

1 Julie A. Hamill (272742)
Hamill Law & Consulting
2 904 Silver Spur Road, #287
Rolling Hills Estates, California, 90274
3 (424) 265-0529
4 julie@juliehamill-law.com

5 Attorney for Petitioner and Plaintiff
ALLIANCE OF LOS ANGELES COUNTY PARENTS

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES**

9 ALLIANCE OF LOS ANGELES COUNTY
10 PARENTS, an unincorporated association

11 Petitioner and Plaintiff,

12 vs.

13 COUNTY OF LOS ANGELES COUNTY
14 DEPARTMENT OF PUBLIC HEALTH;
15 MUNTU DAVIS, in his official capacity as
Health Officer for the County of Los Angeles;
16 BARBARA FERRER, in her official capacity as
Director of the County of Los Angeles
17 Department of Public Health; and DOES 1
through 25, inclusive,

18 Respondents and Defendants.
19
20

Case No.: 22STCP02772

**ALLIANCE OF LOS ANGELES COUNTY
PARENTS' SEPARATE STATEMENT IN
OPPOSITION TO COUNTY OF LOS
ANGELES DEPARTMENT OF PUBLIC
HEALTH'S, MUNTU DAVIS, AND
BARBARA FERRER'S MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: September 1, 2023
Time: 9:30 a.m.
Dept: 69
Judge: William F. Fahey

Complaint Filed: 7/26/2022
Trial Date: 10/16/2023

1 Plaintiff and Petitioner Alliance of Los Angeles County Parents submits this separate
 2 statement of disputed and undisputed material facts, together with references to supporting
 3 evidence, in response to defendants County of Los Angeles Department of Public Health, Muntu
 4 Davis and Barbara Ferrer’s Separate Statement of Undisputed Material Facts and Supporting
 5 Evidence in Support of Motion for Summary Judgment.

No.	Moving Party’s Undisputed Material Facts and Supporting Evidence	Opposing Party’s Response and Supporting Evidence
1.	LACDPH maintains accounts on Facebook, Instagram, and Twitter (the “ Social Media Accounts ”). [Declaration of Brett Morrow (“ Morrow Decl. ”) ¶ 3.]	Undisputed
2.	When LACDPH’s Social Media Accounts were initially created, they were open to written public commentary. [Morrow Decl. ¶ 4.]	Undisputed
3.	In July 2022, LACDPH closed written public commentary on its Social Media Accounts. [Morrow Decl. ¶ 5.]	Disputed. While LACDPH posted a written policy regarding public comment, the policy has been erratically enforced. Defendants have left dozens of comment sections open, dozens of direct messages have gone unanswered, and at least 172 Facebook reviews containing information about herpes cures, cryptocurrency, and other musings from the public remain on Facebook with no limit on the ability of users to continue posting. (PAMF #59-62). Further, while the general public is precluded from responding to the County’s Twitter posts, Defendants’

		settings allow certain select individuals tagged in their Twitter posts to respond in the comments. (PAMF #63).
4.	<p>On August 21, 2022, LACDPH added the following statement to each of its Social Media Accounts: “REGARDING PUBLIC COMMENTS This account is now for information purposes only and, for that reason, public comments are limited to live ‘town hall’-type events it conducts wherein it solicits questions from the public during the live event. Once such events are concluded, the Department will then close the live event post to public comments. Other posts will remain closed to public comments. Residents who have questions or are looking for guidance can send a direct message and Public Health will respond as soon as possible.”</p> <p>[Morrow Decl. ¶ 6.]</p>	Undisputed
5.	<p>Since LACDPH closed public commentary, the public can comment verbally and in writing on LACDPH’s social media pages only during live, town hall type events.</p> <p>[Morrow Decl. ¶ 7.]</p>	<p>Disputed. The public can comment in writing on LACDPH’s social media pages in the review section on Facebook, on occasion when LACDPH does not close comment, and when tagged in posts by LACDPH.</p> <p>Defendants have left dozens of comment sections open, dozens of direct messages have gone unanswered, and at least 172 Facebook reviews containing information about herpes cures, cryptocurrency, and other musings from the public remain on Facebook with no limit on the ability of users to continue</p>

