

Case No.

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

FADDE MIKHAIL

Petitioner,

v.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH,
and
DR. MUNTU DAVIS, M.D.,
County of Los Angeles Public Health Officer, In His Official Capacity

Respondents.

**EMERGENCY VERIFIED PETITION FOR WRIT OF MANDAMUS
OR OTHER EXTRAORDINARY OR IMMEDIATE RELIEF FOR A
STAY ON THE JULY 15, 2021 MASK MANDATE IN LOS
ANGELES COUNTY;
MEMORANDUM OF POINTS AND AUTHORITIES;
REQUEST FOR JUDICIAL NOTICE**

**IMMEDIATE RELIEF REQUESTED –
NO LATER THAN JULY 17, 2021**

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IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

**California Rules of Court, rules 8.208, 8.490(i), 8.494(c), 8.496(c), or
8.498(d)**

Supreme Court Case Caption:

FADDE MIKHAIL
Petitioner,

v.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH,

and

DR. MUNTU DAVIS, M.D.,
County of Los Angeles Public Health Officer, In His Official Capacity

Respondents.

Please check here if applicable:

- There are no interested entities or persons to list in this Certificate as defined in the California Rules of Court.

Date: July 16, 2021



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**EMERGENCY PETITION FOR WRIT OF MANDAMUS OR
OTHER EXTRAORDINARY OR IMMEDIATE RELIEF**

**To the Honorable Tani Cantil-Sakauye, Chief Justice of the
Supreme Court of California and to the Honorable Associate Justices
of the Supreme Court of California:**

I. INTRODUCTION

On July 15, 2021, the County of Los Angeles Department of Public Health (“County”), through its Health Officer Dr. Muntu Davis, announced that the County would reinstate its indoor mask mandate (the “Health Officer Order”) effective 11:59 PM on Saturday, July 17, 2021, in response to a reported rise in the Delta variant of the COVID-19 strain across the County. In doing so, Dr. Davis made clear that the Health Officer Order will apply to everyone, regardless of COVID-19 vaccination status, by noting that “we’re not where we need to be for the millions at risk of infection here.” Yet, as the CDC and the County both recognize, vaccinated individuals’ risk of either infection or transmission is extremely low. Further the County is less than ten percentage points from vaccination levels experts consider having reached herd immunity. In short, the County has no rational basis, and, as Petitioner will show, no authority for the Health Officer Order.

This Writ seeks the enforcement of California Health & Safety Code §101040 and California Constitution Article 1, Section 7. Since a matter of public right is at stake, Petitioner needs not show any legal or special interest, as Petitioner is “interested as a citizen in having the laws executed and the duty in question enforced.” (*Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166.) This public right exception “promotes the policy of guaranteeing citizens the opportunity to ensure that no governmental body impairs or defeats the purpose of

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legislation establishing a public right.” *Green v. Obledo*, (1981) 29 Cal.3d 126, 145.

By this petition for extraordinary relief, Petitioner Fadde Mikhail asks this Court to intervene immediately and uphold the clear and direct requirements of our California Constitution and Statutes.

PETITIONER RESPECTFULLY REQUESTS IMMEDIATE RELIEF, NOT LATER THAN JULY 17, 2021at 11:58 P.M.

II. QUESTION PRESENTED

The limited questions presented here are whether it is a violation of California Constitution Article 1, § 7 and California Health & Safety Code § 101040 for the County, and its Health Officer, Dr. Muntu Davis, to “reinstate” masking requirements “for everyone while indoors, regardless of vaccination status.”

III. PARTIES

1. Petitioner, FADDE MIKHAIL (“Petitioner”) seeks this Court’s extraordinary relief to prohibit Respondents COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH and DR. MUNTU DAVIS from enforcing any mask requirements for fully vaccinated individuals.
2. Petitioner **FADDE MIKHAIL** is an individual California resident. He is a resident of Los Angeles County. Petitioner has received both his first and second Moderna vaccination shots. His second Moderna vaccination shot was obtained in April 2021. He is concerned with the health and welfare of all residents of California during these troubling times. However, he believes that Respondents must follow the Constitution and state and federal law.
3. Respondent **COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH** (“County”), is public health department for the County of Los Angeles.

