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MONDAY, OCTOBER 16, 2023.

PROCEEDINGS

THE JUDICIAL ASSISTANT: COME TO ORDER.  
COURT IS NOW IN SESSION. THE HONORABLE WILLIAM F.  
FAHEY, JUDGE PRESIDING.

THE COURT: ALL RIGHT. GOOD MORNING.

ALL PRESENT: GOOD MORNING, YOUR HONOR.

THE COURT: MS. , ARE YOU READY TO  
GO?

THE REPORTER: I'M READY, YOUR HONOR.

THE COURT: AND WE HAVE REALTIME, TOO, WHICH  
IS GREAT. OKAY. I'LL SIGN YOUR PAPERWORK.

THE REPORTER: THANK YOU, YOUR HONOR.

THE COURT: OKAY. LET'S GO ON THE RECORD IN  
ALLIANCE VERSUS COUNTY OF LA.

PLAINTIFF'S APPEARANCE.

MS. HAMILL: GOOD MORNING, YOUR HONOR.  
JULIE HAMILL APPEARING ON BEHALF OF PLAINTIFF ALLIANCE  
OF LA COUNTY PARENTS.

THE COURT: AND FOR THE DEFENSE.

MR. RAYGOR: GOOD MORNING, YOUR HONOR.  
KENT RAYGOR AND MY COLLEAGUE WITH ME HERE IS  
VALERIE ALTER APPEARING ON BEHALF OF THE DEFENSE.

THE COURT: THANK YOU. WE'RE HERE FOR A  
BENCH TRIAL. AND BEFORE WE PROCEED WITH OPENING  
STATEMENTS AND THE EVIDENCE, LET ME HEAR FIRST FROM  
PLAINTIFF'S COUNSEL AS TO ANY PRELIMINARY MATTERS.

1 MS. HAMILL: YES, YOUR HONOR. LET'S SEE.  
2 WE WERE ABLE TO REACH AN AGREEMENT WITH EXCORP [  
3 REGARDING THE SEALED DOCUMENTS IN EXHIBIT 21. EXCORP  
4 AGREED TO REDACT THE COMMENTS BY EXCORP WITHIN THAT  
5 EXHIBIT AND TO USE IT IN OPEN COURT. AND SO I HAVE A  
6 WRITTEN MOTION TO UNSEAL AND TO USE THAT EXHIBIT. AND  
7 I HAVE THE REDACTED EXHIBITS IN HAND THAT I CAN  
8 REPLACE IN THE BINDERS.

9 THE COURT: OKAY. LET ME SLOW YOU DOWN.  
10 YOU FILED AND PROVIDED A COURTESY COPY TO ME  
11 OF A MOTION TO UNSEAL EXHIBITS 26 AND 27 AND TO USE  
12 REDACTED EXHIBIT 21 AT TRIAL; CORRECT?

13 MS. HAMILL: YES, YOUR HONOR.

14 THE COURT: IS THAT THE TOPIC WE'RE NOW ON?

15 MS. HAMILL: YES, YES.

16 THE COURT: OKAY. GOOD. THEN CONTINUE.

17 MS. HAMILL: SO I SPOKE WITH DEFENDANTS  
18 ABOUT THIS. I NOTIFIED THEM THAT WE WOULD BE  
19 REPLACING THE EXHIBIT 21 WITH THE REDACTED VERSION FOR  
20 USE IN OPEN COURT, AND DEFENDANTS STATED THEY WOULD  
21 OBJECT TO THE AUTHENTICITY OF THAT DOCUMENT BECAUSE  
22 THE CUSTODIAN OF RECORDS DECLARATION PERTAINS TO THE  
23 UNREDACTED COPY.

24 SO I BELIEVE THAT IT WOULD BE MORE EFFICIENT  
25 TO USE THE REDACTED COPY SO WE DON'T HAVE TO CLOSE THE  
26 COURTROOM AND SEAL THE RECORD. AND THAT WOULD BE MY  
27 PREFERRED METHOD OF PROCEEDING. BUT I UNDERSTAND THAT  
28 THE DEFENDANTS DO NOT AGREE WITH THAT POSITION.

1 THE COURT: WELL, I DON'T KNOW WHY WE HAVE  
2 TO TAKE IT UP NOW. WHY DON'T WE DEAL WITH THAT WHEN  
3 WE GET TO YOUR ATTEMPT TO GET EXHIBIT 21 ON THE  
4 RECORD.

5 MS. HAMILL: YES, YOUR HONOR.

6 THE COURT: OKAY?

7 MS. HAMILL: AND WITH RESPECT TO EXHIBITS 26  
8 AND 27, MY UNDERSTANDING AT THAT POINT IS THAT THE  
9 DEFENDANTS ARE NO LONGER CONTENDING THAT THOSE  
10 DOCUMENTS NEED TO BE SEALED OR ARE CONFIDENTIAL.

11 THE COURT: MR. RAYGOR?

12 MR. RAYGOR: AND I DID AGREE TO THAT AND  
13 SAID THAT THE CONFIDENTIAL DESIGNATION CAN BE REMOVED  
14 AT THE TIME THEY ARE ADMITTED IN TRIAL.

15 THE COURT: ALL RIGHT. SO THE RECORD AT  
16 THIS POINT WILL REFLECT THAT THE PARTIES HAVE COME TO  
17 AN AGREEMENT AS TO EXHIBITS 26 AND 27 AND WE WILL HOLD  
18 IN ABEYANCE A RULING ON EXHIBIT 21. OKAY.

19 MS. HAMILL: YES, YOUR HONOR.

20 THE COURT: ALL RIGHT.

21 MS. HAMILL: AND THE ALLIANCE HAS A --

22 THE COURT: JUST ONE SECOND.

23 OKAY. TOPIC TWO.

24 MS. HAMILL: THANK YOU, YOUR HONOR. THE  
25 ALLIANCE HAS A REQUEST FOR JUDICIAL NOTICE FOR THE  
26 COURT TO TAKE JUDICIAL NOTICE OF EXHIBITS 38 THROUGH  
27 43.

28 THE COURT: OKAY. STOP THERE. IS THIS A

1 NEW DOCUMENT THAT YOU FILED, REQUEST FOR JUDICIAL  
2 NOTICE?

3 MS. HAMILL: YES, AND IT HASN'T BEEN FILED.  
4 I SERVED IT ON OPPOSING COUNSEL. I HAVE IT IN MY  
5 HAND, BUT IT'S AN EXPLANATION OF THE PUBLIC NATURE AND  
6 THE OFFICIAL NATURE OF EXHIBITS 38 THROUGH 43 WHICH  
7 ARE OFFICIAL LETTERS AND OFFICIAL STATEMENTS FROM  
8 CONGRESSIONAL HEARINGS.

9 THE COURT: OKAY. WELL, I HAVEN'T HAD THE  
10 BENEFIT OF SEEING THAT. YOU SAY IT PERTAINED TO  
11 EXHIBITS --

12 MS. HAMILL: 38 THROUGH 43.

13 THE COURT: 38 THROUGH 43. AND YOU WANT TO  
14 SERVE OPPOSING COUNSEL WITH THAT NOW?

15 MS. HAMILL: I SERVED OPPOSING COUNSEL  
16 ALREADY.

17 MR. RAYGOR: WE HAVEN'T SEEN IT, YOUR HONOR.

18 THE COURT: WELL, CAN YOU SERVE THEM WITH  
19 ANOTHER COPY, IF YOU HAVE IT?

20 MS. HAMILL: YES, YOUR HONOR.

21 DID YOU RECEIVE IT THIS MORNING?

22 MS. ALTER: DID YOU E-MAIL IT?

23 MS. HAMILL: YES.

24 THE COURT: AND YOU HAVE A COPY FOR ME,  
25 MISS HAMILL?

26 MS. HAMILL: I HAVE ONE COPY HERE AND I  
27 BELIEVE I HAVE COPIES SOMEWHERE ELSE.

28 MS. ALTER: YOUR HONOR, IT WAS E-MAILED TO

1 US AT 4:00 THIS MORNING, SO I HAVE IT ON MY PHONE.

2 THE COURT: WELL, I'M SURE YOU WERE BURNING  
3 THE MIDNIGHT OIL, BUT I NEED A COPY.

4 MS. HAMILL: SURE. CAN I DELIVER IT TO YOU?

5 THANK YOU.

6 THE COURT: OKAY. WELL, ALWAYS HELPFUL IF  
7 YOU STAPLE OR CLIP THESE THINGS, BUT WE'LL DO THAT.  
8 OBVIOUSLY, I HAVE NOT HAD A CHANCE TO REVIEW THIS YET,  
9 BUT WHY DON'T WE HOLD THIS IN ABEYANCE SINCE THESE  
10 ARE, LOOKS LIKE SIX EXHIBITS THAT YOU'LL BE COMING TO  
11 SOMETIME LATER IN THE TRIAL, MISS HAMILL?

12 MS. HAMILL: YES, YOUR HONOR.

13 THE COURT: OKAY. THAT WILL ALSO GIVE  
14 OPPOSING COUNSEL A CHANCE TO REVIEW THAT AS WELL.

15 MS. HAMILL: YES, YOUR HONOR.

16 FINAL PRELIMINARY MATTER IS, THIS DEVICE IN  
17 THE COURTROOM DOES NOT SEEM TO BE FUNCTIONING THIS  
18 MORNING.

19 THE COURT: WHICH DEVICE?

20 MS. HAMILL: THE COURT'S.

21 THE COURT: THE OVERHEAD PROJECTOR?

22 MS. HAMILL: YES, YOUR HONOR.

23 THE COURT: OKAY.

24 MS. HAMILL: I DON'T NEED TO USE THE  
25 OVERHEAD PROJECTOR. I HAVE MY OWN PROJECTOR. BUT THE  
26 MOST IMPORTANT POINT OF WHAT I WILL BE PLAYING IN  
27 CROSS-EXAMINATION TODAY IS THE AUDIO FROM THE VIDEO  
28 CLIPS, WHICH DEFENDANTS HAVE STIPULATED TO THEIR

1 AUTHENTICITY. SO I JUST WANTED TO -- I'M NOT SURE IF  
2 SOMEONE FROM THE COURT STAFF IS PLANNING TO FIX THAT  
3 OR IF I SHOULD JUST PLAN TO USE MY OWN EQUIPMENT.

4 THE COURT: I DON'T THINK THE OVERHEAD  
5 PROJECTOR PROVIDES AUDIO.

6 MS. HAMILL: OKAY.

7 THE COURT: IT'S JUST VISUAL. AND AS WE  
8 DISCUSSED PREVIOUSLY, I THINK THE EXHIBIT BOOKS WILL  
9 SUFFICE. IF YOU INTEND TO PLAY SOME AUDIO CLIPS, WE  
10 CAN GET TO THOSE IN DUE COURSE AND YOU CAN USE  
11 WHATEVER DEVICE YOU HAVE.

12 MS. HAMILL: THANK YOU, YOUR HONOR. THAT'S  
13 ALL I HAVE.

14 THE COURT: OKAY. ANY PRELIMINARY MATTERS  
15 FROM THE DEFENSE?

16 MR. RAYGOR: YES, YOUR HONOR. FIRST, JUST  
17 ABOUT ORDER OF WITNESSES. ALLIANCE INTENDS TO TAKE MY  
18 TWO PRIMARY WITNESSES, DR. FERRER AND BRETT MORROW, AS  
19 ADVERSE, AND I INTEND TO REDIRECT THEM AS NECESSARY,  
20 YOU KNOW, AT THE TIME DURING HER CASE IN CHIEF.

21 THE COURT: THAT WOULD BE HELPFUL SO WE CAN  
22 KEEP IT ALL IN ONE PLACE.

23 MR. RAYGOR: BUT THEN I INTEND TO CALL THEM  
24 BACK IN MY CASE IN CHIEF, BECAUSE I HAVE OTHER  
25 WITNESSES THAT NEED TO PRECEDE THEM TO LAY SOME  
26 FOUNDATION FOR THEIR DIRECT TESTIMONY.

27 THE COURT: OKAY. WELL, I'LL HAVE TO KEEP  
28 MY NOTES ORGANIZED. THERE'S NO ABILITY THAT YOU HAVE

1 TO CALL THEM ALL AT ONCE?

2 MR. RAYGOR: NO, BECAUSE THEN I WOULD BE  
3 PUTTING ON MY ENTIRE CASE IN CHIEF AT THE BEGINNING,  
4 IN THE MIDDLE OF HER CASE IN CHIEF, YOUR HONOR.

5 THE COURT: AND THAT'S A PROBLEM WHY? I  
6 MEAN, THIS IS A BENCH TRIAL. IT'S HELPFUL TO ME,  
7 CANDIDLY, TO HAVE A WITNESS TESTIFY ALL AT ONCE, THEN  
8 I CAN KEEP MY NOTES STRAIGHT. BUT IF YOU FEEL THERE'S  
9 SOME TACTICAL ADVANTAGE TO CALLING YOUR WITNESSES, I  
10 GUESS WE CAN DO THAT.

11 MR. RAYGOR: I PREFER TO DO IT THAT WAY,  
12 YOUR HONOR.

13 THE COURT: OKAY.

14 MR. RAYGOR: SECOND ITEM ON THE MOTION TO  
15 UNSEAL THESE DOCUMENTS, A COPY WAS NEVER SERVED ON US.  
16 WE DID RECEIVE A NOTICE FROM THE COURT SO I HAVE  
17 LOOKED AT IT.

18 THE COURT: YOU HAVE OR HAVE NOT LOOKED AT  
19 IT?

20 MR. RAYGOR: I HAVE LOOKED AT IT.

21 THE COURT: OKAY.

22 MR. RAYGOR: AND WE WILL ADDRESS THAT AS  
23 YOUR HONOR SAID WHEN EXHIBIT 21 COMES UP.

24 SO ANOTHER ISSUE IS, WE WERE TRYING -- I WAS  
25 TRYING TO MEET AND CONFER WITH MS. HAMILL ABOUT  
26 AUTHENTICITY OF EXHIBITS, AND MS. HAMILL HAS REFUSED  
27 TO STIPULATE TO ANY AUTHENTICITY OF ANY EXHIBITS OR  
28 SUPPLEMENTAL EXHIBITS. AND YESTERDAY SHE SENT ME A

1 NOTE SAYING THAT SHE WOULD STIPULATE TO AUTHENTICITY  
2 OF OUR SUPPLEMENTAL EXHIBITS, THAT'S 227 TO 326, ONLY  
3 ON THE CONDITION THAT WE STIPULATE TO ALL FACTS STATED  
4 AT THE SEPTEMBER 28 EVIDENTIARY HEARING AND THAT WE  
5 WITHDRAW OUR TRIAL SUBPOENAS TO HER MEMBERS, TO THE  
6 ALLIANCE MEMBERS AND NOT CALL THEM AS WITNESSES IN  
7 THIS CASE. AND I RESPONDED THAT THAT WAS NOT  
8 APPROPRIATE.

9 SO AT THE MOMENT WE DON'T HAVE ANY  
10 STIPULATIONS TO THE AUTHENTICITY OF OUR EXHIBITS,  
11 BUT SHE DID OFFER TO STIPULATE ONLY IF WE DID THOSE  
12 THINGS.

13 THE COURT: OKAY.

14 MR. RAYGOR: SO MY REQUEST IS THAT WE  
15 CONTINUE TO TRY MAYBE AFTER TODAY TO STIPULATE TO  
16 AUTHENTICITY ON THOSE EXHIBITS.

17 THE COURT: FAIR ENOUGH.

18 MR. RAYGOR: AND AS FAR AS THE TRIAL  
19 SUBPOENAS TO ALLIANCE MEMBERS BURWICK, HOGUE,  
20 ORENSTEIN, AND ROJAS, WE SERVED THOSE ON  
21 SEPTEMBER 26TH.

22 THE COURT: WHAT'S THE TOPIC HERE, PLEASE?

23 MR. RAYGOR: THIS IS ABOUT OUR TRIAL  
24 SUBPOENAS TO THE FOUR ALLIANCE MEMBERS AS WITNESSES IN  
25 OUR CASE, YOUR HONOR.

26 THE COURT: OKAY. AND YOU'RE GOING TO BE  
27 REQUESTING WHAT?

28 MR. RAYGOR: I'M GOING TO REQUEST SOME



1 EVIDENTIARY PRECLUSION ORDER.

2 THE COURT: OKAY.

3 MR. RAYGOR: AND HERE'S WHY.

4 THE COURT: WELL, WHY DO WE HAVE TO GET INTO  
5 THAT NOW? CAN'T WE AGAIN DEAL WITH IT IN THE CONTEXT  
6 OF THE WITNESSES WHO ARE BEING CALLED AND WHO ARE  
7 OFFERED -- WHO WILL BE OFFERING TESTIMONY?

8 MR. RAYGOR: THE REASON WHY NOW IS THERE'S  
9 AN INCLUDED DOCUMENT CATEGORIES AND AT NINE MINUTES TO  
10 5:00 ON FRIDAY NIGHT, MISS HAMILL SERVED OBJECTIONS.  
11 AND SO IF SHE IS READY TO PRODUCE THEIR DOCUMENTS THAT  
12 WE REQUESTED IN THE TRIAL SUBPOENAS NOW SO THAT WE CAN  
13 START GOING THROUGH THEM AND HAVE THEM READY FOR THE  
14 TESTIMONY, GREAT. IF SHE'S NOT GOING TO PRODUCE THOSE  
15 DOCUMENTS, THEN SHE HAS INTERFERED WITH OUR CASE AND  
16 HAS, YOU KNOW, IGNORED TRIAL SUBPOENAS.

17 SO IF THAT --

18 THE COURT: SO WHAT'S THE MOTION?

19 MR. RAYGOR: MY MOTION IS EITHER PRODUCE THE  
20 DOCUMENTS NOW OR IF SHE'S NOT GOING TO PRODUCE THOSE  
21 DOCUMENTS WE REQUESTED, I REQUEST TWO ORDERS.

22 ONE, THAT ALLIANCE WILL BE DEEMED TO HAVE  
23 ADMITTED IN THIS ACTION THAT ITS MEMBERS HAD ADEQUATE  
24 ALTERNATIVE MEANS TO DISCUSS, ADDRESS, AND COMMENT ON  
25 DPH'S PUBLIC HEALTH POLICIES FOLLOWING THE CLOSING OF  
26 PUBLIC COMMENTARY.

27 AND, TWO, IN THE EVENT ALLIANCE PREVAILS IN  
28 THIS TRIAL, ALLIANCE IS BARRED FROM ARGUING THAT THIS

1 ACTION RESULTED IN THE ENFORCEMENT OF AN IMPORTANT  
2 RIGHT AFFECTING THE PUBLIC INTEREST ENTITLING IT TO AN  
3 ATTORNEY'S EYES RECOVERY UNDER C.C.P. 1021.25.

4 THAT'S THE SUBJECT OF THE DOCUMENTS -- THOSE  
5 TWO ITEMS ARE THE SUBJECTS OF THE DOCUMENTS THAT WE  
6 REQUESTED AND THE TESTIMONY WE HOPE TO ELICIT AND BY  
7 NOT -- IF SHE ISN'T GOING TO PRODUCE THOSE DOCUMENTS,  
8 THAT HAS INTERFERED WITH THAT ABILITY TO GET OUR PART  
9 OF THE CASE IN. AND I BELIEVE THAT'S THE APPROPRIATE  
10 EVIDENTIARY PRECLUSION ORDER.

11 THE COURT: YOUR RECORD IS INCOMPLETE,  
12 MR. RAYGOR. I DON'T HAVE YOUR SUBPOENAS. ALL I HAVE  
13 ARE OBJECTIONS TO THEM, WHICH I RECEIVED COURTESY  
14 COPIES OF THIS MORNING. SO IF YOU'RE SEEKING RELIEF  
15 BASED ON THE SUBPOENAS, YOU ARE GOING TO HAVE TO MAKE  
16 A BETTER RECORD.

17 MR. RAYGOR: OKAY. YOUR HONOR, THEY ARE IN  
18 OUR -- THE SUBPOENAS ARE PART OF THE SUPPLEMENTAL  
19 EXHIBITS. THEY ARE NOS. 319 IS TO SARAH BETH  
20 HARDWICK. [

21 THE COURT: SLOW DOWN, PLEASE. I HAVE TWO  
22 BANKER'S BOXES AND A HOST OF BINDERS HERE.

23 SO MADAM CLERK, WHAT DO WE HAVE HERE? LOOKS  
24 LIKE --

25 THE CLERK: THESE ARE SUPPLEMENTAL.

26 THE COURT: OKAY. LET'S JUST SEE THESE.  
27 ONE SECOND.

28 MR. RAYGOR: ALL FOUR, YOUR HONOR, ARE IN

1 THAT BINDER.

2 THE CLERK: THAT'S SUPPLEMENTAL.

3 THE COURT: ARE THESE DUPLICATES HERE?

4 OFF THE RECORD HERE.

5 THE REPORTER: THANK YOU, YOUR HONOR.

6 (A DISCUSSION WAS HELD OFF THE RECORD.)

7 THE COURT: OKAY. BACK ON THE RECORD.

8 NOW, WE'RE DEALING WITH SUBPOENAS ISSUED BY  
9 THE DEFENDANTS TO MEMBERS OF THE ALLIANCE. AND THE  
10 EXHIBIT NUMBERS YOU'RE REFERRING TO, MR. RAYGOR, ARE  
11 WHICH?

12 MR. RAYGOR: 319 IS A SUBPOENA TO SARAH  
13 BURWICK.

14 THE COURT: GIVE ME THE UNIVERSE. 319  
15 THROUGH?

16 MR. RAYGOR: 319, 320, 321, AND 322.

17 THE COURT: 319 TO 322.

18 OKAY. I'VE REVIEWED THOSE. YOU MAY  
19 CONTINUE WITH YOUR ARGUMENT.

20 MR. RAYGOR: SO THOSE ARE THE FOUR TRIAL  
21 SUBPOENAS THAT WE SERVED WITH DOCUMENT REQUESTS IN  
22 THEM. AND WE DON'T HAVE ANY DOCUMENTS YET TODAY. IF  
23 THEY'RE READY TO BE PRODUCED, FINE. WE CAN MOVE ON,  
24 BECAUSE IF WE GET THEM, I'LL HAVE MISS CHU AND OTHER  
25 STAFF TO GO THROUGH THE DOCUMENTS. IF THEY'RE NOT  
26 GOING TO BE PRODUCED, THEN THAT INTERFERES WITH OUR  
27 ABILITY TO PUT ON OUR CASE, BECAUSE THE DOCUMENTS  
28 WE'VE REQUESTED GO TO THOSE TWO SUBJECTS; 1 IS WHETHER

1 THERE WERE ALTERNATIVE MEANS FOR ALLIANCE MEMBERS TO  
2 EXPRESS THEIR VIEWPOINTS WITH EACH OTHER EVEN AFTER  
3 THE PUBLIC COMMENTS ON SOCIAL MEDIA WERE CLOSED.

4 AND SECOND, WOULD SHOW WHETHER OR NOT THERE  
5 WAS A PUBLIC BENEFIT CONFERRED AS A RESULT OF THIS  
6 LAWSUIT BY -- IF THEY PREVAIL AT TRIAL, DESPITE THE  
7 CLOSING OF PUBLIC COMMENTS.

8 AND SO THOSE DOCUMENTS FOR THOSE TWO  
9 SUBJECTS, IF THEY ARE NOT GOING TO BE PRODUCED, THEN  
10 I WOULD ASK FOR THE PRECLUSION ORDER I ASKED FOR  
11 EARLIER.

12 THE COURT: ALL RIGHT. MISS HAMILL,  
13 RESPONSE?

14 MS. HAMILL: THANK YOU, YOUR HONOR.

15 SO WE WOULD BE FINE CONCEDEDING THE POINT THAT  
16 PLAINTIFF MEMBERS WERE ABLE TO CONTINUE POSTING TWEETS  
17 ON THEIR OWN ACCOUNTS, AND THEY STILL --

18 THE COURT: TWEETS ON WHAT?

19 MS. HAMILL: ON THEIR OWN SOCIAL MEDIA  
20 ACCOUNTS. I DON'T BELIEVE THAT WEIGHS ON WHETHER OR  
21 NOT DEFENDANTS VIOLATED THE CONSTITUTION. WITH  
22 RESPECT TO WHETHER A PUBLIC BENEFIT IS CONFERRED, THE  
23 PRIVATE SOCIAL --

24 THE COURT: ARE YOU TALKING NOW ABOUT  
25 ATTORNEY'S FEES?

26 MS. HAMILL: YES.

27 THE COURT: OKAY.

28 MS. HAMILL: THE PRIVATE SOCIAL MEDIA

1 HANDLES VIEWS BY PLAINTIFF MEMBERS AS COMPLETELY  
2 IRRELEVANT TO WHETHER OR NOT A PUBLIC BENEFIT WILL BE  
3 CONFERRED BY OUR PREVAILING IN THIS LAWSUIT. WE ARE  
4 CONTENDING --

5 THE COURT: WHICH IS A POSITION YOU'LL TAKE  
6 IF YOU PREVAIL.

7 MS. HAMILL: YES, YOUR HONOR.

8 THE COURT: OKAY.

9 MS. HAMILL: AND FURTHER, THIS IS BELATED  
10 DISCOVERY. THE COUNTY DID NOT DEPOSE THESE WITNESSES.  
11 THEY DID NOT REQUEST THESE DOCUMENTS. THIS IS  
12 INAPPROPRIATE BELATED DISCOVERY VIA SUBPOENA. AND  
13 FRANKLY, I'M SURPRISED TO HEAR THIS ARGUMENT GIVEN  
14 THAT WE SERVED A NOTICE TO APPEAR SEPTEMBER 26TH  
15 REQUESTING DOCUMENTS, INCLUDING COMMUNICATIONS BETWEEN  
16 BARBARA FERRER AND BRETT MORROW. THEY HAVE NEVER BEEN  
17 PRODUCED.

18 I SERVED A TRIAL SUBPOENA LAST WEEK AS WELL  
19 TO ENSURE THAT WE RECEIVED THE DOCUMENTS SHOWING  
20 COMMUNICATIONS BETWEEN BRETT MORROW AND BARBARA  
21 FERRER. WE STILL HAVE NOT RECEIVED A SINGLE DOCUMENT.  
22 SO IF WE ARE GOING TO BE ASKING FOR ORDERS TO PRECLUDE  
23 FINDINGS, THEN I AM GOING TO ASK FOR AN ORDER  
24 PRECLUDING A FINDING IN FAVOR OF THE DEFENDANTS.

25 AND IF WE'RE NOT ALLOWED TO SEE THE  
26 COMMUNICATIONS BETWEEN THE COMMUNICATIONS DIRECTOR AND  
27 THE DIRECTOR OF PUBLIC HEALTH ABOUT WHAT THEY DID WITH  
28 RESPECT TO CLOSING OFF COMMENTS AND CENSORING PEOPLE,

1 I THINK IT'S A REASONABLE INFERENCE THAT THOSE  
2 COMMUNICATIONS ARE RATHER DAMNING FOR THE COUNTY.

3 THE COURT: WELL, WE'LL GET TO THAT LATER.  
4 BUT I AM TRYING TO UNDERSTAND YOUR POINT. YOU ARE  
5 SAYING IT WAS INAPPROPRIATE FOR DEFENSE TO SERVE TRIAL  
6 SUBPOENAS AND YOU DID THE SAME. AND YOU'RE  
7 COMPLAINING THAT THEY HAVEN'T PRODUCED DOCUMENTS IN  
8 RESPONSE TO YOUR TRIAL SUBPOENAS.

9 MS. HAMILL: THE ISSUE WITH ONE OF THE  
10 ISSUES IS, WE HAD A FULL EVIDENTIARY HEARING ON  
11 STANDING WHERE THEY ALL TESTIFIED AND CREATED A  
12 RECORD. WE ARGUED FROM ESSENTIALLY 10 A.M. TO 4 P.M.  
13 THAT DAY, AND THERE'S A TRANSCRIPT OF EVERYTHING THAT  
14 THEY HAVE STATED.

15 I DON'T BELIEVE IT'S NECESSARY TO HAVE ALL  
16 OF THEM RETURN. THEY ARE HERE. BUT THE DOCUMENTS  
17 REQUESTED ARE INAPPROPRIATE BELATED DISCOVERY, AND  
18 THEY HAVE NO BEARING ON THE ULTIMATE ISSUES IN THIS  
19 CASE.

20 THE COURT: WELL, LET'S PASS THE USE OF  
21 TRIAL SUBPOENAS AS A METHOD TO OBTAIN DOCUMENTS FOR  
22 NOW, BECAUSE IT SOUNDS LIKE YOU MAY BE WILLING TO  
23 STIPULATE, AS MR. RAYGOR HAS OFFERED.

