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*Attorneys for Plaintiff*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**  
**(Central Division)**

FIREFIGHTERS4FREEDOM FOUNDATION,  
A CALIFORNIA NON-PROFIT  
CORPORATION, AS APPOINTED AGENT  
FOR 529 INDIVIDUAL LOS ANGELES CITY  
FIREFIGHTERS,  
  
Plaintiff,  
  
vs.  
  
CITY OF LOS ANGELES,  
  
Defendant.

Case No.:

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF FOR:**

- (1) Violation Of Constitutionally Protected  
Autonomous Privacy Rights; and**
- (2) Ultra-Vires Legislation**

Plaintiff, for and on behalf of 529 Los Angeles City Firefighters identified in Appendix A (“Firefighters”), alleges against Defendant the following claims and causes of action:

## INTRODUCTION

- 1  
2 1. The Covid-19 pandemic has been running for more than a year and a half. For the majority of  
3 that time, schools were shut. Businesses were forced to close. Even government agencies  
4 operated "remotely," meeting by phone or videoconference to conduct the public's business.
- 5  
6 2. But while others were inside protecting their own health, firefighters stepped to the frontlines  
7 of the pandemic, selflessly protecting citizens of this City. For their trouble, 1079 Los  
8 Angeles City firefighters either contracted or were impacted by Covid—one-third of the  
9 entire force. Aside from all else written below, these men and women have *earned* the  
10 right—through their willing acceptance of Covid risk in helping others—to have a say in  
11 whether to take the experimental Covid vaccines into their own bodies; particularly where:  
12 (a) reasonable accommodations clearly exist for a middle-ground solution between privacy  
13 rights and public rights, and (b) current evidence suggests current vaccines may actually  
14 exacerbate spread of the Delta variant of the Covid virus, not stop it.
- 15  
16 3. Notwithstanding, Firefighters are now pawns in a political chess match, ordered by thirteen  
17 politicians on the Los Angeles City Council to inject themselves with an experimental  
18 vaccine--over their objections--or lose their jobs.
- 19  
20 4. As will be shown at the time of trial and in preliminary hearings, the City does not have the  
21 Constitutional authority to force anyone to take an experimental vaccine against his or her  
22 will without considering, and granting where possible, reasonable accommodations for those  
23 who chose to not take the vaccine. The City does not have that power as an employer. It does  
24 not have that power as the sovereign. It does not have that power under normal times, nor  
25 during an emergency.
- 26  
27 5. And, to be clear, Covid-19 no longer poses the immediate threat to that it may have posed  
28 last spring. Covid data for Los Angeles County posted Sept. 11, 2021, showed a 25.37%

1        *decrease* in new cases and a 26.14% *decrease* in new hospital admissions. Further, as of  
2        September 12, 2021, Los Angeles Metro System returned to pre-pandemic service levels.  
3        Even the Governor has rescinded 90 percent of his emergency Covid orders. There is no  
4        basis for the City's rushed and ill-conceived mandate.

5        6. The City's vaccine mandate violates the Firefighters' right to privacy under the California  
6        Constitution. The California Constitution provides an *explicit* constitutional privacy right  
7        (compared to the *implicit* privacy right under the federal constitution) that has been applied to  
8        invalidate similar intrusions of a person's bodily integrity. To satisfy the California  
9        Constitution, the City must consider and offer reasonable accommodations as a middle  
10       ground between individual freedoms and collective rights. It did not do that. Instead, the City  
11       Council viewed this sensitive personal issue through the lens of partisan politics, saying they  
12       "want[ ] a vaccinated workforce." The California Constitution requires far more than that  
13       before invading the bodily integrity of thousands of public employees, who the public  
14       depends on.  
15       depends on.

16       7. Even if the City had the power to order forced vaccinations of its employees or residents,  
17       (which it does not) it must show that forced vaccination is the least restrictive way to mitigate  
18       the effects of Covid-19. The City cannot show that because the evidence does not support  
19       that finding. In fact, there is mounting evidence that the vaccine does not prevent the virus  
20       from spreading and may only provide protection against serious illness, a benefit that does  
21       little, if anything, for firefighters. Thus, the vaccine mandate is both unnecessary and  
22       ineffective in protecting the public.  
23       ineffective in protecting the public.

24       8. These are not trivial concerns. The Covid-19 vaccines may—or may not—be safe for most  
25       people. We won't know if they are safe until, at minimum, the 20 primary clinical trials  
26       people. We won't know if they are safe until, at minimum, the 20 primary clinical trials  
27       people. We won't know if they are safe until, at minimum, the 20 primary clinical trials  
28       people. We won't know if they are safe until, at minimum, the 20 primary clinical trials

1 underway to answer this very question are completed and time has passed to assess long-term  
2 effects. (See Attachment C)

3 9. As of August 31, 2021, 477,447 adverse reactions have been reported to the Department of  
4 Health and Human Services, many in otherwise healthy people (<https://VAERS.hhs.gov>).  
5 These statistics include 6,112 deaths, 7,829 life threatening illnesses and 28,035  
6 hospitalizations. The people of Los Angeles cannot afford to put their firefighters at  
7 additional health risk when the force is already depleted and inadequately staffed. The people  
8 of Los Angeles cannot afford to lose the large percentage of their firefighters that the City  
9 has threatened to fire if they do not get a Covid shot, especially during the peak of fire  
10 season.  
11

12 10. Firefighters4Freedom brings this action for declaratory and injunctive relief to declare the  
13 City's vaccine mandate unlawful and to enjoin the City from enforcing it.  
14

#### 15 **PARTIES AND JURISDICTION**

16 11. Plaintiff is a California non-profit 501(c)(3) corporation whose mission is to support all  
17 Firefighters' freedom of choice in employment and public union related matters, including  
18 but not limited to: freedom of speech, religion, assembly and privacy; and to act on behalf of  
19 public employees in this State to secure and protect these rights.  
20

21 12. Each individual Firefighter identified in Appendix A has signed an engagement letter  
22 appointing undersigned counsel as advisory and/or litigation counsel for and on behalf of  
23 each individual Firefighter, pursuant to Govt. Code §3502, to achieve the following  
24 objectives:  
25