		posting. (PAMF #59-62). Further, while the general public is precluded from responding to the County’s Twitter posts, Defendants’ settings allow certain select individuals tagged in their Twitter posts to respond in the comments. (PAMF #63).
6.	LACDPH does not restrict the written commentary on its Social Media Accounts during its live, town hall type events based on the content or viewpoint of the commentary. [Morrow Decl. ¶ 7.]	Undisputed.
7.	Since LACDPH closed public comments, the public can still share content from LACDPH’s social media pages via retweeting on Twitter and sharing on their personal Facebook pages, and can also register non-verbal reactions to LACDPH’s posts. [Morrow Decl. ¶ 8; FAP ¶ 143.]	Undisputed.
8.	Since closing public commentary in July 2022, if LACDPH’s Social Media accounts permitted written public commentary at a time other than during a live “town hall”-type event, LACDPH made a mistake. [Morrow Decl. ¶ 10.]	Objection to conclusory characterization of “mistake.” Defendants’ pattern and practice shows a lack of clear and consistent control over the interactive portions of social media pages. Disputed. Defendants have left dozens of comment sections open, dozens of direct messages have gone unanswered, and at least 172 Facebook reviews containing information about herpes cures, cryptocurrency, and other musings from the public remain on Facebook with no limit on the ability of users to

1		continue posting. (PAMF #59-62). Further,
2		while the general public is precluded from
3		responding to the County’s Twitter posts,
4		Defendants’ settings allow certain select
5		individuals tagged in their Twitter posts to
6		respond in the comments. (PAMF #63)
7	9.	Disputed. The following message is displayed
8	Since closing public commentary in	on every LACDPH Tweet: “Who can reply?
9	July 2022, if third parties could make	People @lapublichealth mentioned can
10	written comments on LACDPH’s	reply.” (PAMF #63).
11	Social Media accounts because they	
12	were tagged in a post, this was a	
13	mistake, as LACDPH was not aware	
14	that those third parties could comment.	
15	[Morrow Decl. ¶ 11.]	
16	10.	Undisputed.
17	There is no evidence that any third	
18	party tagged on LACDPH’s Social	
19	Media Accounts since July 2022,	
20	actually commented on any LACDPH	
21	post in which the third party was	
22	tagged.	
23	[Morrow Decl. ¶ 11.]	
24	11.	Undisputed
25	On August 5, 2022, Brett Morrow	
26	(“Morrow”), LACDPH’s Chief	
27	Communications Officer, contacted	
28	Twitter about an account with the	
	handle @ALT_lacph. He stated:	
	“Please see this newly set up account	
	that may confuse people. Can this be	
	shut down? [¶]	
	https://twitter.com/ALT_lacph ”.	
	[Morrow Decl. ¶ 12, Ex. A at	
	LACDPH0000029.]	
	12.	Undisputed
	Twitter’s Government & Elections	
	group asked Morrow to “file an	
	impersonation report,” which Morrow	
	did.	
	[Morrow Decl. ¶ 13, Ex. A at p.	
	LACDPH0000029.]	

13.	In response to Morrow’s report, Twitter’s Government & Politics group responded, “Our team has determined that the account is not compliant with our policies and will look to solve the issue.” [Morrow Decl. ¶ 14, Ex. A at LACDPH000027.]	Undisputed.
14.	Twitter ultimately suspended the @ALT_lacph account. [First Amended Petition (“FAP”) ¶ 147, Declaration of Valerie E. Alter, ¶ 4, Ex. B.]	Undisputed.
15.	There is no evidence that Morrow or any other person associated with LACDPH coerced Twitter to take action with regard to the @ALT_lacph account.	Disputed. Morrow used political connections to directly access the top levels of Twitter to censor the Alt Account and others. Documents show persistent efforts to remove accounts critical of Ferrer and LACDPH. (PAMF #25-36, 39-40, 47-58).
16.	Twitter is not a party to this lawsuit. [See Plaintiff’s FAP generally.]	Undisputed.
17.	There is no evidence that LACDPH has the power to restore the @ALT_lacph Twitter account.	Undisputed.

