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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION**

SHERMEENA GRIMSBY, individually  
and on behalf of her minor child R.G.,

Plaintiff,

v.

DR. ERICA PAN, in her official capacity  
as Director and State Public Health  
Officer for the CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH;  
and TONY THURMOND, in his official  
capacity as State Superintendent of Public  
Instruction for the CALIFORNIA  
DEPARTMENT OF EDUCATION,

Defendants.

Case No.

**VERIFIED COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

## INTRODUCTION

1. Plaintiff Shermeena Grimsby resides in California. She brings this suit on behalf of her minor daughter, R.G., seeking admission for R.G. to attend Rancho Christian School or Linfield Christian School—both private religious PK-12 schools which align with her and her family’s faith and educational values. Plaintiff’s daughter has met all academic and personal qualifications, and both Rancho Christian School and Linfield Christian School have expressed their willingness to enroll R.G.

2. But Rancho Christian School and Linfield Christian School are legally barred from admitting R.G. solely because she has not received one dose of Tdap (tetanus, diphtheria, and pertussis) vaccine and one dose of varicella (chickenpox) vaccine, as required by California law.

3. Specifically, California Health and Safety Code §§ 120325-120375 mandates that all students in public and private schools be vaccinated according to the state’s prescribed compulsory vaccine schedule, which includes Tdap and varicella vaccines (the “**Compulsory Vaccination Law**” or “**CVL**”).

4. California’s justification for the CVL is the goal of achieving “total immunization” against certain designated childhood diseases. Cal. Health & Safety Code § 120325(a).

5. Despite this mandate to achieve total immunization against certain designated childhood diseases, the CVL allows students various secular exemptions from vaccines. These include an individualized discretionary *medical* exemption, an exemption for students with Individualized Educational Plans (“**IEP**”), as well as an exemption for students at “home-based private school[s]” or in “an independent study program” who do “not receive classroom-based instruction.” Cal. Health & Safety Code § 120335. In other words, a student may enroll in either a public or private school without taking the required vaccines for medical reasons or if the child

1 has an IEP, for example. Cal. Health & Safety Code §§ 120325(c), 120335, 120370.  
2 Only four states, including California, fail to provide religious exemptions from  
3 vaccines.<sup>1</sup>

4 6. Indeed, unlike forty-six other states, and despite allowing medical  
5 exemptions and other secular exemptions, California does *not* allow students’  
6 parents to request a *religious* exemption from school-related vaccination laws. And,  
7 thus, parents who hold sincere religious beliefs against receiving any of the CVL’s  
8 required vaccines are forced to either violate those beliefs (not an option for most  
9 religious objectors) or have their child(ren) excluded from school.

10 7. The U.S. Supreme Court has long held that laws impinging on religious  
11 freedom must satisfy strict scrutiny—such restrictions must serve a compelling  
12 government interest and be narrowly tailored to achieve that interest using the least  
13 restrictive means. *See Sherbert v. Verner*, 374 U.S. 398 (1963); *Wisconsin v. Yoder*,  
14 406 U.S. 205 (1972).

15 8. When a law burdens religious conduct while allowing secular  
16 exemptions—such as medical exemptions or exemptions for students who require  
17 an IEP for example—it triggers strict scrutiny. *See Church of the Lukumi Babalu*  
18 *Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993); *Fulton v. City of Philadelphia*,  
19 141 S. Ct. 1868 (2021). Further, “government regulations are not neutral and  
20 generally applicable, and therefore trigger strict scrutiny under the Free Exercise  
21 Clause, whenever they treat *any* comparable secular activity more favorably than  
22  
23

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24 <sup>1</sup> Forty-six states provide religious exemptions for school-mandated vaccines. *See*  
25 [https://www.ncsl.org/health/state-non-medical-exemptions-from-school-](https://www.ncsl.org/health/state-non-medical-exemptions-from-school-immunization-requirements)  
26 [immunization-requirements](https://www.ncsl.org/health/state-non-medical-exemptions-from-school-immunization-requirements). West Virginia recently provided a religious exemption  
27 process. *See* [https://oeeps.wv.gov/immunizations/Pages/religious-and-moral-](https://oeeps.wv.gov/immunizations/Pages/religious-and-moral-exemptions.aspx)  
28 [exemptions.aspx](https://oeeps.wv.gov/immunizations/Pages/religious-and-moral-exemptions.aspx). Thus, the only states that do not provide a religious exemption  
option are California, New York, Maine, and Connecticut.

1 religious exercise.” *Tandon v. Newsom*, 593 U.S. 61, 62 (2021) (per curiam)  
2 (emphasis in original).

3 9. Here, Plaintiff has deeply held religious beliefs that prohibit her from  
4 allowing her daughter to receive vaccines, including Tdap and varicella vaccines.  
5 And her religious convictions, combined with California’s refusal to accommodate  
6 religious exemptions from the CVL, prevent her from accessing the private, faith-  
7 based education she desires for her daughter at Rancho Christian School or Linfield  
8 Christian School.

9 10. Despite providing a medical exemption and exempting all IEP-  
10 students, California inexplicably provides *no* accommodation for students and  
11 families with religious objections to vaccination, effectively excluding students like  
12 R.G. from school enrollment solely based on their parent’s faith-based decisions.  
13 The state has pitted Plaintiff’s conscience and religious obligation to not fully  
14 vaccinate her daughter against her desire to provide her daughter with a faith-based  
15 education. And in doing so, it has placed an unconstitutional burden on her religious  
16 exercise.

17 11. Moreover, even if California attempted to rationalize post-hoc that its  
18 interest in the CVL was for a different reason than its stated reason of total  
19 immunization, one of the vaccines at issue in this case, Tdap, does not prevent  
20 transmission of disease. The other, varicella, is unnecessary given that R.G. already  
21 has positive titers for varicella reflecting that she already possesses strong immunity  
22 to that disease. These facts undermine any attempt at claiming a compelling state  
23 public health interest in requiring R.G. to receive these vaccinations.

24 12. The straightforward legal issue presented in this case is whether  
25 California, through its public health laws and interest in achieving “total  
26 immunization,” can deny Plaintiff the opportunity to seek a religious exemption to  
27 the CVL where the state allows other students comparable secular (medical and IEP)  
28

1 exemptions from the CVL. And whether California officials can force private  
2 schools to deny enrollment to Plaintiff's daughter where the school would otherwise  
3 choose to enroll Plaintiff's daughter but for the law and where the state has no health  
4 or safety interest in requiring her daughter to receive the two additional vaccines  
5 because they either (1) do not affect her ability to catch and transmit the targeted  
6 diseases and, therefore, have no effect on anyone other than R.G., or (2) are wholly  
7 unnecessary as R.G. already is demonstrably immune to the targeted disease.

8 13. Because California's CVL violates the First Amendment to the U.S.  
9 Constitution by treating comparable medical exemptions and IEP exemptions more  
10 favorably than religious exemptions, Plaintiff seeks declaratory and injunctive relief  
11 to prevent the enforcement of the CVL as applied to her daughter.

12 14. Plaintiff does not seek to overturn the state's general vaccination  
13 framework but rather to ensure that the CVL is applied to her and her daughter in a  
14 manner consistent with well-established Constitutional religious liberty protections.

15 15. Stated another way, a completely unvaccinated student with a medical  
16 exemption could attend Rancho Christian School or Linfield Christian School. And  
17 a completely unvaccinated student with an IEP could also attend Rancho Christian  
18 School or Linfield Christian School. But Plaintiff's partially vaccinated daughter,  
19 who already has immunity to varicella and has objections to a vaccine that provides  
20 only personal protection at best, cannot.