24 MS. HAMILL: WE WOULD BE -- WELL, I WANT  
25 TO MAKE SURE THAT I READ THE TRANSCRIPT BEFORE I  
26 SPECIFICALLY AGREE. BUT WE DON'T HAVE AN ISSUE  
27 STIPULATING THAT INDIVIDUAL MEMBERS OF THE ALLIANCE  
28 WERE STILL ABLE TO SHARE THEIR THOUGHTS ON THEIR OWN

1 PRIVATE SOCIAL MEDIA PAGES.

2 THE COURT: OKAY. STOP THERE.

3 IS THAT A PARAPHRASE OF YOUR FIRST  
4 STIPULATION THAT YOU ARE REQUESTING, MR. RAYGOR?

5 MR. RAYGOR: THE WAY I FRAMED IT IS THAT ITS  
6 MEMBERS HAD ADEQUATE ALTERNATIVE MEANS TO DISCUSS,  
7 ADDRESS, AND COMMENT ON DEPARTMENT'S PUBLIC HEALTH  
8 POLICIES FOLLOWING THE JULY 29, 2022 CLOSING OF PUBLIC  
9 COMMENTARY ON DPH'S SOCIAL MEDIA SITES.

10 THE COURT: ADEQUATE ALTERNATIVE MEANS TO  
11 ADDRESS AND COMMENT ON D -- DEPARTMENT OF HEALTH'S  
12 POLICIES.

13 CAN YOU STIPULATE TO THAT?

14 MS. HAMILL: WE CAN'T STIPULATE TO ADEQUATE  
15 ALTERNATIVE MEANS. WE CAN STIPULATE TO THE FACT THAT  
16 THEY WERE USING THEIR OWN PRIVATE SOCIAL MEDIA  
17 ACCOUNTS TO SHARE THEIR THOUGHTS. BUT WHETHER OR NOT  
18 THAT'S ADEQUATE AND GIVES -- YOU KNOW, IF --

19 THE COURT: IF IT GOES TO THE ULTIMATE ISSUE  
20 IN THIS CASE --

21 MS. HAMILL: YES, EXACTLY.

22 THE COURT: CAN YOU ACCEPT THE STIPULATION  
23 AS MODIFIED, THEY HAD ALTERNATIVE MEANS, AND THE  
24 PARTIES CAN ARGUE WHETHER THEY WERE ADEQUATE?

25 MR. RAYGOR: WILL THEY BE HERE TO TESTIFY?  
26 BECAUSE I HAVE TRIAL SUBPOENAS TO THEM.

27 THE COURT: OKAY. I THINK THAT WE JUST  
28 HEARD THAT THEY ARE AND WILL BE.

1 MR. RAYGOR: THEN I WILL EXPLORE THAT. THAT  
2 WILL TAKE THE STIPULATION AND EXPLORE WHETHER THOSE  
3 ALTERNATIVE AVENUES WERE ADEQUATE AT THAT TIME.

4 THE COURT: AGREE?

5 MS. HAMILL: YES, YOUR HONOR.

6 THE COURT: OKAY. SO STIPULATION NO. 1 IS  
7 PLAINTIFF'S MEMBERS HAVE ALTERNATIVE MEANS TO  
8 COMMUNICATE TO THEIR OWN PRIVATE SOCIAL MEDIA. YES?

9 MS. HAMILL: YES, YOUR HONOR.

10 MR. RAYGOR: YOUR HONOR.

11 THE COURT: JUST ONE SECOND.

12 ANYTHING ELSE ON THAT FIRST STIPULATION?

13 MR. RAYGOR: YES, I BELIEVE THAT YOUR HONOR  
14 INCLUDED THE WORDS PRIVATE SOCIAL MEDIA.

15 THE COURT: WELL, I MAY HAVE MISSPOKE. IT'S  
16 REALLY PUBLIC SOCIAL MEDIA.

17 MR. RAYGOR: PUBLIC SOCIAL MEDIA.

18 THE COURT: YES. NOW, WITH RESPECT TO THE  
19 SECOND REQUEST FOR A STIPULATION OR RULINGS BY THE  
20 DEFENSE, ISN'T THAT A QUESTION OF LAW TO BE ADDRESSED  
21 AT THE CONCLUSION OF THE TRIAL; THE EXTENT TO WHICH  
22 THE ALLIANCE, IF IT PREVAILS, IS ENTITLED TO BE  
23 REIMBURSED FOR THEIR ATTORNEY'S FEES?

24 MR. RAYGOR: YES. THAT WOULD BE DONE AT THE  
25 CONCLUSION OF TRIAL.

26 THE COURT: SO WHY DO WE HAVE TO HAVE AN  
27 ADDITIONAL STIPULATION AT THIS POINT?

28 MR. RAYGOR: BECAUSE SOME OF THE DOCUMENTS



1 THAT WE ASKED FOR WILL ALLOW US TO EXPLORE WHETHER OR  
2 NOT THERE WAS INDEED A PUBLIC BENEFIT CONFERRED BY  
3 THEIR ACTIONS APPLIED IN THIS LAWSUIT.

4 THE COURT: WELL, WHICH CATEGORY -- LET'S  
5 LOOK AT 319 -- ARE YOU REFERRING TO?

6 MR. RAYGOR: ONE, THREE, FOUR, AND SIX.

7 THE COURT: START WITH NO. 1.

8 MR. RAYGOR: DOCUMENTS SUFFICIENT TO SHOW  
9 ALL POSTS --

10 THE COURT: WAIT, WAIT. IT'S MARKED AS AN  
11 EXHIBIT AND I HAVE IT IN FRONT OF ME. JUST ONE  
12 MOMENT, PLEASE.

13 I DON'T SEE HOW THIS GOES TO THE ISSUE OF  
14 ADEQUATE PUBLIC BENEFIT. IT SEEMS TO ME, MR. RAYGOR,  
15 YOU'RE CONFLATING THE ALLIANCE'S ABILITY AS THE  
16 PLAINTIFF IN THIS CASE WITH THEIR INDIVIDUAL MEMBERS'  
17 ABILITY TO COMMUNICATE VIA SOCIAL MEDIA.

18 MR. RAYGOR: YOUR HONOR, SORRY. WE'RE  
19 COMMUNICATING --

20 THE COURT: WELL, YOUR COLLEAGUE SHOULD NOT  
21 BE INTERRUPTING WHILE YOU AND I ARE HAVING A DIALOGUE.

22 MR. RAYGOR: I UNDERSTAND. WE'LL LET THAT  
23 ONE GO.

24 THE COURT: SO NO NEED FOR A SECOND  
25 STIPULATION. THE PUBLIC BENEFIT ARGUMENT IS REALLY  
26 ONE OF LAW AND WILL BE DETERMINED FIRST AS TO WHO  
27 PREVAILS AT TRIAL.

28 OKAY. ARE THERE ANY OTHER ISSUES, THEN,

1 WITH RESPECT TO THE FOUR SUBPOENAS TO ALLIANCE  
2 MEMBERS, MR. RAYGOR?

3 MR. RAYGOR: NOT ON THOSE, YOUR HONOR.

4 THE COURT: DO YOU HAVE ANY OTHER  
5 PRELIMINARY ISSUES?

6 MR. RAYGOR: I DO.

7 THE COURT: GO AHEAD.

8 MR. RAYGOR: THIS GOES TO THE THING THAT  
9 MISS HAMILL JUST MENTIONED, WHICH WAS A TRIAL SUBPOENA  
10 THAT WAS SERVED IN COURT ON ME FOR DR. FERRER LAST  
11 THURSDAY DURING THE FSC.

12 THE ALLIANCE HAD ALREADY SERVED A NOTICE TO  
13 APPEAR ON DHP ON SEPTEMBER 26. THAT INCLUDED  
14 DR. FERRER'S APPEARANCE. DR. FERRER IS GOING TO BE  
15 HERE. SHE IS HERE TODAY. SHE WILL BE TESTIFYING  
16 PURSUANT TO A NOTICE TO APPEAR.

17 IN THAT NOTICE TO APPEAR, MISS HAMILL  
18 INCLUDED DOCUMENT REQUESTS. WE SERVED OBJECTIONS TO  
19 THEM PURSUANT TO C.C.P. 1987(C) ON OCTOBER 2.  
20 ALLIANCE NEVER MOVED TO COMPEL THAT PRODUCTION OF  
21 DOCUMENTS AS IT WAS REQUIRED TO DO UNDER 1987(C).

22 AND THEN SECOND, WHAT THEY THEN DID WAS, ON  
23 OCTOBER 2 SERVE A SUBPOENA WITH THE SAME DOCUMENT  
24 REQUESTS FOR DR. FERRER. AND THE SUBPOENA WASN'T  
25 TIMELY SERVED. DR. FERRER WAS NOT IN TOWN. I HAD NO  
26 ABILITY TO GET AHOLD OF HER. I HAD NO ABILITY TO HAVE  
27 HER LOOK AT IT AND SEE IF SHE HAD THOSE DOCUMENTS  
28 REQUESTED, BUT THEY WERE THE SAME DOCUMENTS REQUESTED

1 IN THE NOTICE TO APPEAR TO WHICH WE HAD OBJECTED AND  
2 TO WHICH ALLIANCE NEVER FILED A MOTION TO COMPEL.

3 AND SO IT WAS SIMPLY AN END -- TRYING TO DO  
4 A RUNAROUND OR AN END RUN AROUND FOR FAILURE TO  
5 RESPOND AT THAT TIME. THE SUBPOENA WASN'T SERVED IN A  
6 REASONABLE TIME FOR PREPARATION AS REQUIRED BY  
7 1987(A), AND THERE WAS -- AND SO I THINK IT WAS SIMPLY  
8 SERVING THAT ON ME EXPECTING THAT THAT WOULD BE  
9 SUFFICIENT TO BE SERVICE ON DR. FERRER LAST THURSDAY  
10 WHEN SHE WAS OUT OF TOWN AND IS PER SE UNREASONABLE.

11 SO WE ASK THAT THE COURT QUASH OR IGNORE  
12 THAT SUBPOENA.

13 THE COURT: THE OCTOBER 2ND ONE?

14 MR. RAYGOR: YES. THE OCTOBER 12 ONE.

15 THE COURT: TWELVE. OKAY.

16 ONCE AGAIN, I DON'T HAVE A COPY, SO I'M AT A  
17 DISADVANTAGE. DO YOU HAVE THAT?

18 MR. RAYGOR: I THINK I DO. I HAVE COPIES  
19 FOR YOUR HONOR.

20 THE COURT: OKAY.

21 MR. RAYGOR: AND FOR MISS HAMILL.

22 MS. HAMILL: THANKS.

23 THE COURT: ALL RIGHT. MISS HAMILL, YOUR  
24 RESPONSE.

25 MS. HAMILL: YES, YOUR HONOR. THANK YOU.

26 ON OCTOBER 12TH, I HANDED THE TRIAL SUBPOENA  
27 TO MR. RAYGOR. AND THEN AFTER THE FSC I ASKED HIM IF  
28 HE WOULD ACCEPT SERVICE OR IF I HAD TO HAVE THIS

1 PERSONALLY DELIVERED TO BARBARA FERRER, AND HE TOLD ME  
2 HE WOULD ACCEPT SERVICE. WE HAVE ASKED FOR THESE SAME  
3 DOCUMENTS FOR MONTHS. WE ASKED FOR THEM IN THE NOTICE  
4 OF DEPOSITION TO BARBARA FERRER. WE FOLLOWED UP WITH  
5 EXTENSIVE MEET AND CONFERS. WE FOLLOWED UP WITH  
6 DISCOVERY REQUESTS. WE FOLLOWED UP WITH THE NOTICE IN  
7 LIEU AND FOLLOWED UP WITH A TRIAL SUBPOENA. WE STILL  
8 HAVE NOT SEEN A SINGLE E-MAIL BETWEEN BARBARA FERRER  
9 AND BRETT MORROW, WHICH REALLY GOES TO THE HEART OF  
10 THIS CASE.

11 THE COURT: WELL, AGAIN, ONE OF THE POINTS  
12 THAT MR. RAYGOR MADE WAS THAT THIS WASN'T PURSUED  
13 THROUGH NORMAL AVENUES OF DISCOVERY. AND BY THAT I  
14 MEAN ANY MOTIONS TO COMPEL THAT I RECALL. AND THEN  
15 APPARENTLY YOU SERVED A SIMILAR SUBPOENA ON  
16 SEPTEMBER 26 WHICH, ACCORDING TO MR. RAYGOR, WAS  
17 PROPERLY OBJECTED TO PURSUANT TO THE CODE.

18 AND THAT WASN'T BROUGHT TO THE COURT'S  
19 ATTENTION BY ANY RESPONSE YOU MADE OR ANY EX PARTE OR  
20 ANY OTHER STATUS REPORT, WHICH I TYPICALLY INVITED AT  
21 EVERY ONE OF OUR HEARINGS.

22 AND THEN YOU JUST COLLOQUIALLY LAID MORE  
23 PAPER ON MR. RAYGOR A FEW DAYS AGO. SO HAS YOUR  
24 POSITION -- HAVE YOU EFFECTIVELY WAIVED YOUR POSITION  
25 ON THIS BY FAILING TO PURSUE ADEQUATE REMEDIES EITHER  
26 THROUGH THE DISCOVERY PROCESS UNDER THE CODE OR BY  
27 FAILING TO RESPOND TO THEIR OBJECTION TO YOUR  
28 SEPTEMBER 26 SUBPOENA?

1 MS. HAMILL: THE TRIAL SUBPOENA WAS PROPERLY  
2 SERVED, AND IT WAS ACCEPTED BY MR. RAYGOR, SO I DON'T  
3 BELIEVE WE WAIVED --

4 THE COURT: WHICH ONE ARE YOU TALKING ABOUT?

5 MS. HAMILL: THE TRIAL SUBPOENA ON  
6 OCTOBER 12TH.

7 THE COURT: OKAY. WELL, THEN, THE QUESTION  
8 BECOMES TIMELINESS; RIGHT?

9 MS. HAMILL: YES, YOUR HONOR.

10 THE COURT: AND?

11 MS. HAMILL: THEY HAVE BEEN AWARE OF THESE  
12 DOCUMENT REQUESTS FOR MONTHS.

13 THE COURT: WELL, ONCE AGAIN, THIS IS AN  
14 ADVERSARIAL PROCESS. IT'S LITIGATION. IF YOU FELT  
15 DURING THE COURSE OF THE DISCOVERY PERIOD, WHICH ENDED  
16 30-DAYS BEFORE THIS TRIAL, THAT THEY WERE IMPROPERLY  
17 WITHHOLDING DOCUMENTS, YOU WERE NOT PRECLUDED FROM  
18 COMING TO COURT TO SEEK RELIEF. AND AS I SAID, I  
19 DON'T RECALL THAT THAT WAS EVER DONE.

20 AND YOUR SECOND PLAN WAS, THE SEPTEMBER 26  
21 SUBPOENA WAS RESPONDED TO, AND I'M NOT HEARING ANY  
22 CONTESTS ABOUT THAT. SO WE'RE LEFT WITH THE THIRD ONE  
23 AND IT SEEMS THAT, WHAT, FOUR DAYS BEFORE TRIAL, IS  
24 PROBABLY PRIMA FACIE UNTIMELY.

25 MS. HAMILL: YOUR HONOR, WE'RE WILLING TO  
26 ACCEPT THAT. WE HAVE SUFFICIENT EVIDENCE TO PROCEED  
27 AT TRIAL, AND --

28 THE COURT: OKAY. THEN I'M GOING TO RELIEVE

1 DR. FERRER OF THE OBLIGATION OF HAVING TO RESPOND TO  
2 THIS OCTOBER 12 SUBPOENA. OKAY?

3 MS. HAMILL: YES, YOUR HONOR.

4 THE COURT: ALL RIGHT. ANYTHING FURTHER  
5 FROM THE DEFENSE?

6 MR. RAYGOR: I HAVE FURTHER THINGS, BUT I'LL  
7 ADDRESS THEM AT THE TIME PARTICULAR EXHIBITS COME IN.

8 THE COURT: SURE. THAT WOULD BE THE MOST  
9 EFFICIENT WAY TO DO IT.

10 ALL RIGHT. ANYTHING?

11 THE CLERK: NO.

12 THE COURT: OKAY. MISS HAMILL, ARE YOU  
13 PREPARED TO GIVE AN OPENING STATEMENT?

14 MS. HAMILL: YES, YOUR HONOR.

15 THE COURT: THEN YOU MAY DO SO.

16 MS. HAMILL: YES, YOUR HONOR. MAY I USE THE  
17 PODIUM?

18 THE COURT: YES.

19 MR. RAYGOR: YOUR HONOR, MAY I JUST ASK IF  
20 THE COURT REPORTER CAN HEAR ME OKAY OR SHOULD I MOVE  
21 THE MICROPHONE CLOSER?

22 THE REPORTER: MOVE IT CLOSER, PLEASE.

23 THE COURT: YOUR VOICE SOMETIMES FADES A  
24 LITTLE BIT, MR. RAYGOR, SO YES. YOU WANT TO PROJECT  
25 FOR ALL OF US.

26 MR. RAYGOR: IS THAT BETTER?

27 THE REPORTER: IT IS. THANK YOU VERY MUCH.

28 THE COURT: YOU MAY PROCEED.

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OPENING STATEMENT

MS. HAMILL: ACCORDING TO SUPREME COURT JUSTICE NEIL GORSUCH, SINCE 2020 WE MAY HAVE EXPERIENCED THE GREATEST INTRUSIONS ON CIVIL LIBERTIES IN THIS COUNTRY'S PEACETIME HISTORY. EXECUTIVE OFFICIALS ACROSS THE COUNTRY ISSUED EMERGENCY DECREES ON A BREATHTAKING SCALE. DIRECTORS OF DEPARTMENTS OF PUBLIC HEALTH LIKE DEFENDANT LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH DIRECTOR BARBARA FERRER WERE PUT IN POSITIONS OF EXTREME POWER.

THAT POWER WENT UNCHECKED FOR THREE YEARS, DURING WHICH THE CONSTITUTIONAL RIGHTS AND NORMS WERE SUSPENDED, AND HER DEPARTMENT CONTROLLED EVERY ASPECT OF LIFE FOR CITIZENS OF LOS ANGELES COUNTY. FORCING PEOPLE TO STAY INSIDE THEIR HOMES, TO SHUT THEIR BUSINESSES, CLOSING SCHOOLS, PLAYGROUNDS, BEACHES, AND FORCING PEOPLE TO MASK AND TAKE SHOTS.

THE HARM DONE TO THE PEOPLE OF LOS ANGELES WAS DEVASTATING. BUT WE ARE NOT HERE TO DEBATE THE WISDOM OF PUBLIC HEALTH MANDATES. WE'RE HERE BECAUSE IN JULY OF 2022, THE DAM BROKE ON THE DEPARTMENT OF PUBLIC HEALTH'S COVID ORTHODOXY. WHEN DEFENDANTS TRIED TO BRING BACK ANOTHER MASK MANDATE AND A VIDEO OF LOS ANGELES COUNTY-USC MEDICAL DOCTORS, DR. PAUL HOLTOM AND DR. BRAD SPELLBERG LEAKED TO THE PUBLIC. IN THAT VIDEO, CHIEF EPIDEMIOLOGIST PAUL HOLTOM AND AND CHIEF MEDICAL OFFICER BRAD SPELLBERG SHARED THEIR

1 CLINICAL OBSERVATIONS OF A SIGNIFICANT DECREASE IN  
2 SEVERITY OF THE VIRUS.

3 THAT VIDEO SPREAD ACROSS SOCIAL MEDIA AND  
4 LOCAL NEWS. THE DEPARTMENT OF PUBLIC HEALTH LOST  
5 CONTROL OF THEIR NARRATIVE. THEY SHUT DOWN PUBLIC  
6 COMMENTS ON THEIR SOCIAL MEDIA PAGES AND ENGAGED IN A  
7 CENSORSHIP CAMPAIGN IN AN ATTEMPT TO ELIMINATE  
8 CRITICISM AND CONFLICTING OPINIONS FROM THE PUBLIC  
9 SPHERE IN ORDER TO ESTABLISH A FALSE CONSENSUS AND  
10 OFFICIAL ORTHODOXY ON COVID.

11 DEFENDANTS IN THIS CASE USED POLITICAL  
12 CONNECTIONS TO REACH THE HIGHEST LEVELS OF TWITTER AND  
13 RELENTLESSLY PUSHED TO HAVE ACCOUNTS CRITICAL OF  
14 FERRER AND OF THE DEPARTMENT OF PUBLIC HEALTH SILENCED  
15 AND DEPLATFORMED.

16 BEFORE LANDING AT THE DEPARTMENT OF PUBLIC  
17 HEALTH, COMMUNICATIONS CHIEF BRETT MORROW WORKED AS  
18 COMMUNICATIONS DIRECTOR FOR SEVERAL DEMOCRATIC  
19 CONGRESSMEN. HE LEANED ON THOSE POLITICAL CONNECTIONS  
20 TO EXECUTE A CAMPAIGN TO ELIMINATE SPEECH CRITICAL OF  
21 FERRER AND PUBLIC HEALTH MANDATES. MORROW SOUGHT TO  
22 ELIMINATE CRITICISM AND DIVERGENT VIEWS FROM  
23 TRADITIONAL AND DIGITAL MEDIA. FERRER HERSELF BLOCKED  
24 CRITICS FROM SENDING HER E-MAILS AT THE COUNTY.

25 THE DEPARTMENT OF PUBLIC HEALTH ATTEMPTED TO  
26 ESTABLISH ONE GOVERNMENT NARRATIVE ON COVID BY  
27 RESTRICTING SPEECH IN CONFLICT WITH THEIR VIEWS.  
28 BRETT MORROW TOLD TWITTER IN A SERIES OF EMAILS THAT,



1 QUOTE ANTI-MASKERS AND, QUOTE, OPPONENTS WERE  
2 ATTACKING THE COUNTY BECAUSE THEY DIDN'T WANT ANOTHER  
3 MASK MANDATE.

4 HE SENT AT LEAST 11 E-MAILS TO TWITTER,  
5 NAMEDROPPING CONGRESSMAN ADAM SCHIFF AND COPYING  
6 SCHIFF'S CHIEF OF STAFF PATRICK BOLAND. [THANKFULLY,  
7 MORROW WASN'T SUCCESSFUL IN CONVINCING TWITTER TO  
8 DEPLATFORM ALL THE DEPARTMENT OF PUBLIC HEALTH  
9 CRITICS. BECAUSE DEFENDANTS COULD NOT CONVINC  
10 TWITTER TO DEPLATFORM ALL OF THEIR CRITICS, THEY SHUT  
11 OFF PUBLIC COMMENTS ON THEIR SOCIAL MEDIA TO MUTE  
12 THOSE VOICES.

13 BUT DEFENDANTS DID SUCCEED IN HAVING AN  
14 ACCOUNT CREATED BY ALLIANCE MEMBER CYNTHIA ROJAS  
15 PERMANENTLY SUSPENDED FROM TWITTER. THAT ACCOUNT  
16 KNOWN IN THIS LAWSUIT AS THE ALT ACCOUNT WAS CREATED  
17 AFTER DEFENDANTS SHUT OFF PUBLIC COMMENTS IN ORDER TO  
18 PROVIDE AN OPEN FORUM WHERE PEOPLE COULD SHARE  
19 INFORMATION ABOUT THE PANDEMIC AND ABOUT PUBLIC HEALTH  
20 IN A CENTRALIZED PUBLIC PLACE.

21 AFTER THE DEPARTMENT OF PUBLIC HEALTH  
22 COMMUNICATIONS DIRECTOR BRETT MORROW SUCCEEDED IN  
23 HAVING THE ALT ACCOUNT TAKEN DOWN, HE WENT BACK TO  
24 TWITTER FOR MORE, ATTEMPTING TO HAVE TWO OBVIOUSLY  
25 SATIRICAL ACCOUNTS PERMANENTLY SUSPENDED USING THE  
26 SAME STRATEGY THAT HAD WORKED FOR HIM TO GET THE ALT  
27 ACCOUNT TAKEN DOWN.

28 YOU HEARD DURING THE BIFURCATED STANDING

1 PORTION OF THIS TRIAL FROM ALLIANCE OF LA COUNTY  
2 MEMBER MARGARET ORENSTEIN, A HARVARD TRAINED CHIEF  
3 OPERATING OFFICER AT A MULTI SITE MEDICAL FACILITY WHO  
4 WAS FORCED TO GIVE UP HER CAREER TO CARE FOR HER YOUNG  
5 CHILDREN WHO WERE FORCED TO STAY HOME REPEATEDLY UNDER  
6 COUNTY QUARANTINE ORDERS. YOU HEARD THAT WHEN SHE  
7 SPOKE OUT ABOUT THE IMPACTS OF PUBLIC HEALTH DECISIONS  
8 ON CHILDREN, SHE WAS CALLED A QANON CULTIST. SHE WAS  
9 TOLD SHE WANTED DEATH FOR CHILDREN AND TEACHERS, AND  
10 SOMEONE TRIED TO HAVE HER FIRED FROM HER JOB.

11 YOU HEARD FROM ALLIANCE MEMBER SARAH BETH  
12 BURWICK, AN ATTORNEY AT A PRESTIGIOUS BIG LAW FIRM ON  
13 TRACK TO MAKE PARTNER UNTIL SHE WAS FORCED TO STAY  
14 HOME WITH HER YOUNG CHILDREN UNDERFOOT. YOU WILL HEAR  
15 FROM ROXANNE HOGUE, A MOTHER OF TEEN GIRLS DURING THE  
16 PANDEMIC, WHO SUFFERED FROM ISOLATION, HARASSMENT, AND  
17 DISCRIMINATION DUE TO THEIR VACCINE STATUS AND HARMFUL  
18 MESSAGING FROM DEFENDANTS.

19 MISS HOGUE'S DAUGHTERS SPENT THEIR HIGH  
20 SCHOOL YEARS IN AND OUT OF QUARANTINE, MASKED, AND  
21 EXCLUDED FROM THEIR BELOVED ACTIVITIES LIKE DANCE AND  
22 THEATER. DURING THE BIFURCATED STANDING PORTION OF  
23 THIS TRIAL, YOU HEARD THAT THESE WOMEN CAME TOGETHER,  
24 COMBINED THEIR DIVERSE SKILL SETS AND RESOURCES, AND  
25 THEY TOOK ACTION AS THE ALLIANCE OF LOS ANGELES COUNTY  
26 PARENTS TO RESTORE NORMALCY FOR THEIR CHILDREN AND TO  
27 HOLD THE GOVERNMENT ACCOUNTABLE FOR THE LOSS OF CIVIL  
28 LIBERTIES AND CONSTITUTIONAL RIGHTS THAT HARMED THEIR

1 CHILDREN.

2 YOU WILL HEAR ABOUT THE ALT ACCOUNT CREATED  
3 BY ALLIANCE MEMBER CYNTHIA ROJAS WHICH WAS CREATED  
4 SOLELY TO RETWEET DEFENDANTS' CONDUCT ON TWITTER AND  
5 PROVIDE OPEN COMMENTS SO PEOPLE COULD DISCUSS. YOU'LL  
6 HEAR THAT THIS ACCOUNT WAS CREATED IN ORDER TO PROVIDE  
7 A CENTRALIZED PUBLIC FORUM AND ALTERNATIVE TO THE ONE  
8 THE COUNTY HAD JUST SHUT DOWN.

9 YOU'LL HEAR THAT THE PUBLIC DISCOURSE  
10 PROVIDING DIVERGENT VIEWS ON THE PANDEMIC AND PUBLIC  
11 HEALTH ORDERS WAS IMPORTANT TO THE ALLIANCE, NOT JUST  
12 BECAUSE FREE SPEECH IS A BYLAW OF AMERICAN SOCIETY,  
13 BUT BECAUSE IT PROVIDED A PATHWAY OUT OF REPRESSIVE  
14 MEASURES AND PROTECTIONS AGAINST A REPETITION OF  
15 RECENT HISTORY.

16 YOU WILL HEAR THAT ALLIANCE VIEWPOINTS,  
17 INCLUDING OPPOSITION TO PUBLIC HEALTH MANDATES, WERE  
18 THE EXACT VIEWPOINTS DEFENDANTS SOUGHT TO QUASH BY  
19 CLOSING THE PUBLIC FORUM ELIMINATING THAT ALT ACCOUNT  
20 FROM TWITTER. WITHOUT OPEN DISCOURSE, BARBARA FERRER  
21 AND THE DEPARTMENT OF PUBLIC HEALTH WILL CONTINUE TO  
22 DISSEMINATE ONE GOVERNMENT NARRATIVE ON PUBLIC HEALTH  
23 ISSUES. AND WITH CENTRALIZED POWER AND CONTROL, SHE  
24 WILL CONTINUE TO RESTRICT FREEDOMS WHEN THE NEXT  
25 EMERGENCY COMES.

26 OPEN PUBLIC FORUMS, HOWEVER, CREATE  
27 OPPORTUNITIES FOR DISCUSSION AND DEBATE, TO EDUCATE  
28 THE POPULACE AND THOSE IN POSITIONS OF AUTHORITY LIKE

1 OUR COUNTY BOARD OF SUPERVISORS TO ENSURE THAT WE  
2 CONTINUE TO BE A SOCIETY GOVERNED BY THE PEOPLE AND  
3 FOR THE PEOPLE RATHER THAN A MONARCHY OR A  
4 DICTATORSHIP WITH CENTRALIZED POWER AND AUTHORITY THAT  
5 CANNOT BE QUESTIONED.

