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20 Attorneys for Plaintiffs

21 **UNITED STATES DISTRICT COURT**
22 **FOR THE CENTRAL DISTRICT CALIFORNIA**

23 AMERICA'S FRONTLINE
24 DOCTORS; Carly Powell; and
25 Deborah Choi,

26 *Plaintiffs,*

27 v.

28 KIM A. WILCOX, in his official
capacity as CHANCELLOR OF
THE UNIVERSITY OF

**Complaint for Declaratory and
Injunctive Relief**

1 CALIFORNIA RIVERSIDE;
2 HOWARD GILLMAN, in his
3 official capacity as
4 CHANCELLOR OF THE
5 UNIVERSITY OF CALIFORNIA
6 IRVINE; THE REGENTS OF
7 THE UNIVERSITY OF
8 CALIFORNIA, a Corporation;
9 MICHAEL V. DRAKE, in his
10 official capacity as President of the
11 UNIVERSITY OF CALIFORNIA;
12 and John and Jane Does 1-100,

Defendants.

Federal Jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337, and 1343(a).

INTRODUCTION

14 Plaintiffs are students enrolled with the University of California (“UC”),
15 which recently mandated Covid-19 vaccination upon them (even though
16 Plaintiffs have already recovered swiftly from Covid-19 with natural immunity),
17 and upon all other students attending UC this Autumn. Plaintiffs continue to
18 have robust natural immunity superior to the vaccine-induced immunological
19 response now mandated by State Defendants.

20 Plaintiffs, and others similarly situated, can work with their healthcare
21 providers to prove their natural immunity through accepted clinical definition
22 and laboratory testing where indicated (“Prescreening”), including, but not
23 limited to, patient history, or a T-cell test.

24 Covid-19 vaccination is classified as genetic medical intervention.¹ It

25
26 ¹ For clarity of reference, Plaintiffs are using the names given to the medical
27 products by their manufacturers and Defendants. However, Plaintiffs reject the
28 highly misleading use of the term "vaccine" to describe these medical products,
since they are not vaccines within the settled meaning of the term and, instead,
are more precisely described as a form of experimental genetic manipulation.

1 carries both known and unknown risk of harm to Plaintiffs and others, such as
2 serious illness and death.

3 Plaintiffs seek the issuance of an order to show cause, shifting the burden
4 to Defendants to prove that Defendants' decision to reject scientifically accepted
5 Prescreening methods meets a compelling State interest, and that such decision
6 to reject accepted Prescreening science is narrowly tailored to avoid unnecessary
7 infringement upon Plaintiffs' Constitutional rights.

8 Plaintiffs further seek declaratory relief that Defendants' unscientific
9 decision to reject Prescreening science, in order to unscientifically propagate
10 Defendants' one-size-fits-all vaccine mandate, imminently threatens the lives of
11 Plaintiffs, and others, and unlawfully segregates them based on their Covid-19
12 Recovered medical condition and natural mRNA genetic status, which is an
13 unlawful infringement by Defendants upon Plaintiffs' constitutional rights that
14 places Plaintiffs' lives and public health in jeopardy.

15 Plaintiffs seek an injunction to restrain Defendants' from utilizing the
16 discredited tools of coercion and segregation of natural peoples in violation of
17 Federal and State law, including, but not limited to, Defendants' unscientific
18 one-size-fits-all vaccine mandate where Defendants reject scientifically accepted
19 Prescreening methods, and, therefore, place Plaintiffs' lives and public health in
20 jeopardy.

21 **JURISDICTION AND VENUE**

22 **1.** This action asserts federal claims pursuant to 42 U.S.C. § 1983. This
23 Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1337, and
24 1343(a). The Court has additional remedial authority under 28 U.S.C. §§ 2201(a)
25 and 2202.

26 **2.** Venue of this civil action in the Judicial District for the Central
27 District of California is proper pursuant to 28 U.S.C. § 1391 (b) (1) and (2).
28 Plaintiffs reside and attend higher education with the UC in this District.

1 Defendants maintain offices, exercise their authority in their official capacities,
2 and have taken the actions at issue in this matter in the Judicial District for the
3 Central District of California.

4 **3.** This Court has jurisdiction over the claims asserting violations of
5 the laws and Constitution of the State of California through its supplemental
6 jurisdiction under 28 U.S.C. section 1367(a), as those claims are so closely
7 related to the Plaintiffs' federal question and Section 1983 claims that they form
8 part of the same case or controversy under Article III of the United States
9 Constitution.

10 **PARTIES**

11 **4.** Plaintiff AMERICA'S FRONTLINE DOCTORS ("AFLDS") is a
12 non-partisan, not-for-profit organization of hundreds of member physicians that
13 come from across the country (including California), representing a range of
14 medical disciplines and practical experience on the front lines of medicine.
15 AFLDS' programs focus on a number of critical issues including:

- 16 • Providing Americans with science-based facts about COVID-19;
- 17 • Protecting physician independence from government overreach;
- 18 • Combating the "pandemic" using evidence-based approaches
19 without compromising Constitutional freedoms;
- 20 • Fighting medical cancel culture and media censorship;
- 21 • Advancing healthcare policies that protect the physician-patient
22 relationship;
- 23 • Expanding COVID-19 treatment options for all Americans who
24 need them; and
- 25 • Strengthening the voices of front-line doctors in the national
26 healthcare conversation.

27 **5.** AFLDS' core beliefs, shared by each of its member health care
28 professionals, include the following:

- 1 • That the American people have the right to accurate information
- 2 using trusted data derived from decades of practical experience, not
- 3 politicized science and Big Tech-filtered public health information.
- 4 • That critical public health decision-making should take place away
- 5 from Washington and closer to local communities and the
- 6 physicians that serve them. They are steadfastly committed to
- 7 protecting the physician-patient relationship.
- 8 • That front-line and actively practicing physicians should be
- 9 incorporated into the nation’s healthcare policy conversation.
- 10 • That safe and effective, over-the-counter COVID preventative and
- 11 early treatment options should be made available to all Americans
- 12 who need them. They reject mandatory government lockdowns and
- 13 restrictions not supported by scientific evidence. They support
- 14 focused care for the nation’s at-risk population, including seniors
- 15 and the immune-compromised.

16 **6.** AFLDS, through its member physicians, is deeply committed to
17 maintaining the physician-patient relationship in the face of government
18 encroachment. AFLDS member physicians provide care to UC students
19 (including for example in Riverside County) directly impacted by the UC’s
20 Covid-19 vaccine mandate, which is impairing physician-patient relationships,
21 and the ability of the patients to exercise informed consent/refusal without duress
22 caused by the UC.

23 **7.** Each of AFLDS’ member physicians is also deeply committed to
24 the guiding principle of medicine, “FIRST, DO NO HARM”. They take gravely
25 their ethical obligations to their patients. It is axiomatic that a physician’s duty is
26 to his or her patient.

27 **8.** AFLDS has recommended that the experimental Covid-19 vaccines
28 be prohibited for use in the under-20 age category, and strongly discouraged for

1 use in the healthy population above the age of 20 through the age of 69. These
2 recommendations have sound and broadly scientific foundations upon which
3 they are based.

