
Attachments: Mammoth Group Redress of Grievances(1).rtf; An email to the Mono County Board of Supervisors 1.rtf; A Breakdown of the Public Health Code of Ethics(1).rtf; Our response to Stacey Simon memo_re_covid_law_11.17.20_2(1).pdf; MLTC Questions about resolution NO. 10-20.rtf; Private Property Owner Short Term Rental Redress of Grievances.rtf; Employee Covid-19 Testing Requirements Redress of Grievances.rtf; no+consent+for+medical+testing+-+thehealthyamerican.pdf; Mammoth Group response to Mono County Stay at home order clarification.rtf; An Email to the Mono County Board of Supervisors 2.rtf

From: William Wallace <mammothgroup@yahoo.com>

Sent: Saturday, January 16, 2021 1:11 PM

To: Queenie Barnard <qbarnard@mono.ca.gov>

Subject: Documents for Mono County Board Meetings

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Queenie, please add the attached 10 documents as correspondence for the Mono County Jan 19 board meeting item 7.A (Covid-19).

Thanks

Mammoth Group: Redress Of Grievances 8/4/20

1. Are any of the panel members willing to go on record, stating that the lockdowns, business closures, and subsequent economic fallout in Mono County was warranted and justified?

2. Last weeks meeting on 7/30/20 both Sheriff Ingrid Braun and Police Chief Al Davis, stated they saw nearly full compliance of the mask mandate. If masks work, why then was there a surge of new cases?

Furthermore, it has been implied that the restaurant employees who have been wearing masks since the mandate are responsible for the uptick in new cases. Who on the panel is willing to go on record stating that masks of any kind stop the spread of Covid-19? If so, please cite the peer reviewed scientific studies which prove face masks can prevent the spread of Covid-19.

3. If the CDC says that the general public should not wear N-95 masks, why then have restaurant employees been mandated to wear them? In addition, some N-95 masks have respirators which filter in-flowing air but do nothing to filter out-flowing air if the valve is open. Does that not contradict the entire premise of mandating N-95 masks to restaurant workers?

Secondly, restaurant workers can also opt to wear surgical masks. However, these masks are designed and approved for STERILE environments. The amount of particles and contaminants in the outside and indoor environments where people work will contaminate these masks very quickly. The moisture from your breath combined with the contaminated mask will greatly compromise its effectiveness. It is recommended by health professionals that surgical masks should be changed out every 20-30 minutes in a non sterile environment. This same argument can be made in regard to N-95 masks, respirator or not. Any thoughts?

4. Is anyone on the panel, in particular Dr. Boo, Dr. Craig Burrows, and Brian Wheeler, willing to go on record stating that masks do not impede airflow, reduce oxygen intake, increase the co2 in blood levels, thereby increasing the risk of Hypoxia related illnesses? Especially at altitude and for unacclimated people, those with pre-existing health conditions, the elderly, pregnant women and children.

5. According to TITLE 18, U.S.C., SECTION 242, whoever, under color of any law, statute, ordinance, regulation, or custom, that willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section they shall be fined under this title, or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Our local health officer Dr. Boo, is in violation of TITLE 18, U.S.C., SECTION 242 by illegally mandating wearing face masks, social distancing, and preventing the peaceful assembly of people under color of law. Are either sheriff Ingrid or Chief Davis going to enforce this law as they have sworn an oath to uphold the constitution of the United States?

5B. Last meeting on 7/30/20 both Sheriff Ingrid Braun and police Chief Al Davis said they will not enforce the mask mandate, but will cite for the associated crime. If they aren't enforcing the mandate then please tell me how our local health authority, and associates are not in violation of TITLE 18, U.S.C., SECTION 242.

Both Sheriff Ingrid Braun and police Chief Al Davis said they would not enforce the mandate but they would cite for the associated crime, they cited trespassing as the associated crime. Below is our response to that kind of abuse of authority.

California Civil Code 51 states:

"All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever."

If people are cited for an associated crime due to the mandates you are not only in violation of California Civil Code 51, you are also in violation of TITLE 18, U.S.C., SECTION 242.

6. Under the illegal and unconstitutional mask mandate it states that people with health conditions can opt out of wearing a mask. Also, under CA Civil Code 51 people are protected by law from discrimination if they choose not to wear a mask for a multitude of reasons in any business establishment.

However, the health opt out as well as CA Civil Code 51 are not being emphasized by Mono County. WHEREAS, not emphasizing these laws you are directly putting individuals who choose not to wear a mask for the above reasons at risk of psychological trauma, assault, bodily injury, or death by individuals who are not informed of other peoples rights.

Will the officials of Mono County pledge to take significant action from now on, to inform the people of Mono County about their rights? So as to prevent verbal or physical confrontations and divisiveness in the community that may result in psychological trauma, assault, bodily injury, or death.

7. Last but not least I would like to leave some quotes from prominent figures and organizations and get the panels feedback on them.

(1) New England Journal of Medicine:

"We know that wearing a mask outside health care facilities offers little, if any, protection from

infection."

(2) CAL-OSHA Regulations:

"Cloth face coverings do not protect against COVID -19"

(3) California Department of Health:

"Face coverings may increase risk if users reduce their use of strong defenses."

"There is limited evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission."

(4) FDA - "Even a properly fitted N95 mask does not prevent illness or death"

(5) CDC — "There is no scientific evidence for healthy people wearing masks"

(6) Neurosurgeon Dr. Russell Blaylock :

"There is no scientific evidence that masks are effective. If you are not sick, you should not wear a face mask."

(7) Columbia University: Psychological Harms of Face Masks:

"Many young children burst into tears or recoil when someone wearing a mask approaches. By putting on masks, we take away information that makes it especially difficult for children to recognize others and read emotional signals, which is unsettling and disconcerting."

(8) US Surgeon General Jerome Adams:

"Masks are not effective in preventing the general public from catching coronavirus."

(9) Dr. Anthony Fauci:

“People should not be walking around wearing masks. Masks do not provide the protection people think they do.”

(10) WHO, Dr. Mike Ryan:

“There is no specific evidence to suggest that the wearing of masks by the mass population has any potential benefit. In fact, there’s some evidence to suggest the opposite in the misuse of wearing a mask properly or fitting it properly.”

(11) US Department of Labor — OSHA:

“Oxygen deficient is any atmosphere that contains less than 19.5%.” This happens when the oxygen is displaced by inert gas such as CARBON DIOXIDE and is the leading cause of FATALITIES.” The effective oxygen at 8,00 feet is 15.4% without a mask.

(12) Bulgarian Pathology Association:

“Lockdowns and hygienic measures around the world are based on numbers of cases and mortality rates created by the so-called SARS-CoV-2 RT-PCR tests used to identify “positive” patients, whereby “positive” is usually equated with “infected.”

But looking closely at the facts, the conclusion is that these PCR tests are meaningless as a diagnostic tool to determine an alleged infection by a supposedly new virus called SARS-CoV-2.”

“Though the whole world relies on RT-PCR to 'diagnose' Sars-Cov-2 infection, the science is clear: they are not fit for purpose”

An Email to the Mono County Board of Supervisors (1). 10/20/20

A Letter From Mammoth Group About Covid-19 Education

Please add this email to the public record for the agenda item 10 (Covid-19 Policy) for the Council meeting on 10/21/20. Thanks.

Dear Mammoth Lakes Town Council We send this letter to try and inform you of some data and information that we hope will persuade you to end the health emergency.

On March 16 2020 an order was given by the U.S. President that everyone should stay at home and avoid gathering, shopping, and any activities involving groups for 15 days to "slow the spread" of Covid-19. This, it was claimed, would allow health care facilities to not be overwhelmed. It has been 212 days now since the 15 day period ended and these same orders are still in place for Mono County.

I think most people would agree that asking people to suspend their normal life behaviors and liberties for a couple of weeks in order to better prepare for a potentially highly contagious and deadly virus is reasonable. Nonetheless, it was 15 days not 30 days or 212 days of suspending normal life behaviors and liberties.

As the saying goes; "give them an inch and they'll take a mile." This is especially true of government. And 15 days turning into 212 days exemplifies this saying perfectly.

Moving on to the recent data from the CDC. The probability for survival by age group:

Age Group

Probability of Survival

0-19:	99.997%
20-49:	99.98%
50-69:	99.5%
70+:	94.6%

Source:

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/planning-scenarios.html>

It is now clear that this virus is nowhere near as deadly as the failed models predicted. In fact, it is not deadly at all to the vast majority of the population. Yes the elderly have an increased risk of dying from this virus. However, the elderly have increased risk from death across the board from many different health conditions. That is part of life unfortunately. We are all going to die someday. Shocking news for some people I guess?

So with such a high probability of survival do you still think it is necessary to continue these unconstitutional, unethical, and immoral mandates, guidelines, or orders? We wholeheartedly say NO!

Looking at the 0-19 age group we see .003% chance of death. Does this justify abusing children by forcing them to wear masks and social distance at school? We wholeheartedly say NO!

Forcing children to sacrifice living a normal, positive, and joyful upbringing as well as stunting their social and emotional development by making them wear masks and stay 6 feet apart is WRONG. Teaching the children that your fellow human beings are disease ridden and you must keep your distance from them and cover your face at all times is WRONG!

We just cannot see how anyone with a sane mind and compassionate heart could disagree. Perhaps someone on the board who does disagree would say why they do?

The probability of survival rate clearly shows us that ages 0-69 should continue living their lives NORMALLY as humans always have for thousands of years. Only the elderly should consider taking extra precautions.

We as a society, should not be sacrificing our right to life, liberty, and the pursuit of happiness for what amounts to just another flu season.

Moving on to the next topic. In this CDC catalog on page 39 it is states:

Since no quantified virus isolates of the 2019-nCoV are currently available, assays designed for detection of the 2019-nCoV RNA were tested with characterized stocks of in vitro transcribed full length RNA (N gene; GenBank accession: MN908947.2) of known titer (RNA copies/ μ L

<https://www.fda.gov/media/134922/download>

What this is saying is that Covid-19 has not been isolated and laboratory confirmed. Mammoth Group asks if Covid-19 has technically not been proven to exist and no Covid-19 isolates are available then how can you accurately test for it? Perhaps Dr. Boo or Brian Wheeler can answer our question?

This brings us to the next topic. The RT-PCR test. The polymerase chain reaction test was invented by Kary Mullis in 1984. Here is a short 4 minute video of Kary Mullis discussing the PCR test.

<https://www.youtube.com/watch?v=iWOJKuSKw5c>

In the video Mr. Mullis says "with PCR if you do it well you can find almost anything in anybody" and he also says "it doesn't tell you that you're sick and it doesn't tell you that the thing you ended up with, really was gonna hurt you or anything like that" when referring to the PCR test.

The PCR test is not meant to be used for diagnostic purposes. Yet this test is being used worldwide. According to an article published by The New York Times "up to 90 percent of people testing positive

carried barely any virus” at all. A positive test does not mean that someone is infected with Covid-19 and should therefore not be counted as a CASE.

<https://www.nytimes.com/2020/08/29/health/coronavirus-testing.html>

Here is a quote that is very relevant in our current time from Kary Mullis:

“Scientists are doing an awful lot of damage to the world in the name of helping it. I don’t mind attacking my own fraternity because I am ashamed of it.” –Kary Mullis, Inventor of Polymerase Chain Reaction

Moving on to the next topic.

