

DANIEL C. CEDERBORG
County Counsel – State Bar No. 124260
RACHEL E. MADDEN
Deputy County Counsel – State Bar No. 267143
KATWYN T. DELAROSA
Deputy County Counsel– State Bar No. 267157
FRESNO COUNTY COUNSEL
2220 Tulare Street, Suite 500
Fresno, California 93721
Telephone: (559) 600-3479
Facsimile: (559) 600-3480

Attorneys for Plaintiff
COUNTY OF FRESNO, through
JEAN M. ROUSSEAU, Emergency Services
Director and County Administrative Officer

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Superior Court of California
County of Fresno
By: J. Nelson, Deputy

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO**

COUNTY OF FRESNO through JEAN M.
ROUSSEAU in his official capacity as
Emergency Services Director and County
Administrative Officer

Plaintiff,

v.

IMMANUEL SCHOOLS, a California non-
profit corporation, and RYAN WOOD,
Chief Executive Officer of Immanuel
Schools, and DOES 1-50.

Defendants.

Case No. [20CECG02447](#)

**VERIFIED COMPLAINT FOR
INJUNCTIVE RELIEF FOR VIOLATION
OF STATEWIDE PUBLIC HEALTH
OFFICER ORDER AND LOCAL
HEALTH ORDER AND FOR PUBLIC
NUISANCE**

[Deemed verified pursuant to Cal. Code
of Civ. Proc. § 446]

Plaintiff County of Fresno by and through Jean Rousseau, in his official capacity
as Fresno County Emergency Services Director and County Administrative Officer,
alleges as follows:

1 1. Plaintiff County of Fresno is and at all times relevant to this complaint was
2 a political subdivision of the State of California (hereinafter "County").

3 2. Jean M. Rousseau is the duly appointed Emergency Services Director and
4 County Administrative Officer of the County of Fresno (hereinafter "Emergency Services
5 Director"). As Emergency Services Director and County Administrative Officer, Mr.
6 Rousseau is empowered by Fresno Ordinance Code § 2.44.060 and the Charter of the
7 County of Fresno to sue in the name of the County to enforce County ordinances,
8 orders or regulations.

9 3. Dr. Rais Vohra is the duly appointed Interim Health Officer of the County
10 of Fresno, and a physician licensed to practice in the State of California (hereinafter
11 "County Health Officer").

12 4. Defendant Immanuel Schools is a non-profit California corporation
13 operating a K-12 private school located at 1128 S. Reed Avenue, Reedley CA 93654 in
14 the County of Fresno. Based on the most recent data available to the County there are
15 605 students attending Immanuel School.

16 5. Defendant Ryan Wood is the Chief Executive Officer and Superintendent
17 of Immanuel Schools. (Immanuel Schools and Ryan Wood are hereinafter collectively
18 referred to as "Defendants").

19 6. The Defendants named as DOES 1- 50, inclusive are sued under fictitious
20 names pursuant to Code of Civil Procedure § 474, for the reason that their true names
21 and capacities are unknown to Plaintiff. Plaintiff will amend the complaint to show the
22 true names and capacities of such defendants when ascertained. Plaintiff is informed
23 and believes and thereon alleges that each of the Doe defendants is responsible in
24 some manner for the nuisance and violation of the State and County health orders at
25 issue in this action.

26 7. Plaintiff is informed and believes, and on that basis alleges that at all times
27 relevant to this action, each of the defendants were and now are the agents, officers
28 employees, members, representatives or alter egos of one or more of the remaining

1 defendants, and in doing the things alleged in this Complaint were acting within the
2 scope of their authority of agents, officers, employees, members, representatives or
3 alter egos with the permission and consent of the remaining defendants.

4 8. On March 4, 2020, the Governor of the State of California (hereinafter
5 “Governor”) declared a state of emergency in California due to the threat of 2019 novel
6 coronavirus (“COVID-19”). The declaration of the state of emergency remains in effect.

7 9. On March 12, 2020, the Governor issued Executive Order N-25-20
8 ordering all state residents to obey any orders and guidances of state health officials
9 and orders of local health officials with respect to COVID-19. The Governor repeated
10 this mandate in Executive Order N-33-20 issued on March 19, 2020. These executive
11 orders remain in effect and true and correct copies are attached to this Complaint as
12 Exhibit A and incorporated herein by reference.

13 10. On March 15, 2020, Mr. Rousseau as Emergency Services Director and
14 County Administrative Officer issued a declaration of local emergency for the County of
15 Fresno due to COVID-19. A true and correct copy of this order is attached in Exhibit B
16 to this Complaint.

17 11. On March 15, 2020 the County Health Officer issued a declaration of
18 public health emergency in the County of Fresno due to COVID-19. A true and correct
19 copy of this order is attached in Exhibit B to this Complaint

20 12. On March 17, 2020 the Fresno County Board of Supervisors ratified the
21 declarations of the Emergency Services Director and the County Health Officer and
22 declared a public and health emergency in the County of Fresno. True and correct
23 copies of the Board resolutions are attached in Exhibit B to this Complaint.

