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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 Plaintiff,

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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Case No. HG20072843

Unlimited Civil Jurisdiction

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

**DECLARATION OF BRAD
BUCHMAN, M.D., IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: October 14, 2020
Time: 01:30 p.m.
Dept.: 521
Reservation No.: 2206283

Complaint filed: August 27, 2020
Trial: None set

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I, Brad Buchman, M.D., declare:

1. I provide this declaration in support of Defendants The Regents of the University of California (“UC” or “University”) and Michael V. Drake’s (collectively, “Defendants”) Opposition to Plaintiffs’ Motion for Preliminary Injunction. I base this declaration on facts within my personal knowledge to which I could and would testify competently if called upon to do so.

2. I have served as the Chief Medical Officer of UC Student Health and Counseling and Medical Director for the UC Student Health Insurance Plan since 2016. I previously served as Medical Director at UC San Diego’s Student Health Services and at UC Berkeley’s University Health Services. Prior to that, I served as Chief of Family Medicine at UC San Diego Health’s Department of Family Medicine and as Associate Medical Director of the UC San Diego Medical Group. I received my A.B. in Genetics at UC Berkeley in 1985, and my M.D. from the University of California, San Diego in 1989. I completed my residency in Family Medicine and a fellowship in Sports Medicine at the University of California, San Diego.

3. As Chief Medical Officer of UC Student Health and Counseling, I provide medical and clinical oversight to the ten campus Student Health and Counseling Service Centers. UC Student Health and Counseling and each of the UC campus health centers adhere to the highest standards of quality and are devoted to providing high-quality, accessible, and cost-effective healthcare and counseling services to their students through a comprehensive approach to medical services and preventative health programs. Services may include comprehensive primary care for health and wellness, consultation and/or treatment in selected medical specialties, basic urgent care/first aid for the campus community, educational and outreach efforts targeting health promotion, and disease prevention.

4. Since January 2020, I have worked with UC leadership and the Medical Directors of campus Student Health and Counseling Service Centers to prepare for UC’s emergency response to COVID-19, including leading and serving on COVID-19 advisory groups, including the UC systemwide COVID-19 Situation Status group, the UCOP Management Response Team, the UCOP Resource Support Team, the systemwide Public Health COVID-19 Advisory Group, the systemwide Student Health Services COVID-19 Situation Awareness group, the systemwide

1 Campus Testing and Contact Tracing Task Force and subgroup committees, the bi-weekly calls
2 of UC Health Vice Chancellors and Chief Executive Officers, and the bi-monthly calls of Chief
3 Medical Officers and Chief Nursing Officers, as well as additional ad hoc groups dedicated to
4 managing UC's COVID-19 Response, and the UC Immunization Policy Group. Our goal has
5 been to protect the health and safety of our students and the UC community.

6 5. Beginning in May 2020, the Immunization Policy Committee began evaluating the
7 possibility of a mandatory influenza vaccination for all UC students starting in Fall 2020, meeting
8 with California Department of Public Health (CDPH) officials and other public health leaders.
9 Because influenza is highly contagious, it can cause moderate to severe illness in many patients
10 with the potential to disrupt students' academic progress, and can also escalate in some patients to
11 cause serious complications such as pneumonia and may be life-threatening, each year the UC
12 Student Health and Counseling Service Centers recommend that students receive the influenza
13 vaccine. This flu season, with the unprecedented COVID-19 pandemic, it is more important than
14 ever for students, and faculty, and staff to receive the influenza vaccine by the end of October in
15 order to protect the health and safety of the UC community, and to reduce the overall burden of
16 illness on UC Student Health and Counseling Service Centers, primary care physicians, and local
17 emergency rooms, including UC-affiliated hospital emergency rooms. Because some of the
18 symptoms of the influenza virus and COVID-19 are similar, detecting the difference between
19 them based on symptoms alone may be difficult and require testing to confirm a diagnosis. If a
20 student contracts the flu, depending upon his or her symptoms, he or she would likely have to get
21 tested for both COVID-19 and influenza, which could lead to the implementation of self-
22 quarantine and other measures to protect the health and safety of the UC community until a
23 diagnosis is obtained.

24 6. For these reasons, the Immunization Policy Committee, with the support of experts
25 at UC Health, including Dr. Carrie Byington, and the support of the Medical Directors of campus
26 Student Health and Counseling Service Centers, unanimously recommended to UC leadership
27 that influenza vaccinations be required for UC students, faculty, and staff by November 1, 2020,
28 as a systemwide public health measure.

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7. I support the University of California's Executive Order requiring influenza vaccinations for all UC students, faculty, and staff living, learning, or working on premises at any UC location by November 1, 2020.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed in Oakland, California, on this 30th day of September 2020.



Brad Buchman, M.D.