

1 ADVOCATES FOR FAITH & FREEDOM
Robert H. Tyler, State Bar No. 179572
2 rtyler@tylerbursch.com
Nada Higuera, State Bar No. 299819
3 nhiguera@tylerbursch.com
Mariah Gondeiro, State Bar No. 323683
4 mgondeiro@tylerbursch.com
25026 Las Brisas Road
5 Murrieta, California 92562
Telephone: (951) 600-2733
6 Facsimile: (951) 600-4996

7 JW Howard Attorneys, Ltd.
Scott J. Street, State Bar No. 258962
8 sstreet@jwhowardattorneys.com
777 S. Figueroa Street, Suite 3800
9 Los Angeles, California 90017
10 Telephone: (213) 205-2800

11 Attorneys for Plaintiffs Orange County Board of Education,
Children’s Health Defense, and Children’s Health Defense-
12 California Chapter

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF ORANGE COUNTY**
16

17 ORANGE COUNTY BOARD OF
EDUCATION; CHILDREN’S HEALTH
18 DEFENSE; and CHILDREN’S HEALTH
DEFENSE-CALIFORNIA CHAPTER

19 Petitioners,

20 v.

21 GAVIN NEWSOM,

22 Respondent.
23

Case No.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

1 Plaintiffs Orange County Board of Education, Children’s Health Defense and Children’s
2 Health Defense California Chapter (collectively, “Plaintiffs”) allege as follows:

3 **INTRODUCTION**

4 1. This action seeks to restore the checks and balances on which American democracy
5 depends. Governor Gavin Newsom eliminated those checks and balances during the spring of 2020
6 when he declared a state of emergency related to the novel coronavirus, COVID-19. That may have
7 been necessary at the time, to respond to a virus that caught government officials off-guard. But a
8 state of emergency cannot last forever, especially when the government has used the emergency to
9 exercise vast powers, including an unprecedented “stay at home” order through which the government
10 told forty million Californians what they could and could not do for 18 months.

11 2. The statute that Governor Newsom relied on to issue the orders, the California
12 Emergency Services Act, has never been used in these ways. It has been used so few times that there
13 is little caselaw interpreting it. But one thing is clear: the Governor has a duty to terminate the state
14 of emergency at the “earliest possible moment that conditions warrant.” This is not a discretionary
15 matter but a mandatory duty. And the Governor has already determined that the conditions that led
16 him to declare the emergency related to COVID-19 have passed. He rescinded ninety percent of his
17 emergency orders. He said Californians had successfully slowed the spread of COVID-19 and
18 protected the health care system from collapse. The Governor successfully moved to dismiss at least
19 one case by arguing that the case was moot because the conditions that led him to declare the Covid-
20 19 emergency were unlikely to arise again.

21 3. The Governor’s statements were unequivocal. The emergency is over. And while the
22 Governor may wish to continue the state of emergency for flexibility or convenience, he does not
23 have that power. The powers given to him under the Emergency Services Act are construed
24 narrowly. They must be as they would otherwise violate the non-delegation doctrine. The California
25 Constitution, like its federal counterpart, gives lawmaking authority to the Legislature not the
26 Governor.

27 4. This Court has the power—indeed the duty—to exercise judicial review and order
28 the Governor to terminate the COVID-19 state of emergency. Californians cannot live in a

1 permanent pandemic, one in which every aspect of their lives is controlled by unelected bureaucrats
2 and the rule of law is suspended out of deference to the bureaucracy. After nearly two years, it is
3 time to end the state of emergency and return to normal governance.

4 5. Plaintiffs bring this action for that purpose. They seek declaratory and injunctive
5 relief to compel the Governor to comply with his ministerial duty to end the state of emergency or,
6 in the alternative, to correct the Governor’s abuse of discretion in refusing to terminate the
7 emergency based on his own findings.

8 **PARTIES, JURISDICTION AND VENUE**

9 6. Plaintiff Orange County Board of Education (“OCBE”) is a five-member elected
10 board of trustees that serves some of Orange County’s most vulnerable student populations and
11 provides support and mandated fiscal oversight to 27 school districts serving more than 600 schools
12 and nearly 500,000 students. The Board provides direct instruction to students through its own
13 alternative and special education programs. The Board, through a majority (unopposed) vote, brings
14 this instant petition out of necessity as they are in an irreconcilable position where they must choose
15 between complying with the ever-changing directives from state public health officials, in violation
16 of the constitutional rights of their students, or upholding the Constitution by doing what is best for
17 their students, subjecting themselves to criminal culpability, expulsion from office, and loss of
18 funding. The Board has been adversely affected by emergency government orders that have dictated
19 the conditions under which children in their schools can be educated.

