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 12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 13 **FOR THE COUNTY OF LOS ANGELES**  
 14 **CENTRAL DISTRICT**

15 **21STCV36298**

16 VINCENT TSAI, an individual; OSCAR  
 17 RODRIGUEZ, an individual; ENRIQUE  
 18 IRIBE, an individual; MOHAMED BINA,  
 an individual; and SHAYNE LAMONT, an  
 19 individual; and PROTECTION FOR THE  
 EDUCATIONAL RIGHTS OF KIDS, a  
 California non-profit corporation,

20 Plaintiffs,

21 vs.

22 COUNTY OF LOS ANGELES, a  
 municipal entity,

23 Defendant.

**COMPLAINT FOR DECLARATORY AND  
 INJUNCTIVE RELIEF**

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 SAN DIEGO, CALIFORNIA 92101

1 Plaintiffs Vincent Tsai, Oscar Rodriguez, Enrique Iribe, Mohamed Bina, Shayne Lamont and  
2 Protection for the Educational Rights of Kids (“PERK”) allege as follows:

3 **INTRODUCTION**

4 1. In early 2020, the world discovered a novel coronavirus, Covid-19. Governments  
5 responded with the most draconian restrictions in modern history. They closed schools and shut  
6 down industries. They banned travel and prosecuted churches. They decided which activities are  
7 “essential” and which are not.

8 2. Government employees have always been considered essential. That should not be a  
9 surprise. Society cannot function without them. Nonetheless, as the pandemic has waned, public  
10 employees have become pawns in a political chess match, ordered by politicians on the Los Angeles  
11 County Board of Supervisors to inject themselves with an experimental medical treatment, against  
12 their will, or be fired.

13 3. The County does not have the authority to order thousands of public employees to  
14 inject themselves with an experimental medical treatment. It does not have that authority as the  
15 sovereign or as an employer.

16 4. Moreover, on its face, the County’s so-called “vaccine mandate” (the treatments do  
17 not qualify as vaccines under federal law) is unconstitutional because it violates public employees’  
18 right to privacy under the California Constitution. The County must consider and offer reasonable  
19 accommodations as a middle ground between individual freedoms and collective rights. It did not do  
20 that. Instead, it viewed this sensitive personal issue through the lens of partisan politics.

21 5. The County also has to show that forced medical treatment is the least restrictive way  
22 to mitigate the effects of Covid-19. The County cannot show that. In fact, there is mounting evidence  
23 that the experimental Covid-19 medical treatments created by Pfizer, Moderna and Johnson &  
24 Johnson do not prevent the virus from spreading. Thus, the vaccine mandate is both unnecessary and  
25 ineffective in protecting the public.

26 6. There is also mounting evidence that the “vaccines” may not be safe for some people,  
27 as hundreds of thousands of adverse reactions have been reported to the Department of Health and  
28 Human Services, many in healthy people.

1 7. Like all Californians, public employees have a right to bodily integrity and a right to  
2 refuse medical treatment, both of which the County's vaccine mandate violates. They also have a  
3 right to informational privacy. The County mandate violates that right by forcing public employees  
4 to disclose their personal medical information to their employer in order to keep their jobs.

5 8. The County has promised to fire any County employees who refuse the experimental  
6 Covid treatments or refuse to upload their medical history by October 1. Thousands of County  
7 employees have not yet complied. They will risk their jobs rather than violate their conscience and  
8 follow a plainly unlawful order.

9 9. PERK is a non-profit organization that advocates for civil rights, bodily autonomy,  
10 medical freedom and other rights, with a particular focus on children and parental rights. PERK  
11 joined this lawsuit because of the devastating effect the County's unlawful mandate would have on  
12 children and families in Los Angeles. County residents cannot afford to lose thousands of public  
13 employees on a whim. They would be unable to obtain critical public services, including social  
14 services that kids and families depend on. Thus, PERK has a beneficial interest in the relief sought in  
15 this Complaint.

