FILED
ALAMEDA COUNTY
JAN 12 2022
CLERK OF THE SUPERIOR COURT
By _____ Deputy

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Attorneys for Petitioners CHILDREN'S HEALTH DEFENSE, CALIFORNIA CHAPTER, and PROTECTION OF THE EDUCATIONAL RIGHTS OF KIDS (P.E.R.K.) and JANE DOE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

CHILDREN'S HEALTH DEFENSE-CALIFORNIA CHAPTER, a California 501(c)(3) non-profit corporation, on its own and on behalf of its members; **PROTECTION OF THE EDUCATIONAL RIGHTS OF KIDS (P.E.R.K.),** a California 501(c)(3) non-profit corporation, on its own behalf and on behalf of its members within PUSD; **JANE DOE**, an individual on her own and on behalf of her minor children, and **JANET DOE**, an individual on her own and on behalf of her minor child,

Petitioners,

vs.

PIEDMONT UNIFIED SCHOOL DISTRICT, a local educational agency and school district for the County of Alameda; **RANDALL BOOKER**, in his official capacity as Superintendent of Piedmont Unified School District; **CORY SMEGAL, MEGAN PILLSBURY, VERONICA THIGPEN, HILARY COOPER,** and **AMAL SMITH,** each in his or her official capacity as a member of the PUSD Board of Education, and DOES 1 through 10, inclusive,

Respondents.

Case No.: 21CV002702

~~[PROPOSED]~~ ORDER GRANTING PETITIONERS' APPLICATION FOR ALTERNATIVE WRIT OF MANDATE

Code of Civil Procedure, §§ 1085, 1094.5, 1087, 1107

Date: January 11, 2022
Time: 3:30 p.m.
Dept.: 23

The *Ex Parte* Application for an Alternative Writ of Mandate of Petitioners CHILDREN'S HEALTH DEFENSE – CALIFORNIA CHAPTER, PROTECTION OF THE EDUCATIONAL RIGHTS OF KIDS, JANE DOE, and JANET DOE (hereinafter collectively "Petitioners") (hereinafter "Application"), came on for hearing on January 11, 2022 in Department 23, the Honorable Brad Seligman presiding. Jessica R. Barsotti appeared on behalf of Petitioners. Brian Duus of Leone & Alberts appeared on behalf of Respondents PIEDMONT UNIFIED SCHOOL DISTRICT, RANDALL BOOKER, CORY SMEGAL, MEGAN PILLSBURY, VERONICA THIGPEN, HILARY COOPER, and AMAL SMITH, each in his or her official capacity as a member of the PUSD Board of Education (hereinafter collectively "Respondents").

Having read and considered the Application, Amended Verified Petition for Writ of Mandate, and the other papers filed by the Petitioners and Respondents or on file herein, heard and considered the arguments of counsel, and satisfactory evidence having been presented and good cause appearing,

IT IS ORDERED THAT

Petitioner's Application for Alternative Writ is GRANTED;

An Alternative Writ of Mandate under seal of this court has issued commanding Respondents to either set aside its September 22, 2021 decision to ratify and enforce its mandatory COVID 19 vaccination policy for all students in the district 5 years of age and older (hereinafter the "Requirement") or, in the alternative, to show cause before this court on the date and time set out below why Respondents have not done so; and

Enforcement of the Requirement is stayed until a hearing on the merits per the below schedule.

IT IS FURTHER ORDERED THAT

Respondents shall file and serve their Return on the Alternative Writ Application and Demurrer, if any, on or before February 10, 2021;

Petitioners shall file any responsive pleading to the return and demurrer, if any, on or before 2/18/21 and Respondent's reply re demurrer 2/23/2022

The Court shall hear Petitioners' First Amended Petition for writ of mandate on March 1, 2022 at 3:00 p.m. PST in Department 23 of the above-captioned court.

IT IS FURTHER ORDERED THAT

Dated: 1/27/22

By: _____
HON. BRAD SELIGMAN