6 DEFENDANTS WILL SAY THAT THEY CLOSED THE  
7 FORUM FOR A VIEWPOINT NEUTRAL PURPOSE; THAT IT HAD  
8 NOTHING TO DO WITH THE BARRAGE OF CRITICISM AND THE  
9 SHARING OF A TOWN HALL VIDEO IN WHICH THE COUNTY'S OWN  
10 MEDICAL DOCTORS, DR. BRAD SPELLBERG AND DR. PAUL  
11 HOLTOM PROVIDED A DIFFERENT VIEWPOINT ON THE SEVERITY  
12 OF THE PANDEMIC. THEY WILL ARGUE THAT CLOSING THE  
13 PUBLIC FORUM HAD NOTHING TO DO WITH THE ONSLAUGHT OF  
14 QUESTIONS TO FERRER REGARDING HER FAILURE TO DISCLOSE  
15 THAT THE AUTHOR OF THE STUDY SUPPORTING FERRER'S  
16 MANDATES WAS FERRER'S OWN DAUGHTER.

17 THEY WILL ARGUE THAT WHEN BRETT MORROW USED  
18 HIS CONNECTIONS IN ADAM SCHIFF'S OFFICE, THEN CHAIR OF  
19 THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE  
20 TO REPORT TWEETS BY ANTI-MASKERS AND OPPONENTS TO THE  
21 HEAD OF U.S. PUBLIC POLICY AT TWITTER, HE WAS MERELY  
22 TRYING TO MAKE SURE TWITTER WAS ENFORCING ITS  
23 POLICIES.

24 EVEN THOUGH MORROW FOLLOWED UP INCESSANTLY  
25 AND SENT AT LEAST 11 EMAILS, ALL OF WHICH REFERENCED  
26 HIS CONNECTION TO CONGRESSMAN SCHIFF, WHO NOT ONLY HAD  
27 REGULATORY AUTHORITY OVER TWITTER, BUT HAD QUESTIONED  
28 TWITTER ON MULTIPLE OCCASIONS TO TAKE DOWN ACCOUNTS

1 CRITICAL OF SCHIFF. AND WHEN TWITTER FAILED TO ACT,  
2 THE CHAIRMAN, AS SCHIFF'S STAFF REFERS TO HIM,  
3 FOLLOWED UP WITH MORE AGGRESSIVE INVESTIGATION AND  
4 PRESSURE.

5 ALL OF THESE FACTS PROVIDE THE CONTEXT  
6 AND TENOR OF THE RELATIONSHIPS BETWEEN COUNTY  
7 COMMUNICATIONS CHIEF BRETT MORROW AND TWITTER.  
8 DEFENDANTS WILL TELL YOU THEY HAD TO SHUT DOWN  
9 COMMENTS BECAUSE PEOPLE WERE BEING MEAN AND SPREADING  
10 MISINFORMATION.

11 THEY'LL CONTEND THAT ELIMINATION OF  
12 CRITICISM AND OPINIONS THAT WEREN'T APPROVED BY THE  
13 DEPARTMENT OF PUBLIC HEALTH WAS A VIEWPOINT NEUTRAL  
14 ACT. THE VIEWPOINT DISCRIMINATION BY DEFENDANTS,  
15 HOWEVER, IS PRESENT IN MORROW'S OWN WORDS TO TWITTER,  
16 TO CORAL ITZCALLI AT HEALTH SERVICES, TO SAL RODRIGUEZ  
17 AT THE SOUTHERN CALIFORNIA NEWS GROUP, AND TO SCHIFF  
18 CHIEF OF STAFF PATRICK BOLAND.

19 IT'S PRESENT IN FERRER'S REQUEST TO HER  
20 STAFF TO CUT OFF THE ABILITY OF HER CRITICS TO CONTACT  
21 HER BY E-MAIL. IT'S CLEAR IN THE REPLIES TO PUBLIC  
22 HEALTH POSTS LEADING UP TO THE JULY 30TH DECISION TO  
23 CLOSE COMMENTS WHICH WERE ALMOST EXCLUSIVELY CRITICISM  
24 OF FERRER, MORROW, AND THE DEPARTMENT OF PUBLIC HEALTH  
25 RESPONSE TO COVID. NOTABLY THESE TWEETS ARE NO LONGER  
26 VISIBLE ON DEFENDANTS' PUBLIC SOCIAL MEDIA TIMELINE.

27 THE ALLIANCE SEEKS NO DAMAGES IN THIS  
28 ACTION. IT SEEKS ONLY DECLARATORY AND INJUNCTIVE

1 RELIEF AND DETERMINATION THAT THE COUNTY ENGAGED IN  
2 VIEWPOINT DISCRIMINATION AND VIOLATED CITIZENS  
3 CONSTITUTIONAL RIGHTS TO SPEAK AND RECEIVE  
4 INFORMATION, A DETERMINATION THAT DEFENDANTS  
5 SIGNIFICANTLY ENCOURAGED OR COERCED TWITTER TO  
6 DEPLATFORM AN ACCOUNT CREATED SOLELY TO PROVIDE A  
7 PUBLIC FORUM FOR OPEN DISCOURSE, AN INJUNCTION  
8 REQUIRING THE COUNTY TO REOPEN PUBLIC COMMENTS ON ITS  
9 SOCIAL MEDIA PAGES IN ORDER TO RESTORE OPEN DISCOURSE  
10 ON ISSUES OF PUBLIC IMPORTANCE. IF THE COUNTY IS NOT  
11 HELD ACCOUNTABLE FOR ITS CENSORSHIP AND ATTEMPTS AT  
12 CENSORSHIP, IT WILL CONTINUE THE SAME CONDUCT, AND THE  
13 PEOPLE OF LOS ANGELES WILL CONTINUE TO BE HARMED BY  
14 THE WIELDING OF UNCHECKED CENTRALIZED POWER.

15 THE PEOPLE MUST BE ALLOWED TO QUESTION AND  
16 CRITICIZE THEIR GOVERNMENT. THE LOSS OF FIRST  
17 AMENDMENT FREEDOMS FOR EVEN MINIMAL PERIODS OF TIME  
18 UNQUESTIONABLY CONSTITUTES IRREPARABLE INJURY. AND IF  
19 THERE'S ANY FIXED STAR IN OUR CONSTITUTIONAL  
20 CONSTELLATION, IT IS THAT NO OFFICIAL, HIGH OR PETTY,  
21 CAN PRESCRIBE WHAT SHALL BE ORTHODOX IN POLITICS,  
22 NATIONALISM, RELIGION, OR OTHER MATTERS OF OPINION.

23 THANK YOU.

24 THE COURT: THANK YOU. MR. RAYGOR? YOUR  
25 TURN.

26 MR. RAYGOR: ONE SENTENCE: ALLIANCE'S STORY  
27 IS CREATIVE, BUT AS WE WILL SEE WHEN WE GET INTO THE  
28 ACTUAL EVIDENCE, HAS NO FOUNDATION, FACT, AND IS JUST

1 A STORY.

2 THE COURT: THANK YOU. ALLIANCE MAY CALL  
3 THEIR FIRST WITNESS.

4 MS. HAMILL: YOUR HONOR, WE CALL BARBARA  
5 FERRER TO THE STAND.

6 THE COURT: ALL RIGHT. IS SHE IN COURT?

7 MR. RAYGOR: OUTSIDE.

8 THE COURT: THE WITNESS WILL STEP FORWARD  
9 AND BE SWORN.

10 THE CLERK: PLEASE STAND BEHIND THE COURT  
11 REPORTER AND RAISE YOUR RIGHT HAND.

12 DO YOU SOLEMNLY STATE THAT THE TESTIMONY YOU  
13 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT  
14 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT  
15 THE TRUTH, SO HELP YOU GOD.

16 THE WITNESS: I DO.

17 THE CLERK: PLEASE HAVE A SEAT IN THE  
18 WITNESS STAND. PLEASE STATE AND SPELL YOUR FIRST AND  
19 LAST NAME FOR THE RECORD.

20 THE WITNESS: BARBARA FERRER. B.A. R B.A. R  
21 A. F ER R ER.

22 THE CLERK: THANK YOU.

23 THE COURT: YOU MAY INQUIRE.

24 MS. HAMILL: THANK YOU.

25

26 CROSS-EXAMINATION

27 Q. (BY MS. HAMILL) YOU'VE BEEN DIRECTOR OF  
28 THE L.A. COUNTY OF PUBLIC HEALTH FOR A LITTLE OVER

1 SIX-YEARS; CORRECT?

2 A. YES.

3 Q. AND EVERYONE WITHIN THE DEPARTMENT OF PUBLIC  
4 HEALTH WORKS UNDER YOU. IS THAT CORRECT?

5 A. YES.

6 Q. AND YOU'RE NOT A MEDICAL DOCTOR, ARE YOU?

7 A. I AM NOT.

8 Q. AND YOU HAVE A PH.D. IN SOCIAL WELFARE?

9 THE COURT: MISS HAMILL, GO A LITTLE SLOWER.  
10 I WANT TO TAKE SOME NOTES, AND THE COURT REPORTER IS  
11 GOING TO GET EXHAUSTED.

12 ALL RIGHT. YOU ARE NOT A MEDICAL DOCTOR.  
13 NEXT QUESTION.

14 Q. (BY MS. HAMILL) YOU HAVE A PH.D. IN SOCIAL  
15 WELFARE; CORRECT?

16 A. I HAVE A PH.D. IN A PROGRAM AT BRANDEIS.  
17 WITHIN THAT PROGRAM I WAS A PUGH FELLOW AND MY AREA OF  
18 EXPERTISE IS ACTUALLY IN HEALTH POLICY.

19 Q. IS THERE A TITLE ON THE DEGREE THAT YOU HAVE  
20 FROM BRANDEIS?

21 A. I'M NOT REALLY SURE, BUT I THINK THERE'S  
22 BEEN CONFUSION ABOUT WHAT SOCIAL WELFARE MEANS, SO I'M  
23 JUST TRYING TO CLEAR UP THAT CONFUSION. I WAS IN A  
24 PROGRAM FOR HEALTH POLICY.

25 Q. BUT THE PH.D. IS IN SOCIAL WELFARE?

26 A. I'D HAVE TO LOOK.

27 Q. AND YOUR CURRENT SALARY IS APPROXIMATELY  
28 \$650,000 A YEAR; CORRECT?



1 A. I DON'T THINK THAT'S CORRECT.

2 Q. WHAT IS IT?

3 MR. RAYGOR: OBJECTION. RELEVANCE.

4 THE COURT: WHAT'S THE RELEVANCE?

5 MS. HAMILL: JUST GETTING THROUGH

6 BACKGROUND.

7 THE COURT: OKAY. OBJECTION'S SUSTAINED.

8 NEXT QUESTION.

9 Q. (BY MS. HAMILL) YOUR DEPARTMENT HAS THE  
10 AUTHORITY TO ISSUE MANDATES IMPACTING OVER  
11 10 MILLION CITIZENS IN L.A. COUNTY. IS THAT  
12 CORRECT?

13 A. THE HEALTH OFFICER HAS THE AUTHORITY TO  
14 ISSUE A HEALTH OFFICER ORDER.

15 Q. THAT'S WITHIN YOUR DEPARTMENT; CORRECT?

16 A. YES.

17 Q. AND YOU NEVER RECEIVED TRAINING ON HOW ON TO  
18 UPHOLD THE CALIFORNIA AND UNITED STATES CONSTITUTIONS  
19 IN YOUR ROLE AS A GOVERNMENT OFFICIAL, HAVE YOU?

20 A. I'M NOT SURE I UNDERSTAND YOUR QUESTION.

21 Q. HAVE YOU EVER RECEIVED ANY CONSTITUTIONAL  
22 TRAINING ON FIRST AMENDMENT RIGHTS OR ANYTHING ALONG  
23 THOSE LINES?

24 A. I MEAN, I THINK IN MY VARIOUS ACADEMIC  
25 PROGRAMS, WE'VE RECEIVED INFORMATION ABOUT FIRST  
26 AMENDMENT RIGHTS AS WELL OTHER INFORMATION ABOUT THE  
27 CONSTITUTION. I DON'T KNOW WHAT YOU MEAN BY TRAINING.  
28 I GUESS THAT'S THE QUESTION.

1 Q. AND YOU SIGNED CONTRACTS ON BEHALF OF THE  
2 DEPARTMENT; CORRECT?

3 A. I DO.

4 Q. AND YOUR SIGNATURE IS ON THE DEPARTMENT'S  
5 CONTRACT WITH FRASER COMMUNICATIONS; CORRECT?

6 A. YES.

7 THE COURT: I'M SORRY. WITH WHICH COMPANY?

8 MS. HAMILL: FRASER COMMUNICATIONS.

9 F-R-A-S-E-R.

10 THE COURT: AND YOUR ANSWER WAS?

11 THE WITNESS: YES.

12 THE COURT: THANK YOU.

13 NEXT?

14 Q. (BY MS. HAMILL) DO YOU RECALL ME TAKING  
15 YOUR DEPOSITION ON MAY 3RD IN THIS CASE?

16 A. YES, I DO.

17 Q. DO YOU RECALL TESTIFYING THAT YOU DID NOT  
18 SEARCH FOR ANY DOCUMENTS BEFORE APPEARING TO TESTIFY  
19 AT THAT DEPOSITION?

20 A. YES, I DO.

21 Q. DO YOU RECALL TELLING ME THAT YOU DON'T  
22 SEARCH FOR DOCUMENTS?

23 A. I DON'T SEARCH FOR DOCUMENTS RELATED TO  
24 COURT ORDERS OR TO REQUEST FOR INFORMATION UNDER THE  
25 FREEDOM OF INFORMATION REQUESTS.

26 Q. AND YOU TOLD ME THAT YOU DON'T SEARCH FOR  
27 DOCUMENTS; CORRECT?

28 A. NO, I DID NOT. I DON'T SEARCH FOR THOSE

1 DOCUMENTS. I ACTUALLY VERY CLEARLY IN DEPOSITION TOLD  
2 YOU I SEARCH FOR OTHER KINDS OF DOCUMENTS ALL THE  
3 TIME.

4 Q. I DON'T HAVE THAT TESTIMONY. LET'S GO TO  
5 PAGE 18 OF THE DEPOSITION OF BARBARA FERRER. DO YOU  
6 HAVE THE DEPOSITION TRANSCRIPTS?

7 THE COURT: ARE YOU TALKING TO ME?

8 MS. HAMILL: I KNOW THAT THEY WERE LODGED.

9 THE COURT: ARE YOU TALKING TO ME,  
10 MISS HAMILL?

11 MS. HAMILL: YES, YOUR HONOR.

12 THE COURT: OKAY. WE HAVE TWO SETS. I  
13 BELIEVE ONE IS STYLED AS A CORRECTED VERSION.

14 MS. HAMILL: YES.

15 THE COURT: IS THAT THE ONE YOU'RE GOING TO  
16 BE REFERRING TO?

17 MS. HAMILL: YES, YOUR HONOR.

18 THE COURT: OKAY. ALL RIGHT. DO YOU HAVE A  
19 PAGE AND LINE FOR US?

20 MS. HAMILL: I DO. PAGE 18, LINE 10 THROUGH  
21 25. MAY I READ?

22 THE COURT: JUST ONE SECOND.

23 GO AHEAD.

24 Q. (BY MS. HAMILL) LINE 10:

25 QUESTION: AND I'LL ASK THE WITNESS,  
26 MISS FERRER -- DR. FERRER, HAVE YOU CONDUCTED A SEARCH  
27 FOR THE DOCUMENTS DEMANDED IN PRODUCTION NO. 2?

28 ANSWER: I HAVE NOT.

1 QUESTION: YOU HAVE NOT. CAN YOU DO THAT?

2 MR. RAYGOR: CALLS FOR SPECULATION.

3 MISS HAMILL: YOU MAY ANSWER THE QUESTION.

4 THE WITNESS: I DON'T -- I DON'T SEARCH FOR  
5 DOCUMENTS.

6 QUESTION: YOU DON'T SEARCH FOR DOCUMENTS?

7 ANSWER: I DON'T SEARCH FOR DOCUMENTS IN  
8 RESPONSE TO REQUESTS FROM COUNSEL OR FROM, YOU KNOW,  
9 FREEDOM OF INFORMATION REQUESTS. I MEAN, THAT'S JUST  
10 NOT SOMETHING I PERSONALLY DO. THERE ARE OTHER PEOPLE  
11 ON THE TEAM THAT HANDLE THOSE REQUESTS.

12 DO YOU RECALL YOUR DEPOSITION NOTICE SEEKING  
13 COMMUNICATIONS BETWEEN YOU AND BRETT MORROW.

14 A. I'M NOT SURE I UNDERSTAND THAT QUESTION.

15 Q. DID YOU EVER LOOK AT YOUR DEPOSITION NOTICE  
16 IN THIS CASE?

17 A. WHAT'S A DEPOSITION -- I'M NOT SURE WHAT A  
18 DEPOSITION NOTICE IS, SO -- IS THAT MY DEPOSITION?

19 Q. OKAY. I'M GOING TO READ FROM PAGE 13,  
20 LINE 8 THROUGH 25.

21 THE COURT: JUST ONE MOMENT.

22 WELL, THE WITNESS'S ANSWER GOES ON TO THE  
23 FOLLOWING PAGE.

24 MS. HAMILL: AND PAGE 14, LINES 1 THROUGH  
25 21.

26 THE COURT: ALL RIGHT. YOU MAY PROCEED.

27 MS. HAMILL: THANK YOU.

28 Q. (BY MS. HAMILL) QUESTION: SURE. SO I AM

1 GOING TO SHARE A DOCUMENT THAT WE'LL MARK AS  
2 EXHIBIT 1. THE ALLIANCE OF LOS ANGELES COUNTY  
3 PARENTS NOTICE OF TAKING DEPOSITION OF BARBARA  
4 FERRER AND DEMAND TO PRODUCE DOCUMENTS AT  
5 DEPOSITION. I'LL HAND THAT TO YOUR COUNSEL.

6 QUESTION: HAVE YOU SEEN THIS DOCUMENT  
7 BEFORE?

8 ANSWER: I HAVE NOT.

9 QUESTION: YOU HAVE NOT.

10 MR. RAYGOR: ASKED AND ANSWERED.

11 QUESTION: I'M GOING TO DIRECT YOUR  
12 ATTENTION TO THE BOTTOM OF PAGE 1, NO. 1 AND THIS SAYS  
13 ANY AND ALL DOCUMENTS, AND THEN THERE'S A DEFINITION  
14 OF DOCUMENTS -- REFLECTING ANY COMMUNICATIONS BETWEEN  
15 YOU AND BRETT MORROW REGARDING COUNTY OF LOS ANGELES  
16 COUNTY DEPARTMENT OF PUBLIC HEALTH'S SOCIAL MEDIA  
17 POSTS, INCLUDING BUT NOT LIMITED TO, ANY E-MAILS, TEXT  
18 MESSAGES, OR ANY WRITTEN CORRESPONDENCE.

19 SO I ASSUME YOU HAVE NOT LOOKED FOR ANY  
20 RESPONSIVE DOCUMENTS.

21 MR. RAYGOR: CALLS FOR SPECULATION AS TO  
22 WHAT YOU ASSUME.

23 MISS HAMILL: YOU MAY ANSWER THE QUESTION.

24 THE WITNESS: I DID NOT RESPOND TO THIS. I  
25 DIDN'T SEE THIS UNTIL RIGHT NOW. I'M ASSUMING THAT IF  
26 YOU HAVE DOCUMENTS, IT'S -- OTHER PEOPLE HAVE GONE IN  
27 AND LOOKED AT ANY OF OUR CORRESPONDENCE AND PRODUCED  
28 DOCUMENTS FOR YOU, BUT I DIDN'T PRODUCE THE DOCUMENTS

1 MYSELF.

2 SO FOLLOWING YOUR DEPOSITION, DID YOU GO  
3 BACK AND CONDUCT A SEARCH OF YOUR E-MAILS FOR  
4 RESPONSIVE DOCUMENTS?

5 A. I DID NOT.

6 Q. DO YOU RECALL ME ASKING YOU TO DO THAT  
7 DURING YOUR DEPOSITION?

8 A. I DO.

9 Q. IN ADVANCE OF TRIAL TODAY, DID YOU SEARCH  
10 YOUR E-MAILS FOR RESPONSIVE DOCUMENTS?

11 A. I DID NOT.

12 Q. DID YOU REVIEW THE NOTICE TO APPEAR THAT I  
13 SENT TO YOUR ATTORNEYS IN SEPTEMBER?

14 A. I DID NOT.

15 Q. DID YOU REVIEW THE TRIAL SUBPOENA THAT I  
16 PROVIDED TO YOUR ATTORNEYS LAST WEEK?

17 A. I DID NOT.

18 Q. HAVE YOU EVER DELETED ANY E-MAILS BETWEEN  
19 YOURSELF AND BRETT MORROW?

20 A. I HAVE NOT. I MEAN, LET ME QUALIFY THAT.  
21 I DON'T RECALL DELETING ANY OF THEM -- ANY E-MAILS.  
22 BUT I GET THOUSANDS OF E-MAILS. IF WE DELETE E-MAILS  
23 IN THE COUNTY SYSTEM, THEY'RE NOT PERMANENTLY DELETED.  
24 SOMETIMES WE JUST MOVE THEM TO GET THEM OUT OF THE  
25 INBOX.

26 Q. SO AS DIRECTOR OF PUBLIC HEALTH, YOU SPOKE  
27 AT WEEKLY PUBLIC HEALTH MEETINGS ON COVID; CORRECT?

28 A. THERE WAS A TIME WHERE WE DID WEEKLY

1 BRIEFINGS AND DAILY BRIEFINGS.

2 Q. AND THOSE VIDEOS ARE POSTED TO THE  
3 DEPARTMENT'S YOUTUBE CHANNEL; CORRECT?

4 A. YOU PROBABLY HAVE TO CHECK WITH MR. MORROW  
5 ABOUT THAT.

6 Q. AND THOSE VIDEOS ARE ACCESSIBLE ON THE  
7 DEPARTMENT'S WEBSITE; CORRECT?

8 A. YOU PROBABLY WOULD HAVE TO CHECK WITH  
9 MR. MORROW ABOUT THAT.

10 Q. AND DURING THOSE VIRTUAL TOWN HALLS, YOU  
11 NEVER HAVE TIME TO ASK ALL THE QUESTIONS FROM VIEWERS;  
12 CORRECT?

13 A. I NEVER HAVE TIME TO ANSWER ALL THE  
14 QUESTIONS FROM VIEWERS.

15 Q. AND DURING THE TOWN HALLS, YOU AND YOUR TEAM  
16 SELECT THE PRESENTERS; CORRECT?

17 A. YES, WE DO.

18 Q. AND THOSE PRESENTERS ARE DEPARTMENT OF  
19 PUBLIC HEALTH EMPLOYEES; RIGHT?

20 A. I BELIEVE SO. CERTAINLY MOST OF THE TIME,  
21 THEY ARE.

22 Q. AND SO THEY WORK FOR YOU?

23 A. YES, THEY DO.

24 Q. SO YOU OR SOMEONE FROM YOUR TEAM CHOOSES THE  
25 QUESTIONS TO WHICH YOU RESPOND DURING THOSE BRIEFINGS;  
26 CORRECT?

27 A. I THINK THE QUESTIONS ARE GIVEN TO US, AND  
28 WE JUST TRY TO GO THROUGH THEM. I'M NOT SURE THAT

1 WE'RE ACTUALLY CURATING THEM IN ANY WAY. THERE'S A  
2 LONG LIST OF QUESTIONS. WE TRY TO GO THROUGH AS MANY  
3 AS WE CAN.

4 Q. THE COUNTY'S DEPARTMENT OF HEALTH SERVICES  
5 RUNS THE COUNTY'S HOSPITALS AND CLINICS; CORRECT?

6 A. YES.

7 Q. AND CHRISTINA GALLEY OR GALEY?

8 A. GALLEY.

9 Q. CHRISTINA GALLEY IS IN CHARGE OF THAT  
10 DEPARTMENT; CORRECT?

11 A. YES, SHE IS.

12 Q. AND YOU TWO ARE EQUAL. YOU'RE BOTH  
13 DEPARTMENT HEADS?

14 A. WE'RE DEPARTMENT HEADS.

15 Q. AND THE COUNTY'S DEPARTMENT OF PUBLIC HEALTH  
16 IS RESPONSIBLE FOR THE PUBLIC HEALTH AND WELL-BEING OF  
17 10.3 MILLION PEOPLE; CORRECT?

18 A. YES.

19 Q. AND WHEN I TALK ABOUT THE L.A. COUNTY-USC  
20 HOSPITAL, YOU KNOW WHAT I'M REFERRING TO; CORRECT?

21 A. I DO.

22 Q. AND NOW IT'S CALLED L.A. GENERAL; RIGHT?

23 A. YES.

24 Q. AND THAT'S A HOSPITAL UNDER THE HEALTH  
25 SERVICES UMBRELLA; CORRECT?

26 A. YES.

27 Q. AND DR. BRAD SPELLBERG AND DR. PAUL HOLTOM  
28 WERE AFFILIATED WITH THAT HOSPITAL IN JULY OF 2022;



1 CORRECT?

2 A. I CAN CONFIRM FOR DR. BRAD SPELLBERG. I  
3 DON'T KNOW WHO THE OTHER PERSON IS.

4 THE COURT: HOW DO YOU SPELL DR. SPELLBERG'S  
5 LAST NAME?

6 MS. HAMILL: S-P-E-L-L-B-E-R-G.

7 THE COURT: AND THE OTHER DOCTOR?

8 MS. HAMILL: HOLTOM. H O L T O M.

9 THE COURT: H O L T AS IN TOM, O M?

10 MS. HAMILL: YES.

11 THE COURT: GO AHEAD.

12 Q. (BY MS. HAMILL) L.A. COUNTY-USC IS A  
13 PUBLIC SAFETY NET HOSPITAL; CORRECT?

14 A. THAT'S CORRECT.

15 Q. THAT MEANS IT TREATS SOME OF THE MOST POOR  
16 AND SICK PATIENTS IN THE COUNTY; CORRECT?

17 A. I WOULDN'T KNOW THE ANSWER TO THAT.

18 Q. DO YOU KNOW WHAT IT MEANS TO BE A PUBLIC  
19 SAFETY NET HOSPITAL?

20 A. YES, I KNOW WHAT THAT MEANS, BUT I AM NOT  
21 ASKING IF YOU ARE ASKING ME TO RANK AMONG HOSPITALS  
22 EXACTLY WHERE THAT HOSPITAL IS IN TERMS OF TREATING  
23 THE MOST DISADVANTAGED MEMBERS OF THE COMMUNITY. THEY  
24 HAVE A, YOU KNOW, THEY HAVE A DIVERSE PATIENT  
25 POPULATION. THAT'S WHAT I CAN SAY.

26 Q. AND WHAT DOES IT MEAN TO BE A PUBLIC SAFETY  
27 NET HOSPITAL?

28 A. WELL, I THINK IT MEANS THAT IN THIS CASE,

1 TAXPAYER DOLLARS ARE RESPONSIBLE FOR FUNDING THAT  
2 HOSPITAL. AND THAT HOSPITAL HAS SOME REQUIREMENTS  
3 UNDER FEDERAL AND STATE LAW FOR PROVIDING A CERTAIN  
4 RANGE OF TREATMENTS.