Just recently the World Health Organization has changed their minds about the lockdowns and government mandated closures of businesses. The data and facts are out. Government and health officials lockdown policies are FAR WORSE than Covid-19 could have ever been.

Dr David Nabarro, the WHO's Special Envoy on Covid-19 "We really do appeal to all world leaders: stop using lockdown as your primary control method"

Dr David Nabarro also says, " it seems we may well have a doubling of world poverty by next year" and "we may well have at least a doubling of child malnutrition" and "this is a terrible, ghastly global catastrophe actually."

And not just the WHO has realized the catastrophic effects of the lockdowns.

Germany’s Minister of Economic Cooperation and Development, Gerd Muller, recently warned that COVID-19 lockdowns will result in “one of the biggest” hunger and poverty crises in history.

“We expect an additional 400,000 deaths from malaria and HIV this year on the African continent alone,” Muller said, adding that “half a million more will die from tuberculosis.”

Also,

Around 1.4 million people are expected to die from untreated TB infections due to the Coronavirus lockdown, according to research published by Imperial College London and Johns Hopkins University.

And there is more but we will leave it with these examples for now.

In conclusion to this letter, Mammoth Group asks the Mammoth Lakes Town Council and appointed health officials to incorporate this data and information into their policy making decisions. As well, please consider this data and information on a personal level. Consult with your own moral compass.

Sincerely, Mammoth Group.

MAMMOTH GROUP

Our Breakdown Of The Public Health Code of Ethics From The American Public Health Association in relation to Covid-19 Policy.

THE BREAKDOWN OF THE PUBLIC HEALTH CODE OF ETHICS:

The following document uses sections from the Public Health Code of Ethics as proclaimed by the American Public Health Association. After each section Mammoth Group assesses the code and applies it to Mono County officials and Covid-19 policy.

Flourishing:

1. Flourishing occurs when capabilities for agency, creativity, intelligence, understanding, emotional engagement, and other positive human potentialities take shape in the form of lives well lived.

MAMMOTH GROUP:

The Covid-19 policies and health emergency are not allowing this community, state or country to flourish.

Flourishing:

2. The term human flourishing also underscores the relational interdependence among human beings, which is expressed in virtually all social and cultural activity and fits well with the contemporary understanding of the social determinants of health.

MAMMOTH GROUP:

Everyone is wearing masks, we can't see people's faces or identities. People are less trusting of one another. Masks cause anxiety and fear. Communication is a struggle when you can't see people's mouths and their speech is muffled.

Even though there is no conclusive evidence that masks do anything to prevent the spread of influenza viruses, our public health officials still push this anti-flourishing and dehumanizing practice. WHY?

In fact, there is more evidence that suggests masks do not help reduce the spread of influenza viruses. Not only that, but there are studies on masks that have indicated that when used improperly, they can actually make things worse and increase disease transmission as well as having other negative side effects.

Flourishing:

3. The opposite of human flourishing is not only disease or ill health but also domination, inequity, discrimination, exploitation, exclusion, suffering, and despair: in a word, the stultification and denial of optimal human self-realization and thriving human communities.

MAMMOTH GROUP:

Our public health officials, aided by government officials are literally opposing the most important aspect of human health. The opportunity and conditions for humans to flourish are actively being suppressed and denied!

Don't believe in the pseudoscience that masks are magical and protect you from Covid-19? You are discriminated against, excluded and consequently suffer and despair from your exclusion.

Can't see the reasoning behind going to a restaurant with a mask on and then when you sit down you are suddenly immune to Covid-19? Oh, that myth has been debunked.. all you have to do is constantly touch your mask as you take it on and off after every bite. That sure makes a lot of sense!

The exploitation of our children. Forcing children to wear masks for school is child abuse. Impairing a child's emotional development and social skills all while teaching them to keep their distance from one another because they are diseased, is child abuse. Children can't see other people's faces and therefore struggle to identify someone else's emotional state, that is child abuse.

The public health policy for Covid-19 is anti-flourishing, completely ridiculous and wrong.

SECTION 2. PUBLIC HEALTH CORE VALUES AND RELATED OBLIGATIONS

Professionalism and Trust.

The effectiveness of public health policies, practices, and actions depends upon public trust gained through decisions based on the highest ethical, scientific, and professional standards. Public health gains public trust in part because its practices are informed by evidence. When the needed evidence is lacking, public health seeks it, and when the evidence reveals faulty or inadequate practices, public health seeks to improve those practices. Public health practitioners and organizations promote competence, honesty, and accuracy and ensure that their work is not unduly influenced by secondary interests. Public health decision makers need to be transparent and honest about disclosing conflicting interests and influences.

MAMMOTH GROUP:

Where is the evidence that Mono County has been and is still experiencing a health emergency? What evidence based on the highest ethical, scientific, and professional standards have our health officials or

government officials provided to justify their public health policies, measures and practices? NONE!

Is your idea of the highest scientific standards a quick search on google? Read the first 5 items on your web search and you know it all? Disgraceful! Pathetic!

Mono County officials have shown a complete disdain for competence, honesty and accuracy, and are clearly influenced by secondary interests. Secondary interests for example;

1. Gained powers from the Emergency Services Act.
2. Lack of accountability for continuing a health emergency from Governor Newsom's proclamation for a state of emergency which waives your obligation to follow the law. (You are still breaking the law!)
3. Financial gain from propagating a health emergency, on a county level and an individual level in some cases.

"When the needed evidence is lacking, public health seeks it, and when the evidence reveals faulty or inadequate practices, public health seeks to improve those practices."

We have asked Bryan Wheeler, Dr. Boo, among others for evidence to support their Covid-19 policies, yet we are IGNORED or inadequately addressed. During a so called health emergency! What does that say about our health officials and their integrity? What does that say about their knowledge of health and science?

B. Health and Safety.

Health and safety are essential conditions for human flourishing. Public health practitioners and organizations have an ethical responsibility to prevent, minimize, and mitigate health harms and to promote and protect public safety, health, and well-being.

MAMMOTH GROUP:

Our local health officials and government officials have shown a mono maniacal bias for one aspect of public health. Throw all other aspects of public health out the window for Covid-19 policy. All for a virus that has been proven to be about as deadly as the seasonal flu. Talk about a complete failure of and disregard for the Public Health Code of Ethics.

E. Human Rights and Civil Liberties.

While coercive legal measures limiting behavior can be ethically justified in certain circumstances, overall the effective and ethical practice of public health depends upon social and cultural conditions of respect for personal autonomy, self-determination, privacy, and the absence of domination in its many

interpersonal and institutional forms. Contemporary public health respects and helps sustain those social and cultural conditions.

MAMMOTH GROUP:

The State of California and Mono County's Covid-19 policies have dominated our lives. The Covid-19 policies have trampled on our god given rights, with complete disrespect for personal autonomy, self-determination, liberty and the pursuit of happiness.

Mono County officials idea of contemporary public health has highlighted their disdain for the social and cultural conditions which allow one to flourish.

F. Inclusivity and Engagement.

Preventing adverse health outcomes and protecting and promoting the flourishing of individuals, societies, and ecosystems require informed public decision-making processes that engage affected individuals and communities. Public health practitioners and organizations have an ethical responsibility to be transparent, to be accountable to the public at large, and to include and engage diverse publics, communities, or stakeholders in their decision making.

MAMMOTH GROUP:

Our local public health practitioners and organizations have shown an extreme lack of transparency and accountability. The local health practitioners do not engage our inquiries and are not acknowledging the evidence we bring to the table. Disregarding yet one more ethical standard for public health.

PERMISSIBILITY:

“Would the action being considered be ethically wrong even if it were to have a good outcome?”

Ethics seeks to define and distinguish conduct that is morally permitted from conduct that is morally prohibited.

Finally, a discussion of the criterion of permissibility in moral reasoning would be incomplete

without brief mention of a complex topic: the relationship between ethics and the law. Ethical public health practice must be set within the parameters of the law at any given time and within established procedures for changing the law over time. An ethical professional should strive to work within the law to serve the needs, rights, and well-being of individuals and society at large. In addition, individual professionals and organizations can ethically strive to change the law through the democratic and judicial process.

MAMMOTH GROUP:

“Would the action being considered be ethically wrong even if it were to have a good outcome?”

Lets see...

Business shutdowns.

Lock people in their homes.

Isolate people.

Fear mongering and hype of Covid-19

Deprive people of normal social interaction by mandating the wearing of masks.

Deprive people of their rights to gather and assemble peaceably.

Prevent people from visiting their loved ones in care facilities.

Put tens of millions of people at risk of starvation due to the economic fallout from lockdowns and restrictions.

Tell people its not safe to be within 6 feet of each other because people are disease ridden.

60+ million Americans filing for unemployment destroying their sense of independence and self respect.

And more... All clearly ethically wrong.

Calling this the "New Normal"

As a consequence of Covid-19 policies:

Increased drug abuse, alcoholism, domestic violence, suicide, civil unrest, social divisiveness,

economic hardship, and creating an environment that goes against the Public Health Code of Ethics stated goal to help people flourish. This is YOUR "New Normal" not ours!

All for a virus that has been proven to be about as deadly as the seasonal flu.

Suffering, despair and death is on your hands public health officials, and anyone else who is in favor for continuing this vile madness. These unethical outcomes are something a psychopath or murderer would be in favor of.

"Ethical public health practice must be set within the parameters of the law at any given time"

According to the parameters of the law, California Government Code 8558(b.)(c.), A state of emergency or local emergency must illustrate that the services, personnel, equipment, and facilities are not sufficient to control the situation.

Has Mammoth Hospital been overwhelmed once since the health emergency declaration on March 15th? No.

Have our local services, personnel, equipment, and facilities been inadequate to deal with Covid-19? No.

Therefore, Mono County officials and their appointees are in violation of GOV § 8558(b.)(c.) and breaching the Public Health Code of Ethics.

[Fun fact] - The Covid-19 policies, mandates, and declared health emergency drove larger than normal crowds to our area. The very policies which have been implemented in the name of reducing the strain on our resources... get this... created a bigger strain on our local services, personnel, equipment, and facilities than Covid-19!

Respect:

"Would the proposed action be demeaning or disrespectful to individuals and communities even if it benefited their health?"

MAMMOTH GROUP:

Lets see... Treating people like imbeciles by telling them to wash their hands feels demeaning and disrespectful to us.

Eliminating ones ability to provide for themselves and their families feels demeaning and disrespectful to us.

Causing one to lose their job and or livelihood, inducing a severe loss of independence and self

respect feels demeaning and disrespectful to us.

Telling people to wear a mask is demeaning and disrespectful to us.

Telling people its not safe to gather regardless of size while you furnish a government civic center is demeaning and disrespectful to us.

Telling people at resteraunts to remove their masks in-between bites is demeaning and disrespectful to us!

Covid19help@mono.ca.gov not responding to our emails during a "so called emergency" feels demeaning and disrespectful to us.

Government representatives and appointees not returning our phone calls and not responding to emails feels demeaning and disrespectful to us.

Not going over data we provide as we requested during county board meetings feels demeaning and disrespectful to us.

Getting increases to your salaries and benefits while in an official economic recession (in our groups opinion it is a global depression). Meanwhile your Covid-19 policies cause people to lose their businesses, jobs, and livelihoods. That feels demeaning and disrepectful to us.

