

**IN THE CIRCUIT COURT OF  
WASHINGTON COUNTY, ARKANSAS  
CIVIL DIVISION**

ELECTRONICALLY FILED  
Washington County Circuit Court  
Kyle Sylvester, Circuit Clerk  
2019-Dec-06 14:29:08  
72CV-19-3248  
C04D01 : 3 Pages

Shiloh Isaiah Bemis

Benjamin Andrew Bemis



**Plaintiff(s),**

**Civil Action No.** \_\_\_\_\_

vs.

The University of Arkansas

1 University of Arkansas  
Fayetteville, AR 72701  
(479) 575-5451

**Defendant.**

**PETITION FOR EX PARTE EMERGENCY**

It is the intention of this document to serve as a legal complaint against the University of Arkansas for acting in a manner that has violated our civil rights both as students of the University of Arkansas and as citizens of the United States of America. It is our opinion, that when following the directive set forth by the Arkansas Department of Health dated November 22, 2019, that the University of Arkansas failed to recognize and uphold our philosophical beliefs as enrolled students – beliefs which include the choice to abstain from vaccinations. By dismissing these philosophical beliefs and enforcing this ADH directive, we have been excluded as students from all class/class activities until either -- transmission is no longer occurring on campus, or we have forfeited our beliefs and accepted the suggested doses of the MMR vaccine.

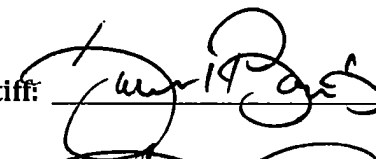
Due to the untimeliness of the nine recorded cases of the mumps on campus and the resulting directive, our opportunities to participate and succeed as students at the closing of this semester have been jeopardized - because the directive does not take into account our philosophical beliefs. It is our understanding that a greater number of confirmed cases of the mumps actually exist in individuals that have already received the MMR vaccine, and that we are less likely to be carriers of the virus than those individuals already vaccinated. We have been tested for the mumps virus through both cheek-swabbing and blood analysis, and we have received those results. The bloodwork indicates no presence of the mumps virus in either of us. As was expected, the physicians and attendants that performed our examinations recognized no signs, symptoms, or indications of our having contracted the virus. The risk that we pose to ourselves with regard to contracting the mumps has been accepted and is certainly understood. The threat that we pose to others by contracting and carrying this virus is minimal; and according to the documented cases, the threat that vaccinated individuals pose to others is statically far greater than the chance we have of even carrying the virus. Yet, those individuals have not been excluded from class/class activities as we have. We have been unfairly and unequally excluded from class activities, and our rights as students have been infringed upon by means of this directive.

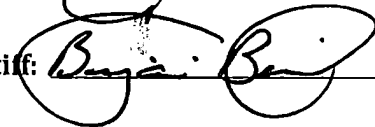
We have financial grievances that are of concern as well. Tuition that has been paid (by means of scholarship and family resources) is in jeopardy due to the untimeliness of this directive. Class participation, studio work, lab attendance, and final exams/reviews have all been compromised, and although the university has made suggestions to professors to help remedy these concerns, there are no adequate substitutions for some of these typical and effective learning environments. Make-up work, on-line resources, and individual learning settings (vs. group learning environments where the exchange of information takes place) are simply not conducive or equivalent to the opportunities that we have lost. Again, it is our hope to simply return to class, to indicate to the court and to the school that we are not carrying the mumps virus, and to ensure that our philosophical beliefs will be both recognized and respected by the governing bodies of the state, by its health-regulatory agencies, and by those individuals enforcing the rules and safety protocols for the University of Arkansas.

### **CLAIMS IN RELIEF**

It is believed that our individual rights to life, liberty, and the pursuit of happiness have been infringed upon, and it is our hope that the courts can help to remedy those grievances. We are requesting injunctive relief from this violation by petitioning the court for a temporary restraining order which would allow for our immediate return to all class/class activities. We would also like to petition the court to address the issue of any financial grievances that may develop due to the nature of this directive, its enforcement by the university, and the undue academic challenges that have been the result of this mandate. The recovery of tuition, fees, and/or scholarship monies could very well be required, and accountability for these potential concerns should be considered since an audience with the court has been granted.

We, the plaintiffs, do hereby declare under penalty of perjury that the facts presented in this Petition for Ex Parte Emergency are correct.

Plaintiff:  Date: 12/6/19

Plaintiff:  Date: 12/6/19

VERIFICATION

STATE OF ARKANSAS )

)SS.

COUNTY OF WASHINGTON )

On this 6<sup>TH</sup> day of DECEMBER, 2019, BENJAMIN F. SIZOOL REMES  
personally appeared before me, a NOTARY PUBLIC for the above county, who stated that the  
statements contained in the foregoing petition, complaint or instrument were true and correct to the  
best of his/her knowledge, information and belief.

SUBSCRIBED AND SWORN TO me this 6<sup>TH</sup> day of DECEMBER, 2019

[Signature]  
Notary Public

My Commission Expires: 10/1/2025

SEAL:

