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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ANDREA PRICHETT, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. 5:25-cv-09443-NW

**OPPOSITION TO REQUEST OF AMICI
TO PRESENT ORAL ARGUMENT**

Date: December 17, 2025
Time: 9:00 A.M.
Courtroom: 3
Judge: The Honorable Noël Weiss
Trial Date: Not Set
Action Filed: 11/02/2025

INTRODUCTION

Amici Curiae the American Jewish Committee (“AJC”) and the Jewish Public Affairs Committee of California (“JPAC”) have moved for leave to present oral argument at the December 17th hearing on Plaintiffs’ Motion for Preliminary Injunction. (ECF Nos., 52 and 55 (“AJC Mot.” and “JPAC Mot.” respectively)). Both motions as well as the *amicus* briefs themselves demonstrate that argument would be duplicative of Defendants’ positions. Furthermore, JPAC in particular misrepresents Plaintiffs’ position in its motion, which means granting permission to participate in oral argument would only cause confusion as well as prejudice Plaintiffs by permitting outside parties to contort their arguments, rather than serve to clarify outstanding issues. Finally, both AJC and JPAC have submitted their arguments in written *amicus* briefs, and so there is no need to allot them time at argument.

ARGUMENT

I. THE ARGUMENTS *AMICI* JPAC AND AJC SEEK TO PRESENT ARE DUPLICATIVE

JPAC argues—and in fact, this is the crux of its motion seeking leave to argue—that Plaintiffs lack standing because they have suffered no injury, while Jewish students in California have (*See* JPAC Mot. at 2; *Amicus* Brief of JPAC (“JPAC Br.”), ECF 37-1 at 11-13).

But the question of Plaintiffs’ injuries and other issues related to standing and ripeness have been fully briefed by the parties, so *amici* JPAC’s position on the matter is not relevant or necessary to resolve the matter. (*See* Plaintiffs’ Reply Brief (“Pl. Reply”), ECF 43 at 2-10; Defendants’ Opposition Brief (“Def. Opp.”), ECF at 4-11). And it renders their arguments duplicative.

While AJC presents itself as having something new to say because it is adopting neither Plaintiffs’ nor Defendants’ positions, it is ultimately clear that both AJC and JPAC are simply attempting to litigate questions of standing, ripeness, and the merits. (*See* AJC Mot. at 2-3; *Amicus* Brief of AJC (“AJC Br.”), ECF 34-1; JPAC Mot. At JPAC Br. at 2-18). AJC’s belief that the Government has not framed the issue correctly does not justify granting *amici* argument time. *See Freed v. Thomas*, No. 17-cv- 13519, 2018 U.S. Dist. LEXIS 134249 (E.D. Mich. Aug. 9, 2018) (denying *amici*’s motion to participate in oral argument: “[t]he arguments made by defendant ... are essentially the same as

those made by the proposed *amici* in the brief they seek to file In short, the proposed *amici* have not shown that their interest differs from that of defendants[.]”).

AJC and JPAC also devote much of their briefs to asserting that the legislative decision to enact AB 715 was correct due to the problem of antisemitic incidents in California. (*See* AJC Br. at 4-11; JPAC Br., ECF 37-1). But the question of whether the legislature sought to address a valid problem by passing AB 715 is not an issue in the case, and Plaintiffs have never argued that antisemitic incidents in public schools should be allowed. Rather, Plaintiffs contend that the solution it implemented is unconstitutional. *Amici* want time to argue a non-issue in the case—an argument presented in their briefs, obviating the need for time at the hearing.

Allowing *Amici* time to duplicate Defendants’ arguments prejudices Plaintiffs. AJC and JPAC are not neutral parties attempting to shed light on the questions presented but rather are advocating fervently for the Court to deny Plaintiffs’ preliminary injunction motion. These are not neutral briefs; they filed in support of Defendants.. *Amici* seek to take up valuable argument time in order to make more arguments for Defendants, which is both inappropriate and prejudices Plaintiffs.

II. JPAC IN PARTICULAR MISREPRESENTED PLAINTIFFS’ POSITION IN ITS MOTION AND BRIEF

JPAC states that “Plaintiffs fail to acknowledge that teachers have limited First Amendment rights when providing classroom instruction.” (JPAC Mot. at 3). It makes similar arguments in its brief. (JPAC Br. at 4-5). This is not a fair or accurate representation of Plaintiffs’ position.

Plaintiffs explicitly acknowledged in both their opening and reply briefs that teachers do not have a full panoply of First Amendment protections in the classroom, and engaged in a nuanced assessment of the matter under Supreme Court and Ninth Circuit precedent. In their opening brief, Plaintiffs explained that: “While courts accept some restrictions on the First Amendment rights of public-school teachers to choose curricula, ... our courts do not tolerate a state government enacting laws designed to favor certain *viewpoints* (as opposed to establishing curricula broadly) and exclude others in public schools. (*See* Plaintiffs’ Motion for Preliminary Injunction, ECF 15 at 19-20).

1 In their reply brief, likewise, Plaintiffs opened by acknowledging that “the question of where
 2 teachers’ First Amendment free speech rights in the context of classroom instruction begin and end
 3 remains unsettled, but ... such speech is entitled to at least some First Amendment protection and
 4 the Constitution certainly forbids the government from imposing viewpoint-based restrictions that
 5 lack a legitimate pedagogical basis.” (*See* Pl. Reply Br., ECF 43 at 13).

6 Thus, JPAC’s claim that Plaintiffs posit California teachers have unlimited First Amendment
 7 rights is simply untrue. *Amici* JPAC’s fundamental misrepresentation of Plaintiffs’ arguments means
 8 that JPAC arguing on December 17th will not be helpful or clarifying, but distract from the substantive
 9 issues, sow confusion and prejudice Plaintiffs by misrepresenting their positions.

10 CONCLUSION

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 12 For the reasons set forth above, this Court should deny both requests for oral argument. A
 13 proposed order has been submitted with this motion.

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 15 Respectfully submitted,

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20 /s/ Deyar Jamil

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