

STATE COURT

FEDERAL COURT

LEGISLATION

ATTORNEYS & JUDGES

LAWSUITS

HOT TOPICS

REFORM

LEGAL ROUNDUP

OPINION ▼

DIRECTORY

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*Home » Stories » 2020 » July*

## Palos Verdes school board member sued Gov. Newsom over COVID-19 school closure

**HOT TOPICS**

By **Juliette Fairley** | Jul 27, 2020



State and county public health officials are offering waivers for elementary schools to re-open in the fall despite the pandemic | stock photo

An elected member of the Board of Education for the Palos Verdes Peninsula Unified School District has sued in federal court over Gov. Gavin Newsom's decision to delay school reopenings in Los Angeles County, which is on the state's **COVID-19 watch list**.

Matthew Brach and 9 other individuals filed their complaint on July 21 in the Central District of California Western Division, alleging violations of constitutionally and federally protected rights.

"He [Matthew Brach] is the father of two children," wrote plaintiff's attorney Harmeet K. Dhillon in the opening brief. "His sixteen-year-old son and thirteen-year-old daughter are students in the Palos Verdes Peninsula Unified School District. His son is entering his senior year and will suffer academically as a result of the denial of personal interaction with teachers and positive academic role models. His son's learning style requires him to be able to ask questions of and interact with his teachers and to learn collaboratively with peers. His daughter is already suffering emotionally from being isolated from her learning community."

The Center for American Liberty launched the lawsuit in response to Gov. Newsom's announcement last week that schools on the watch list will not be allowed to open in-person instruction in the fall until after they have come off the list for 14 consecutive days, according to a **statement online**. While they are on the monitor list, schools are only permitted to offer distance or e-learning. Waivers granted by state and county public health officials are possible, however, for elementary schools.

“There's a lot of things Gavin Newsom has done, which are unconstitutional,” said Mike Netter, co-founder of the **Recall Gavin Newsom Campaign**, which seeks to unseat the high ranking state official with 2 million wet signatures by Nov. 17. “He doesn't seem to check the state constitution when making these decisions. So, do I think he has the constitutional right to close the schools? He has a constitutional obligation to provide education one way or the other.”

As **previously reported**, in addition to positivity rates, hospitalizations and hospital capacity are among the metrics the state of California is using to determine if a county is on or off the monitor list. Los Angeles County, which makes up 3.042 million acres, includes Palos Verdes

Jeff Lewis, a constitutional attorney who has two children enrolled in school in Palos Verdes, says he doesn't believe the lawsuit is going anywhere fast.

“In the area of States having emergency powers in the times of a health crisis, no federal judge has actually challenged the governor's ability to make orders like this in terms of masks, schools or shelter in place,” Lewis said. “In the areas of healthcare, health and safety, courts are very deferential to governors.”

The state has experienced a spike in coronavirus cases and deaths recently. As of July 25, there were 169,078 cases reported in Los Angeles County alone with 4,300 deaths compared to 445,400 cases reported statewide with 8,337 fatalities, according to the state's **COVID-19 county dashboard**.

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