

FILED
ALAMEDA COUNTY

JAN 12 2022

CLERK OF THE SUPERIOR COURT

By  Deputy

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9 DEFENSE, CALIFORNIA CHAPTER, and
10 PROTECTION OF THE EDUCATIONAL RIGHTS
11 OF KIDS (P.E.R.K.) and JANE DOE

12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ALAMEDA**

15 **CHILDREN'S HEALTH DEFENSE-**
16 **CALIFORNIA CHAPTER**, a California
17 501(c)(3) non-profit corporation, on its
18 own and on behalf of its members;
19 **PROTECTION OF THE**
20 **EDUCATIONAL RIGHTS OF KIDS**
21 **(P.E.R.K.)**, a California 501(c)(3) non-
22 profit corporation, on its own behalf and on
23 behalf of its members within PUSD; **JANE**
24 **DOE**, an individual on her own and on
25 behalf of her minor children, and **JANET**
26 **DOE**, an individual on her own and on
27 behalf of her minor child,

28 Petitioners,

vs.

29 **PIEDMONT UNIFIED SCHOOL**
30 **DISTRICT**, a local educational agency and
31 school district for the County of Alameda;
32 **RANDALL BOOKER**, in his official
33 capacity as Superintendent of Piedmont
34 Unified School District; **CORY SMEGAL**,
35 **MEGAN PILLSBURY**, **VERONICA**
36 **THIGPEN**, **HILARY COOPER**, and **AMAL**
37 **SMITH**, each in his or her official capacity as
38 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

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

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

14 IT IS ORDERED THAT
15 Petitioner's Application for Alternative Writ is GRANTED;

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

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

23 IT IS FURTHER ORDERED THAT
24 Respondents shall file and serve their Return on the Alternative Writ Application and
25 Demurrer, if any, on or before February 10, 2021;

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

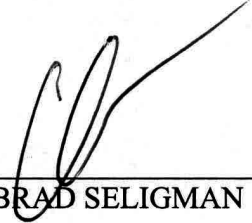


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The Court shall hear Petitioners' First Amended Petition for writ of mandate on March 1, 2022 at 3:00 p.m. PST in Department 23 of the above-captioned court.

IT IS FURTHER ORDERED THAT

Dated: 1/24/22

By: 
HON. BRAD SELIGMAN