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26 Attorneys for Defendants
27 LOS ANGELES UNIFIED SCHOOL
28 DISTRICT, ALBERTO M. CARVALHO,
ILEANA DAVOLOS, GEORGE MCKENNA,
MONICA GARCIA, SCOTT SCHMERELSON,
NICK MELVOIN, JACKIE GOLDBERG,
KELLY GONEZ and TANYA ORTIZ
FRANKLIN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HEALTH FREEDOM DEFENSE FUND,
INC., a Wyoming Not-for-Profit
Corporation; MIGUEL SOTELO;
MARIEL HOWSEPIANRODRIGUEZ;
JEFFREY FUENTES; SANDRA
GARCIA; and HOVHANNES
SAPONGHIAN; NORMA BRAMBILA;

Plaintiffs,

Case No. 2:21-cv-08688 DSF-PVCx

**DEFENDANTS' ANSWER TO
PLAINTIFFS' SECOND
AMENDED COMPLAINT FOR
VIOLATION OF CIVIL RIGHTS
AND DECLARATORY AND
INJUNCTIVE RELIEF**

Complaint Filed: November 3, 2021

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v.

Trial Date:TBD

MEGAN K. REILLY, in her official capacity as Interim Superintendent of the Los Angeles Unified School District; ILEANA DAVALOS, in her official capacity as Chief Human Resources Officer for the Los Angeles Unified School District; GEORGE MCKENNA, MÓNICA GARCÍA, SCOTT SCHMERELSON, NICK MELVOIN, JACKIE GOLDBERG, KELLY GONEZ, and TANYA ORTIZ FRANKLIN, in their official capacities as members of the Los Angeles Unified School District governing board.

Defendants.

1 COMES NOW Defendants Los Angeles Unified School District (the “District”),
2 Alberto M. Carvalho, Ileana Davolos, George Mckenna, Monica Garcia, Scott
3 Schmerelson, Nick Melvoin, Jackie Goldberg, Kelly Gonez and Tanya Ortiz Franklin
4 (collectively “Defendants”), and for their Answer to the Second Amended Complaint
5 (the “Complaint”) of Plaintiffs Health Freedom Defense Fund, Inc., Miguel Sotelo,
6 Mariel Howsepian-Rodriguez, Jeffrey Fuentes, Sandra Garcia, Hovhannes Saponghian,
7 and Norma Brambila (collectively “Plaintiffs”), hereby admits, denies, and asserts the
8 following allegations and affirmative defenses:

9 1. In response to Paragraph 1 of the Complaint, the Paragraph does not
10 require a response from Defendants to the extent it contains a statement of Plaintiffs’
11 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
12 intended to assert any factual allegations, Defendants admit that a lawsuit named
13 *California Educators for Medical Freedom, et al v. Austin Beutner, et al*, Case No. 21-
14 cv-2388 was filed on March 17, 2021. Except as admitted, Defendants deny each and
15 every allegation contained therein.

16 2. In response to Paragraph 2 of the Complaint, the Paragraph does not
17 require a response from Defendants to the extent it contains a statement of Plaintiffs’
18 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
19 intended to assert any factual allegations, Defendants admit arguing in the prior lawsuit,
20 among other positions, that the lawsuit was not ripe for adjudication as it relied on a
21 future contingency that might not occur. Except as admitted, Defendants deny each and
22 every allegation contained therein.

23 3. In response to Paragraph 3 of the Complaint, the Paragraph does not
24 require a response from Defendants to the extent it contains a statement of Plaintiffs’
25 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
26 intended to assert any factual allegations, Defendants admit the allegations contained
27 therein.

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1 4. In response to Paragraph 4 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs’
3 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
4 intended to assert any factual allegations, Defendants admit issuing the August 13, 2021
5 interoffice correspondence attached as Exhibit A to the Complaint herein. Except as
6 admitted, Defendants deny each and every allegation contained therein.

7 5. In response to Paragraph 5 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs’
9 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
10 intended to assert any factual allegations, Defendants admit that the District’s
11 employees had until October 15, 2021 to obtain the COVID-19 vaccine unless they
12 qualify for a specified accommodation. Except as admitted, Defendants deny each and
13 every allegation contained therein.

14 6. In response to Paragraph 6 of the Complaint, the Paragraph does not
15 require a response from Defendants to the extent it contains a statement of Plaintiffs’
16 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
17 intended to assert any factual allegations, Defendants admit that the District is
18 mandating that its employees obtain the COVID-19 vaccine unless they qualify for a
19 specified accommodation. Except as admitted, Defendants lack information deny each
20 and every allegation contained therein.

21 7. In response to Paragraph 7 of the Complaint, the Paragraph does not
22 require a response from Defendants to the extent it contains a statement of Plaintiffs’
23 legal positions and claims rather than assertions of fact. Defendants deny that the
24 District’s COVID-19 policy lacks legal support. Defendants lack information and belief
25 sufficient to respond to the remaining allegations and therefore deny generally and
26 specifically each and every such allegation in said Paragraph.

27 8. In response to Paragraph 8 of the Complaint, the Paragraph does not
28 require a response from Defendants to the extent it contains a statement of Plaintiffs’

1 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
2 intended to assert any factual allegations, Defendants re-allege and incorporate by
3 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
4 set forth herein.

5 9. In response to Paragraph 9 of the Complaint, the Paragraph does not
6 require a response from Defendants to the extent it contains a statement of Plaintiffs'
7 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
8 intended to assert any factual allegations, Defendants admit that the Declarations
9 attached to the Complaint as Exhibit B indicate that the declarants are employees of the
10 District and members of Plaintiff Health Freedom Defense Fund. Except as admitted,
11 Defendants lack information and belief sufficient to respond to the remaining
12 allegations and therefore deny generally and specifically each and every such allegation
13 in said Paragraph.

14 10. In response to Paragraph 10 of the Complaint, the Paragraph does not
15 require a response from Defendants to the extent it contains a statement of Plaintiffs'
16 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
17 intended to assert any factual allegations, Defendants admit that the referenced Plaintiff
18 is an employee of the District. Except as admitted, Defendants lack information and
19 belief sufficient to respond to the remaining allegations and therefore deny generally
20 and specifically each and every such allegation in said Paragraph.

21 11. In response to Paragraph 11 of the Complaint, the Paragraph does not
22 require a response from Defendants to the extent it contains a statement of Plaintiffs'
23 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
24 intended to assert any factual allegations, Defendants admit that the referenced Plaintiff
25 is an employee of the District. Except as admitted, Defendants lack information and
26 belief sufficient to respond to the remaining allegations and therefore deny generally
27 and specifically each and every such allegation in said Paragraph.

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1 12. In response to Paragraph 12 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs’
3 legal positions and claims rather than assertions of fact. Defendants admit that the
4 referenced Plaintiff is an employee of the District. Except as admitted, Defendants lack
5 information and belief sufficient to respond to the remaining allegations and therefore
6 deny generally and specifically each and every such allegation in said Paragraph.