16 10. Plaintiffs Tsai, Rodriguez, Iribe, Bina and Lamont are County employees who have  
17 been ordered to comply with the vaccine mandate or be terminated. They have not complied.  
18 Plaintiffs seek declaratory and injunctive relief to declare the County's vaccine mandate unlawful  
19 and to enjoin the County from enforcing it against any County employees.

20 **PARTIES, JURISDICTION AND VENUE**

21 11. PERK is a 501(c)(3) non-profit organization formed under the laws of the State of  
22 California that advocates for civil rights issues, bodily autonomy, medical freedom and other rights,  
23 with a particular focus on children and parental rights. PERK has dedicated considerable resources  
24 to advocating for individual rights during the Covid-19 pandemic and thus has a beneficial interest in  
25 the relief sought in this action.

26 12. Plaintiff Tsai is a County employee who has been ordered to comply with the vaccine  
27 mandate or be fired. He works for the Los Angeles County Sheriff's Department.

28 13. Plaintiff Rodriguez is a County employee who has been ordered to comply with the

1 vaccine mandate or be fired. He works for the Los Angeles County Sheriff’s Department.

2 14. Plaintiff Iribe is a County employee who has been ordered to comply with the vaccine  
3 mandate or be fired. He works for the Los Angeles County Probation Department.

4 15. Plaintiff Bina is a County employee who has been ordered to comply with the vaccine  
5 mandate or be fired. He works for the Los Angeles County Department of Sanitation.

6 16. Plaintiff Shayne Lamont is a County employee who has been ordered to comply with  
7 the vaccine mandate or be fired. He works for the Los Angeles County Department of Public Health.

8 17. Plaintiffs Tsai, Rodriguez, Iribe, Bina and Lamont are referred to collectively as the  
9 “Individual Plaintiffs.”

10 18. The County of Los Angeles is a municipal organization formed under the laws of the  
11 State of California. The vaccine mandate was ratified by a vote of the County Board of Supervisors  
12 and thus represents an official policy of Los Angeles County.

13 19. Venue exists in Los Angeles County under sections 393(b) and 394(a) of the Code of  
14 Civil Procedure because the Complaint alleges claims against a municipal entity that exists and  
15 operates in Los Angeles County and because the mandate’s effects will be felt here.

16 **FACTUAL ALLEGATIONS**

17 20. In early 2020, health officials discovered a novel coronavirus circulating in Wuhan,  
18 China. They named the virus “Covid-19.”

19 21. Though nobody knew it at the time, the Covid-19 pandemic would lead to the greatest  
20 restrictions on liberty in American history. Many of the restrictions started in California, including  
21 the first statewide “lockdown” and unprecedented mass closures of businesses and criminalization of  
22 ordinary activities that unelected health officials deemed too dangerous.

23 22. During 2020, at the urging of then President Donald Trump, several pharmaceutical  
24 companies began developing experimental treatments to mitigate the effects of Covid-19 and,  
25 potentially, reduce its spread. Although these treatments were called “vaccines” they do not meet the  
26 definition of a vaccine under federal law. They are experimental gene modification therapies,  
27 something more akin to a medical treatment than a vaccine.

28 23. The Covid-19 shots were so controversial that then presidential candidate Joe Biden

1 would not commit to receiving one. Then vice presidential candidate Kamala Harris said flatly that  
2 she would not take it. Governor Gavin Newsom also questioned the treatments, saying he did not  
3 trust the Trump Administration and would review the treatments independently. (Governor Newsom  
4 has also said that, as a parent, he would not want a bureaucrat to make medical decisions for his  
5 family.)

6 24. Then Mr. Biden won the presidency and many tunes changed. Still, President-elect  
7 Biden said he would not mandate that Americans get the Covid shots, three of which had been  
8 approved for emergency use by the FDA.

