

LITIGATION SUMMARY

To protect children, protect medical freedom, preserve parental rights, and protect the citizens of California from unconstitutional mandates and Government overreach, PERK has engaged in multiple lawsuits.

Updated 04/28/23

RADEMACHER V. ABC

Former General Hospital star Ingo Rademacher filed this case after his employer, ABC, fired him. ABC said it fired Ingo because he did not get the COVID-19 shot, and they supposedly could not accommodate him as an unvaccinated person, but we have since learned that ABC had already decided to fire Ingo because of his political views—which included supporting PERK in its opposition to COVID vaccine mandates. Our attorneys were in court last month for a lengthy (more than two hours) hearing on ABC’s motion for summary judgment. ABC does not want the case to go to trial. It does not want to put its fate in a jury’s hands. We are waiting for the judge’s ruling, and hope to be in trial this fall.

ARNOLD V. BAUER

PERK is supporting this case for educators and administrators who were fired from Granada Hills Charter High School because they did not get the COVID-19 shot. GH Charter has been among the most aggressive schools in the state in pushing mandatory vaccination policies and punishing those who don’t comply. The case is set for trial in November.

SCHNEIDER V. CONEJO VALLEY UNIFIED SCHOOL DISTRICT

PERK filed the first lawsuit in California suing the school district for violating the law by illegally providing minors with inappropriate “Gender Affirming” surveys, medically and age-inappropriate curriculum, without proper parent notification. Transitioning a child’s gender, promoting gender affirming treatment, and sexually explicit curriculum to minors without parent’s knowledge or proper consent is illegal. This case argues that the sex ed curriculum adopted by a suburban LA school district violates state law. The school district is trying to get the case dismissed but our attorneys believe we have a good chance to get it at issue and to set an example for how to litigate these issues across California.

SATTLEY V. CITY OF BEVERLY HILLS

On behalf of dozens of Beverly Hills Firefighters, PERK launched a lawsuit against the city. The City of Beverly Hills terminated firefighter Josh Sattley after he declined to get the COVID-19 shot and criticized the City’s COVID policies on social media. Josh was the only firefighter to be terminated. He lost millions of dollars in future earnings and was abandoned by his union, which encouraged him to save his job by deleting his social media posts. Josh is a true leader for freedom. After the union abandoned him, PERK stepped up to help. His case is set for trial in October of 2023.

TSAI V. LA COUNTY

PERK challenged LA County’s employee COVID vaccine policy. Our lawsuit helped save thousands of jobs, as the County largely backed off its enforcement efforts during the case. After a year and a half of litigation, the judge dismissed the case, but we are appealing and will be focusing the appeal on our argument that mandatory vaccination policies violate the right to privacy enshrined in the California Constitution. This continues to be an important case, a case that we hope will lead to good appellate law and set precedents for other counties to follow regarding the scope of California’s right to privacy.

PERK/CHD-CA V. LOS ANGELES UNIFIED SCHOOL DISTRICT

PERK/CHD-CA brought its petition and complaint against the Los Angeles Unified School District (“LAUSD”), its superintendent and board members seeking Writ of Mandate, Declaratory and Injunctive Relief. Respondents adopted and implemented what has since been declared an illegal COVID-19 vaccine Requirement for LAUSD students which forced them into independent study, subjected them to discrimination and otherwise adverse acts when refusing to comply with the local vaccine Requirement and/or implemented Measures. As the Requirement failed to provide exemptions for religious/personal beliefs and State law fully occupied the statutory scheme related to immunizations, the court in a related matter deemed the local Requirement preempted by state law. Despite preemption, PERK is fighting vigorously in the amendment stage of its initial pleadings to prevent future overreaching by the LAUSD should and when another spread of an infectious disease arises.

Shortly after the defeat of SB871 in April of 2022, which would have made it a law for kids to be vaccinated against CV19 in order to attend California public and private daycares and up, and the LAUSD’s May vote to “align” its own illegal COVID-19 vaccine mandate with the state’s announced timeline, the Judge in our case, who is the same judge in a sister case filed by Aannestad, Andelin & Corn, LLP - G.F. v. LAUSD - finally ruled that we were always right: that the 1,000+ school districts in the state of California do not have the authority to unilaterally require children to take (new experimental drugs) “vaccines” as a condition to accessing their constitutional right to an education. The only way for this to happen is through the California Legislature or through the California Department of Public Health’s (CDPH) compliance with its statutory obligations under the Health & Safety Code. 2023

PERK/CHD-CA VS. PIEDMONT UNIFIED SCHOOL DISTRICT

We won!

In January, of 2022 we completely struck down Piedmont Unified School District’s illegal mandate on children 5 and up with no independent study option, a final ruling (no appeal) that caused Oakland Unified to also withdraw its mandate, and likely inspired hundreds of other school districts to do the same. The judge ruled in our favor, granted the stay on the vaccine mandate for children and the school settled the case, agreeing in writing they would not bring back the mandate on children.

PERK (TORO) VS. SAN DIEGO CITY

Mandate Rescinded!

The Protection of the Educational Rights of Kids (PERK), on behalf of hundreds of City of San Diego firefighters, police officers, employees, and three individually named plaintiffs; Captain Manuel Del Toro, Jonathan Wiese from the San Diego Police Department, and Captain Justus Norgord from the San Diego Fire Department have secured a critical victory when the City’s unconstitutional vaccine mandate was rescinded for all city first responders and employees. The defendants agreed to a favorable settlement of their lawsuit, conditioned upon the city’s rescinding the mandate. (Case Number 37-2022-00003636-CU-CR-CTL) The lawsuit was filed in the Superior Court of the State of California, against the City of San Diego, for declaratory and injunctive relief. The City also agreed to pay a portion of PERK’s legal fees. The case was set for a bench trial in January 2023 and then moved to March 2023.

This victory means 1.3 million San Diego residents have safer streets and no longer risk losing hundreds of jobs, which directly impact city infrastructure. This victory has secured the future jobs of over 11,000 San Diego public employees and first responders’ jobs who are now protected from illegal mass termination due to intrusive vaccine mandates. Hundreds of essential workers will no longer be eliminated from the workplace, which preserves essential city services and effectively keeps the community of San Diego functioning. The mandate was always unconstitutional as it violated fundamental privacy rights under the California Constitution. Our victory shows the resilience of those who fought back to preserve their inalienable rights and freedoms. This is a great day for all of us on this road of preserving choice.