7 13. In response to Paragraph 13 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs’
9 legal positions and claims rather than assertions of fact. Defendants admit that the
10 referenced Plaintiff is an employee of the District. Except as admitted, Defendants lack
11 information and belief sufficient to respond to the remaining allegations and therefore
12 deny generally and specifically each and every such allegation in said Paragraph.

13 14. In response to Paragraph 14 of the Complaint, the Paragraph does not
14 require a response from Defendants to the extent it contains a statement of Plaintiffs’
15 legal positions and claims rather than assertions of fact. Defendants admit that the
16 referenced Plaintiff is an employee of the District. Except as admitted, Defendants lack
17 information and belief sufficient to respond to the remaining allegations and therefore
18 deny generally and specifically each and every such allegation in said Paragraph.

19 15. In response to Paragraph 15 of the Complaint, the Paragraph does not
20 require a response from Defendants to the extent it contains a statement of Plaintiffs’
21 legal positions and claims rather than assertions of fact. Defendants admit that the
22 referenced Plaintiff is an employee of the District. Except as admitted, Defendants lack
23 information and belief sufficient to respond to the remaining allegations and therefore
24 deny generally and specifically each and every such allegation in said Paragraph.

25 16. In response to Paragraph 16 of the Complaint, the Paragraph does not
26 require a response from Defendants to the extent it contains a statement of Plaintiffs’
27 legal positions and claims rather than assertions of fact.

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1 17. In response to Paragraph 17 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs’
3 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
4 intended to assert any factual allegations, Defendants admit that Defendant Carvalho is
5 the Superintendent of the District. Except as admitted, Defendants deny each and every
6 allegation contained therein.

7 18. In response to Paragraph 18 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs’
9 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
10 intended to assert any factual allegations, Defendants admit Defendant Davalos is the
11 District’s Chief Human Resources Officer. Except as admitted, Defendants deny each
12 and every allegation contained therein.

13 19. In response to Paragraph 19 of the Complaint, the Paragraph does not
14 require a response from Defendants to the extent it contains a statement of Plaintiffs’
15 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
16 intended to assert any factual allegations, Defendants admit Defendants Mckenna,
17 García, Schmerelson, Melvoin, Goldberg, Gonez and Ortiz Franklin are LAUSD’s
18 governing board members. Except as admitted, Defendants deny each and every
19 allegation contained therein.

20 20. In response to Paragraph 20 of the Complaint, the Paragraph does not
21 require a response from Defendants to the extent it contains a statement of Plaintiffs’
22 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
23 intended to assert any factual allegations, Defendants deny each and every allegation
24 contained therein. Additionally, this paragraph makes an assertion again a purported
25 Defendant “Reilly” but, as amended, Megan K. Reilly is no longer a defendant.

26 21. In response to Paragraph 21 of the Complaint, the Paragraph does not
27 require a response from Defendants to the extent it contains a statement of Plaintiffs’
28 legal positions and claims rather than assertions of fact.

1 22. In response to Paragraph 22 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs’
3 legal positions and claims rather than assertions of fact.

4 23. In response to Paragraph 23 of the Complaint, the Paragraph does not
5 require a response from Defendants to the extent it contains a statement of Plaintiffs’
6 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
7 intended to assert any factual allegations, Defendants re-allege and incorporate by
8 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
9 set forth herein.

10 24. In response to Paragraph 24 of the Complaint, the Paragraph does not
11 require a response from Defendants to the extent it contains a statement of Plaintiffs’
12 legal positions and claims rather than assertions of fact.

13 25. In response to Paragraph 25 of the Complaint, the Paragraph does not
14 require a response from Defendants to the extent it contains a statement of Plaintiffs’
15 legal positions and claims rather than assertions of fact.

16 26. In response to Paragraph 26 of the Complaint, the Paragraph does not
17 require a response from Defendants to the extent it contains a statement of Plaintiffs’
18 legal positions and claims rather than assertions of fact.

19 27. In response to Paragraph 27 of the Complaint, the Paragraph does not
20 require a response from Defendants to the extent it contains a statement of Plaintiffs’
21 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
22 intended to assert any factual allegations, Defendants admit that the individual
23 Defendants reside or exercise their authority in their office capacities in the Central
24 District of California, Western Division. Except as admitted, Defendants deny each and
25 every allegation contained therein.

26 28. In response to Paragraph 28 of the Complaint, the Paragraph does not
27 require a response from Defendants to the extent it contains a statement of Plaintiffs’
28 legal positions and claims rather than assertions of fact. To the extent the Paragraph is

1 intended to assert any factual allegations, Defendants lack information and belief
2 sufficient to respond to the remaining allegations and therefore deny generally and
3 specifically each and every such allegation in said Paragraph.

4 29. In response to Paragraph 29 of the Complaint, the Paragraph does not
5 require a response from Defendants to the extent it contains a statement of Plaintiffs'
6 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
7 intended to assert any factual allegations, Defendants lack information and belief
8 sufficient to respond to the remaining allegations and therefore deny generally and
9 specifically each and every such allegation in said Paragraph.

10 30. In response to Paragraph 30 of the Complaint, the Paragraph does not
11 require a response from Defendants to the extent it contains a statement of Plaintiffs'
12 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
13 intended to assert any factual allegations, Defendants lack information and belief
14 sufficient to respond to the remaining allegations and therefore deny generally and
15 specifically each and every such allegation in said Paragraph.

16 31. In response to Paragraph 31 of the Complaint, the Paragraph does not
17 require a response from Defendants to the extent it contains a statement of Plaintiffs'
18 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
19 intended to assert any factual allegations, Defendants lack information and belief
20 sufficient to respond to the remaining allegations and therefore deny generally and
21 specifically each and every such allegation in said Paragraph.

22 32. In response to Paragraph 32 of the Complaint, the Paragraph does not
23 require a response from Defendants to the extent it contains a statement of Plaintiffs'
24 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
25 intended to assert any factual allegations, Defendants lack information and belief
26 sufficient to respond to the remaining allegations and therefore deny generally and
27 specifically each and every such allegation in said Paragraph.

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1 33. In response to Paragraph 33 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs’
3 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
4 intended to assert any factual allegations, Defendants lack information and belief
5 sufficient to respond to the remaining allegations and therefore deny generally and
6 specifically each and every such allegation in said Paragraph.

7 34. In response to Paragraph 34 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs’
9 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
10 intended to assert any factual allegations, Defendants lack information and belief
11 sufficient to respond to the remaining allegations and therefore deny generally and
12 specifically each and every such allegation in said Paragraph.

13 35. In response to Paragraph 35 of the Complaint, the Paragraph does not
14 require a response from Defendants to the extent it contains a statement of Plaintiffs’
15 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
16 intended to assert any factual allegations, Defendants lack information and belief
17 sufficient to respond to the remaining allegations and therefore deny generally and
18 specifically each and every such allegation in said Paragraph.

19 36. In response to Paragraph 36 of the Complaint, the Paragraph does not
20 require a response from Defendants to the extent it contains a statement of Plaintiffs’
21 legal positions and claims rather than assertions of fact.

