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

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

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

17 Plaintiffs,

18 v.

19 STATE OF CALIFORNIA,  
20 DEPARTMENT OF EDUCATION;  
21 STATE OF CALIFORNIA, BOARD  
22 OF EDUCATION; TOM  
23 TORLAKSON, in his official  
24 capacity as Superintendent of the  
25 Department of Education; STATE  
26 OF CALIFORNIA, DEPARTMENT  
27 OF PUBLIC HEALTH; DR.  
28 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 DEVON TORREY-  
LOVE 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, Devon Torrey-Love, 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 married mother of three children. My husband is Kelly Michael  
6 Love and he is currently employed as a school teacher and obtaining his Masters in  
7 education from California State University Humboldt. I am currently trying to start  
8 my own business, One Heart Intuitive Healing. Prior to the passage of SB277, I  
9 was also employed by the University of Metaphysical Science (“UMS”), and had  
10 been for the past 10 years.

11 3. Of our three children, my husband and I have two grown children and  
12 one minor. S.L., who is five years old, is also a plaintiff in this matter. I am making  
13 this Affidavit on behalf of myself, and as the mother and the appointed Guardian  
14 Ad Litem for S.L. in this matter, this Affidavit is also being made on behalf of S.L.

15 4. To date, S.L. has not had any vaccinations, as proscribed and required  
16 by the State of California for him to be able to attend public school in accordance  
17 with the requirements set forth through Senate Bill 277 and the corresponding  
18 California Health & Safety Codes, namely Sections 120325, 120335, 120338,  
19 120370, 120375 (collectively referred to herein as “Section 120325”).

20 5. To date, S.L. has not had any health issues and has been completely  
21 healthy since his birth.

22 6. At the time Section 120325 was enacted, S.L. was of age to enter into  
23 and enroll in kindergarten in public school in the forthcoming school year.  
24 However, due to S.L. not having the mandated vaccinations, I have been left with  
25 no choice but to homeschool him, as under the provisions of Section 120325, he is  
26 no longer legally allowed to be enrolled in public school.

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1           7.     Due to the necessity to have to homeschool S.L., as there are no other  
2 options allowed under Section 120325 should I continue to exercise my right and  
3 choice as S.L.'s parent not to vaccinate S.L., I have been forced to forego  
4 approximately 80% of my income and resign from my job at UMS. As a result of  
5 Section 120325, my career options and earning capacity on behalf of myself and  
6 my family will continue to be severely limited.

7           8.     S.L. loves climbing, is taking jiu-jitsu lessons, and loved attending  
8 public school, especially when he was able to study science, as he is fascinated with  
9 exploring how the world works. Due to S.L. not having any of his required  
10 vaccines, even though he has a strong desire to attend public school, he will not be  
11 able to attend public school all the way through the twelfth grade, as both his father  
12 and I had planned and hoped. S.L. has now been precluded from attending public  
13 school with his peers, and as a result, has no other option but to be homeschooled  
14 due to Section 120325 and the decision to exercise our fundamental and  
15 constitutional rights not to vaccinate S.L.

16           9.     As a result of Section 120325 precluding S.L. from attending public  
17 school, as was intended, as well as my husband and I exercising our fundamental  
18 right to parent and S.L. not having all of his vaccines, S.L. will be irreparably  
19 harmed due to the fact that he will not be able to receive the education that would  
20 otherwise be available to him at a public school. The only other option for our  
21 family would be to move out of California to a different state where S.L. could  
22 attend school and receive the services he needs and is entitled to. Thus, we have  
23 been rendered without any viable option for obtaining the education that S.L.  
24 necessitates, deserves, and is entitled to.

25           10.    In order to homeschool S.L., I am required to pick up his materials  
26 from a local school, Coastal Grove Charter School in Arcata, CA. While other  
27 children in the homeschooling program are allowed to show up to this campus for  
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1 various programs up to two days a week, S.L. is absolutely precluded from being  
2 on campus due to not having his requisite vaccinations, thereby depriving him from  
3 any social interaction with his peers. Ironically, I am allowed on campus to acquire  
4 S.L.'s homeschool materials, even though I haven't received any vaccinations.

5 11. The only circumstance under which I would subject S.L. to any  
6 vaccines is if it was a matter of life or death. It is my belief that if I were forced to  
7 vaccinate my children, that the rights of myself, my husband, and my children  
8 would be greatly infringed upon and it wouldn't feel as if I was living in the United  
9 States, where we have always previously been afforded these freedoms.

10 12. Since the passage of Section 120325, I have been subject to a  
11 significant amount of stress, sadness, and emotional toil by not only having to give  
12 up my career to homeschool S.L., but the uncertainty of how our family is going to  
13 survive financially, since I have had to forego approximately 80% of my income  
14 because I have had to stay home to home school S.L. The passage of Section  
15 120325 is highly detrimental to myself and my family as it has and will most  
16 certainly continue to cause increasingly worse financial strife within our family as  
17 I have had to prematurely quit one job and significantly limit my second job.

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

23 14. Since the enactment and enforcement of Section 120325, due to the  
24 fact that I have chosen to exercise both my constitutional and parental rights on  
25 behalf of my children, I have been subject to public ridicule by both family members  
26 and former friends.

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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 <sup>DL:</sup> ~~DL:~~ <sup>12/7/16</sup> Arcata, California, on December 7, 2016.



Devon Torrey-Love



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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 HUMBOLDT )

On DECEMBER 7, 2016 before me, ROBERT A. GUTHRIE, NOTARY PUBLIC  
(Insert name and title of the officer)

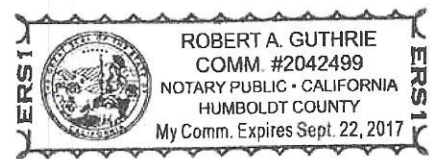
personally appeared DEVON TORREY-LOVE

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)



ORIGINAL  
EMBOSSED  
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