All this demeaning and disrespect for a virus that has been proven to be about as deadly as the seasonal flu. Complete lunacy and absolutely despicable!

Reciprocity:

“Have we done what is reasonable to offset the potential harms and losses that the proposed action imposes on individuals and communities?”

MAMMOTH GROUP:

Mono County's policy decisions and willingness to do whatever your told regardless of whether it is right or wrong, has undoubtedly caused far more of a public health crises than Covid-19.

Our collective public health officials have failed miserably in their duties and are directly and indirectly responsible for millions upon millions of hardships and deaths caused by their POLICY DECISIONS, NOT COVID-19!

Effectiveness:

“Is it reasonable to expect, based on best available evidence and past experience, that the proposed action would achieve its stated health goals?”

Action for its own sake without a reasonable likelihood of effective success is not ethically justified. For example, in an epidemic situation, especially one involving an unfamiliar pathogen or a grave infectious disease, measures involving quarantine or restriction on travel or assembly might be considered for political reasons, even when the evidence of their effectiveness in containing the epidemic is weak. Since substantial human, environmental, and economic costs—intended or unintended, current or long term—are associated with such measures, lack of evidence for their effectiveness would provide one ethical argument against their use.

MAMMOTH GROUP:

Have Mono County Officials learned anything over the last seven months? Do you still think your actions and policies for Covid-19 have achieved your stated health goals? Do you critically think at all? Or do you just follow orders regardless of whether it is right or wrong? What evidence do you have to justify your Covid-19 policies and the continuation of the health emergency in Mono County?

Proportionality:

“Would the proposed action demonstrate that public health practitioners are using their power and authority judiciously and with humility?”

A proportionate action would be one in which the means used to attain a public health goal are reasonable in light of the benefits they bring and the costs they impose, provided that those benefits and costs are distributed equitably and in a fair and nondiscriminatory way.

Conversely, a disproportionate action would be one that involves a very small chance of significant benefit to a few and the cost of widespread deprivation or harm to many. For example, it has been argued that public health and safety goals can at times justifiably override other values, such as personal liberty, but that public health actions should nonetheless adopt the least restrictive alternative that will meet the public health goal.

MAMMOTH GROUP:

Do Mono County Health practitioners and government officials think the Covid-19 policies are a proportionate action or a disproportionate action? If you believe the Covid-19 policies are proportionate, please enlighten us with all your science, facts, and data that justifies your position.

Accountability and Transparency:

“Would the proposed action withstand close ethical scrutiny and be justified by valid reasons that the general public will understand?”

Public health practice relies on the support and voluntary cooperation of individuals and communities, both of which require trust. Trust is built on ongoing transparency and accountability. This can involve explaining actions and motives even when no critical questions are being asked. By giving an account of the reasoning and evidence behind a program, public health practitioners demonstrate respect for affected communities and stakeholders. This also helps members of the public understand the difficulty and seriousness of purpose involved in public health decision making, even if they disagree with the specific decision or outcome in question. Real-time transparency, especially in crisis or emergency situations, might not always be feasible or desirable; protecting individual privacy and avoiding public panic might be overriding considerations. But retrospective transparency of evidence and ethical reasoning is almost always a good ethical practice. It is the hallmark of learning organizations and reflective professional practice.

MAMMOTH GROUP:

We have seen no accountability, no transparency and no debate of evidence that justifies your Covid-19 policy. Once again our public health officials have seemingly all but abandoned the Public Health Code of Ethics. How can anyone in their right mind trust health practitioners that continue to push the narrative that Mono County has been experiencing a health emergency for over 7 months, when all evidence suggests otherwise?

Public Participation:

“In deciding on a proposed action, have all potentially affected stakeholders had a meaningful opportunity to participate. If some are to be deliberately excluded from decision making, is there an ethical justification for doing so?”

"Public participation refers to the meaningful involvement of members of the public in public health research, decision making, planning, policy, and practice. Public participation should ensure that participants and decision makers alike are mutually informed and engaged in dialogue and exchange"

"There are many different forms and methods of public deliberation. All share a commitment to the use of balanced, nonpartisan evidence and information to ensure that deliberations are well informed."

MAMMOTH GROUP:

Have all potentially affected stakeholders had a meaningful opportunity to participate in decision making? NO we have not! We hope your paychecks and pensions are worth throwing the Public Health Code of Ethics and your moral duties into the proverbial dumpster fire.

Our attempts at meaningful involvement, public health research, dialogue and exchange have not been embraced by our local health officials. Quite the contrary!

No such commitment to the use of balanced, nonpartisan evidence and information has been honored while Mammoth Group attempted to share information that would benefit public health.

In conclusion, our public health officials and those who appointed them, have demonstrated a complete disregard for the Public Health Code of Ethics!

1. Source: The American Public Health Association Code of Ethics

https://www.apha.org/-/media/files/pdf/membergroups/ethics/code_of_ethics.ashx

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To: Board of Supervisors

From: Stacey Simon

Date: November 17, 2020

Re: Overview of COVID-19 Related Law and Litigation

The below overview of existing law and recent or pending litigation related to COVID-19 is provided for the purpose of informing the Board of Supervisors as to the current legal status the State of California's COVID-19 response, including various executive orders issued by Governor Newsom and guidelines and guidance issued by the California Department of Public Health. The following topics are addressed:

- (1) the legal relationship between counties and the State;
- (2) the legal authority for California's Blueprint for a Safer Economy; and
- (3) a summary of legal challenges to State orders and guidance, to date.

Many County Counsels' Offices around the State contributed to the below summary, including significantly, the Riverside County Counsel's Office and the Shasta County Counsel's Office.

I. LEGAL RELATIONSHIP BETWEEN COUNTIES AND THE STATE

The County may not refuse to comply with state law, [therefore, the County MUST uphold the following laws:

1. California Constitution, Article 1, Section 1

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety, happiness and privacy.

[Therefore, when the County encourages businesses to deny a customer from acquiring property by shopping at their business or to deny their access to services that they have the right to enjoy is unlawful and a violation of Constitutional liberties].

2. California Constitution, Article 1, Section 2

Every person may freely speak. A law may not restrain or abridge liberty of speech.

[There, when the County requires individuals to muzzle one's face with a mask which does not allow for one to freely speak, they are violating the freedom of speech. Therefore, encouraging a business to deny entry due to a person not wearing a mask is a violation of the California Constitution.]

3. California Constitution, Article 1, Section 4

Free exercise and enjoyment of religious expression without discrimination. [If covering one's face intrudes on the religious expression of an individual, that right to religious expression may not be denied.]

4. California Business and Professions Code 2052: Practicing medicine without a license

[Requiring someone to wear a mask is a medical intervention. The County has no authority to recommend businesses participate in such a practice. Further, a surgical mask is designated by the FDA as a "medical device". The County has no legal authority, responsibility or liability to require that of any individual. No "emergency order" supersedes the California Constitution. Any "health order" related to mask-wearing is therefore unlawful and unenforceable by law.]

5. California Penal Code 538(d) PC: Impersonating a peace officer

[The County has no legal authority to require a business establishment to undertake law enforcement activity and have no authority to enforce any law or order. Impersonating a law enforcement officer is a crime in this state under **California Penal Code 538(d) PC.**]

6. California Civil Code 51: Free and Equal Access to Public Accommodations

[Private business establishments that are engaged in commerce are legally defined as a place of "public accommodation" and as such may not prohibit entry by discriminating against someone for their medical condition, disability or religious beliefs. If someone is unable or unwilling to wear a mask for one of those reasons, businesses may not prohibit their entry, nor may a file of trespassing be made on the basis of their legally protected status. **Just as a business is not able to legally deny entry to someone wearing a turban, they may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable

accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY CALIFORNIA LAW. Claims of discrimination are handled by the Department of Fair Employment and Housing.]

7. California Civil Code 52.1: Tom Bane Act protects personal rights and carries \$25,000 fine for each violation

[The County should be advised that any person interferes with threat, intimidation or coercion with the exercise of enjoyment of an individual’s rights secured by the Constitution of the United States or the Constitution of California, the Attorney General or any district attorney or city attorney may bring a civil action or injunction in order to protect the peaceable exercise or enjoyment of the rights secured. **A civil penalty of \$25,000 may be assessed against EACH PERSON VIOLATING THESE RIGHTS.** Further, an individual may also institute and prosecute a civil case for damages].

8. California Civil Code 54: Individuals with disabilities have the same rights as others

Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, **including hospitals, clinics, and physicians’ offices**, public facilities, and other public places. **Just as a business is not able to legally would deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW. Claims for this violation are handled by the California Department of Fair Employment and Housing.

9. California Civil Code 54.1: Disabled have full and equal access

Disabled individuals have the same right as the general public in attaining full and equal access to all public accommodations and their advantages, facilities and privileges to places of public accommodation, amusement or resort; and to other places to which the general public is invited, including public modes of transportation private schools, hotels, and public buildings, such as courthouses, government buildings. Aggrieved persons may recover up to three times the actual damages or a minimum of \$1,000, injunctive relief and reasonable attorney’s fees.

10. California Business and Professions Code 125.6: Prohibits a licensed business to deny service based on disability or religion

Any person who holds a license pursuant to the business and professions code is subject to disciplinary action of that person discriminates in, restricts the performance of, or refuses to perform the licensed activity because of a consumer's race, color, sex, religion, ancestry, disability, marital status or national origin.

11. California Business and Professions Code 23438: Prohibits discrimination by a private clubs and organizations

Private clubs and organizations holding liquor license may not discriminate against protected classes.

A claim may be filed with the California Department of Consumer Affairs, 401 R Street, Sacramento, CA 96814. (800) 952-5210. www.dca.ca.gov

12. California Penal Code 236 PC, False Imprisonment

Attempting to prevent someone's entry to a business establishment or to restrict, detain or confine their movement without their consent constitutes FALSE IMPRISONMENT, which can be a felony, with the penalty of three years in jail. If a business owner or manager denies someone's entry to a place of public accommodation based on medical condition or religious beliefs, they are at risk for charged with false imprisonment.

13. Penal Code 415 PC: Disturbing the Peace

Any person (such as a business owner, manager or employee) who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine.

14. California Penal Code 240 PC: Assault

If a business owner, manager or employee aggressively seeks to harass or intimidate someone with the threat of violence, they could be in violation of CA PC 240, assault. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another, even if no one is physically hurt by their behavior.

15. California Penal Code 185 PC: Unlawful to wear a mask in the commission of a public offense

It is unlawful to conceal your identity in the commission of any public offense (such as those listed in this document.)

absent a judicial determination that the law is unconstitutional, **THIS WAS JUST RULED THAT THE GOVERNOR MAY NOT AMEND OR CREATE STATUTORY LA. See: The Court Ruling from Judge Sarah Heckman on Nov 13, 2020 for Case No.CVCS20-0912**

. nor enact ordinances or regulations that conflict with the general laws of the state.