5 BUT AGAIN, I'M NOT EXPERT ON THE PUBLIC  
6 SAFETY HOSPITALS IN CALIFORNIA.

7 Q. AND SO PEOPLE WHO CAN'T AFFORD PRIVATE  
8 HOSPITAL CARE COULD GO TO THIS PUBLIC SAFETY NET  
9 HOSPITAL; CORRECT?

10 MR. RAYGOR: CALLS FOR SPECULATION.

11 THE WITNESS: AGAIN, I'M NOT --

12 THE COURT: YOU MAY TESTIFY IF YOU KNOW.

13 THE WITNESS: I DON'T REALLY HAVE THAT  
14 ANSWER.

15 Q. (BY MS. HAMILL) SO ON JULY 7, 2022, YOU  
16 SPOKE DURING A COVID-19 BRIEFING; CORRECT?

17 THE COURT: WHAT WAS THE DATE AGAIN?

18 MS. HAMILL: JULY 7TH, 2022.

19 THE COURT: DO YOU HAVE THE QUESTION IN  
20 MIND?

21 THE WITNESS: I'M NOT SURE WHAT THE QUESTION  
22 WAS.

23 THE COURT: REPEAT.

24 Q. (BY MS. HAMILL) YOU SPOKE DURING A  
25 COVID-19 BRIEFING ON JULY 7TH, 2022; CORRECT?

26 A. I WOULDN'T BE ABLE TO VERIFY THAT.

27 Q. NOW I AM GOING TO GIVE A SHOT TO THE AUDIO  
28 THAT I HAVE HERE, THAT I'M GOING TO PLAY.

1 THE COURT: ALL RIGHT. HAS THIS BEEN  
2 RE-MARKED IN SOME FASHION?

3 MS. HAMILL: YES, THIS IS EXHIBIT 34.

4 THE REPORTER: YOUR HONOR, AM I TO TRY AND  
5 LISTEN AND TAKE THAT DOWN?

6 THE COURT: WELL, WAIT A MOMENT. I WILL  
7 LOOK AT IT AND DISCUSS IT FURTHER.

8 ALL RIGHT. IN MY BOOK, EXHIBIT 34 SEEMS TO  
9 BE A PORTION OF A TRANSCRIPT:

10 MISS HAMILL?

11 MS. HAMILL: YES.

12 THE COURT: IS THAT WHAT YOU ARE REFERRING  
13 TO AS EXHIBIT 34 IS A TRANSCRIPT?

14 MS. HAMILL: SO EXHIBIT 34 IS A VIDEO, AND I  
15 PROVIDED A COPY -- A TRANSCRIPT UNDER CALIFORNIA RULES  
16 OF COURT RULE 2 -- I BELIEVE IT'S 1040 REFLECTING WHAT  
17 IS IN THE EXCERPT. THE DEFENDANTS HAVE STIPULATED --

18 THE COURT: WAIT. IT WOULD BE HELPFUL IF WE  
19 JUST FOCUSED ON ONE QUESTION AT A TIME. EXHIBIT 34 IS  
20 A TWO-PAGE DOCUMENT WHICH APPEARS TO BE A TRANSCRIPT.  
21 I DON'T HAVE ANY FORM OF MEDIUM WHICH REFLECTS A  
22 VIDEO, A FLASH DRIVE, A DISK OR ANYTHING ELSE. IS  
23 THERE -- IS THERE SOMETHING LIKE THAT THAT IS LURKING  
24 SOMEWHERE HERE IN THIS COURTROOM?

25 MS. HAMILL: YES.

26 THE COURT: WHERE?

27 MS. HAMILL: I HAVE IT HERE AND I HAVE OTHER  
28 COPIES ON THIS COMPUTER.

1 THE COURT: AND YOU HAVE PROVIDED A COPY OF  
2 WHAT, A FLASH DRIVE TO OPPOSING COUNSEL?

3 MS. HAMILL: I GAVE HIM DROPBOX LINKS OF THE  
4 EXCERPTS, YES.

5 THE COURT: AND HOW DO YOU WISH TO MAKE A  
6 RECORD OF THIS PARTICULAR FORM OF MEDIUM?

7 MS. HAMILL: THIS WILL BE AUDIO. THE ONLY  
8 IMPORTANCE IS THE WORDS THAT ARE COMING OUT OF THE  
9 VIDEO. THE VISUAL PART IS NOT IMPORTANT. BUT THE  
10 WORDS ARE IMPORTANT.

11 THE COURT: I'M JUST ASKING ABOUT YOUR  
12 RECORD. WHAT'S IT GOING TO BE IF THIS CASE GOES ON  
13 APPEAL AND HOW WILL IT BE TRANSMITTED TO THE COURT OF  
14 APPEAL?

15 MS. HAMILL: THE THUMB DRIVE WILL BE LODGED  
16 WITH THE COURT.

17 THE COURT: THEN YOU MAY DO THAT NOW SO WE  
18 HAVE A RECORD. IS IT IN AN ENVELOPE OF SOME SORT?

19 MS. HAMILL: I DON'T HAVE AN ENVELOPE.

20 THE COURT: WELL, AT THE NEXT BREAK, FIND A  
21 NICE LITTLE ENVELOPE. MARK IT AS EXHIBIT 34(A)  
22 PERHAPS, AND THE ONE IN THE BOOK WILL BE 34, BECAUSE  
23 ONCE AGAIN THAT'S A WRITING.

24 MR. RAYGOR: YOUR HONOR, MAY I BE HEARD JUST  
25 FOR CLARIFICATION OF THE EXHIBIT?

26 THE COURT: SURE.

27 MR. RAYGOR: WE HAD BEEN ASKED TO STIPULATE  
28 AND WE DID TO THE AUTHENTICITY OF EXCERPTS OF VIDEO.

1 I DON'T KNOW -- IT SOUNDS LIKE THIS IS NOW GOING TO BE  
2 AUDIO AND NOT VIDEO, SO WHAT IS GOING TO BE  
3 TRANSMITTED OR MADE PART OF THE RECORD? ONLY THE  
4 AUDIO PART OR THE VIDEO PART ALSO?

5 THE COURT: IT'S MISS HAMILL'S CASE. I  
6 THOUGHT SHE INDICATED WHAT WILL BE PUT IN AN ENVELOPE  
7 AS EXHIBIT 34(A) IS A THUMB DRIVE THAT CONTAINS VIDEO  
8 AND AUDIO.

9 MS. HAMILL: CORRECT.

10 THE COURT: AND THEN 34, WHICH YOU HAVE IN  
11 YOUR BOOK AND I HAVE IN MINE WILL BE INTRODUCED AS A  
12 TRANSCRIPT OF THE AUDIO PORTION.

13 IS THAT A FAIR SUMMARY, MISS HAMILL?

14 MS. HAMILL: YES, YOUR HONOR, AND IF  
15 TECHNOLOGY WAS WORKING I COULD PLAY THE VIDEO BUT I  
16 WILL JUST PLAY THE AUDIO.

17 MR. RAYGOR: AND I WILL HAVE A OBJECTION TO  
18 THE TRANSCRIPT VERSION. I DON'T HAVE AN OBJECTION TO  
19 THE VIDEO WITH THE AUDIO, BUT I HAVE A OBJECTION TO  
20 THE TRANSCRIPT.

21 THE COURT: WHAT IS YOUR OBJECTION?

22 MR. RAYGOR: THEY ARE MADE BY MISS HAMILL.  
23 THERE ARE MANY, MANY INACCURACIES IN THEM. I WENT  
24 THROUGH THEM YESTERDAY WITH ALL THE FIVE OR SIX VIDEO  
25 EXCERPTS. I WENT THROUGH THE TRANSCRIPTS. THERE ARE  
26 MANY INACCURACIES, BUT THERE IS A WAY UNDER CALIFORNIA  
27 RULE OF COURT 2.1046 TO ALLOW MISS HAMILL TO PRODUCE  
28 AN ACCURATE TRANSCRIPT UP TO FIVE DAYS AFTER THE

1 TESTIMONY OR THE VIDEO, THE SOUND AND VIDEO RECORDING  
2 IS INTRODUCED.

3 THE COURT: WELL, DO YOU HAVE WHAT PURPORTS  
4 TO BE AN ACCURATE TRANSCRIPT?

5 MR. RAYGOR: I DO NOT. I JUST HAVE SOMEWHAT  
6 MARKED-UP COPIES OF EACH OF THE TRANSCRIPTS SHOWING  
7 ALL THE MISTAKES AND WHAT PARTS WERE NOT INCLUDED.

8 THE COURT: WELL, WHY DON'T YOU PREPARE WHAT  
9 YOU BELIEVE IS AN ACCURATE TRANSCRIPT, PLEASE, WITH  
10 OPPOSING COUNSEL, AND AT SOME POINT DURING THE TRIAL  
11 OR AT THE CONCLUSION OF THE TRIAL, I'LL MAKE A  
12 DETERMINATION OF WHICH ONE PREVAILS.

13 MR. RAYGOR: WE CAN DO THAT.

14 THE COURT: OKAY. YOU HAVE NO OBJECTION,  
15 THEN, TO THE ACTUAL THUMB DRIVE. IS THAT CORRECT?

16 MR. RAYGOR: ASSUMING IT'S THE SAME ONE THAT  
17 MISS HAMILL PROVIDED TO US, I DO NOT. BUT I DON'T  
18 KNOW IF IT'S THE SAME ONE AT THE MOMENT.

19 THE COURT: WELL, DID YOU PROVIDE HIM WITH A  
20 COPY OF THE THUMB DRIVE THAT YOU INTEND TO INTRODUCE  
21 INTO EVIDENCE?

22 MS. HAMILL: YES.

23 MR. RAYGOR: THEN I HAVE NO OBJECTION AS  
24 LONG AS IT'S THE SAME.

25 THE COURT: LET ME JUST REVISIT THE MARKING  
26 HERE SO THAT THE RECORD AND THE MINUTES WILL REFLECT.  
27 34 WILL BE THE THUMB DRIVE. AND 34(A) WILL BE THE  
28 TRANSCRIPT PROFFERED BY THE PLAINTIFF. AND PERHAPS

1 THERE WILL BE A 34(B) DOWN THE ROAD WITH THE  
2 DEFENDANTS' VERSION OF THE TRANSCRIPT. AND THEN WE  
3 WILL SORT OUT WHICH OF 34(A) OR (B) WILL BE THE  
4 ACCURATE RECORD OF THE AUDIO.

5 MS. HAMILL: AND JUST TO COMPLICATE THINGS A  
6 LITTLE BIT FURTHER, THIS THUMB DRIVE CONTAINS ALL OF  
7 THE VIDEO EXCERPTS, SO IT'S NOT JUST 34. IT IS 34,  
8 35, 36, 49, 50, 51, AND IT CONTAINS --

9 THE COURT: OKAY. LET ME GET THAT DOWN.  
10 34, 35, 36, 49, AND --

11 MS. HAMILL: 50, 51 AND 75, WHICH IS THE  
12 FULL ARCHIVE.

13 THE COURT: 75. WELL, I HAVE A BINDER GOING  
14 UP TO 74. YOU HAVE AN EXHIBIT 75?

15 MS. HAMILL: IT'S ONLY FOR RECORD PURPOSES.  
16 AS WE DISCUSSED PRIOR, YOUR HONOR ASKED ME TO PULL  
17 EXCERPTS FROM THE ARCHIVE AND MARK THEM AS EXHIBITS.  
18 I'VE DONE THAT, BUT I WANTED TO PROVIDE THE FULL  
19 ARCHIVE ON A THUMB DRIVE FOR PURPOSES OF THE RECORD.

20 MR. RAYGOR: 75 WAS NOT INCLUDED IN THE  
21 THUMB DRIVE GIVEN TO ME, JUST 34, 35, 36, 49, 51 --  
22 49, 50, AND 51.

23 THE COURT: IS THAT TRUE?

24 MS. HAMILL: IT IS THEIR ARCHIVE THAT THEY  
25 PRODUCED TO ME SO I TOLD THEM WHAT IT WAS.

26 THE COURT: WELL, I'M LOST. IF IT'S NOT ON  
27 YOUR THUMB DRIVE, IF 75 IS NOT ON YOUR THUMB DRIVE, IS  
28 MR. RAYGOR ACCURATE HERE?

1 MS. HAMILL: I HAVE 75 ON MY THUMB DRIVE. I  
2 PROVIDED A DROPBOX FOLDER OF ALL THESE MASSIVE FILES  
3 AND PROVIDED IT TO THE COUNTY AND THEY'VE HAD THIS  
4 MARKED AS 75 SINCE I FILED MY EXHIBIT LISTS WITH THE  
5 COURT PRIOR TO OUR FIRST FSC.

6 THE COURT: OKAY, YOU BELIEVE YOU PRODUCED  
7 75. MR. RAYGOR, DO YOU AGREE OR DISAGREE?

8 MR. RAYGOR: I DISAGREE. I LOOKED AT IT  
9 OVER THE WEEKEND AND HAS ONLY THE SIX VIDEOS THAT  
10 MISS HAMILL SENT OVER TO US. SHE SENT OVER A PHYSICAL  
11 BINDER, AND THE FRONT OF IT WAS A PLASTIC SLEEVE  
12 INSIDE OF WHICH WAS THE THUMB DRIVE. THAT'S THE ONE I  
13 LOOKED AT.

14 THE COURT: ALL RIGHT. ARE YOU PREPARED NOW  
15 TO STIPULATE TO THE ADMISSIBILITY OF 34, 35, 36, 49,  
16 50, AND 51?

17 MR. RAYGOR: AS TO THE VIDEO -- AUDIO, YES.

18 THE COURT: ALL RIGHT. THOSE EXHIBITS ARE  
19 RECEIVED. THE TRANSCRIPTS, HOWEVER, WILL BE MARKED  
20 RESPECTIVELY AS 34(A), 35(A), 36(A), ET SEQ. AND WE  
21 WILL DEAL WITH THE ADMISSIBILITY OF THOSE TRANSCRIPTS  
22 AFTER THE PARTIES HAVE MET AND CONFERRED.

23 MS. HAMILL: YES, YOUR HONOR. AND BECAUSE  
24 WE ARE LACKING IN TECHNOLOGY HERE, MAY I APPROACH THE  
25 WITNESS?

26 THE COURT: TO DO WHAT?

27 MS. HAMILL: TO SHOW HER THIS VIDEO SO SHE  
28 CAN SEE IT UP CLOSE?



1 THE COURT: OKAY. YOU ARE GOING TO BE  
2 ASKING HER QUESTIONS ABOUT THE VIDEO?

3 MS. HAMILL: YES.

4 THE COURT: ARE YOU GOING TO BE ABLE TO --  
5 YOU'RE NOT ABLE TO SHARE THE VIDEO, BUT ARE YOU GOING  
6 TO BE ABLE TO PROJECT THE AUDIO IN SOME FASHION?

7 MS. HAMILL: I AM HOPING THAT THE SPEAKERS  
8 WILL BE LOUD ENOUGH. I HAVE SPEAKERS, BUT THIS TECH  
9 IS NOT WORKING RIGHT NOW.

10 THE COURT: WELL, LET'S GIVE IT A TRY AND  
11 SEE WHAT HAPPENS. YOU MAY APPROACH.

12 MS. HAMILL: THANK YOU.

13 Q. (BY MS. HAMILL) SO I JUST ASKED ABOUT YOUR  
14 SPEAKING AT A JULY 7 --

15 THE COURT: HOLD ON. MADAM REPORTER?

16 THE REPORTER: YOUR HONOR, AM I TO WRITE  
17 WHAT I'M ABOUT TO HEAR ON THAT VIDEO?

18 THE COURT: LET ME INVITE A STIPULATION FROM  
19 THE PARTIES THAT THE REPORTER DOES NOT HAVE TO RECORD  
20 WHAT'S BEING TRANSMITTED BY AUDIO AND BECAUSE THAT  
21 WILL BE THE SUBJECT OF TRANSCRIPTS OR A TRANSCRIPT  
22 THAT THE PARTIES WILL AGREE TO AT A LATER DATE.

23 MR. RAYGOR?

24 MR. RAYGOR: SO STIPULATED, AND THAT'S IN  
25 2.1040(D). YES. I SO STIPULATE.

26 THE COURT: DO YOU STIPULATE?

27 MS. HAMILL: YES.

28 THE COURT: THE COURT REPORTER IS RELIEVED

1 OF TRANSCRIBING THE PLAYING OF THE VIDEO.

2 MR. RAYGOR: SO IS ONLY THE WITNESS SEEING  
3 VIDEO NOW?

4 THE COURT: APPARENTLY SO. IF YOU WANT TO  
5 COME UP AND OBSERVE BEHIND THE WITNESS, YOU MAY DO SO.

6 MR. RAYGOR: THANK YOU.

7 THE COURT: SO WHY DON'T YOU PUT IT AT AN  
8 ANGLE HERE SO THE WITNESS AND I CAN SEE IT. YOU CAN  
9 TURN IT A LITTLE BIT MORE TOWARDS YOU AND OPPOSING  
10 COUNSEL. I THINK WE CAN ALL SEE IT NOW.

11 MS. HAMILL: ALL RIGHT.

12 THE COURT: LET'S PLAY IT.

13 (VIDEO PLAYED FOR THE WITNESS BUT  
14 NOT TAKEN DOWN BY THE COURT REPORTER.)

15 Q. (BY MS. HAMILL) SO DOES THAT REFRESH YOUR  
16 MEMORY THAT YOU SPOKE AT A JULY 7, 2022 PUBLIC  
17 HEALTH BRIEFING ABOUT COVID?

18 A. IT DOESN'T SAY ANYTHING ABOUT THE DATE, SO  
19 I CAN'T REALLY ASCERTAIN ANYTHING ABOUT THE DATE. I  
20 MEAN, IF YOU HAVE SOMETHING THAT MARKS THE DATE, THAT  
21 WOULD BE MORE HELPFUL.

22 Q. YEAH. IT'S ON THE VIDEO.

23 A. WHERE SHOULD I BE LOOKING?

24 (VIDEO PLAYED FOR THE WITNESS BUT  
25 NOT TAKEN DOWN BY THE COURT REPORTER.)

26 Q. (BY MS. HAMILL) DID YOU SEE THE DATE ON  
27 THE VIDEO OR WOULD YOU LIKE TO SEE IT AGAIN?

28 A. I SAW A DATE. I'M NOT SURE I UNDERSTAND.

1 IS THAT THE DATE OF THE VIDEO? IS THAT YOUR DATE THAT  
2 YOU TAGGED TO THE VIDEO? LIKE WHERE DID THAT DATE  
3 COME FROM?

4 Q. THIS IS AN EXCERPT FROM YOUR VIDEO. I DID  
5 NOT ALTER IT.

6 A. THAT SOUNDS REASONABLE, THEN.

7 THE COURT: THAT REFRESHES YOUR MEMORY THAT  
8 THIS WAS A VIDEO OF A PRESENTATION YOU MADE ON JULY 7,  
9 2022?

10 THE WITNESS: I MEAN, IT SEEMS LIKE THERE'S  
11 A DATE-STAMP ON THOSE SLIDES. BUT IF YOU'RE ASKING ME  
12 DO I RECALL THAT BEING LAST YEAR ON 7/7, I WOULD HAVE  
13 TO SAY NO TO THAT. BUT THERE'S A DATE-STAMP THERE,  
14 AND I'M GOING TO ASSUME THAT THE DATE-STAMP AND THE  
15 SLIDE SHOW HAPPENED THAT SAME DAY.

16 THE COURT: ALL RIGHT. THAT'S THE WITNESS'S  
17 ANSWER. YOU MAY PROCEED.

18 MS. HAMILL: THANK YOU.

19 Q. (BY MS. HAMILL) SO IN THAT CLIP, YOU SAID,  
20 QUOTE, SHOULD WE REMAIN IN THE HIGH COMMUNITY LEVEL  
21 DESIGNATION FOR TWO CONSECUTIVE WEEKS, UNIVERSAL  
22 INDOOR MASKING IN ALIGNMENT WITH CDC WOULD BE  
23 IMPLEMENTED ACROSS L.A. COUNTY.

24 DO YOU RECALL STATING THAT ON THAT  
25 PRESENTATION?

26 A. I RECALL SEEING THE VIDEO.

27 Q. (BY MS. HAMILL) AND AT THAT POINT,  
28 JULY 7TH OF 2022, YOU WERE CONCERNED ABOUT HIGH

1 COMMUNITY SPREAD; CORRECT?

2 A. AND THE CORRESPONDING HIGH HOSPITALIZATIONS  
3 AND POTENTIAL INCREASE IN DEATHS.

4 Q. BUT YOU WEREN'T CONCERNED ABOUT  
5 HOSPITALIZATIONS DUE TO COVID, WERE YOU?

6 A. I'M NOT SURE I UNDERSTAND YOUR QUESTION.

7 Q. YOU SAID WERE YOU CONCERNED ABOUT  
8 HOSPITALIZATIONS. I'M ASKING YOU, YOU WEREN'T  
9 CONCERNED ABOUT HOSPITALIZATIONS DUE TO COVID; RIGHT?

10 A. WELL, I CAN'T REALLY RECALL EXACTLY WHAT WAS  
11 GOING ON IN JULY OF LAST YEAR. BUT WHENEVER CASES GO  
12 UP, THERE IS A CORRESPONDING INCREASE IN  
13 HOSPITALIZATIONS AND THEN TRAGICALLY A CORRESPONDING  
14 INCREASE IN DEATHS. AND THOSE ARE BOTH  
15 HOSPITALIZATIONS AND DEATHS ASSOCIATED WITH COVID.

16 Q. BUT YOU WERE CONCERNED ABOUT THE JULY 13TH  
17 L.A. COUNTY-USC HOSPITAL VIDEO WHERE MEDICAL DOCTORS  
18 SPOKE ABOUT THE PANDEMIC AS IF IT WERE OVER; CORRECT?

19 A. I DON'T KNOW WHETHER THE QUESTION IS; THAT I  
20 WAS CONCERNED THAT -- ABOUT ANOTHER VIDEO OR CONCERNED  
21 ABOUT THE PANDEMIC BEING OVER?

22 THE COURT: IF YOU DON'T UNDERSTAND THE  
23 QUESTION, COUNSEL WILL REPHRASE.

24 THE WITNESS: OKAY.

25 Q. (BY MS. HAMILL) YOU WERE CONCERNED ABOUT  
26 THE JULY 13TH L.A. COUNTY-USC VIDEO WHERE MEDICAL  
27 DOCTORS SPOKE ABOUT THE PANDEMIC AS IF IT WAS OVER;  
28 CORRECT?

1 THE COURT: HOLD ON A SECOND. I'M CONFUSED.  
2 YOUR EXHIBIT 34 REFERS TO A JULY 7, '22 MEDIA  
3 BRIEFING.

4 MS. HAMILL: YES.

5 THE COURT: AND YOU'RE ASKING THE WITNESS  
6 WHETHER SHE WAS CONCERNED ABOUT AN EVENT THAT TOOK  
7 PLACE SIX DAYS LATER?

8 MS. HAMILL: YES.

9 THE COURT: OKAY. ASK THE QUESTION AGAIN.

10 Q. (BY MS. HAMILL) YOU WERE CONCERNED WHEN  
11 THE JULY 13TH L.A. COUNTY-USC VIDEO OF MEDICAL  
12 DOCTORS CAME OUT WHERE THEY SPOKE ABOUT THE PANDEMIC  
13 AS IF IT WAS OVER; CORRECT?

14 MR. RAYGOR: LACKS FOUNDATION.

15 THE WITNESS: YEAH. I DON'T KNOW WHAT VIDEO  
16 YOU'RE TALKING ABOUT, TO BE HONEST, AND I DON'T KNOW  
17 ABOUT THE DATE SO I DON'T KNOW HOW I WOULD ANSWER THAT  
18 QUESTION.

19 Q. (BY MS. HAMILL) I'M GOING TO READ FROM  
20 PAGE 110, LINES 23 TO 25 OF THE DEPOSITION.  
21 AND 111, 1 THROUGH 10.

22 THE COURT: THIS HAS NOTHING TO DO WITH  
23 ABOUT A DATE, WHETHER JULY 13TH OR SOME OTHER DATE?

24 MS. HAMILL: ALL RIGHT. I'M GOING TO PLAY  
25 EXHIBIT 35. WE'RE GOING TO GO TO EXHIBIT 35.

26 THE COURT: ALL RIGHT. THERE BEING NO  
27 OBJECTION, YOU MAY PLAY EXHIBIT 35. MR. RAYGOR, YOU  
28 CAN OBSERVE THAT AS WELL, IF YOU'D LIKE.

1 MS. HAMILL: AND THIS VIDEO IS FOUR MINUTES  
2 LONG, AND I WILL BE PLAYING THE FULL VIDEO.

3 THE COURT: ALL RIGHT. YOU MAY PROCEED.

4 (VIDEO PLAYED FOR THE WITNESS BUT  
5 NOT TAKEN DOWN BY THE COURT REPORTER.)

6 THE COURT: PUT IT ON PAUSE, PLEASE.

7 GO BACK TO THE PREVIOUS SCREEN. STOP IT  
8 THERE.

9 DR. FERRER, CAN YOU IDENTIFY THE THREE FOLKS  
10 AT THE PODIUM THERE?

11 THE WITNESS: I CAN ONLY IDENTIFY TWO OF  
12 THEM.

13 THE COURT: OKAY. POINT OUT WHICH ONES YOU  
14 CAN ID.

15 THE WITNESS: I CAN ID JORGE OROZCO.

16 THE COURT: WAIT, SLOW DOWN.

17 THE WITNESS: I CAN ID JORGE OROZCO.

18 THE COURT: HE IS THE GENTLEMAN IN THE  
19 MIDDLE?

20 THE WITNESS: HE IS THE GENTLEMAN IN THE  
21 MIDDLE.

22 THE COURT: HOLD ON. THE CEO OF WHAT  
23 USED TO BE CALLED LAC-USC HOSPITAL.

24 THE COURT: AND WHO ELSE CAN YOU ID.

25 THE WITNESS: I CAN ID BRAD SPELLBERG.

26 THE COURT: WHICH ONE IS HE, THE GENTLEMAN  
27 ON THE RIGHT OF THE SCREEN?

28 THE WITNESS: YES.

1 THE COURT: HE'S THE DOCTOR YOU REFERRED TO  
2 EARLIER?

3 THE WITNESS: I BELIEVE HIS TITLE MIGHT BE  
4 THE CHIEF MEDICAL OFFICER THERE. I'M NOT A HUNDRED  
5 PERCENT CERTAIN, BUT I KNOW BOTH OF THOSE PEOPLE.

6 THE COURT: AFFILIATED WITH COUNTY-USC WHICH  
7 WAS ITS NAME AT THE TIME.

8 THE WITNESS: YES, YES.

9 THE COURT: AND YOU ARE NOT FAMILIAR WITH  
10 THE PERSON TO THE LEFT OF THE SCREEN.

11 THE WITNESS: I AM NOT.

12 THE COURT: OKAY. YOU MAY RESUME PLAYING  
13 THE VIDEO.

14 (VIDEO PLAYED FOR THE WITNESS BUT  
15 NOT TAKEN DOWN BY THE COURT REPORTER.)

16 THE COURT: ALL RIGHT. WE'RE BACK ON THE  
17 RECORD. AT THE END OF THE TRANSCRIPT FOR EXHIBIT 35,  
18 IT REFERENCES DR. PAUL HOLTOM. YES?

19 MS. HAMILL: YES, YOUR HONOR.

20 THE COURT: ARE YOU PREPARED, MR. RAYGOR, TO  
21 STIPULATE THAT THE LAST GENTLEMAN SPEAKING WAS  
22 DR. PAUL HOLTOM?

23 MR. RAYGOR: YES. THAT WAS THE INDIVIDUAL  
24 STANDING AT THE PODIUM WITH HIS NAME UNDER IT, BUT I  
25 DON'T KNOW.

26 THE COURT: WELL, MY QUESTION IS, CAN YOU  
27 JUST STIPULATE BECAUSE I AS THE TRIER OF FACT CAN KNOW  
28 WHO WAS SPEAKING?

1 MR. RAYGOR: YES.

2 THE COURT: THANK YOU. BACK TO YOU,  
3 MISS HAMILL.

4 Q. (BY MS. HAMILL) DOES THAT REFRESH YOUR  
5 MEMORY --

6 A. I NEVER SAW THAT VIDEO.

7 THE COURT: YOU SAID YOU NEVER SAW THAT?

8 THE WITNESS: I NEVER SAW THAT VIDEO.

9 Q. (BY MS. HAMILL) LET'S GO BACK TO PAGE 110  
10 OF THE DEPOSITION OF BARBARA FERRER. I'M GOING TO  
11 START AT LINE 11, GO DOWN TO 25. AND THEN I'M GOING  
12 TO READ FROM PAGE 111 --

13 THE COURT: FIRST YOU ARE GOING TO LET ME  
14 TAKE A LOOK AT IT. SO IT'S PAGE 110, LINES WHAT?

15 MS. HAMILL: LINES 11 THROUGH 25.

16 THE COURT: AND THE SECOND?

17 MS. HAMILL: PAGE 111, LINES 1 THROUGH 18.

18 THE COURT: ALL RIGHT. THERE BEING NO  
19 OBJECTION, YOU MAY PROCEED.

20 Q. (BY MS. HAMILL) QUESTION: HAVE YOU SEEN  
21 THE WEEKLY VIDEO THAT THE CMO, CEO, AND CHIEF  
22 EPIDEMIOLOGIST AT LA COUNTY-USC PUTS OUT FOR THEIR  
23 STAFF?

24 MR. RAYGOR: IF I COULD JUST ASK, CMO, CHIEF  
25 MEDICAL OFFICER?

26 MISS HAMILL: UH-HUH.

27 THE WITNESS: I HAVE NOT.

28 MISS HAMILL: NO, NEVER?



1 ANSWER: NEVER.

2 QUESTION: HAVE YOU HEARD ABOUT THOSE  
3 VIDEOS?

4 ANSWER: I'VE HEARD ABOUT A COUPLE OF THOSE  
5 VIDEOS.

6 QUESTION: WHAT DID YOU HEAR ABOUT THEM?

7 ANSWER: THERE'S A VIDEO WHERE A COUPLE OF  
8 PEOPLE FROM USC, L.A. COUNTY, LAC, WERE TALKING ABOUT  
9 THE FACT THAT THE EPIDEMIC WAS OVER AND THAT THERE  
10 WERE -- THERE WAS REALLY NO NEED FOR PEOPLE TO BE  
11 WORRIED. IT WAS A STAFF MEETING, I THINK. BUT I  
12 THINK THERE'S -- I DON'T KNOW IF WE'RE TALKING -- I  
13 DON'T KNOW IF THIS IS THE SAME THING. THERE WAS A  
14 STAFF MEETING THAT WAS HELD WHERE THERE WAS  
15 COMMUNICATION ABOUT THE SENSE FROM THE TEAM THERE THAT  
16 THE PANDEMIC WAS OVER.

