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Via Email Only -steve.ispas@epochtimesnorthwest.org

Steve Ispas

Reporter

The Epoch Times NorthWest

1850 Warburton Ave.

Santa Clara CA 95050

Re: *H.N., a minor, v. Scotts Valley Unified School District et al.*
Santa Cruz County Superior Court Case No. 22CV01828
Our File: 2543.92114

Dear Mr. Ispas:

I wanted to follow up on your request for information regarding the case filed on behalf of *H.N., a minor*, against Scotts Valley Unified School District. I obviously cannot comment in great detail because this involves pending litigation. Also, there have not yet been any depositions in this case and it is possible that additional facts may become known if we proceed with formal discovery.

What I can say is that the situation created by the plaintiffs in this case created a difficult situation for the District and in particular, for employees at Brook Knoll Elementary School. While attempting to ensure student safety during the pandemic, the District was confronted with a situation in which a student refused to be vaccinated, refused to be tested, refused to wear a mask and refused to use hand sanitizer.

The District believes that actions taken to deal with this situation were reasonable under the circumstances. The conduct of school employees was not in violation of any statute or law and in fact, was in compliance with guidelines for student safety that had been issued by CDC and the California Department of Public Health. Although there is a claim that those safety guidelines should have been ignored, the District properly concluded that it would not have been prudent to do so. Furthermore, the District's decision to follow those guidelines was within the discretionary authority provided to school districts under the law.

With respect to your question as to whether the District or District employee could have done anything differently to avoid a lawsuit, the safety guidelines could

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have been ignored, but as mentioned, that likely would have increased the overall risk to students (and staff) and would not have been reasonable under the circumstances.

If you wish to discuss further, feel free to contact me. However, as previously indicated, given that this matter involves pending litigation there is probably little additional information I will be able to provide.

Very truly yours,

DAVIS BENGTSON & YOUNG, APLC



Mark E. Davis

MED:djm