22 37. In response to Paragraph 37 of the Complaint, the Paragraph does not
23 require a response from Defendants to the extent it contains a statement of Plaintiffs’
24 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
25 intended to assert any factual allegations, Defendants lack information and belief
26 sufficient to respond to the remaining allegations and therefore deny generally and
27 specifically each and every such allegation in said Paragraph.

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1 38. In response to Paragraph 38 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs'
3 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
4 intended to assert any factual allegations, Defendants lack information and belief
5 sufficient to respond to the remaining allegations and therefore deny generally and
6 specifically each and every such allegation in said Paragraph.

7 39. In response to Paragraph 39 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs'
9 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
10 intended to assert any factual allegations, Defendants lack information and belief
11 sufficient to respond to the remaining allegations and therefore deny generally and
12 specifically each and every such allegation in said Paragraph.

13 40. In response to Paragraph 40 of the Complaint, the Paragraph does not
14 require a response from Defendants to the extent it contains a statement of Plaintiffs'
15 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
16 intended to assert any factual allegations, Defendants lack information and belief
17 sufficient to respond to the remaining allegations and therefore deny generally and
18 specifically each and every such allegation in said Paragraph.

19 41. In response to Paragraph 41 of the Complaint, the Paragraph does not
20 require a response from Defendants to the extent it contains a statement of Plaintiffs'
21 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
22 intended to assert any factual allegations, Defendants lack information and belief
23 sufficient to respond to the remaining allegations and therefore deny generally and
24 specifically each and every such allegation in said Paragraph.

25 42. In response to Paragraph 42 of the Complaint, the Paragraph does not
26 require a response from Defendants to the extent it contains a statement of Plaintiffs'
27 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
28 intended to assert any factual allegations, Defendants lack information and belief

1 sufficient to respond to the remaining allegations and therefore deny generally and
2 specifically each and every such allegation in said Paragraph.

3 43. In response to Paragraph 43 of the Complaint, the Paragraph does not
4 require a response from Defendants to the extent it contains a statement of Plaintiffs'
5 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
6 intended to assert any factual allegations, Defendants lack information and belief
7 sufficient to respond to the remaining allegations and therefore deny generally and
8 specifically each and every such allegation in said Paragraph.

9 44. In response to Paragraph 44 of the Complaint, the Paragraph does not
10 require a response from Defendants to the extent it contains a statement of Plaintiffs'
11 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
12 intended to assert any factual allegations, Defendants lack information and belief
13 sufficient to respond to the remaining allegations and therefore deny generally and
14 specifically each and every such allegation in said Paragraph.

15 45. In response to Paragraph 45 of the Complaint, the Paragraph does not
16 require a response from Defendants to the extent it contains a statement of Plaintiffs'
17 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
18 intended to assert any factual allegations, Defendants lack information and belief
19 sufficient to respond to the remaining allegations and therefore deny generally and
20 specifically each and every such allegation in said Paragraph.

21 46. In response to Paragraph 46 of the Complaint, the Paragraph does not
22 require a response from Defendants to the extent it contains a statement of Plaintiffs'
23 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
24 intended to assert any factual allegations, Defendants lack information and belief
25 sufficient to respond to the remaining allegations and therefore deny generally and
26 specifically each and every such allegation in said Paragraph.

27 47. In response to Paragraph 47 of the Complaint, the Paragraph does not
28 require a response from Defendants to the extent it contains a statement of Plaintiffs'

1 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
2 intended to assert any factual allegations, Defendants lack information and belief
3 sufficient to respond to the remaining allegations and therefore deny generally and
4 specifically each and every such allegation in said Paragraph.

5 48. In response to Paragraph 48 of the Complaint, the Paragraph does not
6 require a response from Defendants to the extent it contains a statement of Plaintiffs'
7 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
8 intended to assert any factual allegations, Defendants lack information and belief
9 sufficient to respond to the remaining allegations and therefore deny generally and
10 specifically each and every such allegation in said Paragraph.

11 49. In response to Paragraph 49 of the Complaint, the Paragraph does not
12 require a response from Defendants to the extent it contains a statement of Plaintiffs'
13 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
14 intended to assert any factual allegations, Defendants lack information and belief
15 sufficient to respond to the remaining allegations and therefore deny generally and
16 specifically each and every such allegation in said Paragraph.

17 50. In response to Paragraph 50 of the Complaint, the Paragraph does not
18 require a response from Defendants to the extent it contains a statement of Plaintiffs'
19 legal positions and claims rather than assertions of fact. This paragraph is also
20 disjunctive and not comprehensible, as a result a response to this paragraph is
21 impractical. To the extent the Paragraph is intended to assert any factual allegations,
22 Defendants lack information and belief sufficient to respond to the remaining
23 allegations and therefore deny generally and specifically each and every such allegation
24 in said Paragraph.

25 51. In response to Paragraph 51 of the Complaint, the Paragraph does not
26 require a response from Defendants to the extent it contains a statement of Plaintiffs'
27 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
28 intended to assert any factual allegations, Defendants lack information and belief

1 sufficient to respond to the remaining allegations and therefore deny generally and
2 specifically each and every such allegation in said Paragraph.

3 52. In response to Paragraph 52 of the Complaint, the Paragraph does not
4 require a response from Defendants to the extent it contains a statement of Plaintiffs'
5 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
6 intended to assert any factual allegations, Defendants lack information and belief
7 sufficient to respond to the remaining allegations and therefore deny generally and
8 specifically each and every such allegation in said Paragraph.

9 53. In response to Paragraph 53 of the Complaint, the Paragraph does not
10 require a response from Defendants to the extent it contains a statement of Plaintiffs'
11 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
12 intended to assert any factual allegations, Defendants lack information and belief
13 sufficient to respond to the remaining allegations and therefore deny generally and
14 specifically each and every such allegation in said Paragraph.

15 54. In response to Paragraph 54 of the Complaint, the Paragraph does not
16 require a response from Defendants to the extent it contains a statement of Plaintiffs'
17 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
18 intended to assert any factual allegations, Defendants lack information and belief
19 sufficient to respond to the remaining allegations and therefore deny generally and
20 specifically each and every such allegation in said Paragraph.

21 55. In response to Paragraph 55 of the Complaint, the Paragraph does not
22 require a response from Defendants to the extent it contains a statement of Plaintiffs'
23 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
24 intended to assert any factual allegations, Defendants lack information and belief
25 sufficient to respond to the remaining allegations and therefore deny generally and
26 specifically each and every such allegation in said Paragraph.

27 56. In response to Paragraph 56 of the Complaint, the Paragraph does not
28 require a response from Defendants to the extent it contains a statement of Plaintiffs'

1 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
2 intended to assert any factual allegations, Defendants lack information and belief
3 sufficient to respond to the remaining allegations and therefore deny generally and
4 specifically each and every such allegation in said Paragraph.

5 57. In response to Paragraph 57 of the Complaint, the Paragraph does not
6 require a response from Defendants to the extent it contains a statement of Plaintiffs'
7 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
8 intended to assert any factual allegations, Defendants lack information and belief
9 sufficient to respond to the remaining allegations and therefore deny generally and
10 specifically each and every such allegation in said Paragraph.