4 **9.** AFLDS holds sacrosanct the relationship between doctor and patient
5 where truly informed decisions are to be made, taking into consideration all of
6 the factors relating to the patients' health, risks, co-morbidities and
7 circumstances.

8 **10.** It is critical to point out that for AFLDS member physicians, the
9 practice of medicine is not simply a job. Neither is it merely a career. Rather, it is
10 a sacred trust. It is a true high calling that often requires a decade or more of
11 highly focused sacrificial dedication to achieve.

12 **11.** The types of harm the AFLDS member physicians are inevitably
13 subjected to by the UC's mandate to inject young people with the experimental
14 COVID-19 vaccine is truly irreparable. Such harm strikes at the moral and
15 ethical underpinnings of their calling as a physician and drives irreparable
16 wedges into the sacred doctor-patient relationship that cannot be healed and
17 certainly cannot be addressed with monetary damages.

18 **12.** Plaintiff Carly Powell ("Carly") is enrolled as an undergraduate
19 student at University of California, Riverside campus. She lives in a campus
20 apartment in Riverside. Carly is a Covid-19 Recovered person, having contracted
21 the virus in December 2020. Carly has joined her local chapter of AFLDS as a
22 non-physician Citizen Corps member. UC Riverside's implementation of the
23 UC's Covid-19 vaccine mandate has put Carly under duress and impaired her
24 ability to exercise informed consent/refusal of the Covid-19 vaccine with
25 physicians of her choice.

26 **13.** Plaintiff Deborah Choi ("Deborah") is enrolled as a law student at
27 University of California, Irvine campus. Deborah resides in Irvine, California,
28 which is located in Orange County. Deborah is a Covid-19 Recovered person,

1 having contracted the virus in November 2020. Deborah has joined her local
2 chapter of AFLDS as a non-physician Citizen Corps member. UC Irvine’s
3 implementation of the UC’s Covid-19 vaccine mandate has put Deborah under
4 duress and impaired her ability to exercise informed consent/refusal of the
5 Covid-19 vaccine with physicians of her choice.

6 **14.** Plaintiffs plead for relief, to be freed from Defendants’ tactics of
7 coercion and discrimination amounting to duress as a consequence of their
8 choice *not* to submit to the myriad risks of Covid-19 vaccine injury that
9 Defendants are unable to quantify.

10 **15.** Defendant Kim A. Wilcox (“Wilcox”) is the Chancellor of
11 University of California Riverside campus. Wilcox implements the Covid-19
12 vaccine mandate of the UC at the Riverside campus, including also Wilcox’s
13 approved coercion policies that he targets to the UC Riverside community. He is
14 being sued in his official capacity.

15 **16.** Defendant Howard Gillman (“Gillman”) is the Chancellor of
16 University of California Irvine campus. Gillman implements the Covid-19
17 vaccine mandate of the UC at the Irvine campus, including also Gillman’s
18 approved coercion policies that he targets to the UC Irvine community. He is
19 being sued in his official capacity.

20 **17.** Defendant The Regents of the University of California (“UC”) is a
21 public legal entity, operating as a public university system in California with 10
22 campuses and more than 280,000 students. UC is a state-created, state-financed,
23 and state-run public trust education system, and, as such, it is subject to the
24 Fourteenth Amendment of the United States Constitution and Article IX, Section
25 9 of the California Constitution.

26 **18.** Defendant Michael V. Drake (“Drake”) is the President of the
27 University of California. He is being sued in his official capacity.

28 **19.** Defendants John and Jane Does 1-100 are, as yet, unknown persons.

DEFENDANTS HARM PLAINTIFFS

1
2 **20.** Defendants’ vaccination mandates, as referenced herein, constitutes
3 state action taken under color of law. Defendants’ inability to quantify the
4 myriad risks of Covid-19 vaccine injury is not evidence of safety, but, rather, is
5 evidence of human medical experiment.

6 **21.** Plaintiffs have experienced concrete and particularized injuries-in-
7 fact that are both actual and imminent, including, but not limited to the
8 following: (a) Defendants are unconstitutionally coercing and segregating
9 Plaintiffs without scientific justification because Plaintiffs are exercising their
10 Constitutional, and federal and state statutory, rights to decline involuntary
11 injection of harmful experimental drugs; (b) Defendants are engaged in
12 unmitigated coercion to subvert Plaintiffs’ absolute right to refuse to serve as
13 subjects to unnecessary medical experiments which are known to be dangerous,
14 and even life-threatening, and to be free of discrimination for exercising this
15 right; and (c) Plaintiffs experience certain and palpable threat of mandatory
16 vaccination as Defendants push unscientific fear (rather than mathematical and
17 clinical facts) upon Plaintiffs, and upon the public at large.

18 **22.** Defendants’ unscientific discrimination against unvaccinated Covid-
19 19 recovered students with superior immunity foreseeably places such students,
20 including Plaintiffs, under duress with respect to their exercise of informed
21 consent/refusal of Covid-19 vaccination. Among the duress techniques utilized
22 by Defendants are the following examples, which techniques are a pattern and
23 practice that Defendants tweak rapidly and dictate forcefully:

- 24 • Dictating that Covid-19 vaccinated students may breathe freely, but
25 unvaccinated Covid-19 recovered students with superior immunity can
26 only breathe as the UC and Chancellor authorize.
- 27 • Dictating that Covid-19 vaccinated students are presumed healthy, but
28 unvaccinated Covid-19 recovered students with superior immunity must

1 submit to PCR genetic testing (performed by forceful penetration of the
2 student's nasal cavity creating risk of serious harm) and miscellaneous
3 health examinations intruding student medical privacy.

- 4 • Dictating that Covid-19 vaccinated students may physically access classes
5 on campus, but unvaccinated Covid-19 recovered students with superior
6 immunity are denied access to the education (and the rights and services
7 that come with it, including healthcare) for which they have prepaid and
8 invested their livelihoods.
- 9 • Dictating Covid-19 vaccinated students may congregate normally, but
10 unvaccinated Covid-19 recovered students with superior immunity must
11 maintain 6-foot distancing from others, and be subjected to various
12 physical barriers.
- 13 • Distributing gifts, prizes, and incentives to Covid-19 vaccinated persons,
14 but isolating unvaccinated Covid-19 recovered students with superior
15 immunity.

16 All of the above techniques create an educational environment that is
17 separate, unequal, and discriminatory based on medical condition and genetic
18 status.

19 **23.** The unscientific rapid tweaking of Defendants' vaccine mandates
20 also causes direct and unnecessary disruption of Plaintiffs' doctor-patient
21 relationships, bodily integrity, education, and livelihood.