24 13. The COVID-19 virus has hit the California Central Valley and the County
25 of Fresno very hard. Since June 8, 2020, Fresno County has been on the State of
26 California’s Monitoring List of counties due to increasing rates of infections,
27 hospitalizations and deaths. The impact in Fresno County is exacerbated by the fact
28 that it is underserved during normal circumstances in terms of the existing medical

1 infrastructure within the County. In addition, demographic factors including the fact that
2 approximately 50% of the population is on some form of public assistance and that the
3 population includes a large number of agricultural workers dispersed in the rural areas
4 of the County make the County's efforts at testing, educating and providing treatment
5 for all its residents impacted by the virus extremely difficult.

6 14. The City of Reedley, where Defendant's school is located in rural Fresno
7 County and has had 1091 confirmed cases to date in a population for the City of just
8 over 25,000.

9 15. It is critical that the County of Fresno, particularly in areas such as
10 Reedley be able to avoid so called super-spreader events that can occur at congregant
11 settings such as schools. In the case of Immanuel Schools, it is a private school
12 drawing students from various communities in the area and not just the City of Reedley.
13 This heightens the health risk involved in the unprotected in-person instruction of
14 hundreds of students.

15 16. On July 17, 2020, the State Public Health Officer issued guidances
16 (enforceable as orders under the Governor's described in paragraph 9 of this
17 Complaint) prohibiting in-person class instruction at public, private or charter schools in
18 counties on the State's Monitoring List. Fresno County is currently still on the State's
19 monitoring list.

20 17. In communications between Fresno County Department of Public Health
21 personnel and officials of Immanuel Schools between August 6, 2020 and August 13,
22 2020, Immanuel Schools officials were informed that the Governor's and State Health
23 Officer's orders prohibited all schools within the County of Fresno to conduct in-person
24 class instruction.

25 18. On August 7, 2020, the Fresno County Department of Public Health sent
26 an email correspondence to Andy Souza, Chief Administrative Officer of Immanuel
27 Schools informing him that Immanuel Schools was prohibited by the Governor's orders
28 from opening for in-person class instruction with students.

1 19. On or about August 10, 2020, Immanuel Schools commenced operations
2 for book and technology pickup and announced plans for August 13, 2020 in-person
3 class instruction with students present.

4 20. On or about August 13, 2020, the Immanuel Schools Board of Trustees
5 issued a statement that declared its intention to ignore state and local health orders and
6 open the school for in-person instruction. A true and correct copy of this statement is
7 attached as Exhibit C to this Complaint.

8 21. Pursuant to Health and Safety Code section 101040, subdivision (a), the
9 County Health Officer “may take any preventive measure that may be necessary to
10 protect and preserve the public health from any public health hazard during any ‘state of
11 war emergency,’ ‘state of emergency,’ or ‘local emergency,’ as defined by Section 8558
12 of the Government Code, within his or her jurisdiction.” Furthermore, pursuant to Health
13 and Safety Code section 120175, the County Health Officer, “knowing or having reason
14 to believe that any case of the diseases made reportable by regulation of [California
15 Department of Public Health], or any other contagious, infectious or communicable
16 disease exists, or has recently existed, within the territory under his or her jurisdiction,
17 shall take measures as may be necessary to prevent the spread of the disease or
18 occurrence of additional cases.”

19 22. On August 13, 2020, Fresno County Interim Health Officer, Dr. Vohra,
20 issued a County of Fresno Health Officer Ordered Closure to Immanuel Schools
21 (hereinafter “County Health Order”) directing Immanuel Schools to immediately cease
22 all in-person classroom instruction operations and not resume it until Fresno County has
23 come off the State’s Monitoring List for fourteen (14) days and the ordered closure is
24 otherwise no longer in effect. This County Health Order was personally served on
25 Defendant Ryan Wood, Chief Executive Officer and Superintendent of Immanuel
26 Schools on August 13, 2020 by Fresno County Department of Public Health staff. A
27 true and correct copy of the County Health Order is attached as Exhibit D to this
28 Complaint.

1 23. On or about August 18, 2020, the State Public Health Officer sent a letter
2 to Defendant Ryan Wood explaining the dangers of in-person class instruction and
3 operations by a school and emphasizing that the Governor's and State Health Officer's
4 Orders prohibit private, public and charter schools in counties that are on the State's
5 Monitoring list from opening for in-person class instruction and operations. A true and
6 correct copy of this letter is attached as Exhibit E to this Complaint.

7 24. COVID-19 spreads by way of person to person contact. The virus
8 spreads easily and sustainably, as demonstrated by the continuous rise in the number
9 of persons infected by the disease both locally and nationally. COVID 19 continues to
10 present an imminent and proximate threat to the residents of Fresno County. It is
11 essential to control the spread of COVID 19 as much as possible and prevent the health
12 care system from being overwhelmed. Nationwide, a number of outbreaks of COVID-19
13 have stemmed from indoor worship services resulting in hospitalizations and deaths.

14 25. In spite of the State Orders or the County Health Order, Immanuel
15 Schools continues to operate in-person class instruction and other activities involving
16 hundreds of students. These operations include indoor settings and procedures that do
17 not provide for appropriate masking of persons or social distancing. These conditions
18 present an immediate and serious threat to the health and safety of the students,
19 parents, teachers and staff at Immanuel Schools.

