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Court of Appeals
Division III
State of Washington
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SUPREME COURT
STATE OF WASHINGTON
7/18/2024
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Case #: 1030207

No. 39615-1

COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

BRENDA ADAMS, et al,
Appellant, Plaintiff

v.

CONFLUENCE HEALTH,
Respondent, Defendant

APPELLANT'S STATEMENT OF ADDITIONAL
AUTHORITIES IN SUPPORT OF APPELLANT'S PETITION
FOR DISCRETIONARY REVIEW

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Supreme Court Case

Jacobsen v. Massachusetts, 197 US11 (1905).....1, 2

I. ADDITIONAL AUTHORITY

The Appellant submits this additional authority in support of Appellant's Petition for Discretionary Review to provide the Court with a recent decision.

II. CITATION

Health Freedom Def. Fund v. Carvalho, 22-55908 (9th Cir. Jun 07, 2024).

III. ARGUMENT

The Respondent in this case relied on the proclamation by Governor Inslee mandating injection by health care workers of what the governor referred to as COVID "vaccines." The Respondent clearly interpreted that mandate to require barring the Appellants from patient care. The decision in *Health Freedom Def. Fund v. Carvalho*, 22-55908 (9th Cir. Jun 07, 2024), at page 17-19 holds that *Jacobsen v. Massachusetts*, 197 US11 (1905), the 1905 smallpox vaccine mandate case relied upon to support a state's right to mandate vaccines pursuant to its police power, does not control COVID-19 mandate

challenges. *Jacobsen* is distinguished on the basis that the COVID injections were not traditional vaccines, but rather medical treatments which do not prevent the acquisition or spread of the disease. Appellants' claim their right to make their own healthcare choices should not have been "trumped" by reliance on *Jacobsen*.

In his concurring opinion in *Health Freedom Fund*, Circuit Judge Collins powerfully outlines a line of US Supreme Court authority, at pp. 24-25, supporting the Appellants' principle argument that, in fact, it is a fundamental constitutional right of every competent person to refuse unwanted medical treatment. This is consistent with Appellants' argument

Finally, Appellants have consistently alleged that their fundamental right to refuse unwanted medical care cannot be distinguished in this case since they worked for a private employer. As earlier argued, this private employer based its decision on state action, and more importantly, in Washington, employers are privately liable for contravention of public policy.

A helpful discussion of when a private employer can be considered an “arm of the state” is found in *Health Freedom* at pp. 20-23.

IV. CONCLUSION

The Court should grant discretionary review in this matter.

I certify the number of words contained in this document is 334.

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July 2024, I caused to be served via e-service a true and correct copy of *Appellant's Statement of Additional Authorities in Support of Appellants' Petition for Discretionary Review* to:

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Transmittal Information

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Appellant's Statement of Additional Authorities in Support of Appellant's Petition for Discretionary Review

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