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10 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SAN DIEGO

12 SAN DIEGUITO FACULTY ASSOCIATION,) Case No.
WILLIAM RUSHING, an individual, and)
13 DOES 1-10, individuals,) **PETITION FOR PEREMPTORY**
) **WRIT OF MANDATE [Cal. Code of**
14) **Civ. Proc. § 1085; Gov't Code § 8567];**
) **REQUEST FOR INJUNCTION**
) **PENDING ARBITRATION [Cal. Code**
15 vs.) **of Civ. Proc. 1281.8]**
)
16)
17 SAN DIEGUITO UNION HIGH SCHOOL) Date:
DISTRICT, its BOARD OF TRUSTEES,) Time:
18 ROBERT A. HALEY, in his official capacity as) Dept:
Superintendent of San Dieguito Union High) Judge:
19 School District, and ROES 1-10,) Action Filed:
)
20 Respondents.)
)
21)

22 **THE DISTRICT'S JANUARY 4, 2021 SCHOOL REOPENING PLAN VIOLATES STATE**
EMERGENCY HEALTH ORDERS

23 1. Petitioners request the Court enjoin Respondent San Dieguito Union High School
24 District ("the District") from reopening three of its high schools (Canyon Crest Academy, La Costa
25 Canyon and Torrey Pines) for in-person instruction on January 4, 2021. The District's reopening
26 plan violates the Governor's Executive Orders, contravenes the California Department of Public
27 Health's ("CDPH") rules regarding school reopenings, and threatens the health and safety of
28 Petitioners, students, and the community at large.

1 2. The CDPH’s School Reopening Framework requires school districts to operate under
2 a distance learning model while their local health jurisdiction remains in the “Purple Tier” for
3 COVID-19 risk. A school district may only provide in-person instruction at a school only if that
4 school had already been reopened for actual in-person instruction by certificated staff prior to the
5 local health jurisdiction entering the Purple Tier.

6 3. As of the filing of this Petition, the District had not actually reopened Canyon Crest
7 Academy, Torrey Pines High School, or La Costa Canyon High School for *any* in-person certificated
8 instruction prior to the County moving into the Purple Tier. At Canyon Crest Academy and Torrey
9 Pines High School, the District had only offered limited-capacity targeted support services and
10 supervised care environments, i.e., ‘distance learning hubs,’ for “cohorts” of special education
11 students, at-risk students, English Learners, or students with specialized support needs that could not
12 be served solely through distance learning. These targeted support services were operated in a
13 manner consistent with the CDPH’s “Cohorting Guidance,” which restricts intermixing between
14 small stable cohorts, and limits one-on-one specialized services to individualized settings.

15 4. According to the CDPH, schools that only offered in-person education or targeted
16 support services and supervised care environments to facilitate distance learning for specialized
17 cohorts under its “Cohorting Guidance” have not “reopened.” They are thus precluded from
18 reopening for general in-person education once the County shifts into the Purple Tier. Accordingly,
19 the District’s plan to fully reopen Canyon Crest Academy, La Costa Canyon, and Torrey Pines High
20 School to all students is unlawful and would result in thousands of students, staff, families and
21 community members attending in-person education, a form of large gatherings, in a manner that
22 greatly increases the likelihood of infection outbreaks and perpetuates the spread of COVID-19
23 throughout the local community.

24 **JURISDICTION AND VENUE**

25 5. The District Board of Trustee’s reopening Resolution adopted December 15, 2020,
26 violates State law. Under California Code of Civil Procedure section 1085(a), this Court has
27 jurisdiction over this controversy pursuant to its power to compel a local agency to perform an act
28 which the law specifically enjoins.

1 Crest Middle School, and Diegueno Middle School. The high schools are: Canyon Crest Academy;
2 Torrey Pines High School; La Costa Canyon High School; San Dieguito High School Academy; and
3 Sunset High School which is a continuation school. Based on the most recent data available, there
4 are approximately 13,000 students enrolled in the District. As of December 2, 2020, Canyon Crest
5 Academy has a total of 2,499 students participating in distance learning, Torrey Pines High School
6 has a total of 2,500 students participating in distance learning, and La Costa Canyon High has a total
7 of 1,849 students participating in distance learning.

8 11. Respondent BOARD OF TRUSTEES is and was, at all relevant times, the governing
9 board of the District. Composed of duly elected members of the public, it has a duty to faithfully
10 comply with state law, emergency orders, and state public health orders that apply to its operations
11 during the pandemic.