11 58. In response to Paragraph 58 of the Complaint, the Paragraph does not
12 require a response from Defendants to the extent it contains a statement of Plaintiffs'
13 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
14 intended to assert any factual allegations, Defendants lack information and belief
15 sufficient to respond to the remaining allegations and therefore deny generally and
16 specifically each and every such allegation in said Paragraph.

17 59. In response to Paragraph 59 of the Complaint, the Paragraph does not
18 require a response from Defendants to the extent it contains a statement of Plaintiffs'
19 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
20 intended to assert any factual allegations, Defendants lack information and belief
21 sufficient to respond to the remaining allegations and therefore deny generally and
22 specifically each and every such allegation in said Paragraph.

23 60. In response to Paragraph 60 of the Complaint, the Paragraph does not
24 require a response from Defendants to the extent it contains a statement of Plaintiffs'
25 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
26 intended to assert any factual allegations, Defendants lack information and belief
27 sufficient to respond to the remaining allegations and therefore deny generally and
28 specifically each and every such allegation in said Paragraph.

1 61. In response to Paragraph 61 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs'
3 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
4 intended to assert any factual allegations, Defendants lack information and belief
5 sufficient to respond to the remaining allegations and therefore deny generally and
6 specifically each and every such allegation in said Paragraph.

7 62. In response to Paragraph 62 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs'
9 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
10 intended to assert any factual allegations, Defendants lack information and belief
11 sufficient to respond to the remaining allegations and therefore deny generally and
12 specifically each and every such allegation in said Paragraph.

13 63. In response to Paragraph 63 of the Complaint, the Paragraph does not
14 require a response from Defendants to the extent it contains a statement of Plaintiffs'
15 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
16 intended to assert any factual allegations, Defendants lack information and belief
17 sufficient to respond to the remaining allegations and therefore deny generally and
18 specifically each and every such allegation in said Paragraph.

19 64. In response to Paragraph 64 of the Complaint, the Paragraph does not
20 require a response from Defendants to the extent it contains a statement of Plaintiffs'
21 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
22 intended to assert any factual allegations, Defendants lack information and belief
23 sufficient to respond to the remaining allegations and therefore deny generally and
24 specifically each and every such allegation in said Paragraph.

25 65. In response to Paragraph 65 of the Complaint, the Paragraph does not
26 require a response from Defendants to the extent it contains a statement of Plaintiffs'
27 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
28 intended to assert any factual allegations, Defendants lack information and belief

1 sufficient to respond to the remaining allegations and therefore deny generally and
2 specifically each and every such allegation in said Paragraph.

3 66. In response to Paragraph 66 of the Complaint, the Paragraph does not
4 require a response from Defendants to the extent it contains a statement of Plaintiffs'
5 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
6 intended to assert any factual allegations, Defendants lack information and belief
7 sufficient to respond to the remaining allegations and therefore deny generally and
8 specifically each and every such allegation in said Paragraph.

9 67. In response to Paragraph 67 of the Complaint, the Paragraph does not
10 require a response from Defendants to the extent it contains a statement of Plaintiffs'
11 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
12 intended to assert any factual allegations, Defendants lack information and belief
13 sufficient to respond to the remaining allegations and therefore deny generally and
14 specifically each and every such allegation in said Paragraph.

15 68. In response to Paragraph 68 of the Complaint, the Paragraph does not
16 require a response from Defendants to the extent it contains a statement of Plaintiffs'
17 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
18 intended to assert any factual allegations, Defendants lack information and belief
19 sufficient to respond to the remaining allegations and therefore deny generally and
20 specifically each and every such allegation in said Paragraph.

21 69. In response to Paragraph 69 of the Complaint, the Paragraph does not
22 require a response from Defendants to the extent it contains a statement of Plaintiffs'
23 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
24 intended to assert any factual allegations, Defendants lack information and belief
25 sufficient to respond to the remaining allegations and therefore deny generally and
26 specifically each and every such allegation in said Paragraph.

27 70. In response to Paragraph 70 of the Complaint, the Paragraph does not require
28 a response from Defendants to the extent it contains a statement of Plaintiffs' legal

1 positions and claims rather than assertions of fact. To the extent the Paragraph is
2 intended to assert any factual allegations, Defendants lack information and belief
3 sufficient to respond to the remaining allegations and therefore deny generally and
4 specifically each and every such allegation in said Paragraph.

5 71. In response to Paragraph 71 of the Complaint, the Paragraph does not
6 require a response from Defendants to the extent it contains a statement of Plaintiffs'
7 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
8 intended to assert any factual allegations, Defendants re-allege and incorporate by
9 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
10 set forth herein.

11 72. In response to Paragraph 72 of the Complaint, the Paragraph does not
12 require a response from Defendants to the extent it contains a statement of Plaintiffs'
13 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
14 intended to assert any factual allegations, Defendants admit the Plaintiffs are employees
15 of the District and Exhibit A to the Complaint applies to them. Except as admitted,
16 Defendants deny each and every allegation contained therein.

17 73. In response to Paragraph 73 of the Complaint, the Paragraph does not
18 require a response from Defendants to the extent it contains a statement of Plaintiffs'
19 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
20 intended to assert any factual allegations, Defendants admit that Plaintiff Sotelo has
21 worked as an electrician for the District for approximately 6 years, suffered an alleged
22 work-related injury, has been on a leave of absence, and did not apply for an
23 accommodation. Except as admitted, Defendants lack information and belief sufficient
24 to respond to the remaining allegations and therefore deny generally and specifically
25 each and every such allegation in said Paragraph.

26 74. In response to Paragraph 74 of the Complaint, the Paragraph does not
27 require a response from Defendants to the extent it contains a statement of Plaintiffs'
28 legal positions and claims rather than assertions of fact. To the extent the Paragraph is

1 intended to assert any factual allegations, Defendants admit Plaintiff Fuentes has
2 worked as an electrician for the District for approximately 8 years and applied for a
3 religious accommodation to the District's vaccine requirement which was granted.
4 Defendants lack information and belief sufficient to respond to the remaining
5 allegations and therefore deny generally and specifically each and every such allegation
6 in said Paragraph.

7 75. In response to Paragraph 75 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs'
9 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
10 intended to assert any factual allegations, Defendants admit Plaintiff Garcia has worked
11 for the District for approximately 10 years, is working as a Special Education Assistant
12 at a middle school and applied for and was granted a religious accommodation to the
13 District's vaccine requirement. Defendants lack information and belief sufficient to
14 respond to the remaining allegations and therefore deny generally and specifically each
15 and every such allegation in said Paragraph.

16 76. In response to Paragraph 76 of the Complaint, the Paragraph does not
17 require a response from Defendants to the extent it contains a statement of Plaintiffs'
18 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
19 intended to assert any factual allegations, Defendants admit Plaintiff Saponghian has
20 worked as a teaching assistant for the District for approximately 2 years and applied for
21 a religious accommodation to the District's vaccine requirement which was granted.
22 Defendants lack information and belief sufficient to respond to the remaining
23 allegations and therefore deny generally and specifically each and every such allegation
24 in said Paragraph.