22 **COVID-19 VACCINATION RISK AND PRESCREENING**

23 **24.** The typical timeline of so-called 'successful' vaccine trials is 10-15
24 years, and most fail, such as an AIDS vaccine that unsuccessfully took about 35
25 years.² That is not all 'red tape'; rather, there are sequential steps that are
26 performed, including, for example, long term animal testing, fertility testing,
27 teratogenicity testing, and monitoring post-release. The first three datapoints

28 ² <https://www.niaid.nih.gov/diseases-conditions/hiv-vaccine-research-history>

1 (listed immediately above) are not even known yet for the new vaccines, but the
 2 post-release monitoring in the CDC database, the Vaccine Adverse Event
 3 Reporting System (“VAERS”) already shows an exponential increase in vaccine-
 4 related deaths over the previous year.³ Plaintiffs highlight this to emphasize that,
 5 in the strict scrutiny balancing test, the burden of proof must belong on the party
 6 calling for the medical intervention, or the deviation from the normal process,
 7 and all the more so if the medical intervention is brand new and still in medical
 8 trials (such as the 3 main Covid vaccines are).

9 **25.** Those individuals who have had, and, knowingly or unknowingly,
 10 recovered from the SARS-CoV-2 virus, or those individuals who currently have
 11 the virus, are herein collectively referred to as the “Covid-19 Recovered”. The
 12 medical trials for the Pfizer⁴, Moderna⁵, and Johnson & Johnson⁶ Covid-19
 13 vaccines excluded the Covid-19 Recovered and many top publishing physicians⁷

14 ³ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/vaers.html>

15 ⁴ <https://www.fda.gov/media/144412/download>

16 <https://www.fda.gov/media/144246/download>

17 <https://www.fda.gov/media/144245/download>

18 <https://www.fda.gov/media/144245/download>

19 <https://www.fda.gov/media/144413/download>

20 <https://www.fda.gov/media/148542/download>

21 https://cdn.pfizer.com/pfizercom/2020-11/C4591001_Clinical_Protocol_Nov2020.pdf

22 ⁵ <https://www.fda.gov/media/144434/download>

23 <https://www.fda.gov/media/144452/download>

24 <https://www.cdc.gov/vaccines/acip/recs/grade/covid-19-moderna-vaccine.html>

25 https://www.modernatx.com/sites/default/files/content_documents/Final%20mRNA-1273-P301%20Protocol%20Amendment%206%20-%2023Dec2020.pdf

26 ⁶ <https://www.fda.gov/media/146217/download>

27 <https://www.fda.gov/media/146338/download>

28 <https://www.fda.gov/media/146303/download>

<https://www.fda.gov/media/146219/download>

⁷ <https://pubmed.ncbi.nlm.nih.gov/?term=Hooman+Noorchashm>

<https://pubmed.ncbi.nlm.nih.gov/?term=+McCullough+PA>

https://www.icandecide.org/wp-content/uploads/2021/06/Letter-to-CDC-recovered-superior-to-vaccinated_2021_05_28.pdf

1 are proactively Prescreening patients to protect them if they are Covid 19
2 Recovered. See, e.g., from Pfizer trial:

3 “5.2. Exclusion Criteria Participants are excluded from
4 the study if any of the following criteria apply: ...
5 Previous clinical (based on COVID-19 symptoms/signs
6 alone, if a SARS-CoV-2 NAAT result was not available)
7 or microbiological (based on COVID-19 symptoms/signs
8 and a positive SARS-CoV-2 NAAT result) diagnosis of
9 COVID-19.”

10 **26.** Emphasizing the importance of shifting the proof of safety burden to
11 the State, emerging data establishes that vaccinating the Covid-19 Recovered
12 causes an immediately higher death rate worldwide for no benefit⁸, as there is a
13 much stronger (10-20x)⁹ antibody response to the Covid-19 vaccine,
14 overwhelming the immune system, if a person has previously had the virus.
15 Scientists and clinicians observing patients in real time are reporting the same
16 phenomenon all over the world, as this representative example highlights:
17 “People with prior COVID-19 illness appear to experience significantly
18 increased incidence and severity of side effects after receiving the COVID-19
19 vaccine”¹⁰ Some of these increased side effects include: blood clots,
20 hemorrhage, thrombocytopenia, heart attack, and strokes; reproductive issues,
21 including menstrual irregularities, reduced fertility, miscarriages; transmission of
22 spike protein from vaccinated individuals, such as through breast milk and
23 associated risk in neonates and infants; neurological disorders, including
24 Guillain-Barré syndrome, Bell’s Palsy, transverse myelitis and unspecified

25 _____
26 ⁸ <https://ourworldindata.org/explorers/coronavirus-data-explorer>

27 <https://authorea.com/doi/full/10.22541/au.162136772.22862058>

28 <https://www.medrxiv.org/content/10.1101/2021.04.20.21255670v1>

⁹ <https://www.medrxiv.org/content/10.1101/2021.04.15.21252192v1>

¹⁰ <https://www.medrxiv.org/content/10.1101/2021.02.26.21252096v1>

1 neurologic damage.

2 **27.** Despite the foregoing, Defendants issued an unscientific statewide
3 UC mandate of Covid-19 vaccination without any accommodation for
4 Prescreening. Defendants' dogmatic reliance upon 'CDC recommendations' is
5 not based on real time data, or on actual numbers. This explains why scientists
6 and clinicians monitoring patients in real time are achieving superior health
7 outcomes than CDC recommendations, utilizing therapeutic protocols (such as
8 Ivermectin), and emphasizing the robustness of natural immunity. An example of
9 this came recently from Dr. Marty Makary, a professor at the Bloomberg School
10 of Public Health, who stated publicly that because "half the country" likely
11 already have natural lifelong immunity to Covid-19, "I never thought I'd say
12 this, but please ignore the CDC guidance."¹¹

13 **28.** Whilst Defendants behave unscientifically (pretending that 'science
14 is settled' because the CDC 'always knows best'), real scientists in this country,
15 as well as in other countries, are achieving consistently superior health outcomes
16 for patients by doing the opposite of the one-size-fits-all approach mandated by
17 Defendants. Indeed, Defendants' position is novel and radical. Scientifically
18 accepted virology and immunology precepts¹² hold that immunity from natural
19 infection is the best, most robust, and longest lasting way to deal with epidemics
20 such as Covid 19. **Defendants' statements to the contrary are categorically**
21 **false**, and courts must not defer to false statements simply because some
22 government scientists argue for them, but, rather, courts must apply strict
23 scrutiny. See e.g., *Roman Catholic Diocese v. Cuomo*, No. 20A87, 2020 U.S.

24 ¹¹ [https://www.theblaze.com/news/johns-hopkins-professor-ignore-cdc-natural-](https://www.theblaze.com/news/johns-hopkins-professor-ignore-cdc-natural-immunity-works)
25 [immunity-works](https://www.theblaze.com/news/johns-hopkins-professor-ignore-cdc-natural-immunity-works) (Dr. Makary emphasized "Natural immunity works... We've
26 got to start respecting individuals who choose not to get the vaccine, instead of
27 demonizing them. There is more data on natural immunity than there is on
28 vaccinated immunity, because natural immunity has been around longer.")

