



PRESS RELEASE

Tyler & Bursch, LLP / Advocates for Faith & Freedom
Children's Health Defense/Orange County Board of Education

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Governor Newsom's Unending State of Emergency Challenged in California Supreme Court

Los Angeles, CA – Orange County Board of Education and Children's Health Defense filed a Petition for Writ of Mandate directly in the California Supreme Court on Tuesday afternoon asking the Court to declare an immediate end to Governor Newsom's declared State of Emergency, based on his own words.

Click here for the [petition](#).

"This Petition is not about masks, vaccines, or any other specific policy issue," said Scott J. Street, an attorney for the Orange County Board of Education who successfully litigated a similar case against the State last year after state health officials arbitrarily closed gyms. "It concerns fundamental issues of governance that are the foundation of American self-government and which cannot exist in an indefinite state of emergency."

The Emergency Services Act states that an emergency can be declared when there exists "extreme peril to the safety of persons and property within the state." The Governor must terminate a state of emergency "at the earliest possible date that conditions warrant."

Governor Newsom's own words established the emergency was over when he argued last week in *County of Ventura v. Godspcak Calvary Chapel* that:

"the State no longer faces a threat that the State's health care system will be overwhelmed. To the contrary, all available evidence suggests a resurgence of cases, hospitalizations, and deaths to the level that prompted the Blueprint [for a Safer Economy last August] and the other now-rescinded public health directives at issue is unlikely to occur in light of the percentage of eligible Californians who are fully vaccinated."

"The Governor can't have it both ways. He can't claim victory over the emergency of Covid-19 in one court and immediately claim an emergency exists in another just so that he can keep the people of California in a headlock." said Robert Tyler, counsel for Orange County Board of Education.

“This lawsuit seeks to restore democracy in California after a 17 month suspension. Californians are tired of being governed by unelected technocrats ruling us by arbitrary dictates with no scientific basis in violation of our constitutional rights to transparency, public participation, and due process,” said Robert F. Kennedy Jr., Board Chair of Children’s Health Defense. “Government best serves public health when citizens participate in the regulatory process to craft policies annealed in the cauldron of debate as the regulatory system provides.”

“CHD-CA is extremely concerned about the lack of transparency of statewide orders affecting our children,” said Denise Young, Executive Director of Children’s Health Defense - California Chapter. “Parents and concerned citizens will never be able to participate in our representative form of government as long as Governor Newsom retains a death grip on his “emergency” dictatorial authority over the laws of California.”

For additional comments and interviews, please email Desare' Ferraro at dferraro@tylerbursch.com or call 951-600-2733 (office) or 714-348-0808 (cell/text).

About Tyler & Bursch, LLP (www.tylerbursch.com): *With offices in Murrieta and Irvine CA, Tyler & Bursch’s attorneys have been litigating civil liberties cases for more than 25 years in federal and state court. Tyler & Bursch provides pro-bono legal support through the non-profit legal organization, **Advocates for Faith & Freedom** (www.faith-freedom.com).*

About Children's Health Defense California: *The California Chapter of Children’s Health Defense is devoted to the health of people and our planet. Our mission is to end childhood health epidemics by working aggressively to eliminate harmful exposures, hold those responsible accountable, and establish safeguards so this never happens again. (ca.childrenshealthdefense.org)*

About Musick, Peeler & Garrett, LLP (www.musickpeeler.com): Musick, Peeler & Garrett LLP is an established general practice firm with over one hundred attorneys practicing in six of California's major metropolitan centers - Los Angeles, San Francisco, San Diego, Orange County, Westlake Village and Santa Barbara. Musick Peeler’s expansion from its origins in Los Angeles has mirrored the growth of business and industry in California.

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