21 16. Without relief from this Court, Plaintiff will suffer irreparable harm by  
22 being denied the right to freely exercise her faith to not fully vaccinate her daughter,  
23 preventing her from pursuing a faith-based education at Rancho Christian School or  
24 Linfield Christian School in accordance with her sincerely held religious beliefs.

**PARTIES**

**I. Plaintiff**

17. Plaintiff Shermeena Grimsby resides with her minor daughter, R.G., in Murrieta, California in Riverside County.

18. R.G. is 13 years old and will be an eighth grader in the upcoming 2025-2026 school year. To secure a spot at Linfield Christian School for the upcoming school year, the law dictates that she must receive a Tdap and a varicella vaccine, of which the school has requested proof or else she risks being placed back on the waiting list and potentially losing her spot for next year's school year at any moment. In order to ensure a spot at Rancho Christian School for the upcoming school year, she must likewise submit proof of a varicella and a Tdap vaccination as soon as possible or she risks losing her spot and being placed back on the waitlist at that school as well.

19. Plaintiff has deeply held religious beliefs that prohibit her from receiving, or having her child receive, vaccinations, including Tdap and varicella. Her religious convictions, combined with the state's public health laws that do not recognize religious exemptions, prevent her from accessing the faith-based education she seeks for her daughter at Rancho Christian School or Linfield Christian School. *See* Plaintiff's Religious Belief Statement attached as (Exhibit 1).

20. Plaintiff currently homeschools R.G., which is a tremendous sacrifice because, among other challenges, it severely limits her ability to earn a necessary second income for their family.

21. Because Plaintiff's husband is the sole breadwinner of the family, he must work excessive hours at an extremely demanding job to support Plaintiff staying home to homeschool. These demands would not be nearly as strenuous if Plaintiff's children were permitted to attend school with a religious exemption to the

CVL, which significantly broadens the work Plaintiff could take on to supplement the family's income.

22. Plaintiff brings this action pursuant to Fed. R. Civ. P. 17(c)(1) on behalf of her minor daughter as her parent and legal guardian. And as her mother, Plaintiff asserts her Constitutional right to direct the upbringing and education of her child, R.G., including as it relates to medical procedures that conflict with her religious beliefs.

## **II. Defendants**

23. Defendant Dr. Erica Pan, in her official capacity as Director and State Public Health Officer for the California Department of Public Health ("CDPH"), is responsible for overseeing, administering, implementing, and enforcing California's vaccination requirements for schoolchildren, which provide secular medical exemptions and IEP exemptions, while they simultaneously omit religious exemptions. *See* California Health and Safety Code §§ 120325, 120330. In her official capacity directing the CDPH, Dr. Pan adopts and enforces the CVL, barring students from enrollment in public and private schools if they do not comply with the entire state-mandated vaccine schedule.

24. Defendant Tony Thurmond, in his official capacity as State Superintendent of Public Instruction for the California Department of Education, is responsible for consulting with the CDPH in adopting and enforcing the Compulsory Vaccination Law. *See* California Health and Safety Code § 120330.

## **JURISDICTION AND VENUE**

25. This case raises federal claims arising under 42 U.S.C. § 1983 and the First Amendment of the U.S. Constitution; therefore, the Court has subject-matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343(a).

26. Plaintiff's claims for declaratory and injunctive relief are authorized in accordance with 28 U.S.C. §§ 2201 and 2202; Rules 57 and 65 of the Federal Rules



1 of Civil Procedure; *Ex parte Young*, 209 U.S. 123 (1908); and the general legal and  
2 equitable powers of this Court.

3 27. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2)  
4 because a substantial part of the events or omissions giving rise to this action  
5 occurred in this judicial district.

6 28. Specifically, venue is proper because (i) Plaintiff attempted to enroll  
7 her child in Rancho Christian School and Linfield Christian School from her home  
8 that is located in this judicial district in Murrieta, California; (ii) Plaintiff  
9 communicated with Rancho Christian School and Linfield Christian School from  
10 this judicial district, requesting religious accommodations and exemptions from  
11 California's vaccine laws; (iii) Rancho Christian School and Linfield Christian  
12 School responded to Plaintiff from this judicial district, denying her religious  
13 accommodation request; and (iv) Plaintiff sustained injuries to her Constitutional  
14 rights under the First Amendment in this judicial district and division when Rancho  
15 Christian School and Linfield Christian School were forced to deny her request for  
16 a religious exemption to California's vaccine laws, even though California  
17 simultaneously allows students secular exemptions from the state's school-related  
18 vaccination laws.

### 19 **FACTUAL ALLEGATIONS**

#### 20 **I. California's Stated Interest in the CVL Is Total Immunization**

21 29. Prior to 2016, California law allowed students to attend school with a  
22 personal belief exemption. In 2016, however, California's legislature amended law  
23 in 2016 (i.e., the CVL) to remove that option. The CVL states it is the legislature's  
24 intent to provide a "means for the eventual achievement of total immunization of  
25 appropriate age groups against [certain] childhood diseases." Cal. Health & Safety  
26 Code § 120325(a).



30. Legislative authors of the CVL “point to an outbreak of measles that began in December 2014 in Disneyland (Orange County) as one of the reasons” for its need. *See* California Senate Rules Committee, Bill No. SB 277, at 8 ¶ 7 (Jun. 18, 2015).<sup>2</sup> That was a curious result because this was not an outbreak in a school, but instead an outbreak that began in a popular theme park that is a destination for children to visit from around the world. And, as noted below, regarding underinclusivity, California did not respond to this isolated measles outbreak at Disneyland by requiring vaccination for children to visit Disneyland or any other theme park or group setting.

31. Significantly, in the school year immediately prior to the enactment of the CVL, just 0.52% of kindergarteners—about 2,783 students out of 535,234—had a religious exemption.<sup>3</sup> Of all newly-filed personal belief exemptions (“PBEs”) for kindergarteners—that is, non-medical exemptions including religious exemptions—there was an overall 3 to 1 rate of health care practitioner counseled exemptions (77%) compared to religious exemptions (23%).<sup>4</sup>

32. Likewise in the 2014-2015 school year, just 0.82% of seventh graders—approximately 4,015 students out of 489,643—had religious exemptions.<sup>5</sup>

33. In Riverside County, where Plaintiff resides and both Rancho Christian School and Linfield Christian School are situated, a mere 0.54% of

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<sup>2</sup>

[https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201520160SB277](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160SB277) (select “6/26/15-Senate Floor Analyses”).

<sup>3</sup> <https://eziz.org/assets/docs/shotsforschool/2014-15CAKindergartenImmunizationAssessment.pdf> at 2 (Table 1).

<sup>4</sup> <https://eziz.org/assets/docs/shotsforschool/2014-15CAKindergartenImmunizationAssessment.pdf> at 3.

<sup>5</sup> <https://eziz.org/assets/docs/shotsforschool/2014-15CA7thGradeAssessment.pdf> at 2 (Table 1).

