

**PERK: Protection of Educational Rights of Kids**  
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**PRESS RELEASE**

January 28, 2022

**PERK FILES LAWSUIT AGAINST THE CITY OF SAN DIEGO ON  
BEHALF OF HUNDREDS OF FIREFIGHTERS POLICE OFFICERS,  
AND CITY EMPLOYEES**

**FOR IMMEDIATE RELEASE IN SAN DIEGO, CALIFORNIA, JANUARY 28, 2022-**

On Friday, Jan. 28, 2022, the Protection of the Educational Rights of Kids (PERK), representing hundreds of Firefighters, Police Officers, and City Employees, and three individually named plaintiffs; Jonathan Wiese, Captain Justus Norgood, and Captain Manuel Del Torro, filed a lawsuit against the City of San Diego, for declaratory and injunctive relief, against the unconstitutional vaccine mandate against all first responders and city employees. These same heroes risked their lives protecting the people of San Diego for decades are now threatened with termination.

PERK believes that a mass termination of First Responders, Public Workers, and Healthcare workers has severe consequences! Thousands of essential workers would be eliminated from the workplace, depleting and potentially decimating essential services which effectively keep our cities and communities functioning. These mandates devastate the fundamental services, protection, and societal infrastructure necessary for children and families at home, at school, indoors and outdoors, virtually all private and public spaces! The mandate jeopardizes our children's basic health and well-being, including safety from fires, predators, crime, abuse and lack of emergency medical treatment! To protect our children, families and community-at-large from these potentially devastating consequences, PERK has chosen to engage in this lawsuit.

*PERK is a 501(c)(3) non-profit organization that advocates for civil rights issues, bodily autonomy, medical freedom and issues affecting children and families, and is deeply concerned about the negative impact posed by this mandate. PERK has filed this complaint against San Diego City, in addition to its other lawsuits against Los Angeles County, Granada Hills Charter, The City of Beverly Hills, Los Angeles Unified School District, Piedmont School District, and others.*

- **The complaint is filed in the Superior Court of the State of California against Defendant, the City of San Diego.**
- **The plaintiffs are PERK, Jonathan Wiese, Captain Justus Norgood, and Captain Manuel Del Torro.**
- **PERK, the non-profit named in the complaint, is advocating for these individuals, and hundreds of PERK members in the City of San Diego, and is represented by Attorney Scott J. Street and John Howards of JW Howard/ Attorneys, Ltd.**
- **Plaintiffs object to the infringement of their rights and want freedom to maintain bodily integrity and not be forced to take a medical treatment as a condition of employment.**

- **Plaintiffs bring this action to vindicate the Constitution, to protect the careers of Plaintiffs who have risked their lives to protect the people of San Diego, and to protect all City employees from the vaccine mandate.**

On Nov. 29, 2021, the City of San Diego, on behalf of President Joe Biden and Governor Gavin Newsom's plans to use universal vaccination as a way to end the COVID-19 pandemic, adopted an Ordinance- the **Mandatory COVID-19 Vaccination Policy**, demanding that City employees and certain City contractors "be fully vaccinated against COVID-19 and provide proof of their full vaccination," making vaccination a condition of employment for all employees.

Plaintiffs contend that their freedom to make their own decisions regarding the potentially risky vaccines, the freedom to maintain their own bodily autonomy and to protect themselves from being forced to take a medical procedure as a condition of employment is of utmost importance and has prompted them to take legal action.

At the beginning of the pandemic, while others sheltered in place, **our brave firefighters and police officers -deemed essential workers under the Governor's orders-** stepped to the frontlines of the pandemic, selflessly protecting citizens of this City. They did not shelter in place, nor did they work remotely.

Many of them contracted and recovered from the COVID-19 virus and performed their duties before any of the COVID-19 vaccines were available. **They did not cause any harm to anybody. The City has no evidence of any unvaccinated firefighter or police officer infecting a member of the public with COVID-19.**

**Yet the City accused the non-compliant firefighters of being an imminent threat to public health and workplace safety, with no basis for that statement, and have acted aggressively against those firefighters.**

PERK, a 501(c)(3) non-profit advocating for medical freedom, bodily autonomy, children's and parental rights, is deeply concerned about the negative impact the mandate will have on these individuals, City of San Diego employees, and the children and families of the City of San Diego.