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4. Respondent **DR. MUNTU DAVIS**, is the Health Officer for the County of Los Angeles Department of Public Health. He is named in his official capacity only.

IV. JURISDICTION

5. This Court has original jurisdiction over this matter pursuant to Article VI, § 10 of the California Constitution, Code of Civil Procedure §§ 1085 and 1086 and Rule 8.486 of the California Rules of Court, to decide a dispute where, as here, the case presents issues of great public importance that must be resolved promptly. This is such a case because the Health Officer Order impermissibly restricts the liberty of fully vaccinated individuals without rational basis or legal authority. Since March 2020, County residents have had their liberty restricted in unprecedented ways. Businesses, schools, and houses of worship have been shuttered or had to follow other onerous restrictions in an effort to stop the spread of COVID-19. Those restrictions have loosened as the result of rising vaccination levels, but now the County seeks to again restrict the rights of vaccinated County residents, yet this time based on a *miniscule* risk of COVID-19 contraction or transmission. As the Court held in *Clean Air Constituency v. California State Air Res. Bd.* (1974) 11 Cal.3d 801, 808:

The Supreme Court has original jurisdiction in mandamus pursuant to article VI, section 10, of the California Constitution, and will exercise that jurisdiction in appropriate cases when ‘the issues presented are of great public importance and must be resolved promptly.’ [Citations.] If these criteria are satisfied, the existence of an alternative appellate remedy will not preclude this court's original jurisdiction."

V. FACTS AND LAW

6. California Constitution, Article 1, § 7 states:
 - (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of California or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with respect to the use of pupil school assignment or pupil transportation.
....
 - (b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.
7. California Health and Safety Code 101040 states:
 - (a) The local health officer may take any preventive measure *that may be necessary* to protect and preserve the public health from any public health hazard during any ... “state of emergency,” ... or “local emergency” as defined by Section 8558 of the Government Code, within his or her jurisdiction. (emphasis added)
8. On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency so as to assist the state in “preparing for and responding to COVID-19”. A true and correct copy of the Governor’s [Proclamation](#) is attached here as Exhibit 1.

9. On March 12, 2020, Governor Gavin Newsom signed Executive Order N-25-20. A true and correct copy of the Governor's [Executive Order](#) is attached here as Exhibit 2.

10. Paragraph 1 of the Executive Order states:

All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.

11. On June 11, 2021, Governor Gavin Newsom signed Executive Order N-08-21 whereby he Ordered that unless otherwise specified, they will have full force through June 30, 2021. A true and correct copy of the Governor's [Executive Order](#) is attached here as Exhibit 3.

12. Executive Order N-08-21 expressly stated that Paragraph 1 of Executive Order N-25-20 terminated on June 30, 2021.

13. On July 15, 2021, the County issued a Health Advisory. A true and correct copy of the County Public Health Advisory is attached here as Exhibit 4.

14. The Health Advisory stated:

The L.A. County indoor masking requirements for everyone will be effective Saturday, July 17 at 11:59 p.m. Some exceptions will apply similar to masking requirements that were in place prior to the June 15 reopening. The modified Health Officer Order will be posted online by Friday, July 16 and will become effective at 11:59 p.m. on Saturday, July 17.¹

¹ As of the time of filing, no modified Health Officer Order is available on the County of Los Angeles Public Health webpage.

15. The Health Advisory states that this new mask mandate is necessary because of the “rapid rise, as well as the increasing presence of the more easily transmitted Delta variant of the virus ...”

16. The Health Advisory clearly contradicts the need for this new mask mandate as it states that “emerging data affirms that fully vaccinated people are well protected from severe infections with Delta variants ...”

17. The Health Advisory is consistent with the CDC guidance regarding the Delta Variant. A true and correct copy of the [CDC webpage](#) titled “About Variants of the Virus that Causes COVID-19” is attached as Exhibit 5.

18. The CDC guidance webpage states that “studies suggest that the current authorized vaccines work on the circulating variants [including the Delta variant].”

19. The CDC has provided guidance for those individuals who are fully vaccinated. A true and correct copy of the [CDC guidance](#) for individuals who have been fully vaccinated is attached as Exhibit 6.