9 25. By the summer of 2021, tens of millions of Americans had taken the Covid-19  
10 therapies, including more than half of adults in California. But Covid-19 had not disappeared. That  
11 should not have surprised anybody. Public health officials have repeatedly said that eliminating a  
12 respiratory virus is impossible once it starts spreading in the community. According to one  
13 prominent epidemiologist, speaking to *Nature*: “Eradicating this virus right now from the world is a  
14 lot like trying to plan the construction of a stepping-stone pathway to the Moon. It’s unrealistic.”

15 26. Thus, anyone can still contract and spread the Covid-19 virus. Like the flu, Covid-19  
16 is becoming endemic and the world will have to learn to live with it, as we live with many other  
17 pathogens.

18 27. Nonetheless, many politicians have decided that injecting everybody with the  
19 experimental Covid-19 shots is the only way to end the pandemic. Therefore, despite mounting  
20 evidence that the shots do not prevent people from contracting or spreading Covid-19, politicians  
21 and other leaders have mandated that people inject themselves with the experimental treatments or  
22 lose their jobs.

23 28. To that end, on August 4, 2021, Hilda Solis, chair of the Los Angeles County Board  
24 of Supervisors, issued an executive order to “[e]stablish a mandatory vaccination policy, effective  
25 immediately, which requires all County employees to provide proof of full vaccination by October 1,  
26 2021 ....” A true and correct copy of this order is attached as **Exhibit “A.”**

27 29. Although characterized as an “executive order,” Ms. Solis is not an executive officer.  
28 She chairs the Board of Supervisors. On information and belief, Ms. Solis did not consult with the

1 other supervisors before issuing the August 4 order. And her order contained vague statements about  
2 why she issued it. It cited President Biden’s statement that he would force federal workers to get the  
3 Covid-19 shots. It also mentioned Governor Newsom’s wish to have government buildings reopen  
4 on October 1 and it stated that forcing the Covid-19 shots on all County employees was “necessary”  
5 to do that and to protect the public.

6 30. Ms. Solis based the August 4 order on section 8634 of the Government Code, part of  
7 the California Emergency Services Act, which states: “During a local emergency the governing body  
8 of a political subdivision, or officials designated thereby, may promulgate orders and regulations  
9 necessary to provide for the protection of life and property, including orders or regulations imposing  
10 a curfew within designated boundaries where necessary to preserve the public order and safety. Such  
11 orders and regulations and amendments and rescissions thereof shall be in writing and shall be given  
12 widespread publicity and notice.”

13 31. On August 10, 2021, the Board of Supervisors ratified Ms. Solis’ order, making it  
14 official County policy. The Board held little debate about the unprecedented mandate, which affects  
15 110,000 people. It did not consider the mounting evidence that the Covid-19 shots do not prevent  
16 infection or reduce the virus’ spread. And the supervisors did not consider whether they could make  
17 accommodations for individuals who do not want to get the shots. They did not gather any evidence  
18 about the effectiveness, necessity or lawfulness of the shots. They described the forced treatments as  
19 a *fait accompli*, with Supervisor Holly Mitchell saying: “While it may be tempting to provide more  
20 flexibility for people not to be vaccinated and be tested instead, this would just delay the inevitable.”  
21 Ms. Solis couched the decision in political terms, saying that the “unvaccinated” had “refuse[d] to do  
22 their part altogether.” This decision-making process was, on its face, arbitrary and capricious, as the  
23 County failed to engage in any legitimate fact-finding. Instead, the County had a pre-determined  
24 policy position and simply set forth findings to justify it.

25 32. Of course, Ms. Solis’ statement does not account for the hundreds, if not thousands,  
26 of County employees who have received the Covid-19 shots and simply do not want to be forced to  
27 disclose their medical history to their employer. Their concerns have merit, as they have a right  
28 under the California Constitution to protect the privacy of this information. Many County employees

1 also have concerns about the Fulgent app, the technology the County and other government agencies  
2 in California use to track individuals’ medical status. Plaintiffs are informed and believe and on that  
3 basis allege that the Fulgent app gathers genetic and medical data and cross-references and links the  
4 same through blockchain technology to individuals’ assets, property, residence, credit and financial  
5 data. It stores the same and shares said data with other data mining companies thus invading, with  
6 the imprimatur and contractual assistance of the County, Plaintiffs’ right to privacy under the  
7 California Constitution.

