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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), *et al.*,

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.

Case No. 2:26−CV−00548−HDV−CTSx

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

District Judge: Hon. Hernán D. Vera
Magistrate Judge: Hon. Christina T. Shay

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

I. INTRODUCTION

Proposed intervenors, Niglmoro Okuk on behalf of her minor child, A.M.; and Latonya Huey on behalf of her minor child, E.H. (collectively, "Intervenors" or the "*Crawford* Class Intervenors") seek to intervene in this lawsuit to protect their interests as the parents of Black students who attend school in Los Angeles Unified School District ("LAUSD" or the "District"). Intervenors are also plaintiff class members in *Crawford v. Bd. of Educ.*, 17 Cal.3d 280 (1976) and continue to benefit from the desegregation remedies ordered by the *Crawford* Court. Plaintiff 1776 Project Foundation ("Plaintiff 1776") and Plaintiff-Intervenor United States ("United States") (together, "Plaintiffs") are attempting to undermine key aspects of the District's desegregation program at Intervenors' schools, and this Court should permit Intervenors to fully participate to protect their interests.

As shown in their opening brief and further supported below, the *Crawford* Class Intervenors undoubtedly satisfy the requirements for intervention as of right under Fed. R. Civ. P. 24(a)(2). Because Intervenors promptly filed a proposed Motion to Dismiss, their Motion to Intervene also complied with Fed. R. Civ. P. 24(c). Intervenors have a significant protectable interest in the present action because (1) they are members of the plaintiff class in *Crawford*, (2) they continue to benefit from access to desegregated schools and the educational opportunities provided by the *Crawford* desegregation order, and (3) there is a clear relationship between Intervenors' right to attend desegregated schools and Plaintiffs' claim that LAUSD's implementation of core parts of the desegregation remedy is discriminatory. Additionally, LAUSD cannot adequately represent the *Crawford* Class Intervenors because, among other things, the District is adverse to the plaintiff class in *Crawford* as a matter of law and therefore has divergent interests.

Alternatively, Intervenors qualify for permissive intervention under Fed. R. Civ. P. 24(b). Intervenors would provide institutional knowledge about the *Crawford* litigation and bring heightened lucidity to the complex factual and legal issues the Court will consider. For example, Intervenors' proposed Motion to Dismiss raises important arguments on why the Court must abstain and dismiss this case under *Younger v. Harris*, 401 U.S. 37 (1971), which none of the existing parties have addressed. Dkt. No. 46-1 at 11–18. Thus, Intervenors respectfully submit this Memorandum in further support of their Motion to Intervene as of right or by permission.

II. ARGUMENT

A. Intervenors' Proposed Motion to Dismiss Satisfies Rule 24(c)

At this initial phase of Plaintiffs' lawsuit, the *Crawford* Class Interventors' proposed Motion to Dismiss properly complies with Fed. R. Civ. P. 24(c)'s procedural pleading requirement. Dkt. No. 46 at 1. Nevertheless, the United States insists that – before considering the Motion to Intervene – the "Court should demand to see a proposed pleading." Dkt. No. 53 at 5. The United States claims the Motion to Intervene is deficient because (1) Intervenors' proposed Motion to Dismiss is not a pleading; (2) Intervenors did not attach a responsive pleading to their intervention motion, and (3) Intervenors instead filed their proposed Motion to Dismiss about two weeks later, consistent with LAUSD's deadline set by the Court's order and the existing parties' Joint Stipulation. *See* Dkt. No. 31 at 2; Dkt. No. 45 at 2; Dkt. No. 50 at 1. The United States' arguments, however, are incorrect.