20 26. The opening and conduct of in-person operations at Immanuel Schools
21 also creates an immediate and serious threat to the health and safety of the population
22 in the City of Reedley and the surrounding area which includes many of the vulnerable
23 agricultural worker populations that are being heavily affected by the COVID-19 virus.

24 27. The opening and conduct of in-person operations at Immanuel Schools
25 also creates an immediate and serious threat to the health and safety of the population
26 throughout the County of Fresno and puts at risk already strained hospital and medical
27 resources.

1 28. The only effective remedy to the current health threat caused by the
2 ongoing in-person operations at Immanuel Schools is an injunction ordering Immanuel
3 Schools to immediately cease all operations in violation of State and Local Health
4 Orders.

5 **FIRST CAUSE OF ACTION**

6 **VIOLATION OF STATE AND LOCAL PUBLIC HEALTH OFFICERS ORDERS**

7 29. The County realleges and incorporates by reference paragraphs 1 through
8 28 of this Complaint.

9 30. The wrongful conduct of defendants, and each of them, as alleged herein,
10 unless enjoined and restrained by the Court, will cause and continue to cause great and
11 irreparable injury to the general public, including all persons within Fresno County, by
12 creating a significant risk of further community spread of COVID 19, including
13 hospitalizations and deaths, which in turn is likely to result in continued and further
14 restrictions on businesses and other operations and activities within Fresno County,
15 detrimentally affecting the quality of life of the entire community.

16 31. The County has no adequate remedy at law because the amount of the
17 damages to the general public's health, safety and welfare is unascertainable and
18 damages cannot compensate for the societal disruption, illnesses and deaths caused by
19 the callous disregard of public health orders during a global pandemic.

20 **SECOND CAUSE OF ACTION: PUBLIC NUISANCE**

21 32. The County realleges and incorporates by reference paragraphs 1 through
22 31 of this Complaint.

23 33. The wrongful conduct of defendants and each of them, as alleged herein,
24 constitutes a public nuisance per se.
25

26 34. The public nuisance created by defendants, and each of them, as alleged
27 herein, unless enjoined and restrained by the Court, will cause and continue to cause
28 great and irreparable injury to the general public, including all persons within Fresno

1 County, by creating a significant risk of further community spread of COVID 19,
2 including hospitalizations and deaths, which in turn is likely to result in continued and
3 further restrictions on businesses and other operations and activities within Fresno
4 County, detrimentally affecting the quality of life of the entire community.
5

6 35. The County has no adequate remedy at law because the amount of the
7 damages to the general public's health, safety and welfare is unascertainable and
8 damages cannot compensate for the societal disruption, illnesses and deaths caused by
9 the callous disregard of public health orders during a global pandemic.
10

11 36. This Complaint, and the prayers for preliminary relief contained therein,
12 will be supported by an Application for Temporary Restraining Order and Order to Show
13 Cause for Preliminary Injunction along with supporting declaration to be filed with the
14 Court forthwith in compliance with state and local court rules.
15

16 **PRAYER**

17 WHEREFORE, the County prays for judgment against defendants and each of
18 them as to all cause of action as follows:

19 A. For a temporary restraining order, a preliminary injunction and a
20 permanent injunction, all enjoining and prohibiting defendants, and each of them, and
21 their agents, employees, representatives, members, and volunteers, and all persons
22 acting under, in concert with or for them, from:
23

24 1. Conducting, participating in or attending any in-person class
25 instruction or other school activities at the Immanuel Schools property or any other
26 location within Fresno County; and
27
28

1 2. Conducting any operations or business of the Immanuel Schools at
2 the school's property or any other location within Fresno County unless they at all times:
3 (a) fully comply with all applicable state and local health orders, (b) comply with the
4 mandate of the State Public Health Officer to wear face coverings and practice physical
5 distancing as directed for such operations or business, and (c) do not permit or allow
6 any violations of these orders or mandates.
7

8 B. For costs of suit; and

9 C. For such other and further relief as the court deems just and proper.
10

11 Dated: August 20, 2020

Respectfully Submitted,

DANIEL C. CEDERBORG
County Counsel

14
15 By: /s/ Daniel C. Cederborg
16 Attorneys for Plaintiff
17 COUNTY OF FRESNO and JEAN M.
18 ROUSSEAU, County of Fresno County
19 Administrative Officer and Emergency
20 Services Director
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VERIFICATION

I, JEAN M. ROUSSEAU, declare as follows:

I am over the age of 18 years, and am the County Administrative Officer and
Emergency Services Director for the County of Fresno. I am authorized to make this
verification on behalf of the County of Fresno. I have read the foregoing VERIFIED
COMPLAINT FOR INJUNCTIVE RELIEF FOR VIOLATION OF STATEWIDE PUBLIC
HEALTH OFFICER ORDER AND LOCAL HEALTH ORDER AND FOR PUBLIC
NUISANCE and am familiar with the allegations contained therein. In my capacity as
County Administrative Officer and Emergency Services Director and based on
information and belief, I declare under penalty of perjury under the laws of the State of
California that the allegations contained in said Complaint are true and correct.

Executed this 20th day of August, 2020, at Fresno, California

/s/ Jean M. Rousseau

Jean M. Rousseau, County Administrative
Officer and Emergency Services Director of the
County of Fresno.