1 kindergarteners—185 of 34,377 students—had religious exemptions in the 2014-  
2 2015 school year.<sup>6</sup>

3 34. Similarly, just 0.60% of seventh graders in Riverside County—197  
4 children of 32,838—had religious exemptions in the 2014-2015 school year.<sup>7</sup>  
5 Despite the availability of religious exemptions at that time, 97.8% of seventh  
6 graders received a pertussis-containing immunization.<sup>8</sup>

7 35. The 2014-2015 rate of religious exemptions (at approximately one-  
8 half-of-a-percent of school children), is markedly lower than the rate that the CVL  
9 contemplates for simple non-compliance—5%.<sup>9</sup>

10 36. And at the time the state legislature passed the CVL, “vaccination  
11 coverage in California [was] at or near all-time high levels.”<sup>10</sup>

12 37. Current reports for the 2023-2024 school year Kindergarten enrollment  
13 (the most recent statistics available) reveal that the state maintains approximately  
14 the same compliance rate as it did prior to the CVL’s religious exemption repeal,  
15 hovering around an approximate 95% vaccination rate,<sup>11</sup> with approximately 0.1%  
16 of students with a medical exemption, 1.5% non-compliant, 2.7% with an IEP-,  
17

18 <sup>6</sup> [https://eziz.org/assets/docs/shotsforschool/2014-15CAKindergartenImmunization](https://eziz.org/assets/docs/shotsforschool/2014-15CAKindergartenImmunizationAssessment.pdf)  
19 [Assessment.pdf](https://eziz.org/assets/docs/shotsforschool/2014-15CAKindergartenImmunizationAssessment.pdf) at 13 (Table 4).

20 <sup>7</sup> <https://eziz.org/assets/docs/shotsforschool/2014-15CA7thGradeAssessment.pdf> at  
21 11 (Table 4).

22 <sup>8</sup> <https://eziz.org/assets/docs/shotsforschool/2014-15CA7thGradeAssessment.pdf> at  
23 2 (Table 1).

24 <sup>9</sup> *Compare id.*, with Cal. Health & Safety Code § 120372(d)(2)(A) (noting schools  
25 with an overall immunization rate of less than 95% immunization will have medical  
26 exemptions reviewed by a “clinically trained immunization department staff  
27 member, who is either a physician and surgeon or a registered nurse”).

28 <sup>10</sup> *Supra* n.2 at 7 ¶ 6.

<sup>11</sup> <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/Immunization/2023-2024KindergartenReport.pdf> at 9, 10.

1 homeschooling-, or independent study- exemption, and 2% conditionally enrolled  
2 with the expectation they will vaccinate.

3 38. Current reports for the 2020-2021 and 2021-2022 school year Seventh  
4 Grade enrollment (the most recent statistics available) reveal that the state maintains  
5 approximately the same compliance rate as prior to the CVL's religious exemption  
6 repeal, hovering around an approximate 95% vaccination rate for Tdap and a 97.2%  
7 vaccination rate for varicella,<sup>12</sup> with approximately 0.1-0.2% of students with a  
8 medical exemption for those vaccines, another 0.2% given a medical exemption to  
9 varicella for prior infection, 1.8% non-compliant for Tdap, 0.9% non-compliant for  
10 varicella, 2.2% with an IEP-, homeschooling-, or independent study-exemption, for  
11 Tdap, 1.3% with an IEP-, homeschooling-, or independent study-exemption for  
12 varicella, and 0.2% conditionally enrolled with the expectation they will vaccinate  
13 for varicella.

14 39. These exemption statistics, including IEP exemptions and permitted  
15 non-compliance, demonstrate that the state does not in fact have an interest in a  
16 100% total vaccination rate as it is willing to permit small percentages of exemptions  
17 for secular reasons, and that these secular exemptions in total are *greater* than the  
18 0.5% exemption rate for religious exemptions that were present prior to the CVL  
19 and corresponding repeal of the religious exemption option.

20 40. The childhood diseases requiring vaccines under the CVL include,  
21 among others, tetanus, diphtheria, pertussis (whooping cough), and varicella  
22 (chickenpox). Cal. Health & Safety Code §§ 120325(a)(1), (6), (9), and (10).

23 41. Health departments, schools, and other institutions are required to keep  
24 adequate records "to ascertain that a child is fully or only partially immunized"  
25 against these designated childhood diseases. *Id.* § 120325(d).

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26  
27 <sup>12</sup> <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/Immunization/2020-22Grade7SummaryReport.pdf> at 10, 11.

42. Although the CVL’s purpose is to achieve total immunization against childhood diseases, the law provides “[e]xemptions from immunization for medical reasons.” *Id.* § 120325(c).

43. For example, a private or public school shall not admit a student to the 7th grade unless he or she has been vaccinated against CVL-designated diseases, or a proper medical exemption form is submitted to the CDPH on his or her behalf. Cal. Health & Safety Code § 120370(a)(3).

44. The CVL also provides an exemption for students with IEPs. Cal. Health & Safety Code § 120335(h).

45. Despite the fact that Defendants who are tasked with enforcing the CVL permit secular exemptions from vaccination against childhood diseases, including medical exemptions and IEP exemptions, the CVL does not provide religious exemptions from vaccination, and Defendants do not permit religious exemptions. *See generally* Cal. Health & Safety Code §§ 120325-120375.

## **II. State Officials Have Discretion to Decide if Medical Exemptions Have Merit**

46. Once a physician or surgeon submits a medical exemption form on behalf of a student to the California Immunization Registry (“CAIR”), CDPH staff members review the exemptions annually. For medical exemptions from schools “with an overall immunization rate of less than 95 percent,” “a clinically trained immunization department staff member, who is either a physician and surgeon or a registered nurse, shall review all medical exemptions.” Cal. Health & Safety Code §§ 120372(a)(1), (d)(1), and (d)(2)(A).

47. A CDPH staff member has “discretion” to accept medical exemptions that may not fully comply with appropriate objective criteria. *Id.* at §§ 120372(d)(3)(A) and (B).

1           48. Defendant Dr. Pan, as the State Public Health Officer, also “may”  
2           revoke medical exemptions identified by CDPH staff members as “inappropriate.”  
3           *Id.* § 120372 (d)(3)(C).

4           **III. Plaintiff’s Applications to Rancho Christian and Linfield Christian**  
5           **Schools**

6           49. Plaintiff sought admission for her daughter, R.G., to Rancho Christian  
7           School, a private religious PK-12 school located in Temecula, California, as well as  
8           to Linfield Christian School, a private religious PK-12 school also located in  
9           Temecula, California.

10           50. Plaintiff has a strong Christian faith and a deep commitment to her  
11           daughter’s faith-based education. *See* Plaintiff’s Religious Belief Statement at  
12           Exhibit 1.

13           51. Plaintiff’s daughter is an exceptional student, as reflected in her  
14           academic performance, extracurricular activities, and personal statement submitted  
15           as part of the application process.

16           52. For example, R.G. has consistently achieved high scores on  
17           standardized testing assessments. Her CAASPP results demonstrate that she exceeds  
18           grade-level expectations in multiple subjects, including English Language  
19           Arts/Literacy and Mathematics.

20           53. Plaintiff and her daughter completed all necessary steps for her  
21           admission to both schools, including submission of application materials, essays,  
22           and student questionnaires.

23           54. R.G.’s application materials to both schools confirm her, and  
24           Plaintiff’s, sincere desire that she attend a private religious school beginning in the  
25           8th grade for the 2025-2026 school year and through graduation, to deepen her faith  
26           and sincerely held religious beliefs, receive a high-quality religious education, and  
27           engage with a community of like-minded students.  
28

1           55. Both Rancho Christian School and Linfield Christian School  
2 determined that R.G. met all academic and personal qualifications for admission.

3 **IV. Solely Because of the CVL, Rancho Christian School Denied**  
4 **Admission**

5           56. On January 28, 2025, a Rancho Christian School Admissions  
6 Coordinator, emailed Plaintiff with an update on the next steps for R.G.'s school  
7 application. The Coordinator wrote, "Would you please provide me with the updated  
8 immunization records with the missing 1-VAR and 1-Tdap for [R.G.]?"

9           57. On February 13, 2025, Plaintiff responded via email to the  
10 Coordinator's request for R.G.'s vaccine records: "We are requesting a religious  
11 exemption to the vaccination requirement and we have attached a statement  
12 outlining our religious beliefs. Please let me know if there are any other outstanding  
13 items you need from us. We look forward to hearing from you."