- 26 a. Litigation to challenge the recent Covid-19 vaccination mandate ordinance passed  
27 by the City Council on or about August 20, 2021; and  
28



1 been approved for an exemption must still report their vaccination status. (Covid Vaccine  
2 Ordinance §4.701(b))

3 19. As justification for passing this ordinance, the City Council asserted the following findings  
4 (the “Vaccine Ordinance Findings”):

- 5 - *Vaccination is the most effective way to prevent transmission and limit Covid-19*  
6 *hospitalizations and deaths.*
- 7 - *Unvaccinated employees are at a greater risk of contracting and spreading Covid-19*  
8 *within the workplace, and risk transmission to the public that depends on City services.*

9 (Covid Vaccine Ordinance §2)

10 20. On information and belief, in declaring the Vaccine Ordinance Findings, the City failed to  
11 engage in a meaningful scientific review of available data and evidence concerning: (a)  
12 whether or not vaccination is, in fact, the most effective way to prevent transmission and  
13 limit Covid-19 hospitalizations and deaths; and (b) whether or not unvaccinated employees  
14 are, in fact, at a greater risk of contracting and spreading Covid-19 within the workplace, and  
15 risk transmission to the public that depends on City services.  
16

17 21. Further, on information and belief, the City also failed to consider reasonable  
18 accommodations for the firefighting force who oppose mandatory vaccinations and failed to  
19 consider least restrictive alternatives.  
20

21 **COVID SPREAD CHARACTERISTICS AND TRANSMISSION RISK**

22 22. LA City claims in the Ordinance Findings that unvaccinated employees are at a greater risk  
23 of contracting and spreading COVID-19 within the workplace, and risk transmission to the  
24 public that depends on City services. This assertion is contrary to the preponderance of  
25 scholarly evidence now emerging regarding the Delta variant of the Covid virus on both sides  
26 of the vaccine debate.  
27  
28

1 23. A preponderance of evidence shows an increased “viral load” after vaccination, which tends  
2 to actually *increase* the spread of Covid-19 by vaccinated people. A recent study found  
3 vaccinated individuals carry *251 times the load of covid-19 viruses* in their nostrils compared  
4 to the unvaccinated.

5 24. According to the CDC, for those who are fully vaccinated and get infected (*i.e.*,  
6 “breakthrough infections”), there is still a risk of transmission to others. In July 2021, a CDC  
7 study CDC noted 469 cases of covid-19 where approximately three quarters (346; 74%) of  
8 cases occurred in fully vaccinated persons; *i.e.*, those who had completed a 2-dose course of  
9 the mRNA vaccine (Pfizer-BioNTech or Moderna) or had received a single dose of the  
10 Janssen (Johnson & Johnson) vaccine.  
11

12 25. Current studies show that fully vaccinated people carry the same viral load as the  
13 unvaccinated, with the Delta variant—which is to say that current vaccines don’t materially  
14 prevent transmission of the Delta variant.  
15

16 26. If the goal is to prevent firefighters from contracting and spreading covid-19 within the  
17 workplace, and risk transmission to the public that depends on City services, the evidence  
18 shows that mandatory vaccination of all Firefighters will actually *thwart* that laudable goal.  
19

## 20 THE COVID VACCINES

21 27. Three Covid vaccines were granted emergency use authorization by the FDA and are  
22 currently in use. One is manufactured by Moderna (the “Moderna Vaccine”), a second by  
23 Pfizer BioNTech (the “Pfizer Vaccine”) and a third by Johnson & Johnson/Janssen (the “J&J  
24 Vaccine”). Collectively, the Moderna Vaccine, the Pfizer Vaccine, and the J&J Vaccine are  
25 sometimes hereafter referred to collectively as the “Covid Vaccines.”  
26  
27  
28

1 28. However, none of the currently available Covid Vaccines has been approved by the FDA  
2 under the statutory approval requirements of the Food, Drug and Cosmetics Act (“FDCA”).  
3 Rather, the Covid Vaccines have been authorized for emergency use under § 564 of the  
4 FDCA (21 U.S.C. § 360bbb-3) “during the effective period of a declaration [of emergency],  
5 of a drug, device, or biological product intended for use in an actual or potential  
6 emergency...” 21 U.S.C. § 360bbb-3(a)(1).

7  
8 29. It is scientifically irrefutable that long term side effects of the Covid Vaccinations are  
9 presently unknown. Further, because the human body is a complex biological system, long-  
10 term side effects cannot be accurately forecast using computational technology or statistics.  
11 Only laboratory experimental results, and vigilant long term human trial data accumulated  
12 over a statistically significant period of time, will allow scientists to reasonably predict the  
13 long-term side effects of the Covid Vaccines.  
14

### 15 **UNKNOWN RISKS OF THE COVID VACCINES**

16  
17 30. As of August 31, 2021, the Vaccine Adverse Effect Reporting System “VAERS Data”  
18 maintained by the US Dept. of Health & Human Services (<https://VAERS.hhs.gov>) has  
19 received 447,446 reported adverse effects following administration of a Covid Vaccination in  
20 the United States and 6,112 reported deaths. While these numbers are a fraction of the total  
21 number of Covid Vaccinations administered in this country, to date, they are not  
22 insignificant. The current statistics reported above also do not account for the possibility of  
23 ever-increasing adverse reports as the side effects of the Covid Vaccines may be expressed in  
24 the months and years ahead, and the likely under-reporting to the VAERS database.  
25

26  
27 31. While opinions on the efficacy and safety of the Covid Vaccines vary widely, one reasonable  
28 opinion is that because the Covid Vaccines are not yet proven safe, a Covid Vaccination

1 should not be taken into a person's body unless and until potential short and long-term  
2 effects are better understood. This is the personal viewpoint held by each Firefighter.

3  
4 **FIRST CAUSE OF ACTION**  
5 **(Violation Of Constitutionally Protected Autonomous Privacy Rights)**

6 32. Plaintiff re-alleges Paragraphs 1-31, above as though fully set forth herein.