25 77. In response to Paragraph 77 of the Complaint, the Paragraph does not
26 require a response from Defendants to the extent it contains a statement of Plaintiffs'
27 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
28 intended to assert any factual allegations, Defendants admit Plaintiff Brambila works

1 as a healthcare assistant at the District and applied for a religious accommodation which
2 was granted. Defendants lack information and belief sufficient to respond to the
3 remaining allegations and therefore deny generally and specifically each and every such
4 allegation in said Paragraph.

5 78. In response to Paragraph 78 of the Complaint, the Paragraph does not
6 require a response from Defendants to the extent it contains a statement of Plaintiffs'
7 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
8 intended to assert any factual allegations, Defendants deny each and every allegation
9 contained therein. Defendants have not waived any conditions precedent or excused
10 Plaintiffs from fulfilling any such conditions including providing the requisite
11 documentation.

12 79. In response to Paragraph 79 of the Complaint, the Paragraph does not
13 require a response from Defendants to the extent it contains a statement of Plaintiffs'
14 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
15 intended to assert any factual allegations, Defendants re-allege and incorporate by
16 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
17 set forth herein.

18 80. In response to Paragraph 80 of the Complaint, the Paragraph does not
19 require a response from Defendants to the extent it contains a statement of Plaintiffs'
20 legal positions and claims rather than assertions of fact.

21 81. In response to Paragraph 81 of the Complaint, the Paragraph does not
22 require a response from Defendants to the extent it contains a statement of Plaintiffs'
23 legal positions and claims rather than assertions of fact.

24 82. In response to Paragraph 82 of the Complaint, the Paragraph does not
25 require a response from Defendants to the extent it contains a statement of Plaintiffs'
26 legal positions and claims rather than assertions of fact.

27 83. In response to Paragraph 83 of the Complaint, the Paragraph does not
28 require a response from Defendants to the extent it contains a statement of Plaintiffs'

1 legal positions and claims rather than assertions of fact.

2 84. In response to Paragraph 84 of the Complaint, the Paragraph does not
3 require a response from Defendants to the extent it contains a statement of Plaintiffs'
4 legal positions and claims rather than assertions of fact.

5 85. In response to Paragraph 85 of the Complaint, the Paragraph does not
6 require a response from Defendants to the extent it contains a statement of Plaintiffs'
7 legal positions and claims rather than assertions of fact.

8 86. In response to Paragraph 86 of the Complaint, the Paragraph does not
9 require a response from Defendants to the extent it contains a statement of Plaintiffs'
10 legal positions and claims rather than assertions of fact.

11 87. In response to Paragraph 87 of the Complaint, the Paragraph does not
12 require a response from Defendants to the extent it contains a statement of Plaintiffs'
13 legal positions and claims rather than assertions of fact.

14 88. In response to Paragraph 88 of the Complaint, the Paragraph does not
15 require a response from Defendants to the extent it contains a statement of Plaintiffs'
16 legal positions and claims rather than assertions of fact.

17 89. In response to Paragraph 89 of the Complaint, the Paragraph does not
18 require a response from Defendants to the extent it contains a statement of Plaintiffs'
19 legal positions and claims rather than assertions of fact.

20 90. In response to Paragraph 90 of the Complaint, the Paragraph does not
21 require a response from Defendants to the extent it contains a statement of Plaintiffs'
22 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
23 intended to assert any factual allegations, Defendants deny each and every allegation
24 contained therein.

25 91. In response to Paragraph 91 of the Complaint, the Paragraph does not
26 require a response from Defendants to the extent it contains a statement of Plaintiffs'
27 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
28 intended to assert any factual allegations, Defendants deny that they did not provide a

1 specific temporary accommodation for alleged “natural immunity,” supported by
2 medical documentation. Except as admitted, Defendants deny each and every allegation
3 contained therein.

4 92. In response to Paragraph 92 of the Complaint, the Paragraph does not
5 require a response from Defendants to the extent it contains a statement of Plaintiffs’
6 legal positions and claims rather than assertions of fact.

7 93. In response to Paragraph 93 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs’
9 legal positions and claims rather than assertions of fact.

10 94. In response to Paragraph 94 of the Complaint, the Paragraph does not
11 require a response from Defendants to the extent it contains a statement of Plaintiffs’
12 legal positions and claims rather than assertions of fact.

13 95. In response to Paragraph 95 of the Complaint, the Paragraph does not
14 require a response from Defendants to the extent it contains a statement of Plaintiffs’
15 legal positions and claims rather than assertions of fact.

16 96. In response to Paragraph 96 of the Complaint, the Paragraph does not
17 require a response from Defendants to the extent it contains a statement of Plaintiffs’
18 legal positions and claims rather than assertions of fact.

19 97. In response to Paragraph 97 of the Complaint, the Paragraph does not
20 require a response from Defendants to the extent it contains a statement of Plaintiffs’
21 legal positions and claims rather than assertions of fact.

22 98. In response to Paragraph 98 of the Complaint, the Paragraph does not
23 require a response from Defendants to the extent it contains a statement of Plaintiffs’
24 legal positions and claims rather than assertions of fact.

25 99. In response to Paragraph 99 of the Complaint, the Paragraph does not
26 require a response from Defendants to the extent it contains a statement of Plaintiffs’
27 legal positions and claims rather than assertions of fact.

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1 100. In response to Paragraph 100 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs’
3 legal positions and claims rather than assertions of fact.

4 101. In response to Paragraph 101 of the Complaint, the Paragraph does not
5 require a response from Defendants to the extent it contains a statement of Plaintiffs’
6 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
7 intended to assert any factual allegations, Defendants re-allege and incorporate by
8 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
9 set forth herein.

10 102. In response to Paragraph 102 of the Complaint, the Paragraph does not
11 require a response from Defendants to the extent it contains a statement of Plaintiffs’
12 legal positions and claims rather than assertions of fact.

13 103. In response to Paragraph 103 of the Complaint, the Paragraph does not
14 require a response from Defendants to the extent it contains a statement of Plaintiffs’
15 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
16 intended to assert any factual allegations, Defendants deny each and every allegation
17 contained therein.

18 104. In response to Paragraph 104 of the Complaint, the Paragraph does not
19 require a response from Defendants to the extent it contains a statement of Plaintiffs’
20 legal positions and claims rather than assertions of fact.

21 105. In response to Paragraph 105 of the Complaint, the Paragraph does not
22 require a response from Defendants to the extent it contains a statement of Plaintiffs’
23 legal positions and claims rather than assertions of fact.

24 106. In response to Paragraph 106 of the Complaint, the Paragraph does not
25 require a response from Defendants to the extent it contains a statement of Plaintiffs’
26 legal positions and claims rather than assertions of fact.

27 107. In response to Paragraph 107 of the Complaint, the Paragraph does not
28 require a response from Defendants to the extent it contains a statement of Plaintiffs’

1 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
2 intended to assert any factual allegations, Defendants re-allege and incorporate by
3 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
4 set forth herein.