8 33. Furthermore, in issuing and ratifying the Covid-19 vaccine mandate, the Board failed  
9 to consider that County employees have a property interest in their employment. Thus, under *Skelly*  
10 *v. State Personnel Board*, 15 Cal.3d 194 (1975), they have a right to notice of their termination and  
11 an opportunity to be heard before a reasonably impartial and uninvolved hearing officer. They also  
12 have the right to conduct discovery before the hearing and must be paid during that time. Some  
13 public employees, such as law enforcement officers, have even greater rights under state law.

14 34. Thus, the County cannot just get rid of the “unvaccinated” employees who Ms. Solis  
15 chastised for not “do[ing] their part” to end the pandemic. It will have to provide *Skelly* hearings to  
16 everybody. It will have to justify each adverse employment action. This will cost an enormous  
17 amount of time and money, as thousands of County employees have either chosen not to take the  
18 Covid-19 shots or do not wish to comply with the County’s forced disclosure requirement and digital  
19 surveillance.

20 35. On information and belief, County employees also have rights under employee  
21 handbooks and county policies governing the terms of their employment. These agreements prohibit  
22 the County from firing employees *en masse*. They also prohibit the County from firing employees  
23 for asserting their constitutional rights and they include express protections for *Skelly* rights. These  
24 written agreements and California law bar the County from coercing public employees into waiving  
25 those rights.

26 36. Moreover, the mass termination of thousands of County employees will have a  
27 devastating effect on the public. Social services will be cut. Laws will not be enforced. The  
28 reduction in services will affect the most vulnerable people in Los Angeles County. The people of

1 Los Angeles will suffer irreparable harm from the mass termination of County employees, including  
2 firefighters, law enforcements, EMTs and other first responders.

3 37. Ironically, although the County framed its vaccine mandate as “necessary,” the policy  
4 exempts many of the most influential people in the County from it. For example, on information and  
5 belief, the policy does not apply to judges or elected officials, including the Supervisors themselves.  
6 These officials show no signs of embarrassment for having exempted themselves from mandates  
7 they presume to impose on others.

8 38. Governments must recognize that Covid-19 is no longer an emergency condition that  
9 requires draconian restrictions to handle. The virus cannot be eliminated. It is endemic. Furthermore,  
10 the County does not have the authority to declare an emergency forever. It must terminate a state of  
11 emergency “at the earliest possible date that conditions warrant.” That date has long since passed.  
12 The County must end the Covid-19 emergency and return to normal governance. It does not have the  
13 constitutional authority to condition a return to normalcy on forced medical treatments and digital  
14 surveillance that a large percentage of the County’s workforce does not want.

15 **FIRST CAUSE OF ACTION**

16 **(Declaratory and Injunctive Relief under Cal. Emergency Services Act)**

17 39. Plaintiffs incorporate the preceding paragraphs of this Complaint as though set forth  
18 fully herein.

19 40. The California Emergency Services Act, which is codified in sections 8550 *et seq.* of  
20 the California Government Code, gives the Governor and local officials certain powers during a state  
21 of emergency. Sections 8630 *et seq.* govern the existence of a local emergency. The law requires that  
22 local officials “review the need for continuing the local emergency at least once every 60 days until  
23 the governing body terminates the local emergency.” Cal. Gov’t Code § 8630(c). The emergency  
24 cannot last forever, though. “The governing body shall proclaim the termination of the local  
25 emergency at the earliest possible date that conditions warrant.” *Id.* § 8630(d).