¹² [https://www.wiley.com/en-](https://www.wiley.com/en-us/Roitt%27s+Essential+Immunology%2C+13th+Edition-p-9781118415771)
[us/Roitt%27s+Essential+Immunology%2C+13th+Edition-p-9781118415771](https://www.wiley.com/en-us/Roitt%27s+Essential+Immunology%2C+13th+Edition-p-9781118415771)

1 LEXIS 5708, at *16 (Nov. 25, 2020) (Justice Gorsuch concurring, “Why have
2 some mistaken this Court’s modest decision in *Jacobson* for a towering authority
3 that overshadows the Constitution during a pandemic? In the end, I can only
4 surmise that much of the answer lies in a particular judicial impulse to stay out of
5 the way in times of crisis. But if that impulse may be understandable or even
6 admirable in other circumstances, we may not shelter in place when the
7 Constitution is under attack. Things never go well when we do.”) Plaintiffs’
8 constitutional rights are not subject to the luxury and disposal of the gaggle of
9 government scientists who have proven unable to actually follow the scientific
10 method requiring genuine study of unvaccinated control groups.

11 **29.** Early evidence supports that natural immunity with SARS-CoV-2 in
12 the unvaccinated will be lifelong. In still more emerging data, The Cleveland
13 Clinic found the following: “Individuals who have had SARS-CoV-2 infection
14 are unlikely to benefit from COVID-19 vaccination.”¹³ And no evidence about
15 SARS-CoV-2 exists that suggests a deviation from the accepted science of
16 natural immunity, let alone a radical departure from same. Natural immunity is
17 routinely demonstrated by antibody testing as well as humoral immunity (i.e., T-
18 cell, plasma). Evidence includes prior infection¹⁴ with SARS-CoV-1¹⁵
19 (approximately 18 years ago¹⁶), which is approximately 78% identical to SARS-
20 Cov-2, whereby natural immunity is still robust against current SARS-CoV-2.
21 There is **NO** evidence to support the argument that the Covid-19 Recovered lose
22 their immunity. In fact, there is evidence of the opposite. Lifetime immunity¹⁷ is
23 anticipated. In a top scientific journal, the *Lancet*, we read about the well-

24
25 ¹³ <https://www.medrxiv.org/content/10.1101/2021.06.01.21258176v3>

26 ¹⁴ <https://www.bmj.com/content/370/bmj.m3563>

27 ¹⁵ <https://pubmed.ncbi.nlm.nih.gov/32668444/>

28 ¹⁶ <https://newsroom.uw.edu/news/antibody-neutralizes-sars-and-covid-19-coronaviruses>

¹⁷ <https://www.nature.com/articles/d41586-021-01442-9>

1 powered SIREN study: “The findings of the authors suggest that infection and
2 the development of an antibody response provides protection similar to or even
3 better than currently used SARS-CoV-2 vaccines. ... The SIREN study adds to a
4 growing number of studies which demonstrate that infection does protect against
5 reinfection.”¹⁸ Defendants can cite to no statistically significant evidence that
6 Covid-19 Recovered persons are at any risk whatsoever of reinfection or
7 transmission, let alone greater risk than Covid-19 vaccinated persons.

8 **30.** Public health has always acknowledged this basic fact of
9 immunology¹⁹ - that immunity from natural infection is the best, most robust, and
10 longest lasting - by screening for prior immunity, the Covid 19 Recovered will
11 be protected from the medical harm caused by unnecessary vaccinations.
12 Examples of this include measles, mumps, rubella, hepatitis B, hepatitis A,
13 chickenpox, and others. If a prior immunity exists, then no shot is indicated,
14 because risk without reward is not good medicine. Medical practice in general
15 prescreens to determine risk versus reward. Medicine does not (or should not)
16 push one-size-fits-all with drugs, such that any attempt to force one-size-fits-all
17 vaccination upon Plaintiffs does not satisfy logic, proper medical procedures, or
18 constitutional strict scrutiny.

19 **31.** Once natural immunity is present, artificial immunity (vaccination)
20 is not indicated because it poses risk to vaccinate the immune. Besides being
21 unduly taxing on the body, there is the potential to dangerously induce Antibody
22 Dependent Enhancement (ADE).²⁰ Defendants’ one-size-fits-all vaccine mandate
23 completely ignores this accepted science that protects Plaintiffs.²¹

24 ¹⁸ [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)00782-
25 0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)00782-0/fulltext)

26 ¹⁹ [https://www.wiley.com/en-
27 us/Roitt%27s+Essential+Immunology%2C+13th+Edition-p-9781118415771](https://www.wiley.com/en-us/Roitt%27s+Essential+Immunology%2C+13th+Edition-p-9781118415771)

28 ²⁰ <https://pubmed.ncbi.nlm.nih.gov/7811870/>

²¹ For example, antibodies to a specific portion of a pathogenic complex can be enhanced and activated when exposed in high concentration in the future. This

1 **32.** Because vaccinating the immune is well known to be both
 2 unnecessary and potentially dangerous, public health vaccination programs have
 3 always included a standardized prescreening process. This same process should
 4 be all the more indicated with the new Covid-19 vaccines, which have, in
 5 addition to the above general risks, definite and specific heightened risk,
 6 including death, as stated above for Recovered Covid 19 individuals.

7 **33.** Prescreening must be instituted at once. Because there is evidence
 8 of severe higher risk, and because Covid-19 vaccination is a new agent,
 9 prescreening must be as robust as possible, including ruling out: current
 10 infection, recent past infection (i.e., antibody testing), and older past infection
 11 (i.e., T-detect, humoral immunity). This is accomplished by doctors in all the
 12 traditional ways, such as taking a thorough patient history, and blood testing
 13 where indicated. The Journal Nature²² states: “A detrimental effect linked to pre-
 14 existing immunity is eminently testable and would be revealed by the same
 15 COVID-19 cohort and vaccine studies proposed above.”

16 **UC RIVERSIDE COVID-19 VACCINE MANDATE**

17 **34.** Defendant Wilcox regularly publishes the Covid-19 vaccine policies
 18 that he enforces at UC Riverside. See e.g.,
 19 [https://insideucr.ucr.edu/announcements/2021/06/23/campus-and-workplace-](https://insideucr.ucr.edu/announcements/2021/06/23/campus-and-workplace-covid-update)
 20 [covid-update](https://news.ucr.edu/articles/2021/07/20/deadline-provide-vaccination-proof-aug-16) and [https://news.ucr.edu/articles/2021/07/20/deadline-provide-](https://news.ucr.edu/articles/2021/07/20/deadline-provide-vaccination-proof-aug-16)
 21 [vaccination-proof-aug-16](https://news.ucr.edu/articles/2021/07/20/deadline-provide-vaccination-proof-aug-16) (“Deadline to provide vaccination proof is Aug. 16”).
 22 Such policies and their enforcement constitute a pattern and practice of UC
 23 Riverside discriminating against unvaccinated persons who are Covid-19

24 phenomenon is common in such infections as Dengue, HIV, SARS, and Ebola.
 25 In the case of human coronaviruses, the worst-case scenario, immunologically,
 26 would be when cross-reactive memory antibodies to related coronaviruses would
 27 not only be non-protective but would worsen the infection and the clinical
 28 course. Such a phenomenon of antibody dependent enhancement (ADE) has
 already been described in several viral infections.

²² <https://www.nature.com/articles/s41577-020-0389-z>

1 recovered compared to persons who are Covid-19 vaccinated.