14           58. The same day on February 13, 2025, the Coordinator responded to  
15 Plaintiff's email and wrote, "Thank you so much for the letter, we really appreciate  
16 it. I got confirmation from our School Health Clerk, unfortunately, California no  
17 longer is accepting religious or personal exemptions. As a school, we follow  
18 California Regulations."

19           59. On February 18, 2025, Plaintiff responded to the Coordinator via email  
20 and wrote, "If it were not for the California laws about religious exemptions, would  
21 Rancho Christian accept and enroll [R.G.]?"

22           60. The Coordinator responded on the same day to Plaintiff's email and  
23 question and wrote, "Yes, they would. In fact, the immunization records are the final  
24 piece I've been waiting for to proceed with releasing the contract[] for [R.G]."  
25  
26  
27  
28

**V. Solely Because of the CVL, Linfield Christian School Denied Admission**

61. On April 25, 2025, the Linfield Christian Admissions Team emailed Plaintiff, congratulating R.G. on her acceptance into Linfield Christian School for the 2025-2026 school year.

62. On April 28, 2025, the Linfield Christian Admissions Team sent a follow up email to Plaintiff noting that R.G.'s immunization records reflected that she was missing a Tdap and a varicella vaccine.

63. On April 29, 2025, Plaintiff responded via email to Linfield Christian Admissions Team, stating, "We are requesting a religious exemption to the vaccination requirement, and we have attached a statement outlining our religious beliefs. We look forward to hearing from you."

64. That same day, Linfield Christian Admissions Team responded with the following:

Thank you for your email. Unfortunately, California no longer accepts religious or personal belief exemptions for the immunizations they require for a student to attend school, public or private.

The only medical exemption (ME) that the state will accept is through CAIR (California Immunization Registry). In order to obtain a CAIR-ME, you would need to have your Dr submit a request to CAIR for the missing immunizations, and it would then need to be approved by CAIR.

If this is something that you are going to pursue with your Dr, we will need documentation of the scheduled Dr's visit by May 6th. In order for the girls to start school, we will either need an approved CAIR-ME, or documentation of their missing immunizations being completed.

65. That same day, Plaintiff responded asking if "the only thing preventing [Linfield Christian School] from enrolling [R.G. was the] missing vaccines issue."



66. Linfield Christian Admissions Team responded on the same day to Plaintiff's email confirming that, but for the missing vaccines (as well as payment of the admission fee and submission of admission paperwork), R.G. could be enrolled.

### **FIRST CAUSE OF ACTION**

#### **42 U.S.C. § 1983**

#### **Violation of Plaintiff's First Amendment Free Exercise Rights to Religious Exemptions from Vaccines Given California's Comparable Secular Exemptions (For Declaratory and Injunctive Relief)**

67. Plaintiff incorporates the allegations in the foregoing paragraphs as if set forth fully herein.

68. The First Amendment of the U.S. Constitution provides: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." U.S. Const. amend. I.

69. The U.S. Supreme Court recently reaffirmed that the First Amendment's Free Exercise Clause "does perhaps its most important work by protecting the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through 'the performance of (or abstention from) physical acts.'" *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2421 (2022) (quoting *Employment Div. v. Smith*, 494 U.S. 872, 877 (1990)).

70. And the Supreme Court has repeatedly recognized that "[t]he free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires." *Smith*, 494 U.S. at 877.

71. "In applying the Free Exercise Clause, courts may not inquire into the truth, validity, or reasonableness of a claimant's religious beliefs." *Hobbie v. Unemployment Appeals Comm'n*, 480 U.S. 136, 144 n.9 (1987).

1           72. The “guarantee of free exercise is not limited to beliefs which are  
2 shared by all of the members of a religious sect.” *Thomas v. Review Bd. of Ind. Emp’t*  
3 *Sec. Div.*, 450 U.S. 707, 715-16 (1981).

4           73. “Courts are not arbiters of scriptural interpretation,” (*Id.*), and should  
5 not inquire into the validity or plausibility of a person’s beliefs; instead, the task is  
6 to determine whether “the beliefs professed [] are sincerely held and whether they  
7 are, in [a believer’s] own scheme of things, religious.” *United States v. Seeger*, 380  
8 U.S. 163, 185 (1965).

9           74. Where, as here, the CVL threatens Plaintiff’s ability to “live out [her]  
10 faith[] in daily life” by forcing her to compromise her strongly held religious  
11 objections to vaccination while permitting secular exemptions to the mandate, it is  
12 unconstitutional and must fail. *See Kennedy*, 142 S. Ct. at 2421 (quoting *Smith*, 494  
13 U.S. at 877).

14           75. While the right of free exercise does not relieve citizens of their  
15 obligations to comply with a valid and neutral law of general applicability, “[t]he  
16 Free Exercise Clause commits government itself to religious tolerance,” and a law  
17 that is not neutral or generally applicable “must be justified by a compelling  
18 governmental interest and must be narrowly tailored to advance that interest.”  
19 *Church of Lukumi*, 508 U.S. at 531-32.

20           76. Thus, strict scrutiny review is triggered if the law in question either is  
21 not generally applicable, or if it lacks neutrality. *See, e.g., Fulton v. City of*  
22 *Philadelphia*, 141 S. Ct. 1868, 1877 (2021) (lack of general applicability alone  
23 triggered strict scrutiny review); *Masterpiece Cakeshop v. Colorado Civil Rights*  
24 *Commission*, 138 S. Ct. 1719, 1729 (2018) (non-neutrality alone invoked strict  
25 scrutiny).

26           77. “[G]overnment regulations are not neutral and generally applicable,  
27 and therefore trigger strict scrutiny under the Free Exercise Clause, whenever they  
28

1 treat *any* comparable secular activity more favorably than religious exercise.”  
2 *Tandon v. Newsom*, 593 U.S. 61, 62 (2021) (per curiam) (emphasis in original)  
3 (citing *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 67 (2020) (per  
4 curiam)).

5 78. “[W]hether two activities are comparable for purposes of the Free  
6 Exercise Clause must be judged against the asserted government interest that  
7 justifies the regulation at issue.” *Tandon*, 593 U.S. at 62.

8 79. Stated another way, “[c]omparability is concerned with the risks  
9 various activities pose.” *Id.*

10 80. And “the government has the burden to establish that the challenged  
11 law satisfies strict scrutiny.” *Id.*

12 81. Here, the CVL fails both the general applicability and neutrality tests.

13 82. California’s CVL is not narrowly tailored and is overinclusive as well  
14 as substantially underinclusive.

15 83. It fails strict scrutiny and, at least as applied to Plaintiff, likely fails even  
16 rational basis review.

17 84. In sum, California’s stated interest in the CVL of “total immunization”  
18 against childhood diseases, while allowing schoolchildren to receive medical  
19 exemptions and IEP exemptions from compulsory vaccines but disallowing religious  
20 exemptions, which were historically a mere one-half-of-a-percent of school children  
21 (approximately)—and far below the state’s anticipated non-compliance rate along  
22 with routine secular exemptions for both students with IEPs and for medical  
23 exemptions—is unrelated to furthering the state’s interest.

24 **I. Enforcement of the CVL Is Not Neutral or Generally Applicable**

25 85. “Government fails to act neutrally when it proceeds in a manner  
26 intolerant of religious beliefs or restricts practices because of their religious nature.”  
27 *Fulton*, 141 S. Ct. at 1877.

86. In 1961, when the legislature added the first vaccine required to attend school in California, it also provided that “[i]mmunization of a person shall not be required for admission to a public or private ... school if ... such immunization is contrary to his or her beliefs” (i.e., the PBE).<sup>13</sup> The PBE as a category encompassed both religious and non-religious personal beliefs. The PBE was what parents with religious objections to vaccines formerly utilized to permit their children to attend school.