Exhibit A

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**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-25-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <http://cdph.ca.gov/covid19>; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. 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.
2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.
3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.
4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.
6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.
10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

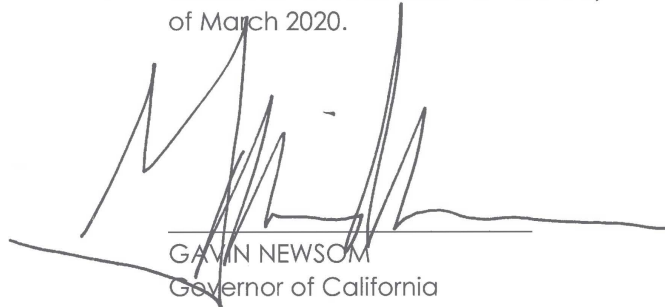
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 12th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-33-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 19th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

Exhibit B

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**DECLARATION OF LOCAL HEALTH EMERGENCY
(Health & Safety Code §101080)**

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and in some cases death.

WHEREAS, the number of reported cases of COVID-19 has escalated dramatically over a short period of time, and on January 30, 2020, the World Health Organization (WHO) declared the outbreak a “public health emergency of international concern.”

WHEREAS, WHO officials now report that sustained human-to-human transmission of the virus is occurring. Transmission from asymptomatic individuals has been documented. Suspected community transmission of the virus is occurring in the United States. Although the majority of individuals infected with COVID-19 recover from the disease without special treatment, there is significant potential for serious infection and death.

WHEREAS, on January 31, 2020, United States Health and Human Service Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19.

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency for the United States to aid the nation’s healthcare community in responding to COVID-19.

WHEREAS, the Centers for Disease Control and Prevention (CDC) has determined that the virus presents a serious public health threat.

WHEREAS, on February 27, 2020, the CDC issued new guidelines to screen individuals suffering from a fever and/or signs/symptoms of lower respiratory illness (e.g. cough or shortness of breath) for COVID-19 for a history of travel from China, Iran, Italy, Japan, and South Korea as well as patients suffering from a fever with severe acute lower respiratory illness (e.g., pneumonia, ARDS) requiring hospitalization and without alternative explanatory diagnosis (e.g., influenza).

WHEREAS, there are two hundred (200) confirmed cases and at least three (3) deaths reported in California, one thousand six-hundred and twenty-nine (1,629) confirmed cases of COVID-19 and forty-one (41) confirmed fatalities in the United States, as well as about one hundred and twenty-five thousand and forty-eight (125,048) confirmed cases of COVID-19 and four-thousand (4,000) fatalities worldwide.

WHEREAS, there are two (2) confirmed cases of COVID-19 in Fresno County.

WHEREAS, there will be more confirmed cases in Fresno County from non-travel, community transmission due to the increase of these cases in the country, combined with the worldwide uncontrolled spread of COVID-19.

WHEREAS, Health & Safety Code section 101080 allows a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease.

WHEREAS, this declaration enables the County to more effectively respond to the outbreak, seek and utilize mutual aid, potentially obtain reimbursement, and ensure that the County's public health professionals and providers have all necessary personal protective equipment to provide quality care and keep our community safe.

Now, therefore, pursuant to Health & Safety Code section 101080, the Fresno County Health Officer declares:

- 1) The potential introduction of COVID-19 in Fresno County is a threat to the public health within the meaning of Health & Safety Code section 101080.
- 2) A local health emergency is declared in Fresno County commencing on or about 10:00 a.m. on the fifteenth day of March 2020.

This declaration shall remain in effect for no longer than seven (7) days unless ratified by the Fresno County Board of Supervisors.

Date:

3.15.2020

Rais Vohra MD

Rais Vohra, MD
Interim County Health Officer
Fresno County
Department of Public Health

PROCLAMATION OF A LOCAL EMERGENCY
BY COUNTY ADMINISTRATIVE OFFICER

In the Matter of Proclaiming the Existence)
of a Local Emergency within Fresno County)

WHEREAS, the California Emergency Services Act (Government Code section 8630, et. seq.) establishes procedures for proclaiming emergencies and for responding promptly to the needs that arise during emergencies; and,

WHEREAS, section 2.44.060.A. of the Fresno County Code and Section 8630 of the Government Code empower the County Administrative Officer or his designee, or the Board of Supervisors if in session, to proclaim the existence of a local emergency when the County is affected by or likely to be affected by a public calamity; and,

WHEREAS, the United States has confirmed cases of individuals who have a severe acute respiratory illness caused by a novel (new) coronavirus (“COVID-19” or “the virus”) first detected in Wuhan, Hubei Province, People’s Republic of China in December of 2019; and,

WHEREAS, the World Health Organization (WHO) officials now report that sustained human-to-human transmission of the virus is occurring and transmission from an asymptomatic individual has been documented. Although most individuals infected with COVID-19 recover from the disease without special treatment, some may become seriously ill, particularly those with compromised immune systems or underlying health issues; and,

WHEREAS, on January 30, 2020, WHO declared the COVID-19 outbreak a public health emergency of international concern, and on January 31, 2020 the U.S. Department of Health and Human Services declared a Public Health Emergency for the United States; and,

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has determined that the virus presents a serious public health threat, requiring coordination among state and local health departments to ensure readiness for potential health threats associated with the virus; and,

