

1 Robert H. Tyler, CA Bar No. 179572
btyler@faith-freedom.com
2 Bethany Onishenko (*Pro Hac Vice*)
bonishenko@faith-freedom.com
3 ADVOCATES FOR FAITH & FREEDOM
25026 Las Brisas Road
4 Murrieta, California 92562
Telephone: (951) 600-2733
5 Facsimile: (951) 600-4996

6 Rachele R. Byrd (190634)
byrd@whafh.com
7 WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP
750 B Street, Suite 1820
8 San Diego, California 92101
Telephone: (619) 239-4599
9 Facsimile: (619) 234-4599

10 Attorneys for **Plaintiffs and the Class**

11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 **UNIFYSCC**, an unincorporated California
16 association on behalf of employees in Santa Clara
County; **TOM DAVIS**, individually, and on
17 behalf of all others similarly situated; **MARIA**
RAMIREZ, individually, and on behalf of all
18 others similarly situated; **ELIZABETH**
BALAYUT, individually, and on behalf of all
19 others similarly situated;

20 Plaintiffs,

21 vs.

22 **SARA H. CODY**, in her official capacity as the
Santa Clara County Public Health Officer;
23 **JAMES WILLIAMS**, in his official capacity as
the County Counsel of Santa Clara County;
24 **JEFFREY SMITH**, in his official capacity as
the County Executive of Santa Clara County; and
25 **SANTA CLARA COUNTY**;

26 Defendants.

Case No.: 22-cv-01019 BLF

**DECLARATION OF ELIZABETH
BALUYUT IN SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

DATE: TBD
TIME: 9:00 a.m.
CTRM: 3, 5th Floor
JUDGE: Hon. Beth Labson Freeman

1 I, Elizabeth Baluyut, declare:

2 1. I am a named plaintiff and a Class Representative in this class action brought pursuant
3 to Rule 23 of the Federal Rules of Civil Procedure. I make this declaration in support of Plaintiffs'
4 Motion for Partial Summary Judgment. Except as otherwise stated, I have personal knowledge of the
5 facts stated in this declaration, and, if called as a witness, I could and would competently testify to them.

6 2. I am a registered nurse who was working for the County during the Class Period. The
7 County classified my position as "high risk." I did not take the COVID-19 booster because it violates
8 my sincerely held religious beliefs. The County therefore relegated me to unpaid leave, even though the
9 County granted me a religious exemption.

10 3. As outlined in the religious exemption form, I submitted to the County, my personal
11 convictions regarding vaccination are based on my personal relationship with Jesus and the leading of
12 the Holy Spirit. I object to vaccination because the Bible tells me not to harm the body God has given
13 to me, as it is a temple of the Holy Spirit (1 Corinthians 6:19). I believe that the COVID-19 vaccines
14 could further harm my body in violation of scripture because the vaccinations contain carcinogens,
15 neurotoxins, animal viruses, animal blood, allergens, and heavy metals. Additionally, I believe that the
16 COVID-19 vaccine contains aborted fetal tissue. Taking the vaccine would make me complicit in the
17 act of abortion. A true and correct copy of the religious exemption form I submitted to the County is
18 attached hereto as **Exhibit A**. The County granted my request for a religious exemption. Attached
19 hereto as **Exhibit B** is a true and correct copy of a letter sent by the County to Ms. Baluyut on April 1,
20 2022.

21 4. Even though the County granted my religious exemption request, it relegated me to
22 unpaid leave. I was not allowed to return to my position unless I violated my sincerely held religious
23 beliefs by taking the COVID-19 vaccine. The County forced me to choose between providing for my
24 family or adhering to my religious convictions.

25 5. I worked as a registered nurse at O'Connor Hospital throughout the COVID-19
26 pandemic. During this time, I was required to wear a mask and test upon COVID-19 exposure or
27 symptoms. Once the County's COVID-19 booster mandate was issued, I was no longer permitted to
28 utilize these protective measures. Instead, the County placed me on unpaid leave.

