

## First Responders' Legal Questions (September 20, 2021)

### Logistical/Methodological Questions

- ◆ How do we get on the email list? [Scott S] 2. Will a follow-up email be sent soon with next steps to take? [Jessie Zuniga] 3. How will the instructions be delivered? [Paul K] 4. How do we get the ball rolling? [Nathan G]
- ◆ Please just make it clear who can be included in this lawsuit, in the follow up emails. Thank you! [Jenny F]
- ◆ Cost for him (Attorney)? [Keturah G]
- ◆ *[Directed specifically towards Scott, but a Methodological Question]* What would be the argument? [A. Baldwin]
- ◆ So, is PERK looking at multi-million dollars in legal bills? [Melissa T]
- ◆ *[Directed specifically to Amy, but a Logistics Question]* If people have further questions and concerns after this Zoom Meeting, what is the best way for them to do this? E-mail or phone number at PERK? Any direction on this? [Benjamin G]

### Logistical/Methodological Answers:

- ◆ Join the email list for this project through this link. <https://bit.ly/first-responders-CA>
- ◆ Follow up emails will be sent to those on the above link. That is currently the best way. One on one emails may not be responded to because there are SO many. If you are self-organizing and leading a group, please send us your name and contact information to [protectionofeducation@gmail.com](mailto:protectionofeducation@gmail.com)
- ◆ We are working with the lawyers and legal team how to best structure this. If you are a first responder, health care worker, or public worker (paid by the city, county, or state), that is our current focus for this suit due to the mandate deadline.
- ◆ Attorney cost is \$25,000 for first retainer fee. Depending on the length of the suit, we could be looking at 300K in legal fees. We have donors who will be matching donations. Legal bills are hard to estimate, but PERK has resources and partner organizations on board to fund it.

### Employment Lawyer Question

- ◆ Are we entitled to unemployment if we get fired? [Sarah B]
- ◆ Can we take our pensions out if we get fired? [Marc R]
- ◆ Do people in Unions have to show they have tried to negotiate and reach out for help with the Union?

### Employment Lawyer Answers:

- ◆ It is unclear regarding unemployment benefits. An employee who has proof of a medical exemption or religious objection to receiving a COVID-19 vaccine should still be eligible to collect unemployment benefits. We have reached out to two employment attorneys regarding pensions.
- ◆ Keep the documentation if you did reach out to your union for help and were denied.

### General Questions

- ◆ Do we need to answer the LA County E-mails that are getting sent to us? (Most folks I know are ignoring them). [Fred L]
- ◆ How do we handle when we get 'the ultimatum': vaxxed or fired? Or, even if we are asked if we are vaxxed? [Paul K]
- ◆ If we were forced to get vaccinated and got really sick, from the vaccination, who's liable? [A. Baldwin]
- ◆ What if an immediate family member passed away after the first vaccine in March? [Liana M]
- ◆ Is the 'Commoner Law' a smart approach? [Marc R]
- ◆ Can we rewrite the 1905 Case Law to a more modern time? [C. F]

- ◆ [Directed specifically towards Amy, but a General Question] 1. Is there anything, from the out of state First Responders and Healthcare Workers, that can be done to get involved/support CA First Responders/HCWs, in the lawsuits, and otherwise? [Destiny A]. 2. How do those in Northern California join this movement? [Natalee E]

#### **General Questions/Answers:**

- ◆ LA County emails will continue. Our best suggestion is to kick the can down the road as far as you can. Unofficially, we can only make suggestions right now regarding the emails you are getting. Our suggestion is to ignore if you can. The county processes are NOT in place to handle this mandate or the influx of exemptions or terminations. It's purposeful to coerce, scare you, and pressure you to comply. Thousands are not complying, but you will have to choose. Also, save the emails, letters, and instructions you are getting. Create a paper trail of documentation.
- ◆ We are not familiar with Common Law enough to share an opinion.
- ◆ If you are asked your vaccination status, it will ultimately be up to you what to do. Our recommendation is to ignore. If you chose to respond, state it is a private matter between you and your doctor.
- ◆ Unfortunately, NO ONE is liable if you are injured from the covid vaccine. The liability was removed from all manufacturers. You cannot sue them. If you had a family member pass away from the vaccine, please make sure a VAERS report was officially filed to the government data base. Next, contact ICAN for vaccine injuries. <https://www.icandecide.org/report-a-vaccine-injury/>
- ◆ There are numerous lawyers working on the 1905 case, with the goal of creating potentially better case law with the current situation.
- ◆ If you go the route of an exemption, we will post a few resources online.
- ◆ Any state can support CA's legal effort and stand against the mandates. Donate to support CA.
- ◆ If you are Northern CA, contact America's Frontline Doctors to participate in the North Cal suit.