WHEREAS, the CDC has issued guidance to local and State health departments, including Fresno County’s Department of Public Health (FCDPH), concerning risk assessment and public health management of persons with potential exposure to COVID-19. These guidelines require FCDPH to make extraordinary efforts to monitor ongoing communicable disease threats and prepare for management of individuals who may have been exposed to COVID-19; and

WHEREAS, FCDPH, the Office of Emergency Medical Services (EMS), and other County and City partners have been working successfully and diligently to implement CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the epidemic and the need for a sustained response; and

WHEREAS, the Fresno County Director of Public Health has determined that FCDPH cannot comply with the CDC’s guidelines without immediate action beyond the County’s ordinary

response capabilities, including directing personnel and resources from other County departments to assist with the ongoing and developing threat of COVID-19; and,

WHEREAS, the recent closure of public schools and universities will require Fresno County employees who provide essential services to be away from work to care for their children or to be away from work to self-isolate due to COVID-19 exposures, and,

WHEREAS, the aforesaid conditions warrant and necessitate the proclamation of the existence of a local emergency and immediate action is necessary to mitigate potential public calamity, and,

WHEREAS, the County Administrative Officer has made every reasonable effort to confer with one or more members of the Board of Supervisors.


NOW, THEREFORE, IT IS PROCLAIMED AS FOLLOWS:

1. A local emergency, as defined in Government Code Section 8558c, now exists throughout the County of Fresno.
2. During the existence of said local emergency the powers, functions, and duties of the County Administrative Officer or his designee, the Fresno County Health Officer the Fresno County Public Health Department, and the Central California Emergency Medical Services Agency shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the County of Fresno in order to mitigate the effects of the local emergency.
3. Pursuant to Public Contract Code Sections 20134, 22050, and 20395, the Purchasing Manager, Director of Public Works, or designee, is hereby authorized to engage independent contractors to complete all necessary work to mitigate the effects of said local emergency. Contracts for this work may be executed without prior Board approval of the plans, specifications, and working details, without giving notice for bids to let contracts.
4. Jean Rousseau, or his designee, is hereby designated as the authorized representative for public and individual assistance of the County of Fresno for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

It is further ordered that:

- (1) All County officers and employees take all steps requested by the Director of Public Health and by CAO, Jean Rousseau, to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to the virus; and,
- (2) All County officers and employees take all steps requested by the Director of Public Health to qualify the County for reimbursement from the State (CalOES) or Federal Emergency Management Agency (FEMA) and for other state and federal relief as may be available to reimburse the County for the expenses it incurs in addressing this emergency.

SIGNED AND SUBSCRIBED this 15th day of March, 2020, at Fresno, California.



Jean Rousseau
County Administrative Officer

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF FRESNO, STATE OF CALIFORNIA**

IN THE MATTER OF THE
NOVEL CORONAVIRUS (COVID-19)
IN FRESNO COUNTY

RESOLUTION PROCLAIMING THE
EXISTENCE OF A LOCAL
EMERGENCY

WHEREAS, a Novel Coronavirus (COVID-19) was first detected in Wuhan City, Hubei Province, China, in December 2019. The Centers for Disease Control and Prevention (CDC) considers the virus to be a very serious public health threat. The exact modes of transmission, the factors facilitating human-to-human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation. The CDC believes at this time that symptoms appear two to fourteen days after exposure. Currently, there is no vaccine or specific antiviral treatment for COVID-19; and

WHEREAS, there are nearly 125,000 confirmed cases of COVID-19 and over 4,600 deaths to date worldwide. Though concentrated in China, COVID-19 has been reported in 118 Countries, and include individuals who never visited China. Transmission from asymptomatic individuals has been confirmed. The World Health Organization made the assessment that COVID-19 can be characterized as a pandemic; and

WHEREAS, there are 1,215 confirmed cases of COVID-19 in the United States and at least 36 deaths have been reported. As of March 12, 2020, 43 States have reported cases of COVID-19. Actions are being taken to protect public health and limit the spread of COVID-19 in the United States; and

WHEREAS, there are 200 confirmed cases in California and at least 3 deaths have been reported in California due to COVID-19. On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California; and

WHEREAS there are two confirmed cases of COVID-19 in the County of Fresno. The County Health Officer has determined there is an imminent and proximate threat to public health from the introduction of COVID-19 and has declared a local health emergency; and

1 WHEREAS, the County of Fresno has a population of over 990,000 residents, many of whom
2 travel frequently for business or personal reasons; and

3 WHEREAS, based on the experience of other California counties, it can be reasonably
4 expected that other positive tests will soon follow; and

5 WHEREAS, the County's Department of Public Health has been in regular communication
6 with hospitals, clinics, CDC, and the California Department of Public Health; and

7 WHEREAS, a local emergency exists in the County of Fresno under the provisions of
8 California Government Code, section 8630 and County of Fresno Ordinance Code, Chapter 2.44;
9 and

10 WHEREAS, local resources are inadequate to cope with the effects of said emergency and
11 the combined forces of other political subdivisions of the State are required to assist the County to
12 combat the effects of said emergency; and

13 WHEREAS, Fresno County Ordinance Code, Chapter 2.44, of the County of Fresno
14 empowers the Emergency Services Director to proclaim the existence or threatened existence of a
15 local emergency when said County is affected or likely to be affected by a public calamity and the
16 Board of Supervisors is not in session; and

17 WHEREAS, on March 15, 2020, the County Administrative Officer, as the Emergency
18 Services Director, proclaimed the existence of a local emergency by virtue of said emergency.