5 108. In response to Paragraph 108 of the Complaint, the Paragraph does not
6 require a response from Defendants to the extent it contains a statement of Plaintiffs'
7 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
8 intended to assert any factual allegations, Defendants admit That Plaintiffs are
9 employees of the District. Except as admitted, Defendants deny each and every
10 allegation contained therein.

11 109. In response to Paragraph 109 of the Complaint, the Paragraph does not
12 require a response from Defendants to the extent it contains a statement of Plaintiffs'
13 legal positions and claims rather than assertions of fact.

14 110. In response to Paragraph 110 of the Complaint, the Paragraph does not
15 require a response from Defendants to the extent it contains a statement of Plaintiffs'
16 legal positions and claims rather than assertions of fact.

17 111. In response to Paragraph 111 of the Complaint, the Paragraph does not
18 require a response from Defendants to the extent it contains a statement of Plaintiffs'
19 legal positions and claims rather than assertions of fact.

20 112. In response to Paragraph 112 of the Complaint, the Paragraph does not
21 require a response from Defendants to the extent it contains a statement of Plaintiffs'
22 legal positions and claims rather than assertions of fact.

23 113. In response to Paragraph 113 of the Complaint, the Paragraph does not
24 require a response from Defendants to the extent it contains a statement of Plaintiffs'
25 legal positions and claims rather than assertions of fact.

26 114. In response to Paragraph 114 of the Complaint, the Paragraph does not
27 require a response from Defendants to the extent it contains a statement of Plaintiffs'
28 legal positions and claims rather than assertions of fact.

1 115. In response to Paragraph 115 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs’
3 legal positions and claims rather than assertions of fact.

4 116. In response to Paragraph 116 of the Complaint, the Paragraph does not
5 require a response from Defendants to the extent it contains a statement of Plaintiffs’
6 legal positions and claims rather than assertions of fact.

7 117. In response to Paragraph 117 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs’
9 legal positions and claims rather than assertions of fact.

10 118. In response to Paragraph 118 of the Complaint, the Paragraph does not
11 require a response from Defendants to the extent it contains a statement of Plaintiffs’
12 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
13 intended to assert any factual allegations, Defendants re-allege and incorporate by
14 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
15 set forth herein.

16 119. In response to Paragraph 119 of the Complaint, the Paragraph does not
17 require a response from Defendants to the extent it contains a statement of Plaintiffs’
18 legal positions and claims rather than assertions of fact.

19 120. In response to Paragraph 120 of the Complaint, the Paragraph does not
20 require a response from Defendants to the extent it contains a statement of Plaintiffs’
21 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
22 intended to assert any factual allegations, Defendants deny each and every allegation
23 contained therein.

24 121. In response to Paragraph 121 of the Complaint, the Paragraph does not
25 require a response from Defendants to the extent it contains a statement of Plaintiffs’
26 legal positions and claims rather than assertions of fact.

27 122. In response to Paragraph 122 of the Complaint, the Paragraph does not
28 require a response from Defendants to the extent it contains a statement of Plaintiffs’

1 legal positions and claims rather than assertions of fact.

2 123. In response to Paragraph 123 of the Complaint, the Paragraph does not
3 require a response from Defendants to the extent it contains a statement of Plaintiffs'
4 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
5 intended to assert any factual allegations, Defendants deny each and every allegation
6 contained therein.

7 124. In response to Paragraph 124 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs'
9 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
10 intended to assert any factual allegations, Defendants deny each and every allegation
11 contained therein.

12 125. In response to Paragraph 125 of the Complaint, the Paragraph does not
13 require a response from Defendants to the extent it contains a statement of Plaintiffs'
14 legal positions and claims rather than assertions of fact.

15 126. In response to Paragraph 126 of the Complaint, the Paragraph does not
16 require a response from Defendants to the extent it contains a statement of Plaintiffs'
17 legal positions and claims rather than assertions of fact.

18 127. In response to Paragraph 127 of the Complaint, the Paragraph does not
19 require a response from Defendants to the extent it contains a statement of Plaintiffs'
20 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
21 intended to assert any factual allegations, Defendants re-allege and incorporate by
22 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
23 set forth herein.

24 128. In response to Paragraph 128 of the Complaint, the Paragraph does not
25 require a response from Defendants to the extent it contains a statement of Plaintiffs'
26 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
27 intended to assert any factual allegations, Defendants admits the District has placed
28 some of its employees on administrative leave for failure to comply with the policy set

1 for in Exhibit A. Except as admitted, Defendants deny each and every allegation
2 contained therein.

3 129. In response to Paragraph 129 of the Complaint, the Paragraph does not
4 require a response from Defendants to the extent it contains a statement of Plaintiffs'
5 legal positions and claims rather than assertions of fact.

6 130. In response to Paragraph 130 of the Complaint, the Paragraph does not
7 require a response from Defendants to the extent it contains a statement of Plaintiffs'
8 legal positions and claims rather than assertions of fact.

9 131. In response to Paragraph 131 of the Complaint, the Paragraph does not
10 require a response from Defendants to the extent it contains a statement of Plaintiffs'
11 legal positions and claims rather than assertions of fact.

12 132. In response to Paragraph 132 of the Complaint, the Paragraph does not
13 require a response from Defendants to the extent it contains a statement of Plaintiffs'
14 legal positions and claims rather than assertions of fact.

15 133. In response to Paragraph 133 of the Complaint, the Paragraph does not
16 require a response from Defendants to the extent it contains a statement of Plaintiffs'
17 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
18 intended to assert any factual allegations, Defendants re-allege and incorporate by
19 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
20 set forth herein.

21 134. In response to Paragraph 134 of the Complaint, the Paragraph does not
22 require a response from Defendants to the extent it contains a statement of Plaintiffs'
23 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
24 intended to assert any factual allegations, Defendants deny each and every allegation
25 contained therein.

26 135. In response to Paragraph 135 of the Complaint, the Paragraph does not
27 require a response from Defendants to the extent it contains a statement of Plaintiffs'
28 legal positions and claims rather than assertions of fact.

1 136. In response to Paragraph 136 of the Complaint, the Paragraph does not
2 require a response from Defendants to the extent it contains a statement of Plaintiffs’
3 legal positions and claims rather than assertions of fact.

4 137. In response to Paragraph 137 of the Complaint, the Paragraph does not
5 require a response from Defendants to the extent it contains a statement of Plaintiffs’
6 legal positions and claims rather than assertions of fact.

7 138. In response to Paragraph 138 of the Complaint, the Paragraph does not
8 require a response from Defendants to the extent it contains a statement of Plaintiffs’
9 legal positions and claims rather than assertions of fact.

10 139. In response to Paragraph 139 of the Complaint, the Paragraph does not
11 require a response from Defendants to the extent it contains a statement of Plaintiffs’
12 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
13 intended to assert any factual allegations, Defendants re-allege and incorporate by
14 reference each of their responses in Paragraphs 1 through 144 of this Answer as if fully
15 set forth herein.