Plaintiffs are **Captain Manuel Del Toro of the San Diego Police Department**, with 31 years of service, who opposes the City's Mandatory COVID-19 Vaccination Policy. **He has taken the shot, but believes the mandate infringes on the rights and freedoms City employees have over their own bodies and that the firing of non-compliant police officers will compromise his ability to continue to provide a high level of service to the citizens of San Diego.**

Plaintiff **Jonathan Wiese, also a San Diego Police Officer**, is assigned to the K-9 unit, and has worked for the San Diego Police Department for over 23 years. A local and national hero, Wiese, who previously contracted COVID-19, has natural, durable immunity, and does not want to be administered with any of the currently available Covid vaccines. He submitted a religious exemption that is currently pending.

Plaintiff **Justus Norgord is a Captain/Paramedic and Battalion Medical Officer with the San Diego Fire-Rescue Department.** He has been a firefighter for 30 years and is opposed to the forced vaccine and has submitted a request for a religious exemption.

These shots haven't been fully vetted, and evidence shows that despite contrary claims, they are proving to be ineffective against both the infection and transmission of COVID-19, and are causing numerous injuries -even deaths- all while there are feasible and effective alternative treatments available for treating COVID infections.

Plaintiffs ask for relief:

- Asking for an order declaring the City Vaccine Mandate void because the City didn't have the power to issue it, or that the mandate is arbitrary.
- For an order declaring the Mandate unconstitutional because it violates their privacy rights under the California Constitution.
- For an order declaring the City can't stop paying them without a Skelly hearing, and requirements of Firefighter Bill of Rights and Public Safety Bill of Rights.
- And for injunctive relief, from further enforcing the Vaccine Mandate.

On behalf of the individual plaintiffs and City of San Diego employees and their families, PERK believes the mandates placed upon them as First Responders and Public Workers completely disregards the science validating natural immunity and violates bodily autonomy as protected by Federal and State discrimination laws, privacy rights and the Nuremberg code. PERK is extremely concerned that the mandates will directly impact children negatively. When jobs are threatened, stress, instability, food insecurities, and social chaos increases.

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## **ABOUT PERK**

**Protection of the Educational Rights of Kids:** *PERK is a California 501(c)(3) nonprofit corporation headquartered in California whose mission is to advocate for **medical freedom, bodily autonomy, children's rights, parental rights, civil rights** and protect children's right to an education. PERK has over 20,000 members throughout California, consisting of public employees, first responders, and parents of children attending school, grades K through 12, in California. PERK has thousands of members with children attending school within LA County. [Donate to support our efforts https://www.perk-group.com/donate](https://www.perk-group.com/donate) [www.perk-group.com](http://www.perk-group.com)*

## **ABOUT THE PLAINTIFFS:**

### **OFFICER JONATHAN WEISE**

One of the Brave plaintiffs in our lawsuit is Jonathan Weise. He is currently a San Diego Police Officer assigned to the K-9 unit and has been in the department for over 23 years. He has more 20 awards including recently being awarded the "Carnegie Hero Medal" and the national "Top Cop" award. He has been a strength and leader to the San Diego Community.

1995 M1A1 Tank Crewman Honor Graduate Fort Knox Kentucky/1996 SDPD Cadet Academy Jerry Hartless award/1998 42nd Regional Academy Academic Honor Graduate/1998 42nd Regional Academy Emergency Vehicle Operations Course Honor Graduate/2007 Life Saving Citation/2011 Northeastern Division VFW Officer of the Year/2012 Life Saving Citation/2015 SDPD K-9 Handler of the Year/2019 Honor Guard Member of the Year/2019 SDPD K-9 Handler of the Year 2019 SDPD Officer of the Year/2019 North San Diego Business Chamber of Commerce Hero Award 2020 Heroic Act Award US Lifesaving Association/2020 Medal of Valor CA Surf Lifesaving Association