12 12. Respondent ROBERT A. HALEY, Ed.D. is the Superintendent and chief executive
13 officer of the District. He is responsible for implementing all decisions of the BOARD OF
14 TRUSTEES and managing day-to-day instructional and noninstructional operations of the District's
15 schools. He also serves as a member of the District's governance team and supports the BOARD OF
16 TRUSTEES' operations and decision making.

17 13. The Respondents named as ROES 1-10 are sued under fictitious names pursuant to
18 Code of Civil Procedure 474, as their true names and capacities are unknown to Petitioners.
19 Petitioners will amend the petition to show the true names and capacities of such defendants when
20 ascertained. Petitioner is informed and believes and thereon alleges that each of the ROE defendants
21 is responsible for the violation of the State health Executive Orders and rules at issue in this action.
22 Petitioners are informed and believe, and on that basis allege that at all times relevant to this action,
23 each of the Respondents are and have been the agents, officers, employees, members, representatives
24 or alter egos of one or more of the remaining Respondents and, in doing the things alleged in this
25 Petition, were acting within the scope of their authority as agents, officers, employees, members,
26 representatives or alter egos with the permission and consent of the remaining defendants.

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1 **PUBLIC HEALTH ORDERS AND RULES APPLICABLE TO PUBLIC SCHOOLS**

2 14. On March 4, 2020, the Governor of the State of California (“Governor”) declared a
3 state of emergency in California, which currently remains in effect, due to the threat of COVID-19.

4 15. On March 12, 2020, and thereafter, the Governor issued certain Executive Orders
5 requiring, *inter alia*, most Californians to stay home and all Californians to heed and follow public
6 health directives. (See Exhibit A, Executive Orders N-25-20, N-33-20, N-60-20.)

7 16. The California Emergency Services Act, Government Code section 8567, provides
8 that Executive Orders “have the force and effect of law” and are treated as statutes during a state of
9 emergency. The Act also requires local political subdivisions, such as County agencies, officials,
10 and school districts, including the San Diego County Public Health Officer and the San Diego County
11 Office of Emergency Services, to subordinate any exercise of their authority to Executive Orders.
12 (Gov’t Code § 8614(a-b).)

13 17. Consistent with its role in prescribing rules for implementing Executive Orders, the
14 CDPH issued a set of rules titled “Blueprint for a Safer Economy” (“COVID-19 Blueprint”). The
15 COVID-19 Blueprint established a color-coded and tiered system restricting activities in each
16 County based on risks of community disease transmission. The CDPH updated its COVID-19
17 Blueprint on December 15, 2020, reiterating the importance of adhering to its rules in light of the
18 recent, unprecedented surge in COVID-19 cases.

19 18. Through the COVID-19 Blueprint, CDPH assigns every California County to one of
20 four colored tiers with differing levels of restrictions on a weekly basis. Assignment to a given tier
21 is based on the County’s positive test rate and adjusted case rate. To move to a less restrictive tier,
22 a County must meet indicators that capture disease burden, testing, and health equity. The most
23 restrictive tier is Purple Tier 1.

24 19. CDPH places a county in Purple Tier 1 when it has an adjusted case rate of >7 positive
25 cases for every 100,000 people in the county, and a positivity rate of >8% of all tests taken in the
26 county. San Diego County is currently in this Purple Tier 1 and has been since November 11, 2020.

27 20. The second most restrictive tier is Red Tier 2, for counties that CDPH has designated
28 as having a substantial risk of community spread. CDPH places a county in Red Tier 2 when the

1 county’s adjusted case rate is 4-7 positive cases for every 100,000 people in the county, and a
2 positivity rate of 5-8% of all tests taken in the county.

3 21. The current public health guidance establishing the conditions for reopening K-12
4 schools is titled “COVID-19 and Reopening In-Person Learning: Framework for K-12 Schools in
5 California” (“CDPH School Reopening Framework”). Under the CDPH School Reopening
6 Framework, school districts “must conduct distance learning only, until their LHJ [local health
7 jurisdiction]” is off Purple Tier 1 status. If, however, a school district (or certain of its individual
8 schools) had already reopened to in-person learning while in the Red Tier, it is not required to close
9 those schools again if its county is placed back at Purple Tier 1.

