at 952 ("To warrant enjoining state court proceedings because the state lawsuit is lacking in merit, that lack of merit must thus be so palpable and overwhelming as to fairly demonstrate bad faith."). The "harassment" exception applies only "when the state proceeding is motivated by a desire to harass" or retaliate. *Id*. at 953. Similarly, the "other unusual circumstances" or "extraordinary circumstances" exception refers to rare instances of irreparable harm such as the harm experienced by pretrial detainees whose state prosecution could violate the Double

Jeopardy Clause or where a pretrial detainee raised a due process challenge in the context of a state civil sexually violent predator proceeding. *See Bean v. Matteucci*, 986 F.3d 1128, 1133–34 (9th Cir. 2021); *see also Stockton*, 152 F.4th at 1140 (explaining that the "extraordinary circumstances" exception applies to "situation[s] where the Plaintiffs' rights cannot be vindicated in due course in state court").

When viewed in light of the state court proceedings in *Crawford*, these narrow exceptions are plainly inapposite. There are no allegations of bad faith, harassment, or retaliation in relation to the ongoing *Crawford* proceedings. Nor will Plaintiffs be irreparably harmed if this Court abstains. As explained *supra* Part IV.A.4, the state court proceedings present an adequate forum to adjudicate Plaintiffs' federal claims. Because none of the exceptions to *Younger* apply, this Court must dismiss the case.

V. CONCLUSION

For the foregoing reasons, Defendant-Intervenors respectfully request the Court abstain from exercising jurisdiction and dismiss the Complaint and Complaint-in-Intervention.

Dated: June 22, 2026

Respectfully Submitted,

AMERICAN CIVIL LIBERTIES UNION FOUNDATION & ACLU FOUNDATION OF SOUTHERN CALIFORNIA



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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief contains 6,572 words and therefore complies with the word limit set by C.D. Cal. Local Rule 11-6.1.

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