2020 Medal of Valor California State Firefighters Association/2020 American Red Cross Real Heroes Law Enforcement Award/2020 National Law Enforcement Memorial and Museum Officer of the Month (July) 2020, August 6th Officer Jonathan Wiese Day, San Diego City Council Proclamation/2021 Carnegie Hero Medal/2021 Top Cop, National Association of Police Officers

### **CAPTAIN JUSTUS NORGORD**

Justus Norgord is a Captain/Paramedic for the San Diego Fire-Rescue Department. He has worked for 25 years for the City of San Diego which has afforded him many opportunities to get involved with many different areas within the Fire Service. He is currently one of the most senior Captains on the job. He was a member of a special team called the STAR (Special Trauma and Response) Team where he performed as a Tactical Paramedic. He had the great opportunity to work as a Flight Paramedic for our Copter Program. It was during that time that he also trained with the Coast Guard and responded with the Coast Guard out to sea to rescue those in need. His career has also included responding all over the state to fight wildfires.

### **CAPTAIN MANUEL DEL TORRO**

He is a Hispanic male Captain for the San Diego Police Department assigned to Southeastern Patrol Division. He was born and raised in National City California; just a few miles away from where he currently work. He has a degree in Criminal Justice from San Diego State University and has dedicated 32 years on the department this fall. During this time on the department, he simultaneously served in the US Army Reserves and retired with 20 years of service in 2007. He spent 2004 deployed in Iraq where he was awarded the Bronze Star for his work running convoys in a combat environment throughout Iraq. As a detective, he served in Domestic Violence, Narcotics, Gangs, Child Abuse and Homicide. Until promoted to a sergeant after almost 20 years on the department. As a sergeant, he was assigned to Southern Division, Internal Affairs and back to Homicide. During this four-year tour in Homicide, he was awarded the department' Officer of the year in 2015 for supervising my team to the highest solving rate in the unit and solving some significant cases throughout the city. He was promoted to Captain after 28 years of service and served at Southern Division and is now currently assigned to Southeastern Division.

As a Captain, he has seen how the mandates are impacting his officers and the potential to lose more if they are fired over the vaccine mandates. This directly impacts his ability to provide the high level of SDPD service San Diego citizens have grown to expect will be compromised.

### **ABOUT ATTORNEY JOHN HOWARD AND ATTORNEY SCOTT STREET**

<https://jwhowardattorneys.com>

<https://jwhowardattorneys.com/team/>

### **LAWSUIT HIGHLIGHTS:**

- 4- The City, acting as an employer, cannot change conditions of employment with the mandate.
- 4- The mandate violates privacy rights of city firefighters and police officers.
- 4- Mandate violates Due Process Clause by cutting off pay, without a hearing, to non-compliant employees.
- 20- The City didn't engage in an open-minded review of the facts regarding effectiveness of the COVID-19 vaccine, and was arbitrary and capricious in making it compulsory for employees.
- 23- City didn't consider alternative measures to the violation of the Plaintiff's right to bodily integrity.

24- This mandate violates the Plaintiff's Skelly rights to a notice of termination and an opportunity to be heard before a hearing officer, the right to conduct discovery, and the right to be paid during that time.

25- Emergency measures cannot last forever, and the City has an obligation to evaluate necessity of the Vaccine Mandate, looking at real-world data.

**26- The City accused non-compliant firefighters of being an imminent threat to public health and workplace safety, but has no evidence for it or for the aggressive adverse actions taken against them.**

30- The City, acting as an employer, does not have the authority to unilaterally change the conditions of employment for city firefighters and police officers who are represented by a labor union by adopting the Vaccine Mandate.

31- The Vaccine Mandate, it is arbitrary and irrational. It doesn't stop the spread of COVID-19.

39- Individuals have a right to privacy under the California Constitution, and the right to protect their bodily integrity.

51- The City does not have the power to put city firefighters and police officers on unpaid leave pending termination proceedings. It must provide them with notice and an opportunity to challenge the action, as per Due Process and the Skelly decision.

52- The City can't take adverse employment action against them without providing rights under state Firefighter's Bill of Rights and Public Safety Officers Bill of rights.