19 NOW THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that the proclamation
20 of local emergency, issued by the County Administrative Officer, as the Emergency Services
21 Director, on March 15, 2020, be, and hereby is, ratified; and

22 NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors that a Local
23 Emergency exists throughout Fresno County and that said Local Emergency shall be deemed to
24 continue to exist until its termination is proclaimed by the Board of Supervisors; and

25 IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local
26 emergency the powers, functions and duties for the emergency organization of this County shall be

1 those prescribed by State law, ordinances and resolution of this County, and by the County of
2 Fresno Operational Area Master Emergency Services Plan; and

3 IT IS FURTHER ORDERED that for the protection of public health, the Emergency Services
4 Director, or designee, shall enter into contracts to arrange for the procurement of materials, goods,
5 and services needed to assist in preparing for, containing, responding to, mitigating the effects of,
6 and recovering from the spread of COVID-19. Applicable provisions of Fresno County Ordinance
7 Code 4.0, and the Fresno County Purchasing Manual, including but not limited to advertising, and
8 competitive bidding requirements, are suspended to the extent necessary to address the effects of
9 COVID-19.

10 IT IS FURTHER ORDERED that a copy of the Proclamation be forwarded to the State
11 Director of the Office of Emergency Services.

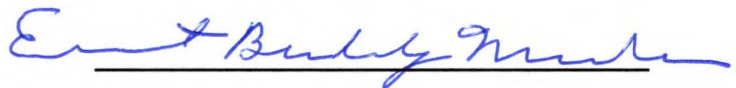
12 THE FOREGOING, was passed and adopted by the following vote of the Board of
13 Supervisors of the County of Fresno this 17th day of March 2020, to wit:

14 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

15 NOES: None


16 ABSENT: None

17 ABSTAINED: None



Ernest Buddy Mendes, Chairman of the
Board of Supervisors of the County of Fresno

18
19 **ATTEST:**
20 BERNICE E. SEIDEL
21 Clerk of the Board of Supervisors
County of Fresno, State of California

22 By: 
Deputy

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF FRESNO, STATE OF CALIFORNIA**

IN THE MATTER OF THE
NOVEL CORONAVIRUS (COVID-19)
IN FRESNO COUNTY

RESOLUTION RATIFYING THE
EXISTENCE OF A LOCAL HEALTH
EMERGENCY

WHEREAS, a Novel Coronavirus (COVID-19) was first detected in Wuhan City, Hubei Province, China, in December 2019. The Centers for Disease Control and Prevention (CDC) considers the virus to be a very serious public health threat. The exact modes of transmission, the factors facilitating human-to-human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation. The CDC believes at this time that symptoms appear two to fourteen days after exposure. Currently, there is no vaccine or specific antiviral treatment for COVID-19; and

WHEREAS, there are nearly 125,000 confirmed cases of COVID-19 and over 4,600 deaths to date worldwide. Though concentrated in China, COVID-19 has been reported in 118 Countries, and include individuals who never visited China. Transmission from asymptomatic individuals has been confirmed. The World Health Organization made the assessment that COVID-19 can be characterized as a pandemic; and

WHEREAS, there are 1,215 confirmed cases of COVID-19 in the United States and at least 36 deaths have been reported. As of March 12, 2020, 43 States have reported cases of COVID-19. Actions are being taken to protect public health and limit the spread of COVID-19 in the United States; and

WHEREAS, there are 200 confirmed cases in California and at least 3 deaths have been reported in California due to COVID-19. On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California; and

WHEREAS there are two confirmed cases of COVID-19 in the County of Fresno. The County Health Officer has determined there is an imminent and proximate threat to public health from the introduction of COVID-19; and

1 WHEREAS, the County of Fresno has a population of over 990,000 residents, many of whom
2 travel frequently for business or personal reasons; and

3 WHEREAS, based on the experience of other California counties, it can be reasonably
4 expected that other positive tests will soon follow; and

5 WHEREAS, California Health and Safety Code section 101080 authorizes the local Health
6 Officer to declare a local health emergency in the Health Officer's jurisdiction whenever the Health
7 Officer reasonably determines that there is an imminent and proximate threat of the introduction of
8 any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic
9 agent, toxin, or radioactive agent; and

10 WHEREAS, on March 15, 2020, the Fresno County Health Officer declared a local health
11 emergency to exist in the County of Fresno under the provisions of California Health and Safety
12 Code section 101080; and

13 NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the
14 County of Fresno, that a Local Health Emergency exists throughout Fresno County and that said
15 Local Health Emergency shall be deemed to continue to exist until its termination is proclaimed by
16 the Board of Supervisors; and

17 IT IS FURTHER PROCLAIMED AND ORDERED that a copy of the Resolution be
18 forwarded to the State Director of the Office of Emergency Services.