87. The PBE was eliminated by the California legislature effective January 1, 2016, for all vaccines, including pertussis containing vaccines.<sup>14</sup> A medical exemption was left in place and a new exemption for students with IEPs was created.

88. California continues to maintain the option for a medical exemption to vaccination. Cal. Health & Safety Code §§ 120325(c), 120370.

89. Additionally, California allows students with IEPs “to continue to receive all necessary services identified in their IEP [including attendance at school] regardless of their vaccination status.”<sup>15</sup>

90. Because students with medical exemptions and students with IEPs are permitted to attend school without vaccines but religious students are not, the CVL is not neutral.

91. The CVL is also not neutral because it is substantially underinclusive. The repeal of the religious exemption was enacted in response to a measles outbreak at a destination amusement park (Disneyland), and California has never required immunization for children to attend or gather in large groups where disease is easily

<sup>13</sup> [https://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1961/61Vol1\\_61Chapters.pdf](https://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1961/61Vol1_61Chapters.pdf), at 1597.

<sup>14</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB277](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB277).

<sup>15</sup> <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/School/law-s-exemptions.aspx#> (question 21); *see also* Cal. Health & Safety Code § 120335(h).

1 transmitted, such as at amusement parks (including Disneyland), public sporting  
2 events, children youth sports, theaters, arcades, and other entertainment facilities,  
3 public library offerings, church services, community festivals and fairs, and other  
4 extracurricular activities. These permitted gatherings, including by children who do  
5 not attend school in California, includes children and families who travel from  
6 within and outside the United States to California to engage in these activities, and  
7 these activities pose a substantially greater threat to childhood disease transmission  
8 than a small handful of religious exemptions would.

9 92. The CVL’s lack of neutrality due to under-inclusivity includes the fact  
10 that California permits adults who work in schools to not be vaccinated, including  
11 teachers, administrators, janitors, cafeteria workers, and others. These adults interact  
12 with children in the same ways that other children do.

13 93. As to general applicability, in *Fulton v. City of Philadelphia*, 141 S. Ct.  
14 1868, 1878 (2021), the Supreme Court—in a 9-0 decision—held that the “creation  
15 of a formal mechanism for granting exceptions renders a policy not generally  
16 applicable” where that mechanism is unavailable to religious adherents. In deciding  
17 to apply strict scrutiny, the Supreme Court observed that the regulation in question  
18 had a procedure that was subject to individualized review and approval at the “sole  
19 discretion” of a government official. *Id.* at 1879. So too here.

20 94. Indeed, California has instituted an unconstitutional compulsory  
21 vaccination policy because the CVL provides for medical exemptions that are  
22 reviewed on an individualized discretionary basis by state officials, but it refuses to  
23 provide a commensurate religious exemption process for families—like Plaintiff on  
24 behalf of R.G.—seeking exemption from the CVL for religious reasons.

25 95. For example, once a physician or surgeon submits a medical exemption  
26 form on behalf of a student to CAIR, CDPH staff members review these exemptions  
27 annually, including such medical exemptions from schools “with an overall  
28

1 immunization rate of less than 95 percent.” Cal. Health & Safety Code §§  
2 120372(a)(1), (d)(1), and (d)(2)(A).

3 96. Then, a CDPH staff member reviewing submitted exemption forms has  
4 “discretion” to accept medical exemptions that may not comply with appropriate  
5 objective criteria. *Id.* at §§ 120372(d)(3)(A) and (B).

6 97. And Defendant Dr. Pan, as the State Public Health Officer, “may” also  
7 revoke medical exemptions identified by CDPH staff members as “inappropriate.”  
8 *Id.* at § 120372(d)(3)(C).

## 9 **II. Recent Legal Developments Impacting the CVL**

10 98. Strict scrutiny is appropriate not only because the CVL is not neutral  
11 and not generally applicable but also because recent Supreme Court precedent  
12 demands it.

13 99. First Amendment jurisprudence has fundamentally evolved—  
14 especially during and since the COVID-19 pandemic—to require strict judicial  
15 scrutiny in cases virtually identical in all material respects to the instant case. Those  
16 decisions make clear that the CVL cannot survive strict scrutiny.

17 100. The United States Supreme Court has repeatedly protected Free  
18 Exercise rights in the face of state regulations intended to mitigate infectious  
19 diseases.

20 101. In *Tandon v. Newsom*, 141 S. Ct. 1294 (2021) (per curiam), the  
21 Supreme Court ruled that a law is not neutral and generally applicable, and thus  
22 invokes strict scrutiny review, if it treats “any comparable secular activity more  
23 favorably than religious exercise.” *Id.* at 1296 (emphasis in original). In *Tandon*,  
24 California regulations intended to slow the spread of COVID-19 limited religious  
25 gatherings but treated comparable secular gatherings—such as getting haircuts and  
26 retail shopping—more favorably. *Id.* at 1297. The Court applied strict scrutiny and  
27 granted a preliminary injunction in favor of the religious plaintiffs. Notably, in the  
28

1 context of regulations intended to counteract infectious disease during an  
2 international pandemic, the Supreme Court held that strict scrutiny “is not watered  
3 down”; it “really means what it says.” *Tandon*, 141 S. Ct. at 1298 (internal citations  
4 omitted).

5 102. And the Supreme Court reached a similar decision in *Roman Catholic*  
6 *Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 67 (2020) when the State of New York  
7 restricted religious gatherings but permitted similar secular gatherings.

8 103. A couple of months after its *Tandon* ruling, the Supreme Court  
9 examined the issue of whether a regulation is generally applicable where it provides  
10 for secular exceptions that are unavailable to citizens with religious beliefs. In  
11 *Fulton*, addressed *supra*, the Court held that the “creation of a formal mechanism for  
12 granting exceptions renders a policy not generally applicable” where that mechanism  
13 is unavailable to religious adherents. In deciding to apply strict scrutiny, the Court  
14 observed that the regulation in question had a procedure that was subject to  
15 individualized review and approval at the “sole discretion” of a government official.  
16 *Id.* at 1879.

17 104. More recently, Mississippi’s similar mandatory vaccination scheme  
18 that contained a medical exemption process but prohibited a religious exemption  
19 option was enjoined under the First Amendment after a federal district court  
20 examined the statute under *Fulton* and applied strict scrutiny. *See Bosarge v. Edney*,  
21 No. 1:22cv233-HSO-BWR, 2023 U.S. Dist. LEXIS 67439, at \*27 (S.D. Miss. Apr.  
22 18, 2023) (holding that Mississippi’s mandatory vaccination scheme, which lacked  
23 a religious exemption option, provoked strict scrutiny review under *Fulton* and failed  
24 to satisfy strict scrutiny).



### III. The CVL Infringes on Other Constitutionally Protected Fundamental Rights Also Triggering Strict Scrutiny

105. In *Yoder*, 406 U.S. at 234-35, the Supreme Court addressed whether adherents of a particular religious group, the Amish, could withdraw their children from school after eighth grade. The Court acknowledged that Free Exercise rights can overlap with and can be inherently intertwined with the right to make decisions regarding the upbringing of one's child as recognized in *Pierce v. Socy. of Sisters*, 268 U.S. 510 (1925). There, the Court reached this conclusion due to the Amish's "religious beliefs, the interrelationship of belief with their mode of life, the vital role that belief and daily conduct play in the continued survival of ... Amish communities and their religious organization, and the hazards presented by the State's enforcement of a statute generally valid as to others." *Id.* at 235. In such circumstances, "when the interests of parenthood are combined with a free exercise claim of the nature revealed by this record, more than merely a reasonable relation to some purpose within the competency of the State is required to sustain the validity of the State's requirement under the First Amendment" (i.e., requires the application of strict scrutiny). *Yoder*, 406 U.S. at 233 (internal quotation marks omitted). *See also Smith*, 494 U.S. at 881-82 (acknowledging hybrid rights that triggered strict scrutiny).