10 22. The CDPH’s “Guidance on School and School-Based Programs” (“CDPH School
11 Guidance”), clarifies that “[s]chools *must have actually reopened for in-person instruction* while the
12 county was in the Red Tier in order to remain open if the county moves back to Purple Tier”
13 (emphasis added). Both the CDPH School Guidance and the CDPH School Reopening Framework
14 are enforceable pursuant to the Executive Orders described in paragraphs 12 and 13 of this Petition.
15 (Exhibit B, CDPH School Reopening Framework and CDPH School Guidance.)

16 23. On September 4, 2020, recognizing the need of Districts to provide targeted,
17 specialized support services to a small subset of students, the CDPH issued guidance for conducting
18 in-person teaching with these small cohorts, along with a FAQ. Through these publications, the
19 CDPH explained that “[t]he term ‘open’ or ‘reopen,’ as used in the framework, refers to operations
20 that are permitted only if the county satisfies the eligibility requirements for schools to ‘open’ or
21 ‘reopen’ (i.e., red tier for 14+ days),” as opposed to engaging in educational activities permitted
22 under the CDPH’s Cohorting Guidance. “*Schools that were operating only in the manner permitted
23 under the Cohorting Guidance are therefore not ‘open’ under the July 17 framework*” (emphasis
24 added). (Exhibit C, CDPH Small Cohorts Guidance and CDPH Small Cohorts FAQ.)

25 24. The Court is well-informed of the severity and effects of the COVID-19 global
26 pandemic (see COVID-19 News Releases & Updates at www.sdcourt.ca.gov), including the
27 alarming rise in infection and hospitalization rates prompting the State to reassign San Diego County
28 to the Purple Tier on November 11, 2020.

1 25. On December 3, 2020, recognizing that hospitals would soon be over capacity due to
2 COVID-19 related admissions, the Governor issued a Regional Stay at Home Order, to take effect
3 on December 5, 2020, affecting regions with less than fifteen percent (15%) Intensive Care Unit
4 (ICU) capacity. San Diego County is one of the regions subject to this December 5, 2020 Stay at
5 Home Order. ([https://www.gov.ca.gov/2020/12/03/california-health-officials-announce-a-regional-
6 stay-at-home-order-triggered-by-icu-capacity/](https://www.gov.ca.gov/2020/12/03/california-health-officials-announce-a-regional-stay-at-home-order-triggered-by-icu-capacity/)).

7 26. On December 10, 2020, the County of San Diego Public Health Officer issued a
8 mandatory health order that incorporates the CDPH reopening rules in their entirety: the order states
9 that public schools “may hold classes and other school activities *only under circumstances permitted
10 by the State*” (emphasis added). The County’s “COVID-19 Industry Guidance: Schools and School
11 - Based Programs” also advises Districts to “[c]heck State and local orders and health department
12 notices daily about transmission in the area or closures and *adjust operations accordingly*” (emphasis
13 added). Accordingly, there is no separate or distinct County rule on school reopenings – there are
14 only the state’s CDPH rules. (Exhibit D, County of San Diego Public Health Officer’s Order.)

15 27. In a December 11, 2020 Press Release, responding to the reporting of a record number
16 of new cases, San Diego County Health Officer Dr. Wilma Wooten said that “[t]he extremely high
17 number of cases shows that San Diegans are not following the guidance we’ve given. Protect
18 yourself and others. The virus is everywhere...staying at home with people from your own
19 household is a must. People should not be out in public unless it is absolutely necessary.”

20 28. There is good reason to heed Dr. Wooten’s warning. In the week leading up to
21 December 14, 2020, 1,863 new cases and 43 community outbreaks were confirmed in San Diego
22 County, including six new community outbreaks on December 14th alone. That same day, the
23 County received reports of thirty-two new COVID-19 deaths, bringing the area’s total deceased
24 community members to 1,194.

25 29. As of December 15, 2020, the current ICU capacity for the Southern California region
26 is only 1.7% and California's daily new case rate has nearly doubled from the previous week, growing
27 to nearly 64 new cases per day per 100,000 people. The State's test positivity rate has also increased
28 to above 11%. It was at 8.4% the previous week. Health equity conditions worsened, too.

1 California's most vulnerable and hardest hit communities continue to face double-digit test positivity
2 rates in most large counties reaching as high as 24.3% per the state's Health Equity Metric.

3 30. On or about December 15, 2020, amid this significant second wave of infection and
4 in direct contravention of the Governor's Executive Orders, CDPH public health guidance, and the
5 County of San Diego's December 10, 2020, Public Health Order, Respondents made a broad
6 reopening resolution, directing its teachers and other staff at all of its schools, including Canyon
7 Crest Academy, La Costa Canyon, and Torrey Pines High Schools to prepare for a full reopening of
8 in-person instruction five days a week for all students to commence January 27, 2021. (Exhibit E.)