2 **UC IRVINE COVID-19 VACCINE MANDATE**

3 **35.** Defendant Gillman regularly publishes the Covid-19 vaccine
4 policies that he enforces at UC Irvine. See e.g.,
5 <https://uci.edu/coronavirus/testing-response/covid-19-vaccine.php> and
6 <https://uci.edu/coronavirus/messages/210716-uc-covid19-vaccine-policy.php>
7 (“For UCI, the compliance dates are...School of Law - Aug. 3...Main campus -
8 Sept. 6”). Such policies and their enforcement constitute a pattern and practice of
9 UC Irvine discriminating against unvaccinated persons who are Covid-19
10 recovered compared to persons who are Covid-19 vaccinated.

11 **UC STATEWIDE POLICY**

12 **36.** On or about July 15, 2021, Defendants UC and Drake published a
13 policy (republished by the other Defendants) to mandate Covid-19 vaccination
14 for all UC students, as follows:

15 “The deadline for initial implementation of the Program, which
16 is two (2) weeks before the first day of instruction at any
17 University campus or school for the Fall 2021.

18 ...

19 **“Exception:** An approved exception to COVID-19 vaccination
20 based on a Medical Exemption, Disability, or Religious
21 Objection.

22 ...

23 **“Non-Pharmaceutical Intervention (NPI):** An action, other
24 than getting vaccinated or taking medicine, that members of the
25 University community can take to help prevent or slow the
26 spread of COVID-19 and other contagious illnesses. NPIs
27 include, for example, staying home, especially when a person is
28 sick or when a member of the person’s family or household is

1 sick; quarantining when an unvaccinated person has been
2 exposed to someone else with the illness; avoiding large
3 gatherings; physical/social distancing; wearing personal
4 protective equipment or face coverings; frequent handwashing
5 and cleaning; and asymptomatic (surveillance) and
6 symptomatic testing.

7 ...

8 “As a condition of Physical Presence at a Location or in a
9 University Program, all Covered Individuals must Participate in
10 the COVID-19 Vaccination Program by providing proof of Full
11 Vaccination or submitting a request for Exception or Deferral
12 no later than the Implementation Date. This requirement will be
13 subject to implementation guidelines and any local procedures
14 for enforcement. Alternative remote instructional programming
15 is not expected to be available in most cases and the availability
16 of alternative remote work arrangements will depend on
17 systemwide guidance and any local policies or procedures, as
18 well as the nature of the work to be performed.

19 ...

20 “Students who fail to provide proof of vaccination or apply for
21 an Exception or Deferral by the Implementation Date may,
22 therefore, be subject to a registration hold.

23 ...

24 “Each campus is responsible for: (i) assuring any necessary
25 updates are made to its local Infectious Diseases/Infection
26 Prevention and Control Programs; (ii) establishing deadlines for
27 COVID-19 Vaccination Program Participation on an annual or
28 ongoing basis, in consultation with epidemiology and infection

1 prevention experts and occupational health representatives as
2 applicable and consistent with any supply limitations; and (iii)
3 assuring implementation of the COVID-19 Vaccination
4 Program at all sites.... Chancellors, Laboratory Directors, and
5 the Vice President ANR are responsible for implementing this
6 policy.

7 ...

8 *“[FAQ #9] I was recently diagnosed with COVID-19, and/or I*
9 *had an antibody test that shows that I have natural immunity.*
10 *Does this support a Medical Exemption?*

11 You may be eligible for a temporary Medical Exemption (and,
12 therefore, a temporary Exception), for up to 90 days after your
13 diagnosis and certain treatments. According to the US Food and
14 Drug Administration, however, “a positive result from an
15 antibody test does not mean you have a specific amount of
16 immunity or protection from SARS-CoV-2 infection ...

17 Currently authorized SARS-CoV-2 antibody tests are not
18 validated to evaluate specific immunity or protection from
19 SARS-CoV-2 infection.” For this reason, individuals who have
20 been diagnosed with COVID-19 or had an antibody test are not
21 permanently exempt from vaccination.

22 ...

23 “Those Covered Individuals who fail to Participate by being
24 Vaccinated or requesting an Exception or Deferral on or before
25 the Implementation Date will be barred from Physical Presence
26 at University Facilities and Programs, and may experience
27 consequences as a result of non-Participation, up to and
28

1 including dismissal from educational programs or
2 employment.”

3 And Appendix A to the UC Policy contains a medical exemption form that
4 requires a healthcare provider to certify: “I certify that one or more of the
5 Contraindications or Precautions recognized by the CDC or by the vaccines’
6 manufacturers for each of the currently available COVID19 vaccines applies to
7 the patient listed above. For that reason, COVID-19 vaccination using any of the
8 currently available COVID-19 vaccines is inadvisable for this patient in my
9 professional opinion.”

10 **37.** The UC policy refers to the CDC webpage entitled, “Interim
11 Clinical Considerations for Use of COVID-19 Vaccines Currently Authorized in
12 the United States”, which contains the following excerpt:

13 “People should be offered vaccination regardless of their
14 history of symptomatic or asymptomatic SARS-CoV-2
15 infection; this includes people with prolonged post-COVID-19
16 symptoms. Data from clinical trials indicate that the currently
17 authorized COVID-19 vaccines can be given safely to people
18 with evidence of a prior SARS-CoV-2 infection. Viral testing to
19 assess for acute SARS-CoV-2 infection or serologic testing to
20 assess for prior infection is not recommended for the purposes
21 of vaccine decision-making.

22 “Vaccination of people with known current SARS-CoV-2
23 infection should be deferred until the person has recovered from
24 the acute illness (if the person had symptoms) and they have
25 met criteria to discontinue isolation. This recommendation
26 applies to people who experience SARS-CoV-2 infection
27 before receiving any vaccine dose and those who experience
28

1 SARS-CoV-2 infection after the first dose of an mRNA vaccine
2 but before receipt of the second dose.

3 “While there is no recommended minimum interval between
4 infection and vaccination, current evidence suggests that the
5 risk of SARS-CoV-2 reinfection is low in the months after
6 initial infection but may increase with time due to waning
7 immunity.”

8 [https://www.cdc.gov/vaccines/covid-19/clinical-
9 considerations/covid-19-vaccines-us.html](https://www.cdc.gov/vaccines/covid-19/clinical-considerations/covid-19-vaccines-us.html)

10 Moreover, on such CDC webpage for the moment, a person’s previous
11 history of SARS-CoV-2 infection is not a contraindication or precaution to
12 Covid-19 vaccination.

13 **38.** Defendants also publish policies that treat Covid-19 recovered
14 students as if their natural immunity is insufficient, such that these unvaccinated
15 Covid-19 recovered students are threatened with unnecessary medical procedures
16 and interventions without their consent (i.e., PCR testing).

