



LEGAL
UPDATE



**THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
FAILS TO SUBSTANTIVELY RESPOND TO ICAN'S DEMAND THAT
COVID RECOVERED BE TREATED THE SAME AS THE VACCINATED**

On April 28, 2021, ICAN, through its attorneys, [wrote](#) to the California Department of Public Health (“CDPH”) and to Governor Newsom requesting that the “freedoms” afforded to individuals who have been vaccinated will also be afforded to those who have had COVID-19 (the “**convalescent**”). ICAN explained, with ample scientific and legal support, that the convalescent have robust and durable immunity and that any denying of the convalescent “freedoms” the vaccinated enjoy is a violation of the constitutional and statutory rights of the convalescent individuals.

On June 2, 2021, ICAN's attorneys sent a follow-up [letter](#) to CDPH providing additional studies and data released after the date of the first letter that confirm the need for California to immediately provide the convalescent at least the same “freedoms” as the vaccinated. This June 2, 2021 letter was supported by an expert declaration from Dr. Peter McCullough.

More than two months after the first letter was sent, CDPH replied with a [letter](#) that did not directly address a single substantive point raised in ICAN's attorneys' letters. Instead, CDPH made open-ended and uncited claims such as: “At this time, there is insufficient scientific evidence to conclude that immune protection from natural infection in unvaccinated individuals is equivalent to immune protection in vaccinated individuals for these purposes.” Maybe, that is because it is not equivalent, but superior to vaccine protection.

The letter from CDPH also stated that, “there is **some scientific documentation** of post-infection immunity for those who have contracted COVID-19, but it appears to be lower than that conferred by vaccines, most markedly in the elderly.” None of this supposed “scientific documentation” was cited or included.

The CDPH letter concludes by pointing ICAN to the CDC’s [recommendation](#) that previously infected individuals get vaccinated – also completely uncited. This is a highly disappointing response to such an important and timely issue.

ICAN will not rest until public health authorities are held to a higher standard, are forced to address questions that affect Americans’ lives, and are made to provide answers that are data-driven and reliable, and ICAN will be bringing legal action on this issue.

To share this legal update, please use this link: https://www.icandecide.org/ican_press/ican-demands-that-california-recognize-natural-immunity-and-will-bring-suit-if-it-does-not/

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Openings for Legal Positions: If you are an attorney with civil litigation or class action experience (located any place in the United States) or paralegal (located in the Pacific time-zone), a law firm that regularly represents ICAN may have an opening for these positions. If interested, please send resume and short cover letter to Jenna@Icandecide.org