7 33. The California Constitution, section I, article 1, provides that “[a]ll people are by nature free  
8 and independent and have inalienable rights. Among these are enjoying and defending life  
9 and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining  
10 safety, happiness, and privacy.”  
11

12 34. The fundamental right to pursue and obtain safety, happiness, and privacy, as expressed  
13 through public policies of this State, is protected against all state action.

14 35. The *right of individuals to determine what is done to their own bodies* is one such expressed  
15 public policy of this State; and is an inalienable autonomy privacy right protected under the  
16 California Constitution and at common law.  
17

18 36. In addition, the *right to exercise informed consent to accept, or not accept, novel and*  
19 *unproven medical treatments without force, fraud, deceit, duress, coercion, or undue*  
20 *influence* is another expressed public policy of this State; and is an inalienable autonomy  
21 privacy right protected under the California Constitution, section I, article 1; and at common  
22 law.  
23

24 37. Firefighters have a legally protected privacy interest in their bodily integrity and their right to  
25 choose which medical treatment they receive. They also have a reasonable expectation of  
26 privacy in these circumstances, as the long-term side effects of the Covid vaccines are  
27 presently unknown to a reasonable degree of scientific certainty. Indeed, long-term side  
28

1 effects are typically studied for 10 years before FDA approval is granted to any proposed  
2 drug or medication. That level of rigorous experimental evaluation of safety and efficacy has  
3 not yet occurred with respect to the Covid vaccines. It is therefore fair and reasonable for  
4 Firefighters—or anyone—to object to a Covid injection until long-term side effects are  
5 understood.

6  
7 38. Further, it is scientifically irrefutable that current vaccines available do not prevent spread of  
8 the Covid Delta virus and, in fact, might increase spread of the virus due to viral load factors  
9 Thus, firefighters are entitled to reasonable accommodations under law that allow them to  
10 continue employment without taking a Covid vaccine but the City has refused to provide  
11 such accommodations.

12  
13 39. Given these issues and concerns, the City's act of mandating that firefighters take the Covid  
14 vaccine by October 15, 2021 or be fired—and their conditioning of future employment on  
15 proof of Covid vaccination—constitutes a serious invasion of the firefighters' privacy and  
16 violates the California Constitution.

17  
18 40. In light of existing reasonably available accommodations that may be presented at the time of  
19 hearing or trial in this matter, Defendant have no legitimate employer interest in mandating  
20 vaccinations for City employees.

21  
22 41. An existing justiciable controversy exists between Firefighters and Defendant with respect to  
23 Defendant's mandate for all City employees to receive a Covid Vaccination and Firefighters'  
24 objection to this mandate.

25  
26 42. Pursuant to CCP §1060, and at common law, Firefighters are entitled to declaratory relief  
27 that:  
28

- 1 a. Defendant's requirement that Firefighters must receive a Covid Vaccination as a  
2 condition of continued employment violates Firefighters' inalienable autonomous  
3 rights to determine what is done to their own bodies;
- 4 b. Defendant's requirement that Firefighters must receive a Covid Vaccination as a  
5 condition of continued employment violates Firefighters' inalienable autonomous  
6 rights to exercise informed consent to accept, or not accept, novel and unproven  
7 medical treatments without force, fraud, deceit, duress, coercion, or undue  
8 influence; and
- 9 c. Accommodations are reasonably available to Defendant that would allow  
10 continued employment without a Covid Vaccine.  
11

12 43. Firefighters are entitled to preliminary and permanent injunctive relief:

- 13 a. prohibiting Defendant from enforcing its mandate that Firefighters must receive a  
14 Covid Vaccination as a condition of continued employment;
- 15 b. requiring Defendant to offer reasonable accommodations to Firefighters to allow  
16 continued employment without a Covid Vaccination;
- 17 c. prohibiting discrimination or retaliation.  
18

19 44. Firefighters are entitled to a temporary restraining order prohibiting the Defendant'  
20 vaccination mandate from going into effect until a preliminary injunction hearing in this  
21 matter and further order of this Court.  
22

23 45. Firefighters are entitled to costs and attorneys' fees in this action pursuant to CCP §1021.5.  
24

25 **SECOND CAUSE OF ACTION**  
26 **(Ultra-Vires Legislation)**

27 46. Plaintiff re-alleges Paragraphs 1-45, above as though fully set forth herein.  
28

1 47. California Constitution article XI, section 5(a) provides, in part, that a City “may make and  
2 enforce all ordinances and regulations in respect to municipal affairs, subject only to  
3 restrictions and limitations provided in their several charters and in respect to other matters  
4 they shall be subject to general laws.”

5 48. While a City’s legislative authority under its police powers is broad, to be sure, it is not  
6 unlimited. Limitations on a City’s legislative power arise in instances when legislation  
7 affecting certain specific rights: namely, those which either have been afforded express  
8 constitutional protection or are of a character so fundamental or "implicit in the concept of  
9 ordered liberty” is subjected to a more searching level of scrutiny.  
10

11 49. Such is the case here. At issue are Firefighters’ constitutional rights to privacy guaranteed  
12 under the Constitution, article I, section 1, which are of a character so fundamental or  
13 "implicit in the concept of ordered liberty” as to be subjected to a more searching level of  
14 scrutiny.  
15

16 50. The City ultra-vires adoption of the Covid Vaccine Ordinance fail to meet a more searching  
17 level of scrutiny. The City’s rationale for the Covid Vaccine Ordinance does little more than  
18 repeat discredited political platitudes about the spread characteristics of Covid and the risk  
19 of contracting and spreading Covid. The “Findings” offered by the City in the Covid Vaccine  
20 Ordinance concerning spread characteristics and risk of contracting and spreading Covid are  
21 squarely refuted by highly reputable medical experts on both sides of the vaccine debate.  
22

23 51. For these reasons, the City’s adoption of the Covid Vaccine Ordinance exceeds its  
24 constitutional authority by failing to consider and adopt less restrictive alternatives than its  
25 blanket Covid mandate and is an ultra-vires, unconstitutional enactment.