Contrary to the United States' protestation, a proposed motion to dismiss and other similar filings – such as a proposed opposition to a preliminary injunction motion – satisfy Rule 24(c)'s pleading requirement. *See, e.g.*, *Cline v. CBSK*, 2014 WL 12695938, *4 (C.D. Cal. Dec. 15, 2014) (finding that since intervenors' motion to dismiss "sets forth the defense for which intervention is sought," Rule 24(c) is satisfied despite absence of pleading); *Am. Hotel & Lodging Ass'n v. City of Los Angeles*, No. CV 14-09603-AB (SSX), 2015 WL 12745805, at *9 (C.D. Cal. Mar. 25, 2015) (Defendant-Intervenors' proposed brief opposing preliminary injunction motion met Rule 24(c) requirement).

The United States' contention that "Rule 24(c) requires a pleading, not a motion to dismiss" is precisely the type of nettlesome technical quarrel the Ninth Circuit has consistently rejected. Dkt. No. 53 at 2. In *Westchester Fire Ins. Co. v. Mendez*, 585 F.3d 1183 (9th Cir. 2009), the Ninth Circuit held that technical compliance with Rule 24(c) is unnecessary if a motion to intervene properly asserts a basis for intervention that fulfills Rule 24's substantive requirements. "[The Ninth Circuit] made clear that the failure to comply with the Rule 24(c) requirement for a pleading is a purely technical defect which does not result in the disregard of any substantial right." *Id.* at 1188. It underscored that courts "have approved intervention motions without a pleading where the court was otherwise apprised of the grounds for the motion." *Id.* (quoting *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 474 (9th Cir. 1992); *see also* 966 F.2d at 475 ("[W]here, as here, the movant describes the basis for intervention

with sufficient specificity to allow the district court to rule, its failure to submit a pleading is not grounds for reversal.").

The United States' demand that Intervenors file a responsive pleading as defined in Rule 7, such as an answer, is particularly baffling here where LAUSD has not filed a responsive pleading, and the Court ordered a briefing schedule for LAUSD's Motion to Dismiss that necessarily delays the filing of any such pleading by Defendants. Dkt. No. 31 at 2; Dkt. No. 50 at 1; *see Am. Hotel*, 2015 WL 12745805, at *9 (proposed brief opposing preliminary injunction motion met Rule 24(c) requirement as "it would not make sense for [Defendant-Intervenor] to file a pleading at this stage of the litigation because the [Defendant] has yet to file a responsive pleading . . . .").

With respect to timing, counsel for Intervenors informed counsel for the United States on May 29, 2026 during the L.R. 7-3 conference that Intervenors would file a proposed motion to dismiss by June 22. Intervenors adhered to the June 22 date to align Intervenors' proposed Motion to Dismiss with LAUSD's initial filing deadline, ensuring that the existing parties and the Court were fully informed of Intervenors' dismissal and intervention arguments on a timely basis. Counsel for the United States later acknowledged this understanding by email, stating that the United States would oppose the intervention motion as untimely if Intervenors filed their proposed Motion to Dismiss after June 22.[1] The United States' argument is therefore baseless.

B. Intervenors Meet All of the Requirements to Intervene as of Right

Intervenors have already shown that they satisfy all the elements for intervention as of right under Fed. R. Civ. P. 24(a)(2). Plaintiffs challenge only two of Intervenors' arguments: whether a significant protectable interest exists and adequacy of representation.[2] None of Plaintiffs' assertions, however, warrant the Court's serious consideration.

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[1] *See* Ex. 1, June 5, 2026 Email to Counsel for Intervenors from Counsel to the United States ("[T]he United States would oppose any effort to extend the response to the already-filed complaint and complaint in intervention past June 22nd. From the conference, we understand that the ACLU is committed to having its motion to dismiss filed by June 22nd, and that the timeliness argument that the ACLU is making in support of intervention relies on this timeliness. The United States would oppose as untimely any request to intervene that extended this deadline."). Exhibit numbers refer to those exhibits attached to the Declaration of Jonathan D. Newton in Further Support of Motion to Intervene as Defendants.