9 31. The District's reopening resolution also violates the terms of the Side Letter /
10 Memorandum of Understanding ("MOU") it entered into with SDFA on or about September 18,
11 2020. (Exhibit F.) In the very first provision of that MOU, the District agrees it "shall comply with
12 the County of San Diego Public Health Order and the California Department of Public Health" with
13 regard to the opening of schools during the COVID pandemic for the 2020-2021 school year. Yet,
14 its reopening resolution expressly states that it will not comply with existing Orders or rules "[u]nless
15 specifically ordered [to do so] by an applicable public health order *issued directly to the District* by
16 the County or State" (emphasis added).

17 32. By these acts, Respondents effectively declared their intention to ignore CDPH health
18 orders and open the school for in-person instruction while assigned to Purple Tier. Although SDFA
19 timely filed a grievance regarding the District's violation of the MOU on December 17, 2020, even
20 if the District agrees to expedite the grievance process, the matter cannot be presented for arbitration
21 in time to reach a resolution before the District's January 4, 2021, reopening date.

22 **FIRST CAUSE OF ACTION**
23 **PETITION FOR WRIT OF MANDATE C.C.P. § 1085**

24 33. Respondents have a clear, present ministerial duty to comply with State Orders, the
25 CDPH School Reopening Framework and CDPH School Guidance. These State Public Health
26 Orders make clear that unless actual in-person instruction for all students resumed prior to the date
27 of Purple Tier 1 designation, Respondents are prohibited from reopening schools for in-person
28 instruction, and have no discretion to deviate from these orders / rules.

1 34. On September 23, 2020, the District’s Associate Superintendent of Human Resources
2 sent a mass email to the District’s educators, expressing the intent to initiate cohort instruction on
3 October 12, 2020, but not mentioning any return to in-person instruction. (Exhibit G, September 23,
4 2020 email from Cindy Frazee.) On November 17, Canyon Crest Academy published a phased “re-
5 opening learning plan” online, detailing limited cohort in-person learning and indicating that an in-
6 person, on-campus option for all students would begin January 4, 2021. (Exhibit H.) These
7 communications evidence the District’s understanding of the difference between limited cohort
8 instruction and an *actual* reopening under the CDPH rules.

9 35. There is no legitimate dispute regarding the mandatory nature of the Governor’s
10 Executive Order and CDPH rules. Government Code section 8567 unambiguously establishes that
11 Executive Orders “have the force and effect of law” and are treated as statutes during a state of
12 emergency. In addition, both the County and its Office of Education have recognized that strict
13 adherence to the CDPH’s rules is required. In a November 16, 2020, email to the San Diego County
14 Office of Education, San Diego County’s Chief Resilience Officer and COVID-19 Reopening Lead,
15 Gary Johnson, affirmed that schools that did not initiate in-person instruction while in the Red Tier
16 “can conduct small group / cohort in-person instruction per the State cohort guidance, but . . . cannot
17 use/manipulate that guidance to ‘reopen’ in-person instruction school-wide.” (Exhibit I.)

18 36. District officials are also aware of the dangers that resuming in-person class
19 instruction and operations portends for Petitioners, their families, and other members of the
20 community given San Diego County’s placement in the Purple Tier and the implementation of the
21 Regional Stay-at-Home Order.

22 37. The in-person instruction of thousands of students increases the likelihood that
23 Petitioners and members of the bargaining unit represented by SDFA, including those with
24 underlying health conditions, will contract a serious COVID-19 infection resulting in illness, long-
25 term health complications, and even death. Because Petitioners include essential workers that cannot
26 quarantine given their job duties and requirements, it is critical they be able to avoid schools and
27 other congregant settings that could give rise to so-called super-spreader events, which pose an
28 imminent and proximate threat to Petitioners, their family members, and other County residents.

1 38. Nationwide, in-person education settings have caused a number of viral outbreaks.
2 As Dr. Anthony Fauci, Director of the National Institute of Allergies and Infectious Diseases warned
3 on December 8, 2020, late-December “could be even more of a challenge than what we saw with
4 Thanksgiving.” (“Christmas could lead to more coronavirus spread than Thanksgiving, Fauci says,”
5 Washington Post, December 7, 2020, available at
6 <https://www.washingtonpost.com/nation/2020/12/07/coronavirus-covid-live-updates-us/>.)