17 QUESTION: AND DID THAT CONCERN YOU?

18 ANSWER: YES, IT DID.

19 QUESTION: WHY?

20 ANSWER: AT THE TIME THE PANDEMIC CLEARLY  
21 WASN'T OVER, AND I ALWAYS WORRY ABOUT WHAT HOSPITALS  
22 EXPERIENCE IN A LARGE COUNTY LIKE OURS WITH OVER  
23 10 MILLION PEOPLE. AND THAT HOSPITAL IN PARTICULAR  
24 DOES MAYBE THREE PERCENT OF THE VOLUME OF  
25 HOSPITALIZATIONS MAKING AN ASSESSMENT ABOUT A PANDEMIC  
26 ENDING WITHOUT ADDITIONAL INFORMATION.

27 DOES THAT REFRESH YOUR RECOLLECTION WE  
28 DISCUSSED THIS VIDEO DURING YOUR DEPOSITION?

1           A.     THAT'S NOT THE QUESTION YOU ASKED ME  
2 EARLIER.   YOU ASKED IF I HAD SEEN IT AND I HADN'T SEEN  
3 IT AND THAT'S WHAT MY DEPOSITION SAYS AS WELL.

4           Q.     DOES THIS REFRESH YOUR RECOLLECTION THAT WE  
5 DISCUSSED THIS VIDEO DURING YOUR DEPOSITION?

6           A.     YES.

7           Q.     THANK YOU.

8                     AND YOU SAID DURING YOUR DEPOSITION, I WON'T  
9 REPEAT BECAUSE I JUST READ FROM IT -- BUT YOU WERE  
10 CONCERNED BECAUSE THOSE DOCTORS MADE IT SEEM AS THOUGH  
11 THE PANDEMIC WAS OVER; CORRECT?

12          A.     THAT WASN'T MY CONCERN NECESSARILY.   THAT  
13 WASN'T MY COMPLETE CONCERN.

14          Q.     BUT LA COUNTY-USC HOSPITAL TREATS POOR AND  
15 SICK PATIENTS IN THE COUNTY; RIGHT?

16          A.     SO DOES CEDARS-SINAI.   SO DOES UCLA.   SO  
17 DOES KAISER.   I MEAN, ACROSS THE BOARD, THIS IS A  
18 LARGE COUNTY WITH LOTS OF HOSPITALS THAT TREAT  
19 PATIENTS THAT ARE ON MEDI-CAL AND PATIENTS THAT ARE  
20 UNINSURED.

21          Q.     AS A PUBLIC SAFETY NET HOSPITAL, WOULDNT' LA  
22 COUNTY-USC HOSPITAL REFLECT A WORST-CASE SCENARIO IN  
23 TERMS OF HOSPITALIZATION?

24          A.     NOT NECESSARILY.

25          Q.     WOULD YOU EXPECT THAT HOSPITAL NUMBERS TO BE  
26 WORSE THAN PRIVATE HOSPITALS?

27          A.     NOT NECESSARILY.

28                     MR. RAYGOR:   OBJECTION.

1 THE COURT: WHAT'S THE OBJECTION?

2 MR. RAYGOR: OBJECTION. VAGUE AS TO WORSE.

3 THE COURT: OVERRULED.

4 THE WITNESS HAS ANSWERED.

5 Q. (BY MS. HAMILL) IN A JULY 21ST HEALTH  
6 BRIEFING YOU SPOKE ABOUT HOW COVID  
7 DISPROPORTIONATELY IMPACTS COMMUNITIES WITH HIGH  
8 RATES OF POVERTY.

9 A. COULD YOU REPEAT THE QUESTION?

10 Q. IN A JULY 21ST HEALTH BRIEFING, YOU SPOKE  
11 ABOUT HOW COVID DISPROPORTIONATELY IMPACTS COMMUNITIES  
12 WITH HIGH RATES OF POVERTY; CORRECT?

13 A. I WOULD NOT BE ABLE TO ATTEST TO THAT DATE.

14 Q. I AM NOW GOING TO PLAY EXHIBIT 36, AND I'M  
15 GOING TO START AT WHAT'S MARKED IN THIS EXCERPT AS 618  
16 AND PLAY THROUGH 655.

17 THE COURT: WELL, BEFORE YOU DO THAT,  
18 MISS HAMILL, I'M LOOKING AT YOUR PROPOSED TRANSCRIPT  
19 WHICH WOULD BE MARKED 36(A), AND I DON'T SEE A  
20 REFERENCE TO -- YOU SAID 16 THROUGH 6 WHAT?

21 MS. HAMILL: LET ME PULL...

22 SO WHAT I'M PULLING FROM IS ON EXHIBIT 36,  
23 PAGE 2 OF YOUR TRANSCRIPT WHERE IT SAYS 4240 THROUGH  
24 4536, IT'S IN THE MIDDLE OF THIS --

25 THE COURT: I SEE IT.

26 MS. HAMILL: -- TEXT.

27 THE COURT: IS THAT WHERE YOU ARE GOING TO  
28 BE PLAYING?

1 MS. HAMILL: YES. BUT I'M STARTING HALFWAY  
2 THROUGH TO ELIMINATE SUPERFLUOUS LANGUAGE.

3 THE COURT: THAT'S FINE. MAYBE I MISHEARD  
4 YOU. I JUST WANT TO BE ON THE RIGHT PAGE.

5 GO AHEAD.

6 (VIDEO PLAYED FOR THE WITNESS BUT  
7 NOT TAKEN DOWN BY THE COURT REPORTER.)

8 THE COURT: TURN IT UP.

9 (VIDEO PLAYED FOR THE WITNESS BUT  
10 NOT TAKEN DOWN BY THE COURT REPORTER.)

11 Q. (BY MS. HAMILL) DO YOU NEED A REPLAY?

12 A. I DON'T SEE A DATE THERE. I THINK THE  
13 QUESTION WAS THE DATE, NOT WHETHER I THINK THERE'S  
14 DISPROPORTIONALITY. I HAVE BEEN TALKING ABOUT  
15 DISPROPORTIONALITY FOR A LONG TIME.

16 Q. SURE. YOUR COUNSEL STIPULATED THIS IS A  
17 VIDEO FROM JULY 21ST, 2022.

18 AND SO IN THAT JULY 21ST HEALTH BRIEFING,  
19 YOU SPOKE ABOUT HOW COVID DISPROPORTIONATELY IMPACTS  
20 COMMUNITIES WITH HIGH RATES OF POVERTY; CORRECT?

21 A. AGAIN, I DIDN'T SEE THE DATE, SO I'M NOT  
22 GOING TO TALK ABOUT THE DATE. IF YOU'RE ASKING ME IS  
23 THERE DISPROPORTIONALITY IN RESULTS ASSOCIATED WITH  
24 COVID, THE ANSWER IS YES.

25 Q. YOU SAID PEOPLE LIVING IN COMMUNITIES WITH  
26 HIGHER RATES OF POVERTY END UP BEING HOSPITALIZED AT  
27 HIGHER RATES; CORRECT?

28 A. I HAVE SAID THAT, YES.

1 Q. SO DOESN'T THIS MEAN THAT THE COUNTY'S  
2 PUBLIC SAFETY NET HOSPITAL WOULD HAVE HIGHER  
3 HOSPITALIZATION RATES THAN OTHER HOSPITALS?

4 A. NOT NECESSARILY.

5 Q. AND DIDN'T CHRISTINA GALLEY CONFIRM WHAT  
6 DR. SPELLBERG AND DR. HOHLTOM SAID IN SEPTEMBER OF  
7 2022 AT A BOARD OF SUPERVISORS MEETING?

8 A. I WOULD NOT KNOW WHETHER SHE DID OR SHE  
9 DIDN'T. I DON'T THINK ANY OTHER HOSPITALS WENT ON  
10 RECORD SAYING THAT THE PANDEMIC WAS OVER. AND I THINK  
11 THERE WAS ABOUT 75 HOSPITALS IN L.A. COUNTY.

12 Q. DURING THE JULY 13TH LA COUNTY-USC CLIP,  
13 DR. HOHLTOM SAID, QUOTE, CERTAINLY IF THE EXPERIENCE  
14 OF OUR HOSPITALS REFLECTIVE ACROSS THE COUNTY, WHICH I  
15 BELIEVE IT IS, WE'RE JUST SEEING NOBODY WITH SEVERE  
16 COVID DISEASE, END QUOTE.

17 IS THAT STATEMENT MISINFORMATION, IN YOUR  
18 OPINION?

19 A. I THINK THAT STATEMENT IS NOT ACCURATE.

20 Q. AND HOW DO YOU KNOW?

21 A. WELL, WE'VE RUN EVERY WEEK THE PERCENT OF  
22 PEOPLE THAT ARE HOSPITALIZED ACROSS THE COUNTY WHO  
23 HAVE WHAT WE CALL AN INCIDENTAL HOSPITALIZATION.  
24 THEY'VE TESTED POSITIVE FOR COVID, BUT THEY ACTUALLY  
25 DIDN'T ENTER THE HOSPITAL BECAUSE THEY WERE SICK WITH  
26 COVID. AND THEN WE ALSO GET ALL THE NUMBERS OF THE  
27 PEOPLE WHO ARE HOSPITALIZED BECAUSE THEY HAVE COVID  
28 ILLNESS. NOW, THOSE NUMBERS HAVE CHANGED OVER TIME.

1 Q. YOU KNOW -- I'M SORRY.

2 A. LET ME JUST FINISH.

3 AT THE VERY BEGINNING, THERE WERE ABOUT 70  
4 TO 80 PERCENT OF PEOPLE WHO ARE IN THE HOSPITAL WHO  
5 WERE WITH COVID. I THINK STARTING IN THE SUMMER OF  
6 2022 AND SINCE THEN, THE NUMBERS HAVE BEEN ABOUT  
7 50/50. SOMETIMES IT'S 48, 52, BUT THEY'VE BEEN ABOUT  
8 HALF AND HALF. SO ABOUT HALF THE PEOPLE WHO ARE  
9 HOSPITALIZED ARE THERE WITH INCIDENTAL AND INCIDENTAL  
10 HOSPITALIZATION. THEY WENT IN FOR A HIP REPLACEMENT  
11 AND THEY TESTED POSITIVE. AND ABOUT HALF THE PEOPLE  
12 ARE THERE BECAUSE THEY'RE ACTUALLY SICK WITH COVID.

13 THAT'S OBVIOUSLY A VERY DIFFERENT NUMBER  
14 THAN THE NUMBER YOU HEARD THE FOLKS FROM UCLA TALK  
15 ABOUT.

16 SO THAT'S WHAT WE BASE IT ON. WE BASE IT ON  
17 HOSPITALIZATION NUMBERS FROM THE ENTIRE SYSTEM, AND  
18 THOSE ARE REALLY COMING OFF OF RECORDS AT THE  
19 HOSPITAL. IT'S NOT LIKE WE MAKE A DETERMINATION. WE  
20 LOOK AT THE RECORDS OF THE HOSPITAL.

21 Q. SO THE DAY AFTER THAT JULY 13TH L.A.  
22 COUNTY-USC TOWN HALL ON JULY 14TH, YOU SPOKE ON  
23 ANOTHER PUBLIC BRIEFING; CORRECT?

24 A. I WOULDN'T KNOW -- I WOULDN'T RECALL THAT.

25 Q. OKAY. I'M GOING TO PLAY EXHIBIT 51.

26 THE COURT: WHICH PART OF THIS TRANSCRIPT  
27 ARE YOU DIRECTING US TO?

28 MS. HAMILL: THIS IS FROM -- ON EXHIBIT 51,

1 PAGE 1, UNDER 4441 TO 4930. AND IT'S THE LAST  
2 PARAGRAPH ON THAT PAGE.

3 THE COURT: OKAY. GO AHEAD.

4 (VIDEO PLAYED FOR THE WITNESS BUT  
5 NOT TAKEN DOWN BY THE COURT REPORTER.)

6 MS. HAMILL: THANK YOU.

7 Q. (BY MS. HAMILL) SO IN THAT CLIP, YOU SPOKE  
8 ABOUT DEATH AND A HIGH RATE OF MORBIDITY AND  
9 MORTALITY; RIGHT?

10 A. I DID.

11 Q. AND YOU TALKED ABOUT SERIOUS ILLNESS AND  
12 DEATH; RIGHT?

13 A. I DID.

14 Q. WOULD YOU AGREE THAT YOUR STATEMENTS IN THIS  
15 JULY 14TH BRIEFING PAINTED VERY DIFFERENT PICTURE THAN  
16 WHAT THE L.A. COUNTY-USC DOCTORS SAID THE DAY BEFORE  
17 IN THEIR TOWN HALL?

18 A. I'M NOT GOING TO ATTEST TO THE DATE BECAUSE  
19 I DIDN'T SEE A DATE ON WHAT YOU JUST SHOWED ME, BUT I  
20 WILL AGREE THAT WHAT I WAS NOTICING IN THE COUNTYWIDE  
21 DATA DIFFERED FROM WHAT THEY WERE EXPERIENCING AT THAT  
22 ONE HOSPITAL.

23 Q. AND YOU STARTED TO GET SOME NOT VERY NICE  
24 E-MAILS. IS THAT RIGHT?

25 A. AT -- AT -- A PARTICULAR POINT IN TIME I'VE  
26 GOTTEN NOT VERY NICE E-MAILS FOR THE ENTIRE DURATION  
27 OF THIS PANDEMIC.

28 Q. YOU ASKED YOUR CHIEF OF STAFF TO BLOCK

1 SENDERS OF NASTY E-MAILS FROM SENDING YOU ANY MORE  
2 E-MAILS; CORRECT?

3 A. BLOCKING -- WHAT I ASKED FOR IS THAT THEY  
4 CREATE -- A BLOCKING FOR ME IS CREATE A SEPARATE  
5 MAILBOX. IT'S NOT EVEN A MAILBOX. A SEPARATE FOLDER.  
6 SO THE KINDS OF E-MAILS THAT PEOPLE WERE SENDING ME  
7 WOULD START WITH LINES LIKE FUCK YOU, NAZI BITCH OR  
8 YOU FUCKING OLD WHORE. OR YOU'RE A FUCKING -- YOU'RE  
9 A FUCKING CUNT IS WHERE ALL OF THESE PAPERS SHOULD GO.

10 THEY WERE CLEARLY OFFENSIVE. THEY WEREN'T  
11 THE KINDS OF E-MAILS WE WERE RESPONDING TO. I ASKED  
12 IF THEY COULD PUT THEM IN A SEPARATE FOLDER SO WHEN I  
13 OPEN UP MY MAIN FOLDER, I'M NOT SEEING THOSE E-MAILS.  
14 BUT SO BLOCKED IS A FUNNY WORD. MY TEAM KNOWS THAT IT  
15 MEANS TO PUT THEM IN A SEPARATE FOLDER SO THAT I  
16 ACTUALLY DIDN'T SEE THOSE WHEN I FIRST OPENED MY  
17 E-MAIL.

18 I COULD GO TO THAT FOLDER. I'LL BE HONEST,  
19 THAT FOLDER SITS IN ONE OF MY FOLDERS. IF I WANT TO  
20 SEE THOSE E-MAILS, I CAN OR I COULD.

21 BUT I DID ASK, AFTER A WHILE, YES.

22 Q. CAN YOU PLEASE PULL UP EXHIBIT 266. THIS IS  
23 DEFENDANTS' SUPPLEMENTAL TRIAL EXHIBIT 266. SHOULD BE  
24 BEHIND YOU.

25 THE COURT: WELL, WHY DON'T YOU ASSIST THE  
26 WITNESS. SHE'S NOT FAMILIAR WITH OUR PROCEDURES.

27 MS. HAMILL: YES.

28 THE COURT: THIS IS IN THE DEFENSE



1 SUPPLEMENTAL SET. YES?

2 MS. HAMILL: YES, YOUR HONOR.

3 THE COURT: GO AHEAD.

4 Q. (BY MS. HAMILL) DO YOU RECOGNIZE THIS  
5 DOCUMENT?

6 A. I DON'T RECOGNIZE IT, BUT IT'S MY -- IT'S  
7 DEFINITELY FROM ME.

8 Q. AND IT LOOKS LIKE THE FIRST COMMUNICATION  
9 ON THIS EXHIBIT 266, PAGE 1, IS FROM KYLE CHANG TO  
10 BARBARA FERRER ON JULY 14TH, 2022; CORRECT?

11 A. ARE THERE MORE PAGES HERE?

12 Q. I DON'T SEE ANY.

13 A. YEAH. I MEAN, THIS IS WHAT IT -- IT'S  
14 REFERENCING THIS E-MAIL. I'M NOT SURE WHAT CAME  
15 BEFORE OR WHAT COMES AFTER.

16 Q. WE DON'T NEED TO REPEAT THE NASTY LANGUAGE  
17 IN MR. CHANG'S E-MAIL, BUT THE SECOND E-MAIL IN THIS  
18 THREAD IS FROM BARBARA FERRER TO CHRISTINA VANE PEREZ.  
19 IS THAT YOUR CHIEF OF STAFF?

20 A. THAT IS MY CHIEF OF STAFF.

21 Q. AND YOU SAID, PLEASE BLOCK THIS SENDER;  
22 CORRECT?

23 A. YES.

24 Q. AND MISS PEREZ, MISS VANE PEREZ RESPONDS,  
25 WILL DO IMMEDIATELY. SORRY YOU RECEIVED THIS.

26 CORRECT?

27 A. YEAH.

28 Q. AND YOU ASKED WHAT IS COMING IN ON CALLS?

1 A. YES.

2 Q. DID SHE RESPOND TO YOU?

3 A. I CAN'T RECALL.

4 THE COURT: WHO AGAIN IS MISS VANE PEREZ?

5 THE WITNESS: MY CHIEF OF STAFF.

6 THE COURT: YOUR CHIEF OF STAFF. THANK YOU.

7 Q. (BY MS. HAMILL) CAN YOU PLEASE TURN TO

8 EXHIBIT 262.

9 A. AM I LOOKING IN THIS BOOK?

10 Q. YES. HAVE YOU SEEN THIS DOCUMENT BEFORE?

11 A. I HAVEN'T -- I HAVEN'T SEEN THIS DOCUMENT  
12 LIKE THIS, BUT I'M SURE THIS LOOKS LIKE E-MAILS.

13 Q. BUT THIS IS -- THIS REFLECTS E-MAILS FROM  
14 YOU; CORRECT?

15 A. YES.

16 Q. SO STARTING ON EXHIBIT 262, PAGE 2, WE HAVE  
17 A NASTY E-MAIL FROM A PERSON NAMED JASON TO  
18 BARBARA FERRER. AND THEN ON EXHIBIT 262, PAGE 1, YOU  
19 FORWARD THE NASTY E-MAIL TO MISS VANE PEREZ AND SAY,  
20 IS IT POSSIBLE TO HAVE THIS PERSON BLOCKED FROM  
21 SENDING ANY E-MAILS TO ANYONE AT PUBLIC HEALTH?

22 DO YOU REMEMBER ASKING THAT?

23 A. I DON'T REMEMBER, BUT I'M SURE I DID.

24 Q. AND SHE SAYS, YES, I WILL TAKE CARE. I'M  
25 SORRY YOU RECEIVED AND READ THIS.

26 AND THEN YOU RESPOND ON JUNE 8TH AT  
27 4:27 P.M., NOT A PROBLEM. THIS PERSON HAS BEEN  
28 SENDING THESE E-MAILS FROM THE BEGINNING AND WE SHOULD

1 FIGURE OUT HOW TO BLOCK HIM SO NO ONE READS THESE.

2 CORRECT?

3 A. THAT'S WHAT IT SAYS.

4 Q. AND THEN MISS VANE PEREZ RESPONDS, I AM  
5 WORKING WITH THE IT TEAM ON THIS. ISD IS ABLE TO  
6 BLOCK THE USER FROM SENDING E-MAILS TO COUNTY  
7 ENTITIES. IT IS EXPLORING.

8 DO YOU RECALL THAT?

9 A. I DON'T RECALL THAT, BUT ISD IS A DIFFERENT  
10 DEPARTMENT. NOT OUR DEPARTMENT.

11 Q. WHAT IS ISD?

12 A. INTERNAL SERVICES DEPARTMENT.

13 Q. CAN YOU TURN TO EXHIBIT 315, PLEASE.

14 A. (WITNESS COMPLIES.)

15 Q. DO YOU RECOGNIZE THIS DOCUMENT?

16 A. I DON'T RECOGNIZE THE DOCUMENT, BUT IT'S AN  
17 E-MAIL CHAIN FROM ME.

18 Q. OKAY. AND SO THIS ONE STARTS ON  
19 EXHIBIT 315, PAGE 1, WITH A NASTY E-MAIL FROM SOMEONE  
20 NAMED JASON TO YOU, BARBARA FERRER. AND THEN YOU  
21 FORWARD THIS TO ROBERT OTA AT L.A. COUNTY. WHO IS  
22 ROBERT OTA?

23 A. HE, I BELIEVE AT THE TIME, WAS THE ACTING  
24 DIRECTOR OF OUR IT SERVICES.

25 Q. AND YOU SAID, I ASKED BEFORE THAT THIS  
26 PERSON BE BLOCKED. IS THAT POSSIBLE?

27 AND ROBERT RESPONDS, HI DR. FERRER, BLOCKING  
28 THAT SPECIFIC PEOPLE ADDRESS/SENDER SHOULD BE

1 POSSIBLE. I'LL HAVE AN IT RESOURCE ASSIST AS SOON AS  
2 POSSIBLE.

3 SO WHAT IF JASON O, THE PERSON WHO SENT THIS  
4 DECEMBER 6TH NASTY E-MAIL TO YOU, WHAT IF HE HAD A  
5 QUESTION FOR THE DEPARTMENT OF PUBLIC HEALTH? WHAT  
6 WOULD BE HIS METHOD OF CONTACTING THE DEPARTMENT?

7 A. WELL, HE MIGHT HAVE TO GO THROUGH ONE OF THE  
8 OTHER -- THE DIRECTOR'S E-MAIL BOX, THE MEDIA E-MAIL  
9 BOX, THE CALL CENTER. HE MIGHT HAVE TO GO THROUGH  
10 OUR, YOU KNOW, CALLING A NUMBER, LIKE THERE WOULD BE  
11 LOTS OF OTHER OPPORTUNITIES FOR HIM TO ACTUALLY ASK A  
12 QUESTION. BUT HE'S NOT ASKING A QUESTION, IS HE?

13 Q. SO WHEN --

14 A. THERE'S PROBABLY 10 DIFFERENT WAYS THAT  
15 PEOPLE CAN ASK QUESTIONS OF US. THROUGHOUT THE  
16 PANDEMIC AND STILL TODAY.

17 Q. ON JULY 19TH, 2022, LISA FREAS SENT OUT A  
18 MEMORANDUM TO THE ENVIRONMENTAL HEALTH DEPARTMENT;  
19 RIGHT? DO YOU RECALL THIS?

20 A. I DON'T RECALL.

21 Q. LET'S TURN TO EXHIBIT 22, PLEASE. I CAN  
22 HELP YOU FIND THAT.

23 MAY I APPROACH?

24 THE COURT: YES.

25 THE WITNESS: IN THIS BOOK?

26 MS. HAMILL: I'LL TAKE THAT.

27 THE WITNESS: OKAY.

28 Q. (BY MS. HAMILL) DO YOU SUPERVISE

1 MISS HAMILL LISA FRIAS?

2 A. I KNOW -- I DON'T SUPERVISE HER NOW, BUT I  
3 BELIEVE BACK IN -- WELL, I HAVE TO CHECK EXACTLY --  
4 EXACTLY WHETHER I SUPERVISED HER OR NOT BUT I WORK  
5 VERY CLOSELY WITH HER. SHE HAS ANOTHER SUPERVISOR, A  
6 DEPUTY DIRECTOR WHO SUPERVISES HER NOW. I'M NOT SURE  
7 WHEN THAT STARTED.

8 Q. SO BACK ON JULY 19TH OF 2022, DO YOU RECALL  
9 TELLING MISS FRIAS TO SEND OUT A MESSAGE TO HER TEAM  
10 MEMBERS TO MAKE SURE THAT THEY WOULD SIGN UP TO  
11 VOLUNTEER TO ENFORCE THE NEW MASK MANDATE?

12 A. NO, I DIDN'T. I WOULDN'T HAVE DONE THAT.

13 Q. CAN YOU TAKE A MOMENT AND PLEASE READ THIS  
14 DOCUMENT TO YOURSELF.

15 A. (WITNESS COMPLIES.)

16 OKAY.

17 Q. SO YOU HAD NO IDEA THAT THIS MESSAGE WENT  
18 OUT?

19 A. I DIDN'T HAVE ANY IDEA THAT THIS PARTICULAR  
20 MESSAGE WENT OUT. VOLUNTEER HERE DOESN'T MEAN  
21 VOLUNTEER WITHOUT PAY. IT'S -- IN ORDER TO HAVE  
22 PEOPLE WORK OVERTIME SHIFTS, WE ACTUALLY TRY TO  
23 START -- AS A PART OF THE NEGOTIATION WITH THE LABOR  
24 UNION, WE WILL START WITH A REQUEST FOR PEOPLE TO  
25 OFFER THAT THEY WILL WORK THOSE OVERTIME HOURS. SO I  
26 JUST WANT TO CLARIFY IT WASN'T A REQUEST FOR PEOPLE TO  
27 VOLUNTEER IN THE SENSE OF, YOU KNOW, CAN YOU DO THIS  
28 ON YOUR OWN TIME?

1           IT IS A NORMAL CORRESPONDENCE THAT I WOULD  
2   IMAGINE LISA SENDS, LISA FRIAS SENDS TO HER STAFF WHEN  
3   WE'RE LOOKING FOR VOLUNTEERS, BECAUSE WE KNOW THAT  
4   WE'LL BE WORKING UNUSUAL HOURS, PERHAPS, OR LONGER  
5   HOURS. AND ALTHOUGH WE HAVE STAFF THAT MAY BE  
6   SCHEDULED FOR SOME SHIFTS, WE DON'T HAVE ENOUGH STAFF  
7   ON EVENINGS OR WEEKENDS.

8           THE COURT: HOLD ON ONE SECOND. WHAT WAS  
9   FRIAS'S POSITION AT THIS TIME?

10          THE WITNESS: SHE'S THE DIRECTOR OF THE  
11   ENVIRONMENTAL HEALTH DIVISION.

12          Q.    (BY MS. HAMILL) AND ENVIRONMENTAL HEALTH  
13   DIVISION IS UNDER YOUR JURISDICTION IN THE  
14   DEPARTMENT OF PUBLIC HEALTH; CORRECT?

15          A.    WELL, EVERYTHING IN THE DEPARTMENT OF PUBLIC  
16   HEALTH IS UNDER MY JURISDICTION.

17          Q.    AND THE DIVISION OF ENVIRONMENTAL HEALTH IS  
18   WITHIN THE DEPARTMENT OF PUBLIC HEALTH; CORRECT?

19          A.    OH, YES, YES.

20          Q.    AND SO DO YOU AGREE THAT THIS MESSAGE WAS  
21   ASKING FOR VOLUNTEERS NEEDED TO WORK OVERTIME IN ORDER  
22   TO ENFORCE COMPLIANCE REGARDING THE REINSTATEMENT OF  
23   THE INDOOR MASK MANDATE?

24          A.    YES. THE WORK THAT THEY WERE BEING ASKED TO  
25   DO WAS TO DO EDUCATION AND AS PART OF COMPLIANCE. WE  
26   START WITH EDUCATION, BUT IF THE RULES ARE GOING TO  
27   CHANGE, WE LIKE TO SEND OUT TEAMS IN THE HIGHER RISK  
28   BUSINESSES THAT MAY BE AFFECTED BY A RULE CHANGE SO

1 THAT THEY KNOW -- YOU KNOW, THIS WOULD BE ANOTHER WAY  
2 FOR US TO COMMUNICATE THAT THERE'S BEEN A CHANGE.

3 Q. AND SO AS OF JULY 19TH, 2022, THE DEPARTMENT  
4 OF PUBLIC HEALTH WAS MOVING FORWARD WITH THIS  
5 REINSTATEMENT WITH A NEW MASK MANDATE; CORRECT?