[2] The United States separately asserts that Intervenors failed to cite a federal statute granting an unconditional right to intervene under Rule 24(a)(1) and declares the Motion to Intervene is untimely because Intervenors did not attach a responsive pleading. The former assertion is irrelevant because Intervenors seek intervention as of right under Rule 24(a)(2), and the latter argument on timeliness is not credible for the reasons already discussed above. *See supra* Part II.A.

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

A "significantly protectable interest" must be "protectable under some law," and there must exist "a relationship between the legally protected interest and the claims at issue." *California Dep't of Toxic Substances Control v. Jim Dobbas, Inc.,* 54 F.4th 1078, 1088 (9th Cir. 2022) (internal citations and quotations omitted).

a. Intervenors Are Members of the *Crawford* Class

Intervenors are obviously *Crawford* plaintiff class members. Dkt. No. 36-1 at 2–3, 8. Plaintiffs contest this arguing the class "closed" when the superior court issued its Sept. 10, 1981 order and desegregation plan ("*Crawford* Order"), and that the Ninth Circuit's *res judicata* analysis in *Los Angeles Branch NAACP v. Los Angeles Unified Sch. Dist.*, 750 F.2d 731, 739–741 (9th Cir. 1984) forecloses any new *Crawford* class members. *See* Dkt. No. 53 at 6–8; Dkt. No. 54 at 4–7. Not so. Plaintiffs fail to understand that the Ninth Circuit's opinion in *Los Angeles Branch NAACP* concerned the NAACP plaintiffs' *liability* arguments and cause of action in that case. 750 F.2d at 740 ("If the *Crawford* plaintiffs had actually litigated the liability of the District . . . then the res judicata bar would have to expand . . . ."). The court did not foreclose future *Crawford* class membership for enforcement purposes, as Plaintiffs suggest. *Id.* Plaintiffs' misguided interpretation of the Ninth Circuit's 1984 decision would produce an absurd result that contradicts the California Court of Appeal's binding 2008 opinion on the *Crawford* Order's continued enforceability. *See Am. Civ. Rts. Found. v. Los Angeles Unified Sch. Dist.*, 169 Cal. App. 4th 436, 448 (2008) (holding that LAUSD continues to be bound by *Crawford* Order's terms).

In *Los Angeles Branch NAACP*, the NAACP filed a complaint in federal court against LAUSD, alleging that the District intentionally discriminated against Black students by maintaining a system of *de jure* segregation in violation of the U.S. Constitution's Fourteenth Amendment. *See* 750 F.2d at 734, 736. In response, the District moved for summary judgment. *Id.* at 734.

As a threshold matter, because the NAACP sought to litigate LAUSD's *liability* in federal court after the state court had finalized its judgment on the merits in *Crawford*, the Ninth Circuit examined whether *res judicata* barred the NAACP's action to relitigate the merits of the *de jure* seg-

regation claim. In doing so and for the purpose of defining the parameters of plaintiffs' *liability* arguments, the Ninth Circuit considered whether *Los Angeles Branch NAACP* involved the same cause of action and the same parties – including nonparties who were "virtually represented" – in *Crawford*. *See id.* at 737, 741–42 (explaining that California expanded the traditional application of *res judicata* to encompass nonparties whose interests "received actual and efficient protection" in the prior suit). The court concluded that it did. *See id.* (holding that there was already "full and fair opportunity" to litigate *de jure* claim in *Crawford*). The Ninth Circuit also found that the *Crawford* trial on LAUSD's liability did not include any segregative acts of the District occurring after May 2, 1969. *See id.* Thus, the court precluded the plaintiffs in *Los Angeles Branch NAACP* from arguing liability for segregative acts occurring on or before May 2, 1969 but did not preclude arguments for such acts occurring after that date. *See id.* at 740–41.