This “Blueprint” violates all of the laws stated above, in addition to U.S. Federal Laws:

In summary:

1. “The County is merely a political subdivision of state government, exercising only the powers of the state, granted by the state.” *Pacific Gas & Electric Co. v. County of Stanislaus*, 16 Cal. 4th 1143 (1997).
3. Under California law, a local executive official does not have the authority to determine that a statute is unconstitutional in the absence of a judicial determination that the statute is unconstitutional. *Lockyer v. City & County of San Francisco*, 33 Cal. 4th 1055 (2004). “The oath to support and defend the Constitution requires a public official to act within the constraints of our constitutional system, not to disregard presumptively valid statutes and take action in violation of such statutes on the basis of the official’s own determination of what the Constitution means.” *Id.* at 1100-1101.
4. County officials may express their disagreement with state law, but compliance with such state law would not be excused, absent a judicial determination that the statute is itself unlawful. *Lockyer*, 33 Cal. 4th at 1119.
5. Counties do not have the authority to enact regulations that would conflict with the general laws of the state. A County may make and enforce within its limits “all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” Cal. Const. Art. XI, § 7. Any conflicting ordinance or regulation is preempted by state law and thus void. *Browne v. County of Tehama*, 213 Cal. App. 4th 704 (2013).

II. THE BLUEPRINT FOR A SAFER ECONOMY

The State's Blueprint for a Safer Economy currently has the force and effect of law. **Provide evidence for this statement. Where is the code of law that provides for this? It is the opposite.**

The Court Ruling from Judge Sarah Heckman on Nov 13, 2020 for Case No.CVCS20-0912 states this:

Gavin Newsom, in his official capacity as Governor of the State of California is enjoined and prohibited from exercising any power under the California Emergency Services Act (Government Code § 8550 et seq.) which amends, alters, or changes existing statutory law or makes new statutory law or legislative policy.

This ruling makes it clear that the "State's Blueprint for a Safer Economy" has ZERO force and effect of law. That is because the "State's Blueprint" creates new amends, alters and changes existing statutory law (as noted above) and makes new statutory law and legislative policy.

Where in existing statutory law is the authority for businesses to close down? To limit the number of patrons? To conduct business outdoors instead of indoors? To require distancing and masks?

A number of legal challenges have been brought questioning the authority of the Governor and the State to issue orders responding to COVID-19, those challenges are summarized in Section III below. To summarize current authority for California's Blueprint:

1. On March 4, 2020, the Governor proclaimed a state of emergency for the entire State of California in relation to the COVID-19 pandemic. This proclamation was issued under the Governor's authority in the California Emergency Services Act, found at Government Code section 8625. **The CESA also requires that the emergency be terminated at the EARLIEST possible date. According to CA law, an emergency is "imminent and proximate." Eight months into a situation is not legally defined as an "emergency."**
2. The Governor's proclamation of a state of emergency may be terminated by the Governor or the State Legislature. Government Code § 8629. It cannot be terminated by a county or city. **LOCAL health emergencies are REQUIRED to be terminated by the County or City at the "earliest possible date." See HSC § 101080 and CA Gov Code § 8630(d)**

3. In responding to this proclaimed state of emergency, the Governor is authorized, under Government Code sections 8567 and 8627, to issue such orders and regulations as he deems necessary. Such orders and regulations have the force and effect of law, as stated in Government Code section 8567.
Judge Heckman just ordered that these are UNLAWFUL and the Governor has no further power under Gov Code 8567 and 8627.
What evidence is there that these orders and regulations are “necessary”?
4. On March 19, 2020, the Governor issued Executive Order N-33-20 which, among other things, ordered all California residents to “immediately heed the current State public health directives.”
5. On May 4, 2020, the Governor issued Executive Order N-60-20, which stated that “All residents are directed to continue to obey State public health directives, as made available at <https://covid19.ca.gov/stay-homeexcept-for-essential-needs/> and elsewhere as the State Public Health Officer may provide.”
6. On August 28, 2020, the State Public Health Officer issued an order establishing the County Tier System, which is now referred to as the Blueprint for a Safer Economy. The State Public Health Officer Order states:
 - a. All local health jurisdictions may reopen specified sectors according to their respective County’s Tier. However, a local health jurisdiction that moves to a Tier permitting further reopening must pause for 21 days, or a different period that the State Public Health Officer identifies, before reopening additional sectors.
 - b. Conversely, a local health jurisdiction must also close sectors according to their County’s Tier consistent with the timeline and procedures set forth in the Blueprint for a Safer Economy.
7. The State Department of Public Health may advise all local health authorities and, when in its judgment the public health is menaced, it shall control and regulate their action. Health & Safety Code § 131080. The Department is further authorized to take any measures necessary to ascertain the cause and control the spread of an infectious, contagious or communicable disease. Health & Safety Code § 120140. **Where is the evidence that these measures are “necessary?”**
8. The Board of Supervisors has the authority to supervise the official conduct of all county officers, including the County Health Officer. Government Code § 25303. However, the Board of Supervisors does not

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have the power to perform a county officer's statutory duties for him or her, or direct the manner in which the duties are performed. *Dibb v. County of San Diego*, 8 Cal. 4th 1200 fn. 4 (1994); *People v. Langdon*, 54 Cal. App. 3d 384 (1976).

III. LEGAL CHALLENGES TO STATE COVID ORDERS AND GUIDELINES

To date, six cases have been resolved in favor of the Governor's and State's authority to issue binding orders in response to COVID-19. Many other challenges are still pending in both state and federal courts. The below summarizes the litigation as of the date of this memo:

Brandy v. Villanueva et al Filed:

March 27, 2020

Forum: Federal Court

Description: Gun shop owners filed 2nd Amendment suit challenging Governor Newsom's executive orders insofar as they required closure of gun shops.

Status: TRO denied on April 6, 2020; Plaintiffs voluntarily dismissed the State defendants, including Governor Newsom, on July 8, 2020.

Gish et al v. Newsom et al

Filed: March 27, 2020

Forum: Federal Court

Description: Plaintiffs argue that the Governor's orders violate church members' constitutionally protected freedoms of speech, religion, assembly and due process, and that they favor non-religious practices.

Status: Plaintiff's Temporary Restraining Order (TRO) was denied on April 23, 2020, and the denial was appealed to the 9th Circuit Court of Appeal. Defendants Gavin Newsom and Xavier Becerra have filed an unopposed motion to dismiss the case in the District Court, as well as a motion to dismiss the appeal which is pending judgment in the District Court.

Whitsitt v. Newsom

Filed: April 4, 2020

Forum: Federal Court

Description: Plaintiff filed petition for writ of mandamus arguing the Governor's orders are unconstitutional insofar as they require closure of churches.

Status: Defendants' motion to dismiss was granted on October 7, 2020. Plaintiff's complaint was dismissed without leave to amend.

Abiding Place Ministries v. Wooten et al

Filed: April 22, 2020

Forum: Federal Court

Description: Suit accuses the state and county orders of infringing on the constitutional right to freely exercise religion, and of an infringement on due process.

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Status: Temporary Restraining Order (TRO) against the orders denied April 10, 2020; preliminary injunction (PI) denied June 4, 2020; joint motion to dismiss granted on September 3, 2020.

Benitez et al v. Newsom et al

Filed: April 22, 2020

Forum: State Court

Description: On April 15, Governor Newsom announced that the state would provide \$75 million in state revenue to undocumented immigrants in California who do not otherwise qualify for federal assistance during the pandemic. Plaintiffs petitioned the California Supreme Court, arguing that state and federal laws prohibit the state from funding nonprofits or undocumented immigrants without the Legislature's approval.

Status: Petition denied on May 6, 2020.

Cross Culture Christian Center et al v. Newsom et al

Filed: April 22, 2020

Forum: Federal Court

Description: Plaintiffs argue that the state orders violate constitutionally protected freedoms of speech, religious practice, assembly and due process, and that they represent unconstitutional "hostility toward religion."

Status: TRO denied on May 5, 2020, and appealed. Appeal was denied on May 29, 2020. A motion to dismiss filed by defendants was set for September 29, 2020, but was submitted without appearance and without oral argument pursuant to local rules. If the Court concludes oral argument is necessary a hearing will be set. Since then, the Court has allowed supplemental briefs to be filed. Most recently, the Governor and state defendants filed a notice of supplemental authority in support of the motion to dismiss on November 4, 2020.

Armstrong v. Newsom et al Filed:

April 23, 2020

Forum: Federal Court

Description: A Los Angeles County resident is suing the state on behalf of himself and "all others similarly situated." He argues that the statewide shelter-in-place order violates the 14th Amendment of the U.S. Constitution which prohibits detention "without due process of law."

Status: TRO was denied on May 13, 2020; Preliminary Injunction (PI) was denied on May 28, 2020. Motion by Governor Newsom to Dismiss Second Amended Complaint was granted; Third Amended Complaint was filed by Plaintiff on November 9, 2020.

Givens et al v. Newsom et al

Filed: April 27, 2020

Forum: Federal Court

Description: Two Sacramento residents applied for permits to protest at the state Capitol and were denied based on orders and guidance prohibiting gatherings. Both sued, arguing that state officials violated their rights to free speech, assembly, petition and due process.

Status: TRO was denied on May 8, 2020. Denial of TRO has been appealed to 9th Circuit

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and oral argument is calendared for November 17, 2020. Motion for injunction pending appeal was denied on July 14, 2020. Defendants filed an answer in the District Court on August 11, 2020. Defendants filed a Motion for Protective order on August 31, 2020, and a hearing on the motion is set for December 16, 2020.

Crest et al v. Newsom et al

Filed: April 29, 2020

Forum: State Court

Description: On April 15, Governor Newsom announced that the state would be providing \$75 million in state revenue to undocumented immigrants in California who do not otherwise qualify for federal assistance during the pandemic. Plaintiffs argue that federal laws prohibit the state from providing financial assistance to undocumented immigrants without Legislative approval.

Status: TRO was denied on May 5, 2020. The denial of the TRO was appealed and is still pending. The next hearing in the District Court is a trial setting conference set for December 30, 2020.

Muller v. Newsom

Filed: May 1, 2020

Forum: State Court

Description: Three city council members from different Orange County cities filed suit against Governor Newsom's order closing Orange County beaches, calling the order "a clear abuse of discretion" and contending that access to the beach is protected by the California Constitution.

Status: Petition for Writ of Mandate denied July 2, 2020.

Muldoon v. Newsom

Filed: May 4, 2020

Forum: Federal Court

Description: Newport Beach Councilman Kevin Muldoon sued, arguing that the beach closures violated residents' right to equal protection under the law, along with their right to travel and assemble.

Status: TRO denied as moot on May 8, 2020, because beaches had been reopened; Voluntarily dismissed by Plaintiff on June 23, 2020.

Gondola Adventures, Inc. et al v. Newsom et al

Filed: May 6, 2020

Forum: Federal Court

Description: A group of businesses sued, claiming the state invaded their property rights, unconstitutionally restricted their right to travel, and violated other civil rights guaranteed in both the state and U.S. constitutions.

Status: Voluntarily dismissed by Plaintiffs on May 18, 2020, after Governor Newsom announced easing of some restrictions.

Antoon v. Newsom et al

Filed: May 7, 2020

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Forum: Federal Court

Description: A yoga studio owner argues that the prolonged shelter-in-place orders have deprived him of his constitutional right to assemble, to own private property and to due process, as well as his constitutional protection from unreasonable search and seizure, and cruel and unusual punishment.