26 41. Even during a state of emergency, local officials do not have unlimited authority.  
27 They “may promulgate orders and regulations necessary to provide for the protection of life and  
28 property,” in the affected area. *Id.* § 8634.



1           42.     Plaintiffs contend that the County’s Covid-19 vaccine mandate exceeds their  
2 authority under state law. The County does not have the power as an employer to order that public  
3 employees take a certain medical treatment against their will. It does not have that power as the  
4 sovereign either. Indeed, although the County interprets its emergency government powers broadly,  
5 it has a duty under the Emergency Services Act to narrowly tailor any government action to protect  
6 individual rights. That requires that any action be necessary to accomplish the government’s interest  
7 and the least restrictive means of accomplishing that interest. The County made no attempt to  
8 narrowly tailor the vaccine mandate. Thus, even if the County has the power to issue a vaccine  
9 mandate (it doesn’t), the mandate exceeds its powers because it is not narrowly tailored.

10           43.     Plaintiffs also contend that the County’s adoption of the Covid-19 vaccine mandate  
11 was arbitrary and capricious as the County failed to consider evidence of the Covid-19 shots’  
12 effectiveness and necessity. The Board also refused to consider evidence that undermined their pre-  
13 determined judgment to require the shots, a quintessentially arbitrary and capricious action. To this  
14 end, the Board’s ratification of Ms. Solis’ unlawful executive order requiring the Covid-19 shots was  
15 not a legitimate exercise of legislative power but was designed to shield the order from judicial  
16 review.

17           44.     On information and belief, the County contends that it does have the power to issue  
18 the Covid-19 vaccine mandate and contends that the mandate does not have to be narrowly tailored.  
19 The County also contends, in the alternative, that the vaccine mandate is narrowly tailored to fulfill a  
20 compelling government interest and that the Board of Supervisors did not act arbitrarily and  
21 capriciously in adopting the order.

22           45.     Plaintiffs desire a judicial declaration that the Covi-19 vaccine mandate exceeds the  
23 County’s powers under state law or, in the alternative, that the Emergency Services Act is  
24 unconstitutional because granting the County these powers without sufficient standards to guide their  
25 exercise of discretion violates the non-delegation doctrine. Plaintiffs also seek an order that the  
26 County acted arbitrarily and capriciously in adopting the mandate.

27           46.     A judicial determination of these issues is necessary and appropriate because such a  
28 declaration will clarify the parties’ rights and obligations, permit them to have certainty regarding

1 those rights and potential liability, and avoid a multiplicity of actions.

2 47. The County’s actions have harmed Plaintiffs and those they represent, as alleged  
3 above.

4 48. Plaintiffs have no adequate remedy at law and will suffer irreparable harm if the  
5 Court does not enjoin the County from enforcing the unlawful vaccine mandate. Thus, Plaintiffs seek  
6 preliminary and permanent injunctive relief for such an order.

7 49. This action serves the public interest, justifying an award of attorneys’ fees under  
8 section 1021.5 of the California Code of Civil Procedure.

9 **SECOND CAUSE OF ACTION**

10 **(Declaratory and Injunctive Relief under Cal. Emergency Services Act)**

11 50. Plaintiffs incorporate the preceding paragraphs of this Complaint as though set forth  
12 fully herein.

13 51. The County issued the Covid-19 vaccine mandate pursuant to its powers under  
14 section 8630 et. seq of the Government Code, the California Emergency Services Act.

15 52. The Emergency Services Act requires that the County “review the need for  
16 continuing the local emergency at least once every 60 days until the governing body terminates the  
17 local emergency.”

18 53. The Act also states: “The governing body shall proclaim the termination of the local  
19 emergency at the earliest possible date that conditions warrant.” This is a mandatory duty, not a  
20 discretionary one.