PLAINTIFF’S ADDITIONAL MATERIAL FACTS

18.	On July 7, 2022, Barbara Ferrer (“Ferrer”) announced an intent to impose a new universal indoor mask mandate. [Alliance’s Request for Judicial Notice (“RJN”), Exh. 1, at 14:30 – 14:41, 36:20 – 37:10, 47:15 – 52:05; Declaration of Julie A. Hamill (“Hamill Decl.”), ¶7; Compendium of Exhibits (“Comp. Exh.”)Exh. 1 at pp. 002-003.	
-----	---	--

<p>1 2 3 4 5 6 7 8 9</p>	<p>19. On July 13, 2022, Chief Medical Officer Dr. Brad Spellberg, Chief Executive Officer Jorge Orozco, and Epidemiologist and Infectious Disease Division Service Chief Dr. Paul Holtom of the Los Angeles County + University of Southern California Medical Center (“LAC+USC”) held their weekly town hall meeting, a recording of which was posted to Youtube.</p> <p>[RJN, Exh. 2 <i>e.g.</i> 9:12 – 9:23; Hamill Decl. ¶¶8, 9; Comp. Exh., Exh. 2 at p. 005.]</p>	
<p>10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>20. During the July 13, 2022 town hall, LAC + USC physicians expressed the following observations:</p> <ul style="list-style-type: none"> • “We’re seeing a lot of people with mild disease in urgent care or ED who go home and do not get admitted.” – Dr. Spellberg. (8:27 – 8:34). • “It is just not the same pandemic as it was, despite all the media hype to the contrary.” – Dr. Spellberg. (9:12 - 9:17). • “Yeah public health is scared.” – Jorge Orozco (9:18 – 9:19). • “A lot of people have bad colds, is what we’re seeing.” – Dr. Spellberg. (9:20 – 9:23). • “[W]e’re just seeing nobody with severe COVID disease.” – Dr. Holtom. (10:11 – 10:15). • “[W]e have no one in the hospital who had pulmonary disease due to COVID. Nobody in the hospital.” – Dr. Holtom. (10:17 – 10:24). • “[C]ertainly there is no reason from a hospitalization due to COVID perspective, to be worried at this point.” – Dr. Holtom. (11:07 – 11:15). <p>[RJN, Exh. 2; Hamill Decl. ¶9; Comp.</p>	

1		Exh., Exh. 2 at p. 005].	
2	21.	In a July 14, 2022 press briefing, Ferrer discussed her intent to impose a new universal indoor mask mandate.	
3			
4		[RJN, Exh. 3, <i>e.g.</i> 42:40 - 45:36;	
5		Hamill Decl., ¶10; Comp. Exh., Exh. 3 at p. 007].	
6	22.	Twitter users posted recordings of the LAC + USC town hall videos in the comment section of the Social Media Accounts.	
7			
8			
9		[<i>E.g.</i> , Deposition of Brett Morrow (“Morrow Dep.”), 139:25, 140:1-20,	
10		141:16-25; Deposition of Barbara Ferrer (“Ferrer Dep.”), 120:24-25,	
11		122:5-25, 123:1-17, Exhs. 9, 10;	
12		Hamill Decl. ¶¶18, 19; Comp. Exh., Exh 12 at pp. 076-078, Exh. 13 at 130-132, 135-137]	
13	23.	Twitter users posted about a conflict of interest involving Ferrer and her daughter in the comment section of the Social Media Accounts.	
14			
15			
16		[<i>E.g.</i> , Morrow Dep., 140:21-25, 141:1-12; Ferrer Dep., 103:7-10, 103:19-25,	
17		104:8-25, 105:1-8, Exhs. 8, 9; Hamill Decl., ¶¶18, 19; Comp. Exh., Exh. 12 at pp. 077-078, Exh. 13 at 127-129, 134-135]	
18			
19			
20	24.	On July 19, 2022, Liza E. Frias, Director of Environmental Health dispatched an electronic communication to All Environmental Health Specialist Team Members stating: “In anticipation of the reinstatement of the indoor mask mandate on Friday, July 29th, volunteers will be needed to work overtime on the weekends of July 30 and 31, and August 6 and 7.”	
21			
22			
23			
24			
25			
26		[Hamill Decl., ¶ 17, RJN, Exh. 4; Comp. Exh., Exh. 4 at p. 009].	
27			
28	25.	On July 20, 2022, LACDPH	

