

CASE NO. \_\_\_\_\_

**IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA**

ORANGE COUNTY BOARD OF EDUCATION; CHILDREN’S  
HEALTH DEFENSE, CHILDREN’S HEALTH DEFENSE –  
CALIFORNIA CHAPTER

*Petitioners,*

vs.

GAVIN NEWSOM, in his official capacity as Governor of California,  
*Respondents.*

**DECLARATION OF MARY HOLLAND IN SUPPORT OF  
VERIFIED PETITION FOR WRIT OF MANDATE**

**IMMEDIATE RELIEF REQUESTED**  
***(Palma Notice Requested)***

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| <b>MUSICK PEELER &amp; GARRETT<br/>LLP</b><br>*Scott J. Street (SBN 258962)<br>s.street@musickpeeler.com<br>624 S. Grand Avenue, Suite 2000<br>Los Angeles, California 90017-3383<br>Telephone: (213) 629-7600                               | <b>KENNEDY &amp; MADONNA,<br/>LLP</b><br>Robert F. Kennedy, Jr. ( <i>pro hac<br/>vice</i> pending)<br>48 Dewitt Mills Road<br>Hurley, New York 12443<br>Telephone: (914) 882-4789 |
| <b>TYLER &amp; BURSCH, LLP</b><br>*Robert H. Tyler (SBN 179572)<br>rtyler@tylerbursch.com<br>*Jennifer L. Bursch (SBN 245512)<br>jbursch@tylerbursch.com<br>25026 Las Brisas Road<br>Murrieta, California 92562<br>Telephone: (951) 600-2733 |   |
| Attorneys for Petitions  |   |

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## DECLARATION OF MARY HOLLAND

I, Mary Holland, declare as follows

1. I am an individual over the age of 18 who resides in the State of New York. I am an attorney and the current President and General Counsel of Petitioner Children’s Health Defense (“CHD”). I am submitting this declaration in support of the Verified Petition for a Writ of Mandate compelling California Governor Gavin Newsom to terminate the state of emergency related to COVID-19 that he declared on March 4, 2020. I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. CHD is a not-for-profit 26 U.S.C. § 501(c)(3) membership organization incorporated under the laws of the State of Georgia, and headquartered at 1227 North Peachtree Parkway, Suite 202, Peachtree City, Georgia 30269. CHD was founded in 2015 (under a different name) to educate the public about the risks and harmful effects of chemical exposures upon prenatal and children’s health and to advocate for social change both legislatively and through judicial action.

3. CHD does not oppose all vaccines but instead advocates for transparency and tighter safety standards in children’s health, particularly since pharmaceutical companies have been given broad statutory immunity from tort liability related to vaccines, including the COVID-19 vaccines.

4. CHD was established and is run by Robert F. Kennedy, Jr., and a group of parents whose children have been affected by environmental exposures. CHD operates the <https://childrenshealthdefense.org> website and publishes a “weekly wrap up” with research articles and opinion pieces about health issues that affect children, including issues related to the novel

coronavirus, COVID-19. Through these publications and the activities of its California chapter, CHD represents the interests of thousands of children and families in California.

5. CHD decided to bring this instant petition out of necessity, as it believes that many of the public health directives violate the constitutional rights of students and families. More importantly, the directives are being issued by unelected administrative officials with little transparency and no opportunity for public debate. CHD believes that transparency and open debate are critical during this time, especially as the decisions relate to children's health.

Under penalty of perjury, under the laws of the State of California, I declare that the foregoing is true and correct and that this declaration was executed on August 9, 2021, at Rossmoor, California.



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MARY HOLLAND

CASE NO. \_\_\_\_\_

**IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA**

ORANGE COUNTY BOARD OF EDUCATION; CHILDREN’S  
HEALTH DEFENSE, CHILDREN’S HEALTH DEFENSE –  
CALIFORNIA CHAPTER

*Petitioners,*

vs.

GAVIN NEWSOM, in his official capacity as Governor of California,  
*Respondents.*

**DECLARATION OF MARI BARKE IN SUPPORT OF VERIFIED  
PETITION FOR WRIT OF MANDATE**

**IMMEDIATE RELIEF REQUESTED**  
***(Palma Notice Requested)***

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|--|---|
| <b>MUSICK PEELER &amp; GARRETT<br/>LLP</b><br>*Scott J. Street (SBN 258962)<br>s.street@musickpeeler.com<br>624 S. Grand Avenue, Suite 2000<br>Los Angeles, California 90017-3383<br>Telephone: (213) 629-7600                               | <b>KENNEDY &amp; MADONNA,<br/>LLP</b><br>Robert F. Kennedy, Jr. ( <i>pro hac<br/>vice</i> pending)<br>48 Dewitt Mills Road<br>Hurley, New York 12443<br>Telephone: (914) 882-4789 |
| <b>TYLER &amp; BURSCH, LLP</b><br>*Robert H. Tyler (SBN 179572)<br>rtyler@tylerbursch.com<br>*Jennifer L. Bursch (SBN 245512)<br>jbursch@tylerbursch.com<br>25026 Las Brisas Road<br>Murrieta, California 92562<br>Telephone: (951) 600-2733 |   |
| Attorneys for Petitions  |   |

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## **DECLARATION OF MARI BARKE**

