

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

COVER SHEET

Plaintiff(s)  James Lyons-Weiler	
	Case Number : <input type="text"/> - <input type="text"/> - <input type="text"/>
Defendant(s)  Allegheny County Board of Health	Type of pleading : Motion for Preliminary Injunction
	Code and Classification : 020
Vs	Filed on behalf of James Lyons-Weiler
	(Name of the filing party)
	<input checked="" type="checkbox"/> Counsel of Record <input type="checkbox"/> Individual, If Pro Se
	Name, Address and Telephone Number : Joshua D. Bonn 200 North 3rd Street, 18th Fl P.O. Box 840 Harrisburg, PA 17108-0840
	Attorney's State ID : 93967
	Attorney's Firm ID : _____

**IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY PENNSYLVANIA**

<b>JAMES LYONS-WEILER,</b>	:	<b>CIVIL DIVISION</b>
<b>Plaintiff</b>	:	
	:	<b>NO.</b>
<b>v.</b>	:	
	:	
<b>ALLEGHENY COUNTY BOARD</b>	:	<b>COMPLAINT IN EQUITY</b>
<b>OF HEALTH</b>	:	<b>UNDER THE SUNSHINE</b>
<b>Defendant</b>	:	<b>ACT</b>

**MOTION FOR PRELIMINARY INJUNCTION**

**AND NOW**, comes Plaintiff, James Lyons-Weiler, by and through his attorneys, Nauman, Smith, Shissler & Hall, LLP, and files the within Motion for Preliminary Injunction, averring as follows,

1. Simultaneously with the filing of the within Motion, Plaintiff filed a Complaint in Equity with this Honorable Court to void a resolution of the Allegheny County Board of Health (Board) that recommends that every child in Allegheny County, unless otherwise counseled by a physician, receive the HPV Vaccine (HPV Vaccine Resolution), which was enacted in violation of Sections 704 and 710.1 of the Sunshine Act.
2. The Sunshine Act vests this Honorable Court with the power to enforce the provisions of the Act by injunction or other remedy deemed appropriate by the Court. 65 Pa. C.S.A. § 715.
3. The Board enacted the HPV Vaccine Resolution at an advertised regular meeting on November 7, 2018. A true and correct copy of the HPV Vaccine Resolution is attached to the Complaint as Exhibit “A.”
4. The allegations set forth in the Complaint are incorporated by reference herein.

5. As set forth more fully in the Complaint, the Board did not deliberate as required by Section 704 of the Sunshine Act before enacting the HPV Vaccine Resolution, nor did the Board provide the public, including the Plaintiff, Dr. Lyons-Weiler, with reasonable opportunity to make public comment on the resolution as required by Section 710.1(c) of the Sunshine Act.

6. The public is harmed by a denial of the opportunity to make public comment and witness the deliberations before official action is taken by the Board.

7. Such harm cannot be compensated by damages.

8. Immediate and irreparable harm will result if the HPV Vaccine Resolution is permitted to remain in effect absent public comment and deliberation.

9. As set forth above and in his Complaint, the Plaintiff's right to relief is clear.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

- a. enjoin the HPV Vaccine Resolution and the vote taken on November 7, 2018 to approve the resolution until a judicial determination of the legality of the meeting on November 7, 2018 or any other meeting(s) at which the resolution was deliberated is reached; and
- b. Plaintiff further requests that this Honorable Court award Plaintiff reasonable attorney's fees and costs of litigation, as permitted by 65 Pa. C.S.A. § 714.1, along with any other relief this Court deems just and proper.

Respectfully submitted,

**NAUMAN, SMITH, SHISSLER & HALL, LLP**

By: /s/ Joshua D. Bonn

**Craig J. Staudenmaier, Esquire**  
Attorney I.D. #34996

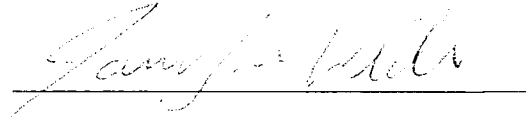
**Joshua D. Bonn, Esquire**  
Attorney I.D. #93967

200 North Third Street, 18<sup>th</sup> Floor  
P.O. Box 840  
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Telephone: (717) 236-3010  
Counsel for James Lyons-Weiler

Date: December 6, 2018

VERIFICATION

I, James Lyons-Weiler, verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to 18 Pa. C.S. § 4904 providing for criminal penalties for unsworn falsification to authorities.



James Lyons-Weiler, PhD

10/16/2018

Date:

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Joshua D. Bonn, Esquire

Signature: /s/ Joshua D. Bonn

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<b>JAMES LYONS-WEILER,</b>	:	<b>CIVIL DIVISION</b>
<b>Plaintiff</b>	:	
	:	<b>NO.</b>
<b>v.</b>	:	
	:	
<b>ALLEGHENY COUNTY BOARD</b>	:	<b>COMPLAINT IN EQUITY</b>
<b>OF HEALTH</b>	:	<b>UNDER THE SUNSHINE</b>
<b>Defendant</b>	:	<b>ACT</b>

**ORDER SCHEDULING HEARING**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 2018, upon consideration of the Plaintiffs Motion for a Preliminary Injunction, it is hereby ORDRED that a hearing shall be held on the \_\_\_\_\_ day of \_\_\_\_\_ 2018, at \_\_\_\_\_ o'clock a.m./p.m. in Courtroom No. \_\_\_ of the Allegheny County Courthouse, to determine the rights of the parties involved and whether Plaintiffs' application for a preliminary injunction shall be granted.

BY THE COURT:

\_\_\_\_\_  
J.

**IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY PENNSYLVANIA**

<b>JAMES LYONS-WEILER,</b>	:	<b>CIVIL DIVISION</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>NO.</b>
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<b>ALLEGHENY COUNTY BOARD</b>	:	<b>COMPLAINT IN EQUITY</b>
<b>OF HEALTH</b>	:	<b>UNDER THE SUNSHINE</b>
<b>Defendant</b>	:	<b>ACT</b>

**ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 2018, upon consideration of the Plaintiffs Motion for a Preliminary Injunction, it is hereby ORDERED and DECREED that:

1. The resolution enacted by the Allegheny County Board of Health at the advertised regular meeting on November 7, 2018, recommending that every child in Allegheny County, unless otherwise counseled by a physician, receive the HPV Vaccine (HPV Vaccine Resolution), is enjoined until a judicial determination of the legality of the meeting at which the action was adopted is reached;
2. The Allegheny County Board of Health shall not publicize, distribute, or take any other action to promote the HPV Vaccine Resolution during the pendency of this injunction; and
3. Plaintiff is awarded reasonable attorney's fees and costs of litigation incurred in litigating the motion for the preliminary injunction pursuant to 65 Pa. C.S.A. § 714.1.

BY THE COURT:

\_\_\_\_\_  
J.