	<p>Communications Director Brett Morrow (“Morrow”) emailed Twitter’s Director of U.S. Public Policy, Lauren Culbertson, for assistance dealing with “harassment” from “anti-maskers” as the County was “likely going to bring back indoor masking.”</p> <p>[Defendants’ Exhibit A, pp. 12-13; Morrow Dep. 94:1-7; RJN Exh. 8; Hamill Decl., ¶18; Comp. Exh., Exh. 8 at pp. 029-032, Exh. 12 at p. 071.]</p>	
26.	<p>Morrow copied Patrick Boland (“Boland”) in his July 20, 2022 email to Twitter.</p> <p>[Defendants’ Exhibit A, pp. 12-13]</p>	
27.	<p>At the time of the Twitter Exchange, Boland was Chief of Staff to United States Congressman Adam Schiff, and employed as a Staff Member for the House Permanent Select Committee on Intelligence (“HPSCI”).</p> <p>[Defendants’ Exhibit A, pp. 12-13; RJN Fact No. 12; Hamill Decl., ¶31]</p>	
28.	<p>The subject line of Morrow’s July 20, 2022 email to Twitter is “REFERRAL FROM PATRICK BOLAND: LA County Department of Public Health/Staff Harassment on Twitter.”</p> <p>[Defendants’ Exhibit A, p. 12.]</p>	
29.	<p>The first line of Morrow’s July 20, 2022 email to Twitter says “I was referred to you by my friend Patrick Boland, who I used to work with in Congressman Schiff’s office.”</p> <p>[Defendants’ Exhibit A, p. 12.]</p>	
30.	<p>Morrow’s July 20, 2022 email led to an exchange of at least 15 messages between Twitter and Morrow regarding content from “opponents” and “anti-maskers” (“Twitter Exchange”), and the subject line included “REFERRAL FROM PATRICK BOLAND.”</p>	

1		[Defendants' Exhibit A, pp. 7-13.]	
2	31.	Prior to contacting Twitter executive Lauren Culbertson, Morrow used the "report" function in the Twitter application to report Tweets.	
3		[Defendants' Exh. A, p. 11; Morrow Dep. 112:8-14, 20-25; Hamill Decl., ¶18; Comp. Exh., Exh. 12 at p. 074].	
4			
5			
6			
7	32.	At the time of the Twitter Exchange, Congressman Schiff was Chairman of the HPSCI.	
8		[RJN Fact No. 1; Morrow Dep. 97:18- 25, 98:1-6; Hamill Decl., ¶¶18, 31; Comp. Exh., Exh. 12 at pp. 072, 073].	
9			
10			
11	33.	The HPSCI has oversight and investigative authority over social media companies, including Twitter, and had been publicly involved in congressional investigations and hearings relating to content moderation on social media and Section 230 reform prior to the Twitter Exchange.	
12		[RJN, Exhs. 6, 7; Hamill Decl., ¶12, 13; Comp. Exh., Exh. 6 at pp. 015- 020, Exh. 7 at pp. 22-27].	
13			
14			
15			
16			
17			
18	34.	Prior to the Twitter Exchange, Congressman Schiff publicly expressed an interest in legislation to amend Section 230 of the Communications Decency Act, which provides immunity to social media companies.	
19		[RJN Exh. 6 e.g. at p. 23; Hamill Decl., ¶12; Comp. Exh., Exh. 6 at p. 018].	
20			
21			
22			
23	35.	Prior to and following the Twitter Exchange, Congressman Schiff sent letters to social media companies demanding information regarding their content moderation policies.	
24		[RJN, Exhs. 5, 9, 10; Hamill Decl., ¶¶11, 15, 16; Comp. Exh., Exh. 5 at pp. 011-013, Exh. 9 at pp. 034-035,	
25			
26			
27			
28			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	Exh. 10 at 037-039].	
36.	REDACTED PER CRC 2.551(b)(3)(A)(ii) [Hamill Decl., ¶25; Comp. Exh., Exh. 21 pp. 208-209 (seal request pending)]	
37.	On July 22, 2022, the Southern California News Group published an opinion article entitled “Bringing back a mask mandate in Los Angeles County is unjustified,” written by Scott Balsitis, PhD, Jeffrey Klausner, MD, MPH, Houman Hemmati, MD, PhD, and Neeraj Sood, PhD (“Opinion”). [Hamill Decl., ¶18, Morrow Dep. 40:4-11, 21-25, 41:21-25, 42:7-25, 43:1-11, 18-25, 44:1-10, Exh. 2; Comp. Exh., Exh. 12 at pp. 044-048, 087-090.]	
38.	On July 22, 2022, Morrow contacted opinion editor Sal Rodriguez and asked him to remove the Opinion from Southern California News Group sites. [Hamill Decl., ¶¶ 27-29; Comp. Exh., Exh. 17 at p.165, Exh. 18 at 167-171].	
39.	In a July 26, 2022 email in the Twitter Exchange, Morrow asked for “urgent action” regarding “misinformation going around LA County and upcoming mask requirements,” adding “[o]pponents are spreading the following misinformation...	