6 A. WE WERE BEING -- WE WERE PREPARING FOR THE  
7 POSSIBILITY THAT THERE COULD BE A NEW MASK MANDATE.

8 MS. HAMILL: IS THIS AN APPROPRIATE TIME TO  
9 RECESS FOR LUNCH?

10 THE COURT: PROBABLY IS. CAN YOU GIVE US AN  
11 ESTIMATE OF HOW MUCH LONGER YOU HAVE WITH THE WITNESS?

12 MS. HAMILL: I'M GOING TO ESTIMATE ONE HOUR.

13 THE COURT: ALL RIGHT. THEN WE WILL BREAK  
14 FOR LUNCH UNTIL 1:30.

15 YOU ARE ORDERED BACK AT 1:30 TO COMPLETE  
16 YOUR EXAMINATION. THANK YOU.

17 THE WITNESS: OKAY.

18 THE COURT: BEFORE WE ADJOURN ARE THERE ANY  
19 PROCEDURAL OR HOUSEKEEPING MATTERS BY THE PLAINTIFF?

20 MS. HAMILL: NOT AT THIS MOMENT.

21 THE COURT: THANK YOU.

22 MR. RAYGOR?

23 MR. RAYGOR: NO, YOUR HONOR.

24 THE COURT: VERY GOOD. 1:30.

25 THE REPORTER: THANK YOU, YOUR HONOR.

26 (RECESS FROM 12:00 P.M. TO 1:33 P.M.)

27

28

PROCEEDINGS

1 THE COURT: WE'RE ON THE RECORD. YOU MAY  
2 PROCEED, MISS HAMILL.

3 MS. HAMILL: THANK YOU, YOUR HONOR.  
4

5 CROSS-EXAMINATION (RESUMED)

6 Q. (BY MS. HAMILL) BEFORE WE BROKE FOR LUNCH,  
7 WE WERE TALKING ABOUT EXHIBIT 22. IT WAS THE  
8 JULY 19TH, 2022 LISA FRIAS MEMORANDUM; CORRECT?

9 A. YES.

10 Q. AND YOU CONTINUED TO RECEIVE NOT SO NICE  
11 MESSAGES AROUND THAT TIME; CORRECT?

12 A. YES.

13 Q. ON JULY 20TH, 2022, YOU ASKED YOUR CHIEF OF  
14 STAFF TO REPORT AN INSTAGRAM ACCOUNT TO THE SHERIFF;  
15 CORRECT?

16 A. I CAN'T RECALL.

17 Q. CAN YOU PLEASE PULL UP EXHIBIT 273.

18 MAY I APPROACH, YOUR HONOR?

19 THE COURT: YES.

20 Q. (BY MS. HAMILL) DO YOU HAVE THAT IN FRONT  
21 OF YOU?

22 A. I DON'T THINK THOSE NUMBERS ARE IN THIS  
23 BOOK.

24 Q. THIS IS IN DEFENDANTS' SUPPLEMENTAL EXHIBIT  
25 BINDER.

26 THE COURT: QUESTION?

27 Q. (BY MS. HAMILL) OKAY. SO HAVE YOU TAKEN A  
28 LOOK AT IN EXHIBIT NO. 273?



1           A.    I HAVE.

2           Q.    THANK YOU.  AND THIS DOCUMENT WAS PROVIDED  
3 BY YOUR ATTORNEYS LAST WEEK, AND IT APPEARS THAT THE  
4 SECOND PAGE MARKED EXHIBIT 273-TWO IS CUT OFF.  BUT  
5 THE 273-1 IS NOT.  AND THIS REFLECTS E-MAILS BETWEEN  
6 YOURSELF AND YOUR CHIEF OF STAFF CHRISTINA VANE PEREZ;  
7 CORRECT?

8           A.    YES, IT DOES.

9           Q.    AND IT LOOKS LIKE THE BOTTOM E-MAIL ON  
10 EXHIBIT 273-1 IS YOU SENDING AN E-MAIL FROM A PRIVATE  
11 GMAIL ACCOUNT FERRER DOT BD @GMAIL.COM.

12          A.    CORRECT.

13          Q.    AND YOU RESPONDED YES?

14          A.    YES.

15          Q.    AND YOU SENT THAT TO YOUR CHIEF OF STAFF?

16          A.    I DID.

17          Q.    YES.  SUBJECT REPORT TO SHERIFF.  IN BODY OF  
18 THE E-MAIL SAYS, PLEASE SEND THE ATTACHED TARRED AND  
19 FEATHERED MESSAGE TO THE SHERIFF.  THANKS.  I'M  
20 LOOKING AT 273-TWO, AND I DON'T SEE A TARRED AND  
21 FEATHER REFERENCE.  DO YOU RECALL SPECIFICALLY WHAT  
22 THIS WAS IN REFERENCE TO?

23          A.    I DON'T -- I DON'T HAVE THE SPECIFICS, BUT I  
24 THINK IT MUST HAVE BEEN SOMEBODY SENT TO ME A COPY OF  
25 A MESSAGE THAT MUST HAVE GOTTEN POSTED SOMEWHERE.  I  
26 DON'T REALLY KNOW WHERE IT WOULD HAVE BEEN POSTED TO  
27 JUST, LIKE, ALERT ME THAT SOMEBODY HAD POSTED  
28 SOMETHING THAT APPEARED TO BE THREATENING.

1 Q. DID SOMEONE THREATEN TO TAR AND FEATHER YOU?

2 A. I THINK IN THE -- WELL, TO THE BEST OF MY  
3 RECOLLECTION, YES.

4 Q. AND PERHAPS COUNSEL CAN PRODUCE A LEGIBLE  
5 COPY OF 273-TWO SO WE CAN SEE WHAT THE ACTUAL LANGUAGE  
6 WAS.

7 BUT THEN WE SEE AN E-MAIL FROM YOUR CHIEF OF  
8 STAFF TO DEPUTY FERNANDEZ AND THAT SAYS, I HOPE YOU  
9 ARE WELL. WE HAVE BEEN RECEIVING AN INCREASED NUMBER  
10 OF MESSAGES PERHAPS RELATED TO THE POSSIBLE MASK  
11 MANDATE. THERE WAS A COMMENT POSTED ON INSTAGRAM FROM  
12 WHICH REFERENCES TAR AND FEATHERING. THE PERSON SEEMS  
13 TO HAVE MULTIPLE ACCOUNTS AS WELL. DR. FERRER ASKED  
14 ME TO ELEVATE TO YOU AND YOUR TEAM. APPRECIATE YOUR  
15 GUIDANCE AND WHETHER NEXT STEPS ARE NEEDED.

16 SO IT LOOKS LIKE WHAT THIS EXHIBIT SHOWS IS  
17 YOU SENT FROM YOUR PERSONAL GMAIL ACCOUNT AN INSTAGRAM  
18 MESSAGE TO BE REPORTED TO THE SHERIFF. IS THAT  
19 CORRECT?

20 A. YES.

21 Q. OKAY. AND DID YOU FREQUENTLY USE THAT GMAIL  
22 ACCOUNT IN YOUR CAPACITY AS THE DIRECTOR OF PUBLIC  
23 HEALTH?

24 A. I WOULDN'T SAY FREQUENTLY, BUT I WOULD NOTE  
25 THAT SOMETIMES PEOPLE NOT NECESSARILY FROM MY OFFICE  
26 ARE SENDING ME INFORMATION TO MY GMAIL ACCOUNT. AND  
27 THEN I'M FORWARDING -- IF I THINK IT'S RELEVANT, I  
28 WOULD BE FORWARDING THAT TO SOMEBODY ON THAT TEAM. I

1 THINK IT WAS ESPECIALLY TRUE AROUND OTHER PEOPLE  
2 BECAUSE EVERYONE KNOWS I'M NOT ON ANY SOCIAL MEDIA.  
3 SO I THINK WHEN PEOPLE SAW THINGS ON SOCIAL MEDIA  
4 ACCOUNTS WHO MAY HAVE BEEN FRIENDS AND COLLEAGUES NOT  
5 AT WORK, THEY WOULD FORWARD IT TO ME, TO MY PERSONAL  
6 ACCOUNT.

7 Q. DO YOU RECALL WHO SENT THIS PARTICULAR POST  
8 TO YOU?

9 A. I HAVE NO IDEA.

10 Q. AND IS IT FAIR TO SAY THAT AFTER YOU  
11 ANNOUNCED THE POSSIBLE RETURN OF THE MASK MANDATE IN  
12 JULY OF 2022, PEOPLE GREW INCREASINGLY ANGRY WITH YOU?

13 A. I THINK THERE'S BEEN PERIODS OF TIME  
14 WHEREVER WE'VE HAD SORT OF RULES OR THINGS THAT WERE  
15 UNEXPECTED OR UNANTICIPATED STARTING BACK IN 2020  
16 WHERE PEOPLE HAVE -- SOME PEOPLE HAVE BEEN UPSET. AND  
17 WHEN THEY'VE BEEN UPSET, THERE TENDS TO BE MORE  
18 COMMENTS FROM THE PEOPLE WHO ARE UPSET. I WANT TO  
19 KNOW WE GET COMMENTS FROM PEOPLE WHO ARE NOT UPSET AS  
20 WELL.

21 Q. AT THIS TIME IN JULY OF 2022, YOU WERE ALSO  
22 TALKING TO BRETT MORROW ABOUT SHUTTING DOWN THE  
23 COUNTY'S SOCIAL MEDIA COMMENTS; CORRECT?

24 A. YES, ALTHOUGH THE TWO AREN'T NECESSARILY  
25 LINKED AROUND THIS PARTICULAR ISSUE. RELATED TO ME.  
26 I WANTED TO DISTINGUISH THAT FROM WAS THERE AN ISSUE  
27 WHERE WE WERE TALKING ABOUT INCREASING THREATS MADE TO  
28 ME PERSONALLY OR SHUTTING DOWN THE ACCOUNTS AND THE

1 TWO ARE NOT LINKED. IT HAD NOTHING TO DO WITH AN  
2 E-MAIL THAT WAS SENT TO ME. MY E-MAIL ACCOUNTS  
3 REMAINED OPEN THIS ENTIRE TIME. I NEVER CLOSED MY  
4 E-MAIL. I NEVER CHANGED MY E-MAIL ADDRESS. EVERYBODY  
5 CAN STILL GET IN TOUCH WITH ME. THIS WAS MORE RELATED  
6 TO WHAT WAS GOING ON THAT BRETT WAS SEEING --

7 THE COURT: DR. FERRER, WE'LL GET TO THIS  
8 MORE QUICKLY IF YOU JUST RESPOND TO THE QUESTION.

9 THE WITNESS: OKAY. SORRY.

10 THE COURT: YOUR LAWYER WILL HAVE A CHANCE  
11 TO FOLLOW UP.

12 THE WITNESS: ALL RIGHT.

13 Q. (BY MS. HAMILL) BUT ON AUGUST 4TH WHEN  
14 MARLA TALLEZ TALKED TO YOU ABOUT TURNING THE  
15 COMMENTS ON SOCIAL MEDIA OFF, YOU RESPONDED THAT YOU  
16 DIDN'T KNOW WHAT SHE WAS TALKING ABOUT. DO YOU  
17 REMEMBER THAT?

18 A. I DO NOT.

19 Q. I'M GOING TO PLAY EXHIBIT 49.  
20 READY?

21 (VIDEO PLAYED FOR THE WITNESS BUT  
22 NOT TAKEN DOWN BY THE COURT REPORTER.)

23 MS. HAMILL: THANK YOU.

24 Q. (BY MS. HAMILL) SO IN THAT CLIP, YOU SAY,  
25 QUOTE, I DON'T THINK WE'RE REALLY CUTTING OFF NICK'S  
26 ABILITY TO GET AHOLD OF US OR TO EXPRESS THEIR  
27 OPINIONS WITH US, END QUOTE.

28 BUT HADN'T YOU ALREADY BLOCKED SEVERAL

1 PEOPLE FROM SENDING E-MAILS TO YOU AT THAT POINT?

2 A. I DON'T THINK I HAD.

3 Q. AND YOU HAD BEEN DISCUSSING THE CLOSURE OF  
4 PUBLIC COMMENTS WITH MORROW AND ATTORNEYS BACK IN  
5 JULY; CORRECT?

6 A. I HAD DISCUSSED IT WITH ATTORNEYS, BUT I  
7 BELIEVE THAT MR. MORROW MAY HAVE BEEN TALKING WITH  
8 ATTORNEYS.

9 Q. SO YOU DID KNOW WHAT MORROW WAS TALKING  
10 ABOUT, DIDN'T YOU?

11 A. I WASN'T ACTUALLY SURE WHAT SHE MEANT BY  
12 NOBODY CAN GIVE YOU ANY PUBLIC COMMENTS, BECAUSE  
13 PEOPLE HAD LOTS OF WAYS OF TALKING TO US STILL. SO --

14 THE COURT: I'M NOT SURE THAT WAS RESPONSIVE  
15 TO THE QUESTION. SO YOU DID KNOW WHAT MORROW WAS  
16 TALKING ABOUT.

17 THE WITNESS: BUT MORROW --

18 Q. (BY MS. HAMILL) MARLA.

19 THE COURT: BOTH THE COURT REPORTER AND I  
20 HEARD SOMETHING DIFFERENT.

21 START OVER.

22 Q. AND FOR THE RECORD, MARLA TELLEZ, T E L L E Z,  
23 IS THE FOX 11 REPORTER QUESTIONING BARBARA FERRER IN  
24 THAT EXHIBIT.

25 THE COURT: DO YOU SO STIPULATE?

26 MR. RAYGOR: YES.

27 THE COURT: OKAY. PROCEED.

28 Q. (BY MS. HAMILL) SO YOU KNEW WHAT MARLA WAS

1 TALKING ABOUT, DIDN'T YOU?

2 A. I'M NOT EXACTLY SURE THAT I DID. I  
3 WASN'T -- THAT'S WHY I ANSWERED HER THE WAY I ANSWERED  
4 HER.

5 Q. IN THE COMMENTS ON SOCIAL MEDIA WERE CLOSED  
6 BECAUSE OF THREATS, BULLYING, HARASSMENT, AND  
7 MISINFORMATION; CORRECT?

8 A. I BELIEVE THAT MR. MORROW POSTED A STATEMENT  
9 WHEN THE ACCOUNTS WERE CLOSED NOTING THE REASONS. BUT  
10 I'M NOT SURE I RECALL EVERYTHING THAT WAS IN THAT  
11 STATEMENT.

12 Q. WOULD YOU AGREE THAT SOMETHING YOU CONSIDER  
13 MISINFORMATION MIGHT BE SOMEONE ELSE'S SCIENTIFIC  
14 REALITY?

15 A. I WOULDN'T QUIBBLE OVER HOW WE'RE DEFINING  
16 MISINFORMATION.

17 Q. I AM SORRY. CAN YOU EXPLAIN THAT WHAT THAT  
18 MEANS?

19 A. I THINK MISINFORMATION TO ME AND  
20 MISINFORMATION TO YOU WOULD -- IT'S COMPLETELY  
21 POSSIBLE THAT THEY WOULD BE TWO SEPARATE THINGS.

22 Q. WOULD YOU AGREE THAT INFORMATION PUT OUT BY  
23 YOUR DEPARTMENT COULD END UP BEING INCORRECT?

24 A. ABSOLUTELY.

25 Q. AND FOR EXAMPLE, WE WERE TOLD THE COVID SHOT  
26 PREVENTS A PERSON FROM GETTING COVID, BUT WE KNOW NOW  
27 THAT'S NOT TRUE; CORRECT?

28 MR. RAYGOR: OBJECTION. LACKS FOUNDATION.

1 THE COURT: SUSTAINED. AND I'M NOT SURE I  
2 UNDERSTAND THE RELEVANCE OF THAT.

3 MS. HAMILL: WE'LL MOVE ON.

4 THE COURT: GOOD.

5 Q. (BY MS. HAMILL) AND YOU DON'T USE SOCIAL  
6 MEDIA; CORRECT?

7 A. I DON'T.

8 Q. YOU DON'T CHECK THE @LAPUBLICHEALTH TWITTER  
9 ACCOUNT; CORRECT?

10 A. I DON'T.

11 Q. BUT ON JULY 25TH, 2022, YOU FORWARDED A  
12 TWITTER POST FROM YOUR GMAIL ACCOUNT TO YOUR CHIEF OF  
13 STAFF AND ASKED HER TO SEND IT TO THE SHERIFF;  
14 CORRECT?

15 A. I DON'T THINK IT WAS A TWITTER POST FROM  
16 WHAT YOU READ TO ME. I THOUGHT IT WAS INSTAGRAM.

17 Q. THIS IS A NEW ONE. LET'S GO TO EXHIBIT 280.  
18 HAVE YOU SEEN THIS DOCUMENT BEFORE?

19 A. I HAVEN'T, BUT I CAN SEE THAT IT'S AN E-MAIL  
20 FROM ME TO -- I MEAN, I HAVEN'T SEEN THIS DOCUMENT,  
21 BUT IT LOOKS LIKE IT'S AN E-MAIL CHAIN, YES.

22 Q. AND AGAIN, THIS IS A DOCUMENT PROVIDED BY  
23 YOUR ATTORNEYS LAST WEEK FOR THE FIRST TIME, AND IT  
24 LOOKS LIKE EXHIBIT 280-TWO IS CUT OFF SO WE CANNOT  
25 READ THE ENTIRE DOCUMENT. BUT THE E-MAIL PORTION IS  
26 LEGIBLE.

27 AND IT LOOKS LIKE YOU HAVE SENT AN E-MAIL  
28 FROM YOUR GMAIL ACCOUNT TO YOUR OFFICIAL COUNTY E-MAIL

1 ADDRESS. THEN YOU FORWARD THAT TO YOUR CHIEF STAFF  
2 ASKING HER TO PLEASE SHARE WITH THE SHERIFF. AND YOUR  
3 CHIEF OF STAFF E-MAILS SERGEANT FERNANDEZ SAYING,  
4 PLEASE SEE BELOW, A TWITTER POST IDENTIFIED BY  
5 DR. FERRER. COULD YOUR TEAM PLEASE LOOK INTO IT.  
6 THANK YOU AND ALWAYS APPRECIATED.

7 SO YOU REPORTED A TWEET TO YOUR CHIEF OF  
8 STAFF TO BE REPORTED TO THE SHERIFF; CORRECT?

9 A. YES, BUT PROBABLY A TWEET THAT WAS SENT TO  
10 ME. I DON'T HAVE A TWITTER ACCOUNT.

11 Q. AND DID YOU CONSIDER THAT TWEET TO BE A  
12 SPECIFIC AND CREDIBLE THREAT?

13 A. I THINK I'M DISADVANTAGED THE SAME WAY YOU  
14 ARE, BECAUSE I DON'T SEE EXACTLY WHAT THE TWEET WAS.  
15 BUT I WOULD IMAGINE THAT IF I WAS ASKING THAT IT GET  
16 SENT TO THE SHERIFF'S TEAM, IT WAS BECAUSE I WANTED IT  
17 INVESTIGATED.

18 Q. AND YOU WERE AWARE THAT PEOPLE WERE  
19 EXPRESSING CONCERNS ABOUT YOUR COUNTING OF COVID  
20 DEATHS WITH COVID RATHER THAN DUE TO COVID; CORRECT?

21 A. THERE IS NO DISTINCTION IN THE COUNTY OF  
22 COVID DEATHS. I'M NOT SURE -- I'M NOT SURE IF I GET  
23 THAT.

24 Q. LET'S GO TO YOUR DEPOSITION, PAGE 117,  
25 LINES 21 THROUGH 24.

26 THE COURT: OKAY.

27 Q. (BY MS. HAMILL) OKAY?

28 QUESTION: WERE YOU AWARE THAT PEOPLE WERE



1 EXPRESSING CONCERN THAT YOU WERE USING DEATHS WITH  
2 COVID RATHER THAN FROM COVID AND OVER STATING THE  
3 DEATH COUNT.

4 ANSWER: YES.

5 SO WERE YOU AWARE THAT THERE WERE CONCERNS  
6 ABOUT THAT DISTINCTION; CORRECT?

7 A. YES.

8 Q. AND YOU'RE AWARE THAT PEOPLE WERE REFERRING  
9 TO YOU AS FAKE DOCTOR; CORRECT?

10 A. YES.

11 Q. AND YOU CONSIDER THAT MISINFORMATION;  
12 CORRECT?

13 A. I CONSIDER THAT INCORRECT.

14 Q. AND YOU'RE AWARE THAT PEOPLE WERE SAYING  
15 THAT YOU WERE LYING ABOUT HOSPITALIZATION NUMBERS;  
16 CORRECT?

17 A. I'M NOT SURE THAT LINE ABOUT HOSPITALIZATION  
18 WORDS -- ABOUT HOSPITALIZATIONS IS HOW IT WAS  
19 CHARACTERIZED, BUT THAT AGAIN THE HOSPITALIZATION  
20 NUMBERS WERE INFLATED. I THINK THAT'S WHAT PEOPLE  
21 WERE COMPLAINING ABOUT.

22 Q. AND YOU WOULD CONSIDER THAT, THE STATEMENT  
23 THAT THE DEPARTMENT OF PUBLIC HEALTH IS INFLATING  
24 HOSPITALIZATION NUMBERS TO BE MISINFORMATION; CORRECT?

25 A. NO, I WOULD CONSIDER THAT TO BE INCORRECT  
26 INFORMATION.

27 Q. AND YOU'RE AWARE THAT PEOPLE WERE SAYING  
28 MASKS ARE NOT EFFECTIVE FOR ADULTS OR CHILDREN; RIGHT?

1 A. THAT SOME PEOPLE WERE SAYING THAT, YES.

2 Q. AND WOULD YOU CONSIDER THAT MISINFORMATION?

3 A. INCORRECT INFORMATION.

4 Q. IN YOUR DEPOSITION, YOU DESCRIBED  
5 MISINFORMATION AS INFORMATION THAT IS NOT ALLOWED WITH  
6 WHAT YOUR DEPARTMENT DETERMINES IS ACCURATE; CORRECT?

7 A. I THINK IN MY DEPOSITION, IT WAS A MUCH  
8 LONGER RESPONSE, AND I THINK THAT WAS PART OF THE  
9 RESPONSE.

10 Q. SO I'M GOING TO READ FROM PAGE 42, LINES 11  
11 THROUGH 22.

12 THE COURT: OKAY.

13 Q. (BY MS. HAMILL) "QUESTION: AND SO IF I'M  
14 UNDERSTANDING CORRECTLY, INFORMATION THAT'S NOT  
15 ALIGNED WITH WHAT THE DEPARTMENT OF PUBLIC HEALTH  
16 HAS PUT OUT WOULD CONSTITUTE MISINFORMATION.

17 "MR. RAYGOR: OBJECTION. THE WITNESS  
18 PROVIDED HER TESTIMONY.

19 "THE WITNESS: I DON'T THINK THAT'S WHAT I  
20 SAID. IT'S NOT NECESSARILY INFORMATION THAT WE'VE PUT  
21 OUT. IT'S INFORMATION THAT WE HAVE DETERMINED IS  
22 CREDIBLE AND ACCURATE AND BASED IN SCIENCE. SOMETIMES  
23 THERE COULD BE MISINFORMATION CIRCULATING ABOUT A  
24 TOPIC WE HAVE YET TO PRESENT INFORMATION ON.

25 AND YOU SAY INFORMATION THAT CONFLICTS WITH  
26 WHAT YOU AND YOUR DEPARTMENT HAVE DETERMINED IS  
27 CREDIBLE, ACCURATE, AND BASED IN SCIENCE IS  
28 MISINFORMATION; CORRECT?

1           A.     I BELIEVE THAT WHEN WE WERE TALKING ABOUT  
2 THIS IN THE DEPOSITION, IT WAS QUALIFIED BY A WHOLE  
3 SET OF QUESTIONS ASKING WHAT THE PROCESS WAS FOR  
4 DETERMINING CREDIT I BELIEVE INFORMATION; WHO WERE THE  
5 PEOPLE INVOLVED, WHAT WERE THEIR CREDENTIALS. AND I  
6 THINK THAT'S WHY I'M STRUGGLING A LITTLE BIT WITH A  
7 SIMPLE ANSWER ON THIS, BECAUSE I THINK IN THE ABSENCE  
8 OF UNDERSTANDING THE AMOUNT OF WORK THAT WENT INTO  
9 LOOKING AT THE INFORMATION AND THE NUMBER OF PEOPLE  
10 THAT WERE INVOLVED, IT MAKES IT SOUND LIKE, YOU KNOW  
11 ME, BARBARA, WAS MAKING THESE DETERMINATIONS ON BEHALF  
12 OF THE DEPARTMENT, AND THAT WAS INACCURATE.

13           Q.     I'M GOING TO ASK THE QUESTION ONE MORE TIME.

14                     WOULD YOU SAY SITTING HERE TODAY THAT  
15 INFORMATION THAT CONFLICTS WITH WHAT YOU AND YOUR  
16 DEPARTMENT HAVE DETERMINED IS CREDIBLE, ACCURATE, AND  
17 BASED IN SCIENCE IS MISINFORMATION?

18           A.     I'M STRUGGLING BECAUSE I DON'T KNOW THAT  
19 IT'S A YES AND NO ANSWER. BUT -- SO THAT'S MY  
20 STRUGGLE, AND I'D LOOK TO THE JUDGE.

21                     THE COURT: IF YOU'VE ANSWERED THE QUESTION,  
22 SHE'LL HAVE TO FOLLOW UP.

23                     THE WITNESS: OKAY.

24           Q.     (BY MS. HAMILL) AND YOU CONSIDER ANTI-MASK  
25 PERSPECTIVES TO BE MISINFORMATION; CORRECT?

26           A.     NO. I DON'T CONSIDER AN ANTI-MASK  
27 PERSPECTIVE TO BE MISINFORMATION.

28           Q.     BUT IF SOMEONE WERE TO TWEET OUT, MASKS

1 DON'T WORK, YOU WOULD CONSIDER THAT MISINFORMATION;  
2 CORRECT?

3 A. I WOULD CONSIDER IT INACCURATE.

4 Q. AND CAITLIN BARNES IS YOUR DAUGHTER;  
5 CORRECT?

6 A. YES, SHE IS.

7 Q. AND SHE'S AN AUTHOR ON A STUDY CALLED THE  
8 MORBIDITY AND MORTALITY WEEKLY REPORT, COVID-19 CASE  
9 RATES IN TRANSITIONAL KINDERGARTEN THROUGH GRADE  
10 SCHOOLS AND IN THE COMMUNITY, LOS ANGELES COUNTY,  
11 CALIFORNIA, 24 SEPTEMBER 2020 THROUGH MARCH 2021;  
12 CORRECT?

13 A. CORRECT.

14 Q. AND SHE LIVED WITH YOU AT THE TIME SHE  
15 WORKED ON THE STUDY; CORRECT?

16 A. SHE PROBABLY LIVED WITH ME FOR PART OF THE  
17 TIME SHE WORKED ON THE STUDY.

18 Q. BUT YOU NEVER DISCUSSED THE STUDY WITH HER  
19 BEFORE IT WAS PUBLISHED?

20 A. I DID NOT.

21 Q. AND PEOPLE BEGAN TO TALK ABOUT A POSSIBLE  
22 CONFLICT OF INTEREST REGARDING THIS STUDY IN JULY OF  
23 2022; CORRECT?

24 A. I THINK THAT WAS, LIKE, NINE MONTHS AFTER  
25 THE STUDY WAS PUBLISHED.

26 Q. CAN YOU ANSWER MY QUESTION?

27 A. I -- THAT MIGHT HAVE BEEN CORRECT. I'M NOT  
28 SURE WHEN PEOPLE STARTED TALKING ABOUT IT.

1 Q. PEOPLE WERE ALLEGING THAT YOU FAILED TO  
2 DISCLOSE THAT YOUR DAUGHTER WAS AN AUTHOR ON THE  
3 STUDY; CORRECT?

4 A. I DON'T HAVE TO FILL OUT ANY DISCLOSURE  
5 AGREEMENTS, SO THAT IS CORRECT.

6 Q. DO YOU RECALL BEING ASKED ABOUT THIS ALLEGED  
7 CONFLICT DURING THE JULY 21ST, 2022 PUBLIC HEALTH  
8 BRIEFING?

9 A. I DON'T RECALL THE DATE OF BRIEFING WHEN THE  
10 QUESTIONS GOT RAISED, BUT I DO RECALL GETTING ASKED  
11 QUESTIONS.

12 Q. I'M GOING TO PLAY CLIPS FROM EXHIBIT 36.  
13 I'M GOING TO START FROM THE BEGINNING. I'M GOING TO  
14 SKIP THE MIDDLE SECTION THAT'S MARKED IN THE EXHIBIT  
15 AS 4240 TO 4536, AND I'M GOING TO CONCLUDE WITH WHAT'S  
16 ON EXHIBIT 36, PAGE 3.

17 (VIDEO PLAYED FOR THE WITNESS BUT  
18 NOT TAKEN DOWN BY THE COURT REPORTER.)

19 MS. HAMILL: I'M SKIPPING AHEAD TO THE  
20 PORTION WHERE KTLA, SANDRA MITCHELL ASKS A QUESTION.

21 (VIDEO PLAYED FOR THE WITNESS BUT  
22 NOT TAKEN DOWN BY THE COURT REPORTER.)

23 Q. (BY MS. HAMILL) SO THE PUBLIC KNOWS WHAT  
24 THEY NEED TO KNOW; CORRECT? IS THAT WHAT YOU SAID  
25 TO SANDRA MITCHELL IN THE INTERVIEW?

