

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:20-cv-06472-SVW-AFM

Date August 17, 2020

Title Matthew Brach et al v. Gavin Newsom et al

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Paul M. Cruz

Katie Thibodeaux

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Mark P. Meuser
Robert E. Dunn
Harmeet K. Dhillon

Jennifer Bunshoft
Darren L. Wessel

Proceedings: TELEPHONIC STATUS CONFERENCE

Conference held.

As the Court noted in the conference, the Court seeks to assure itself that Plaintiffs have Article III standing. In *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992), the Supreme Court recognized that, “[w]hen ... a plaintiff’s asserted injury arises from the government’s allegedly unlawful regulation (or lack of regulation) of *someone else*, much more is needed.” 504 U.S. at 561-62. Along these lines, the Court is concerned Plaintiffs lack Article III standing given the limited evidence before the Court regarding the plans of counties, school districts, and private schools to reopen for in-person learning should statewide restrictions be enjoined. The Court directs the parties to address whether Plaintiffs have Article III standing.

Additionally, the Court views the exceptions to the Individuals with Disabilities Education Act’s exhaustion requirement, described in *Hoelt v. Tucson Unified Sch. Dist.*, 967 F.2d 1298, 1303-1304 (9th Cir. 1992), as an important issue that was given only cursory treatment by the parties in their prior briefs. The Court directs the parties to address the issue in greater depth.

The parties shall file supplemental briefing not to exceed 12 pages by no later than August 25, 2020, along with any additional evidence the parties wish the Court to consider in ruling on Plaintiffs’ request for injunctive relief.

Initials of Preparer _____ : _____ 15
PMC