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12 *Attorneys for Defendants*
13 The Regents of the University of California and
Michael V. Drake
14

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF ALAMEDA

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

21 Plaintiffs,

22 v.

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

26 Defendants.
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28

Case No. HG20072843

Unlimited Civil Jurisdiction

ASSIGNED FOR ALL PURPOSES TO:
Hon. Richard Seabolt
Department 521

**DECLARATION OF A. MARISA CHUN
ISO DEFENDANTS' OPPOSITION TO
PLAINTIFFS' *EX PARTE*
APPLICATION TO RESET THE
INJUNCTION HEARING DATE FROM
NOVEMBER 12, 2020 TO MID
OCTOBER**

Date:
Time:
Dept.: 521
Reservation No.: N/A
Complaint filed: August 27, 2020
Trial: None set

DECLARATION OF A. MARISA CHUN

I, A. Marisa Chun, declare as follows:

1. I am an attorney duly licensed to practice in the State of California and before this Court. I am a partner in the law firm of Crowell & Moring LLP, counsel of record for The Regents of the University of California (“The Regents”) and Michael V. Drake (“Drake”) (collectively, “Defendants”). Unless otherwise indicated, I have personal knowledge of the matters stated in this Declaration, and if called upon do to so, I could and would testify competently to them.

2. I make this declaration in support of Defendants’ opposition to the *ex parte* application filed by Cindy Kiel, et al. (“Plaintiffs”) for an order to reset the preliminary injunction hearing date from November 12 to mid-October (the “*Ex Parte Application*”).

3. On October 7, 2020 I spoke to Plaintiffs’ attorney, Richard Jaffe, who stated that Plaintiffs would be filing an *ex parte* application to shorten the time for Plaintiffs’ hearing on their motion for preliminary injunction. The Court has scheduled the hearing for November 12, 2020. Mr. Jaffe said that the hearing must occur before November 1, because certain employee-Plaintiffs and other non-parties needed time to determine before November 1 whether or not they would be required to take a flu vaccine, due to concerns about being subject to potential separation by the University if they do not comply with the revised Executive Order (“EO”).

4. I explained to Mr. Jaffe that I believed that the Court had set the November 12 hearing date, due to the limited staff and current backlog in processing filings for civil cases at the Superior Court. I tried to persuade Mr. Jaffe that it would be futile to file an *ex parte* application to move up the hearing date by two or three weeks, given this broader reality. I also pointed out that the EO does not impact all University of California (“UC”) students, faculty, and staff, but only requires that students, faculty, and staff living, learning, or working on premises at UC locations receive a flu vaccine by November 1, and that the requirement is subject to medical exemptions and religious or disability accommodations that any student or employee may request.

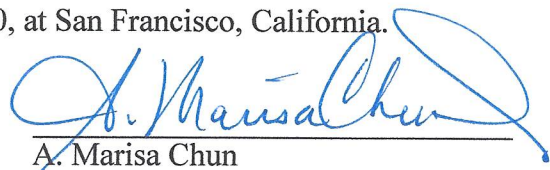
1 5. We discussed the concerns of a non-party, Jane McCluskey, a UC Davis
2 employee, who was concerned about the manner in which her request for a religious
3 accommodation from having to take a flu shot was being handled and that she might be separated
4 from UC due to the flu vaccine mandate. I followed up on Mr. Jaffe's concerns immediately that
5 day and learned that UC Davis had, in fact, approved her request for a religious accommodation
6 and that Ms. McCluskey was to be notified of the approval on October 8. I relayed my findings
7 to Mr. Jaffe on October 7, 2020, by email.

8 6. Later, on October 7, 2020, Mr. Jaffe forwarded to me an email from another non-
9 party, a UC Riverside student, who raised that the UC Riverside campus's communication to
10 students about the flu shot requirement was not clear about the fact that students who are
11 engaging in distance learning (i.e., not on a UC premise) are not required to take the flu vaccine.
12 That same day, I followed up and arranged to have this communications issue brought to the
13 attention of UC Riverside leaders, so that the UC Riverside communications can be corrected or
14 clarified as soon as possible.

15 7. UC is working with individuals who have requested medical exemptions or
16 religious or disability accommodations pursuant to the EO. It is committed to working with those
17 individuals who must come to campus to find mutually agreeable accommodations.

18 I declare under penalty of perjury, under the laws of the State of California, that the
19 foregoing is true and correct.

20 Executed this 8th day of October, 2020, at San Francisco, California.

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22 A. Marisa Chun