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February 4, 2022

Board of Commissioners
Oakland County
2100 Pontiac Lake Road
Building 41W
Waterford, MI 48328

David T. Woodward
Board Chairman
Oakland County Board of Commissioners
1200 North Telegraph Road
Pontiac MI 48341

David Coulter
County Executive
Oakland County
2100 Pontiac Lake Road
Building 41W
Waterford, MI 48328

Walled Lake Consolidated School District
Board of Education
850 Ladd Road, Building D.
Walled Lake MI 48390

Christopher Titus
President
Walled Lake Consolidated School District
Board of Education
850 Ladd Road, Building D.
Walled Lake MI 48390

Stephanie Kaplan
Treasurer
Walled Lake Consolidated School District
Board of Education
850 Ladd Road, Building D.
Walled Lake MI 48390

Kenneth Guttman
Superintendent
Walled Lake Consolidated School District
Educational Services Center
850 Ladd Road, Building D.
Walled Lake MI 48390

Dear Board of Commissioners, Mr. Woodward, Mr. Coulter, Board of Education, Mr. Titus, Ms. Kaplan and Mr. Guttman:

On behalf of the Walled Lake Citizens for Parental Rights this is demand that the Walled Lake Consolidated School District stop the enforcing the Oakland County Health Department's mask mandate for children attending public schools within the School District. The mandate violates state law. If the School District continues to pursue its course of action to use taxpayer moneys to enforce the mandate or threatened children with punishment for not wearing masks while at school. The Walled Lake Citizens for Parental Rights, an organization that represents public concerns to improve Walled Lake

Consolidated School District, is prepared to seek declaratory and injunctive relief in federal court to stop the illegalities of the School District.

State law preempts or supersedes the mandate of the Oakland County Health Department Mask Order, as it applies to School District students.

On September 29, 2021, the Governor signed into law Public Act No. 87 (Enrolled Senate Bill No. 82). This law authorizes appropriations for Michigan and local governments. Section 250 of Public Act No. 87 states, “The Director or a local health officer shall not issue or enforce any orders or directives that require an individual in this state who is under the age of 18 to wear a face mask or face covering.” Previous to the enactment of Public Act No. 87, the Oakland County Health Dept. Mask Order (2021–01) issued a mask mandate order which required that all children under the age of 18 must wear masks. The Department did not rescind its October 2020 order. Nevertheless, School District, knowing of the newly enacted state law, continues to mandate that children under the age of 18 attending public schools must wear masks. Because Public Act No. 87 preempts or supersedes the County Health Department’s order, the School District’s actions are illegal. The illegalities must immediately stop.

The Oakland County Health Department Mask Order is legally unauthorized.

The Oakland County Health Department Mask Order (2021-01) is legally unauthorized. The School District is using public funding to enforce the mandate and has threatened punishment of school children for not wearing masks while attending school. Since the Michigan Supreme Court decision on October 2, 2020, invalidating all of Governor Whitmer’s Executive Orders (EOs) issued since April 30, 2020, state and local authorities have taken the roll of issuing mandates related to Covid-19 restrictions. This included the Oakland County Health Department that issued a mask mandate order on August 24, 2021 ((Order 2021-01). In short, the state superseded the authority of local officials to mandate one aspect of its determination of how to protect the public health under MCL 333.2453—the wearing of masks.

A response within seven days is reasonable under the circumstances.

This letter satisfies the Michigan legal requirement that a demand be sent to government authorities before a taxpayer standing lawsuit is filed. Michigan law requires, “[b]efore such suit is instituted, a demand shall be made on the public officer, board or commission whose duty it may be to maintain such suit followed by a neglect or refusal to take action in relation thereto.” MCL § 129.61. Taxpayer lawsuits are authorized by Michigan law. MCL 600.2041(3); MCL 129.61; MCR 2.201(B)(4). The Walled Lake Citizens

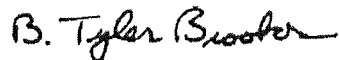
for Parental Rights intention is to file a taxpayer lawsuit against the School District and County if the mask mandate applied to the School District's students is not rescinded.

The Walled Lake Citizens for Parental Rights demands a response to this letter within seven days. The seven-day response is reasonable under the circumstances. While Michigan statutes and rule authorizing taxpayer lawsuits require a pre-suit demand letter, but do not set a fixed time for the government, the School District and County have been on official notice since September 29, 2021, that the OCHD's mask mandate as applied to School District students is legally invalid.

As you also know, that since September 29, 2021, representatives of the Walled Lake Citizens for Parental Rights have, repeatedly communicated in writing and verbally during School Board public comment, their concerns that the County Health Department's mask mandate is illegal.

Finally, the School District must come to immediate terms with the state law and immediately cease the use of taxpayer funds to enforce the County Health Department's order to have children wear masks and to threaten school children for not wearing masks.

Sincerely,



B. Tyler Brooks

Erick G. Kaardal
Thomas More Society Special Counsels

EGK/mg