

1 Robert H. Tyler, CA Bar No. 179572  
2 btyler@faith-freedom.com  
3 Bethany Onishenko (*Pro Hac Vice*)  
4 bonishenko@faith-freedom.com  
5 ADVOCATES FOR FAITH & FREEDOM  
6 25026 Las Brisas Road  
7 Murrieta, California 92562  
8 Telephone: (951) 600-2733  
9 Facsimile: (951) 600-4996

6 Rachele R. Byrd (190634)  
byrd@whafh.com  
7 WOLF HALDENSTEIN ADLER  
8 FREEMAN & HERZ LLP  
9 750 B Street, Suite 1820  
10 San Diego, California 92101  
11 Telephone: (619) 239-4599  
12 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  
17 County; **TOM DAVIS**, individually, and on  
18 behalf of all others similarly situated; **MARIA**  
19 **RAMIREZ**, individually, and on behalf of all  
20 others similarly situated; **ELIZABETH**  
21 **BALAYUT**, individually, and on behalf of all  
22 others similarly situated;

20 Plaintiffs,

21 vs.

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

26 Defendants.

Case No.: 22-cv-01019 BLF

**DECLARATION OF MARIA RAMIREZ 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, Maria Ramirez, 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 at Santa Clara Valley Medical Center where I was working during  
7 the Class Period. The County classified my position as “high risk.” I did not take the COVID-19 vaccine  
8 because it violates my sincerely held religious beliefs. The County therefore relegated me to unpaid  
9 leave, even though the County granted me a religious exemption.

10 3. As outlined in the religious exemption form, I submitted to the County, I object to  
11 vaccination for three reasons. First, I believe that the sacraments of the body and blood of Christ  
12 evidence the sanctity of the blood and body. Second, my pursuit of Jesus Christ is also a pursuit of inner  
13 peace and contentment. Vaccination causes stress and feelings of anxiety. If I were to receive an  
14 immunization it would disconnect me from God by creating anxiety and a feeling of discontent. Finally,  
15 I believe that God has granted me sole possession of my biological materials and that vaccination  
16 attempts to access, influence, or alter my God-given biological materials, in violation of my faith. A  
17 true and correct copy of the religious exemption form I submitted to the County is attached hereto as  
18 **Exhibit A**. The County granted my request for a religious exemption. Attached hereto as **Exhibit B** is  
19 a true and correct copy of a letter sent by the County to Ms. Ramirez on October 18, 2021.

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

24 5. I worked as a registered nurse at Santa Clara Valley Medical Center throughout the  
25 COVID-19 pandemic. During this time, I was required to wear a mask and test upon COVID-19  
26 exposure or symptoms. Once the County’s COVID-19 vaccination mandate was issued, I was no longer  
27 permitted to 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 Maria A. Ramirez	EMPLOYEE ID (IF APPLICABLE) 84991
JOB TITLE (IF APPLICABLE) CN II	LOCATION OF WORKSITE 4E Medical
COUNTY DEPARTMENT OR AGENCY Nursing	COUNTY SUPERVISOR (IF APPLICABLE)
PHONE NUMBER 408-885-2208	EMAIL maria.a.ramirez@hhs.sccgov.org
NAME OF EMPLOYER/SCHOOL (IF CONTRACTOR OR STUDENT) Santa Clara Valley Medical Center	

***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.

See Attached Statement

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

See Attached Statement

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

See Attached Statement

***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:  Date: 8/19/21

PLEASE SUBMIT COMPLETED FORM TO: eodra@eod.sccgov.org

Name of County Staff Receiving This Request Form: \_\_\_\_\_

Date Received: \_\_\_\_\_

August 19, 2021

To whom it may concern:

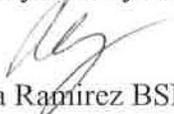
I support the essence of Jesus. But unlike the Catholic Church, I support the use of birth control. I do not think it is a religion's right to judge the love one human has for another and their right to wed. I believe forgiveness can be found from God without the ceremony and ritual of the Catholic Church. I do not think that the rigid rules and structure of the Catholic Church builds a bond between God and self. I believe this bond can be created and reinforced through commitment, prayer and following the word of God as the living being sees fit. Therefore, I believe in the personal interpretation of the word of my God. The principles of generosity, tolerance towards others, inner peace and contentment as well as a devoted union with God remain a perpetual goal for me. While there is no scripture in the Bible that states, verbatim, "no" to vaccinate, I understand through my translation of the word of my God, that immunizations are contrary to my sincere and genuine religious belief.