1 THE FOREGOING, was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 17th day of March 2020, to wit:

3 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

4 NOES: None

5 ABSENT: None

6 ABSTAINED: None



Ernest Buddy Mendes, Chairman of the
Board of Supervisors of the County of Fresno

11 **ATTEST:**
12 BERNICE E. SEIDEL
13 Clerk of the Board of Supervisors
14 County of Fresno, State of California

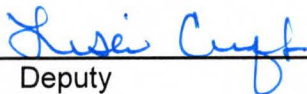
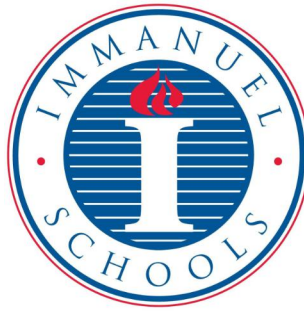
By: 
Deputy

Exhibit C

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Statement from Board of Trustees and Superintendent Ryan Wood:

Immanuel Schools' mission is to equip students to serve God and neighbor through mind, body and soul based on a Christ-centered foundation. In partnership with our parents, we believe as a Christian school, our mission is best achieved through in-person education. We feel strongly that parents are ultimately responsible for their child's schooling choice and if they desire an on-campus education, why should they be denied that right? For our families who have medical needs or are not yet comfortable with being on campus, we will continue our excellent Schooling from Home learning option.

For the majority of students, it is clear that an online education is not a substitute for an in-person, Christ-centered, relationally based classroom setting. While the Public Health Departments attempt to "protect" us from COVID-19, the CDC and medical experts attest that they are creating new public health problems for our children by not allowing them on campus for learning. Preventing schools from teaching students on campus is detrimental to students' academic, physical, emotional, and spiritual development, while also imposing a burden to working families.

Over the last several weeks, Immanuel Schools has prayerfully sought counsel from educational and medical experts, our legal advisors, and members of our Immanuel community. Based on their counsel and our belief that this is what is best for students, we have opened for on-campus instruction on Thursday, August 13th. Additionally, as we believe these orders are unconstitutional we are working with legal counsel and other Christ-centered and private schools to file a lawsuit to address these orders.

At this time, no interviews will be given to the media.

Exhibit D

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County of Fresno DEPARTMENT OF PUBLIC HEALTH

Ordered Closure

HEALTH OFFICER ORDER FOR COUNTY OF FRESNO TO CLOSE ALL IMMANUEL SCHOOLS

Please read this Order carefully. Violations of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. Violators are also subject to civil enforcement actions including civil penalties of up to \$1,000 per violation per day, injunctive relief, and attorneys' fees and costs. (Health and Safety Code Section 120275; Penal Code Section 19; Government Code Sections 25132 and 8665; County Ordinance 2.44.100)

Under the authority of California Health and Safety Code Sections 101040, 101085, 120175, and 120275; Title 17 California Code of Regulations Section 2501; Article XI of the California Constitution; California Government Code Sections 8610, 8630, 8634, and 8665; and Fresno County Code Section 2.44.100, The Health Officer of the County of Fresno ("Health Officer") Orders:

1. All Immanuel Schools, headquartered at 1128 South Reed Avenue, Reedley, CA 93654, regardless of grade level taught or building location, shall close for in-person instruction until Fresno County has come off the State's Monitoring List for fourteen (14) consecutive days. School community members – including parents, teachers, staff and students – can track daily data on whether and why their county is on the Monitoring List at <https://covid19.ca.gov/roadmap-counties/#track-data>.
2. All Immanuel Schools, regardless of grade level taught, shall follow the State of California's [School and School Based Program Guidance](#) (PDF).
3. Any elementary school wishing to receive a State [waiver to open in-person instruction](#) (PDF) shall only be granted the waiver at the discretion of the Fresno County Health Officer.
4. Violation of this order will subject Immanuel Schools to civil enforcement actions including civil penalties of up to \$1,000 per violation per day, injunctive relief, and attorneys' fees and costs.
5. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus" which has infected over ten million individuals worldwide in over 200 countries and is implicated in over 700,000 worldwide deaths, including over 16,000 cases and 150 deaths in Fresno County. These numbers increase significantly every day.
6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of Fresno and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically as well as best practices as currently known and available to protect the public from the risk of spread or of exposure to COVID-19.

