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28 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**  
**RENE C. DAVIDSON ALAMEDA COUNTY COURTHOUSE**

29 JESSY CRUZ; BRIAN CRUZ, a minor, by  
30 Jonathan Cruz, guardian ad litem; BRIANA  
31 LAMB, a minor, by Ronald Lamb, guardian ad  
32 litem; CRISTIAN GASPAS, a minor, by  
33 Guadalupe Gaspar, guardian ad litem; LEE  
34 SIMMONS, a minor, by Rhae Ray Eason,  
35 guardian ad litem; MYRIAM GISELLE  
36 GONZALEZ; SAMARIA HUDSON, a minor, by  
37 Chawmein Hudson, guardian ad litem; TALIIYAH  
38 JACOBS, a minor, by Katherine Jacobs, guardian  
ad litem; JUMANTAE SMITH; ARNOLD  
GUTIERREZ, a minor, by Norma Gutierrez,  
guardian ad litem; ERIC FLOOD, a minor, by  
Nicole King, guardian ad litem; EDITH  
QUINTERO; DAISY ROMO, a minor by  
Elizabeth Rodriguez, guardian ad litem; RIANNA  
BROWN, a minor, by Victoria Williams, guardian

Case No.: RG14727139

**PLAINTIFFS' EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER  
TO SHOW CAUSE RE PRELIMINARY  
INJUNCTION**

Assigned for All Purposes to:  
Judge: The Hon. George Hernandez, Jr.  
Dept. 17

Date: Oct. 2, 2014  
Time: 2:30 p.m.  
Place: Dept. 17  
1221 Oak Street  
Oakland, CA 94612

1 ad litem; EMMANUEL ENRIQUEZ, a minor, by  
2 Olga Enriquez, guardian ad litem; NATHAN  
3 SAUCEDA, a minor, by Olga Enriquez, guardian  
4 ad litem; IGNACIA BARAJAS, a minor, by  
Genoveva Barajas, guardian ad litem; and LUCIA  
BARAJAS, a minor, by Genoveva Barajas,  
guardian ad litem,

5 Plaintiffs,

6 vs.

7 STATE OF CALIFORNIA; STATE BOARD OF  
8 EDUCATION; STATE DEPARTMENT OF  
EDUCATION; TOM TORLAKSON, and DOES  
1-100, inclusive,

9 Defendants.

Complaint filed: 05/29/14

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1 **TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS**  
2 **OF RECORD:**

3 Plaintiffs who are current or future students at Thomas Jefferson High School  
4 hereby apply, *ex parte*, for a Temporary Restraining Order (“TRO”) restraining and  
5 enjoining Defendants State of California, State Board of Education, State Department of  
6 Education, and State Superintendent of Public Instruction, during the pendency of this  
7 action and pending a hearing on a Preliminary Injunction, from the following:

- 8 1. Permitting any student at Jefferson High School (a) who received a score of  
9 “Basic” or “Below Basic” in any subject in the most recently administered  
10 California Standards Tests, California English Learner Development Test, or  
11 has not passed both parts of the California High School Exit Examination test;  
12 (b) who has fewer than the number and type of credits expected at the student’s  
13 grade level to be on track to graduate from high school in four years; or (c)  
14 who has fewer than the number and type of credits expected at the student’s  
15 grade level to be on track to qualify for admission to a California state college  
16 or university; to be assigned to any course period during which the student is  
17 expected to engage in activities with no assigned or planned substantive  
18 curricular content, such as a “Home” period, “Service” period, “College Class”  
19 or “Adult Class.”
- 20 2. Permitting assignment of any student at Jefferson High School, other than  
21 those to which the directive in paragraph (1) applies, to more than one course  
22 period during which the student is expected to engage in activities with no  
23 assigned or planned substantive curricular content, such a “Home” period,  
24 “Service” period, “College Class” or “Adult Class.”
- 25 3. Permitting assignment of any student at Jefferson High School to a course the  
26 student has already completed with a passing grade.
- 27 4. Permitting assignment of any student at Jefferson High School to a classroom  
28 that does not provide a desk and chair for each student in the class.

- 1           5. Denying any student at Jefferson High School enrollment in appropriate
- 2           courses to (a) graduate from high school in four years; or (b) qualify for
- 3           admission to a California state college or university.
- 4           6. Failing to ensure that Jefferson High School has teaching staff to comply with
- 5           the directives in paragraphs (1) through (5).
- 6           7. Failing to ensure that compensatory instruction time is made available to
- 7           Jefferson High School students sufficient to allow students to successfully
- 8           complete fall 2014 courses.

9           This Application for preliminary injunctive relief as set forth in the [PROPOSED]  
10 Temporary Restraining Order filed herewith, is made upon the grounds that the conduct  
11 sought to be restrained and enjoined, if allowed to occur, will cause immediate and  
12 irreparable injury in that the students affected will be denied their Constitutional right to  
13 education.

14           Plaintiffs also request the Court issue an Order to Show Cause (“OSC”) pursuant  
15 to Cal. Rules of Court, rule 3.1150, affording Defendants the opportunity to appear and  
16 show cause why a Preliminary Injunction should not issue restraining and enjoining  
17 Defendants in the same manner for the remainder of this litigation.

18           This Application is based upon California Code Civ. Proc. §§ 525 *et seq.* and Cal  
19 Rules of Court, rule 3.1150 and Cal. Rules of Court, rules 3.1200 *et seq.*, upon the  
20 attached Memorandum of Points and Authorities, and supporting declarations filed  
21 herewith, including the Declaration of Kathryn Eidmann regarding notice, upon the  
22 [Proposed] Supplemental Class Action Complaint, filed concurrently herewith,; and upon  
23 such further evidence and argument as may be presented prior to or at the time of hearing  
24 on the motion.

25           There has not been a previous application for such relief.

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1 Dated: October 1, 2014

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5 By:   
6 KATHRYNA. EIDMANN

7 Attorneys for PLAINTIFFS  
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