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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ALIANZA TRANSLATINX; C.A., a minor by
and through his Guardian ad Litem, E.S.; H.P., a
minor, by and through her Guardian ad Litem
C.W.; and ERIN SPIVEY, as taxpayer,

Petitioners and Plaintiffs,

v.

CITY OF HUNTINGTON BEACH, a municipal
corporation; HUNTINGTON BEACH CITY
COUNCIL, as the governing body of the
Huntington Beach Public Library; ASHLEY
WYSOCKI, in her official capacity as the
Director of Community and Library Services for
Huntington Beach; and DOES 1-50, inclusive,

Respondents and Defendants.

Case No. 30-2025-01462835-CU-WM-CJC
[UNLIMITED CIVIL CASE]

**~~PROPOSED~~ ORDER GRANTING
PETITIONERS' FIRST CAUSE OF ACTION
FOR WRIT OF MANDATE OR
PROHIBITION**

Assigned for all purposes to:
Judge: The Honorable Lindsey Martinez

Dept.: C24
Hearing Date: September 5, 2025
Time: 8:45 A.M.

Action Filed: February 26, 2025

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ORDER GRANTING WRIT OF MANDATE

On September 5, 2025, the Court held the hearing on a petition for writ of mandate brought by Petitioners Alianza Translatinx, minors C.A. and H.P. by and through their guardians ad litem, and Erin Spivey. Petitioners were represented by counsel, as were Respondents the City of Huntington Beach, the Huntington Beach City Council, and the Director of Community and Library Services. With their First Cause of Action in their Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, brought pursuant to Code of Civil Procedure section 1085 and Education Code section 19800 et seq., Petitioners sought a writ of mandate compelling the City to immediately comply with the requirements of the California Freedom to Read Act.

For the reasons stated in the Court’s Minute Order dated September 5, 2025, which is affixed hereto as **Attachment A**, it is hereby ordered, adjudged, and decreed that:

1. A peremptory writ of mandate shall issue under seal of this Court commanding Respondents to strictly comply with the requirements of the Freedom to Read Act as follows:
 - a. Cease to enforce any and all provisions of Huntington Beach City Council Resolution No. 2023-41. Such actions shall include Respondents:
 - i. Returning any and all books removed from any section of any branch of the Huntington Beach Public Library (“library”) pursuant to the Resolution No. 2023-41 to their original location.
 - ii. Removing any and all signage from the library that signals youth restricted access.
 - iii. Reestablishing any “Young Adult” or “Teen” reading area and returning any and all books that were removed from that area.
 - iv. No longer requiring parental consent for minors to access library materials.
 - b. Adhere to all provisions of the Freedom to Read Act, including those specified in Education Code section 19802, requiring that Respondents:
 - i. Develop a written and publicly accessible collection development policy by January 1, 2026 that meets all the requirements of the Freedom the Read Act and

1 submit that collection development policy to the State Librarian, as specified in
2 Education Code section 19802, subdivision (a)(1).

- 3 ii. Ensure that any “librarian, library media specialist, other employee, or contractor
4 at a public library shall not be subject to termination, demotion, discipline, or
5 retaliation” for [r]efusing to remove a library material before it has been reviewed
6 in accordance with the library’s process for the reconsideration of library
7 materials” or “[m]aking displays, acquisitions, or programming decisions that the
8 employee or contractor believes, in good faith, are in accordance with the
9 requirements of this section.” (Ed. Code, § 19802, subd. (a)(2)(A).)
- 10 iii. “[S]hall not proscribe or prohibit the circulation or procurement of, or access to
11 any library materials in a public library because of the topic addressed by the
12 materials or because of the view, ideas, or opinions contained in those materials.”
13 (Ed. Code, § 19082, subd. (b)(1).)
- 14 iv. Shall not exclude public library materials or limit access to them solely on the
15 basis of any of the factors identified in Education Code section 19802 subdivision
16 (b)(2)(A)(i), (ii), (iii), including but not limited to any claim that such “materials
17 may include sexual content, unless that content qualifies as obscene under United
18 States Supreme Court precedent” (Ed. Code, § 19802, subd. (b)(2)(A)(iii)).
- 19 v. Shall restore access to any public library materials that were restricted on the
20 basis of any of the factors identified in Education Code section 19802 subdivision
21 (b)(2)(A)(i), (ii), (iii), including but not limited to any claim that such “materials
22 may include sexual content, unless that content qualifies as obscene under United
23 States Supreme Court precedent” (Ed. Code, § 19802, subd. (b)(2)(A)(iii)).
- 24 vi. “[S]hall not create policies or procedures that limit or restrict access to library
25 materials offered by the public library unless the policies or procedures are
26 adopted to preserve the safety or security of the library materials, are time, place,
27 and manner restrictions not based on the content of materials, or are programs that
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1 provide for the effective management of the library and its resources to preserve
2 access for all library users.” (Ed. Code, § 19802, subd. (b)(3).)

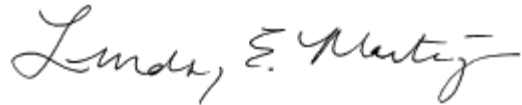
3 vii. Shall not abridge or deny a person’s right to use the library and its resources
4 solely because of their personal characteristics, age, background, or views. (Ed.
5 Code, § 19082, subd. (c).)

6 2. The Court shall retain jurisdiction to ensure that this order is enforced.

7 3. Petitioners are the prevailing parties.

8 4. Any party pursuing prevailing party costs may do so by filing a memorandum of costs. Any
9 party disputing any claim for costs may file a motion to strike or tax costs. Any party claiming
10 attorney fees may do so by way of noticed motion.

11
12 **IT IS SO ORDERED.**



13
14 Dated: October 07, 2025

15 THE HONORABLE LINDSEY E. MARTINEZ
16 ORANGE SUPERIOR COURT JUDGE