Status: On September 21, 2020, the case was reassigned from a magistrate judge to a U.S. District Judge, with the magistrate issuing the recommendation that the case be dismissed based on plaintiff's failure to prosecute. Case was dismissed on October 13, 2020.

Six et al v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: A group of California residents sued the state for non-economic harms.

Status: TRO and Order to Show Cause why PI Should Not Issue was denied on May 22, 2020. Case voluntarily dismissed by Plaintiffs on June 5, 2020.

Michie v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: Landlord filed suit arguing that restrictions on evictions have violated landlords' constitutional right to private property, to due process and to enter into and honor contracts.

Status: Voluntarily dismissed by Plaintiff on July 21, 2020.

South Bay United Pentecostal Church et al v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: Two religious institutions in San Diego County argue that the Governor's orders restrict their congregations' rights to free exercise of religion, to assembly, speech and due process, and constitute "excessive government entanglement with religion."

Status: TRO denied on May 15, 2020, and appealed to Ninth Circuit; appeal denied on May 22, 2020; appeal to the U.S. Supreme Court denied on May 29, 2020. A renewed motion for TRO/PI was filed by Plaintiffs and denied on October 15, 2020. The District Court has granted a motion allowing Defendants to respond to the Second Amended Complaint.

Bols v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: A San Diego landlord whose tenants include hair salons and churches filed suit, arguing that the shelter-in-place orders impinge on his constitutional rights to due process, equal protection under the law and private property.

Status: TRO denied on June 30, 2020. A Motion to Dismiss First Complaint is set for November 23, 2020.

Best Supplement Guide, LLC et al v. Newsom et al

November 17, 2020

Filed: May 12, 2020

Forum: Federal Court

Description: The operator of a small chain of gyms in Sacramento and Lodi argue that his rights to free speech, assembly, private property, due process, equal protection under the law and the ability to satisfy business contracts have been unconstitutionally impaired under public health orders. Plaintiffs sought a preliminary injunction (PI) and temporary restraining order (TRO) to prevent enforcement of the State orders.

Status: TRO and Order to Show Cause Why PI Should Not Issue were denied on May 22, 2020. A motion to dismiss filed by defendants was granted on October 27, 2020, and leave to file an amended complaint was denied.

Professional Beauty Federation of California et al v. Newsom et al

Filed: May 12, 2020

Forum: Federal Court

Description: Plaintiffs sued Governor Newsom and various state regulators for refusing to designate “barbering and cosmetology” services as essential, which would exempt them from the shelter-in-place order.

Status: TRO/PI denied June 8, 2020; Voluntarily dismissed by Plaintiffs on July 27, 2020.

Bryant et al v. Newsom et al

Filed: May 13, 2020

Forum: Federal Court

Description: Plaintiffs run a Christian nonprofit. They allege that the public health orders violate their constitutional rights to assemble, private property, due process and their “unspoken right to earn a lawful living,” as well as their constitutional protection from unreasonable search and seizure and cruel and unusual punishment.

Status: TRO denied on May 19, 2020. A motion by defendants to dismiss complaint was granted on September 8, 2020. Plaintiff’s filed an Amended Complaint on September 29, 2020, but then voluntarily dismissed all defendants in October, and the case was terminated on October 29, 2020.

Tresner v. Newsom et al

Filed: May 18, 2020

Forum: Federal Court

Description: Gym owner argues that the “strong-arm and forced closure” of his gym has cost \$100,000 and violated his rights to free speech, assembly, private property, due process, equal protection under the law and that his ability to satisfy business contracts has been unconstitutionally impaired.

Status: Pending; a related case order was filed on May 20, 2020, and there have been no new developments in the case to date. The related case *Best Supplement Guide, LLC et al v. Newsom et al* was dismissed.

Mountain Christian Fellowship et al v. Newsom et al

Filed: May 21, 2020

Forum: Federal Court

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Description: Plaintiffs argue that churches and their congregants are having their constitutional right to religious expression, speech, assembly and equal protection under the law violated.

Status: Voluntarily dismissed by Plaintiffs on June 26, 2020.

Issa et al v. Newsom et al

Filed: May 21, 2020

Forum: Federal Court

Description: Congressional candidate and group of voters sued over executive order requiring issuance of mail-in ballots, claiming legislature has sole responsibility for setting election rules.

Status: Voluntarily dismissed by Plaintiffs on July 9, 2020, after Governor Newsom signed AB 860, a bill that largely mirrored the executive order.

Republican National Committee et al v. Newsom et al

Filed: May 24, 2020

Forum: Federal Court

Description: Plaintiffs sued over executive order requiring issuance of mail-in ballots, claiming legislature has sole responsibility for setting election rules.

Status: Voluntarily dismissed by Plaintiffs on July 9, 2020, after Governor Newsom signed AB 860, a bill that largely mirrored the executive order.

Stanislaus Funding, Inc. dba Patioworld v. Newsom et al

Filed: May 26, 2020

Forum: Federal Court

Description: Owners of furniture outlet sued, arguing that the state and county orders violate their constitutional right to equal protection under the law, due process, interstate commerce and private property, while also saddling the business with “excessive fines.”

Status: Voluntarily dismissed by Plaintiffs on June 29, 2020.

Caymus Vineyards v. Newsom et al

Filed: May 28, 2020

Forum: Federal Court

Description: This suit contends that the state deprived the vineyard of its right to equal protection under the law, to due process and to private property. Status: Voluntarily dismissed by Plaintiffs on June 10, 2020.

Forbes v. Macchione, Fache et al

Filed: May 31, 2020

Forum: Federal Court

Description: An individual sued the County of San Diego and Governor Newsom challenging, among other things, mask-wearing guidance/orders. Plaintiff argues that masks are unnecessary and ineffective and a violation of plaintiff’s constitutional rights.

Status: Motion to Dismiss Second Amended Complaint as to Gavin Newsom was filed on July 21, 2020. There has been additional briefing on the motion, there is no ruling yet nor hearing scheduled.

November 17, 2020

PCG-SP Venture I LLC dba V Palm Springs Hotel v. Newsom et al

Filed: June 2, 2020

Forum: Federal Court

Description: Plaintiff accused the state of violating its right to engage in commerce, to due process and equal protection under the law and to private property.

Status: TRO denied on June 23, 2020; stipulated dismissal on July 29, 2020.

Gallagher et al v. Newsom

Filed: June 11, 2020

Forum: State Court

Description: Assemblymen James Gallagher and Kevin Kiley challenge Governor Newsom's executive order establishing special procedures for the conduct of the November 3 election in response to COVID. They argue that because election procedures are set by the Legislature, Governor Newsom's order violates the separation of powers. Plaintiffs sought a TRO to prevent enforcement of the order.

Status: TRO was granted by the Superior Court on June 12, 2020, but overturned by the court of appeal on July 21, 2020. The Superior Court then issued a ruling on the underlying merits on November 13, 2020, finding that while the Emergency Services Act is constitutional, the Governor exceeded the authority granted to him under that Act by altering existing legislation through executive order. The ruling "enjoin[s] the Governor from exercising power under the California Emergency Services Act which amends, alters, or changes statutory law or makes new statutory or legislative policy." The State has appealed this ruling.

Z Golf Food & Beverages Services, LLC et al v. Newsom et al

Filed: June 17, 2020

Forum: Federal Court

Description: Three plaintiffs engaged in wedding-related businesses argue they are "no different from the permitted businesses of entertainment venues, dine-in restaurants, outdoor businesses, and religious services." They argue that the state has violated their constitutional rights to equal treatment under the law and to due process.

Status: An amended complaint was filed on September 25, 2020. Voluntarily dismissed by plaintiffs on October 26, 2020.

Baber et al v. Newsom

Filed: July 5, 2020

Forum: Federal Court

Description: Plaintiffs argued that COVID-19 is not a new disease and that it is a funding scheme by the NIH.

Status: Voluntarily dismissed by Plaintiffs on August 14, 2020.

Calvary Chapel of Ukiah et al v. Newsom et al

Filed: July 5, 2020

Forum: Federal Court

November 17, 2020

Description: Three churches argue that the state restriction on indoor singing violates their constitutional rights to free exercise of religion and speech, and singles out churchgoers for special treatment compared to those who participate in secular activities, such as protests.

Status: Oral argument was held on November 8, 2020, regarding a pending motion for PI. The Court granted plaintiffs' leave to file a sur-reply, which they did on November 9, 2020. The matter is taken under submission with a written order to be issued.

Harvest Rock Church, Inc. et al v. Newsom et al

Filed: July 17, 2020

Forum: Federal Court

Description: The lawsuit argues that governor's restrictions violate the church's constitutionally protected rights to religious expression, assembly, speech, equal protection under the law and the right to a "republican form of government."

Status: TRO denied July 20, 2020; PI denied August 12, 2020; denial of PI appealed to Ninth Circuit and was denied. There is a petition for rehearing en banc pending from plaintiffs.

Brach et al v. Newsom et al

Filed: July 21, 2020

Forum: Federal Court

Description: Nine parents of students filed suit to challenge school closures, alleging the order violates the constitutional rights of students to equal protection under the law and to due process.

Status: A September 1, 2020 hearing on PI was vacated and the court has ordered the parties to submit briefing on summary judgment. Briefing has been submitted and is under consideration. On September 29, 2020, the time for Defendants to file responsive pleading was ordered extended until 30 days after the Court rules on sua sponte consideration of summary judgment.

Samuel A. Fryer Yavneh Academy et al v. Newsom et al

Filed: August 18, 2020

Forum: Federal Court

Description: Group of religious schools, parents and teachers argues that the governor's order singles out religious institutions because it "does not apply to equivalent operations such as childcare facilities and camps," that it interferes with each students' implied right to an education and on "parents' rights to direct the religious upbringing and education of their children."

Status: PI hearing was held September 28, 2020. The court took the matter under submission, but the case was dismissed pursuant to a stipulated order for dismissal on October 28, 2020.

Immanuel Schools et al v. Newsom

Filed: August 21, 2020

Forum: State Court

November 17, 2020

Description: Plaintiffs petitioned the California Supreme Court, arguing that the Governor's July executive order that placed new restrictions on when counties can start holding in-person school instruction violates the rights of both students to equal protection under the law and of parents who entered into private contracts with the schools.

Status: Petition denied on September 9, 2020.

Orange County Board of Education v. Newsom

Filed: August 21, 2020

Forum: State Court

Description: Plaintiff petitioned the California Supreme Court, arguing that the Governor's July executive order that placed new restrictions on when counties can start holding in-person school instruction violates the rights of students to equal protection under the law and the order places an unconstitutional burden on both students of color and those who experience disabilities.

Status: Petition denied on September 9, 2020.

Looney et al v. Newsom et al

Filed: September 11, 2020

Forum: State Court

Description: Plaintiffs are Shasta County residents with school age children who argue the Governor's public health orders violate their children's fundamental rights to quality education.

Status: First Amended Complaint filed October 28, 2020.

California Fitness Alliance et al v. Newsom et al

Filed: September 14, 2020

Forum: State Court

Description: Group of gym owners argue that restrictions under Governor Newsom's orders were not applied narrowly enough and are not justified by the statewide death toll.

Status: Complaint was filed September 14, 2020. Next scheduled hearings are a hearing on motion for protective order on November 13, 2020, and a hearing on demurrer on January 22, 2021.