16 140. In response to Paragraph 140 of the Complaint, the Paragraph does not
17 require a response from Defendants to the extent it contains a statement of Plaintiffs’
18 legal positions and claims rather than assertions of fact. To the extent the Paragraph is
19 intended to assert any factual allegations, Defendants admit that it has computerized
20 data that it represents to be private and protected. Except as admitted, Defendants deny
21 each and every allegation contained therein.

22 141. In response to Paragraph 141 of the Complaint, the Paragraph does not
23 require a response from Defendants to the extent it contains a statement of Plaintiffs’
24 legal positions and claims rather than assertions of fact.

25 142. In response to Paragraph 142 of the Complaint, the Paragraph does not
26 require a response from Defendants to the extent it contains a statement of Plaintiffs’
27 legal positions and claims rather than assertions of fact.

28 143. In response to Paragraph 143 of the Complaint, the Paragraph does not

1 require a response from Defendants to the extent it contains a statement of Plaintiffs’
2 legal positions and claims rather than assertions of fact.

3 144. In response to Paragraph 144 of the Complaint, the Paragraph does not
4 require a response from Defendants to the extent it contains a statement of Plaintiffs’
5 legal positions and claims rather than assertions of fact.

6 **AFFIRMATIVE DEFENSES**

7 **FIRST AFFIRMATIVE DEFENSE**

8 **(Fails to State a Claim)**

9 1. Defendants allege that the Complaint and each cause of action therein fail
10 to state any claim upon which relief can be granted.

11 **SECOND AFFIRMATIVE DEFENSE**

12 **(11th Amendment Bar)**

13 2. Defendants allege that the Complaint and each cause of action therein are
14 barred by the Eleventh Amendment of the United States Constitution.

15 **THIRD AFFIRMATIVE DEFENSE**

16 **(Sovereign Immunity)**

17 3. Defendants allege that the Complaint and each cause of action therein are
18 barred by the doctrine of sovereign immunity.

19 **FOURTH AFFIRMATIVE DEFENSE**

20 **(Governmental Claims Act Immunities)**

21 4. Defendants allege that that the Complaint and each cause of action therein
22 are barred based on the immunities contained in the Governmental Claims Act,
23 including but not limited to because all actions or inactions complained of were the
24 result of official discretion vested in public employees, and accordingly Defendants are
25 immune from suit. (Gov. Code §§ 815 and 820.2)

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FIFTH AFFIRMATIVE DEFENSE

(Qualified/Sovereign Immunity)

5. Defendants allege that that the Complaint and each cause of action therein are barred as Defendants have immunity against the claims asserted, based on qualified immunity and sovereign immunity.

SIXTH AFFIRMATIVE DEFENSE

(Statute Of Limitations)

6. Defendants allege that that the Complaint and each cause of action therein are barred by the applicable statutes of limitations, including Title VII (42 USC sections 2000e (5)(e)(1), (f) (1), California Code of Civil Procedure sections 335.1, 338(a), 340(a), 340(c) and 343 and/or California Government Code sections 12960 and 12965(b).

SEVENTH AFFIRMATIVE DEFENSE

(Failure To Exhaust)

7. Defendants allege that that the Complaint and each cause of action therein are barred by Plaintiffs’ failure to exhaust administrative and internal remedies, including under the Governmental Claims Act, corresponding District Board policies, and/or the Equal Employment Opportunity Act.

EIGHTH AFFIRMATIVE DEFENSE

(No Violation Of Constitutional Right)

8. Defendants allege that that the Complaint and each cause of action therein fail to adequately allege a violation of a constitutional right.

NINTH AFFIRMATIVE DEFENSE

(Exceed Scope)

9. Defendants allege that that the Complaint and each cause of action therein are barred to the extent Plaintiffs claims exceed the scope of any administrative or internal claims which may have been filed by them.

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TENTH AFFIRMATIVE DEFENSE

(Legitimate Business Reasons)

10. Defendants allege that that the Complaint and each cause of action therein fail as Defendants acted reasonably and in good faith at all times material herein based on all relevant facts and circumstances known at the time and that all employment actions taken with regard to Plaintiffs were taken for legitimate, non-discriminatory business reasons.

ELEVENTH AFFIRMATIVE DEFENSE

(Failure To Engage In Interactive Process)

11. Defendants allege, without admitting that they engaged in any of the acts or omissions alleged, that that the Complaint and each cause of action therein are barred, in whole or in part, because Plaintiffs failed to engage in a good faith interactive process with regard to any alleged disability or condition, or religious belief, requiring accommodation.

TWELTHTH AFFIRMATIVE DEFENSE

(Undue Hardship)

12. Defendants allege, without admitting that they engaged in any of the acts or omissions alleged, that that the Complaint and each cause of action therein are barred, in whole or in part, because the purported accommodation(s) sought by Plaintiffs for their alleged disabilities and/or medical conditions and/or religious beliefs would have imposed an undue hardship on Defendants in that such an accommodations would be burdensome and unduly affect the operations of the District.

THIRTEENTH AFFIRMATIVE DEFENSE

(Bona Fide Occupational Qualifications)

13. Defendants allege with respect to the Complaint and each cause of action therein that any decisions with respect to Plaintiffs’ employment, if they made such decisions, were justified based upon the judgment of individual performance, qualifications, skill, effort, experience, responsibility, merit, seniority, and/or other

1 bona fide occupational qualifications.

2 **FOURTEENTH AFFIRMATIVE DEFENSE**

3 **(Unable to Perform Essential Duties)**

4 14. Defendants allege that the Complaint and each cause of action therein are
5 barred to the extent that Plaintiffs, even with reasonable accommodation, were unable
6 to perform the essential duties of Plaintiffs' positions and/or to perform these duties in
7 a manner that would not endanger Plaintiffs' health or safety or the health or safety of
8 others.

9 **FIFTEENTH AFFIRMATIVE DEFENSE**

10 **(Reasonable Accommodation)**

11 15. Defendants are informed and believe that a reasonable opportunity for
12 investigation and discovery will reveal and, on that basis allege, that the that the
13 Complaint and each cause of action therein are barred, in whole or in part, because to
14 the extent that the Court may find that Plaintiffs do have a disabilities that limit major
15 life activities and/or religious beliefs that Defendants had an obligation to reasonably
16 accommodate, a reasonable accommodation was offered and/or provided to the extent
17 Defendants had knowledge of same and which legally required accommodation, and/or
18 no reasonable accommodation existed which would have permitted Plaintiffs to perform
19 the essential functions of their positions.

20 **SIXTEENTH AFFIRMATIVE DEFENSE**

21 **(Failure to Provide Certification)**

22 16. Defendants are informed and believe that a reasonable opportunity for
23 investigation and discovery will reveal and, on that basis allege, that the that the
24 Complaint and each cause of action therein are barred, in whole or in part, because
25 Plaintiffs failed to provide the requisite medical or other certifications to support their
26 requests for accommodation.

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SEVENTEENTH AFFIRMATIVE DEFENSE

(After-Acquired Evidence)

17. Defendants allege that the Plaintiffs’ Complaint and each cause of action therein fail as Defendants acted reasonably and in good faith at all times material herein based on all relevant facts and circumstances known at the time and that all employment actions taken with regard to Plaintiffs were taken for legitimate, non-discriminatory business reasons.