26 52. Pursuant to CCP §1060, and at common law, Firefighters are entitled to declaratory relief  
27 that:  
28

- 1 a. The City Ordinance exceeds legislative powers of the City Council by failing to  
2 account for constitutional protections provided each Firefighter under  
3 Constitution article I, section 1; and  
4 b. The City has failed to consider and adopt the least restrictive alternatives to  
5 protect Firefighters’ constitutional rights, in the context of protecting the public  
6 during the Covid pandemic.  
7

8 53. Firefighters are entitled to a temporary restraining order prohibiting Defendant’ vaccination  
9 mandate from going into effect until a preliminary injunction hearing in this matter and  
10 further order of this Court.

11 54. Firefighters are entitled to costs and attorneys’ fees in this action pursuant to CCP §1021.5.  
12

13 **WHEREFORE**, Plaintiff prays for relief from this Court as follows:  
14

15 **On the First Cause of Action:**  
16

- 17 1. Pursuant to CCP §1060, and at common law, a judicial declaration that:  
18 a. Defendant’s requirement that Firefighters must receive a Covid Vaccination as a  
19 condition of continued employment violates Firefighters’ inalienable autonomous  
20 rights to determine what is done to their own bodies; and  
21 b. Accommodations are reasonably available to Defendant that would allow  
22 continued employment without a Covid Vaccine.  
23  
24 2. for preliminary and permanent injunctive relief:  
25 a. prohibiting Defendant from enforcing its mandate that Firefighters must receive a  
26 Covid Vaccination as a condition of continued employment;  
27  
28

- 1           b. requiring Defendant to offer reasonable accommodations to Firefighters to allow  
2           continued employment without a Covid Vaccination;  
3           c. prohibiting discrimination or retaliation;
- 4 3. For a temporary restraining order prohibiting the Defendant' vaccination mandate from going  
5 into effect until a preliminary injunction hearing in this matter and further order of this Court;  
6 and  
7
- 8 4. For costs and attorneys' fees in this action pursuant to CCP §1021.5, together with all other  
9 relief deemed just and proper by this Court.

10 **On the Second Cause of Action:**

- 11 5. Pursuant to CCP §1060, and at common law, a judicial declaration that:  
12           a. The Covid Vaccine Ordinance exceeds legislative powers of the City Council by  
13           failing to account for constitutional protections provided each Firefighter under  
14           Constitution article I, section 1; and  
15           b. The City has failed to consider and adopt the least restrictive alternatives to  
16           protect Firefighters' constitutional rights, in the context of protecting the public  
17           during the Covid pandemic.
- 18
- 19
- 20 6. For preliminary and permanent injunctive relief:  
21           a. prohibiting Defendant from enforcing its mandate that Firefighters must receive a  
22           Covid Vaccination as a condition of continued employment;  
23           b. requiring Defendant to offer reasonable accommodations to Firefighters to allow  
24           continued employment without a Covid Vaccination;  
25           c. prohibiting discrimination or retaliation;  
26  
27  
28

- 1 7. For a temporary restraining order prohibiting the Defendant' vaccination mandate from going  
2 into effect until a preliminary injunction hearing in this matter and further order of this Court  
3 and  
4 8. For costs and attorneys' fees in this action pursuant to CCP §1021.5; together with all other  
5 relief deemed just and proper by this Court.  
6

7  
8 DATED: September 17, 2021

9 McBRIDE LAW PC

10 

11 \_\_\_\_\_  
12 By: Kevin McBride

13 *Attorneys for Plaintiff*

14 FIREFIGHTERS4FREEDOM FOUNDATION and  
15 529 INDIVIDUAL LOS ANGELES CITY FIREFIGHTERS  
16  
17  
18  
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VERIFICATION

1 I, David Fabela, declare as follows:  
2

- 3 1. I am over the age of 18 and the president of Firefighters4Freedom Foundation. I serve in the  
4 Los Angeles Fire Department with the rank of Captain.  
5 2. Firefighters4Freedom Foundation is a California non-profit corporation with its 501(c)(3)  
6 application pending.  
7 3. I make this verification because I am familiar with the actions that gave rise to the above  
8 Complaint for Declaratory and Injunctive Relief.  
9 4. I have read the foregoing Complaint. It is true of my own knowledge except as to those  
10 matters that are stated on information and belief. As to those matters, I believe them to be  
11 true. If called as a witness, I could and would testify competently to these facts.  
12  
13

14  
15 I declare under penalty of perjury, under the laws of the State of California, that the  
16 foregoing is true and correct and that this verification was executed in Los Angeles, California,  
17 on September 17, 2021.  
18