20. CDC guidance for fully vaccinated individuals’ states that an individual “can resume activities without wearing a mask or staying 6 feet apart ...”.

21. On June 9, 2021, California Department of Public Health issued “Guidance for the Use of Masks”. A true and correct copy of this [Guidance](#) is attached as Exhibit 7.

22. The purpose of the “Guidance for the Use of Masks” “is to align with CDC recommendations”.

23. The “Guidance for the Use of Masks” states that “[m]asks are not required for fully vaccinated individuals ...”.

24. On June 17, 2021, Cal/OSHA voted to adopt the revised COVID-19 Prevention Emergency Temporary Standards. A true and correct copy of these [Standards](#) are attached as Exhibit 8.

25. On June 17, 2021, Governor Gavin Newsom signed Executive Order N-09-21 that allowed the Cal/OSHA standards to take immediate effect. A true and correct copy of [Executive Order](#) N-09-21 is attached as Exhibit 9.

26. The June 17, 2021, Cal/OSHA standards removed the requirements for most fully vaccinated employees to wear a mask.

27. On April 6, 2021, Johns Hopkins published a scientific article asserting that “we would need at least 70% of the population to be immune to keep the rate of infection down (‘achieve herd immunity’) without restrictions on activities.” A true and correct copy of the [Johns Hopkins article](#) titled “What is Herd Immunity and How Can We Achieve It With COVID-19?” is attached as Exhibit 10.

28. According to the July 15, 2021, County Public Health Advisory (Exhibit 4), over 78% of L.A. County seniors have been fully vaccinated.

29. According to the July 15, 2021, County Public Health Advisory, over 69% of L.A. County residents 16 and over have received one dose of vaccine and 61% have been fully vaccinated.

VI. TIMELINESS OF PETITION AND REQUESTED RELIEF

30. This Petition is filed within hours of the of the County issuing a Health Advisory that everyone, regardless of vaccination status, is required to wear a mask inside. However, the urgency of resolving this issue expeditiously is demonstrated by the fact that according to the Health Advisory, the new guidance is to take effect beginning 11:59 p.m. on Saturday, July 17.

31. This Court may grant the interim relief requested pending review of the writ, whether it requests oral argument or not. This case is best suited for resolution by this Court rather than a superior court or the Court of Appeal because this matter presents issues of broad public importance and Constitutional interpretation that require speedy and final resolution. If Petitioner were first to file a writ in the Superior Court or the Court of

Appeals, the non-prevailing parties could then seek review in this Court, with additional opportunities for delay at each stage. Such a prolonged process would deprive vaccinated individuals in Los Angeles County from fully exercising their rights.

VII. IRREPARABLE INJURY/NECESSITY FOR RELIEF

32. Petitioner has no plain, speedy and adequate remedy at law, other than the relief sought in this request, and Petitioner will suffer irreparable injury if the writ is not granted.

33. Respondents' actions would irreparably injure Petitioner by violating his constitutional rights and requiring him to wear a mask for no good public health reason and in spite of the fact that he is vaccinated, therefore highly unlikely to either become ill or transmit COVID. Without writ review, the Health Officer Order would infringe on Petitioner's right to liberty and specifically injure him because he chose to get vaccinated and is now being deprived of the benefits of that choice.

34. States and localities across the country have encouraged all citizens to get vaccinated against COVID-19. The Health Officer Order undermines these vaccination efforts by sending the message that vaccination does not prevent COVID-19. Requiring millions of vaccinated individuals in our most populous California county to wear masks like other, non-vaccinated individuals only serves to propagate an anti-vaccination message – i.e., that the vaccines are ineffective against COVID. The injury to Petitioner and other vaccinated citizens is thus more pronounced here, as they have taken heed of public health recommendations and been vaccinated, only to have their constitutional rights and the benefits of vaccination eviscerated by Respondents.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

- (a) Issue an order to show cause why Petitioner’s Petition for Writ of Mandate, which prohibits the County of Los Angeles Department of Public Health from enforcing the modified Health Officer Order that was announced on July 15, to be published on July 16 and to take effect at 11:59 p.m. on Saturday, July 17, issue the interim stay relief requested herein prohibiting the Respondents from enforcing the modified Health Officer Order pending the Court’s determination on the merits, and hold a hearing and decide the matter; or,
- (b) Grant the Petitioner’s Petition for Peremptory Writ of Mandate without a hearing, prohibiting the Respondents from enforcing the modified Health Officer Order.