20 7. Plaintiff Children’s Health Defense (“CHD”) is a not-for-profit 26 U.S.C. § 501(c)(3)
21 membership organization incorporated under the laws of the State of Georgia, and headquartered at
22 1227 North Peachtree Parkway, Suite 202, Peachtree City, Georgia 30269. CHD was founded in
23 2015 (under a different name) to educate the public about the risks and harmful effects of chemical
24 exposures upon prenatal and children’s health and to advocate for social change both legislatively
25 and through judicial action. CHD has been vigorously educating California residents and advocating
26 on their behalf against state mandates regarding COVID-19, vaccines, shutdowns, and school
27 closures. CHD does not oppose all vaccines but instead advocates for transparency and tighter safety

28

1 standards in children’s health, particularly since pharmaceutical companies have been given broad
2 statutory immunity from tort liability related to vaccines, including the COVID-19 vaccines.

3 8. Plaintiff Children’s Health Defense-California Chapter (“CHD-CA”) is a not-for-
4 profit 26 U.S.C. § 501(c)(3) membership organization incorporated under the laws of the State of
5 California, and headquartered at P.O. Box 407, Ross, California 94957. CHD-CA was founded in
6 2020 to educate the public about the risks and harmful effects of environmental and chemical
7 exposures upon prenatal and children’s health and to advocate for social change both legislatively
8 and through judicial action. The interests of CHD-CA mirrors CHD’s, as stated above.

9 9. Defendant Gavin Newsom is the Governor of the State of California and is sued in
10 his official capacity. He is responsible for declaring a state of emergency and according to the
11 Emergency Services Act, has the duty to terminate the state of emergency at the earliest possible
12 moment that conditions warrant.

13 10. The Governor resides in California and thus is subject to general jurisdiction here.

14 11. Venue is proper in Orange County because the OCBE is based in Orange County and
15 has felt the effects of the Governor’s indefinite state of emergency here. Venue is also proper
16 because a substantial part of the events or omissions giving rise to the claims occurred in Orange
17 County.

18 12. Plaintiffs have a beneficial interest in the relief sought through this Complaint and
19 thus have standing to bring the action.

20 **ALLEGATIONS RELATING TO ALL CAUSES OF ACTION**

21 13. Early in 2020, California public health officials became aware that a novel
22 respiratory virus – dubbed COVID-19 – was spreading in the state and could trigger a pandemic.

23 14. Between January 26, 2020, and March 4, 2020, California state health officials said
24 repeatedly that “the risk to the general public” from the coronavirus was “low.”

25 15. Nevertheless, on March 4, 2020, Governor Gavin Newsom declared a state of
26 emergency related to COVID-19. The Governor stated that he declared a state of emergency, “to
27 combat the spread of COVID-19, which will require access to services, personnel, equipment,
28 facilities, and other resources, potentially including resources beyond those currently available to

1 prepare for and respond to any potential cases and the spread of the virus” A true and correct
2 copy of the March 4, 2020, Proclamation is attached hereto as **Exhibit “A.”**

3 16. During this time, the Governor asserted his power under the Emergency Services
4 Act to suspend the rulemaking procedures in the Administrative Procedure Act (“APA”), thus
5 exempting the Department of Public Health, Department of Education, California Division of
6 Occupational Safety and Health (Cal/OSHA), and other administrative agencies from the normal
7 decision-making process in exercising their quasi-legislative regulatory powers.

8 17. That same day, the Governor posted a press release explaining that he issued the
9 Proclamation “to make additional resources available, formalize emergency actions already
10 underway across multiple state agencies and departments, and help the state prepare for broader
11 spread of COVID-19.” A true and correct copy of this press release is attached hereto as **Exhibit**
12 **“B.”**

13 18. Emphasizing this focus on preparation for the spread of COVID-19, the Governor
14 said: “The State of California is deploying every level of government to help identify cases and slow
15 the spread of this coronavirus. This emergency proclamation will help the state further prepare our
16 communities and our health care system in the event it spreads more broadly.”