19   
20 David Fabela  
21  
22  
23  
24  
25  
26  
27  
28

## ATTACHMENT A

Fabela, David	Bennett, Dean	Caro, Brandon
Knox, John	Birg, Jeffrey	Caro, Michael
Burmeister, Jeffrey	Birnbaum, Nicholas	Carpenter, Caroline
Cunningham, Michael	Blake, Jeffrey	Carr, Brian
Tanguay, Richard	Bochey, Michael	Carranza, Armando
Muus, Mark	Boenzi, John	Carrera, Omar
Samama, Marc	Bojorquez, Joey	Carter, Matthew
Zizi, Mark	Bonafede, Matthew	Carter, Scott
Bailey, Brian	Bond, Jack	Cartier, Bret
Lee, Matthew	Booker, Anthony R.	Catalano, Michael
Mauer, Timothy	Bos, Jonathan	Cates, Daniel
Abeyta, Louie	Bowden, David	Cavataio, Ron
Acedo, Nicholas	Boyd, Barry	Cervantes, Chipper
Acevedo, Erik	Boyd, Brian	Cervantes, Richard
Acevedo, Francisco	Bradford, Emily	Chamberlain, Thomas
Aguayo, Timothy	Bradley, Morgan	Chattong, Charles
Ainilian, Timothy	Brinnon, Joshua	Chavez, Carlos
Albert, Jack	Briscoe, Nolan	Chavez, Daniel
Aldana, Salvador	Brockschmidt, Edward	Chavez, Martin
Alexander, David	Brooks, Bryan	Cherry, Beau
Alva, Matthew	Brower, Kenneth	Chitiea, Adam
Amaya, Edwin	Brown, Gregory	Chitwood, Jeremy
Amin, Cherif	Brownell, Aaron	Coates, Douglas
Anderson, Cliff	Bugarin, Eloy	Colbert, Daniel
Anderson, Matthew	Bunn, Jason	Coleman, Chase
Angel, John	Burlingame, Ethan	Colfax, Doug
Arevalo, Jorge	Burton, Josh	Collins, Bronson
Argumosa, Brian	Butts, Ryan	Collins, Nicholas
Arnold, Benjamin	Byrne, David	Collyer, William
Ashburn, Jeffrey	Byrne, Leo	Combes, Nate
Avila, Nicolas	Cabunoc, Scott	Cook, Darin
Bachman, Evan	Camarlinghi, Rocky	Cook, Derek
Ball, Brandon	Campana, Michael	Cook, Gavin
Bannan, Joseph	Campanella, Philip	Cooney, Brian
Barassi, Antonio	Campos, Scott	Cooper, Ian
Barraza, Fernando	Campuzano, Ray	Corcoran, Kelly
Barrett, Steve	Canata, Anthony	Cordero, Nathan
Bebek, Brittney	Carbajal, Jesus	Corntassel, Brian
Beck, Jesse	Cardenas, John	Corral, Kurt
Belknap, Barry	Carlson, Travis	Cremins, Todd
Bellendir, Jeremie	Carmona, Benjamin	Cress, Cameron
Bender, David A		

Crouthamel, Chad  
Curtis, Chris  
Curtis, Ryan  
D'arrigo, Patrick  
Dahl, Derek  
Darcy, Nicholas  
Dayen, Blake  
De La Torre, Roman  
Degeeter, Dennis  
Degele, Charles  
Deierling, Matthew  
Demott, Mark  
Dickinson, Steve  
Diede, Rich  
Diem, Ryan  
Dillenberger, Donald  
Divalerio, Christopher  
Dominguez, Carlos  
Duda, Zachary  
Duke, Paul  
Duran, David  
Easton, Kevin  
Edwards, Cody  
Egizi, Mark  
Esparza, Sinoeh  
Estrada, Diego  
Evans, Bill  
Farris, Brian  
Farris, Matthew  
Faulkner, Curtis  
Fenton, Lane  
Ferrari, Chuck  
Figueroa Jr, Arthur  
Finch, Stephen  
Fischer, William  
Fisher, Adam  
Fisher, Eric  
Fitzgerald, Jeff  
Foor, Timothy  
Ford, Ephriam  
Foster, Jason  
Foster, Shawn  
Fowler, Jonathan  
Frere, Brandon  
Frye, Johnny

Fuette, Ryan  
Gales, Devin  
Galvez, Gregory  
Gapuzan, Felix-  
Edmund  
Garcia, Daniel  
Garcia, Eric  
Garcia, Keith  
Gaspar, Cade  
Gaul, Randall  
Gelinas, Kevin  
Generoso, Mario  
Gentry, Christopher  
Gikas, Thomas  
Gilchrist, Mark  
Gill, Shawn  
Gillissie, Michael  
Glenchur, Mark  
Goetze, James  
Gomez, Glen  
Gomez, Pablo  
Gomez, Ulysses  
Gonzalez, Jacob  
Gonzalez, Reuben  
Gorrie, Brett  
Gorski, Justen  
Goshorn, John  
Granucci, Cristian  
Greer, Christi  
Gregory, Haden  
Hadley, Ryan  
Hajjar, Austin  
Halstead, Kyle  
Halversen, Joshua  
Hamilton, Jeffrey Bryan  
Hamilton, Scott  
Hammock, Jeremy  
Hamson, Timothy  
Harris, Scott  
Hass, Cody  
Hauck, Andrew  
Hayes, Michael  
Hazard, Stephen  
Heagy, Derek  
Helton, Nathan

Henry, Thomas  
Hernandez, Anthony  
Hernandez, Francisco  
Hernandez, Riobec  
Hessing, Scott  
Hill, Celeste  
Hill, Jason  
Hinton, Steven  
Hiserman, Stephen  
Hix, Harold  
Hoehn, Jesse  
Hoki, Gary  
Holland, Cameron  
Holland, James  
Hoon, Gregory  
Horine, Jacob  
Horst, Christopher  
Hugo, Al  
Hunter, Kenneth  
Hutchinson, Tanner  
Ibanez, Brad  
Ilyaich, Denis  
Jackson, Matthew  
Jackson, William  
Jaminal, Adelino  
Janzen, Allen  
Jejjoni, Hani Peter  
Jeremica, Paul  
Jimenez, Daniel  
Johnson, Grady  
Johnson, Mike  
Jones, Leon  
Jones, Michael  
Kabey, Curtis  
Kama, Garan  
Kang, Eugene  
Kearns, Brett  
Keeler, Tanner  
Kellers, John  
Kelley, Shawn  
Kelly, Andrew  
Kelly, Charles  
Kennedy, Sean  
Kennison, Korey  
Kerr, William

Kilpatrick, Robert  
Kim, Lawrence  
Kiss, Joshua  
Kitratnee, Patrick  
Kneisler, Brent  
Kobe, Nicholas  
Kobylka, Jared  
Kokinski, Ray  
Kratkin, Glen  
Kroner, Brandon  
Krylo, Joshua  
Kunath, Cooper  
Kusar, Jason  
Kush, Daniel  
Kuzmicz, Christopher  
Lacina, Caleb  
Ladue, Michael  
Laier (Lafd), Darin  
Lake, David  
Landis, Jenifer  
Largen, Nathan  
Lavalle, Christopher  
Lazar, Scott  
Leamy, Denver  
Leddy, Daniel  
Lee, Daniel  
Lemmond, David  
Libby, John  
Liberto, Daniel  
Limon, Carlos  
Logan, Chad  
Lowe, Kevin  
Lozano, Albert  
Macdowell, Michael  
Magana, Felix  
Maloney, Brennan  
Malray, Christopher  
Mancillas, Eduardo  
Mandahl, Michael  
Marotta, Steven  
Marquez, Joshua  
Martin, Timothy  
Mata, Raul  
Matamoros, Eddie  
Mattei, John