#### **Vaccine App, Other Counties, Business Owners**

- ◆ Are you working or considering working along with LA City's Legal Team? Is that something that can happen down the line? (Larger numbers could be a positive push back). [Danielle G.]
- ◆ I am in Orange County. Can I still participate, or is this strictly LA County? [Irma R-A]
- ◆ We're being told if we don't register our 'vax status', on the App, we will be considered non-compliant, which can lead to termination. Can they legally do that? (We all know what registration lists lead to...) [David K]
- ◆ If you are a private business owner, do you legally have to comply with these mandates? [Rumina K]
- ◆ 1. Mask mandates... If I get in trouble, or written up for not wearing a mask in LA, is there a way to fight it? [Mathew F]. 2. What about mask mandates?! [Leo J]
- ◆ How is our vaccination status not a HIPPA violation? [Trevor K]

#### **Vaccine App, Other Counties, Business Owners Answers:**

- ◆ Yes, other Counties can organize with us. This issue is state wide. The lawyers may strategically litigate in whichever county they deem best for strategy.
- ◆ The fulgent app is authorized under and EUA and must have opt out options. Especially since it a mass genomic surveillancing platform similar to the COLOR app used in Long Beach, CA. PERK provided "right to refuse" forms for the COLOR app. We can recreate the Right to Refuse form for the Fulgent app.
- ◆ The vax status and app are preliminary to tracking, tracing, and the vaccine passport. We realize the ultimatum given to you. Instead of telling them you won't sign up, kick the can down the road, and if you are faced with pressure, request the informed consent forms for the app, the privacy policy, and anything else they can give you. Ask them where your information will be shared from the app? What agencies, departments, third parties, state wide, county wide, nationally? State that you need to

see everything you are signing up for with the app. Also, ask them to inform you of their cyber security plans to protect your data from cyber breeches? This already happened in California at a University, targeting the students with Religious Exemptions. Request an opt out option. Inform your unions about the app requiring you to remove all your legal rights and privacy rights. We believe some unions are working on negotiations to extend termination deadlines.

- ◆ If you are a private business owner or operating under a PMA, you may not have to comply with the mandates. You will have more autonomy and discretion as a private owner. These are currently NOT laws, but instead orders and mandates.
- ◆ We agree with you this violates HIPPA, privacy laws, Nuremberg code, health and safety laws/codes, discrimination laws, etc.
- ◆ Yes, you can fight a write up related to mask mandates. All mask mandates must allow for exemptions. See the CDPH exemption guidelines that allows for numerous exceptions.

#### **Public Employee Questions**

- ◆ I work for the City and County of San Francisco, at the Department of Public Works; 1. At this point, can we use the Religious Exemptions? (Initially it was said in our HR Letter that only those who have religious or medical reasons may be exempt from vaccinating, but the second letter didn't state that). 2. Does the Employer have to provide to us the "Termination Letter", or verbally tell us we have to quit? 3. How do we file a case or seek further help with attorneys, or as part of this group? [Liana M]
- ◆ Since we are Public Employees for the County, and it is my understanding we have to exhaust our Civil Service Remedies (not certain if this is right term), before we can sue in court. Is that correct? What is the procedure, including how we use our union as well? [Nicole F]
- ◆ Will there be an official 'group suit' to LA County we can join? [Dirk B]
- ◆ I work for a hospital and got an exemption, so I'm safe for now..... but am I really? Yes I want to continue helping, so, how would you recommend I do so? How do we start sharing this on our social media? [Claudia A]

#### **Public Employee Answers**

- ◆ All entities must allow religious and medical exemptions otherwise they will be violation of state and federal discrimination laws. Thousands in this group will not be submitting exemptions or complying.
- ◆ Ask your employer for anything and everything in writing regarding termination. To be part of this group, we will keep you posted. We are working with the legal team on how to best structure this for you all. Details coming out tomorrow.
- ◆ If you part of a union, exhaust your efforts with them. If and when they tell you they will not represent you, ask for funding for outside legal representation. We also have instructions on how to leave a union. You can participate with us even if you are in unions. The key is individual representation. That does not violate your union agreement. PERK is NOT a class action suit. We are organizing a large suit that broadly represents numerous departments and are utilizing our non-profit to house you all.

#### **Exemption Questions**

- ◆ Can a doctor write HEALTH EXEMPTIONS FOR COVID vaccinations?
- ◆ Can we still file a request for religious exemption while participating in the lawsuit?
- ◆ Issue is our public agency belongs to a union and want to know if we can still participate in the lawsuit?
- ◆ Does a letter from your PCP, stating the vaccine would be detrimental to your health, without stating specifics, work? [Jason T]

### **Exemption Answers**

- ◆ It is difficult to find doctors willing to write exemptions, but the answer is yes. Doctors CAN write medical exemptions for the covid shot. SB276 Medical Exemption law only applied to school age children.
- ◆ Yes, you can still participate if you are in a union.
- ◆ A letter from your PCP may or may not be accepted. There are currently no protocols or forms for this process. We have template forms but use at your discretion. This will likely get worked out by the county and require usage of their general form.
- ◆ All entities must allow religious and medical exemptions otherwise they will be violation of state and federal discrimination laws.

### **School District Questions**

- ◆ LAUSD mandates that we have until September 24th for any exemptions, and until October 15, to be fully vaccinated, or can't return to work. So, don't turn in an exemption? [Piso R G]
- ◆ 1. By Oct 1st, do LAUSD Employees have anything to worry about? (Our unions are not really getting back to us). 2. If we are fired by Oct 1st, or Nov 1<sup>st</sup>, whenever the time comes, because we refuse the vaxx, what could these Lawyers do for us to stop that? [Fred L]

### **School District Questions**

- ◆ For LAUSD mandates, we would like to refer you to Children's Health Defense CA. Their legal team is working on the LAUSD situation. <https://ca.childrenshealthdefense.org/school-mandate/>
- ◆ For the teachers across the state, self-organize against the mandates. PERK will be preparing to organize on this, too. We are first focusing on the First Responders and Public Workers due to the immediate deadline.
- ◆ While it's quite unpredictable, we are hearing that the unions are pushing for non-termination due to unfinished negotiations.