	<ul style="list-style-type: none"> • Dr. Barbara Ferrer is “a fake doctor” • LA County is lying about hospitalization numbers • CDC is not recommending masks... • Masks are not effective for adults or children.” <p>[Defendants Exhibit A, p. 10-11.]</p>	
40.	<p>In a July 26, 2022 email in the Twitter Exchange, Morrow says that he “reported a few but have not heard back if action was taken...” and asks “[i]s it possible I can send links or misleading info to expedite? Any other options?”</p> <p>[Defendants Exhibit A, p. 11.]</p>	
41.	<p>On July 30, 2022, Morrow ordered Fraser Communications to close all comments on all County social media posts going forward. In his email to Fraser, Morrow said “Let’s do it for all posts. I’m over people rn. lol.”</p> <p>[Morrow Dep., 48:10-25, 49:1-5, 12-23, Dep. Exh. 3 p. LACDPH 418; Hamill Decl., ¶¶ 18-19; Comp. Exh., Exh. 12 at pp. 049, 050, 091].</p>	
42.	<p>Defendants state they closed comments on the Social Media Accounts because of threats, bullying, harassment, and misinformation.</p> <p>[Morrow Dep., 80:20-25, 81:4-25, 82:1-3, Ferrer Dep. Exh. 6; Hamill Decl., ¶¶ 18-19; Comp. Exh., Exh. 12 at pp. 065-067, Exh. 13 at p. 133].</p>	
43.	<p>With respect to determining whether something is misinformation, Defendants say “when the information is not aligned with what we've determined is accurate information, for us, that would represent misinformation.”</p>	

	<p>[Ferrer Dep. 42:4-7 Hamill Decl., ¶19; Comp. Exh., Exh. 13 at p. 126].</p>	
44.	<p>Defendants will not consider reopening public comments because they “remain concerned about the spread of misinformation and how our channels may potentially be used in inappropriate ways.”</p> <p>[Morrow Dep. 89:4-15; Hamill Decl., ¶18; Comp. Exh., Exh. 12 at p. 070].</p>	
45.	<p>Defendants were concerned about statements made in comments on the Social Media Accounts that undermined Ferrer’s credibility and spread “misinformation” about her ability to lead the response to covid.</p> <p>[Morrow Dep. 113:10-15 Hamill Decl., ¶18; Comp. Exh., Exh. 12 at p. 075].</p>	
46.	<p>When Morrow disabled public comments, the County Board of Supervisors meetings were closed to the public.</p> <p>[Morrow Dep. 62:7-24, Exh. 4 Hamill Decl., ¶18; Comp. Exh., Exh. 12 at pp. 051, 094-095].</p>	
47.	<p>On August 5, 2022, Alliance member Cynthia Rojas created a Twitter account known as @ALT_lacph (“Alt Account.”) The purpose of the account was to quote tweet all content posted by LACDPH and leave comments open for public discussion.</p> <p>[Declaration of Cynthia Rojas (“Rojas Decl.”), ¶¶ 4, 5, Exh. 19; Comp. Exh., Exh. 19 at pp. 173-176].</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 2 3 4	48. In an August 5, 2022 email in the Twitter Exchange, Morrow forwarded a link to the Alt Account Twitter page and asked Twitter “[c]an this be shut down?” [Defendants Exhibit A, p. 9.]	
5 6 7 8	49. Twitter told Morrow to file an impersonation report, send Twitter the number, and then Twitter would expedite the case. [Defendants Exhibit A, p. 9.]	
9 10 11 12 13	50. In an August 10, 2022 email in the Twitter Exchange, Twitter thanked Morrow for providing the case number and stated they were moving the case for further review. [Defendants Exhibit A, p. 8.]	
14 15 16 17 18	51. In an August 10, 2022 email in the Twitter Exchange, Morrow asked when Twitter might have an update. Twitter responded the same day that “[o]ur team has determined that the account is not compliant with our policies and will look to solve this issue.” [Defendants Exhibit A, p. 7.]	
19 20 21 22 23 24 25 26 27 28	52. On August 10, 2022, Ms. Rojas received a violation notice from Twitter stating that the profile name violated the rules against impersonation, and “should clearly indicate that the user is not affiliated with the subject of the account.” Twitter explained that “non-affiliation can be indicated by incorporating words such as ‘parody,’ ‘fake,’ ‘fan,’ or ‘commentary.’” To unlock the account, Twitter stated: “[m]odify the content that violates our rules... 1 profile name.” [Rojas Decl., ¶8, Exh. 19; Comp. Exh., Exh. 19 at p. 173]	