I received my sacraments as a step to becoming part of the Catholic community. As I received the body and blood of Christ from the priest, the solemn event of my Holy Communion affirmed in my heart the sanctity of the blood and body. "For the life of the flesh is in the blood: and I have given it to you upon the altar to make an atonement for your souls: for it is the blood that maketh an atonement for the soul"(Leviticus 17:11). This ceremony is the symbolization of the purity of blood and I believe this act and what it symbolizes to be a foundational component of the Catholic Church.

The pursuit of Jesus Christ is synonymous with the pursuit of inner peace and contentment. The immunization process may cause stress and a feeling of anxiety. This directly contradicts the pursuit of a perfect union of peace with Jesus. I, as a follower of Jesus Christ, am on a quest for inner peace, not internal strife. As such I can not deliberately act in such a way to create anxiety and a feeling of discontent as inviting this feeling would disconnect me from my God. "Now the God of peace be with you all. Amen"(Romans 15:33).

I, Maria A. Ramirez, as a living woman retain and reserve all of my god given rights including sole possession of my biological materials which are granted to me by my creator. I require that any and all products offered to me by my employer or workplace be both entirely retrievable and also removable in its entirety from my body at the conclusion of every work day. I retain the right to decline all attempts to access, influence or alter any of my god given biological materials.

Thank you for your time.

  
Maria Ramirez BSN, PHN, RN

### Religious Exemption

I, Maria A. Ramirez, am invoking my exemption from all vaccines based on my sincerely held religious beliefs. I support the essence of Jesus. But unlike the Catholic Church, I support the use of birth control. I do not think it is a religion's right to judge the love one human has for another and their right to wed. I believe forgiveness can be found from God without the ceremony and ritual of the Catholic Church. I do not think that the rigid rules and structure of the Catholic Church builds a bond between God and self. I believe this bond can be created and reinforced through commitment, prayer and following the word of God as the living being sees fit. Therefore, I believe in the personal interpretation of the word of my God. The principles of generosity, tolerance towards others, inner peace and contentment as well as a devoted union with God remain a perpetual goal for me. While there is no scripture in the Bible that states, verbatim, "no" to vaccinate, I understand through my translation of the word of my God, that immunizations are contrary to my sincere and genuine religious belief.

I received my sacraments as a step to becoming part of the Catholic community. As I received the body and blood of Christ from the priest, the solemn event of my Holy Communion affirmed in my heart the sanctity of the blood and body. "For the life of the flesh is in the blood: and I have given it to you upon the altar to make an atonement for your souls: for it is the blood that maketh an atonement for the soul"(Leviticus 17:11). This ceremony is the symbolization of the purity of blood and I believe this act and what it symbolizes to be a foundational component of my beliefs.

The pursuit of Jesus Christ is synonymous with the pursuit of inner peace and contentment. The immunization process may cause stress and a feeling of anxiety. This directly contradicts the pursuit of a perfect union of peace with Jesus. I, as a follower of Jesus Christ, am on a quest for inner peace, not internal strife. As such I can not deliberately act in such a way to create anxiety and a feeling of discontent as inviting this feeling would disconnect me from my God. "Now the God of peace be with you all. Amen"(Romans 15:33).

As a living woman, I retain and reserve all of my god given rights including sole possession of my biological materials which are granted to me by my creator. I require that any and all products offered to me by my employer or workplace be both entirely retrievable and also removable in its entirety from my body at the conclusion of every work day. I retain the right to decline all attempts to access, influence or alter any of my god given biological materials.