17 **39.** Defendants’ novel theories for the novel coronavirus and its
18 experimental vaccine are expressly based on conjecture that fails strict scrutiny
19 when applied as a healthcare mandate, as Defendants *suggest* without confirmed
20 data, for example:

- 21 a. Covid-19 vaccines ‘could’ ‘may’ ‘possibly’ ‘ideally’ create a
22 larger immune response²³ and therefore perhaps hypothetically
23 create superior immunity that just hasn’t been observed yet but
24

25 ²³ [https://mediasources.ucr.edu/articles/2021/03/03/what-uc-riverside-scientists-
26 have-say-about-vaccines-variants-and-antibodies](https://mediasources.ucr.edu/articles/2021/03/03/what-uc-riverside-scientists-have-say-about-vaccines-variants-and-antibodies) (“ideally”);
27 [https://campusreturn.ucr.edu/sites/g/files/rcwecm4671/files/2021-04/COVID-
28 19%20Vaccine%20education%20slide%20deck_UCLA_UCR%20%281%29.pdf](https://campusreturn.ucr.edu/sites/g/files/rcwecm4671/files/2021-04/COVID-19%20Vaccine%20education%20slide%20deck_UCLA_UCR%20%281%29.pdf)
, page 31 (“There is not enough information” “suggests”));
<https://uci.edu/coronavirus/testing-response/covid-19-vaccine.php> (“usually”)

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might be observed in the unknown future by some unknown institution.

b. Sars-Cov-2 ‘could’ ‘may’ ‘possibly’ be more likely to mutate in the bodies of unvaccinated persons rather than vaccinated persons²⁴, even though that too hasn’t been observed yet but only might be observed in the unknown future by some unknown institution.

Defendants’ pattern and practice of unsubstantiated conjecture has already been authoritatively rebutted by overwhelming scientific evidence, and therefore the CDC will (or *should*) correct its guidance imminently. See, https://www.icandecide.org/wp-content/uploads/2021/06/Letter-to-CDC-re-recovered-superior-to-vaccinated_2021_05_28.pdf.

**FIRST CAUSE OF ACTION AGAINST DEFENDANTS
Declaratory Relief Under 28 U.S.C. § 2201
United States Constitution 14th Amendment Bodily Integrity**

40. Plaintiffs incorporate by reference the paragraphs above as if set forth in full herein.

41. Plaintiffs have fundamental constitutional rights to bodily integrity, including, especially, to be free from human medical experimentation. The FDA’s classification of Covid-19 vaccination (as emergency use or approved) is not determinative of the experimental status of the vaccination, as, for example, with the complete absence of any long-term safety data and the novel status of mRNA and adenovirus vaccines in humans.

42. The Constitutional Right to Bodily Integrity is well settled in law and ethics:

A. “It cannot be disputed that the Due Process Clause protects

²⁴ <https://www.universityofcalifornia.edu/news/are-we-stuck-covid-19-forever> (“may be”)

1 an interest in life as well as an interest in refusing [] medical treatment.”
2 *Cruzan v Director, Missouri Dept of Health (1990) 497 US 261, 279.*

3 **B.** “Informed consent to medical treatment is fundamental in
4 both ethics and law. Patients have the right to receive information and ask
5 questions about recommended treatments so that they can make well-
6 considered decisions about care. Successful communication in the patient-
7 physician relationship fosters trust and supports shared decision making.”
8 Citation: American Medical Association (2020). AMA Principles of
9 Medical Ethics: I, II, V, VIII. Informed Consent. [https://www.ama-](https://www.ama-assn.org/delivering-care/ethics/informed-consent)
10 [assn.org/delivering-care/ethics/informed-consent](https://www.ama-assn.org/delivering-care/ethics/informed-consent).

11 **C.** As with all forms of medical therapy, informed consent must
12 precede vaccination administration.” Citation: The American College of
13 Obstetricians and Gynecologists, Committee on Ethics, Ethical Issues
14 With Vaccination for the Obstetrician–Gynecologist, Committee Opinion
15 Number 564, May 2013, (*Reaffirmed 2016*)
16 [https://www.acog.org/Clinical-Guidance-and-Publications/Committee-](https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Ethics/Ethical-Issues-With-Vaccination-for-the-Obstetrician-Gynecologist)
17 [Opinions/Committee-on-Ethics/Ethical-Issues-With-Vaccination-for-the-](https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Ethics/Ethical-Issues-With-Vaccination-for-the-Obstetrician-Gynecologist)
18 [Obstetrician-Gynecologist](https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Ethics/Ethical-Issues-With-Vaccination-for-the-Obstetrician-Gynecologist).

19 **D.** ‘Coerced consent to a medical procedure violates the medical
20 ethics of informed consent and informed refusal, as for example where an
21 individual who has been coerced to consent to injection of biotechnology,
22 due to governmental threat of loss of access to basic necessities of life
23 such as food and medical care, cannot be presumed to have provided
24 lawful informed consent to the injection.’ Citation: Bi, S. and Klusty, T
25 (2015). Forced Sterilizations of HIV-Positive Women: A Global Ethics
26 and Policy Failure. *AMA J Ethics* 17(10):952-957.
27 doi:10.1001/journalofethics. 2015.17.10.pfor2-1510.
28 <https://journalofethics.ama-assn.org/article/forced-sterilizations-hiv->

1 positive-women-global-ethics-and-policy-failure/2015-10.

2 **43.** Plaintiffs are the only competent persons able to provide
3 consent/refusal to the injection of Covid-19 vaccines into themselves. Neither
4 Defendants nor third parties (such as the FDA) are able to provide such
5 consent/refusal on behalf of Plaintiffs, nor can Defendants or third parties waive
6 Plaintiffs' rights to informed consent/refusal of Covid-19 vaccines. Because
7 Defendants have indicated that consent to injection of a Covid-19 vaccine is an
8 imminent condition of their ongoing college participation (and, hence, future
9 livelihood), Plaintiffs fundamental rights are in jeopardy, and, so, Plaintiffs seek
10 declaratory relief to clarify their rights, and to, thereby, prevent immediate
11 harm.

12 **44.** This real and concrete controversy exists between Plaintiffs and
13 Defendants, in that Defendants contend that they have the right, the power, and
14 the authority to require Plaintiffs' coerced vaccination as a condition of
15 continuing participation at the public college (and hence control over Plaintiffs'
16 future livelihoods), and Plaintiffs maintain that such coercion is duress, because
17 they have the fundamental constitutional and statutory right to refuse vaccination
18 without disruption of their education and future livelihoods.

19 **45.** Plaintiffs seek declaratory relief that Defendants' vaccine mandate
20 rejecting Prescreening is an unscientific infringement upon Plaintiffs'
21 constitutional rights.

22 **46.** This actual controversy between Defendants and Plaintiffs centers
23 upon the lives and health of Covid-19 recovered persons.

24 **47.** Defendants have asserted in published documents that there is no
25 need to screen individuals before receiving the various vaccines, as Defendants
26 claim the vaccines are safe for administration to such people, despite the lack of
27 any testing of said individuals as part of the various trials regarding the various
28 vaccines.

1 **48.** Defendants’ policy is a gross departure from its own long-standing
2 vaccination policy to reduce life-threatening harm by prescreening.

3 **49.** Prescreening can be accomplished in exactly the same way as for all
4 other viruses, by clinical definition, and by blood immunity test where indicated.
5 (It is to be noted that physician members of Congress specifically endorse such
6 immunity testing as lifesaving.)

7 **50.** Abundant scientific medical evidence exists showing that the
8 vaccination of individuals who have had the virus and have recovered, or who
9 currently have the virus, will result in serious health issues, including death to
10 certain individuals and that due process considerations require allowance for
11 prescreening, in order to protect the lives and health of said individuals.

