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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

CINDY KIEL, J.D., an Executive Associate Vice
Chancellor at UC Davis, MCKENNA
HENDRICKS, a UC Santa Barbara student,
EDGAR DE GRACIA, a UCLA student, and
LELAND VANDERPOEL, an employee at the
Fresno satellite extension of the UCSF Medical
Education Program, and FRANCES OLSEN,
Professor of Law at UCLA,

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, a Corporation, and MICHAEL
V. DRAKE, in his official capacity as President
of the UNIVERSITY OF CALIFORNIA,

Defendants.

CASE NO. HG 20072843

**PLAINTIFF FRANCES OLSON'S
DECLARATION IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

UNLIMITED CIVIL JURISDICTION

DEPARTMENT 511

Date: October 14, 2020

Time: 1:30 PM

Reservation ID- 2206283

Action Filed: August 27, 2020

Trial Date: None Set

I Frances Olsen declare as follows:

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1. I submit this declaration in support of Plaintiffs’ Motion for a Preliminary Injunction. If called to testify, I could competently testify as follows:
2. On the recommendation of my doctor, I have often taken a seasonal flu shot. I stopped taking them after studying the various effects that Thimerosal has on some individuals, and when flu vaccine without Thimerosal became available, I began taking flu shots periodically, including last year.
3. When UCLA began working remotely and faculty were urged to create Fiat Lux undergraduate seminars (1 credit graded pass/no-pass) for the Spring Quarter, especially if they addressed the SARS-CoV-2 virus or COVID-19, I agreed to do so. In connection with preparing this seminar I read a great deal, including a number of articles from the major medical journals.
4. The more I learned, the more accurately I could evaluate my own strengths and vulnerabilities. Overall, my health is excellent. I have never had influenza, and certainly not as an adult; but my immune system has long been relatively ineffective against other respiratory illnesses, especially those caused by common coronaviruses. I seem to contract the common cold readily and it often lingers on tenaciously.
5. When I learned of the Pentagon study that found a strong correlation between flu uptake and vulnerability to the SARS coronavirus—among a group of military personnel, those who had taken the annual flu vaccine were 36% more likely to contract SARS-CoV-1 than those who had not taken the flu vaccine—I regretted having had a flu shot last season. This regret grew as I found more studies showing a similar correlation between flu shot uptake and vulnerability to several non-influenza respiratory viruses, including coronaviruses.

- 1 6. The combination of my historic vulnerability to common coronaviruses, my recent
2 influenza vaccination, and being in CDC's next-to-the-highest risk category by age led
3 me to avoid all exposure to SARS-CoV-2 as far as possible. For months, I have not been
4 inside any occupied building (except my own home, where I live alone) and when
5 exercising outdoors I have maintained at least 20 feet distance from all others. I
6 appreciate that I am in a privileged position to be able to thus bring my exposure to any
7 airborne virus to a very low level indeed.
- 8
- 9 7. Prior to the end of July, I had already determined that I would not take a flu shot this
10 year, after looking into the matter in some detail and taking into consideration what is
11 best for my own health and the continuity of education for the students in my UCLA
12 classes, what is best for our community, and minimizing the burden on our hospitals and
13 the health system overall.
- 14
- 15 8. My own situation provides merely one example why the decision should be the choice of
16 the individual. Such decisions about one's health are far better made on an individual
17 basis than imposed on a one-size-fits-all fiat from above.
- 18
- 19 9. The flu mandate as written would not allow individualized decisions to be made by people
20 in the UC community with the unbiased advice the doctors who serve us. It would not be
21 enough that our doctors most familiar with our particular medical history and risks
22 determined that a flu shot would be more likely to do harm than good to the individual and
23 to the broader community; the UC doctors can only advise an exemption for narrow
24 circumstances of immediate danger to the individual herself.
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10. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 15, 2020 in Los Angeles, California.



Frances Olsen