Mattei, Justin  
Mattison, Mikel  
McCord, John  
McGrady, Michael  
McLaren, Devin  
McLaren, Nicholas  
McLaren, Weston  
Medina, Bryan  
Medrano, Robert  
Mena, Vince  
Mendieta, Giselle  
Mendoza, Joe  
Meza, Miguel  
Millman, Micah  
Mills, Peter  
Milroy, Luis  
Miramontes, Chris  
Molina, Ricardo  
Molinar, Andrew  
Monroy, Matthew  
Monroy, Sean  
Moon, Matthew  
Moore, Daejon  
Moore, Michael  
Morlock, James  
Mount, Richard  
Mueller, Michael  
Muro, Peter  
Murphy, Zachary  
Narvaez, David  
Navarro, Elber  
Nelson, Shane  
Nevarez, Eric  
Nevins, William  
Newberry, Lawrence  
Newon, Bryan  
Nguyen, Tony  
Nieves, Adrian  
Nordquist, James  
Nordquist, Thomas  
Nunez, Matthew  
Oberto, Thomas  
Obryan, Corey  
Ochoa, Jeffery  
Ochoa, Luis

Olmedo, Gabriel  
Ornelas, John  
Ornelas, Joshua  
Orozco, Jesus  
Ortiz, Jason  
Ortiz, Stephen  
Padilla, Gustavo  
Paez, Robert  
Pagliuso, Michael  
Park, Ban  
Pashabezyan, Makar  
Passmore, Russ  
Peck, Alan  
Pennington II, Stephen  
Peralta, Rene C  
Perelli-Minetti, Joshua  
Perez, Eduardo  
Perez, Jose L  
Peterson, Keri  
Phillips, Shawn  
Pike, Scott  
Pohl, Christopher  
Polgar, Christopher  
Poole, Leslie  
Portis, Marcus  
Poulson, Craig  
Prian, Sean  
Pritchett, Kevin  
Prusa, Ryan  
Pudwill, Jake  
Puels, Richard  
Pytell, Jefferson  
Quach, Warren  
Quick, Bryan  
Ramirez, Ethan  
Rankell, Nik  
Raphael, Harold  
Rappaport, Taylor  
Reyes, Benjamin  
Reynolds, Zach  
Riggs, Thomas  
Riles, David  
Rindge, Thomas  
Rivera, Carlos J  
Rivera, Kristina

Roach, Craig  
Roarty, Tim  
Roberts, David  
Roberts, Eric  
Rodriguez, Jeffery  
Rodriguez, Nestor  
Rodriguez, Stephen  
Romero, George  
Romero, Johnny  
Romero, Ryan  
Rondinella, Robert  
Ros, Alberto  
Rose, Nicholas  
Ross, Jordan  
Rozzen, Brian  
Rubic, Caesar  
Russell, Luke  
Ryan, Brandon  
Ryan, Philip  
Sacramone, Brian  
Saenz li, Andres  
Saez, Jebediah  
Salas, Jose  
Salley, Bret  
Sanders, Ryan  
Sandoval, Michael  
Sankey, Dwight  
Santa Maria, Joe  
Saure, Kyle  
Scachetti, Marco  
Schaller, Steve  
Schmitz, Jason  
Schroeder, Wes  
Scott, Rob  
Seers, Michael  
Serpa, Alvin  
Shaffer, Andrew  
Shaw, Robert  
Sibayan, Nick  
Sissac Jr, Martin  
Smith, Andrew  
Smith, Dale  
Smith, Joel  
Smith, Joshua  
Snyder, Zachary

Sokolowski, Jacob  
Soto, Mark  
Stabel, Kurt  
Stadden, Jeffrey  
Steele, Bradley  
Steiger, Brent  
Steiger, Eric  
Steinman, David  
Stephens, Brent  
Stephenson, Mike  
Stine, Christopher  
Stoffel, Robert  
Studenka, Craig  
Stuhlman, John  
Stump, David  
Sullivan, Daniel  
Susca, Daniel  
Sutton, Warren  
Taggart, Kelly  
Tagliere, Peter  
Tamayo, Jason  
Tapia, Brent  
Taulli, Brandon  
Taylor, Michael  
Terrazas, Brandon  
Teter, Jason  
Teter, Jedidiah  
Theodore, Johnathan  
Thibault, Corey  
Thiebold, Brian  
Thompson, Richard  
Toapanta, Diego  
Tomlin, Kelly  
Tomlin, Scott  
Toomey, Channing  
Torres, Adrian  
Tuzzolino, Terry  
Tye, Nicholas  
Urrea, Gilbert  
Valadez, Daniel  
Valdez, Travis  
Vallejos, Timothy  
Valles, Ray  
Van Blarcom, Nick  
Van Hoesen, John

Vandergeest,  
Mackenzie  
Vardanian, Alanah  
Vardanian, Bryan  
Vargas, Alberto  
Vasquez, Fernando  
Vera, Carlos  
Verdecia, Anthony  
Verwey, Eric  
Vigil, Joseph  
Vigliotta, Richard  
Villata, Michael  
Voelker, Andre  
Voelker, Andre  
Vonderharr, Nathan  
Vriens, Jason  
Wagoner, Mark  
Ward, Dennis  
Ward, Derrick  
Ward, Robert  
Warner, John  
Watkins, Nicholas  
Webb, Michael  
Webb, Ryan  
Weideman, August  
Weng, Thomas  
Werle, Tim  
Western, Trent  
Westmoreland,  
Matthew  
Westphal, Mario  
White, Steven  
Whitmore, Greg  
Wile, Brandon  
Williams, Keith  
Williams, Steven  
Willis, Bryan  
Willis, Kevin  
Wilmarth, Nathan  
Yoshimura, Westley  
Zagorac, Ljubomir  
Ziemer, Stephen  
Zuniga, Carlos

ATTACHMENT B

ORDINANCE NO. 187134

An ordinance adding Article 12 to Chapter 7 of Division 4 of the Los Angeles Administrative Code to require COVID-19 vaccination for all current and future city employees.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS**

Section 1. A new Article 12 is added to Chapter 7, Division 4 of the Los Angeles Administrative Code to read as follows:

**ARTICLE 12**

**COVID-19 VACCINATION REQUIREMENT FOR ALL CURRENT AND FUTURE  
CITY EMPLOYEES**

**Sec. 4.700. Definitions.**

The words and terms defined in this section shall have the following meanings as used in this article.