Now that I have provided you with information about some of my religious beliefs, I need to know who is going to make the accommodations as required by law for my request. Is there a special form I need to fill out? If so, do you require that it be signed by a religious leader? If so, does it need to be notarized? I would also like to know what criteria will be used to evaluate my request and any reasons my religious exemption request and accommodation would be denied. My requested accommodation for COVID is that I work using a surgical mask, perform daily symptom checks and salivary testing. As to all other immunizations my requested

accommodation is a declination waiver and continued self monitoring by being cautious and taking precautions such as wearing appropriate personal protective equipment (PPE) when providing care to patients that pose a risk of exposure. If my requested accommodations are determined to not be reasonable, I am amiable to discuss other alternative reasonable accommodations.

Thank you for your time. I look forward to your prompt response.

Regards,  
Maria Ramirez BSN, PHN, RN

# EXHIBIT “B”

DocuSign Envelope ID: 30E3F19A-A38D-422B-8C5D-6CF1DD5B5238



Hospitals and Clinics Administration

---

**Email and Regular Mail**

October 18, 2021

Ramirez, Maria  
3893 Forester Ct  
San Jose, CA 95121

Dear Ramirez, Maria,

The County is provisionally granting your request for a Religious exemption from its vaccination requirement, subject to the conditions in this letter. The County does so without having yet concluded that you have stated a legally sufficient basis to support your exemption.<sup>1</sup>

However, based on your status as not fully vaccinated and the significant COVID-19 health and safety risks in your current position, job duties, and work environment, the County cannot safely accommodate you in your current role. The Department will now meet with you to determine whether there is a reasonable accommodation that would allow you to continue working for the Department, such as a reassignment or transfer to a lower-risk position, or an unpaid leave of absence. Please note that reassignments and transfer opportunities are very limited.

Please contact Sonia Menzies, Director of Ambulatory Community Health Services, [Sonia.menzies@hhs.sccgov.org](mailto:Sonia.menzies@hhs.sccgov.org) by October 22, 2021, if you wish to schedule an appointment with the Department to discuss reassignment or transfer to an alternate position in the Department. Unless you can be placed in a new position in the Department before November 1, 2021, you will be placed on administrative leave effective November 1, 2021. You may apply your applicable leave banks (such as accrued vacation, STO, comp time, and, if applicable, sick time) to this leave of absence, after which your leave will be unpaid. If you are able to be reassigned to an alternate position while you are on administrative leave, you will return to paid status.

---

<sup>1</sup> The County reserves the option to hold an interactive process meeting regarding, or to challenge the legal and/or factual grounds for, your exemption request. The County further reserves the right to revoke the decision to provisionally grant your exemption request if it later determines that you have not provided a legally sufficient basis to support your request.

**UnifySCC000118**

DocuSign Envelope ID: 30E3F19A-A383-422B-8C5B-6EF1DD5B5238

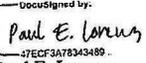


Hospitals and Clinics Administration

If the Department is unable to reassign or accommodate you in a lower-risk position, you will be referred to the Equal Opportunity Division (EOD) for potential placement elsewhere in the County in an open position for which you meet the minimum qualifications. For your convenience, a link to the County's job specifications may be accessed through [www.sccjobs.org](http://www.sccjobs.org), using the *Job Specifications* quick-link. To facilitate EOD's placement efforts, you are encouraged to update your job application using the County's Neogov system at [www.sccjobs.org](http://www.sccjobs.org) using the *Access to NEOGOV Online Job Application Account* quick-link. The County anticipates that placement opportunities will be limited given the number of personnel who may also be seeking such opportunities outside their departments.

If you have questions regarding this process, please email [Sonia.menzies@hhs.sccgov.org](mailto:Sonia.menzies@hhs.sccgov.org).

Sincerely,

DocuSigned by:  
  
47ECF3A78343489  
Paul E. Lorenz  
Chief Executive Officer, SCVMC

- c: Equal Opportunity Division ([EODRA@cod.sccgov.org](mailto:EODRA@cod.sccgov.org))  
Executive Manager  
Department Manager  
Labor Relations