

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION NO. 2084-cv-02924

██, on behalf of  
her children, and ██,

Plaintiffs,

v.

MONICA BHAREL, in her official capacity as  
Commissioner of the Massachusetts  
Department of Public Health and the  
MASSACHUSETTS DEPARTMENT OF  
PUBLIC HEALTH,

Defendants.

**DISMISSAL WITHOUT PREJUDICE UPON  
DEFENDANTS' REPEAL OF THEIR INFLUENZA VACCINE MANDATE**

WHEREAS, on December 18, 2020, Plaintiffs commenced this action along with a motion for a preliminary injunction seeking to enjoin Defendants from enforcing their mandate that those in preschools, primary schools, secondary schools, and post-secondary institutions obtain an influenza vaccine as a condition of attending school;

WHEREAS, Defendants' opposition to the motion for a preliminary injunction was due to be filed on January 15, 2021;

WHEREAS, on January 15, 2021, Defendants repealed their influenza vaccine mandate such that no child or adult in the Commonwealth of Massachusetts would be required to receive an influenza vaccine to attend preschool, primary school, secondary school, or a post-secondary institution;

THEREFORE, in accordance with Mass. R. Civ. P. 41(a)(1)(i), and pursuant to the repeal of Defendants' influenza vaccine mandate, Plaintiffs [REDACTED] and [REDACTED] voluntarily dismiss without prejudice the above-entitled action as to Defendants Monica Bharel, in her official capacity as Commissioner of the Massachusetts Department of Public Health, and the Massachusetts Department of Public Health, expressly reserving any and all rights to reassert any and all claims raised in this action in the event Defendants seek to reinstitute any influenza vaccine mandate at any time in the future.

Respectfully submitted,

[REDACTED]  
and [REDACTED],

By their attorney,



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**CERTIFICATE OF SERVICE**

I, Aaron Siri, Esq., certify that on January 21, 2021, I served via email a copy of the foregoing upon Richard S. Weitzel, Esq. at richard.weitzel@state.ma.us in accordance with the SJC's March 30, 2020, Order Concerning Email Service in Cases Under Rule 5(b) of Mass. R. Civ. P.

A handwritten signature in blue ink, appearing to read 'ASiri', is written above a horizontal line.

Aaron Siri, Esq.