Culinary Studios, Inc. et al v. Newsom et al

Filed: September 21, 2020

Forum: Federal Court

Description: Plaintiffs are a group of mainly restaurant and hospitality businesses which argue the Governor's public health orders which prohibit indoor operations of their businesses violate their constitutional rights and amounts to a taking without just compensation under the Fifth Amendment.

Status: First Amended Complaint was filed on October 19, 2020.

Mitchell et al v. Newsom et al

Filed: September 22, 2020

Forum: Federal Court

November 17, 2020

Description: Tattoo artists challenge governor's order requiring them to close. Artists allege order deprives them of protected expression and because hair salons and other businesses of equal or greater health risk may reopen, order lacks content neutrality and narrow tailoring.

Status: Stipulated order staying action was entered on November 9, 2020. Parties are ordered to file additional status report or request for dismissal by December 4, 2020.

Reyes et al v. Newsom et al

Filed: September 24, 2020

Forum: State Court

Description: Three charter schools that operate exclusively online and 12 students and their families sued over new school funding rules implemented to deal with decreasing public school enrollment and increased charter school enrollment during the pandemic. Plaintiffs argue the new rules violate the state constitution, infringe on contracts between charter schools and the state, and deprive the schools and families of due process. Status: Verified Petition for Writ of Mandate and Verified Class Action Complaint for Declaratory and Injunctive Relief filed September 24, 2020.

Midway Ventures LLC et al v. County of San Diego et al

Filed: October 21, 2020

Forum: State Court

Description: Plaintiffs, who operate two strip clubs in San Diego, argue the County's enforcement of the Governor's orders will significantly harm their businesses by prohibiting live entertainment, and that the County's enforcement efforts have singled out Plaintiff's businesses while not taking action against other live entertainment business. Status: TRO granted on November 6, 2020, enjoining County and State from enforcing cease and desist orders prohibiting plaintiffs from providing live entertainment. OSC re Preliminary Injunction calendared for November 30, 2020.

Excel Fitness Fair Oaks, LLC, et al v. Newsom et al.

Filed: October 27, 2020

Forum: Federal Court

Description: Plaintiffs argue that the state orders caused a total or partial regulatory taking of plaintiffs' property (when deemed non-essential) without just compensation and is seeking equitable and injunctive relief to enjoin enforcement of Defendants' orders, declaratory relief that Defendants' orders violate Plaintiffs' Fifth and Fourteenth Amendment rights, and California Constitutional rights, attorneys' fees and costs, and monetary damages.

Status: Complaint filed.

Ghost Golf, Inc. et al v. Newsom et al

Filed: October 28, 2020

Forum: State Court, Fresno Superior Court.

Description: Case was filed by the Pacific Legal Foundation on behalf of various businesses challenging the State's Blueprint for a Safer Economy. Petitioners assert that legislature cannot provide an open-ended delegation of authority to the Governor, even

November 17, 2020

during a state of emergency under the separation of powers doctrine. Status: Complaint filed.

Tucks Restaurant and Bar et al v. Newsom et al

Filed: November 11, 2020

Forum: Federal Court

Description: Case filed by various restaurants and a dining association challenging the Governor's authority to issue various COVID orders. Plaintiffs allege constitutional violations, including 14th Amendment equal protection and due process violations, infringement on the constitutional right to travel, and 1st and 5th Amendment violations. The complaint names various state and Nevada County public officials. Status: Complaint Filed

In Summary,

1. As elected officials, and required by the California Constitution, Art XX § 3, you have taken an oath (see below) to support and defend the Constitution of the United States and the Constitution of the State of California and you are constitutionally mandated to abide by that oath in the performance of your official duties.
2. As supervisors, you have no constitutional authority, nor any other form of valid, lawful authority, to oppose and violate the very documents to which you swore or affirmed your oath and under which you were delegated by the people the limited authority to conduct the duties of your office.
3. By conspiring with other public servants to discriminate against we the people's lawful entry into any business establishment in this county, and by violating our constitutionally-protected inalienable right to life, you are depriving us of my inalienable rights, which are protected by the U.S. Constitution and the California Constitution, as referenced below:
 - (a) The Constitution of the United States
 - (b) Title II of the Civil Rights Act of 1964
 - (c) Religious Freedom Restoration Act of 1993
 - (d) The Constitution of the State of California
 - (e) California Civil Code 51: Free and equal access to public accommodations, without discrimination, based on protected characteristics, including religious beliefs (Note: equal access does not mean separate.)

(f) California Civil Code 52.1 Prevents threat, intimidation or coercion with the exercise of enjoyment of an individual's rights secured by the Constitution of the United States or the Constitution of California

4. No law is valid or lawful that violates the state or federal Constitution. No health order, emergency order, state of emergency, municipal ordinance, or private business policy may suspend or violate the Constitution, period.

5. According to CA gov Code 37100, no governing body may make a law that is in conflict with other laws. Thus, all of these health orders and unlawful, null and void and carry no force of law.

6. You are in violation of these statutes:

(a) **Penal Code 504 PC** makes a public officer guilty of embezzlement if he or she: fraudulently uses any public property or funds, and uses them in a way not consistent with his **official** authority. You are using the CARES ACTS Fund fraudulently because there is NO EMERGENCY yet you are continuing to extend the emergency declaration in order to receive the money. Fraud is a felony and carries a prison sentence.

(b) **Penal Code 148.3 PC** is the California statute that makes it a crime for a person to make a **false report** of an emergency

(c) **18 US Code 1038** makes it a FELONY to provide false information regarding biological hazards and hoaxes. If someone dies because of this, it carries a sentence of life in prison.

(d) **18 US Code 1040** makes it a FELONY to perpetrate fraud in connection with major disaster or emergency benefits. This carries a prison sentence.

(d) **California Government Code Section 8630(d)** states that the governing body MUST PROCLAIM THE TERMINATION OF THE EMERGENCY AT THE EARLIEST POSSIBLE DATE. (That is this Board of Supervisors)

(e) **CA Health and Safety Code 101080** also states that the local health emergency MUST BE TERMINATED AT THE EARLIEST POSSIBLE DATE by the governing body (that is this Board of Supervisors)

7. The above statements are true, factual, lawful and constitutionally ordained. Based on the above irrefutable facts, please state which of the following actions the Board of Supervisors will take:

- Declare the termination of the local health emergency, AS REQUIRED BY LAW

or

November 17, 2020

-Continue to violate state and federal laws, including those that are felonies and carry a prison sentence.

You are not above the law. Dozens of California public officials are behind bars, including Lee Baca, former Los Angeles Sheriff, who is in a federal prison in Texas. There is room there for all lawbreakers.

Mammoth Group:

A Letter to the Town Council of Mammoth Lakes, in regard to
RESOLUTION NO. 20-10 RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY.

"WHEREAS, Health and Safety Code 101080 authorizes a local health officer to declare a local health emergency within the officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious Communicable disease."

Mammoth Group asks - When did the health officer reasonably determine that there was an imminent and proximate threat of the **introduction** of Covid-19? Did the determination of the imminent and proximate threat of the INTRODUCTION of Covid-19 happen yet or not?

"Whereas, Conditions of extreme peril to the safety of persons or property have arisen within the Town of Mammoth lakes are a result of the spread of the Covid-19 Virus."

Mammoth Group asks - how is the above statement true and factual if

throughout the declaration of the local health emergency for Covid-19, Mammoth Hospital has been in green status?

What conditions of extreme peril to the safety of persons or property have arisen within the Town of Mammoth Lakes and Mono County as a result of the spread of Covid-19?

Please define what is meant by extreme peril to the safety of persons or property as it pertains to Covid-19.

How do the conditions of extreme peril correlate to the safety of property and the spread of the Covid-19 virus?

What examples of extreme peril within the Town of Mammoth Lakes and Mono County can you cite?

Please explain the details and evidence how conditions as the result of the spread of Covid-19 virus are different than previous influenza conditions within the Town of Mammoth Lakes and Mono County.

"WHEREAS, conditions justifying the Mono County Health Officer's declaration of emergency continue in effect, and the Mono County

Board of Supervisors ratified the County Health Officer's declaration of emergency on March 17, 2020."

Mammoth Group asks - Please clarify what conditions justify the continuation of the local health emergency for Covid-19.

Again, Mammoth Hospital has been in green status throughout the declaration of the local health emergency for Covid-19. How do conditions throughout the declared local health emergency for Covid-19 differ within the Town of Mammoth Lakes and Mono County from previous years when no local health emergency was declared?

"Whereas, the indefinite closure of Mammoth Mountain, significant reduction in leisure travel in the near term, mandated closure or limited operations of various businesses, and other measures taken in response to the emergency to close or limit business activities have been ordered and additional actions are expected to lead to massive economic disruption within Mammoth Lakes."

Mammoth Group asks -

Please clarify what was meant by "Indefinite closure", "in the near term" and "mandated closure"

If the government of the Town of Mammoth Lakes and Mono County knew mandated and ordered business closures and limited business operations taken in response to the declared local health emergency for Covid-19 was expected to lead to massive economic disruption, why were businesses not given due process?

Were residents and tourists deprived of life, liberty, and property as a result of

the policy for the local health emergency for Covid-19?

Is the Town of Mammoth Lakes and Mono County going to provide *just compensation* for ordering businesses to close or limit their activities, which was expected to lead to massive economic disruption within Mammoth Lakes and Mono County?

Both due process and just compensation are required according to the 5th and 14th amendment of the US Constitution and article 1 sections 1, 7, and 19 of the California Constitution.

Private Property Owner Short-Term Rental Redress of Grievances For Unconstitutional Government Regulations:

The Town of Mammoth Lakes, Mono County, and the state of California's, previous rental restrictions and current ban on short-term rentals is unconstitutional under the 5th, 14th, and 1st Amendments of the US Constitution. Additionally, the ban on short-term rentals also violates the California Constitution, Article 1 sections 1, 7, and 19.

Were the previous rental restrictions and the current ban on short-term rentals lawful? No! Was there due process given to property owners in the previous rental restrictions and the recent ban on short-term rentals? No!

No person shall "be deprived of life, liberty, or property, without due process of law".

Whereas, not consummating due process of law the aforementioned governing bodies are in violation of the 5th and 14th Amendments (Due Process Clause) of the US Constitution.

Whereas, despite a failure to consummate due process of law regardless of said overly severe government regulations being invalid or not, said private property owner is due just compensation for the periods in which the overly severe government regulations were and are in effect.

Whereas, by banning short-term rentals the aforementioned governing bodies are depriving any potential renters of their liberties, as well as their right to peaceably assemble and to pursue life and happiness as protected under the 1st Amendment of the US Constitution.

Whereas, the aforementioned governing bodies are violating the 5th, 14th (Takings Clause), and 1st Amendments of the US Constitution by banning the use of peoples private property for use as short-term rentals.

Whereas, the aforementioned governing bodies have ordered the owner of said private property to sacrifice all economically beneficial use of their private property via a per se taking in the name of the "common good" and to leave their rental property economically idle.

Whereas, the banning of short-term rentals has deprived said private property owner the sole intended economically viable use of their private property.

Whereas, the aforementioned governing bodies through overly severe regulations have deprived said private property owner the "reasonable investment backed expectations" of their rental property.

Whereas, being denied economically viable use of private property for the "common good" by overly

severe and unconstitutional government regulations, said owner is entitled to just compensation for financial losses incurred as required by the Takings Clause of the 14th Amendment.

