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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.: **21STCV34490**

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

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

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26 8. These are not trivial concerns. The Covid-19 vaccines may—or may not—be safe for most
27 people. We won't know if they are safe until, at minimum, the 20 primary clinical trials
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underway to answer this very question are completed and time has passed to assess long-term effects. (See Attachment C)

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

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

PARTIES AND JURISDICTION

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

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

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

- b. Bargaining and negotiations with appropriate parties for the purpose of preventing the Covid-19 vaccination mandate from being enforced against members of Firefighters4Freedom Foundation, or otherwise reversing the mandate.

13. Each Firefighter identified in Attachment A has also appointed Plaintiff as his or her agent to speak and act on their behalf in furtherance of the objectives set out in ¶12, above. As such, Plaintiff has authority under Govt. Code 3503 to act on behalf of each named individual.

14. The City of Los Angeles is a municipal corporation organized under the laws of this State.

15. Venue exists in Los Angeles County under sections 393(b) and 394(a) of the Code of Civil Procedure because the Complaint alleges claims against a municipal entity that exists and operates in Los Angeles County and because the effects of the City's ordinance will be felt here.

LOS ANGELES CITY ORDINANCE NO. 187134

16. On August 16, 2021, the Los Angeles City Council adopted Ordinance 187134, adding Article 12 to Chapter 7 of Division 4 of the Los Angeles Administrative Code to require, among other things, Covid-19 vaccination for all current and future city employees (the "Covid Vaccine Ordinance") (Attachment B).

17. In addition, the Ordinance requires that all City employees report their vaccination status in accordance with the City's Workplace Safety Standards, no later than October 19, 2021. (Covid Vaccine Ordinance §4.701(a))

18. 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

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.
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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.
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- 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 25. Current studies show that fully vaccinated people carry the same viral load as the
12 unvaccinated, with the Delta variant—which is to say that current vaccines don’t materially
13 prevent transmission of the Delta variant.
- 14 26. If the goal is to prevent firefighters from contracting and spreading covid-19 within the
15 workplace, and risk transmission to the public that depends on City services, the evidence
16 shows that mandatory vaccination of all Firefighters will actually *thwart* that laudable goal.

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
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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 16 **UNKNOWN RISKS OF THE COVID VACCINES**

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

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.

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

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

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

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

- 14 a. prohibiting Defendant from enforcing its mandate that Firefighters must receive a
15 Covid Vaccination as a condition of continued employment;
- 16 b. requiring Defendant to offer reasonable accommodations to Firefighters to allow
17 continued employment without a Covid Vaccination;
- 18 c. prohibiting discrimination or retaliation.
19

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

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

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

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

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

On the First Cause of Action:

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

- 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
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- 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 DATED: September 17, 2021
8

9 McBRIDE LAW PC

10 

11 By: Kevin McBride

12 *Attorneys for Plaintiff*

13 FIREFIGHTERS4FREEDOM FOUNDATION and
14 529 INDIVIDUAL LOS ANGELES CITY FIREFIGHTERS
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VERIFICATION

I, David Fabela, declare as follows:

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

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


David Fabela

ATTACHMENT A

Fabela, David
Knox, John
Burmeister, Jeffrey
Cunningham, Michael
Tanguay, Richard
Muus, Mark
Samama, Marc
Zizi, Mark
Bailey, Brian
Lee, Matthew
Mauer, Timothy
Abeyta, Louie
Acedo, Nicholas
Acevedo, Erik
Acevedo, Francisco
Aguayo, Timothy
Ainilian, Timothy
Albert, Jack
Aldana, Salvador
Alexander, David
Alva, Matthew
Amaya, Edwin
Amin, Cherif
Anderson, Cliff
Anderson, Matthew
Angel, John
Arevalo, Jorge
Argumosa, Brian
Arnold, Benjamin
Ashburn, Jeffrey
Avila, Nicolas
Bachman, Evan
Ball, Brandon
Bannan, Joseph
Barassi, Antonio
Barraza, Fernando
Barrett, Steve
Bebek, Brittney
Beck, Jesse
Belknap, Barry
Bellendir, Jeremie
Bender, David A

Bennett, Dean
Birg, Jeffrey
Birnbaum, Nicholas
Blake, Jeffrey
Bochey, Michael
Boenzi, John
Bojorquez, Joey
Bonafede, Matthew
Bond, Jack
Booker, Anthony R.
Bos, Jonathan
Bowden, David
Boyd, Barry
Boyd, Brian
Bradford, Emily
Bradley, Morgan
Brinnon, Joshua
Briscoe, Nolan
Brockschmidt, Edward
Brooks, Bryan
Brower, Kenneth
Brown, Gregory
Brownell, Aaron
Bugarin, Eloy
Bunn, Jason
Burlingame, Ethan
Burton, Josh
Butts, Ryan
Byrne, David
Byrne, Leo
Cabunoc, Scott
Camarlinghi, Rocky
Campana, Michael
Campanella, Philip
Campos, Scott
Campuzano, Ray
Canata, Anthony
Carbajal, Jesus
Cardenas, John
Carlson, Travis
Carmona, Benjamin

Caro, Brandon
Caro, Michael
Carpenter, Caroline
Carr, Brian
Carranza, Armando
Carrera, Omar
Carter, Matthew
Carter, Scott
Cartier, Bret
Catalano, Michael
Cates, Daniel
Cavataio, Ron
Cervantes, Chipper
Cervantes, Richard
Chamberlain, Thomas
Chattong, Charles
Chavez, Carlos
Chavez, Daniel
Chavez, Martin
Cherry, Beau
Chitiea, Adam
Chitwood, Jeremy
Coates, Douglas
Colbert, Daniel
Coleman, Chase
Colfax, Doug
Collins, Bronson
Collins, Nicholas
Collyer, William
Combes, Nate
Cook, Darin
Cook, Derek
Cook, Gavin
Cooney, Brian
Cooper, Ian
Corcoran, Kelly
Cordero, Nathan
Corntassel, Brian
Corral, Kurt
Cremins, Todd
Cress, Cameron

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

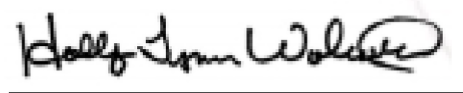
File No. 21-0921

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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

Study No.	Study Title	Estimated Study Completion Date
1	A Study of Ad26.COV2.S for the Prevention of SARS-CoV-2-Mediated COVID-19 in Adult Participants (ENSEMBLE)	<i>January 2, 2023</i>
2	A Study of Ad26.COV2.S for the Prevention of SARS-CoV-2-mediated COVID-19 in Adults (ENSEMBLE 2)	<i>May 31, 2023</i>
3	A Study of Ad26.COV2.S in Adults (COVID-19)	<i>February 2, 2024</i>
4	A Study of Ad26.COV2.S 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	<i>February 25, 2023</i>
17	Post COVID-19 Vaccination Analysis in Healthcare Worker Recipients	<i>February 2022</i>
18	The Lymphoma and Leukemia Society COVID-19 Registry	<i>February 23, 2021</i>
19	Yale COVID-19 Recovery Study	<i>May 3, 2022</i>
20	Host Immune Response to Novel RNA COVID-19 Vaccination	<i>January, 2024</i>