Promotion, preservation and protection of the community's health

1221 Fulton Street / P. O. Box 11867, Fresno, CA 93775

(559) 600-3200 • FAX (559) 600-7687

The County of Fresno is an Equal Employment Opportunity Employer

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7. This Order is intended to address the strain upon the health care system from the effects of the COVID-19 virus. Similarly, this Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide.
8. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; the March 13, 2020 Declaration of a National Emergency issued by President Donald Trump; the March 15, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in Fresno County; the March 15, 2020 Declaration of Local Emergency; the March 17, 2020 Resolutions of the Board of Supervisors of the County of Fresno ratifying the Local Emergency and Local Health Emergency; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; Governor Gavin Newsom's Executive order N-25-20 of March 12, 2020 preparing the State to commandeer hotels and other places or temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive or COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; the guidance issued on March 15, 2020 by the centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; Governor Newsom's Executive Order N-33-20 giving the state the ability to increase the health care capacity in clinics, mobile health care units and adult day health care facilities and allowing local governments more flexibility to utilize the skills of retired employees in order to meet the COVID-19 surge; Governor Newsom's Executive Order N-39-20 indented to expand the health care workforce and recruit health care professionals to address the COVID-19 surge; the California Public Health Officer's Order issued July 17, 2020; the California Department of Public Health's July 17, 2020 guidelines on reopening schools; and the California Department of Public Health's Industry Guidance for Schools and School Based Programs updated on August 3, 2020 . The Governor and the County Public Health Officer continue to issue COVID-19-related orders to mitigate the public health crisis.
9. This order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code Sections 101030, et seq.; Health and Safety Code Sections 120100, et. Seq.; and Title 17 of the California Code of Regulations Section 2501.
10. To the extent necessary, pursuant to Government Code Sections 26602 and 41601 and Health and Safety Code Section 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order. Violators are also subject to civil enforcement actions including civil penalties of up to \$1,000 per violation per day, injunctive relief, and attorneys' fees and costs.
11. Copies of this Order shall promptly be (1) made available at the County of Fresno Department of Public Health office located at 1221 Fulton Mall, Fresno, CA 93721; and (2) provided to any member of the public requesting a copy of this Order.

Rais Kohra

(Signature of Health Officer or Deputy Health Officer)

8/13/2020

(Date of Issuance of Order)

NOTICE OF RIGHTS

1. If you object to this order, you have a right to arrange for your own legal representative.
2. You have a right to also file for judicial relief to seek release from the order.
3. All requests to contact the County Health Officer will be through FCDPH at (559) 600-3332 during normal business hours. After hours, weekends, and holidays notify FCDPH On-Call staff at (559) 352-7067. If no response, contact County Sheriff Dispatch at (559) 600-3111.

Rais Kohre

(Signature of Health Officer or Deputy Health Officer)

8/13/2020

(Date of Issuance of Order)

Exhibit E

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SANDRA SHEWRY, MPH, MSW
Acting Director

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

August 18, 2020

Ryan Wood, Superintendent
Immanuel Schools
1128 South Reed Avenue
Reedley, CA 93654

Dear Superintendent Wood:

It has come to my attention that Immanuel Schools re-opened for in-person instruction on Thursday, August 13, 2020, in violation of the State's health orders. In doing so, Immanuel Schools are jeopardizing the health of Immanuel students, families, faculty, and staff, but also increasing the risk of community transmission in Fresno County, which is already experiencing very high levels of transmission. SARS-CoV-2, the novel coronavirus causing the novel coronavirus disease-2019 (COVID-19) that is spreading rapidly throughout the country and this State, has infected more than 600,000 Californians and killed over 11,200 people, and those numbers grow on a daily basis. COVID-19 is a highly infectious virus that is easily spread from person-to-person, including children, and often by those without any visible symptoms. For some people, including the most vulnerable members of the community but also for certain young and healthy persons, the virus can result in hospitalization and death. The nature of this virus requires that all Californians work together to safeguard our communities.

To lower levels of transmission and reduce risk to the public, Governor Gavin Newsom proclaimed a State of Emergency and issued multiple Executive Orders, such as N-25-20, requiring people to follow local and state public health directives. Since that time the California Department of Public Health has issued multiple public health directives to combat this unprecedented pandemic, including, on July 17, 2020, an emergency order and related guidelines limiting in-person instruction at schools operating in a county on the State's Monitoring List due to high rates of COVID-19. That directive, which applies to both public and private schools, prohibits schools in counties that are on the Monitoring List from conducting in-person classes until the county has been off of the Monitoring List for at least 14 days.

These measures, while representing a sacrifice for all Californians, are critical to reducing the spread of the virus and protecting the health of both the school community and the broader Fresno County population. They are also mandatory. Under the Emergency Services Act, the Governor's Executive Orders have the force of law. California Government Code §§ 8567, 8627, 8665. The Governor has ordered all

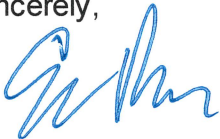
Californians to follow the directives of the State Public Health officer, which includes the July 17, 2020 school reopening guidelines. Dozens of courts around the State have upheld the validity of these directives and their mandatory nature, including as applied to schools.

Fresno County is currently on the Monitoring List and continues to experience high levels of transmission and hospitalizations. As a result, schools in Fresno County, including Immanuel Schools, may not yet conduct in-person classes.

If the community takes the appropriate public health steps to contain the COVID-19 virus—including following mandatory orders and guidance, taking responsibility for maintaining physical distancing, wearing face coverings, and avoiding mixing with others, Fresno should see slowing of disease spread. Once we see lower levels of disease transmission in Fresno, in-person instruction with safety precautions, along with additional business reopenings, can return to Fresno County within public health guidance and directives.

I hope this letter helps Immanuel Schools to understand that it has both a legal obligation to comply with State orders as well as a public health obligation to its students and to the people of Fresno County and that these obligations compel Immanuel Schools to immediately close in-person instruction until such time as it is safe to re-open this for all K-12 schools in Fresno County. Should you have any questions, please do not hesitate to reach out to Drew Brereton at Drew.Brereton@cdph.ca.gov, and he or a designee from our CDPH Office of Legal Services will be able to assist you.

Sincerely,



Erica Pan, M.D., M.P.H.
Acting State Health Officer

CC via email to: rwood@immanuelschools.com