17 19. For over a year and a half, the Governor and public health officials asserted used the
18 state of emergency to exercise unprecedented powers. For example, on March 19, 2020, the Governor
19 issued a “stay at home” order effectively ordering all Californians to stay inside their homes unless
20 they left to do something the State had deemed “essential” and explicitly approved of. The Governor
21 issued this extraordinary order because state officials believed 56 percent of Californians—nearly
22 25 million people—would be infected with the virus between mid-March and mid-May 2020.
23 According to the Governor, even if only 20 percent of these people had to be hospitalized, the health
24 care system would collapse, and many people would die.

25 20. The Governor promised that the stay-at-home order would not last “many, many
26 months.” He focused on the first eight weeks of the pandemic as critical to slow the virus’ spread.

27 21. Fortunately, the predicted facts did not occur. Twenty-five million Californians did
28 not become infected with the coronavirus between March and June 2020. Hospitals were not overrun

1 with COVID-19 patients. Hundreds of thousands of Californians did not die. Indeed, to date, the
2 73,784 Californians have died of COVID-19 and that number may be inflated because it counts
3 people who died with the virus but not necessarily because of it.

4 22. By May 2020, Governor Newsom was aware that California had flattened the curve
5 and protected its health care system from being overwhelmed. Nonetheless, the Governor extended
6 the stay-at-home order indefinitely. He kept the COVID-19 state of emergency in place throughout
7 2020. As a result, most children in California, including those under the OCBE’s jurisdiction, were
8 forced to attend school virtually during the 2020-2021 school year. This remote learning
9 environment has had an incredibly negative impact on children. Because of the state of emergency,
10 children have also been forced to wear masks at all times during school, further stunting their
11 educational and emotional development.

12 23. Nearly a year later, the Governor finally declared that “the effective actions of
13 Californians over the past fifteen months have successfully curbed the spread of COVID-19,
14 resulting in dramatically lower disease prevalence and death [] in the State” A true and correct
15 copy of the Governor’s executive order, dated June 11, 2021, is attached as **Exhibit “C.”** The
16 executive order also said that it was time “for a full reopening of California,” so the Governor
17 terminated the statewide stay-at-home order.

18 24. In a press release published that same day, the Governor said that “California is
19 turning the page on this pandemic” A true and correct copy of this press release is attached
20 hereto as **Exhibit “D.”** He promised that “[b]y the end of September, nearly 90 percent of the
21 executive actions taken since March 2020 will have been lifted.”

22 25. Although he terminated most of the State’s emergency orders and said the COVID-
23 19 pandemic was nearly over, the Governor did not terminate the COVID-19 state of emergency.
24 Instead, the Governor said he would continue the state of emergency indefinitely “to preserve the
25 flexibility to modify public health directives and respond to changing conditions and to new and
26 changing health guidance from the Centers for Disease Control” The Governor also continued
27 to suspend the normal rulemaking procedures for state agencies. Thus, agencies like the California
28 Department of Public Health and Cal/OSHA continue to issue rules for workers and schools without

1 going through the normal notice and comment process and without the legal review that is typically
2 required before a regulation takes effect. Instead, the agencies have continued issuing rules that take
3 effect immediately and which are often changed later, as has occurred several times with the rules
4 for providing in-person instruction to California’s children.

5 26. This is not proper. The Emergency Services Act gives the Governor the power to act
6 quickly to respond to an emergency. By definition, an emergency cannot be indefinite. The
7 Emergency Services Act recognizes this by requiring, in section 8629 of the Government Code, that
8 the Governor terminate a state of emergency “at the earliest possible moment that conditions
9 warrant.” This is a mandatory duty – using the word “shall” – not a discretionary one.

10 27. Although the Governor may have discretion to determine when that moment occurs,
11 the Governor has already made that determination here. It occurred as of June 11, 2021, when the
12 Governor found that Californians had successfully slowed the spread of COVID-19 and saved the
13 health care system. The Governor violated his duty under the Emergency Services Act by refusing
14 to terminate the state of emergency after that date and he continues to violate that duty by continuing
15 the state of emergency indefinitely.