Whereas, said owner leaving their private property economically idle for the "common good" is entitled to just compensation under the Takings Clause of the 14th Amendment.

Whereas, the magnitude, character, and distribution of the burdens that these overly severe government regulations impose on private property rights requires just compensation for said private property owner.

Whereas, The Town of Mammoth Lakes, Mono County, and the state of California, acting under color of law or not, have by threat, intimidation and coercion by way of fines, penalties, and imprisonment, attempted to and in actuality deprived said private property owner their rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state.

Whereas, the aforementioned governing bodies are in clear and direct violation of the Tom Bane Civil Rights Act.

Whereas, the owner of said private property reserves the right to seek \$25,000 or an appropriate equitable relief from each individual involved in violating the Tom Bane Civil Rights Act.

Whereas, no evidence, science, or logic exists for the aforementioned governing bodies to decree such overly severe regulations that would justify the Town of Mammoth Lakes, Mono County, or the state of California to violate the 5th , 14th, 1st Amendments of the US Constitution and the Tom Bane Civil Rights Act.

The above statements are true, factual, lawful and constitutionally ordained.

Denying said private property owner full control of their private property rights secured within the US Constitution, California Constitution and established law is an outrage to the very concept of private property ownership.

There is no scientific proof that denying private property owners economically viable use of their "rental properties" from potential renters will stop the spread or reduce the transmission of Covid-19.

Employee Covid-19 Testing Requirements Redress of Grievances:

This redress of grievances focuses its attention on Title II of the Genetic Information Nondiscrimination Act of 2008. The mass testing of people for Covid-19 is completely novel and unprecedented. There has never been a time that a testing campaign of such magnitude and scope has been conducted.

Despite this fact, the Genetic Information Nondiscrimination Act still offers protection for employees against discrimination based on their genetic information.

The novelty of this mass testing campaign of employees' genetic information in order to maintain or gain employment raises a new question. Does the Genetic Information Nondiscrimination Act also protect an employee from discrimination based on a lack of genetic information?

We assert that the intention and spirit of the Genetic Information Nondiscrimination Act indeed does protect employees from this sort of discrimination, testing requests and requirements, and intrusion of an individual's bodily autonomy and genetic information.

However, because a testing campaign of this nature has never before been conducted it has yet to be clarified and fully protected against.

Due to Covid-19 it is being claimed that an employer has the right to test their employee or a prospective employee for Covid-19. This claim is correct only if said employee provides prior, knowing, voluntary, and written authorization.

However, any employee or prospective employee reserves the right NOT to be subjected to a Covid-19 test and to be without fear of discrimination or reprisal from their employer for choosing so.

Also, any employer reserves the right to protect their employees or prospective employees right not to be requested or required to be subjected to a Covid-19 test and to be without fear of discrimination or reprisal from the Town of Mammoth Lakes, Mono County, and the state of California.

According to Mammoth Lakes Chambers of Commerce legal counsel, Robert Brumfield,

"The Americans with Disabilities Act requires that any mandatory medical tests of employees be job related and consistent with business necessity" Additionally Robert Brumfield asserts that due to Covid-19 employers may take screening steps to determine if employees entering the workplace have Covid-19 because an individual with the virus poses a direct threat to the health of others. Therefore,

an employer may choose to administer Covid-19 testing to employees before initially permitting them to enter the workplace and/or periodically to determine if their presence in the workplace poses a direct threat to others."

This assertion by Robert Brumfield is simply not accurate and is contrary to the Genetic Information Nondiscrimination Act.

Whereas, many employees are not fully knowing of their right not to be requested or required to be subjected by their employers to a Covid-19 test due to the Town of Mammoth Lakes and Mono County's one sided Covid-19 Policy which does not emphasize people's rights.

Whereas, forcing a current employee to be tested for Covid-19 without prior, knowing, voluntary, and written authorization from said employee is a violation of the Genetic Information Nondiscrimination Act.

Whereas, pre-employment genetic screening of a prospective employee for Covid-19 without said prospective employee's prior, knowing, voluntary, and written authorization is a violation of the Genetic Information Nondiscrimination Act.

Whereas, the Genetic Information Nondiscrimination Act bars employers from using individuals' genetic information when making hiring, firing, job placement, or promotion decisions.

Whereas, "it shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee."

Whereas, it is discriminatory for an employer to classify a healthy employee or prospective employee as infected with Covid-19 based on a lack of genetic information that said employer is now unlawfully requesting or requiring.

Whereas, healthy employees are being presumed guilty of a Covid-19 infection unless they submit to an unlawfully requested or required Covid-19 test to prove their innocence.

Whereas, requesting or requiring any current or prospective employee by their employer or prospective employer to be subjected to a Covid-19 test in order to gain or maintain employment is in violation of said employees rights as protected by the Genetic Information Nondiscrimination Act.

Whereas, employees or prospective employees who choose not to be tested for Covid-19 are being considered to be members of a particular group (non-tested individuals) and are being stigmatized or discriminated against for choosing not to be subjected to a Covid-19 test.

Whereas, any employer who fires a current employee for choosing not to be subjected to a Covid-19 test that is being unlawfully requested or required is in violation of the Genetic Information Nondiscrimination Act.

Whereas, any employer who refuses to hire a prospective employee that chooses not to be subjected to a Covid-19 test that is being unlawfully requested or required which is a violation of the Genetic Information Nondiscrimination Act.

Whereas, the PCR test is an analysis of an individual's genetic information of "RNA" and therefore, it is unlawful to be requested or required by an employer as proclaimed by the Genetic Information Nondiscrimination Act.

Whereas, the antigen test is an analysis of an individual's genetic information of "proteins" and therefore, it is unlawful to be requested or required by an employer as proclaimed by the Genetic Information Nondiscrimination Act.

Whereas, an employer's Covid-19 testing requirement is not tantamount to being a "wellness program."

Whereas, the Town of Mammoth Lakes and Mono County, through health orders, mandates, and guidelines, acting under color of law or not, are attempting to coerce employers to unlawfully request or require their employees', or prospective employees' genetic information.

Whereas, the Town of Mammoth Lakes and Mono County's Covid-19 policy is in actuality unlawfully

coercing employers to violate the Genetic Information Nondiscrimination Act or be subjected to penalties, fines, or closure.

Whereas, healthy employees are being effectively coerced by their employers', the Town of Mammoth Lakes, and Mono County through color of law or not, to invasive or non-invasive Covid-19 testing, and regardless of frequency of testing, it is discriminatory, disrespectful, demeaning, unethical, and unlawful to do so.

This redress of grievances desires to put an immediate end to all the unlawful testing of employees by their employers In hopes to protect and preserve ones right to bodily autonomy without discrimination.

This redress of grievances is an effort to educate and inform employees, employers, the Town of Mammoth lakes, Mono County and the state of California about employee rights as it pertains to requests or requirement for genetic information.

We implore employers, the Town of Mammoth Lakes, Mono County and the state of California make known to employees or potential employees their rights as it pertains to requests and requirements for genetic information.

NOTICE AND WARNING

"NO CONSENT FOR MEDICAL TESTING AND TREATMENT"

1. All medical procedures, including testing, must be consensual and performed by a licensed physician in order to be lawful.
2. **Non-consensual administration of a medical procedure is felony assault and battery** whether or not administered by a licensed physician.
3. You may not conduct any medical procedure or testing on my body (or the bodies of my children) without written consent from me.
4. "Protection" of any "group" such as "the general public" does not suspend my individual rights.
5. Any person administering medicine without the consent of the patient and/or guardian is subject to, and fully liable for major compensation and penalties owed to the victim.
6. Criminal charges may be filed against those who coerce, threaten or perform medical procedures without patient consent.
7. By attempting any non-consensual medical procedure you are agreeing to all terms herein.
8. The United States Constitution prohibits non-consensual medical testing and treatment (4th Amendment.)
9. Additionally, I will invoke any of the numerous state and local laws and codes which call for penalties against the forced application of medicine and/or practicing medicine without a license.
10. I attest and witness that " I DO NOT CONSENT" to medical testing and treatment.

Written name of individual refusing testing: _____

Signature: _____ Date: _____

Name of Institution requiring testing: _____

Written name of person requiring testing: _____

Signature of person requiring testin: _____ Date: _____

Mammoth Group:

Response to Mono County Health Department's Clarification of CDPH "Regional Stay-at-Home" Order as Related to Lodging Facilities. 1/11/21

Red = Mono County Black = Mono County Blue = Mammoth Group

Mono County Health Department Public Health Officer Order: Clarification of CDPH "Regional Stay-at-Home" Order as related to Lodging Facilities 1/7/2021

January 7, 2020

This Order provides further clarification of the status of the State of California's Stay-AtHome order (Executive Order N-33-20, March 19, 2020), which remains in effect, the State Department of Public Health's Regional Stay At Home Order which became applicable to Mono County on December 6, 2020, and CDPH's January 6, 2021 Travel Advisory. This order supersedes the December 5, 2020, Health Officer Order clarifying the State rules for lodging.

WHEREAS, a state of emergency was declared by the State of California, and local emergencies have been declared in both Mono County and in the Town of Mammoth Lakes, in response to the virus COVID-19; and

The requirement to terminate the local health emergency at the earliest conditions that warrant was not waived by the governors proclamation of State of Emergency for Covid-19. The legal definition of a "state of emergency" as it pertains to Covid-19, is defined as the introduction of an imminent and proximate threat of a contagious, infectious, or communicable disease. Mono County disregards the word introduction as it does not suit their agenda.

WHEREAS, in Mono County, as well as throughout California and the nation, there are insufficient quantities of critical healthcare infrastructure, including hospital beds, ventilators and workers, capable of adequately treating mass numbers of patients at a single time – should the virus spread unchecked; and

Mammoth Hospital has been in green status throughout the declaration of the local health emergency for Covid-19. Mono County emergency services have not been overwhelmed a single time throughout the local health emergency declared for Covid-19. Mono County is its own jurisdiction, and has not lost that status from being lumped into the Southern California Region.

The State of California received over 15 Billion in CARES Act funds to respond to the impacts of Covid-19. The Town of Mammoth Lakes, Mono County, Southern California Region, and the State of California had over 9 months and over 15 billion in CARES Act funds to increase quantities of critical healthcare infrastructure, hospital beds, ventilators, and workers.

On September, 22 the Town of Mammoth Lakes and Mono County officially declared an effort to, "Crush The Double-Demic Prevent Flu To Save Lives This Fall And Winter".

Mono County received 1.37 million in CARES Act funds from the state and did not increase our medical infrastructure. Instead of using CARES Act funds to increase infrastructure and staff to respond to Covid-19, Mono County attempted to use CARES Act funds to start a new business and furnish the government Civic Center.

To clarify, Mono County prioritized the use of CARES Act funds to purchase infrastructure for the Civic Center, including furniture, sneeze guards, deep cleaning, and air purifiers. At the same time the Town of Mammoth Lakes and Mono County told everyone its not safe to gather regardless of size. By definition a civic center is a place of gathering.

Yet the Town of Mammoth Lakes and Mono County did not make such preparations for Mammoth Hospital or first responders. Why? Perhaps it was the fact that Mammoth Hospital had been in green status throughout the declared health emergency for Covid-19.