Respectfully submitted,

Dhillon Law Group

Dated: July 16, 2021

By: 

Harmeet K. Dhillon
Mark P. Meuser
*Attorneys for Petitioner Fadde
Mikhail*

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VERIFICATION OF PETITION FOR WRIT OF MANDAMUS

I, Fadde Mikhail, declare as follows:

1. I am a Petitioner in this Action.
2. I have read the foregoing Emergency Verified Petition for Writ of Mandamus and know the contents thereof. I have personal knowledge of myself, my activities, and my intentions, including those set out in the foregoing Petition, and if called on to testify I would competently testify as to the matters stated herein.
3. As to all other matters stated in the Petition, I am informed and believe them to be true.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 16, 2021, at Los Angeles, California

DocuSigned by:

2AB9A189D1AE470...
Fadde Mikhail

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**MEMORANDUM OF POINTS AND AUTHORITES IN SUPPORT
OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR
OTHER EXTRAORDINARY OR IMMEDIATE RELIEF**

Petitioner hereby respectfully brings this Emergency Petition for Writ of Mandamus or Other Extraordinary or Immediate Relief under Article I § 7 of the California Constitution, Health & Safety Code § 101040 and Rule 8.486.

I. INTRODUCTION

The immediate petition is brought pursuant to Article I § 7 of the California Constitution, Health & Safety Code § 101040 and Rule 8.486 of the California Rules of Court, contending that the County, by and through its Health Officer, Dr. Muntu Davis, unconstitutionally abridges the People’s right to due process, equal protection, and privileges and immunities. This modified Health Officer Order also violates state law.

This petition seeks immediate relief prohibiting Respondent COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH and DR. MUNTU DAVIS (together “Los Angeles”) from enforcing the modified Health Officer Order that was announced on July 15, 2021 that is to go into enforce at 11:59 p.m. Saturday, July 17, 2021 that requires vaccinated individuals to wear a mask while indoors.

II. ARGUMENT

A. *Los Angeles’s mask mandate for vaccinated individuals is arbitrary, capricious, and entirely lacking in evidentiary support*

Code of Civil Procedure section 1085 provides that a writ of traditional mandamus is available to compel public agencies to perform acts required by law, for failure to perform a mandatory duty, or for review of quasi-legislative action by a local agency. The procedure set forth in section 1085 is used to review adjudicatory decisions when the agency is not required by law to hold an evidentiary hearing. *Scott B. v. Bd. of Trustees of*

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Orange Cty. High Sch. of the Arts, 217 Cal. App. 4th 117, 122-23 (2013). “Judicial review of administrative action by an agency acting in its legislative capacity begins and ends with a determination as to whether the agency's action has been arbitrary, capricious or entirely lacking in evidentiary support.” *Davies v. Contractors' State License Bd.*, 79 Cal. App. 3d 940, 941, 145 Cal. Rptr. 284 (Ct. App. 1978). “Where there is a rational basis from the objective facts, the court will not inquire into the agency's reasoning process,” but a decision that is “arbitrary, capricious, or entirely lacking evidentiary support” will not be upheld. *Id.*

Los Angeles’s decision to mandate indoor mask wearing for individuals vaccinated for COVID-19 is arbitrary, capricious, and entirely lacking evidentiary support. The CDC has said “studies suggest that the current authorized vaccines work on the circulating variants [including the Delta variant].” Exh. 5. Los Angeles’s own Health Advisory acknowledges “emerging data affirms that fully vaccinated people are well protected from severe infections with Delta variants ...”. There is no evidentiary basis for Los Angeles’s requirement that vaccinated individuals wear masks indoors as vaccinated individuals are at little to no risk of contracting the Delta variant or transmitting it to others. Despite this, unless compelled by this Court, Respondents will continue to violate the law, and Petitioner and others similarly situated will be injured in the ways discussed herein as a result.