In other words, the Ninth Circuit's analysis focused on the scope of the plaintiffs' *liability* arguments and cause of action in *Los Angeles Branch NAACP*. Nowhere does the court hold that future Black and Hispanic LAUSD students are not *Crawford* class members for the purposes of defending, enforcing, or modifying – or participating in any other similar proceedings involving – the *operative, remedial Crawford Order*.

Indeed, the *Crawford* Class Intervenors' understanding of the Ninth Circuit's 1984 decision in *Los Angeles Branch NAACP* is consistent with the California Court of Appeal's binding 2008 holding in *Am. Civ. Rts. Found.*, 169 Cal. App. 4th at 448. In *Am. Civ. Rts. Found.*, the California Court of Appeal held that the *Crawford* Order remains in effect and LAUSD continues to be bound by its terms. "Without an explicit order of termination, it is presumed the [*Crawford*] order is binding and remains in force." *Id.* Therefore, the *Crawford* Order remains enforceable by LAUSD's current students who meet the criteria defined in the *Crawford* plaintiffs' amended complaint, as reflected in the *Crawford* Court's orders and repeatedly described by state and federal appellate courts. *See, e.g., id.* at 448, 450–52 ("The *Crawford* order has never been reversed, overruled, vacated, revoked, modified, or withdrawn, and has never expired," and therefore it "remains in effect."); *Crawford v. Bd. of Educ.*, 458 U.S. 527, 529–30 (1982) ("This litigation began almost 20 years ago in 1963, when minority students attending school in the Angeles Unified School District . . . filed a *class action* in state court seeking

desegregation of the District's schools.") (emphasis added); *Crawford v. Bd. of Educ.*, 200 Cal. App. 3d 1397, 1400 (1988) ("The [*Crawford*] complaint, originally filed by the American Civil Liberties Union on behalf of black students attending one local high school, was subsequently amended to include all allegedly segregated schools in the Los Angeles Unified School District . . . and all black and Hispanic children attending those schools."); *Los Angeles Branch NAACP*, 750 F.2d at 734 ("[T]he complaint was amended to assert a desegregation claim on behalf of all black and Hispanic students attending school in the Los Angeles Unified School District.").

b. Intervenors Have a Protected Legal Interest

As *Crawford* class members,[3] Intervenors have a protected legal interest in access to desegregated schools and the educational benefits provided by the *Crawford* Order.[4] The continued receipt of benefits is a legally protectable interest. *See, e.g.*, *Arakaki v. Cayetano*, 324 F.3d 1078, 1084 (9th Cir. 2003) (continued receipt of benefits for native Hawaiians afforded by the state of Hawaii is a "significantly protectable interest" that supports intervention); *Jansen v. City of Cincinnati*, 904 F.2d 336, 342 (6th Cir. 1990) (holding that "present and future black applicants for employment and promotion in the Division of Fire, are parties to the consent decree challenged in this action" and have a significant legal interest in the continued affirmative action benefits that they receive under the order).

Here, E.H. and A.M. are the beneficiaries of the desegregation remedies issued by the *Crawford* Court. Any cause of action that seeks to alter those remedies necessarily implicates their interests, and they have a right to participation. Plaintiffs' efforts to distract from Intervenors' fundamental interest in this matter are unavailing.

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[3] Even setting aside Intervenors' enforceable rights as class members under the *Crawford* Order, they would still have a significant protectable interest supporting intervention as individual students because they would nonetheless suffer a practical impairment to their interests if LAUSD's desegregation program is altered by this litigation. *See California ex rel. Lockyer v. United States,* 450 F.3d 436, 441 (9th Cir. 2006) (granting intervention even though intervenors lacked enforceable rights because they would suffer a practical impairment of their rights if the provision was invalidated because of the pending litigation).