EXHIBIT “A”

**COUNTY OF SANTA CLARA
RELIGIOUS EXCEPTION REQUEST FORM
Accommodation to SARS-CoV-2 (COVID-19) Vaccination Requirement**

FULL NAME Elizabeth Baluyut	EMPLOYEE ID (IF APPLICABLE) 75761
JOB TITLE (IF APPLICABLE) Clinical Nurse III Step C	LOCATION OF WORKSITE OConnor Hospital
COUNTY DEPARTMENT OR AGENCY Santa Clara County	COUNTY SUPERVISOR (IF APPLICABLE) Michelle Pimentel
PHONE NUMBER 408-431-7775	EMAIL elizbal58@gmail.com/ elizabeth.baluyut@hhs.sccgov.org
NAME OF EMPLOYER/SCHOOL (IF CONTRACTOR OR STUDENT) County of Santa Clara	

Based on my sincerely held religious belief, practice, or observance, I am requesting an exception to the County of Santa Clara's COVID-19 vaccination requirement as a religious accommodation.

Please identify your sincerely held religious belief, practice, or observance that is the basis for your request for an exception as a religious accommodation.

1. Violation of God's command to not commit murder of unborn in use of live fetal tissue; (EXODUS 20:13) PSALM 139:13-16
2. Violation of my body as a temple of the Holy Spirit as a Christ follower, by use of harmful products present in these Covid vaccines 1 CORINTHIANS 6:19
3. Violation of my personally held religious belief and conscience to follow the express direction of God through the Holy Spirit as a Christ follower. In Ezekial 36:27 God promises to put His Spirit in me and cause me to "walk in His statutes"; 2 TIMOTHY 1:7 says I have not given you a spirit of fear but love and power and a "SOUND MIND"

Please briefly explain how your sincerely held religious belief, practice, or observance conflicts with the County's COVID-19 vaccination requirement.

As a Christ follower I seek my guidance through the Holy Spirit in prayer and studying the word of God. With a "sound mind" I have prayerfully considered taking the booster vaccine. I have discovered that fetal cells are used in the research and manufacture of the current Covid vaccines. I have noticed and become aware of many serious side effects after the use of these vaccines, and that these vaccines are not completely researched and have harmful carcinogen ingredients which could cause both immediate and long term consequences to my own body which God has given to me. This is a violation of my conscientious choice to make an informed choice for my body in taking a covid booster vaccine which is potentially harmful and contains fetal tissue in its reserach and manufacturing

Please provide any additional information that you think may be helpful in processing your religious accommodation request.

Over 30 years ago I carried triplets and was hospitalized at SCVMC, seriously ill, after several blood transfusions, massive fluid on my abdomen from polyhydramnios, and preload heart failure a young resident approached me to offer to abort one of the triplets in order to save my life. I refused since my sincerely held belief that abortion is murder of and unborn child and thus wrong. I chose to put my trust in the Lord God not quite knowing whether or not I would live or die. Obviously I am still alive, but I lost the 3 girls at 22 weeks. I use this as an example of my personal held belief to not violate Gods command by abortion of one of the triplets but also to follow God's specific guidance through the Holy Spirit and using a "sound mind". *see attached*

While my request is pending, I understand that I must comply with all other COVID-19 prevention requirements (e.g., face coverings, regular asymptomatic testing) for unvaccinated or not fully vaccinated individuals under County policy and state and local public health directives. If my request is granted, I understand that I will be required to comply with COVID-19 prevention requirements, other than vaccination, as specified.

I verify the truth and accuracy of the statements in this request form.

Signature: Elizabeth Baluyut Date: 1/16/22

Name of County Staff Receiving This Request Form: _____

Date Received: _____

Elizabeth Baluyut, RN, BSN, IBCLC, PHN

408-431-7775

elizbal58@gmail.com

January 16, 2022

To Whom it May Concern,

My personal convictions are based on a personal relationship with Jesus as my Lord and Savior, my study of the Bible and the leading of the Holy Spirit in this matter. I understand the rationale for the Covid 19 mandates. The safety and well-being of patients and employees is considered in this decision. I practice infection control habits as outlined by current protocols, I wear masks both in and outside the workplace, I practice social distancing and I am currently being tested 2 x a week for Covid 19. I also don't force my personal religious convictions on others since I believe this is a personal decision and choice.