B. The Health Officer Order is Preempted by Guidance Promulgated by the California Department of Health and Cal/OSHA

The Health Officer Order is invalid because it directly contradicts guidance promulgated by the California Department of Health and enters a field occupied by the guidance and is thus preempted. Actions by county and local governments that conflict with state law are preempted and therefore void, and such a conflict can occur in three different ways: the

local action (1) duplicates state law; (2) contradicts state law; or (3) enters an area or field fully occupied by state law. *Conejo Wellness Center, Inc. v. City of Agoura Hills*, 154 Cal. Rptr. 3d 850, 862-63 (App. 2 Dist. 2013). When evaluating the possibility of implied preemption of local legislation by occupation, courts look at whether one of three possible indicia exists: (1) the subject matter has been so fully and completely covered by general law as to clearly indicate that it has become exclusively a matter of state concern; (2) the subject matter has been partially covered by general law couched in such terms as to indicate clearly that a paramount state concern will not tolerate further or additional local action; or (3) the subject matter has been partially covered by general law, and the subject is of such a nature that the adverse effect of a local ordinance on the transient citizens of the state outweighs the possible benefit to the municipality. *Id.* at 863.

On June 9, 2021, the California Department of Public Health promulgated guidance that specifically and unequivocally provided that “[m]asks are not required for fully vaccinated individuals” except in certain, very limited circumstances. Exhibit 7, at 6. In almost every instance, the guidance provides that masks are not required indoors for fully vaccinated individuals. *Id.* The Health Officer Order directly contradicts this guidance and is thus preempted. *See Conejo Wellness Center, Inc.*, 154 Cal. Rptr. 3d at 862-63.

The Health Officer Order is preempted by the California Department of Public Health’s guidance for vaccinated individuals. Even if this preemption was not a complete preemption, the subject matter of the Health Officer Order has been partially covered by the guidance, and the subject is of such a nature that the adverse effect of the Health Officer Order on the transient vaccinated citizens of the state outweighs the possible benefit to Los Angeles. *Id.* at 863. The guidance would force vaccinated out-of-county citizens to wear masks in violation of their constitutional rights for

no good reason. The Health Officer Order is preempted by guidance promulgated by the State and is thus void.

C. Los Angeles’s mask mandate for vaccinated individuals violates the California Constitution’s Privileges or Immunities Clause

The modified Health Officer Order violates the Privileges or Immunities Clause in the California Constitution because it deprives the citizens of one county of California, including Petitioner, of the privileges or immunities given to California’s citizens in all of her other counties for no rational reason. On June 9, 2021, the California Department of Public Health issued Guidance for the use of masks which made clear that masks were not required for vaccinated individuals. (Exhibit 7, p. 6). Petitioner has been unable to find any guidance by the California Department of Health that contradicts its June 9th guidance.

Article 1, § 7 of the California Constitution provides that “[a] citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens.” “Under privileges or immunities jurisprudence, legislation that favors one class of citizens over another does not violate the clause unless the classification of citizens is unreasonable and arbitrary.” *People v. Housman*, 210 Cal. Rptr. 186, 163 (1984). As already discussed, Los Angeles County’s mask mandate for vaccinated individuals is unreasonable and arbitrarily. The mask mandate goes against the science provided by CDC (Exhibits 5-6), California Department of Public Health (Exhibit 7), and Cal/OSHA (Exhibit 8). The Respondent’s modified Health Officer Order singles out citizens in Los Angeles County for no rational reason.

The Health Officer Order deprives Petitioner and other citizens of Los Angeles County the privileges or immunities afforded to the citizens of California’s other counties. No other California county has instituted a mask mandate for vaccinated individuals. And it certainly is a privilege of

California vaccinated citizens not to be forced to wear a mask. Los Angeles County may not single out its vaccinated citizens for no good reason and require them to wear masks while other counties afford their vaccinated citizens the privilege of not wearing a mask. The Health Officer Order violates the Privileges or Immunities Clause of the California Constitution because citizens of other counties have been granted the privilege of not wearing a mask while Los Angeles citizens including Petitioner do not enjoy that privilege.