[4] Plaintiff 1776 curiously argues that the *Crawford* Order does not require compliance with the entire desegregation plan because the court ordered specific modifications. Dkt. No. 54 at 8–9. In fact, the *Crawford* Order states that "the Plan, as ordered changed by the Court, will protect the rights of all students and meet Constitutional standards." Dkt. No. 48-3 at 7. Thus, *Crawford* class members, including Intervenors, have a protected legal interest in benefits provided by the entire desegregation plan and not only the modifications ordered by the *Crawford* court to that plan. *See* Deseg. Plan at 43–45 & Choices Magnet School Programs at 3, Dkt. No. 48-2 (students whose resident schools are PHBAO will "automatically [be] assigned a certain number of priority points").

E.H. has attended and will continue to attend schools designated as Predominately Hispanic, Black, Asian, or Other Non-Anglo ("PHBAO") and receives benefits secured by the *Crawford* Order, including a favorable teacher-student ratio and two, annual parent-teacher conferences. Dkt. No. 36-2 ¶¶ 3–6. The resident schools of both E.H. and A.M. are designated as PHBAO, and thus, they receive the benefit of priority points for the purposes of magnet admissions. Dkt. No. 36-2 ¶ 6; Dkt. No. 36-3 ¶ 5. The magnet school priority points are a concrete and legally protectable interest regardless of whether they choose to take advantage of this benefit now. E.H. may decide at any time to apply to one of the two magnet programs that exist at Venice High School (or any other magnet program) and E.H. would benefit from the priority points. Similarly, although A.M. already attends a magnet program and would not be disenrolled under current LAUSD policy, A.M. would have to apply again if A.M. moved schools and the priority points would be advantageous in that process.[5]

c. Clear Relationship Exists Between Intervenors' Rights and Plaintiffs' Claims

Plaintiffs' argument that there is no relationship between compliance with the *Crawford* Order and the claims in this matter is disingenuous. As discussed above, Plaintiffs' claims strike at the core of the *Crawford* Order, directly implicating the rights of E.H., A.M., and the hundreds of thousands of Black and Hispanic students currently attending LAUSD schools under the desegregation remedy. Considering the specific issues that Plaintiffs raise, providing the same magnet school priority points to all students zoned to attend PHBAO and non-PHBAO schools would obviously render that benefit meaningless. Similarly, although it may be possible to extend the required student-teacher ratios in PHBAO schools to non-PHBAO schools, it would also be possible, consistent with Plaintiffs' claimed violations of law, to eliminate the minimum student-teacher ratio altogether. But the purpose of this requirement was to "enrich the opportunities for [PHBAO] students" and help alleviate the harms of unlawful racial isolation. Dkt. No. 48-3 at 6.

In sum, Intervenors have amply established their significant protectable interests. If anything, Plaintiffs' ruminations about Intervenors' status as members of the *Crawford* Class and the *Crawford*

[5] Ex. 2, Los Angeles Unified School District, *Frequently Asked Questions*, LAUSD (last visited July 16, 2026) [https://perma.cc/KBV4-4CC6].

Order's scope further underscore why the Court must dismiss this case under *Younger v. Harris*, 401 U.S. 37 (1971). *See* Dkt. No. 46-1 at 11–18.

2. LAUSD Cannot Adequately Represent Intervenors' Interests

The District is unable to adequately represent the *Crawford* Class Intervenors' interests. Plaintiffs argue that Intervenors and LAUSD share the same ultimate objective in this litigation which, as a result, triggers a presumption of adequate representation. *See* Dkt. No. 53 at 8–9; Dkt. No. 54 at 11–15. But a "presumption of adequate representation" applies "only when interests overla[p] *fully*." *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 196-97 (2022) (emphasis added). Here, a present party will not "undoubtedly make all of a proposed intervenor's arguments," nor are they capable of making the arguments unique to Intervenors as students and *Crawford* class members, and Intervenors offer "necessary elements to the proceeding that other parties would neglect." *W. Watersheds Project v. Haaland*, 22 F.4th 828, 840–41 (9th Cir. 2022).