21 54. Plaintiffs contend that the County has a duty to terminate the local emergency related  
22 to Covid-19 and return the County to normal governance. In the alternative, Plaintiffs contend that  
23 the County has acted arbitrarily and capriciously in refusing to terminate the emergency and in  
24 extending the emergency indefinitely without conducting a good-faith review of the need for it every  
25 60 days, as required by law.

26 55. On information and belief, the County contends that it does not have a duty to  
27 terminate the Covid-19 emergency and has not acted arbitrarily and capriciously by refusing to  
28 terminate the emergency or to review the need for it every 60 days.

1           56.     Plaintiffs desire a judicial declaration that the County has a duty to terminate the local  
2 emergency related to Covid-19 and that the County has acted arbitrarily and capriciously in refusing  
3 to terminate the emergency and in extending the emergency indefinitely without conducting a good-  
4 faith review of the need for it every 60 days, as required by law.

5           57.     A judicial determination of these issues is necessary and appropriate because such a  
6 declaration will clarify the parties' rights and obligations, permit them to have certainty regarding  
7 those rights and potential liability, and avoid a multiplicity of actions.

8           58.     The County's actions have harmed Plaintiffs and those they represent, as alleged  
9 above.

10          59.     Plaintiffs have no adequate remedy at law and will suffer irreparable harm if the  
11 Court does not order the County to terminate the Covid-19 state of emergency. Thus, they seek  
12 preliminary and permanent injunctive relief mandating that action and enjoining the County from  
13 issuing any further orders pursuant to the Emergency Services Act.

14          60.     This action serves the public interest, justifying an award of attorneys' fees under  
15 section 1021.5 of the California Code of Civil Procedure.

16                                 **THIRD CAUSE OF ACTION**

17                   **(Declaratory and Injunctive Relief by Individual Plaintiffs under Cal. Constitution)**

18          61.     Plaintiffs incorporate the preceding paragraphs of this Complaint as though set forth  
19 fully herein.

20          62.     The Individual Plaintiffs are employed by the County. They have not taken the  
21 Covid-19 shots and have not complied with the County's Covid-19 vaccine mandate. They object to  
22 the forced medical treatment and object to being compelled to turn over their private medical  
23 information to the County as a condition of their employment. They also object to being forced to  
24 upload their private medical information through the Fulgent app.

25          63.     Individuals have a right to privacy under the California Constitution. This state law  
26 privacy right, which was added by voters in 1972, is far broader than the right to privacy (if any) that  
27 exists under the federal Constitution. It is the broadest privacy right in America and has been  
28 interpreted by the California Supreme Court to protect both the right to informational privacy and to

1 bodily integrity.

2 64. County employees have a legally protected privacy interest in their bodily integrity  
3 and their private medical information. Their expectation of privacy is reasonable. The County's  
4 Covid-19 vaccine mandate constitutes a serious invasion of those privacy rights, as alleged above.  
5 The County's compelled use of the Fulgent app also violates County employees' rights to  
6 informational privacy, as alleged above.

7 65. Although the County may argue that the vaccine mandate serves a compelling  
8 interest, there are feasible and effective alternatives that have a lesser impact on privacy interests.  
9 Thus, the County's mandate will not survive strict scrutiny.

10 66. On information and belief, the County contends that its mandate does not violate the  
11 privacy rights of County employees or satisfies strict scrutiny.

12 67. Plaintiffs desire a judicial declaration that the County's Covid-19 vaccine mandate is  
13 facially unconstitutional because it violates County employees' right to privacy under the California  
14 Constitution.

15 68. A judicial determination of these issues is necessary and appropriate because such a  
16 declaration will clarify the parties' rights and obligations, permit them to have certainty regarding  
17 those rights and potential liability, and avoid a multiplicity of actions.

18 69. The County's actions have harmed the Individual Plaintiffs and other County  
19 employees, as alleged above.

20 70. Plaintiffs have no adequate remedy at law and will suffer irreparable harm if the  
21 Court does not declare the vaccine mandate unconstitutional. Thus, they seek preliminary and  
22 permanent injunctive relief enjoining the County from enforcing the mandate

23 71. This action serves the public interest, justifying an award of attorneys' fees under  
24 section 1021.5 of the California Code of Civil Procedure.