D. California’s Emergency Services Act does not give Public Health Officers Power to Supersede Citizens’ Constitutional Rights

California’s Emergency Services Act does not enable Respondents to suspend the Constitutional rights of Petitioner—let alone the citizens of Los Angeles—with respect to the implementation and enforcement of Respondents’ arbitrary and capricious mask mandate, irrespective of vaccination status. (*Davies v. Contractors’ State License Bd.*, supra, 79 Cal.App.3d at p. 946.) [“our review is limited ... to determining ... whether an agency's action has been arbitrary, capricious, or entirely lacking in evidentiary support.” [Internal quotations omitted.] However, the “Constitution also entrusts the protection of the people’s rights to the Judiciary”. *South Bay United Pentecostal Church v. Newsom*, 141 S.Ct. 716, 717 (2021) (Chief Justice Roberts Concurring Opinion). The Supreme Court also ruled that “[e]ven in times of crisis—perhaps especially in times of crisis—we have a duty to hold governments to the Constitution.” *South Bay* at 718 (Justice Gorsuch Concurring Opinion).

Respondents’ mask mandate is neither grounded in science or logic, and indeed, may very well serve to undermine public confidence in the efficacy of the COVID-19 vaccine by requiring fully or partially vaccinated citizens of Los Angeles County to wear masks indoors. Further, since it is beyond reproach that Respondents may not suspend the California

Constitution, the mask mandate must be deemed unconstitutional, and this Court must enter an order halting Respondents' Health Officer Order from going into effect on July 17th at 11:59 p.m.

E. Writ Relief is Appropriate Now

This Petition is filed within hours of Respondents announcing that they were going to be modifying the Health Officer Order to require vaccinated individuals to wear masks indoors. However, the urgency of resolving this issue expeditiously is demonstrated by the fact that the modified Health Officer Order takes effect at 11:59 p.m. on Saturday, July 17.

F. Irreparable Injury Will Harm All Californians if Relief is Not Granted Promptly

Writ relief must be granted before millions of vaccinated residents of Los Angeles County including Petitioner are deprived of their constitutional rights when the modified Health Officer Order takes effect. The Health Officer Order irreparably injures Petitioner, who is vaccinated, and infringes his constitutional rights by unnecessarily requiring him to wear a mask for no valid public health, or other, reason. Writ review is appropriate “[w]here, as here, an order will effectively . . . infringe on [citizens’] rights.” *Los Angeles Gay & Lesbian Center v. Superior Court* 194 Cal. App. 4th 288, 300 (2011). Petitioner’s injury in this instance is particularly pronounced, as he has followed all applicable public health guidance, including being vaccinated against COVID-19, for the express purpose of exercising his right not to wear a mask.

Respondents’ recent actions needlessly invade Petitioner’s constitutional rights and have the added, pernicious effect of endorsing an anti-vaccination message. The Health Officer Order sends the false message that vaccines are ineffective, discouraging citizens from getting vaccinated and endangering millions of lives. Forcing Petitioner and other

vaccinated individuals to wear masks for no valid public health reason violates their constitutional rights and undermines public health by discouraging vaccination.

G. Petitioner Has Standing to Sue and the Respondents are the Proper Respondents

Petitioner Fadde Mikhail is the proper party to bring this action because he is a California resident.

[W]here the question is one of public right and the object of the mandamus is to procure the enforcement of a public duty, the petitioner need not show that he has any legal or special interest in the result, since it is sufficient that he is interested as a citizen in having the laws executed and the duty in question enforced. This public right/public duty exception to the requirement of beneficial interest for a writ of mandate promotes the policy of guaranteeing citizens the opportunity to ensure that no governmental body impairs or defeats the purpose of legislation establishing a public right.

(Save the Plastic Bag Coalition v. City of Manhattan Beach (2011) 52 Cal.4th 155 [internal citations omitted].)

Respondent County of Los Angeles Department of Public Health is a proper respondent as it is the entity that is publishing the modified Health Officer Order.

Respondent Dr. Muntu Davis is a proper respondent, as he is the Public Health Officer for the County of Los Angeles Department of Public Health, and he is the one responsible for issuing the modified Health Officer Order that is to take effect at 11:59 p.m. Saturday, July 17.

III. CONCLUSION

For the reasons stated above, the relief sought herein should be granted, together with such other and further relief this Court deems just and proper.

Respectfully submitted,

Dhillon Law Group

Dated: July 16, 2021

By: 

Harmeet K. Dhillon
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Attorneys for Petitioner Fadde
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