WHEREAS, in response to that lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to stem the rate of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread; and

The same argument was made in March 2020. Remember two weeks to flatten the curve, and subsequent shutdown of Mammoth Mountain Resort, the Town of Mammoth Lakes, and Mono County? The "legal definition" of the introduction of an imminent and proximate threat of a contagious, infectious, or communicable disease EXPIRED months ago.

Again, the Town of Mammoth Lakes, Mono County, Southern California Region, and the State of California had over 9 months and 15 billion dollars to respond to the lack of healthcare infrastructure and yet no sufficient actions were taken. Instead of taking action these jurisdictions were completely incompetent and negligent. Their incompetence and negligence is now being used as the excuse for the stay-at-home orders, business restrictions, business closures, and deprivation of rights under color of law.

WHEREAS, the State of California has developed the “Blueprint for a Safer Economy”, a risk-based tier system of business, social and worship activity promulgated by the California Department of Public Health/ State Public Health Officer under Health and Safety Code sections § 131080 and § 120140. Under the Blueprint, the level of activity authorized depends upon indicators of COVID-19 infection in a local health jurisdiction (county); and

Here we have a perfect example of Mono County claiming it has its own local health jurisdiction when such a claim suits them. So we have a local health jurisdiction but the Town of Mammoth Lakes and Mono County abandon that stance when it comes to being included in the Southern California Region?

WHEREAS, Mono County, like much of the United States, is experiencing rapidly increasing cases of COVID-19 and on December 2, 2020, was moved into the most restrictive Purple tier (widespread levels of virus transmission) of the state’s Blueprint for a Safer Economy; and **WHEREAS**, on December 3, 2020, in response to a significant rise in the number of cases and hospitalizations related to COVID-19 across the State, the California State Public Health Officer issued a Regional Stay At Home Order, which applies to any region of the State which has an adult ICU bed capacity of less than 15% (the “Regional Order”) (<https://covid19.ca.gov/stay-home-except-for-essential-needs/#regional-stayhome-order>); and

Again, the term "cases" is completely misleading due to the fact that the PCR test is unreliable and has a significant false positive rate. As well, the cycle threshold of the test is not being regulated. A so-called "case" does not equate to someone actually being infected with Covid-19. The PCR test was not meant to be used for diagnostic purposes. Antigen tests are also unreliable, produce a high percentage of false positives and present misleading statistics and "case" numbers.

Therefore, the claimed "case" numbers are completely inaccurate and present a false pretense of Covid-19's presence in Mono County and cannot be taken legitimately whether statistically or scientifically.

WHEREAS, Mono County is within the Southern California Health Officers' Region (the "Southern Region") identified by the Regional Order (which includes Mono County, Inyo County, San Bernardino, Riverside, Imperial, Los Angeles, Orange County, City of Pasadena, City of Long Beach, Ventura, San Diego, Santa Barbara and San Luis Obispo County) and with ongoing decreases in ICU capacity to below 15% within the Southern Region, the Regional Order goes into effect for the southern region at 23:59 hours on Sunday December 6; and

So is Mono County its own local health jurisdiction or not? Using ICU capacity as the metric for a stay at home order and business restrictions is simply not acceptable since little to no preparations were made to increase ICU capacity over 9 months. This disgraceful display of government incompetence and negligence is now being weaponized against the people to deprive them of their rights and private business operations under color of law.

WHEREAS, the Regional Order requires all individuals living in the region to "stay home or at their place as residence except as necessary to conduct activities associated with the operation, maintenance, or usage of critical infrastructure"¹; and

The Regional Order that requires all individuals living in the region to "stay home or at their place of residence", is color of law, unconstitutional and unenforceable.

WHEREAS, on January 6, 2021, the California Department of Public Health issued an updated Travel Advisory strongly discouraging travel for non-essential purposes and emphasizing the propensity of travel to increase a person's chance of spreading and/or getting COVID-19 ; and

The updated regional stay at home order changed from "REQUIRES" to "STRONGLY DISCOURAGING", because such orders are color of law, unconstitutional and unenforceable.

WHEREAS, the Mono County Health Officer wishes to provide guidance to businesses in the lodging sector of Mono County and the Town of Mammoth Lakes, regarding operations under the Regional Order, for the purpose of clarifying the meaning and intent of the Regional Order and reducing ambiguity and confusion for local businesses;

Penalizing business owners via threat through coercion of fines, penalties and imprisonment is not "Mono County Health Officer" guidance. This is nothing more than deprivation of rights under color of law, without due process or just compensation.

NOW, THEREFORE, under the authority of California Health and Safety Code sections 101040, 101085 and 120175 and Title 17 California Code of Regulations, Section 2501, the Mono County Health Officer **HEREBY ORDERS** as follows:

NOW, THEREFORE the Town of Mammoth Lakes, Mono County, Southern California Region, and the State of California are in gross violation of the California Constitution and the United States Constitution. No emergency suspends established law. No governor can make a law. No health officer can make a law. All these orders, mandates, guidelines are color of law! Period!

1. Under the Regional Stay At Home Order, short-term lodging facilities (including, but not limited to, short-term rentals, vacation rentals, timeshares, private residence clubs, hotels, condos, campgrounds, RV Parks, and motels) (“Lodging Facilities”) within Mono County and the Town of Mammoth Lakes may remain open for the following purposes:
 - a. To serve as short-term lodging facilities for the following COVID-19 mitigation and containment measures:
 - i. Lodging to protect the homeless population and stranded travelers;
 - ii. Lodging for persons who have been displaced and cannot return to their residence because there is a person residing at the residence who must isolate or quarantine or is at a higher risk of severe illness, provided that the use is not inconsistent with State restrictions on travel within the Region or between Regions; and/or
 - iii. Lodging for persons who need to isolate or quarantine.
 - b. Except as otherwise required by law, to provide lodging for out-of-state residents for at least 10 days, where the persons identified in the reservation will quarantine in the Lodging Facility until after that time period has expired. Travel from out of state for non-essential purposes is strongly discouraged.
 - i. Quarantine means strictly avoiding physical proximity to other persons by remaining indoors in the place of residence or lodging.
 - ii. Lodging operators accepting reservations from persons arriving from out of state shall obtain information from the quarantining arrival regarding their plans to obtain meals and other essentials during the quarantine period. This information shall be made available to Mono County Public Health upon request.
 - c. Lodging Facilities which are used to house workers performing functions that are essential to maintain

the continuity of operations for critical infrastructure, as listed in the Essential Workers List, which may be reviewed at <https://covid19.ca.gov/essential-workforce/> but only to the extent and for the period of time necessary for such workers to perform such functions.

d. Lodging for persons who are displaced due to loss of homes from fire.

2. Under the Regional Order and State guidelines, except as otherwise required by law, no homeowner, agent of the homeowner, marketing agent, listing agent, real estate agent or other person or entity shall engage in efforts to rent or lease any Lodging Facility within the County of Mono for any purpose other than those identified in Paragraph 1 above. Specifically, there shall be no renting or leasing of a Lodging Facility for leisure or vacation travel, or for purposes other than those listed in paragraph 1.

3. In the event of a question or uncertainty as to whether a particular short-term lodging use falls within the above exemptions (i.e., whether it constitutes a mitigation or containment measure, or involves an essential worker, or whether the essential worker's essential functions require staying in lodging facilities within the County), a written determination or directive from the Unified Command Emergency Operations Center (EOC), Mono County Health Officer, Town of Mammoth Lakes Finance Department, or other personnel designated by the Mono County Emergency Operations Center to make such determinations, that the use is authorized, shall be adequate to authorize such use.

4. The owner of a unit (home, condo, or other property unit) may stay in their unit. This applies only to the owner and members of the owner's immediate household or living unit. If jointly owned, not more than one household/living unit may be present at a time. Under the State's regional Stay At Home Order, travel for leisure or recreational purposes is not allowed. In other words, units may not be made available for use by non-owners or others traveling for recreational or leisure purposes.

5. This Order shall be effective so long as the Southern Region remains subject to the Regional Order and shall remain in effect until the Southern Region is no longer subject to the Regional Order, or Mono County is otherwise released from

General Provisions

1. This Order is issued based on evidence of transmission of COVID-19, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19

specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

2. This Order is intended to reduce the likelihood of exposure to COVID-19, by addressing locations and activities within Mono County where the virus has most aggressively spread.

3. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 15, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in Mono County; the March 17, 2020 Resolution of the Board of Supervisors of the County of Mono proclaiming the existence of a Local Emergency in the County of Mono regarding COVID-19 and ratifying and extending the Declaration of Local Health Emergency due to COVID-19; Governor Newsom's Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home, except as otherwise authorized, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the California Department of Public Health's Regional Stay At Home Order issued December 3, 2020 and associated guidelines.

4. This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.

5. This Order is made because of the propensity of the virus to spread person-to-person and also because the virus is causing physical property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time.

6. Copies of this Order shall be promptly posted on the County of Mono's Public Health Department's website (monohealth.com). This Order shall additionally be provided to any member of the public upon request.

An Email To The Mono County Board Of Supervisors 2 1/12/21

The Covid-19 "Vaccines" Do Not Meet The Legal Definition of Vaccine

Attention Mono County Board of Supervisors, please review this information and share it with the public so as to promote informed decision making. Please know that promoting these "Vaccines" is a violation of federal statutes. Please add this email as a standalone supporting document for today's board meeting 1/12/20. Agenda item 7.A and 7.B are the relevant items.

-Mammoth Group

It is unlawful under the FTC Act, 15 U.S.C. § 41 et seq., to advertise that a product or service can prevent, treat, or cure human disease unless you possess competent and reliable scientific evidence, including, when appropriate, well-controlled human clinical studies, substantiating that the claims are true at the time they are made.

- Definition of Vaccine <https://www.cdc.gov/vaccines/vac-gen/imz-basics.htm>
- Immunity: Protection from an infectious disease. If you are immune to a disease, you can be exposed to it without becoming infected.
- Vaccine: A product that stimulates a person's immune system to produce immunity to a specific disease, protecting the person from that disease. Vaccines are usually administered through needle injections, but can also be administered by mouth or sprayed into the nose.

The primary endpoint is the prevention of symptomatic COVID-19 disease. Key secondary endpoints

include prevention of severe COVID-19 disease and prevention of infection by SARS-CoV-2.”

Moderna’s COVID-19 Vaccine Candidate Meets its Primary Efficacy Endpoint in the First Interim Analysis of the Phase 3 COVE Study | Moderna, Inc.

Moderna’s COVID-19 Vaccine Candidate Meets its Primary Efficacy Endpoint...

First interim analysis included 95 participants with confirmed cases of COVID-19 Phase 3 study met statistical c...

“As of this writing, no correlate of protection for SARS-CoV-2 has been established.”

<https://www.nejm.org/doi/full/10.1056/NEJMoa2028436>

- “No existing vaccines have been shown to be effective against infection with any betacoronavirus, the family that includes SARS-CoV-2, which causes Covid-19.” Polack FP, Thomas SJ, Kitchin N, et al. Safety and efficacy of the BNT162b2 mRNA Covid-19 vaccine. N Engl J Med 2020;383:2603-2615.

https://www.youtube.com/watch?v=p_hwJkhNo9w&t=1251s&ab_channel=DavidMartinWorld