26 A. IN THE CONTEXT OF A LOT OF OTHER  
27 INFORMATION. NOT IN GENERAL.

28 Q. WHEN I ASKED YOU DURING YOUR DEPOSITION IF

1 THE DEPARTMENT CONSIDERED ANY ALTERNATIVES TO  
2 COMPLETELY CLOSING OFF COMMENTS ON THE DEPARTMENT'S  
3 SOCIAL MEDIA, YOU TOLD ME THAT YOU WERE NOT INVOLVED  
4 IN THAT CONVERSATION; CORRECT?

5 A. YES.

6 Q. SO YOU LEFT IT UP TO BRETT MORROW TO COME UP  
7 WITH WAYS FOR THE PUBLIC TO CONTACT THE DEPARTMENT.  
8 IS THAT CORRECT?

9 A. THERE WERE ALREADY A LOT OF WAYS FOR THE  
10 DEPARTMENT TO CONTACT -- I MEAN FOR THE PUBLIC TO  
11 CONTACT THE DEPARTMENT. SO THAT WAS NOT WHAT WAS LEFT  
12 UP TO MR. MORROW. THAT WAS ALREADY EMBEDDED IN ALL OF  
13 THE DIFFERENT PROGRAMMING THAT WE DO.

14 Q. WELL, WHEN IT COMES TO THE DECISION TO CLOSE  
15 OFF THE PUBLIC COMMENTS ENTIRELY AND CONSIDER  
16 POTENTIAL OTHER AVENUES, DID YOU DEPUTIZE THAT  
17 DECISION TO MR. MORROW? DID YOU MAKE THAT DECISION?  
18 WHO MADE THAT DECISION?

19 A. I THINK I'M ON RECORD IN THE DEPOSITION AS  
20 SAYING THAT IT ULTIMATELY THE DECISION IS MINE. AND I  
21 STAND BY THAT.

22 Q. AND YOU APPROVE ALL CONTENT FOR  
23 COMMUNICATIONS; CORRECT?

24 A. I DON'T APPROVE ALL CONTENT FOR  
25 COMMUNICATION. I APPROVE MAJOR THINGS FOR CONTENT FOR  
26 COMMUNICATIONS.

27 Q. AND YOU MAKE ALL FINAL DECISIONS FOR THE  
28 DEPARTMENT OF PUBLIC HEALTH; RIGHT?

1           A.     WELL, ULTIMATELY I'M RESPONSIBLE FOR ALL  
2 DECISIONS -- HOW ABOUT I WORD IT THAT WAY?  ULTIMATELY  
3 I'M RESPONSIBLE FOR ALL DECISIONS MADE AT THE  
4 DEPARTMENT OF PUBLIC HEALTH.

5           Q.     YOU HAVE NOT CONSIDERED REOPENING COMMENTS  
6 ON THE DEPARTMENT'S SOCIAL MEDIA HAVE YOU?

7           A.     I HAVE NOT.

8           Q.     BECAUSE YOU WANT YOUR SITE TO CONVEY THE  
9 INFORMATION THAT YOU WANT TO COMMUNICATE WITH THE  
10 PUBLIC; CORRECT?

11          A.     I THINK THAT'S IMPORTANT, YES.

12                   MS. HAMILL:  I HAVE NO FURTHER QUESTIONS AT  
13 THIS TIME.  I WOULD LIKE TO RESERVE THE RIGHT TO  
14 RECALL THIS WITNESS.  I DO NEED TO ENTER ALL OF THE  
15 EVIDENCE THAT I HAVE INTRODUCED DURING THIS  
16 CROSS-EXAMINATION.

17                   THE COURT:  WELL, YOU CAN DO IT NOW OR YOU  
18 CAN DO IT ALL AT ONCE LATER IN THE TRIAL.  IT'S UP TO  
19 YOU.  DO YOU HAVE A LIST OF EXHIBITS YOU'RE MOVING IN?

20                   MS. HAMILL:  I DO.

21                   THE COURT:  GO THROUGH THEM IN SEQUENCE AND  
22 SLOWLY.

23                   MS. HAMILL:  EXHIBIT 34, EXHIBIT 35,  
24 EXHIBIT 36, EXHIBIT 51, EXHIBIT 266, EXHIBIT 262,  
25 EXHIBIT 315, EXHIBIT 22.

26                   THE COURT:  I THOUGHT WE WERE DOING THEM IN  
27 SEQUENCE.

28                   MS. HAMILL:  SORRY.

1 THE COURT: NUMERICAL ORDER.

2 THE COURT: THAT MAKES IT A LOT EASIER FOR  
3 ALL OF US. SO YOU JUST ADDED 22, AND THEN THERE WAS  
4 ANOTHER NUMBER AFTER 315?

5 MS. HAMILL: 22 CAME AFTER 315.

6 THE COURT: OKAY.

7 MS. HAMILL: I'M SORRY. I'M GOING IN ORDER  
8 OF WHEN THEY WERE DISCUSSED.

9 THE COURT: OKAY. IF YOU CAN DO IT IN A  
10 NUMERICAL SEQUENTIAL ORDER, THAT WOULD BE HELPFUL.

11 MS. HAMILL: OKAY. FROM HERE, EXHIBIT 21,  
12 EXHIBIT 36. THAT'S ALREADY IN. EXHIBIT 49,  
13 EXHIBIT 59, EXHIBIT 280. AND EXHIBIT 243 AND  
14 EXHIBIT 273.

15 THE COURT: ARE YOU ABLE TO RESPOND NOW OR  
16 DO YOU NEED TIME?

17 MR. RAYGOR: COULD I HAVE READ BACK THE LAST  
18 SERIES OF NUMBERS? THERE WAS A 21 IN THERE.

19 THE COURT: THERE WAS A 21, YES.

20 MS. HAMILL: WE DID NOT DISCUSS 21. MY  
21 APOLOGIES.

22 THE COURT: YOU ARE WITHDRAWING 21?

23 MS. HAMILL: CORRECT.

24 MR. RAYGOR: THAT'S WHY I GOT THROWN OFF BY  
25 THAT ONE. WOULD YOU READ BACK THE NUMBERS, BECAUSE I  
26 GOT THROWN OFF AND THEN I WOULDN'T HEAR THEM NEXT.

27 THE COURT: HERE'S WHAT WE'RE GOING TO DO IN  
28 THE INTEREST OF TIME. PUT TOGETHER A LIST. YOU CAN



1 DO IT ON A PIECE OF LEGAL PAD, MISS HAMILL, OKAY? AND  
2 THEN AT THE NEXT BREAK, SHARE IT WITH OPPOSING COUNSEL  
3 AND THEN THE TWO OF YOU CAN MAKE A RECORD AT THE NEXT  
4 OPPORTUNITY; OKAY?

5 MS. HAMILL: THANK YOU.

6 THE COURT: ALL RIGHT, MR. RAYGOR, IT'S YOUR  
7 TURN.

8 MR. RAYGOR: OKAY.

9

10 DIRECT EXAMINATION

11 BY MR. RAYGOR:

12 Q. GOOD AFTERNOON, DR. FERRER.

13 A. GOOD AFTERNOON.

14 Q. I DON'T HAVE TOO MANY QUESTIONS. WE CAN GO  
15 THROUGH THIS RELATIVELY QUICKLY.

16 DO YOU RECALL AT THE BEGINNING OF TODAY'S  
17 EXAMINATION THERE WERE QUESTIONS ABOUT WHETHER YOU  
18 COLLECTED CERTAIN DOCUMENTS.

19 A. I DO.

20 Q. AND THESE WERE DOCUMENTS REQUESTED IN  
21 DISCOVERY, I BELIEVE, BY ALLIANCE?

22 A. I DO.

23 Q. AND I THINK AS I RECALL YOU STATED THAT YOU  
24 DID NOT ENGAGE IN THAT COLLECTION ACTIVITY YOURSELF;  
25 RIGHT?

26 A. THAT'S CORRECT.

27 Q. DO YOU KNOW WHO DID?

28 A. I BELIEVE THE WAY IT'S SET UP AT MY

1 DEPARTMENT IS, COUNTY COUNSEL DOES THAT WITH THE IT  
2 DEPARTMENT, BECAUSE THERE'S A GENERAL SERVER WHICH ALL  
3 OF THE INFORMATION SITS ON THAT THOSE FOLKS CAN PULL  
4 OFF ANY OF THE REQUESTED INFORMATION.

5 Q. AND ARE E-MAILS TO AND FROM YOU TO OTHER AND  
6 FROM OTHER DHP STAFF ALL ON THE CENTRAL SERVER?

7 A. THEY ARE.

8 Q. YOU WERE ALSO ASKED, IF YOU CAN PULL UP  
9 EXHIBIT 266, WERE YOU ASKED ABOUT THIS ONE?

10 THE COURT: YOU MAY WISH TO ASSIST YOUR  
11 WITNESS HERE.

12 MR. RAYGOR: SORRY.

13 THE COURT: 266?

14 Q. (BY MR. RAYGOR) DO YOU RECALL BEING ASKED  
15 ABOUT THIS PARTICULAR EXHIBIT?

16 A. I DO. I DO. SORRY.

17 Q. AND AT THE BOTTOM, THE NOTE FROM KYLE CHANG  
18 SAYS -- AND I APOLOGIZE FOR READING THIS BUT IT IS  
19 WHAT IT IS. YOU'RE STUPID DIRTY OLD WHORE. FUCK YOU,  
20 BITCH.

21 THEN YOU FORWARD THIS ON TO YOUR ASSISTANT,  
22 YOUR CHIEF OF STAFF; RIGHT, CHRISTINA?

23 A. YES? AND SAY PLEASE BLOCK THIS SENDER.

24 A. YES.

25 Q. WHAT DID YOU MEAN BY BLOCK IN THAT CONTEXT?

26 A. TO TAKE IT OUT OF THE FOLDER, THE GENERAL  
27 E-MAIL FOLDER THAT I HAVE.

28 Q. DID YOU BLOCK THIS PERSON FROM SENDING YOU

1 ANY E-MAILS?

2 A. I CAN'T -- I CAN'T BLOCK ANYBODY FROM  
3 SENDING ME E-MAILS.

4 Q. SO DID THIS PERSON THEN, LET'S ASSUME HE WAS  
5 BLOCKED. IF THAT PERSON THEN, KYLE, CONTINUED TO SEND  
6 YOU E-MAILS, IT WOULD GO INTO A SEPARATE FOLDER?

7 A. IT WOULD GO INTO A SEPARATE FOLDER. AT THE  
8 TIME WE HAD NO CAPABILITY AT THE DEPARTMENT OF PUBLIC  
9 HEALTH TO SORT OF BLOCK ANY E-MAILS FROM COMING IN.  
10 SO THE REQUEST REALLY WAS TO PUT IT IN A SEPARATE  
11 FOLDER.

12 Q. AND IF FOR SOME REASON YOU WANTED TO SEE  
13 MORE E-MAILS LIKE THIS FROM MR. CHANG, YOU COULD GO  
14 LOOK IN THAT FOLDER?

15 A. I COULD LOOK IN THAT FOLDER AS COULD ANYBODY  
16 ON MY STAFF THAT HAS ACCESS TO THOSE FOLDERS.

17 Q. COULD YOU TURN TO EXHIBIT -- IN THE SAME  
18 BOOK THERE -- 262. OKAY.

19 Q. THIS IS ANOTHER ONE YOU RECALL THAT  
20 MISS HAMILL HAD ASKED YOU ABOUT?

21 A. YES, I DO.

22 Q. AND GOING DOWN TO THE BOTTOM OF 262-1,  
23 THERE'S AN E-MAIL FROM JASON TO YOU. AND THE E-MAIL  
24 ADDRESS THERE BFERRER AT PH DOT L.A. COUNTY .GOV. IS  
25 THAT YOUR OFFICIAL E-MAIL ADDRESS AT THE DEPARTMENT OF  
26 PUBLIC HEALTH?

27 A. YES, IT'S MY PRIVATE E-MAIL ADDRESS. I HAVE  
28 A PUBLIC E-MAIL ADDRESS THAT'S DIRECTOR @ PH.LACOUNTY

1 .GOV.

2 Q. AND THE SUBJECT LINE HERE -- I WON'T MAKE  
3 YOU READ IT, BUT I WILL. SUBJECT SAYS STUPID FUCKING  
4 CUNT NAZII IN L.A. COUNTY. AND NAZI HAS TWO I'S.

5 THEN IT GOES ON, NO ONE CARES ABOUT YOU AND  
6 YOUR MASK YOU DUMB FUCKING BITCH, SO COULD STOP YOUR  
7 EGO FROM BEING SOAKED IN PUBLICITY AND GLORY. NONE OF  
8 IT WORKED, YOU STUPID CUNT. YOU FAILED EVERYONE.  
9 IT'S NOW YOUR FAULT AFTER TWO YEARS, YOU ARE STILL  
10 RECEIVING MONEY FROM A JOB WHERE YOU HAVE CLEARLY  
11 FAILED. IF PEOPLE WANT TO WEAR MASKS, LET THEM. IF  
12 THEY SAY DON'T, IT'S UP TO THEM, NOT A NAZI LIKE YOU.

13 DID YOU ASK YOUR CHIEF OF STAFF TO ALSO HAVE  
14 THIS ONE BLOCKED?

15 A. I DID.

16 Q. AND IS IT BLOCKED IN THE SAME SENSE YOU  
17 TALKED ABOUT EARLIER, CREATE A CERTAIN FOLDER WHERE  
18 THIS PERSON'S E-MAILS MIGHT GO TO?

19 A. YES.

20 Q. OKAY. AT THE VERY TOP, IT SAYS, SO IF YOU  
21 GO BACK TO PAGE 262-1, THE SECOND E-MAIL FROM THE TOP  
22 IS FROM YOU TO CHRISTINA. DO YOU SEE THAT, STARTS  
23 WITH, NOT A PROBLEM?

24 A. YES.

25 Q. IT WAS NOT A PROBLEM. THIS PERSON HAS BEEN  
26 SENDING THESE E-MAILS SINCE THE BEGINNING, AND WE  
27 SHOULD FIGURE OUT HOW TO BLOCK HIM SO NO ONE READS  
28 THESE.

1                   AND THEN YOU HAVE ABOVE CHRISTINA RESPONDS  
2 TO YOU; CORRECT?

3           A.     YES.

4           Q.     AND SAYS, I AM WORKING WITH THE IT TEAM ON  
5 THIS.

6                   I'LL STOP THERE. IS THAT IT IN DHP?

7           A.     YES, IT IS.

8           Q.     AND THEN SHE GOES ON, AND SO ISD IS ABLE TO  
9 BLOCK THE USER FROM SENDING E-MAILS TO COUNTY  
10 ENTITIES. IT IS EXPLORING.

11                   WHAT IS ISD?

12           A.     ISD IS INTERNAL SERVICES DEPARTMENT, A  
13 DIFFERENT DEPARTMENT OF THE COUNTY.

14           Q.     SO THAT'S NOT WITHIN THE UMBRELLA --

15           A.     NOT WITHIN OUR -- YES, OUR IT OFFICE DIDN'T  
16 KNOW HOW TO DO THIS, WASN'T ABLE TO DO THIS. THEY  
17 WOULD HAVE TO TALK TO ISD TO FIGURE OUT IF THERE WAS A  
18 WAY AT THE DEPARTMENT OF PUBLIC HEALTH TO ACTUALLY DO  
19 THIS.

20           Q.     SO PLEASE TURN TO EXHIBIT 315. BY THE WAY,  
21 BEFORE I ASK YOU ANY QUESTIONS ABOUT 315, GOING BACK  
22 TO 262 -- YOU DON'T NEED TO LOOK AT IT, BUT DO YOU  
23 RECALL THE NAME JASON WAS THE ONE WHO SENT THE NOTE TO  
24 YOU TO BEGIN WITH?

25           A.     YES, I DO.

26           Q.     IT WAS A RATHER UNPLEASANT NOTE.

27           A.     YES.

28           Q.     IF JASON HAD SENT THE NOTE, EVEN DESPITE HIS

1 UNPLEASANTNESS IN OTHER E-MAILS, HE HAD SENT A NOTE TO  
2 YOU SAYING SOMETHING LIKE, SHOULD MY GRANDMOTHER WHO  
3 IS IN A NURSING HOME WEAR A MASK, WHAT DO YOU  
4 RECOMMEND? WOULD YOU HAVE IGNORED THAT?

5 MS. HAMILL: OBJECTION. CALLS FOR  
6 SPECULATION.

7 THE COURT: SUSTAINED.

8 Q. (BY MR. RAYGOR) LET'S TURN TO 315 NOW. DO  
9 YOU HAVE THAT?

10 A. I DO.

11 Q. THIS IS ANOTHER E-MAIL THAT MISS HAMILL  
12 SHOWED TO YOU. AT THE BOTTOM, THE SUBJECT LINE IS  
13 THIS IS FROM JASON TO YOU; RIGHT?

14 A. YES.

15 Q. AND YOUR E-MAIL ADDRESS BFERRER @ PH DOT  
16 L.A. COUNTY .GOV; RIGHT?

17 A. YES.

18 Q. AND THE SUBJECT LINE IS WORTHLESS CUNT IN  
19 YOUR IVORY TOWER AND AN OVERPAID CUNT.

20 AND THEN DOWN BELOW, NOTHING MORE THAN THAT.  
21 PLEASE REMEMBER THAT YOU'RE KIND OF A NAZI AT BEST AND  
22 OVERPAID CUNT.

23 AT THE VERY TOP, ROBERT OTA FROM L.A.  
24 COUNTY -- PH DOT L.A. COUNTY .GOV WRITES TO YOU AND  
25 SAYS, DR. FERRER, BLOCKING THAT SPECIFIC E-MAIL  
26 ADDRESS SENDER SHOULD BE POSSIBLE. I'LL HAVE AN IT  
27 RESOURCE ASSIST AS SOON AS POSSIBLE.

28 DO YOU CONSIDER YOURSELF VERY TECH SAVVY?

1 A. I'M NOT TECH SAVVY AT ALL.

2 Q. ARE YOU SAVVY AT ALL ABOUT SOCIAL MEDIA?

3 A. NOT AT ALL.

4 Q. SO WHEN YOU SAY -- WHEN YOU WANT SOMEBODY  
5 BLOCKED LIKE THIS, IN THIS PARTICULAR 315, WHEN YOU  
6 SAY BLOCKING, IS THAT AGAIN ABOUT WHAT YOU SAID ABOUT  
7 BLOCKING EARLIER WHICH IS TO SET UP A CERTAIN FOLDER?

8 A. YES, TO MAKE SURE IT DOESN'T GO INTO THE  
9 GENERAL E-MAIL ACCOUNT.

10 Q. DO YOU KNOW HOW TO DO THAT YOURSELF?

11 A. I HAVE NO IDEA.

12 Q. DO YOU PERSONALLY GET A LOT OF MESSAGES FROM  
13 PEOPLE HATING ON YOU, SAYING BAD, TERRIBLE THINGS TO  
14 YOU OR ABOUT YOU?

15 A. I -- I -- I GET A SIGNIFICANT NUMBER OF  
16 MESSAGES OVER THE COURSE OF THE PANDEMIC, SINCE 2020.

17 Q. DID YOU EVER CHANGE YOUR E-MAIL ADDRESS SO  
18 THAT YOU WOULDN'T GET THOSE?

19 A. I DID NOT.

20 Q. WHAT ABOUT THE, I THINK YOU CALLED IT THE  
21 DIRECTOR E-MAIL ADDRESS. WHAT'S THAT E-MAIL ADDRESS?

22 A. I BELIEVE IT'S DIRECTOR @PH DOT L.A. COUNTY  
23 .GOV, BUT I'D HAVE TO VERIFY THAT.

24 Q. FOR BOTH THE BFERRER AND THE PH AND THE  
25 OTHER ONE AT DIRECTOR @ PH, DO THEY BOTH COME TO YOU?

26 A. THE DIRECTOR BOX I HAVE VISIBILITY, BUT I  
27 DON'T LOOK AT IT EVERY DAY.

28 Q. DID YOU EVER CHANGE EITHER OF THOSE E-MAIL

1 ADDRESS?

2 A. WE NEVER HAVE.

3 Q. PEOPLE CAN STILL WRITE TO YOU AT EITHER OF  
4 THOSE E-MAIL ADDRESSES?

5 A. PEOPLE CAN AND PEOPLE DO.

6 Q. ARE THERE OTHER WAYS THAT PEOPLE COMMUNICATE  
7 WITH THE DEPARTMENT OF PUBLIC HEALTH APART FROM THOSE  
8 TWO E-MAIL ADDRESSES?

9 A. PEOPLE CALL. THEY CALL OUR OFFICE. WE HAVE  
10 A CALL CENTER THAT RUNS SEVEN-DAYS A WEEK FROM EIGHT  
11 UNTIL THE MORNING TO EIGHT AT NIGHT. THEY CALL THE  
12 CALL CENTER. WE HAVE A VARIETY OF ACCOUNTS WHERE  
13 PEOPLE THAT ARE PUBLICIZED WHERE PEOPLE CAN WRITE TO  
14 US IF THEY HAVE QUESTIONS, INCLUDING A MEDIA ACCOUNT  
15 WHERE GENERAL QUESTIONS COME IN. WE HAVE AN  
16 ENVIRONMENTAL HEALTH ACCOUNT WHERE GENERAL QUESTIONS  
17 CAN COME IN. THERE'S DIRECT MESSAGING WHERE PEOPLE  
18 CAN ASK A QUESTION BASED ON THE SOCIAL MEDIA POSTS  
19 WHERE PEOPLE CAN ASK THEIR QUESTIONS.

20 I DO A TON OF TELEBRIEFINGS, YOU KNOW, FOR  
21 DIFFERENT SECTORS THAT PEOPLE CAN GET ON AND ASK  
22 QUESTIONS. THOUSANDS AND THOUSANDS OF PEOPLE HAVE  
23 ATTENDED THOSE. AND I'M OUT AND ABOUT IN THE  
24 COMMUNITY AND PEOPLE ASK ME QUESTIONS.

25 Q. WHETHER YOU SAY ON A TELEBRIEFING DIFFERENT  
26 SECTORS, WHAT DO YOU MEAN BY SECTORS?

27 A. SO, FOR EXAMPLE, WE MIGHT DO -- I MEAN,  
28 CERTAINLY IN 2022, WE WERE DOING VERY FREQUENT



1 TELEBRIEFINGS FOR SCHOOLS, FOR UNIVERSITIES, FOR  
2 CHILDCARE, FOR RESTAURANTS AND BARS, FOR FACTORIES AND  
3 MANUFACTURING CLIENTS, FOR ENTERTAINMENT VENUES, FOR  
4 SPORTING EVENT VENUES, FOR NAIL SALONS, AND PERSONAL  
5 CARE BUSINESSES, FOR RETAIL BUSINESSES. SO IT WOULD  
6 BE VERY SPECIFIC TO A PARTICULAR -- I'M GOING TO CALL  
7 IT A SECTOR, GROUP OF BUSINESSES IN GENERAL.

8 AND THERE WAS MASSIVE LIST SERVES THAT HAD  
9 BEEN CREATED BY FOLKS IN OUR LIAISON OFFICE TO MAKE  
10 SURE THEY WERE WIDELY PUBLICIZED. WE DID ONE FOR  
11 ELECTED OFFICIALS AS WELL. THIS WAS AN OPPORTUNITY,  
12 WE WOULD GO AHEAD AND GIVE UPDATES AND THEN WE HAVE  
13 WOULD OPEN FOR QUESTIONS.

14 AND AGAIN, YOU KNOW, THAT'S -- THERE'S NO  
15 CONTROL OVER THOSE QUESTIONS. THEY COME IN IN ORDER  
16 THAT PEOPLE ARE ASKING THEM AND WE ANSWER THOSE  
17 QUESTIONS.

18 Q. DID YOU EVER SHUT DOWN ANY OF THOSE AVENUES  
19 OF PEOPLE ASKING QUESTIONS?

20 A. WE NEVER HAVE SHUT THAT DOWN. WE DO FAR  
21 LESS -- WE DO TELEBRIEFINGS FAR LESS FREQUENTLY. WE  
22 DO THEM NOW IF WE'RE GOING TO BE CHANGING GUIDANCE OR  
23 IF THERE'S AN URGENT SITUATION WHERE WE THINK PEOPLE  
24 HAVE QUESTIONS FOR US.

25 Q. YOU DO THEM LESS NOW BECAUSE THE PANDEMIC IS  
26 NOT AS --

27 A. THE PANDEMIC -- THERE'S -- YOU KNOW, THE  
28 PANDEMIC HAS BEEN MORE STABLE. BUT MORE IMPORTANTLY,

1 WE HAVE LESS SAFETY MEASURES IN PLACE THAT ARE EITHER  
2 REQUIREMENTS OR STRONG RECOMMENDATIONS THAT WE NEED TO  
3 EXPLAIN TO PEOPLE AND THEN ANSWER THEIR QUESTIONS IN  
4 REGARDS TO OUR SUGGESTED RECOMMENDATIONS. THINGS HAVE  
5 BEEN FAIRLY CONSISTENT OVER THE LAST FEW MONTHS, SO --  
6 SO WE DO A LOT LESS OF THEM.

7 Q. COULD YOU TURN TO EXHIBIT 263, PLEASE.

8 AND THIS LOOKS LIKE A JULY 8, 2022 E-MAIL  
9 FROM A TRUMPTRAIN1322 @GMAIL.COM TO MEDIA @ PH DOT  
10 L.A. COUNTY .GOV.

11 IS THAT THE E-MAIL ADDRESS FOR ONE OF THE  
12 THINGS YOU MENTIONED A FEW MOMENTS AGO WHICH IS AN  
13 E-MAIL BOX?

14 A. YES. I BELIEVE IT IS, YES.

15 Q. IS THAT ANOTHER AVENUE THROUGH WHICH THE  
16 PUBLIC --

17 A. YES.

18 Q. -- THE PUBLIC CAN COMMUNICATE WITH THE  
19 DEPARTMENT?

20 A. YES, IT IS.

21 Q. AND THIS ONE, THE SUBJECT IS WEBSITE AND THE  
22 COMMENT IS, YOU CAN SHOVE YOUR MANDATE UP THAT BIG  
23 CUNT OF YOURS.

24 DID YOU EVER SEE THIS E-MAIL BEFORE?

25 A. I DON'T BELIEVE SO.

26 Q. AT THE VERY TOP, DO YOU SEE WHERE IT SAYS  
27 MAIL-BARBARA FERRER-OUTLOOK, THE VERY TOP OF THE  
28 PAPER?

1 A. YES.

2 Q. DOES THAT REFRESH YOUR MEMORY THAT THIS  
3 MIGHT HAVE BEEN IN YOUR E-MAIL BOX AT SOME POINT?

4 MS. HAMILL: OBJECTION. LEADING.

5 THE COURT: OVERRULED.

6 THE WITNESS: YES.

7 Q. (BY MR. RAYGOR) DID YOU EVER THINK OF  
8 CHANGING THE MEDIA @PH DOT L.A. COUNTY .GOV E-MAIL  
9 ADDRESS SO THAT THE DEPARTMENT WOULDN'T RECEIVE  
10 E-MAILS LIKE THIS?

11 A. I DID NOT.

12 Q. COULD YOU TURN TO 270, PLEASE. ON THIS  
13 ONE -- SORRY.

14 ON THIS ONE IS AN E-MAIL FROM A TRGEORGE23  
15 @GMAIL.COM TO YOU AT YOUR BFERRER E-MAIL ADDRESS;  
16 RIGHT?

17 A. YES.

18 Q. IT SAYS STUPID FUCKING CUNT, LIAR NAZI.  
19 DID YOU EVER BLOCK THIS PERSON?

20 A. I DID NOT.

21 Q. TURN TO THE PRIOR ONE, 269. AT THE VERY TOP  
22 AGAIN YOU SEE IT SAYS MAIL-BARBARA FERRER-OUTLOOK?  
23 YES?

24 A. YES, I SEE THAT.

25 Q. AND BELOW THAT IS ANOTHER ONE FROM -- THIS  
26 IS THE SAME NAME AS WE -- SO 270 WAS A TRGEORGE23.  
27 THIS ONE IS TOM GEORGE, BUT THIS ONE IS THOMAS DOT SPM  
28 C @GMAIL.COM. IT'S THE SAME DATE AND ABOUT

1 THREE-MINUTES EARLIER THAN THE ONE IN 270.

2 ANYWAY, IT SAYS, FUCK YOU, LYING BITCH.  
3 YOU'RE NOT EVEN A FR. MAYBE HE MEANS DOCTOR. BUT,  
4 YOU LIAR. SICK, POWER HUNGRY CUNT.

5 DID YOU EVER ASK THAT THIS PERSON BE  
6 BLOCKED?

7 A. I DID NOT.

8 Q. NOW, I HAVE A FEW MORE OF THESE, I WILL NOT  
9 GO THROUGH THEM ALL.

10 TURN TO EXHIBIT 277, PLEASE. AND THIS IS AN  
11 E-MAIL FROM A DENNIS NAPOLITANO TO BARBARA FERRER AT  
12 YOUR BFERRER E-MAIL ADDRESS; CORRECT?