106. Here, the CVL implicates Plaintiff's right to free exercise as well as her fundamental rights to free speech, to associate including for the practice of religion, and to regulate the upbringing and education of her child R.G. These provide independent reasons for strict scrutiny.

107. As Plaintiff explains in her Religious Belief Statement (Exhibit 1), these rights are all crucial to the exercise of her religious beliefs and the reason she forgoes vaccines for herself and her children.

108. The infringement of Plaintiff's free exercise rights, coupled with infringement on her right to raise and educate her child the way she wishes also triggers strict scrutiny under *Smith*, 494 U.S. at 881-82.

#### IV. The CVL Cannot Survive Strict Scrutiny

109. A law can "survive strict scrutiny only if it advances 'interests of the highest order' and is narrowly tailored to achieve those interests." *Fulton*, 141 S. Ct. at 1881 (quoting *Church of Lukumi*, 508 U.S. at 546). The Supreme Court has made clear that, just because a law is intended to target infectious disease, strict scrutiny "is not watered down." *Tandon*, 141 S. Ct. at 1298. Even during an international pandemic for example, the Constitution is not suspended. *See Cuomo*, 141 S. Ct. at 66; *Tandon*, 141 S. Ct. at 1297.

#### V. California Has No Sufficiently Compelling Interest in Enforcing the CVL Against Plaintiff

110. Again, the text of the CVL states that California's interest in the CVL is total immunization against certain childhood diseases. But even if Defendants claim a different post-hoc rationalization to justify the CVL other than total immunization, courts have reasoned that, where the government permits secular conduct that purportedly endangers public health, it cannot then credibly assert a compelling interest in regulating similar religious activity.

111. Furthermore, Defendants cannot rely on a broad policy goal but must demonstrate a compelling interest in denying a religious exemption to Plaintiff, and her daughter, specifically. In reviewing refusal of a religious exemption, courts cannot "rely on 'broadly formulated interests'"; instead, "courts must 'scrutinize[] the asserted harm of granting specific exemptions to particular religious claimants.'" *Fulton*, 141 S. Ct. at 1881. "The question, then, is not whether [California] has a compelling interest in enforcing its [vaccination] policies generally, but whether it has such an interest in denying an exception to" Plaintiff because R.G. is missing

1 two vaccines, one of which R.G. has documented immunity to, and the other of  
2 which is a vaccine that does not prevent the transmission of the diseases and, at best,  
3 potentially provides only personal protection. *Id.*; *see also Mast*, 141 S. Ct. at 2433.

4 112. Defendants bear “the burden of presenting a ‘compelling reason why’  
5 [they] cannot offer the [Plaintiff] this same” exemption for religious purposes that  
6 they offer to thousands of people for secular purposes. *Mast*, 141 S. Ct. at 2433.

7 113. Here, Defendants must be able to show they have a compelling interest  
8 in barring Plaintiff’s daughter from entering eighth grade at Rancho Christian School  
9 or Linfield Christian School unless and until she receives two vaccines. Defendants  
10 cannot meet this burden for a number of reasons including because one of the  
11 required vaccines (Tdap) does not prevent against infection or transmission of any  
12 disease, and the other (a second dose of varicella) is demonstrably unnecessary as  
13 R.G. has very strong and documented immunity via positive titers and, further,  
14 would only potentially provide up to approximately 3% more effectiveness against  
15 chickenpox.

16 **A. Tdap Vaccine**

17 114. Requiring Plaintiff’s daughter to receive an additional dose of the  
18 pertussis vaccine cannot form the basis of a compelling interest to control infection  
19 because it does not prevent a vaccinated person from becoming infected with or  
20 transmitting pertussis. For example, sixteen scientists and professors, all world-  
21 leading experts in pertussis, participated in a Consensus Conference regarding  
22 pertussis vaccines organized by the World Association for Infectious Disease and  
23 Immunological Disorders on June 22, 2018. These scientists and professors, along  
24 with this association, published a peer reviewed publication explaining, in relevant  
part, that:

25 aPVs [acellular pertussis vaccines] ... can prevent  
26 disease **but cannot avoid infection and**  
27 **transmission....**  
28

aPV pertussis vaccines do not prevent colonization. Consequently, they do not reduce the circulation of *B. pertussis* and do not exert any herd immunity effect.

Frontiers in Immunology, *Pertussis Prevention: Reasons for Resurgence, and Differences in the Current Acellular Pertussis Vaccines* (2019) (emphasis added); see also Camille Loch, *Will We Have New Pertussis Vaccines?*, 36(36) Vaccine 5460 (Aug. 28, 2018) (“[N]either DTP, nor DTaP or Tdap prevent asymptomatic infection and silent transmission of the [pertussis] pathogen”).

115. Pertussis vaccines also render those who are vaccinated susceptible to becoming repeatedly infected with pertussis.<sup>16</sup> Given that the pertussis vaccine does not prevent infection and transmission, conditioning the religious education of R.G. on the injection of this product into Plaintiff’s daughter over her objections in order to purportedly prevent transmission of pertussis is an unjustifiable infringement on her Constitutional rights.

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<sup>16</sup> <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm4902a4.htm> (In 1999, CDC provided for “exclusive use of acellular pertussis vaccines for all doses of the pertussis vaccine series.”); <https://pubmed.ncbi.nlm.nih.gov/24277828/>; <https://pubmed.ncbi.nlm.nih.gov/31333640/> (“Mucosal immunity is essential to prevent colonization and transmission of *B. pertussis* organisms. ... [P]reventive measures such as aPVs [acellular pertussis vaccine] that do not induce a valid mucosal response can prevent disease but cannot avoid infection and transmission. ... aPV pertussis vaccines do not prevent colonization. Consequently, they do not reduce the circulation of *B. pertussis* and do not exert any herd immunity effect.”). <https://pubmed.ncbi.nlm.nih.gov/29180031/> (“That vaccination does not prevent *B. pertussis* infection in humans, nor the circulation of the organism in human populations in any important manner, comes from the observation that the inter-epidemic intervals have not changed in a major way since the implementation of mass vaccination.”). Although it was assumed for decades that the pertussis vaccine could eliminate pertussis, studies have shown that “aPV pertussis vaccines do not prevent colonization,” “do not exert any herd immunity effect,” and the lack “of mucosal immune responses after aPV administration favor infection, persistent colonization, and transmission of the pathogen.” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6616129/>.

1           116. The compelling state interest to prevent transmission of an infection is  
2 also absent with regard to vaccination for diphtheria. The diphtheria vaccine does  
3 not prevent infection, nor does it stop transmission of the infection to others. Instead,  
4 the vaccine is only designed to create antibodies to a toxin sometimes released by  
5 the diphtheria bacteria that can cause the symptoms associated with the infection.  
6 *See, e.g.,* Louis W. Miller et al., *Diphtheria Immunization: Effect Upon Carriers and*  
7 *the Control of Outbreaks*, 123(3) *American J. of Dis. of Children* 197 (Mar. 1972)  
8 (“Diphtheria toxoid helps prevent symptomatic disease but does not prevent the  
9 carrier state nor stop the spread of infection.”). Since the diphtheria vaccine does not  
10 prevent infection and transmission, conditioning the religious education of R.G. on  
11 the injection of this product into Plaintiff’s child over her objections in order to  
12 purportedly prevent transmission of diphtheria is an unjustifiable infringement on  
13 her constitutional rights.

