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January 4, 2022

The Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

Re: *Doe v. San Diego Unified School District*, No. 21A217

Dear Mr. Harris,

I write to provide the Court with a short update related to the above-referenced application.

First, on the evening of December 30, Respondents filed their notice of appeal in *Let Them Choose* and the appeal was docketed yesterday. In their December 26 letter to this Court, Respondents stated that a perfected appeal in that case would create a “stay of execution of the judgment,” which the *Let Them Choose* petitioners could seek to have lifted.

Second, Respondents have continued to tell Applicants, other students, and other courts that the vaccine mandate will be enforced as of January 24.¹ And

¹ The District emailed Applicants and the rest of District families to explain that it appealed “in order to keep our vaccine mandate for students ages 16 and up in place” because “we are 100-percent determined to maintain the vaccination mandate.” See Mark Saunders, *San Diego Unified unanimously votes to appeal ruling against its COVID-19 vaccine mandate*, ABC News San Diego (Dec.

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although Respondents stated to this Court in their December 26 letter that they were “unaware of any such requirement” that students submit proof of vaccination by January 4, elsewhere they have stated and continue to state to Applicants, other students, and the general public that the deadline for completing vaccination was today.²

Thus, whether the deadline was today (as Respondents have told Applicants and other students) or later (as suggested by Respondents’ letter to this Court), Applicants continue to need emergency relief in order to attend school by January 24.

Respectfully submitted,

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PAUL M. JONNA

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cc: Mark Robert Bresee

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22, 2021), <https://bit.ly/3mW1lJy> (including copy of letter Applicants received); see also *Student Vaccine FAQs*, San Diego Unified School District, <https://perma.cc/SNS7-FJW7> (last visited Jan. 4, 2022) (“Is the mandate still in effect?”) (including same quoted language from District email); *id.* (“What is the SDUSD COVID-19 Mandated Student Vaccination Program and when does it go into effect?”) (District “require[s] students who are 16 and older by November 1, 2021 and who wish to continue learning in-person to be fully vaccinated, effective January 24, 2022”); District Response Br. at 9 n.7, *Doe v. San Diego Unified School District*, No. 21-56259 (9th Cir. Dec. 28, 2021), ECF 24 (“the operative date for providing proof [of vaccination] is January 24”).

² App. 74 (“for students 16 and older, they will be mandated to have full vaccine immunity by January 4th”). The District’s current FAQ document about its vaccine mandate states that “[s]tudents who are 16 as of November 1, 2021 *will be required to fulfill the vaccine requirement for January 4, 2022.*” *Student Vaccine FAQs* (“How much time do we have to be fully vaccinated?”) (emphasis added). Other questions on the District’s FAQ document describe January 4 as the date “*when students are supposed to have proof of vaccination,*” see *id.* (“What will happen on January 4th, when students are supposed to have proof of vaccination?”) (emphasis added), and say students should receive two doses by January 4 “in order to submit full documentation by January 3, 2022 and avoid conditional in-school enrollment or alternatives to in-school education,” *id.* (“What is the SDUSD COVID-19 Mandated Student Vaccination Program and when does it go into effect?”).