16 28. Indeed, in a brief his office filed last summer, the Governor said definitively that,
17 “[b]ecause of widespread vaccinations, infection rates [] in California have plummeted, and the
18 State no longer faces a threat that the State’s health care system will be overwhelmed. To the
19 contrary, all available evidence suggests a resurgence of cases, hospitalizations, and deaths to the
20 level that prompted the Blueprint [the second round of widespread business closures] and the other
21 now-rescinded public health directives at issue is unlikely to occur”

22 29. Thus, the COVID-19 emergency is over. Many other states have recognized that.
23 Football stadiums are full. Travel has resumed. More COVID treatments are being discovered.
24 COVID-19 shots are available to those who want them. California may have needed a state of
25 emergency back in March 2020, to deal with a novel virus that caught the government off-guard,
26 but it should not and cannot last forever. COVID-19 is becoming endemic. Californians will have
27 to learn to live with it, as we learned to live with other viruses.

28

1 30. This is not a trivial or academic matter. The indefinite extension of the state of
2 emergency has wreaked havoc on public entities, like the OCBE, that are responsible for educating
3 California’s children. The OCBE has had to follow mandates from Sacramento that the Board has
4 little information about and which it had no say about. It could lose funding from the State if it defies
5 the mandates. Meanwhile, many parents in Orange County (represented herein by their advocates,
6 Plaintiffs Children’s Health Defense and Children’s Health Defense-California) are outraged,
7 having lost control of their schools to unelected bureaucrats in Sacramento. The indefinite
8 emergency has also led to dozens of legal actions, including lawsuits that challenge mask and
9 vaccine mandates as well as claims for religious and disability discrimination. These actions are
10 being brought in large part because, since March 2020, the State has not functioned the way it is
11 supposed to, with the Legislature making the law, in the open and with public debate.

12 31. For example, On June 19, 2021, Cal/OSHA approved emergency standards for
13 workplaces that continue universal mask orders. Governor Newsom signed an executive order
14 waiving the usual 10-day legal review and approval process by the Office of Administrative Law,
15 so the revisions could immediately take effect. These emergency standards would not have been
16 summarily approved in this fashion but for the extended state of emergency.

17 32. Similarly, on or around October 14, 2021, the CDPH updated their guidelines for K-
18 12 schools in California. It extended mask mandates and laid the groundwork for schools to mandate
19 that children get the COVID-19 shots. The CDPH did this without any notice or comment or prior
20 legal review because those procedures are still suspended by the COVID state of emergency.

21 33. The Governor, via the California Department of Education, requires that local school
22 districts enforce the school-related mandates. As a result, school boards such as the OCBE are forced
23 into disputes they have no say in. For instance, many parents show up at school board meetings to
24 demand that their school districts disregard the statewide school mandates regarding vaccination of
25 teachers, vaccination of students, mask requirements, and testing requirements. Many parents in
26 Orange County, including those represented by CHD and CA-CHD, want masks to be optional and
27 have represented to the OCBE that they intend on removing their children from school starting next
28 semester. Governor Newsom has usurped the school boards’ power to implement school policies

1 that reflect the desires of the public, while making them bear the brunt of the parent’s frustrations
2 and hostility.

3 34. This is not a political issue. Even other Democratic governors have moved on from
4 COVID-19, with Colorado Governor Jared Polis saying last July that “the health emergency is
5 over.” Minnesota Governor Tim Walz also let his state of emergency end. Nonetheless, Governor
6 Newsom recently said that he would continue the COVID-19 state of emergency through at least
7 March 2022, and potentially longer. His office did not respond to questions about whether they are
8 using any specific metrics to decide when the emergency ends.

9 35. It is time for California to return to normal governance. This state cannot function in
10 a permanent state of emergency. The Emergency Services Act does not allow that. It requires that
11 the Governor cede his emergency powers as soon as possible and empowers this Court to order that
12 he do so when he refuses. That time has come.

13 **FIRST CAUSE OF ACTION**

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

15 36. Plaintiffs incorporate the preceding paragraphs of the Complaint as though set forth
16 fully herein.

17 37. The California Emergency Services Act gives the Governor power to act quickly
18 during a condition of “extreme peril to the safety of persons and property within the state.” But, in
19 section 8629 of the Government Code, it also states: “The Governor shall proclaim the termination
20 of a state of emergency at the earliest possible moment that conditions warrant.”

21 38. Curbing the spread of the novel coronavirus, COVID-19, was the condition that led
22 the Governor to declare a state of emergency on March 4, 2020.

23 39. By June 11, 2021, the Governor found that Californians had “successfully curbed the
24 spread” of COVID-19. Thus, the conditions that led to the state of emergency no longer existed after
25 that date and the Governor had a ministerial duty to terminate the state of emergency.