EIGHTEENTH AFFIRMATIVE DEFENSE

(Mitigation)

18. Defendants allege that any recovery to which Plaintiffs might be entitled (and Defendants do not admit that Plaintiffs are entitled to any recovery) must be reduced by reason of Plaintiffs’ failure and/or refusal to exercise reasonable diligence to mitigate their alleged damages.

NINETEENTH AFFIRMATIVE DEFENSE

(Preemption)

19. Defendants allege that Plaintiffs’ Complaint and claims alleged therein are barred as they are subject to preemption, including preemption by the applicable Collective Bargaining Agreements and the contractual arbitration process contained therein and/or the Educational Employment Relations Act (“EERA”) (Government Code section 3540, *et seq.*).

TWENTIETH AFFIRMATIVE DEFENSE

(Justified)

20. Defendants allege that the Complaint and each cause of action therein fail as the alleged invasions of privacy were justified because they substantively furthered one or more countervailing interest including protecting the health of the District’s students and faculty.

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TWENTY-FIRST AFFIRMATIVE DEFENSE

(Limited Intrusion)

21. Defendants allege that that the Complaint and each cause of action therein fail as the alleged invasions of privacy were limited in scope such that no confidential information was gathered or disclosed.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Consent)

22. Defendants allege that that the Complaint and each cause of action therein fail as Plaintiffs consented to the alleged invasions of privacy.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Legitimate Public Concern)

23. Defendants allege that that the Complaint and each cause of action therein fail as the alleged invasions of privacy was a matter of legitimate public concern and/or governmental interests and/or a compelling state interest.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Limited Disclosure)

24. Defendants allege that Plaintiffs' that the Complaint and each cause of action therein fail as the alleged invasions of privacy were not widely disclosed.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

(No Damages From Disclosure)

25. Defendants allege that that the Complaint and each cause of action therein fail as the alleged invasions of privacy did not result in any tangible injury to Plaintiffs or was not the actual or proximate cause of Plaintiffs' alleged injuries.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

(No Reasonable Expectation Of Privacy)

26. Defendants allege that that the Complaint and each cause of action therein fail as Plaintiffs did not have a reasonable expectation of privacy with respect to the information allegedly disclosed.

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TWENTY-SEVENTH AFFIRMATIVE DEFENSE

(Reasonable Security Maintained)

27. Defendants allege that the Complaint and each cause of action therein fail as Defendants maintained reasonable security measures with respect to the information allegedly disclosed.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

(Failure To Follow Cal. Civil Code sec. 1798.150(a))

28. Defendants allege that the Complaint and each cause of action therein fail as Plaintiffs failed to comply with Cal. Civil Code sec. 1798.150(a).

TWENTY-NINETH AFFIRMATIVE DEFENSE

(Cal. Workers' Compensation Exclusionary) 29. Defendants allege that Plaintiffs' that the Complaint and each cause of action therein fail as it is barred by the exclusive remedy provisions of the California Workers' Compensation Act, California Labor Code sections 3600 *et seq.*, and California Labor Code section 132a, in that: (1) the injuries complained of allegedly occurred when both Plaintiffs and Defendants were subject to California Labor Code sections 3600 to 3601; (2) at the time of the alleged injuries, Plaintiffs were performing services incidental to Plaintiffs' employment and was acting within the course and scope of Plaintiffs' employment; (3) Plaintiffs allege that the injuries were caused by Plaintiffs' employment; (4) Plaintiffs' employment was covered by workers' compensation; and (5) Defendants paid the entire costs for that coverage. Accordingly, this Court lacks subject matter jurisdiction over said claims.

THIRTIETH AFFIRMATIVE DEFENSE

(Non-Residents Lack Standing)

30. Defendants allege that the Complaint and each cause of action therein fail as Plaintiff Health Freedom Defense Fund, Inc. is a Wyoming corporation and thus lacks the requisite standing.

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THIRTY-FIRST AFFIRMATIVE DEFENSE

(No Article III Standing)

31. Defendants allege that that the Complaint and each cause of action therein fail as Plaintiffs lack standing under Article III of the U.S. Constitution, as they have not alleged a concrete injury traceable to Defendants’ alleged conduct.

THIRTY-SECOND AFFIRMATIVE DEFENSE

(Not An Agency)

32. Defendants allege that that the Complaint and each cause of action therein fail as Defendants are not an “Agency,” as defined by California law, and are therefore not within the scope of the statute.

THIRTY-THREE AFFIRMATIVE DEFENSE

(Not Proximate Cause)

33. Defendants allege that that the Complaint and each cause of action therein fail as the alleged conduct did not result in any tangible injury to Plaintiffs or was not the actual or proximate cause of Plaintiffs’ alleged injuries.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

(No Breach Of The Security Of The System)

34. Defendants allege that that the Complaint and each cause of action therein fail as there was no “breach of the security of the system” as required and defined in the applicable statute as there was no unauthorized acquisition of computerized data.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

(Good Faith Acquisition)

35. Defendants allege that that the Complaint and each cause of action therein fail as there was no “breach of the security of the system” as required and defined in the applicable statute as any acquisition was in good faith.

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THIRTY-SIXTH AFFIRMATIVE DEFENSE

(Not Personal Information)

36. Defendants allege that that the Complaint and each cause of action therein fail as the information in question was not “personal information” as defined in the applicable statute.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

(Encrypted Information)

37. Defendants allege that that the Complaint and each cause of action therein fail as the information in question was encrypted and therefor the referenced statute is not applicable.

THIRTY-EIGHTH AFFIRMATIVE DEFENSE

(Waiver)

38. Defendants allege that that the Complaint and each cause of action therein are barred, in whole or in part, by the equitable doctrine of waiver.

THIRTY-NINTH AFFIRMATIVE DEFENSE

(Laches)

39. Defendants allege that that the Complaint and each cause of action therein are barred, in whole or in part, by the equitable doctrine of laches.

FORTIETH AFFIRMATIVE DEFENSE

(Unclean Hands)

40. Defendants allege that that the Complaint and each cause of action therein fail are barred, in whole or in part, by the equitable doctrine of unclean hands.

FORTY-FIRST AFFIRMATIVE DEFENSE

(Estoppel/Res Judicata)

41. Defendants allege that that the Complaint and each cause of action therein fail are barred, in whole or in part, due to the doctrines of collateral estoppel and/or res judicata.

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PRAYER FOR RELIEF

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WHEREFORE, Defendants pray for relief from this Court that:

- 1. Plaintiffs take nothing by this Complaint;
- 2. The Complaint be dismissed in its entirety with prejudice;
- 3. Judgment be entered against Plaintiffs and in favor of Defendants; and
- 4. Defendants be awarded his/her/their costs of suit, attorneys’ fees, and such further relief as the Court deems appropriate.

Dated: April 7, 2022

LITTLER MENDELSON P.C.

/s/ Connie L. Michaels
 Connie L. Michaels
 Robert Conti
 Donna Leung
 Nicholas W. McKinney

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