14           117. The compelling state interest to prevent transmission of an infection is  
15 also absent with regard to vaccination for tetanus because tetanus is not contagious  
16 from person-to-person. *See, e.g.,* William Atkinson et al., *Epidemiology and*  
17 *Prevention of Vaccine-Preventable Disease* 72 (9th ed. 2006) (“Tetanus is not  
18 contagious from person to person.”). Since tetanus is not transmissible from person  
19 to person, conditioning the religious education of Plaintiff’s child on the injection of  
20 a tetanus vaccine into her over her and Plaintiff’s objections in order to purportedly  
21 prevent transmission of tetanus is an unjustifiable infringement on their  
22 Constitutional rights.

### 23           **B.     Varicella Vaccine**

24           118. Requiring Plaintiff’s daughter to receive a second dose of the varicella  
25 vaccine likewise cannot form the basis of a compelling interest to control infection  
26 because she already possesses very strong immunity to the disease, as documented  
27  
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via a March 29, 2025 positive titer test in her medical records,<sup>17</sup> and receipt of a second dose of varicella vaccine would only potentially provide approximately up to 3% more effectiveness in the prevention of chickenpox.<sup>18</sup> It has not, and cannot, be seriously argued that a potential additional 3% immunity to chickenpox, a disease against which she is already immune and has medically documented immunity through blood testing, constitutes a compelling reason to trample Plaintiff's First Amendment right to exercise her religious beliefs and to educate her child consistent with those sincere religious convictions.

119. Therefore, conditioning R.G.'s religious education on the injection of these products into Plaintiff's child over her objections is an unjustifiable infringement on her Constitutional rights.

## **VI. The CVL Is Not Narrowly Tailored**

120. Even if the government's interest is sufficiently compelling, California's CVL still cannot withstand strict scrutiny because it lacks narrow tailoring. "[N]arrow tailoring requires the government to show that measures less restrictive of the First Amendment activity could not address its interest." *Tandon*, 141 S. Ct. at 1296-97. The CVL lacks narrow tailoring to meet its purpose of total

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<sup>17</sup> On March 26, 2025, R.G. had blood drawn for a Varicella Zoster Antibody, IgG test, which "reliably measures immunity due to previous infection but may not be sensitive enough to detect antibodies induced by vaccination." A signal to cut-off value (S/CO) equal to or above 1.00 reflects that Varicella antibodies are detected and immunity is present. Despite this being a less-sensitive test, the bloodwork results indicated that R.G.'s S/CO value was at 3.26—more than triple a "positive" value, reflecting very strong immunity to chickenpox. (Exhibit 2).

<sup>18</sup> Marietta Vázquez et al., *Effectiveness Over Time of Varicella Vaccine*, 291(7) J. American Med. Asso. 851, 853 (Feb. 18, 2004) ("The overall effectiveness [of one dose] of the vaccine was 87%."); *Varicella Vaccine Recommendations*, CDC (July 15, 2024), <https://www.cdc.gov/chickenpox/hcp/vaccine-considerations/index.html> ("Two doses of the varicella vaccine are about 90% effective at preventing chickenpox.").

1 immunization, as well as any post-hoc rationalization Defendants may attempt to  
2 assert such as protecting public health, because it is both under-inclusive and over-  
3 inclusive relative to the government interests it purportedly attempts to achieve.

4       121. The CVL is under-inclusive because it only applies to certain  
5 unvaccinated children, and only in a school setting. It does not apply to adults who  
6 interact with these children in school settings. The repeal of the religious exemption  
7 was enacted in response to a measles outbreak at a destination amusement park  
8 (Disneyland), and California has never required immunization for children to attend  
9 or gather in large groups where disease is easily transmitted, such as at amusement  
10 parks (including Disneyland), public sporting events, children youth sports, theaters,  
11 arcades, and other entertainment facilities, public library offerings, church services,  
12 community festivals and fairs, and other extracurricular activities. These permitted  
13 gatherings, including by children who do not attend school in California, include  
14 children and families who travel from within and outside the United States to  
15 California to engage in these activities, and these activities pose a substantially  
16 greater threat to disease transmission of disease than a small handful of religious  
17 exemptions would. Events such as public library offerings, church services,  
18 community festivals and fairs, and all other gatherings where children are permitted  
19 do not require vaccination. There is no requirement that community members,  
20 children or adults, who attend these gatherings be vaccinated. As such, the CVL does  
21 not stop any post-hoc rationalization of a purported risk of transmission in the  
22 community and, therefore, it is underinclusive.

23       122. The CVL is also underinclusive because it permits two kinds of secular  
24 exemptions for schoolchildren that do not achieve California's purported interest in  
25 achieving total immunization against childhood diseases. If a child with a medical  
26 exemption or an IEP can safely attend school, so can a child with a religious  
27 exemption. The law's under-inclusivity is further magnified by the facts that (1)  
28



1 adults in the school system are exempt from California’s immunization requirements  
2 and (2) there are no vaccine requirements for virtually every other aspect of life in  
3 California for children or adults, even situations where it is known children will be  
4 in attendance.

5 123. The CVL is also overbroad for several reasons.

6 124. First, it is overbroad because in failing to include a reasonable religious  
7 exemption, it encompasses individuals like Plaintiff who possess sincerely religious  
8 beliefs and whose child is being barred from school because she lacks vaccines that  
9 do nothing to protect other children or that the child can already demonstrate robust  
10 immunity to the pathogen in question.

11 125. Second, and more generally, lawmakers rationalized the elimination of  
12 the PBE exemption to the CVL on grounds it was purportedly being misused. In a  
13 knee-jerk reaction to an uptick in measles cases that originated at an amusement  
14 park, none of which involved Plaintiff or her family, the legislature eliminated *all*  
15 religious and personal belief objections to compulsory vaccination, even for those  
16 who, like Plaintiff, earnestly possess sincere religious beliefs precluding them from  
17 vaccinating their child. This is a dramatically overbroad response to what is a  
18 relatively small problem. The legislature could have confronted this concern by, for  
19 example, instituting a religious exemption (significantly more narrow and far less  
20 utilized than a PBE) and a standardized method for reviewing applications for  
21 religious exemptions to ensure they are granted only to those who, like Plaintiff,  
22 plainly have sincere religious beliefs. *See Lukumi*, 508 U.S. at 539 (A law is suspect  
23 “if First Amendment freedoms are curtailed to prevent isolated collateral harms not  
24 themselves prohibited by direct regulation.”). The state could also have worked to  
25 lower the number of non-compliant students who have proffered no reason for not  
26 being up to date. Once again, as referenced *supra*, approximately only one-half-of-  
27 a-percent of school children attended school with a religious exemption in the year  
28

1 before the CVL's enforcement, and religious exemptions were utilized at one third  
2 of the rate that health care practitioner counseled exemptions were.