26 40. Plaintiffs contend that the Governor violated his ministerial duty to terminate the
27 COVID-19 related state of emergency after June 11, 2021. Even if the Court were to construe the
28

1 Governor's duty as discretionary, the Governor's refusal to terminate the state of emergency since
2 June 11, 2021, constituted an abuse of discretion.

3 41. On information and belief, the Governor contends that he does not have a ministerial
4 duty to terminate the COVID-19 state of emergency or, in the alternative, that he did not abuse his
5 discretion in refusing to terminate the state of emergency since June 11, 2021.

6 42. Plaintiffs desire a judicial declaration that the Governor violated his duty under the
7 Emergency Services Act by refusing to terminate the COVID-19 state of emergency after June 11,
8 2021.

9 43. A declaration of the parties' respective rights and duties will serve the interests of
10 efficiency and judicial economy by minimizing the need for duplicative litigation. Therefore,
11 declaratory relief is appropriate.

12 44. Plaintiffs have no adequate remedy at law and will be irreparably harmed if the Court
13 does not order the Governor to terminate the COVID-19 state of emergency, as the Emergency
14 Services Act requires that he do. Therefore, Plaintiffs seek preliminary and permanent injunctive
15 relief seeking that order.

16 45. This action serves the public interest, thus justifying an award of attorneys' fees
17 under section 1021.5 of the Code of Civil Procedure.

18 **PRAYER FOR RELIEF**

19 **WHEREFORE**, Plaintiffs pray for relief as follows:

20 1. For a judicial declaration that, based on the Governor's statements from June 11,
21 2021, the Governor has a duty to terminate the COVID-19 state of emergency;

22 2. In the alternative, for a judicial declaration that the Governor has abused his
23 discretion in refusing to terminate the COVID-19 state of emergency since June 11, 2021;

24 3. For preliminary and permanent injunctive relief ordering the Governor to terminate
25 the COVID-19 state of emergency;

26 4. For costs and attorneys' fees pursuant to Code of Civil Procedure section 1021.5;
27 and


28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. For any other relief the Court determines is just and proper.

DATED: November 23, 2021

ADVOCATES FOR FAITH & FREEDOM
JW HOWARD/ATTORNEYS, LTD.

By: 

Scott J. Street
Attorneys for Plaintiffs

EXHIBIT “A”

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (j), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT “B”

Governor Newsom Declares State of Emergency to Help State Prepare for Broader Spread of COVID-19

Published: Mar 04, 2020

Emergency proclamation builds on work already underway across state government to protect public health and safety

Proclamation includes increased protections against price gouging, offers more assistance to local governments and allows health care workers to come from out of state

All levels of state government are being deployed to tackle this evolving situation

SACRAMENTO – As part of the state’s response to address the global COVID-19 outbreak, Governor Gavin Newsom today declared a State of Emergency to make **additional** resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19. The proclamation comes as the number of positive California cases rises and following one official COVID-19 death.

Today’s proclamation builds on work already underway by the California Department of Public Health, California Health and Human Services Agency, Governor’s Office of Emergency Services and other agencies which have been on the front lines of the state’s response to COVID-19 since January.

“The State of California is deploying every level of government to help identify cases and slow the spread of this coronavirus,” said Governor Newsom. “This emergency proclamation will help the state further prepare our communities and our health care system in the event it spreads more broadly.”

The emergency proclamation includes provisions that protect consumers against price gouging, allow for health care workers to come from out of state to assist at health care facilities, and give health care facilities the flexibility to plan and adapt to accommodate incoming patients.

Yesterday, Governor Newsom announced the release of millions of [N95 masks](#) to address shortages caused by COVID-19. Today’s action also follows the announcement earlier this week that the state has secured the [capacity to test](#) thousands of specimens from the federal Centers for Disease Control and Prevention to expedite testing.

For the latest on the state’s COVID-19 preparedness and response, visit cdph.ca.gov.

A copy of today’s emergency proclamation can be found [here](#).