25 **FOURTH CAUSE OF ACTION**

26 **(Declaratory and Injunctive Relief re Violation of the Ralph M. Brown Act)**

27 72. Plaintiffs incorporate the preceding paragraphs of this Complaint as though set forth  
28 fully herein.

1           73.     The Ralph M. Brown Act, sections 54950 *et seq.* of the California Government Code,  
2 guarantees the public a right to participate in the decisions its elected officials make. The Brown Act  
3 applies to the Los Angeles County Board of Supervisors.

4           74.     Plaintiffs contend that Ms. Solis’ executive order mandating the Covid-19 shots for  
5 County employees violated the Brown Act as she did not issue an adequate call or notice to the  
6 public nor did she post an adequate or lawful posted agenda before considering this unprecedented  
7 action nor did she make a finding that such action was so urgent as to be exempted from public  
8 notice and comment. Indeed, there was no notice and no public comment on Ms. Solis’ Covid-19  
9 shot mandate. Even other members of the Board of Supervisors were caught off guard.

10          75.     Similarly, Plaintiffs contend that the Board of Supervisors’ vote to ratify Ms. Solis’  
11 order violated the Brown Act because the Board voted on the mandate without issuing an adequate  
12 call or notice to the public and without considering robust public debate about the unprecedented  
13 action, which threatens the jobs of thousands of people and threatens the County’s ability to provide  
14 important services to the public.

15          76.     On information and belief, the County contends that Ms. Solis’ order and the Board’s  
16 ratification of it complied with the Brown Act.

17          77.     Plaintiffs desire a judicial declaration that the County’s Covid-19 mandate is void  
18 because the proceedings that led to its adoption violated the Brown Act.

19          78.     A judicial determination of these issues is necessary and appropriate because such a  
20 declaration will clarify the parties’ rights and obligations, permit them to have certainty regarding  
21 those rights and potential liability, and avoid a multiplicity of actions.

22          79.     The County’s actions have harmed Plaintiffs, as alleged above. Plaintiffs have a  
23 beneficial interest in the relief sought in this Complaint and thus have standing to seek it.

24          80.     Plaintiffs have no adequate remedy at law and will suffer irreparable harm if the  
25 Court does not declare the vaccine mandate void. Thus, they seek preliminary and permanent  
26 injunctive relief enjoining the County from enforcing the mandate

27          81.     This action serves the public interest, justifying an award of attorneys’ fees under  
28 section 1021.5 of the California Code of Civil Procedure.

**PRAYER FOR RELIEF**

Wherefore, Plaintiffs pray for relief as follows:

1. For an order declaring the County’s Covid-19 vaccine mandate as invalid because it exceeds the County’s power under the Emergency Services Act;
  2. For an order declaring that the County has a duty to terminate the local emergency related to Covid-19 and that the County acted arbitrarily and capriciously by extending the Covid-19 emergency for more than a year and a half without conducting the reviews required by the Emergency Services Act to determine whether that was necessary;
  3. For an order declaring the County’s vaccine mandate unconstitutional on its face because it violates the privacy rights that public employees have under the California Constitution;
  4. For an order declaring the County’s vaccine mandate void because the proceedings through which the County adopted it violated the Brown Act;
  5. For preliminary and permanent injunctive relief requiring that the County terminate the Covid-19 state of emergency;
  6. For preliminary and permanent injunctive relief enjoining the County from enforcing the Covid-19 vaccine mandate;
  7. For costs and attorneys’ fees under section 1021.5 of the Code of Civil Procedure;
- and
8. For such other relief that the Court determines is just and proper.

Dated: October 1, 2021

JW HOWARD/ ATTORNEYS, LTD.

By:

  
\_\_\_\_\_  
John W. Howard  
Attorneys for Plaintiffs Vincent Thai et al.