7 39. On December 15th, Poway Unified School District, which neighbors San Dieguito
8 and had actually reopened for in-person instruction before the County moved into the Purple Tier,
9 suspended its plans to continue reopening due to the spike in COVID-19 cases.
10 (<https://www.powayusd.com/en-US/Communications/School-Reopening/>.) Poway stated it was
11 making the “difficult but prudent recommendation” to suspend all on-campus learning for a period
12 of two weeks after the holiday break.

13 40. Unless enjoined, Respondents’ reopening plan will cause great and irreparable injury
14 to Petitioners and the general public, including all persons within San Diego County, by creating a
15 strong likelihood of further community spread of COVID-19, including increased hospitalizations,
16 health care infrastructure capacity issues, and death, given the alarming upward trend in infection
17 rates. This, in turn, will result in continued and further restrictions on businesses and other operations
18 and activities within San Diego County, detrimentally affecting the quality of life for the entire
19 community.

20 41. Petitioners have no adequate administrative or legal remedy to prevent Respondents’
21 unlawful conduct, and the harm Petitioners will suffer from a serious COVID-19 infection is severe
22 and irreparable. The harm to the general public’s health, safety, and welfare is incalculable.
23 Monetary damages are insufficient to compensate the community for the societal disruption, illnesses
24 and deaths that are likely to result from Respondents’ callous disregard for the applicable public
25 health orders. Accordingly, Petitioners seek a writ of mandate and injunctive relief ordering
26 Respondents, and each of them, to immediately cease all planned in-person instruction conducted in
27 violation of State health orders.

28

1 42. This Petition, and the prayers for preliminary relief contained therein, will be
2 supported by an Application for Temporary Restraining Order and Order to Show Cause for
3 Preliminary Injunction along with supporting declarations and exhibits.

4 43. Petitioners bring this action because District's Board Resolution poses a grave threat
5 to the health and welfare of the community, and because the CDPH has no apparent ability to enforce
6 the rules it promulgates for the benefit of the public pursuant to the Governor's Executive Orders.
7 Petitioners have no financial stake or pecuniary interest in this matter.

8 **SECOND CAUSE OF ACTION**
9 **REQUEST FOR INJUNCTIVE RELIEF C.C.P. § 1281.8**

10 44. Until the parties have had the opportunity to resolve their dispute regarding the MOU
11 through arbitration, the District must be enjoined from proceeding with its planned reopening.

12 45. California courts have repeatedly recognized that arbitration agreements must be
13 honored and upheld. (See *Posner v. Grunwald-Marx, Inc.* (1961) 56 Cal.2d 169, 180 (“Our own
14 state policy favors arbitration provisions in collective bargaining agreements, and recognizes the
15 important part that they play in helping to promote industrial stabilization.”).) This is true even when
16 one party challenges the arbitrability of a given dispute. “If there is doubt as to whether an arbitration
17 provision in an agreement covers a given controversy, it should be resolved in favor of coverage.”
18 (*Lesser Towers, Inc. v. Roscoe-Ajax Const. Co.* (1969) 271 Cal.App.2d 675, 695; see also, *East San*
19 *Bernardino County Water Dist. v. City of San Bernardino*, (1973) 33 Cal.App.3d 942, 953
20 (“ambiguity, if any, under the authorities must be resolved in favor of the arbitrable process.”).)

21 46. Accordingly, and in order to preserve the right to a meaningful arbitral remedy,
22 Petitioners are entitled to an order enjoining breach of the MOU pending resolution of the arbitration.
23 Code of Civil Procedure § 1281.8 states that a party to an arbitration agreement may seek “a
24 provisional remedy in connection with an arbitrable controversy” on the basis that the “award to
25 which the applicant may be entitled may be rendered ineffectual without provisional relief.”

26 47. “In deciding whether to issue an injunction pursuant to section 1281.8, the trial court
27 must weigh...(1) likelihood of success on the merits, and (2) whether the moving party will suffer
28 irreparable harm in the interim if the injunction is not issued.” (*Jay Bharat Developers, Inc. v.*

1 *Minidis*, (2008) 167 Cal. App. 4th 437, 446.)