Plainly, regardless of their shared position in opposition to Plaintiffs in this case, LAUSD and the *Crawford* Class Intervenors are opposing parties in the *Crawford* desegregation case and argued opposing positions in that lawsuit for decades. Plaintiffs placed at issue in this federal action remedies that the *Crawford* Class obtained in state court. In turn, the *Crawford* Class Intervenors have an interest in protecting those court-ordered remedies, which as a matter of law are adverse to LAUSD. This argument alone demonstrates lack of adequate representation under *Haaland*. *See id*. The *Crawford* Class Intervenors are like parties to a contract who are deemed "necessary" and even "indispensable to litigation seeking to decimate that contract." *Haaland*, 22 F.4th at 842 (citing *Dawavendewa v. Salt River Project Agric. Improvement & Power Dist.*, 276 F.2d 1150, 1167 (9th Cir. 2002)).

Additionally, for example, as Intervenors previously explained, the District has diverging interests as a governmental actor and is subject to constraints that do not apply to Intervenors. *See* Dkt. No. 36-1 at 9–11. LAUSD's Board is composed of elected officials accountable to all constituencies in the District. Thus, LAUSD is answerable to antipodal and shifting constituent pressures and has other competing obligations in addition to its stated goals regarding desegregation.[6] These variables

[6] *See, e.g.*, Ex. 3, Jaweed Kaleem, Howard Blume, and Kori McNair, *LAUSD faces 'severe' signs of insolvency; county warns it could take control of budget*, L.A. Times (July 9, 2026), [https://perma.cc/UUM2-YMFJ] (describing LAUSD's

will necessarily affect its legal strategy and arguments. Similarly, changes in District leadership during the litigation may influence LAUSD's positions. Neither Plaintiffs, nor LAUSD itself, can guarantee that the District will share the same interest as Intervenors in the ultimate outcome of this lawsuit until its conclusion and, even now, their interests do not overlap *fully*.[7] *See Berger*, 597 U.S. at 196-97.

LAUSD and Intervenors have already offered differing legal arguments in their motions to dismiss, which are informed by LAUSD's and Intervenors' distinct approaches to advocating for their interests in this lawsuit. *Compare* Dkt. No. 46-1 (seeking dismissal based on *Younger* abstention) *with* Dkt. No. 48 (arguing for dismissal based on lack of standing and on the merits, requesting stay of case under *Pullman*); *see also N.Y. Pub. Int. Rsch. Grp., Inc. v. Regents of Univ. of N.Y.*, 516 F.2d 350, 352 (2d Cir. 1975) (noting potential intervenors "should have an opportunity to make their own arguments to protect their own interests" because movants would "make a more vigorous presentation" of certain arguments in contrast with government defendants); *League of Women Voters of Mich. v. Johnson*, 902 F.3d 572, 580 (6th Cir. 2018) (finding inadequate representation where proposed intervenors had sought to make additional defenses than those presented in government defendant's motion to dismiss); *N.M. Off-Highway Vehicle All. v. U.S. Forest Serv.*, 540 F. App'x 877, 881 (10th Cir. 2013) (government agency could not adequately represent the intervenors' interests in part because "there is no guarantee that the [government's] policy will not shift during litigation").

C. Permissive Intervention is Appropriate in the Alternative

Alternatively, the Court should exercise its discretion to grant intervention because Intervenors have "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b). Plaintiff 1776 opposes permissive intervention principally because it says Intervenors' participation "would unnecessarily complicate" the litigation, and the United States perfunctorily lists

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obligation to resolve projected $231 million budget deficit amid recent Board elections and potential county takeover of District's finances); Ex. 4,Howard Blume, *For decades, LAUSD battled over charter schools. This election shows that war might be* over, L.A. Times (May 29, 2026 at 03:00 PT) [https://perma.cc/4HF3-JESM] (detailing candidate priorities and competing constituencies in recent LAUSD school board elections); Ex. 5,Leanne Suter, *LAUSD faces potential insolvency as officials warn district could run out of money within year*, ABC7 L.A. (July 10, 2026 at 03:54 PT), [https://perma.cc/W8JF-ZV5J] (describing imminent risk of county takeover of LAUSD's finances, potentially leading to prolonged loss of control over curriculum and class size).