# EXHIBIT “A”

**EXECUTIVE ORDER OF THE CHAIR OF THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS FOLLOWING PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY DUE TO NOVEL CORONAVIRUS – COVID-19**

**WHEREAS**, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors ("Board") proclaimed, pursuant to Chapter 2.68 of the Los Angeles County Code ("LACC"), the existence of a local emergency because the County of Los Angeles ("County") was affected or likely to be affected by a public calamity due to conditions of disaster or of extreme peril to the safety of persons and property arising as a result of the novel coronavirus, COVID-19, in the County;

**WHEREAS**, on March 4, 2020, the Los Angeles County Health Officer issued a declaration of local health emergency due to the occurrence of COVID-19 in the County;

**WHEREAS**, Government Code Section 8634 and LACC Section 2.68.150 empower the Chair of the Board, during a proclaimed local emergency, to promulgate orders and regulations necessary to provide for the protection of life or property;

**WHEREAS**, COVID-19 vaccines have been developed to help combat the spread of COVID-19 and prevent people from getting seriously ill from COVID-19;

**WHEREAS**, the County is now experiencing increased spread due to the highly transmissible Delta variant, which now comprises more than 94% of sequenced cases in the County;

**WHEREAS**, there are many residents who are not fully vaccinated, including over three million vaccine-eligible residents and one million residents currently ineligible, who are especially vulnerable to the spread of the Delta variant;

**WHEREAS**, on July 26, 2021, the State of California announced a requirement that all State employees must provide proof of vaccination or submit to at least weekly testing, and encouraged localities and businesses to implement similar programs;

**WHEREAS**, on July 26, 2021, the California Department of Public Health ("CDPH") issued an order requiring workers in high-risk health care and congregate settings to provide proof of vaccination or submit to at least weekly testing;

**WHEREAS**, on July 30, 2021, the Los Angeles County Health Officer issued a Health Officer Order, which incorporated by reference, the July 26, 2021 CDPH order requiring workers in high-risk health care and congregate settings to provide proof of vaccination or submit to at least weekly testing;

**WHEREAS**, on July 26, 2021, the Department of Justice released a Memorandum Opinion stating that Section 564 of the Food, Drug, and Cosmetic Act does not prohibit public or private employers from imposing vaccination requirements for a vaccine that is subject to an emergency use authorization;



**WHEREAS**, on July 15, 2021, Los Angeles County led by example by being the first in the nation to reinstitute a masking requirement for public indoor settings, which would soon after be emulated in varying degrees by the Centers for Disease Control and Prevention (CDC), the State of California, and other localities across the country;

**WHEREAS**, on July 29, 2021, President Biden announced that he would direct the Department of Defense to look into how and when they will add the COVID-19 vaccination to the list of required vaccinations for members of the military;

**WHEREAS**, on July 29, 2021, President Biden announced every federal government employee and onsite contractor will be asked to attest to their vaccination status, and those who do not must comply with testing at least once per week, a masking requirement, physical distancing from other employees and visitors, and restrictions on official travel;

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which set a date of October 1, 2021 for public agencies to transition back to public meetings held under the Brown Act;

**WHEREAS**, the County plans on reopening its buildings to the public on October 1, 2021, and the County has a strong interest in protecting its employees and the public from COVID; and

**WHEREAS**, pursuant to Government Code section 8634, and in the interest of public health and safety, it is necessary to issue the following order for the protection of life and property.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. The Chief Executive Officer, in consultation with the Office of County Counsel and the Departments of Human Resources and Public Health, establish a mandatory vaccination policy, effective immediately, which requires all County employees to provide proof of full vaccination by October 1, 2021; and
2. The Chief Executive Officer engage with the County's labor partners regarding the effects of the vaccination policy.

Date: August 4, 2021



Hilda L. Solis  
Chair, Los Angeles County Board of Supervisors