2 48. Both prongs favor an injunction in this matter. First, the Petitioners are likely to
3 succeed on the merits of the underlying grievance. The parties' MOU states, with no room for
4 discretion, that "[t]he District *shall* comply with the County of San Diego Public Health Order, and
5 the California Department of Public Health" (emphasis added). (Exhibit F.) Nonetheless, the
6 District has stated its intention to reopen schools, in violation of CDPH rules and guidance, and
7 therefore, in breach of the MOU. (Exhibit E.)

8 49. Second, it is clear that Petitioners will face irreparable harm absent an injunction.
9 Those employed by the District will have to decide whether to refuse to return to work and suffer
10 the resulting financial repercussions during an already economically unstable time, or return to
11 campuses filled with thousands of students, who may be asymptomatic spreaders of COVID-19,
12 exposing themselves to the risk of serious illness, long-term health complications, and even death.
13 Because Petitioners include essential workers that cannot quarantine given their job duties and
14 requirements, their exposure to COVID-19 greatly increases the likelihood it will spread beyond the
15 school setting, threatening the health and well-being of their families, members of their households,
16 and their local communities. This, in turn, impairs San Diego County's ability to manage health care
17 infrastructure capacity issues or relax the restrictions on businesses and other County operations,
18 which detrimentally affects the quality of life for the entire community.

19 50. Because SDFA's grievance cannot be arbitrated before the District's intended
20 reopening on January 4, 2021, and the District has expressed its intent to proceed with reopening on
21 that date absent a direct order from the State or County commanding it not to, enjoining the District
22 from proceeding with its reopening plan to maintain the status quo until such time as SDFA's
23 grievance can be arbitrated is necessary and just pursuant to Code of Civil Procedure section 1281.8.

24 **PRAYER**

25 WHEREFORE, Petitioners respectfully pray:

- 26 A. Pending issuance of a peremptory writ, for a temporary restraining order, a preliminary
27 injunction and a permanent injunction, all enjoining and prohibiting Respondents, and
28 each of them, and their agents, employees, representatives, members, and volunteers, and


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all persons acting under, in concert with or for them, from:

- 1. Conducting, participating in, or attending any in-person class instruction or school activities, other than those permitted under the CDPH’s Cohorting Guidance, at any school in the District until fourteen days after San Diego County has been designated by CDPH to be in Red Tier 2 status or otherwise qualify for an exception under State health orders.
 - 2. Conducting any operations or business at any school in the District unless they at all times: (a) fully comply with all applicable state and local health orders, (b) comply with the mandate of CDPH to wear face coverings and practice physical distancing as directed for such operations or business, and (c) do not permit or allow any violations of these orders or mandates.
- B. For a peremptory writ of mandate directing Respondents to cease and desist their unlawful actions as those relate to refusing to comply with State health orders.
 - C. For an Order enjoining Respondents from proceeding with their reopening plan until such time as an arbitrator renders a decision regarding Petitioner SDFA’s grievance.
 - D. For costs of suit;
 - E. For Attorney Fees pursuant to Code of Civil Procedure section 1021.5 and Government Code section 800; and
 - F. For such other and further relief as the court deems just and proper.

Dated: 12/18/2020

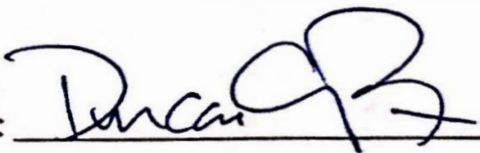
SMITH STEINER VANDERPOOL, APC

BY: 
 FERN M. STEINER
 JON Y. VANDERPOOL
 Attorneys for Petitioners

VERIFICATION

I declare under penalty of perjury under the laws of the State of California, that I am a former employee of the State of California and the Petitioner in this action. I have first-hand knowledge of the facts stated in the PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF and could competently testify to them as a witness at a hearing or trial. I have read the foregoing PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, and state that the facts stated therein are true and correct, except as to those facts alleged on information or belief, and as to those facts, I believe them to be true.

DATED: 12-18-2020

BY: 
SDFA President, Duncan Brown

DATED: _____

BY: _____
William Rushing

VERIFICATION

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I declare under penalty of perjury under the laws of the State of California, that I am a former employee of the State of California and the Petitioner in this action. I have first-hand knowledge of the facts stated in the PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF and could competently testify to them as a witness at a hearing or trial. I have read the foregoing PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, and state that the facts stated therein are true and correct, except as to those facts alleged on information or belief, and as to those facts, I believe them to be true.

DATED: _____

BY: _____

SDFA President, Duncan Brown

DATED: 12/18/2020

BY: 

William Rushing