###

EXHIBIT “C”

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-07-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives, and to protect the ability of the State's health care system to deliver health care to all people in California who require it; and

WHEREAS the effective actions of Californians over the past fifteen months have successfully curbed the spread of COVID-19, resulting in dramatically lower disease prevalence and death, in the State; and

WHEREAS as of June 9, 2021, 54.3% of eligible Californians have received a full course of COVID-19 vaccination, raising the level of overall immunity in the State; and

WHEREAS the State continues to promote and facilitate vaccination of all eligible Californians; and

WHEREAS given the current outlook, it is appropriate to reevaluate existing public health directives to allow for a full reopening of California while maintaining caution and vigilance as California continues to increase vaccination rates and monitor COVID-19 variants; and

WHEREAS the California Department of Public Health and State Health Officer are empowered to issue mandatory public health directives to protect the public health in response to a contagious disease under existing State law, including, but not necessarily limited to, Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120175, 120195 and 131080; and

WHEREAS to preserve the flexibility to modify public health directives and respond to changing conditions and to new and changing health guidance issued by the Centers for Disease Control, and under the provisions of Government Code section 8571, I find that strict compliance with the Administrative Procedure Act, Government Code section 11340 et seq., would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California,

- 1) Executive Order N-33-20, issued on March 19, 2020, setting forth the Stay-at-Home Order is hereby rescinded.
- 2) Executive Order N-60-20, issued on May 4, 2020, directing the State Public Health Officer to issue a risk-based framework for reopening the economy, and all restrictions on businesses and activities deriving from that framework, including all aspects of the Blueprint for a Safer Economy, is hereby rescinded.
- 3) Nothing related to the issuance of any Orders, guidance, or directives of the State Public Health Officer relating to COVID-19 shall be subject to the Administrative Procedure Act, Government Code section 11340 et seq.
- 4) Nothing in this Order shall be construed to limit the existing authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than, or that otherwise exist in addition to, the public health measures imposed on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of June 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

EXHIBIT “D”

As California Fully Reopens, Governor Newsom Announces Plans to Lift Pandemic Executive Orders

Published: Jun 11, 2021

Governor to lift Stay-at-Home Order and retire county tier system on June 15 as the state fully reopens

SACRAMENTO – Governor Gavin Newsom today took action to lift pandemic executive orders as the state moves [Beyond the Blueprint](#) next week to fully, safely reopen. That includes terminating the Stay-at-Home Order that was implemented early in the pandemic to protect Californians and retiring the Blueprint for a Safer Economy. Effective June 15, restrictions such as physical distancing, capacity limits and the county tier system will end.

The Governor is also continuing the wind down of executive actions put in place since March 2020 to help facilitate a coordinated response to the pandemic and ensure the state could quickly and efficiently respond to the impacts of the pandemic. A subset of provisions that facilitate the ongoing recovery – such as the provision allowing pharmacy technicians to administer vaccinations as the state continues to vaccinate millions of eligible Californians every week – will remain in place.

“California is **turning** the page on this pandemic, thanks to swift action by the state and the work of Californians who followed public health guidelines and got vaccinated to protect themselves and their communities,” said Governor Newsom. “With nearly 40 million vaccines administered and among the lowest case rates in the nation, we are lifting the orders that impact Californians on a day-to-day basis while remaining vigilant to protect public health and safety as the pandemic persists.”

The state’s decisive and early action through the Stay-at-Home Order directing Californians to limit their interactions with people from other households and the Blueprint criteria guiding the tightening and loosening of allowable activities based on the level of community transmission helped slow the spread of the virus, saving lives and protecting the state’s health care delivery system from being overwhelmed. With nearly 40 million vaccines administered and among the lowest case rates in the country, California is entering a new phase, lifting these restrictions to fully reopen on June 15.

The Governor’s Office today established a timeline and process to continue winding down the various provisions of the 58 COVID-related executive orders, which suspended statutes and regulations to help the state and businesses continue operations during the pandemic. To ensure that impacted individuals and entities have time to prepare for the changes, the provisions will sunset in phases, beginning later this month, in July and in September. For example, the suspension of certain licensing requirements for manufacturers to produce hand sanitizer will end on June 30, as shortages are no longer a concern. By the end of September, nearly 90 percent of the executive actions taken since March 2020 will have been lifted.

Today the California Department of Public Health released a [new state public health officer order](#) that goes into effect on June 15. The order replaces the previous pandemic public health orders with limited requirements related to face coverings and mega events, as well as settings with children and youth pending an expected update later this month to the K-12 school guidance issued by the Centers for Disease Control and Prevention. The action supports the full and safe reopening of the state, while maintaining focused public health requirements that address the risk posed by variants as some regions across the nation and world continue to experience high levels of transmission.

A copy of the order terminating the Stay-at-Home Order and the Blueprint for a Safer Economy can be found [here](#). A copy of the order rolling back additional pandemic order provisions can be found [here](#).

###