[7] Ex. 6, Howard Blume, *Andrés Chait selected to lead LAUSD three days after Carvalho's resignation*, L.A. Times (June 24, 2026, at 15:42 PT), [https://perma.cc/D5VV-GUNV] (explaining rapid appointment of new superintendent shortly after predecessor's home and office were searched by FBI); Ex. 7, Shawn Hubler, Dana Goldstein & Sarah Mervosh, *F.B.I. Raids Los Angeles Schools Chief's Home and Office*, N.Y. Times (Feb. 25, 2026), [https://perma.cc/62J8-XQM9] (same).

the same points Intervenors have already rebutted. Dkt. No 54 at 15–16; Dkt. No. 53 at 9. But rather than complicating the litigation, Intervenors' participation would add substantial value and clarity to the complex factual and legal issues that the Court will consider.

Intervenors' attorneys currently serve as counsel for the plaintiff class in *Crawford*, continuing the ACLU's longstanding *Crawford* class representation. In their proposed Motion to Dismiss, Intervenors' counsel have already leveraged their institutional knowledge of the facts and extensive record in *Crawford* to argue convincingly for abstention and dismissal under *Younger v. Harris*, 401 U.S. 37 (1971). Intervenors thoroughly explained why all of the *Younger* abstention criteria apply and, therefore, why the Court must dismiss this case: (1) federal litigation in this matter threatens California's interest in enforcing the orders and judgments of its courts; (2) *Crawford* is ongoing and class members continue to avail themselves of the *Crawford* Order's benefits; (3) the present litigation implicates an important state interest because the California Constitution recognizes education as a fundamental interest for equal protection purposes and gives special significance to school desegregation policies; (4) the ongoing state court proceedings in *Crawford* provide an adequate opportunity to raise Plaintiffs' claims; and (5) Plaintiffs' proposed federal remedy would effectively enjoin key aspects of the *Crawford* Order. *See* Dkt. No. 46-1 at 11–18.

LAUSD's Motion to Dismiss did not address *Younger* abstention, and none of Plaintiffs' assertions justify why the Court should not consider this essential issue. Under these circumstances, permissive intervention certainly is warranted in the alternative.

III. CONCLUSION

For the additional reasons above, Intervenors respectfully request that the Court grant their Motion to Intervene under Fed. R. Civ. P. 24(a)(2) or, in the alternative, 24(b).[8]

[8] *Crawford* Class Intervenors meet the criteria for intervention as of right and permissive intervention, and the Court should reject Plaintiff 1776's request to limit Intervenors to an amicus role. Plaintiff 1776 has not substantiated any need for such limitation, and "amicus status is insufficient to protect [intervenor's] rights because [it] does not allow [intervenor] to raise issues or arguments formally and gives it no right of appeal." *United States v. City of Los Angeles, Cal.*, 288 F.3d 391, 400 (9th Cir. 2002). It would also limit Intervenors' right to participate in discovery and other stages of the case, leaving Los Angeles's Black and Hispanic students unrepresented as the parties litigate the policies that govern the students' schools. And it is disingenuous for Plaintiff 1776 to ask the Court to require Intervenors to file joint documents with LAUSD when Plaintiffs are currently raising the same arguments in two separate briefs opposing intervention.

Dated: July 16, 2026

Respectfully Submitted,

AMERICAN CIVIL LIBERTIES UNION FOUNDATION & ACLU FOUNDATION OF SOUTHERN CALIFORNIA



Jonathan D. Newton

Counsel for Proposed Defendant-Intervenors

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief contains 4,331 words and therefore complies with the word limit set by C.D. Cal. Local Rule 11-6.1.



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