12 **51.** Defendants’ vaccine mandate that unscientifically rejects
13 Prescreening is the direct cause for the immediate and unnecessary threat of
14 injury and death to Plaintiffs.

15 **52.** Defendants’ unscientific decision to reject Prescreening will
16 increase the short-term and long-term vaccine injury rate thereby making UC
17 campuses less safe from SARS-CoV-2, and other pathogens. Defendants’ direct
18 attack, under color of law, on Plaintiffs’ bodily integrity is an unconstitutional
19 abuse of power that is harming public health, not advancing it.

20 **53.** Defendants are engaged in a pattern and practice of downplaying
21 and suppressing information that Covid-19 vaccination is experimental, does not
22 prevent SARS-CoV-2 transmission, and that Covid-19 vaccine injury is
23 widespread and harming public health. Defendants’ propaganda has become so
24 extreme as to irrationally disregard data and scientists exposing the propaganda.
25 The hallmark of Defendants’ propaganda is Defendants’ failure to cite credible
26 data in support of the propaganda, but rather to rely upon a ‘quasi pyramid
27 scheme’ or ‘echo chamber’ of continual deference to authority that also fails to
28 cite credible data in support of the propaganda.

1 **SECOND CAUSE OF ACTION AGAINST DEFENDANTS**
2 **Injunctive Relief Under 42 U.S.C. § 1983**
3 **United States Constitution 14th Amendment Bodily Integrity**

4 **54.** Plaintiffs incorporate by reference the paragraphs above as if set
5 forth in full herein.

6 **55.** For Plaintiffs, COVID-19 vaccination is experimental, ineffective,
7 and dangerous.

8 **56.** Plaintiffs cannot lawfully be coerced under duress to participate in
9 the human medical experiment that is Operation Warp Speed, that Defendants
10 have piggybacked their vaccine mandate on. Plaintiffs' protected right to bodily
11 integrity is secured by the Due Process Clause of the United States Constitution,
12 allowing Plaintiffs to navigate the UC campuses free from forced medical
13 experimentation and segregation based on medical condition and genetic status.

14 **57.** Defendants are state actors, and have instituted or imminently intend
15 to institute the Covid-19 vaccine mandate under color of law.

16 **58.** The forcible administration of the COVID-19 vaccines, on penalty
17 of exclusion from campus, would deprive Plaintiffs of their substantive due
18 process rights as described herein.

19 **59.** The harm to Plaintiffs cannot be adequately redressed in the event
20 that the Covid-19 vaccination mandate is carried out.

21 **60.** Unless Defendants are enjoined, Plaintiffs will be irreparably
22 harmed, which harm includes, but not by way of limitation, death, or other
23 serious illness, and the loss of fundamental State and Federal constitutionally
24 protected rights.

25 **THIRD CAUSE OF ACTION AGAINST DEFENDANTS**
26 **Injunctive Relief Under 42 U.S.C. § 1983**
27 **United States Constitution 14th Amendment Freedom from State Created**
28 **Danger**

61. Plaintiffs incorporate by reference the paragraphs above as if set

1 forth in full herein.

2 **62.** Plaintiffs have the 14th Amendment Due Process right to be free
3 from Defendants placing Plaintiffs in a situation of involuntary vaccination, a
4 position of actual, particularized danger based upon the deliberate indifference of
5 Defendants to a known and obvious danger of Covid-19 vaccine injury.

6 **63.** Defendants’ deliberate indifference to the known and obvious
7 danger of vaccine injury (including but not limited to Defendants’ inability to
8 quantify the risks of the medical procedure they mandate) creates and exposes
9 Plaintiffs to health dangers, the intensity of which Plaintiffs would not have
10 otherwise faced. Defendants’ rejection of science makes Plaintiffs more
11 vulnerable to vaccine injury.

12 **64.** Plaintiffs’ current and future injuries as herein stated are reasonably
13 foreseeable to Defendants.

14 **65.** Plaintiffs are in a special relationship with Defendants, in that
15 Plaintiffs are students enrolled at UC campuses.

16 **FOURTH CAUSE OF ACTION AGAINST DEFENDANTS**
17 **Unruh Act – Prohibiting Discrimination Based on Medical Condition and**
18 **Genetic Status**

19 **66.** Plaintiffs incorporate by reference the paragraphs above as if set
20 forth in full herein.

21 **67.** Plaintiffs invoke the Court’s supplemental jurisdiction to find that
22 Defendants’ actions violate the Unruh Civil Rights Act, California Civil Code
23 Section 51 *et seq.*, which provides in part:

24 “All persons within the jurisdiction of this state are free
25 and equal, and no matter what their [] medical condition
26 [and] genetic information [] are entitled to the full and
27 equal accommodations, advantages, facilities, privileges,
28

1 or services in all business establishments of every kind
2 whatsoever....

3 “‘Genetic information’ includes any request for, or
4 receipt of, genetic services, or participation in clinical
5 research that includes genetic services, by an individual
6 or any family member of the individual....

7 “‘Medical condition’ means [] Genetic characteristics.
8 For purposes of this section, “genetic characteristics”
9 means [] Any scientifically or medically identifiable gene
10 or chromosome, or combination or alteration thereof, that
11 is known to be a cause of a disease or disorder in a
12 person or that person’s offspring, or that is determined to
13 be associated with a statistically increased risk of
14 development of a disease or disorder, and that is
15 presently not associated with any symptoms of any
16 disease or disorder.”

17 **68.** Defendants’ decision to mandate experimental gene therapy upon
18 Plaintiffs is a direct violation of the Unruh Civil Rights Act, because it denies
19 Plaintiffs full and equal access to their UC campuses on the basis of Plaintiffs’
20 medical conditions and genetic information.

21 **69.** The UC System, and each Defendant UC campus individually, is a
22 business establishment within the meaning of Cal. Civ. Code section 51, *et seq.*
23 within the jurisdiction of this filing Court. For example, Defendant UC is one of
24 the largest employers in the State of California, receiving approximately \$1.7B
25 annually in revenue from Auxiliary Businesses, and includes campus services
26 that charge fees for goods and services and therefore are self-supporting, such as
27 housing, meals and bookstores, all three of which affect Plaintiffs Carly and
28 Deborah. As the UC states on its website, “Besides world-class classrooms and

1 labs, UC has dozens of museums, concert halls, art galleries, botanical gardens,
2 observatories and marine centers — academic resources, but also exciting
3 gathering places for the community.”

4 **70.** Defendants allow Covid-19 vaccinated persons the right to access
5 the UC campuses, but make no such accommodation to Covid-19 recovered
6 persons, who, to protect themselves from serious injury, or death, refuse to be
7 vaccinated.

8 **71.** Defendants’ violations of the Unruh Civil Rights Act must be
9 enjoined. These violations are imminent and ongoing. Defendants’ failure and
10 refusal to correct constitutes intentional discrimination against Plaintiffs and
11 those similarly situated.

12 **72.** Defendants’ violations of the Unruh Civil Rights Act have harmed
13 and will continue to harm Plaintiffs.