<p>1 2 3 4 5</p>	<p>53. The Alt Account name was then changed from “ALT LA Public Health Account” to “ALT LA Public Health Account – Commentary,” and Twitter unlocked the Alt Account.</p> <p>[Rojas Decl., ¶9; Comp. Exh., Exh. 19 at p. 173].</p>	
<p>6 7 8 9 10</p>	<p>54. Later on August 10, 2022, Morrow again emailed Twitter stating, “On first glance, it looks like it’s already been unlocked and they just added “Commentary” to the name, but they aren’t really posting commentary. They are just reposting our content.”</p> <p>[Defendants Exhibit A, p. 7]</p>	
<p>11 12 13 14 15</p>	<p>55. On August 23, 2022, Twitter locked the Alt Account again. This time, Twitter stated that the Alt Account violated the rules against impersonation, and could be unlocked if the profile biography was modified.</p> <p>[Rojas Decl., ¶10; Comp. Exh., Exh. 19 at p. 174].</p>	
<p>16 17 18 19 20 21 22 23 24</p>	<p>56. At 3:15 pm on August 23, 2022, Ms. Rojas changed the biography from “Unofficial ALT account created for @lapublichealth that allows public debate. We will RT all LA Public Health dept content with comments turned on” to “Commentary ALT account created for @lapublichealth that allows public debate. We will RT all LA Public Health dept content with comments turned on.”</p> <p>Twitter then unlocked the account.</p> <p>[Rojas Decl., ¶11; Comp. Exh., Exh. 19 at p. 174].</p>	

1 2 3 4 5	57. Two minutes later, at 3:17 pm on August 23, 2022, Twitter permanently suspended the Alt Account. Four subsequent appeals by the account owner were denied. [Rojas Decl., ¶¶12-14, Comp. Exh., Exh. 19 at pp. 174-175].	
6 7 8 9 10	58. REDACTED PER CRC 2.551(b)(3)(A)(ii) Hamill Decl., ¶ 25, Comp. Exh., Exh. 21 at pp. 186, 193, 200 (seal request pending)	
11 12 13 14 15 16	59. Since August 2022, Defendants have left comment sections open on the Social Media Accounts at least eight times. [Morrow Dep. <i>e.g.</i> 150:11-25, 151:1-25, 152:1-25, 153:1-25, 154:1-25, 155:1-17, Exhs. 21 – 29; Hamill Decl., ¶18; Comp. Exh., Exh. 12 at pp. 079-084, 110-118)	
17 18 19 20 21 22	60. Since August 2022, at least eight direct messages to Defendants have gone unanswered. [Morrow Dep., 65:6-25, 66:1-25, 67:1-25, 68:1-25, 69:1-25, 70:1-25, 71:1-25, 72:1-25, 73:1-25, 74:1-25, 75:1-13; Exhs. 5-12; Hamill Decl., ¶18; Comp. Exh., Exh. 12 at pp. 053-062, 096-103].	
23 24 25 26 27 28	61. Since August 2022, at least 172 Facebook reviews containing information like advertisements for herbal herpes cures and cryptocurrency remain on Facebook. [Morrow dep. 155:18-25, 156: 1-25, 157:1-23 Exhs. 30 – 31; Hamill Decl., ¶18; Comp. Exh., Exh. 12 at pp. 084-086, 119-120].	