3 126. Finally, as referenced *supra*, the CVL is also overbroad because, as  
4 noted above, many of the vaccines required by the CVL, including the pertussis,  
5 tetanus, diphtheria vaccine, do not prevent transmission or infection of the diseases  
6 they target.<sup>19</sup> These vaccines, at best, merely provide a level of personal protection  
7 by preventing recipients from experiencing the symptoms of these infections, which  
8 Plaintiff would gladly decline in favor of upholding his religious beliefs. The only  
9 other immunization required for Plaintiff's daughter to attend school is the varicella  
10 vaccine, and the CVL could be more narrowly tailored in a number of ways,  
11

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12 <sup>19</sup> See, e.g., <https://pubmed.ncbi.nlm.nih.gov/31333640/> ("Natural infection evokes  
13 both mucosal and systemic immune responses, while aPVs [acellular pertussis  
14 vaccine, the exclusive pertussis vaccine used in the United States] induce only a  
15 systemic immune response. ... Mucosal immunity is essential to prevent  
16 colonization and transmission of *B. pertussis* organisms. Consequently, preventive  
17 measures such as aPVs that do not induce a valid mucosal response can prevent  
18 disease but cannot avoid infection and transmission. ... aPV pertussis vaccines do  
19 not prevent colonization. Consequently, they do not reduce the circulation of *B.*  
20 *pertussis* and do not exert any herd immunity effect.");  
21 [https://www.cdc.gov/pinkbook/hcp/table-of-contents/chapter-21-](https://www.cdc.gov/pinkbook/hcp/table-of-contents/chapter-21-tetanus.html?CDC_AAref_Val=https://www.cdc.gov/vaccines/pubs/pinkbook/tetanus.html)  
22 [tetanus.html?CDC\\_AAref\\_Val=https://www.cdc.gov/vaccines/pubs/pinkbook/teta-](https://www.cdc.gov/pinkbook/hcp/table-of-contents/chapter-21-tetanus.html?CDC_AAref_Val=https://www.cdc.gov/vaccines/pubs/pinkbook/tetanus.html)  
23 [nus.html](https://www.cdc.gov/pinkbook/hcp/table-of-contents/chapter-21-tetanus.html?CDC_AAref_Val=https://www.cdc.gov/vaccines/pubs/pinkbook/tetanus.html) ("Tetanus is not contagious from person to person.");  
24 <https://pubmed.ncbi.nlm.nih.gov/5026197/> (Diphtheria vaccine only creates  
25 antibodies to a toxin released by the diphtheria bacteria and does not generate any  
26 antibodies to the diphtheria bacteria itself, hence "Diphtheria toxoid helps prevent  
27 symptomatic disease but does not prevent the carrier state nor stop the spread of  
28 infection."); <https://polioeradication.org/about-polio/the-vaccines/ipv/> ("IPV  
induces very low levels of immunity in the intestine. As a result, when a person  
immunized with IPV is infected with wild poliovirus, the virus can still multiply  
inside the intestines and be shed in the feces ... IPV does not stop transmission of  
the virus."); <https://www.cdc.gov/vaccines/vpd/mening/hcp/about-vaccine.html>  
("data suggest MenACWY vaccines have provided protection to those vaccinated,  
but probably not to the larger, unvaccinated community (population or herd  
immunity)").

1 including, for example, allowing individuals an exception if they can show sufficient  
2 titers (i.e., demonstrate that they have immunity equal to or better than that conferred  
3 by the vaccine), which R.G. definitively possesses.

#### 4 **INJUNCTIVE RELIEF ALLEGATIONS**

5 127. Plaintiff incorporates the allegations in the foregoing paragraphs as if  
6 set forth fully herein.

7 128. Plaintiff alleges that, as applied specifically to her family, California's  
8 CVL violates her First Amendment rights to freely exercise her religion and her right  
9 to be free from unconstitutional government actions.

10 129. Plaintiff is being, and will continue to be, irreparably harmed unless  
11 this Court enjoins Defendants from enforcing California's CVL against her without  
12 providing the option for a religious exemption process. Moreover, both Rancho  
13 Christian School and Linfield Christian School would accept Plaintiff's daughter  
14 now for enrollment but for the CVL, and thus Plaintiff will suffer irreparable harm  
15 without injunctive relief because R.G. will lose her designated spots to attend either  
16 or both schools. R.G. stands to lose her spot at Linfield Christian School since she  
17 has not produced proof of vaccination to date. While there is no date certain by which  
18 R.G. must submit proof vaccination to Rancho Christian School, she is likewise all  
19 but certain to lose her spot if she does not produce evidence of vaccination forthwith.

20 130. Plaintiff has no plain, speedy, and adequate remedy at law to prevent  
21 Defendants from enforcing California's Compulsory Vaccine Law against her.

22 131. If not enjoined by this Court, Defendants will continue to implement  
23 and enforce California's Compulsory Vaccine Law in violation of Plaintiff's  
24 Constitutional rights under the First Amendment.

25 132. The law and facts are plainly in Plaintiff's favor. Without an injunction  
26 from this Court, she will be forever deprived of her First Amendment right to freely  
27 exercise her faith by not fully vaccinating her daughter upon enrolling her at Rancho  
28

1 Christian School or Linfield Christian School for the 2025-2026 school year and  
2 beyond in accordance with her sincerely held religious beliefs. This amounts to  
3 extreme and irreparable harm wherein monetary compensation is inadequate to cure  
4 the harm.

5 133. Plaintiff's injuries—past, ongoing, future, and imminent—cannot be  
6 remedied by a later-issued Court order.

7 134. The remaining injunction factors—the balance of harms and public  
8 interest—merge where there is a loss of Constitutional rights and the government is  
9 the defendant. *See Tandon*, 593 U.S. at 64; *Nken v. Holder*, 556 U.S. 418, 435  
10 (2009). And the balance tips here in favor of Plaintiff and her sincerely held religious  
11 beliefs.

12 135. Accordingly, considering the foregoing, including Plaintiff's loss of her  
13 First Amendment rights, injunctive relief is appropriate.

#### 14 **DECLARATORY RELIEF ALLEGATIONS**

15 136. Plaintiff incorporates the allegations in the foregoing paragraphs as if  
16 set forth fully herein.

17 137. Plaintiff is entitled to a declaratory judgment from this Court pursuant  
18 to 28 U.S.C. § 2201. An actual and substantial controversy exists between Plaintiff  
19 and Defendants as to her legal rights and duties with respect to whether California's  
20 Compulsory Vaccine Law—which allows for comparable secular exemptions but  
21 not religious exemptions—violates the United States Constitution.

22 138. The case is presently justiciable because California's CVL, including  
23 the absence of any religious exemption to the law, apply to Plaintiff, who is currently  
24 harmed by virtue of her daughter's pending admission to Rancho Christian School  
25 or Linfield Christian School.

26 139. Declaratory relief is therefore appropriate to resolve this controversy.  
27  
28

**REQUEST FOR RELIEF**

140. Pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57, it is appropriate and proper that a declaratory judgment be issued by this Court, declaring that California's Compulsory Vaccine Law is unconstitutional as applied to Plaintiff.

141. Pursuant to 28 U.S.C. § 2202 and Fed. R. Civ. P. 65, it is appropriate and hereby requested that the Court issue preliminary and permanent injunctions prohibiting Defendants from enforcing the CVL against Plaintiff without providing her the option for a religious exemption.

142. WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment against Defendants and provide Plaintiff with the following relief:

- a) Declare California's CVL, as applied specifically to Plaintiff and her daughter, R.G., unconstitutional;
- b) Preliminarily and permanently enjoin Defendants their agents, servants, employees, and any other persons acting on their behalf from implementing, adopting, and enforcing California's CVL against Plaintiff and her daughter, R.G., without providing her with the option for a religious exemption;
- c) Grant Plaintiff her costs and attorneys' fees under 42 U.S.C. § 1988, and any other applicable authority; and
- d) For such and other relief as this Court deems just and proper.

Dated: June 24, 2025

Respectfully submitted by,



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**VERIFICATION**

I, Shermeena Grimsby, a citizen of the United States and of the state of California, have read the foregoing Verified Compliant and know the contents thereof as to myself and that the same is true to my own knowledge and as to all other matters on information and belief and I believe them to be true. Specifically, and based on my personal knowledge, the factual allegations in paragraphs 1, 9, 10, 17, 18, 19, 20, 21, 22, and 50 through 67 are true.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_ June 18, 2025 \_\_\_\_\_ in Murrieta, California.

  
\_\_\_\_\_  
Shermeena Grimsby