14 **73.** Because Defendants’ discriminatory conduct is ongoing, declaratory
15 and injunctive relief are appropriate remedies.

16 **74.** Plaintiffs are entitled to declaratory and injunctive relief as well as
17 reasonable attorneys’ fees and costs incurred in bringing this action, together
18 with statutory damages.

19 **FIFTH CAUSE OF ACTION AGAINST DEFENDANTS**
20 **Cal. Gov. Code section 11135 – Prohibiting Discrimination Based on**
21 **Medical Condition and Genetic Status**

22 **75.** Plaintiffs incorporate by reference the paragraphs above as if set
23 forth in full herein.

24 **76.** California Government Code Section 11135 is California’s civil
25 rights analogue to Title VI of the Federal Civil Rights Act. Section 11135 states
26 that:

27 “[n]o person in the State of California shall, on the basis
28

1 of [] genetic information [] be unlawfully denied full and
2 equal access to the benefits of, or be unlawfully subjected
3 to discrimination under, any program or activity that . . .
4 is funded directly by the state, or receives any financial
5 assistance from the state[.]”

6 Cal. Gov. Code. § 11135(a).

7 **77.** Section 11139 provides a private right of action for enforcement,
8 stating: “This article and regulations adopted pursuant to this article may be
9 enforced by a civil action for equitable relief, which shall be independent of any
10 other rights and remedies.”

11 **78.** Section 11139 also prohibits the statute from being “interpreted in a
12 manner that would frustrate its purpose.”

13 **79.** Defendants’ vaccination mandate is the product of Defendants’
14 intentional pattern and practice to unlawfully deny full and equal access to UC
15 campuses on the basis of genetic information.

16 **80.** Defendants have and continue to violate section 11135, by
17 unlawfully denying Plaintiffs the benefits of, and unlawfully subjecting Plaintiffs
18 to discrimination under, Defendants’ vaccination mandate for the reasons set
19 forth above.

20 **81.** Defendants have refused and failed to provide Plaintiffs with full
21 and equal access to its facilities, programs, services and activities as required by
22 section 11135, et seq.

23 **82.** Defendants’ violations of section 11135 have harmed and will
24 continue to harm Plaintiffs.

25 **83.** Because Defendants’ discriminatory conduct is ongoing, declaratory
26 and injunctive relief are appropriate remedies.

27 **84.** Plaintiffs are entitled to declaratory and injunctive relief as well as
28 reasonable attorneys’ fees and costs incurred in bringing this action.

1 **REQUEST FOR JURY TRIAL**

2 **85.**Plaintiffs request a jury trial on factual matters.

3 **REQUEST FOR RELIEF**

4 **86.**Plaintiffs request the Court grant the following relief:

5 **A.** Issue an order to show cause shifting the burden to Defendants to
6 prove that Defendants’ decision to reject scientifically accepted Prescreening
7 meets a compelling State interest, and that such decision to reject accepted
8 Prescreening science is narrowly tailored to avoid unnecessary infringement
9 upon Plaintiffs’ Constitutional rights

10 **B.** Issue a declaratory judgment that Defendants’ unscientific decision
11 to reject Prescreening science, in order to unscientifically propagate Defendants’
12 one-size-fits-all vaccine mandate, imminently threatens the lives of Plaintiffs,
13 and others, and unlawfully segregates them based on their Covid-19 Recovered
14 medical condition and natural genetic status, which is an unlawful infringement
15 by Defendants upon Plaintiffs’ constitutional rights, that places Plaintiffs’ lives
16 and public health in jeopardy.

17 **C.** Issue a temporary restraining order, and a preliminary injunction to
18 restrain Defendants’ from utilizing the discredited tools of coercion and
19 segregation of natural/unvaccinated peoples in violation of Federal and State law,
20 including but not limited to Defendants’ unscientific one-size-fits-all vaccine
21 mandate, where Defendants reject scientifically accepted Prescreening, and,
22 therefore, place Plaintiffs’ lives and public health in jeopardy.

23 **D.** Issue a permanent injunction to restrain Defendants’ from utilizing
24 the discredited tools of coercion and segregation of natural/unvaccinated peoples
25 in violation of Federal and State law, including but not limited to Defendants’
26 unscientific one-size-fits-all vaccine mandate where Defendants reject
27 scientifically accepted Prescreening and therefore place Plaintiffs’ lives and
28 public health in jeopardy.

1 **E.** Issue an order awarding Plaintiffs statutory damages, costs of suit,
2 and reasonable attorneys' fees and expenses.

3 **F.** Issue such other and further relief as this Court deems equitable,
4 just, and proper.

5 Dated this July 26, 2021

6
7 /s/ Christina Gilbertson
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24 Reno, NV 89509
25 Phone: 775-284-7700
26 (Subject to pro hac vice admission)

27
28 Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) AMERICA'S FRONTLINE DOCTORS; Carly Powell; and Deborah Choi	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) KIM A. WILCOX, in his official capacity; HOWARD GILLMAN, in his official capacity; THE REGENTS OF THE UNIVERSITY OF CALIFORNIA; MICHAEL V. DRAKE, in his official capacity
(b) County of Residence of First Listed Plaintiff <u>Riverside</u> (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>Riverside</u> (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Christina Utley Gilbertson (California Bar No. 236877) Jennings & Fulton, LTD, 2580 Sorrel Street, Las Vegas, NV 89146. Phone: 702-979-3565	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Emily Kuwahara (California Bar No. 252411) Crowell & Moring, LLP, 515 South Flower St., 40th Floor, Los Angeles, CA 90071-2201. Phone: 213-443-5556

II. BASIS OF JURISDICTION (Place an X in one box only.)

<input type="checkbox"/> 1. U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2. U.S. Government Defendant	<input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multidistrict Litigation - Transfer	<input type="checkbox"/> 8. Multidistrict Litigation - Direct File
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V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ TBD stat. damages

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Constitutional law case to protect informed consent/refusal in vaccination. 28 U.S.C. § 2201 (Declaratory Relief); 42 U.S.C. § 1983 (Injunctive Relief); California Civil Code Section 51 et seq. (Unruh Act prohibition of medical/genetic discrimination); Cal. Gov. Code section 11135 (prohibition of medical/genetic discrimination).

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 140 Negotiable Instrument	TORTS PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	SOCIAL SECURITY
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 485 Telephone Consumer Protection Act	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	LABOR	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 896 Arbitration		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes			<input checked="" type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<p>QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.</p>	<p align="center">STATE CASE WAS PENDING IN THE COUNTY OF:</p> <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	<p align="center">INITIAL DIVISION IN CACD IS:</p> Western Southern Eastern
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<p>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "no," skip to Question C. If "yes," answer Question B.1, at right.</p>	<p>B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question B.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
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<p>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "no," skip to Question D. If "yes," answer Question C.1, at right.</p>	<p>C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question C.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
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QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →</p>	<p>D.2. Is there at least one answer in Column B? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓</p>
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QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	EASTERN DIVISION

QUESTION F: Northern Counties?

Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? Yes No

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed **in this court**?

NO

YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed **in this court**?

NO

YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): /s/ Christina Gilbertson

DATE: July 26, 2021

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))