I, Mari Barke, declare as follows

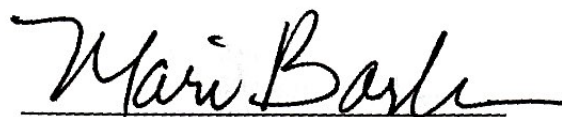
1. I am an individual over the age of 18 who resides in the State of California. I was elected to the Orange County Board of Education in June 2018 to represent the second district and currently serve as Board President. I am submitting this declaration in support of the Board's Verified Petition for a Writ of Mandate compelling Governor Gavin Newsom to terminate the state of emergency related to COVID-19 that he declared on March 4, 2020. I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. The Orange County Board of Education is a five-member elected board of trustees which serves some of Orange County's most vulnerable student populations and provides support and mandated fiscal oversight to 28 school districts serving more than 600 schools and nearly 500,000 students. The Board provides direct instruction to students through its own alternative and special education programs.

3. A majority of the Board voted to bring this instant petition out of necessity as we are in an irreconcilable position of being forced to choose between complying with the ever-changing directives from state public health officials regarding COVID-19. The Board believes that many of the public health directives issued in Sacramento violate of the constitutional rights of our students and thus we have been put in the difficult position of upholding the Constitution by doing what is best for their students or subjecting the Board and our schools to criminal culpability, expulsion from office, and loss of funding.

4. The Board has been adversely affected by emergency government orders issued during the past eighteen months that have dictated the conditions under which children in Orange County schools can be educated. Although the Governor terminated some of his emergency orders this summer, he has continued to extend—indefinitely—the underlying state of emergency. That has prevented government from returning to normal, particularly as it relates to educating our children. This will continue without judicial intervention. For example, public health officials in Sacramento have ordered that all elementary and secondary students wear masks at all times during the next school year. The Board disagrees with that policy. Yet it is unclear whether the Board must enforce the policy or whether it will be subject to punishment, including loss of funding, if it ignores it. It is also unclear whether public health officials will issue similar orders going forward, whether they concern closing schools to in-person instruction or mandating vaccines. The Board believes that these issues should be discussed openly, at all levels of government, through the People's elected representatives.

Under penalty of perjury, under the laws of the State of California, I declare that the foregoing is true and correct and that this declaration was executed on August 10, 2021, at Rossmoor, California.



MARI BARKE

CASE NO. \_\_\_\_\_

**IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA**

ORANGE COUNTY BOARD OF EDUCATION; CHILDREN’S  
HEALTH DEFENSE; CHILDREN’S HEALTH DEFENSE –  
CALIFORNIA CHAPTER

*Petitioners,*

vs.

GAVIN NEWSOM, in his official capacity as Governor of California,

*Respondents.*

**DECLARATION OF ALIX MAYER IN SUPPORT OF VERIFIED  
PETITION FOR WRIT OF MANDATE**

**IMMEDIATE RELIEF REQUESTED**  
***(Palma Notice Requested)***

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| <b>MUSICK PEELER &amp; GARRETT<br/>LLP</b><br>*Scott J. Street (SBN 258962)<br>s.street@musickpeeler.com<br>624 S. Grand Avenue, Suite 2000<br>Los Angeles, California 90017-3383<br>Telephone: (213) 629-7600                               | <b>KENNEDY &amp; MADONNA,<br/>LLP</b><br>Robert F. Kennedy, Jr. ( <i>pro hac<br/>vice</i> pending)<br>48 Dewitt Mills Road<br>Hurley, New York 12443<br>Telephone: (914) 882-4789 |
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| Attorneys for Petitions  |   |

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## DECLARATION OF ALIX MAYER

I, Alix Mayer, declare as follows

1. I am an individual over the age of 18 who resides in the State of California. I am the current President of Petitioner Children’s Health Defense – California Chapter (“CHD-CA”). I am submitting this declaration in support of the Verified Petition for a Writ of Mandate compelling California Governor Gavin Newsom to terminate the state of emergency related to COVID-19 that he declared on March 4, 2020. I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. CHD-CA is a not-for-profit 26 U.S.C. § 501(c)(3) membership organization incorporated under the laws of the State of California, and headquartered at P.O. Box 407, Ross, California 94957. CHD-CA was founded in 2020 to affiliate as a state chapter of Petitioner CHD to educate the public about the risks and harmful effects of environmental and chemical exposures upon prenatal and children’s health and to advocate for social change both to educate for social change and through judicial action.

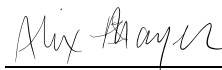
3. CHD does not oppose any vaccines but instead advocates for transparency and tighter safety standards in children’s health, particularly since pharmaceutical companies have been given broad statutory immunity from tort liability related to vaccines, including the COVID-19 vaccines.

4. CHD-CA operates the <https://ca.childrenshealthdefense.org> website and publishes research articles and opinion pieces about health issues that affect children, including issues related to the novel coronavirus, COVID-19. Through these publications, activities, and advocacy, CHD-CA represents the interests of thousands of children and families in California.



5. CHD-CA decided to bring this instant petition out of necessity, as it believes that many of the public health directives violate the constitutional rights of students and families. More importantly, the directives are being issued by unelected administrative officials with little transparency and no opportunity for public debate. CHD-CA believes that transparency and open debate are critical during this time, especially as the decisions relate to children's health.

Under penalty of perjury, under the laws of the State of California, I declare that the foregoing is true and correct, and that this declaration was executed on August 10, 2021, at Palo Alto, California.



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Alix Mayer