Scripture may not expressly guide us in this matter, but as a Christ-follower I search the scripture and seek personal guidance from the Holy Spirit. I also believe that God has not given me a "Spirit of fear but of love and power and a sound mind" to discover and read for myself what pertains to this virus, preventative treatment, including vaccines, vitamins, etc. Many people in my sphere of influence have shared with me personal experiences and concerns for these vaccines and "vaccine injuries". In the past I worked as a vaccine nurse for 10 years and have only heard of 1 VAERS report and 1 life altering event after a vaccine. I began noticing that these vaccines have produced multiple short term and long term adverse events.

I have been diagnosed with a cavernous angioma and therefore have prayed and pondered whether or not to take one of these booster vaccines at this time. The bible also tells me not to harm the body God has given me, since it is considered a temple of the Holy Spirit (1 Corinthians 6:19). Ezekiel 36:27 God says that He will put His Spirit within me and cause me to "walk in his statutes" These 3 EUA products (as disclosed by the EUA reports by the manufacturer) contain carcinogens, neurotoxins, animal viruses, animal blood, allergens and heavy metals. These products have not been proven to be safe and effective as evidence of the adverse reactions reported and also listed on the EUA forms for consent. I believe that the taking of a booster product could further harm my body.

EXHIBIT “B”



Hospitals and Clinics Administration

4/1/2022

Sent Via Certified Mail and Regular Mail

Elizabeth Baluyut
225 Marianna Way
Campbell, CA 95008

Dear Elizabeth Baluyut,

The County previously provisionally granted your request for a Booster-Religious exemption from the County's COVID-19 vaccine booster requirement, and you were put on administrative leave for the reasons stated in that letter. (See Attachment A.)

Under with the revised County policy, *COVID-19 Vaccination Requirement for County Personnel*,¹ and based on your status as not up-to-date on your COVID-19 vaccination (original series, plus any booster dose(s) within 15 days of becoming eligible) and the COVID-19 health and safety risks in your position, job duties, and work environment, the County still cannot safely accommodate you in your role. Your position is **high risk** with respect to COVID-19 and, under this revised County policy, you cannot perform a high-risk role without being up-to-date on COVID-19 vaccination. Accordingly, you are required to remain on administrative leave.

For details regarding your administrative leave and the reasonable accommodation process, please refer to the prior letter. (See Attachment A.)

If you have questions, please email Curtis.Ohashi@hhs.sccgov.org.

Sincerely,

A handwritten signature in black ink that reads "Paul Lorenz".

Paul E. Lorenz, Chief Executive Officer, SCVMC

c: Equal Opportunity Division (EODRA@eod.sccgov.org)

Attachment A: Letter provisionally granting your Religious exemption from the County's COVID-19 vaccine booster requirement

¹ This policy is available at <https://employeeservices.sccgov.org> ("COVID-19 Vaccination Requirement" tab).

Decl Balayut ISO

Final Audit Report

2024-07-10

Created:	2024-07-09
By:	Susan Kenney (skenney@tylerlawllp.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAArB6g5LPT2mpfhOjrKZHKh7AR8AZTjI6n

"Decl Balayut ISO" History

-  Document created by Susan Kenney (skenney@tylerlawllp.com)
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-  Document emailed to elizbal58@gmail.com for signature
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-  Email viewed by elizbal58@gmail.com
2024-07-10 - 0:09:20 AM GMT
-  Signer elizbal58@gmail.com entered name at signing as Elizabeth Baluyut
2024-07-10 - 0:10:52 AM GMT
-  Document e-signed by Elizabeth Baluyut (elizbal58@gmail.com)
Signature Date: 2024-07-10 - 0:10:54 AM GMT - Time Source: server
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