(a) "COVID-19" means the Novel Coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus and that resulted in a global pandemic.

(b) "Employees" includes, full, part-time and as-needed City employees regardless of appointment type, volunteers, interns, hiring hall, appointed officers, board members and commissioners, 120-day retired employees, elected officials and at-will appointees of elected officials.

(c) "COVID-19 Vaccine": A COVID-19 vaccine satisfies the requirement of this policy if the U.S. Food and Drug Administration (FDA) has issued Emergency Use Authorization (EUA) or full Licensure for the COVID-19 Vaccine. Vaccines that currently meet this requirement include Moderna or Pfizer-BioNTech (two-dose COVID-19 vaccine series) and Johnson & Johnson/Janssen (single-dose COVID-19 vaccine).

(d) "Fully vaccinated" means 14 days or more have passed since an employee received the final dose of a two-dose COVID-19 vaccine series (Moderna or Pfizer-BioNTech) or a single dose of a one-dose COVID-19 vaccine (Johnson & Johnson/Janssen).

This definition may be expanded should booster shots for the COVID-19 vaccines be required in accordance with guidance provided by the U.S. Centers for Disease Control (CDC), FDA, Los Angeles County Department of Public Health and/or any other medical entity that provides health and safety guidance.

(e) “Partially Vaccinated” means employees who have received at least one dose of a COVID-19 vaccine, but do not meet the definition of fully vaccinated as defined herein.

(f) “Unvaccinated” means employees who have not received any doses of COVID-19 vaccine or whose status is unknown.

#### **Sec. 4.701. Vaccination and Reporting Requirement.**

(a) To protect the City’s workforce and the public that it serves, all employees must be fully vaccinated for COVID-19, or request an exemption, and report their vaccination status in accordance with the City’s Workplace Safety Standards, no later than October 19, 2021.

(b) As of October 20, 2021, the COVID-19 vaccination and reporting requirements are conditions of City employment and a minimum requirement for all employees, unless approved for an exemption from the COVID-19 vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs. Any employee that has been approved for an exemption must still report their vaccination status.

#### **(c) Vaccination Requirements.**

(1) Employees must receive their first dose of a two-dose COVID-19 vaccine no later than September 7, 2021; second dose no later than October 5, 2021, of a two-dose COVID-19 vaccine series (Moderna or Pfizer-BioNTech).

(2) Employees must receive their single dose of a single-dose COVID-19 vaccine (Johnson & Johnson/Janssen) no later than October 5, 2021.

(3) Requests for exemption from the COVID-19 vaccination must be submitted no later than September 7, 2021.

(4) Effective October 20, 2021, any new contract executed by the City shall include a clause requiring employees of the contractor and/or persons working on their behalf who interact with City employees, are assigned to work on City property for the provision of services, and/or come into contact with the public during the course of work on behalf of the City to be fully vaccinated.

(d) **Reporting Requirements.**

(1) The City shall continue to collect and regularly report employees' vaccination status as long as such data is deemed necessary and useful. The City will collect data in accordance with the City's Workplace Safety Standards.

(2) Booster shots for the COVID-19 vaccines may be required in accordance with guidance provided by the CDC, FDA, Los Angeles County Department of Public Health and/or any other medical entity that provides health and safety guidance.

a. Employees will be required to report their COVID-19 booster status to the appointing authority should the City determine that COVID-19 boosters are required in conformity with being fully vaccinated.

b. The Personnel Department will be responsible for maintaining COVID-19 booster status in accordance with the method outlined in subsection (b), above.

**Sec. 4.702. Qualified Exemptions.**

All current and future City employees shall have the right to petition for a medical or religious exemption to be evaluated on a case-by-case basis, consistent with City procedures for reasonable accommodation requests. Documentation prescribed by the City shall be required.

(a) Employees with medical conditions/restrictions or sincerely held religious beliefs, practices, or observances that prevent them from receiving a COVID-19 vaccine shall qualify for COVID-19 vaccine exemption, upon approval of documentation provided by the employee to the appointing authority or designee. Employees who qualify for the medical or religious exemptions may be subject to weekly testing, as provided in (b)(1), below.

(b) Employees with medical or religious exemptions and who are required to regularly report to a City worksite shall be subject to weekly COVID-19 tests. Testing will be provided to the employees at no cost during their work hours following a process and timeline determined by the City.

(1) Employees with medical or religious exemptions who are telecommuting or teleworking shall be subject to ad hoc COVID-19 testing when they are asked to report to a worksite on an as-needed basis.

The City's goal is to have a vaccinated workforce. As such, employees will not have the option to "opt out" of getting vaccinated and become subject to weekly testing.

Only those with a medical or religious exemption and who are required to regularly report to a work location are eligible for weekly testing.

#### **Sec. 4.703. Other Requirements.**

(a) **Health Orders.** Nothing in this ordinance precludes the City from following any order issued by local, state, or county health officers regarding mask mandates or physical distancing. If any order the City has adopted is anticipated to change, the City shall alert labor organizations of the potential change at the earliest opportunity so as to begin impact bargaining over the potential change.

(b) **Masks and Physical Distancing.** Employees who are unvaccinated, partially vaccinated, or have an unreported status for any reason shall, in compliance with City standards and notwithstanding public policy guidelines, continue to wear masks and adhere to physical distancing protocols while present at any City worksite or facility or interacting with members of the public, except where it would be physically hazardous to do so due to the type of work performed.