1 2 3 4	62. The public can comment in writing on in the review section on LACDPH’s Facebook page. [Hamill Decl., ¶21; Comp. Exh., Exh. 15 at p. 141]	
5 6 7 8 9 10	63. Since August 2022, anyone tagged in a post by Defendants can post a comment in response on LACDPH’s Twitter page. The following message is displayed on every LACDPH Tweet: “Who can reply? People @lapublichealth mentioned can reply.” [Hamill Decl., ¶20, Comp. Exh., Exh. 14 at p. 139].	
11 12 13 14	64. At some point during the course of this lawsuit, Defendants limited the visibility of previous posts on their Twitter timeline. [Hamill Decl., ¶ 6].	
15 16 17 18 19	65. Questions from the public during live, town hall-type events were curated by staff and Ferrer before being asked. [Ferrer Dep., 37:24-25, 38:1-25, 39:1-17; Hamill Decl. ¶19; Comp. Exh., Exh. 13 at pp. 123-125].	
20 21 22 23 24 25 26	66. According to Mr. Morrow, “We [LACDPH] determine what’s credible and also what makes sense most for the Los Angeles -- Los Angeles County, and that’s what we provide to people, what’s determined to be credible or accurate or making the most sense for our county’s residents.” [Morrow Dep., 85:13-14, 23-25, 86:3-13; Hamill Decl. ¶18; Comp. Exh., Exh. 12 at pp. 68-69].	

27
28

1 Dated: August 18, 2023

Hamill Law & Consulting

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Julie A. Hamill
Julie A. Hamill
Attorney for Petitioner
Alliance of Los Angeles County Parents

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California, I am over the age of 18 and not a party to the within action. My business address is 904 Silver Spur Road, #287, Rolling Hills Estates, California 90274. My e-service address is julie@juliehamill-law.com..

On August 18, 2023 I served the foregoing document: **ALLIANCE OF LOS ANGELES COUNTY PARENTS' SEPARATE STATEMENT IN OPPOSITION TO COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH'S, MUNTU DAVIS, AND BARBARA FERRER'S MOTION FOR SUMMARY JUDGMENT** on the interested parties in this action.

- By placing a true copy thereof enclosed in a sealed envelope addressed as follows:
- By attaching a true copy via electronic transmission addressed as follows:

Valerie Alter, VAlter@sheppardmullin.com
 Kent Raygor, KRaygor@sheppardmullin.com
 Zachary Golda, zgolda@sheppardmullin.com
 Sheppard Mullin
 1901 Avenue of the Stars, Suite 1600
 Los Angeles, California 90067-6055
 Attorneys for Respondents and Defendants
 County of Los Angeles Department of Public Health
 Barbara Ferrer
 Muntu Davis

- ONLY BY ELECTRONIC TRANSMISSION.** Only by emailing the document(s) to the persons at the e-mail address(es). This is necessitated during the declared National Emergency due to the Coronavirus (COVID-19) pandemic because this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission. We will provide a physical copy, upon request only, when we return to the office at the conclusion of the national emergency.
- BY ELECTRONIC MAIL:** I caused said document to be delivered by electronic mail to the e-mail address(es) as listed on the attached service list.
- By FACSIMILE TRANSMISSION:** I caused all pages of the above-entitled document to be sent to the recipients by facsimile at the respective telephone numbers as indicated.
- (BY MAIL)** As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Rancho Palos Verdes, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
- (BY OVERNIGHT DELIVERY)** By: Federal Express, to be delivered on next business day.
- (BY PERSONAL SERVICE)** I delivered such envelope by hand to the office of the addressee(s).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 18, 2023 at Beulah, Michigan.

/s/

Julie A. Hamill