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9 Attorneys for Plaintiffs - Devon Torrey-Love, S.L.,
10 Courtney Barrow, A.B., Margaret Sargent, M.S.,
11 W.S., and A Voice for Choice, Inc.

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

14 DEVON TORREY-LOVE; S.L.;
15 COURTNEY BARROW; A.B.;
16 MARGARET SARGENT; M.S.;
17 W.S.; and A VOICE FOR CHOICE,
18 INC. on behalf of its members,

19 Plaintiffs,

20 v.

21 STATE OF CALIFORNIA,
22 DEPARTMENT OF EDUCATION;
23 STATE OF CALIFORNIA, BOARD
24 OF EDUCATION; TOM
25 TORLAKSON, in his official
26 capacity as Superintendent of the
27 Department of Education; STATE
28 OF CALIFORNIA, DEPARTMENT
OF PUBLIC HEALTH; DR.
KAREN SMITH, in her official
capacity as Director of the
Department of Public Health;
EDMUND G. BROWN JR., in his
official capacity as Governor of
California; KAMALA HARRIS, in
her official capacity as Attorney
General of California,

Defendants.

Case No.: 5:16-cv-2410

**AFFIDAVIT OF MARGARET
SARGENT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: January 13, 2017
Time: 10:00 a.m.
Judge: The Honorable Dolly M. Gee
Location: Courtroom 8C, 8th Floor

1 I, Margaret Sargent, declare:

2 1. I am a resident of the State of California. I have personal knowledge
3 of all matters and facts set forth herein and could and would competently testify
4 thereto if called upon to do so.

5 2. I am a twenty-nine year old married mother of four children. My
6 husband is Christopher Sargent and he is currently enlisted in the United States
7 Marines. Currently, my husband is stationed in California through no less than the
8 end of 2018, and as such, we have no option whatsoever to move our entire family
9 outside of the State of California until such time.

10 3. Of our four children, my husband and I have one daughter and three
11 sons. My only daughter M.S. and my oldest son, W.S., who are 6 ½ years old and
12 5 years old, respectively, are each also plaintiffs in this matter. I am making this
13 Affidavit on behalf of myself, and as the mother and the appointed Guardian Ad
14 Litem for both M.S. and W.S in this matter, this Affidavit is also being made on
15 behalf of both M.S. and W.S.

16 4. To date, neither M.S. nor W.S. have yet had all of their required
17 vaccinations, as proscribed and required by the State of California for them to be
18 able to attend public school in accordance with the requirements set forth through
19 Senate Bill 277 and the corresponding California Health & Safety Codes, namely
20 Sections 120325, 120335, 120338, 120370, 120375 (collectively referred to herein
21 as "Section 120325").

22 5. While both M.S. and W.S have each received some of their
23 vaccinations in accordance with the Center for Disease Control's ("CDC")
24 recommended schedule, due to W.S.'s extremely adverse health reactions to some
25 of the vaccinations he was receiving, my husband and I chose to cease all further
26 vaccinations with both M.S. and W.S. As a result of ceasing any further
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1 vaccinations, a majority of the symptoms previously exhibited by W.S. that caused
2 us to stop his vaccinations were no longer an issue.

3 6. To date, neither of my two younger sons, one three years old and the
4 other 16 months old, respectively, have been injected with any vaccines. To date,
5 there have been no health issues with either child and each child has been
6 completely healthy since their birth.

7 7. I am currently enrolled as a student with the Florida Institute of
8 Technology and am on track to graduate and receive my Bachelor's Degree in
9 Psychology in the Spring of 2017. It has long been my intent to further my
10 education thereafter and seek my PhD in neuropsychology. Due to the necessity
11 to have to eventually homeschool all of my children, as there are no other options
12 allowed under Section 120325 should I exercise my right and choice not to further
13 vaccinate any of my children, I will be forced to forego my educational plans to
14 obtain my PhD and my career options and earning capacity on behalf of myself
15 and my family will be severely limited.

16 8. M.S. is currently at the first-grade level. She plays soccer, takes ballet
17 lessons, and loves attending public school, especially learning about science and
18 English. Due to M.S. not having all of her required vaccines, even though she
19 thoroughly enjoys public school and wants to be enrolled in public school, she will
20 not be able to attend public school all the way through the twelfth grade, as both
21 her father and I had intended and desired. M.S. does currently have a personal
22 belief exemption; however, due to the passage of Section 120325, M.S.'s personal
23 belief exemption will no longer be recognized and she will be precluded from
24 attending public school with her peers, and will have no other option, but to be
25 homeschooled. Consistently, M.S. speaks of how excited she is to have her
26 brother, W.S. join her at her current public school, Innovations Academy.
27 Unfortunately, W.S. is unaware that due to Section 120325 and the decision to
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1 exercise our fundamental and constitutional rights not to fully vaccinate W.S., her
2 brother W.S. will never be allowed to attend Innovations Academy with her.
3 Moreover, M.S. will be significantly affected and heartbroken when she learns that
4 she will no longer be allowed to attend Innovations Academy with the rest of her
5 peers, because due to the passage and enforcement of Section 120325, she will be
6 precluded from further attendance.

7 9. W.S. is five years old and is currently undergoing tests to determine
8 whether he is on the Autism Spectrum. W.S. was previously vaccinated up to the
9 age of 6 months; however, due to adverse reactions to the vaccines he was
10 receiving, my husband and I made the informed decision to cease all further
11 vaccines with W.S. Since that point in time, a majority of W.S.'s adverse health
12 issues have subsided. Due to current concerns with W.S., including without
13 limitation learning delays and behavioral issues, it is significantly anticipated that
14 W.S. will necessitate special services, special education, and/or an Individualized
15 Education Program ("IEP"). The services that W.S. necessitates in order to get a
16 proper education and the support, assistance, and guidance that he so desperately
17 needs and would receive in a public school are impossible to replicate or provide
18 through home schooling.

19 10. As a result of Section 120325 precluding W.S. from attending public
20 school, as was intended, as well my husband and I exercising our fundamental right
21 to parent and W.S. not having all of his vaccines, W.S. will be irreparably harmed
22 due to the fact that he will not be able to receive the services that would otherwise
23 be available to him at a public school. The only other option for our family would
24 be to move out of California to a different state where W.S. could attend school
25 and receive the services he needs and is entitled to; however, under no
26 circumstances are we able to move as a family due to my husband being a United
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1 States Marine stationed in California. Thus, we have no options for obtaining the
2 services and education that W.S. necessitates and is entitled to.

3 11. Due to the negative implications that vaccines have caused for my
4 family, there are no circumstances under which I would subject any of my children
5 to any further vaccines. It is my belief that if I were forced to vaccinate my
6 children, that the rights of myself, my husband, and my children would be greatly
7 infringed upon.

8 12. Since the passage of Section 120325, I have been subject to a
9 significant amount of stress, sadness, and angst by not knowing how I will be able
10 to homeschool four children at once, especially considering that even as an
11 educated individual, I don't have the requisite skills or capability of providing the
12 necessary resources to my son W.S. Furthermore, the passage of Section 120325
13 is highly detrimental to myself and my children as it has and will most certainly
14 continue to cause increasingly worse financial strife within our family, it will cause
15 me to forego my educational and career plans, and it will also limit my children's
16 educational opportunities, both now, as well as in the future due to the fact that
17 homeschooled children have significant issues with college admissions.

18 13. The passage of Section 120325 will also harm my children due to
19 restricting their social interaction with other peers, which would otherwise occur
20 at a public school. Instead, Section 120325 causes my children to be segregated
21 from all other children and to be treated different than those allowed to attend a
22 public school due to the fact that we have preserved our fundamental and
23 constitutional rights.

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

Executed at San Diego, California, on December 7, 2016.


Margaret Sargent

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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego)

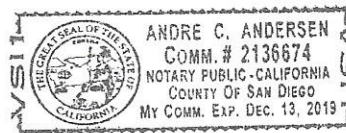
On December 7th, 2016 before me, Andre C. Andersen, Notary Public
(Insert name and title of the officer)

personally appeared Margaret Sargent _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to within the instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature] (Seal)