(c) **COVID-19 Vaccine Training.** Beginning October 5, 2021, any Employee (as defined herein) who is not fully vaccinated shall be required to complete an online vaccination training course administered by the Personnel Department. The City will continuously assess the need for such training.

(d) **Policy Status.** The CAO will monitor status reports and progress of reported vaccination statuses and discuss such information with labor organizations on an ad hoc basis to determine the progress and update the policy as necessary toward achieving the City's goal of a fully vaccinated workforce. All data will be kept confidential, consistent with directions issued by the Personnel Department, outlined herein.

#### **Sec. 4.704. Limitations on Promotions, Transfers, and Appointments.**

(a) All candidates and applicants seeking initial City employment, promotions, or transfers, including regular appointments, emergency appointments, temporary appointments, intermittent appointments, limited appointments, exempt full-time and half-time and hiring hall employment, must meet the minimum qualification of being fully vaccinated or receive an exemption and report their vaccination status prior to the appointment, promotion, or transfer.

(1) All fully vaccinated employees that have reported their status to the appointing authority are eligible immediately for any promotion, or transfer.

(2) All employees whose vaccination status is unvaccinated, partially vaccinated, or unreported shall be ineligible to promote or transfer until the employee has reported to the appointing authority that they have been fully vaccinated.

(b) This section regarding the limitations on promotions and transfers shall become effective subject to the completion of the bargaining process with affected unions.

**Sec. 4.705. Severability.**

If any term or provision of this section is found to be in conflict with any City, State, or Federal law, the City will suspend said section as soon as practicable and the remainder of this Ordinance shall not be affected thereby.

**Sec. 2. Urgency Clause.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: According to the Center for Disease Control, and the Los Angeles County Department of Public Health, COVID-19 continues to pose a significant public health risk, especially as cases surge with the highly infectious spread of the Delta variant. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. The City must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees, contractors and the public as it reopens services and more employees return to the workplace. Unvaccinated employees are at a greater risk of contracting and spreading COVID-19 within the workplace, and risk transmission to the public that depends on City services. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
VIVIENNE SWANIGAN  
Assistant City Attorney

Date August 16, 2021


File No. 21-0921


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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

  
\_\_\_\_\_

  
\_\_\_\_\_

Ordinance Passed August 18, 2021

Approved 08/20/2021

Ordinance Published: 08-25-21  
Ordinance Effective Date: 08-25-21

ATTACHMENT C

**COVID VACCINES – PRINCIPAL CLINICAL TRIALS SUMMARY**

<b>Study No.</b>	<b>Study Title</b>	<b>Estimated Study Completion Date</b>
1	A Study of Ad26.COVS for the Prevention of SARS-CoV-2-Mediated COVID-19 in Adult Participants (ENSEMBLE)	<i>January 2, 2023</i>
2	A Study of Ad26.COVS for the Prevention of SARS-CoV-2-mediated COVID-19 in Adults (ENSEMBLE 2)	<i>May 31, 2023</i>
3	A Study of Ad26.COVS in Adults (COVID-19)	<i>February 2, 2024</i>
4	A Study of Ad26.COVS in Healthy Pregnant Participants (COVID-19) (HORIZON 1)	<i>June 20, 2023</i>
5	A Study to Evaluate Efficacy, Safety, and Immunogenicity of mRNA-1273 Vaccine in Adults Aged 18 Years and Older to Prevent COVID-19	<i>October 27, 2022</i>
6	A Study to Evaluate Safety and Immunogenicity of mRNA-1273 Vaccine to Prevent COVID-19 in Adult Organ Transplant Recipients and in Healthy Adult Participants	<i>August 26, 2022</i>
7	A Study to Evaluate Safety, Reactogenicity, and Immunogenicity of mRNA-1283 and mRNA-1273 Vaccines in Healthy Adults Between 18 Years and 55 Years of Age to Prevent COVID-19	<i>April 13, 2022</i>
8	Dose-Confirmation Study to Evaluate the Safety, Reactogenicity, and Immunogenicity of mRNA-1273 COVID-19 Vaccine in Adults Aged 18 Years and Older	<i>Nov. 1, 2021</i>
9	Study to Describe the Safety, Tolerability, Immunogenicity, and Efficacy of RNA Vaccine Candidates Against COVID-19 in Healthy Individuals	<i>May 2, 2023</i>
10	A Trial Investigating the Safety and Effects of Four BNT162 Vaccines Against COVID-2019 in Healthy and Immunocompromised Adults	<i>April 2023</i>
11	Pfizer-BioNTech COVID-19 BNT162b2 Vaccine Effectiveness Study - Kaiser Permanente Southern California	<i>July 30, 2023</i>
12	Study to Evaluate Safety, Tolerability & Immunogenicity of BNT162b2 in Immunocompromised Participants ≥2 Years	<i>Jan. 24, 2023</i>
13	Study to Evaluate the Safety and Efficacy of a Booster Dose of BNT162b2 in Participants ≥16 Years of Age	<i>August 7, 2022</i>
14	Study to Evaluate the Safety, Tolerability, and Immunogenicity of SARS CoV-2 RNA Vaccine Candidate (BNT162b2) Against COVID-19 in Healthy Pregnant Women 18 Years of Age and Older	<i>July 25, 2022</i>
15	Efficacy and Safety of COVID-19 Vaccine in Cancer Patients	<i>Dec. 31, 2022</i>

16	A Trial of the Safety and Immunogenicity of the COVID-19 Vaccine (mRNA-1273) in Participants With Hematologic Malignancies and Various Regimens of Immunosuppression, and in Participants With Solid Tumors on PD1/PDL1 Inhibitor Therapy	<b><i>February 25, 2023</i></b>
17	Post COVID-19 Vaccination Analysis in Healthcare Worker Recipients	<b><i>February 2022</i></b>
18	The Lymphoma and Leukemia Society COVID-19 Registry	<b><i>February 23, 2031</i></b>
19	Yale COVID-19 Recovery Study	<b><i>May 3, 2022</i></b>
20	Host Immune Response to Novel RNA COVID-19 Vaccination	<b><i>January, 2024</i></b>