

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

4275 EXECUTIVE SQUARE, SUITE 700
LA JOLLA, CALIFORNIA 92037-1477
(858) 485-9526

FAX (858) 485-9412
WWW.AALRR.COM

CERRITOS
(562) 653-3200

FRESNO
(559) 225-6700

IRVINE
(949) 453-4260

MARIN
(628) 234-6200

PASADENA
(626) 583-8600

PLEASANTON
(925) 227-9200

RIVERSIDE
(951) 683-1122

SACRAMENTO
(916) 923-1200

OUR FILE NUMBER:

005555.00346
35583461.1

MBresee@aalrr.com
(858) 673-2730

December 26, 2021

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

Re: *John Doe et al. v. San Diego Unified School District et al.*
Case No. 21A217

Dear Mr. Harris:

This letter addresses the letter Applicants filed on December 23, 2021, regarding the state proceedings related to the student vaccine requirement at issue in Case No. 21A217, and recent communication between counsel regarding the same. Because we have previously been in contact with Deputy Clerk Danny Bickell regarding the status of the state litigation, initiated by Mr. Bickell, this letter is provided to correct certain misstatements and insinuations in Applicants' letter, in order to assure the Court that we have provided consistent information to the Court and to counsel for Applicants.

Mr. Jonna writes that we informed him "the Board may also seek a stay of enforcement pending appeal." That is not what we stated — we conveyed that "there may be further litigation regarding a stay of enforcement pending appeal, but that is also uncertain at this point." As we informed Deputy Clerk Bickell previously, under California law after an appeal is perfected challenging a judgment granting a writ of mandate, it is incumbent on the petitioner to seek judicial relief from the stay of execution of the judgment. In our communication we referenced uncertainty in part because we are not in a position to report petitioners' plans, and there should not be an insinuation that the timing of judicial action on these potential issues is controlled by Respondents.

Additionally, for clarity, counsel asked questions about waiving requirements for his client, with a response deadline approximately three hours and twenty minutes from the time of his inquiry, and I reminded counsel (based on Ninth Circuit filings) that he is aware that absent authorization from the Board of Education neither I nor any District employee is empowered to agree to not

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

The Honorable Scott S. Harris
Clerk of the Court
December 26, 2021
Page 2

enforce or implement the Board's actions/policies, with regard to any student or group of students.

Finally, counsel refers to "a January 4 deadline to provide proof of vaccination," and on further review of the letter and the record we are unaware of any such requirement. The timeline adopted by the Board, if followed by students who were not already vaccinated or in the process of being vaccinated when the Board initiated the vaccination requirement, would lead to full immunity on or before January 4, 2022. However, although students are encouraged to submit proof of vaccination as soon as they have received their shots, students have not been told they are required to submit proof of vaccination by January 4, 2022.

Since this matter has not been referred to the Court, we presume Mr. Jonna's letter was forwarded to Justice Kagan, and we ask the same with this letter. If Mr. Jonna's letter has been distributed to the Justices, we respectfully request that this letter be distributed to the Justices as well.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in black ink, appearing to read "Mark R. Bresee". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark R. Bresee
Counsel of Record for Respondents