13 A. YES, IT IS.

14 Q. AND YOU SEE DOWN BELOW THE SECOND PARAGRAPH  
15 SAYS, YOU ARE FACING CRIMES AGAINST HUMANITY, TREASON  
16 AND SEDITION. IT'S NOT GOING TO GO WELL FOR YOU IN  
17 THE END.

18 DO YOU RECALL WHEN YOU SAW THIS, DID YOU  
19 FIND THAT THREATENING AT ALL?

20 A. I DON'T RECALL. I MEAN, I THINK IN GENERAL,  
21 WE WERE TRYING TO GET AS MANY OF THESE E-MAILS THAT  
22 DIDN'T REALLY HAVE ANY QUESTIONS PUT INTO A SEPARATE  
23 FOLDER.

24 Q. TURN TO 2 -- SORRY.

25 DID YOU EVER HAVE MR. NAPOLITANO BLOCKED?

26 A. NOT THAT I RECALL.

27 Q. TURN TO EXHIBIT 260, PLEASE.

28 YOU MENTIONED EARLIER THERE WAS A CALL

1 CENTER?

2 A. YES, I DID.

3 Q. AND THAT'S AT DHP?

4 A. YES, WE HAVE A CALL CENTER.

5 Q. AND HOW MUCH OF THE TIME -- IS IT OPEN EVERY  
6 DAY?

7 A. YES. I MEAN, THERE ARE LOTS OF DIFFERENT  
8 WAYS PEOPLE CAN CALL US BUT WE HAVE A CALL CENTER FOR  
9 COVID INFORMATION THAT'S SET UP FROM EIGHT IN THE  
10 MORNING TO EIGHT AT NIGHT.

11 Q. EVERY DAY?

12 A. EVERY DAY.

13 Q. AND WHAT'S IT FOR?

14 A. IT'S REALLY TO ANSWER PEOPLE'S QUESTIONS  
15 ABOUT COVID, ABOUT VACCINES, ABOUT THERAPEUTICS. WE  
16 OFFER A TELEHEALTH OPTION RIGHT NOW SO IF YOU HAVE HAD  
17 A POSITIVE TEST AND YOU NEED TO BE SCREENED BY A  
18 DOCTOR SO THAT YOU CAN GET SOME PAXLOVID, WE HAVE  
19 DOCTORS WHO CAN DO THAT SCREENING. WE -- YOU KNOW  
20 TELL PEOPLE PLACES THEY CAN GO TO GET VACCINATIONS,  
21 PEOPLE NEEDED HELP WITH ISOLATION OR WITH  
22 QUARANTINING, THEY COULD USE THAT NUMBER.

23 AND PEOPLE CAN JUST CALL THAT NUMBER, YOU  
24 KNOW, IF THEY'VE GOT CONCERNS.

25 Q. WHAT KIND OF PEOPLE FORMED THE STAFF FOR  
26 THAT CALL CENTER?

27 A. THAT HAS BOTH TRAINED HEALTH EDUCATORS AND  
28 CLINICIANS.

1 Q. A LOT OF PEOPLE, CORRECT, THAT RESPOND TO  
2 QUESTIONS?

3 A. THERE'S A FAIR AMOUNT OF PEOPLE ON THAT  
4 TEAM. OBVIOUSLY, DEPENDING ON WHAT THE VOLUME OF  
5 CALLS COMING IN WE CAN MAKE.

6 Q. SORRY. GO AHEAD.

7 A. SOMETIMES THERE'S MANY MORE PEOPLE THAN  
8 THERE MAY BE AT OTHER TIMES.

9 Q. ARE VOICEMAIL MESSAGES SOMETIMES LEFT THERE?

10 A. I'M NOT SURE.

11 Q. IN EXHIBIT 260 THAT I HAD YOU OPEN UP TO,  
12 THIS ONE HAS THE SUBJECT LINE AT THE TOP, NEW  
13 VOICEMAIL FROM, AND IT'S GOT A PHONE NUMBER. UP AT  
14 THE VERY FIRST LINE BELOW CHRISTINA VANE PEREZ,  
15 THERE'S A FROM. IT SAYS, DHP CAP CONNECT AND THEN VA  
16 AS IN VICTOR, M AS IN VOICEMAIL.

17 DO YOU KNOW WHAT THAT REFERS TO?

18 A. I DON'T. I'M SORRY.

19 Q. ANYWAY, DOWN BELOW THERE IS A VOICEMAIL  
20 TRANSCRIPT THAT SAYS, YOU NEED TO STOP ALL YOUR  
21 BULLSHIT ABOUT THE CORONA VIRUS BEING AN OUTBREAK IN  
22 SCHOOLS. IT'S LIES, AND WE ALL KNOW IT'S LIES. YOU  
23 NEED TO END THAT RIGHT NOW. WE'RE GOING TO COME TO  
24 BARBER'S -- THAT IS B.A. R B ER 'S -- HOUSE IF WE CAN  
25 AND PICKET IT. HAVE A LITTLE PROTEST IN FRONT OF OUR  
26 HOUSE. YOU NEED TO END THIS BULLSHIT.

27 DO YOU RECALL SEEING THIS BEFORE?

28 A. I DO.

1 Q. DO PEOPLE COME PICKET AT YOUR HOUSE DURING  
2 THE PANDEMIC?

3 A. YES, ON NUMEROUS OCCASIONS.

4 Q. HOW DID PEOPLE KNOW HOW TO GET TO YOUR  
5 HOUSE? DO YOU KNOW?

6 A. PEOPLE PUBLISHED MY ADDRESS ON VARIOUS -- IN  
7 VARIOUS PLACES IN VARIOUS FORMS OF SOCIAL MEDIA.

8 Q. AND WHAT DID YOU DO IN RESPONSE TO THAT?

9 A. YOU KNOW, THERE WAS, I WOULD SAY FROM THE  
10 BEGINNING OF THE PANDEMIC -- WELL, PROBABLY STARTING  
11 IN MAY OF 2020 MAYBE THROUGH PARTS OF 2022, I HAD  
12 SECURITY, SECURITY AT THE HOUSE. THERE WERE TIMES  
13 WHEN I HAD SECURITY WITH ME. YOU KNOW, IF THERE WERE,  
14 YOU KNOW, SORT OF INCREASES IN THREATS, THE SECURITY  
15 MIGHT BE INCREASED. SOMETIMES IT'S BOTH HOUSE AND ME.  
16 I'VE HAD PEOPLE DRIVE UP IN THE MIDDLE OF THE NIGHT TO  
17 TRY TO TRASH MY HOUSE.

18 SO, YOU KNOW, THE COUNTY'S BEEN HELPFUL  
19 ABOUT TRYING TO SECURE SECURITY AS IT WAS APPROPRIATE.  
20 BUT THERE WERE MANY, MANY MONTHS.

21 Q. WHETHER YOU SAY SECURITY, IS THAT PRIVATE  
22 SECURITY OR SHERIFF'S?

23 A. IT'S A COMBINATION. MOST OF THE DETAILS FOR  
24 ME WERE THE SHERIFF DEPUTIES. BUT THERE WERE DETAILS  
25 AT THE HOUSE THAT COULD HAVE BEEN AT SOME TIMES  
26 PRIVATE SECURITY FIRMS.

27 Q. AND DID THEY ALSO GO WITH YOU TO THE GROCERY  
28 STORE AND THINGS LIKE THAT?

1           A.    YES.  THERE WAS A PERIOD OF -- LONG PERIOD  
2 OF MANY MONTHS WHERE I NEEDED A PRIVATE DETAIL.

3           Q.    ONE LAST E-MAIL OR THIS IS A VOICEMAIL  
4 AGAIN.  IF YOU TURN TO THE NEXT EXHIBIT, 261.  AND  
5 THIS ONE HAS THE E-MAIL, IT LOOKS LIKE E-MAIL ADDRESS  
6 OF DPH CONNECT VM AS IN VOICEMAIL, @PH DOT L.A. COUNTY  
7 DOT GOV.  DOES THAT E-MAIL ADDRESS SOUND FAMILIAR TO  
8 YOU?

9           A.    I DON'T -- I ANY IT'S CONNECTED TO A  
10 VOICEMAIL.

11          Q.    AND AT THE VERY TOP, IT SAYS  
12 MAIL-BARBARA FERRER-OUTLOOK.

13                   DO YOU SEE THAT?

14          A.    YES, I DO.

15          Q.    DO YOU RECALL RECEIVING THIS AS AN E-MAIL IN  
16 YOUR INBOX?

17          A.    I DON'T RECALL.

18          Q.    DOWN BELOW, THE VOICEMAIL TRANSCRIPT SAYS,  
19 CAN YOU FIRE THAT FUQING -- IT'S F U Q ING -- BITCH  
20 BARBARA FERRER, R-A-R-E.  WE ARE NOT PUTTING MASKS  
21 BACK ON.  TELL HER SHE'S A MISERABLE EVIL BITCH.  SHE  
22 HAS NO SCIENTIFIC PROOF.  WE'RE NOT PUTTING MASKS BACK  
23 ON.  WHAT IS HER NEED FOR CONTROL?  FUCK HER.  WE'RE  
24 NOT WEARING MASKS.  FUCK HER, THIS IS BULLSHIT.  WHAT  
25 IS WRONG WITH YOU PEOPLE?

26                   DID YOU RECEIVE A LOT OF E-MAILS LIKE THIS?

27          A.    I MEAN, I RECEIVED A SIGNIFICANT NUMBER.

28          Q.    DID YOU RECEIVE VOICEMAIL MESSAGES LIKE



1 THIS?

2 A. THERE WERE -- YES. THERE WERE A NUMBER OF  
3 VOICEMAIL MESSAGES AS WELL.

4 Q. DID YOU EVER DO ANYTHING TO STOP HAVING SUCH  
5 VOICEMAIL MESSAGES COME IN?

6 A. I DID NOT.

7 Q. MISS HAMILL HAD ASKED YOU ABOUT PORTIONS,  
8 AND SHE READ PORTIONS OF YOUR DEPOSITION TRANSCRIPT.  
9 I WILL READ A PORTION THAT WAS RIGHT BEFORE WHAT SHE  
10 READ AND ANOTHER PORTIONS RIGHT AFTER. IS THAT ALL  
11 RIGHT?

12 A. THAT'S ALL RIGHT.

13 Q. BEAR WITH ME WHILE I GET IT PULLED UP.

14 I'M GOING TO START AT 41, PAGE 41, 17, FOR  
15 THE RECORD. AND THE QUESTION WAS --

16 THE COURT: GIVE ME THE FULL CITE, PLEASE.

17 MR. RAYGOR: 41 -- I'M GOING TO READ 41,  
18 STARTING AT LINE 17 TO 42 THROUGH 10, LINE 10.

19 THE COURT: JUST ONE MOMENT.

20 MR. RAYGOR: MISS HAMILL HAD READ FROM 41,  
21 PAGE 42, LINE 11.

22 THE COURT: I'M SORRY. YOU SAID MISS HAMILL  
23 DID WHAT?

24 MR. RAYGOR: MISS HAMILL PICKED UP AT  
25 PAGE 42, LINE 11. I WILL READ THE PORTION BEFORE  
26 THAT.

27 THE COURT: ALL RIGHT. STAND BY.

28 OKAY.

1 Q. (BY MR. RAYGOR) THIS IS ALL ABOUT THE  
2 SUBJECT OF MISINFORMATION. SO STARTING ON LINE 17  
3 ON PAGE 41, I'LL READ SLOWLY.

4 THE REPORTER: THANK YOU.

5 Q. (BY MR. RAYGOR) AND YOU WERE CONCERNED  
6 ABOUT THAT MISINFORMATION. IS THAT CORRECT?

7 ANSWER: I AM CONCERNED ABOUT  
8 MISINFORMATION, YES.

9 QUESTION: WHY?

10 ANSWER: WE'RE THE PUBLIC HEALTH DEPARTMENT.  
11 PEOPLE COMING TO OUR SITES ARE LOOKING FOR ACCURATE  
12 INFORMATION, AND AS THE PUBLIC HEALTH DHP, WE TAKE  
13 THAT RESPONSIBILITY VERY SERIOUSLY.

14 QUESTION: AND HOW DO YOU DETERMINE WHETHER  
15 A PIECE OF INFORMATION IS MISINFORMATION OR NOT?

16 ANSWER: WE HAVE A TEAM OF EPIDEMIOLOGISTS,  
17 CLINICIANS, PUBLIC HEALTH PRACTITIONERS WHO WORK HARD  
18 TO DETERMINE WHAT IS ACCURATE INFORMATION. SO I WOULD  
19 SAY WHEN THE INFORMATION IS NOT ALIGNED WITH THAT,  
20 WE'VE DETERMINED IS ACCURATE -- WITH WHAT WE'VE  
21 DETERMINED IS ACCURATE INFORMATION FOR US, THAT WOULD  
22 REPRESENT MISINFORMATION. YOU ASKED A HARD QUESTION  
23 BECAUSE THERE ARE LOTS OF DIFFERENT WAYS PEOPLE CAN  
24 THINK ABOUT MISINFORMATION.

25 SO I'M GOING TO BREAK RIGHT THERE.

26 WHEN YOU TALKED ABOUT THIS TEAM THAT YOU  
27 HAVE, YOU MENTIONED EPIDEMIOLOGISTS, CLINICIANS,  
28 PUBLIC HEALTH PRACTITIONERS, WHAT DO -- WHAT IS THEIR

1 PURPOSE?

2 A. WITH AN -- WITH AN EMERGING VIRUS THAT WE  
3 REALLY HAVE NEVER EXPERIENCED, IT WAS IMPORTANT TO  
4 MAKE SURE THAT WE HAD FOLKS THAT WERE EXPERT IN A  
5 VARIETY OF FIELDS TO ANALYZE INFORMATION AS IT WAS  
6 COMING IN. AND AS WE ALL KNOW, THAT INFORMATION THAT  
7 WAS COMING IN WAS ALSO RAPIDLY CHANGING. SO THAT TEAM  
8 REALLY MEANT HAVING PEOPLE WITH A RESEARCH BACKGROUND,  
9 OUR INFECTIOUS DISEASE PHYSICIANS, CLINICIANS WHO  
10 TREATED PATIENTS WITH HEALTH CONDITIONS, BECAUSE  
11 THERE'S AN INTERACTION BETWEEN UNDERLYING HEALTH  
12 CONDITIONS AND WITH THE NEW VIRUS, PEOPLE ON OUR  
13 VACCINATION TEAMS WHO ARE USED TO LOOKING THROUGH  
14 INFORMATION ON VACCINE SAFETY AND EFFICACY.

15 SO IT'S A PRETTY BROAD TEAM. I WOULD SAY  
16 THERE'S ABOUT 35 PEOPLE ON THE TEAM. AND ALL OF THE  
17 PEOPLE REPRESENT DIFFERENT DISCIPLINES AND PEOPLE THAT  
18 ARE IMPORTANT TO HELP US REALLY DECIPHER THE MASSIVE  
19 AMOUNT OF INFORMATION THAT ACCUMULATES.

20 Q. (BY MR. RAYGOR) SO FOR THAT MASSIVE  
21 INFORMATION, WAS IT THEIR JOB TO TRY TO LOOK AT IT  
22 AND THEN COME UP WITH A CONSENSUS OF WHAT THEY  
23 THOUGHT WAS BEST AT THE TIME?

24 A. YES. AND TO LOOK AT IT MEANS TO MAKE SURE  
25 THAT, YOU KNOW, THERE ARE RULES FOR INQUIRY. THERE  
26 ARE ANALYSIS -- YOU KNOW THERE ARE RULES AROUND DATA  
27 ANALYSIS AND ANALYTICS. ANYBODY CAN PUBLISH AND, YOU  
28 KNOW, ESPECIALLY NOW SO YOU HAVE TO REALLY LOOK AND

1 SEE IF THE RESEARCH IS ACTUALLY SOUND AND FOLLOWS  
2 SOUND RESEARCH PRACTICES.

3 Q. I'M GOING TO DO ONE MORE PORTION. PAGE 43  
4 OF YOUR DEPOSITION, LINES 1 TO 8.

5 THE COURT: WELL, LINE 1 STARTS WITH AN  
6 ANSWER.

7 MR. RAYGOR: I SEE THAT. I WILL BACK UP.  
8 42, LINE 24 TO 43, LINE 8. ARE YOU THERE,  
9 YOUR HONOR?

10 THE COURT: YOU MAY PROCEED.

11 Q. (BY MR. RAYGOR) QUESTION: AND SO HOW DO  
12 YOU DETERMINE WHETHER SOMETHING IS CREDIBLE AND  
13 ACCURATE AND BASED IN SCIENCE?

14 ANSWER: THERE IS A REVIEW BY A TEAM OF  
15 QUALIFIED PEOPLE AT THE HEALTH DEPARTMENT THAT LOOK AT  
16 THE INFORMATION THAT ARE VERSED IN PUBLIC HEALTH  
17 PRACTICE AND RESEARCH AND THE APPROPRIATENESS OF  
18 RESEARCH AND THE EPIDEMIOLOGY OF DISEASE THAT ACTUALLY  
19 ARE WORKING TOGETHER TO MAKE THOSE DETERMINATIONS.  
20 THERE'S NO ONE PERSON THAT DOES THAT JOB.

21 DO YOU AGREE WITH THAT?

22 A. I DO.

23 Q. DO YOU -- ARE YOU THE ONE PERSON THAT  
24 DECIDES WHAT IS ACCURATE INFORMATION?

25 A. I AM NOT.

26 Q. DO YOU RELY ON THAT TEAM?

27 A. I DO.

28 Q. AND YOU RELY ON THEM IN HELPING DECIDE WHAT

1 MESSAGES DEPARTMENT OF PUBLIC HEALTH WANTS TO SEND OUT  
2 TO THE 10.3 MILLION COUNTY RESIDENTS?

3 A. I DO.

4 MR. RAYGOR: YOUR HONOR, I HAVE NOTHING  
5 FURTHER ON CROSS FOR THIS WITNESS.

6 THE COURT: ALL RIGHT. IS THERE ANY  
7 REDIRECT?

8 MS. HAMILL: I HAVE FOUR QUESTIONS, YOUR  
9 HONOR.

10 THE COURT: GO AHEAD. IT'S ACTUALLY A  
11 RECROSS, TO BE MORE ACCURATE, BUT YOU CAN PROCEED.

12 MS. HAMILL: THANK YOU.

13

14 RECROSS-EXAMINATION

15 Q. (BY MS. HAMILL) EARLIER IN YOUR  
16 QUESTIONING YOU MENTIONED TELEHEALTH QUESTIONS, THE  
17 K-12 TELEHEALTH BRIEFING FOR SCHOOLS. NO MEDIA IS  
18 ALLOWED IN THOSE TELEHEALTH BRIEFINGS. IS THAT  
19 TRUE?

20 A. WE CAN'T STOP MEDIA FROM JOINING ANY OF  
21 THOSE BRIEFINGS, BUT WE SAY THAT NOTHING ON THOSE  
22 BRIEFINGS CAN BE QUOTED.

23 Q. AND PEOPLE HAVE TO BE INVITED TO ATTEND  
24 THOSE TELEHEALTH BRIEFINGS; CORRECT?

25 A. YOU HAVE TO BE INVITED, BUT YOU CAN ASK TO  
26 GET THE INVITE, AND WE HAVE MASSIVE LISTS. TENS OF  
27 THOUSANDS OF PEOPLE ATTEND THOSE BRIEFINGS.

28 Q. AND THEN THE E-MAILS AND THE VOICEMAILS THAT

1 WE'VE REVIEWED HERE ARE UNQUESTIONABLY HATEFUL AND  
2 MEAN, AND I'M SORRY THAT YOU RECEIVED THEM. BUT WOULD  
3 YOU AGREE THAT UNLESS SOMEONE IS THREATENING YOU,  
4 THESE E-MAILS AND VOICEMAILS ARE PROTECTED SPEECH  
5 UNDER THE FIRST AMENDMENT?

6 A. I'M NOT REALLY QUALIFIED TO ANSWER THAT.

7 MS. HAMILL: I HAVE NO FURTHER QUESTIONS.

8 THE WITNESS: SORRY.

9 THE COURT: ALL RIGHT. CAN WE EXCUSE THE  
10 WITNESS NOW SUBJECT TO RECALL?

11 MR. RAYGOR: YES.

12 THE COURT: OKAY. THANK YOU FOR COMING.  
13 YOU MAY STEP DOWN. YOU'RE EXCUSED FOR TODAY.

14 THE WITNESS: OKAY. THANK YOU VERY MUCH.

15 THE COURT: THANK YOU. WE WILL BE TAKING  
16 OUR AFTERNOON BREAK IN JUST A FEW MINUTES. WHO WILL  
17 THE ALLIANCE'S NEXT WITNESS BE?

18 MS. HAMILL: BRETT MORROW.

19 THE COURT: HE IS EITHER IN THE COURT OR  
20 OUTSIDE?

21 MR. RAYGOR: HE IS IN THE COURT.

22 THE COURT: WE WILL TAKE TEN MINUTES FOR  
23 EVERYONE'S CONVENIENCE AND RESUME AT FIVE MINUTES TO  
24 THE HOUR.

25 MS. HAMILL: THANK YOU, YOUR HONOR.

26 THE REPORTER: THANK YOU, YOUR HONOR.

27 (RECESS FROM 2:45 P.M. TO 2:57 P.M.)

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PROCEEDINGS

THE JUDICIAL ASSISTANT: COME TO ORDER.  
DEPARTMENT 69 IS AGAIN IN SESSION.

THE COURT: ALL RIGHT. CALL YOUR NEXT  
WITNESS, PLEASE.

MS. HAMILL: THE ALLIANCE CALLS BRETT MORROW  
TO THE STAND.

THE COURT: OKAY. YOU'LL STEP FORWARD TO BE  
SWORN. CANDICE, WILL YOU ASSIST?

THE CLERK: WILL YOU STAND BEHIND THE COURT  
REPORTER AND RAISE YOUR RIGHT HAND. DO YOU SOLEMNLY  
STATE THAT THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW  
PENDING BEFORE THIS COURT SHALL BEING THE TRUTH, THE  
WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU  
GOD?

THE WITNESS: I DO.

THE CLERK: PLEASE HAVE A SEAT IN THE  
WITNESS STAND.

PLEASE STATE AND SPELL YOUR FIRST AND LAST  
NAME FOR THE RECORD.

THE WITNESS: BRETT MORROW. B R E T T.  
MORROW IS M O R R O W.

THE CLERK: THANK YOU.

THE COURT: OKAY. AND SLIDE RIGHT UP TO THE  
MICROPHONE AND TRY TO PROJECT AS BEST YOU CAN WITH OUR  
OLD TECHNOLOGY.

THE WITNESS: WILL DO.

THE COURT: THANK YOU. GO AHEAD.

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CROSS-EXAMINATION

MS. HAMILL: AND TO BE CLEAR FOR THE RECORD,  
I AM CALLING MR. MORROW AS AN ADVERSE WITNESS UNDER  
EVIDENCE CODE 776.

THE COURT: ALL RIGHT.

Q. (BY MS. HAMILL) ALL RIGHT. YOU'RE CHIEF  
COMMUNICATIONS DIRECTOR FOR L.A. COUNTY DEPARTMENT  
OF PUBLIC HEALTH; YES?

A. YES.

Q. AND YOU'VE BEEN IN THIS ROLE FOR  
APPROXIMATELY FOUR YEARS; CORRECT?

A. INCORRECT.

Q. HOW MANY YEARS?

A. IN THIS ROLE, ABOUT A YEAR AND A HALF.

Q. AND WHAT WAS YOUR ROLE BEFORE THAT?

A. DIRECTOR OF COMMUNICATIONS.

Q. DIRECTOR OF COMMUNICATIONS BUT CHIEF  
COMMUNICATIONS DIRECTOR FOR A YEAR AND A HALF?

A. CORRECT.

MR. RAYGOR: OBJECTION -- GO AHEAD.

THE COURT: WITHDRAWN?

MR. RAYGOR: I WITHDRAW.

Q. (BY MS. HAMILL) AND YOU ATTENDED FULLERTON  
JUNIOR COLLEGE, CAL STATE FULLERTON, PASADENA CITY  
COLLEGE, RIO HONDO COLLEGE, LOS ANGELES VALLEY  
COLLEGE, AND ULTIMATELY EARNED A BACHELOR'S DEGREE  
FROM CAL STATE UNIVERSITY LOS ANGELES; CORRECT?



1 A. CORRECT. I THINK THAT'S ALL OF THEM.

2 Q. AND YOU WERE THE CHIEF COMMUNICATIONS  
3 DIRECTOR FOR THE DEPARTMENT OF PUBLIC HEALTH BACK IN  
4 JULY AND AUGUST OF 2022; CORRECT?

5 A. CORRECT.

6 Q. AND FROM ABOUT NOVEMBER 2019 -- I WILL SKIP  
7 THIS.

8 AND PRIOR TO WORKING FOR THE COUNTY, YOU  
9 WERE AT TICKETMASTER. AND BEFORE THAT YOU WORKED FOR  
10 SEVERAL UNITED STATES CONGRESSMEN; CORRECT?

11 A. CORRECT.

12 Q. YOU WORKED FOR CONGRESSMEN KEITH ELLISON OF  
13 MINNESOTA; CORRECT?

14 A. YES.

15 Q. AND CONGRESSMAN MARK TAKANO, T A K A N O,  
16 FROM RIVERSIDE.

17 A. YES.

18 Q. AND CONGRESSMAN ADAM SCHIFF FROM GLENDALE  
19 AND PASADENA; CORRECT?

20 A. YES.

21 Q. AND YOU MET PATRICK BOLAND THROUGH WORKING  
22 FOR CONGRESSMAN SCHIFF; CORRECT?

23 A. CORRECT. I MET PATRICK AFTER WORKING ON  
24 CONGRESSMAN SCHIFF'S CAMPAIGN, BUT I WASN'T WORKING  
25 FOR SCHIFF AT THE TIME.

26 Q. AND PATRICK BOLAND IS SCHIFF'S CHIEF OF  
27 STAFF; CORRECT?

28 A. NOW HE IS.

1 MR. RAYGOR: OBJECTION.

2 THE WITNESS: HE WAS NOT THEN.

3 THE COURT: WITHDRAWN?

4 MR. RAYGOR: WITHDRAWN.

5 Q. (BY MS. HAMILL) AND PATRICK'S MIDDLE NAME  
6 IS MORROW; CORRECT?

7 A. CORRECT.

8 Q. ARE YOU RELATED?

9 A. WE ARE NOT, NO. MORROW FOR MY LAST NAME IS  
10 AN ADOPTED LAST NAME.

11 Q. AND YOU'VE NEVER RECEIVED ANY TRAINING ON  
12 HOW TO UPHOLD THE CALIFORNIA OR UNITED STATES  
13 CONSTITUTION IN YOUR ROLE AS A GOVERNMENT OFFICIAL,  
14 HAVE YOU?

15 A. I DON'T BELIEVE SO.

16 Q. WHEN YOU WERE EMPLOYED WITH THESE MEMBERS OF  
17 CONGRESS, YOU SERVED AS THEIR COMMUNICATIONS DIRECTOR;  
18 CORRECT?

19 A. NOT FOR ALL OF THEM.

20 Q. WHAT WAS YOUR ROLE WITH MR. TAKANO?

21 A. IT WAS COMMUNICATIONS DIRECTOR AND  
22 EVENTUALLY SENIOR ADVISOR.

23 Q. AND WHAT ABOUT CONGRESSMAN SCHIFF?

24 A. I WAS A PRESS AIDE, VERY JUNIOR MEMBER OF  
25 THE TEAM.

26 Q. AND WHAT ABOUT CONGRESSMAN ELLISON?

27 A. I WAS A COMMUNICATION DIRECTOR.

28 Q. AND SO AS COMMUNICATIONS DIRECTOR FOR THESE

1 VARIOUS CONGRESSMEN, YOU HANDLED CRISIS MANAGEMENT AND  
2 REPUTATION MANAGEMENT, AMONG OTHER THINGS; CORRECT?

3 MR. RAYGOR: OBJECTION. MISCHARACTERIZES  
4 THE EVIDENCE.

5 THE COURT: OBJECTION IS OVERRULED.  
6 YOU MAY ANSWER.

7 THE WITNESS: CAN YOU SAY THE QUESTION  
8 AGAIN?

9 Q. (BY MS. HAMILL) SURE. AS COMMUNICATION  
10 DIRECTOR FOR THESE VARIOUS CONGRESSMEN, YOU HANDLED  
11 CRISIS MANAGEMENT AND REPUTATION MANAGEMENT AMONG  
12 OTHER THINGS; CORRECT?

13 A. AMONG MANY OTHER THINGS, YES.

14 Q. AND YOU DEVELOPED RELATIONSHIPS WITH THE  
15 MEDIA; CORRECT?

16 A. CORRECT.

17 Q. AND YOU TOLD ME DURING YOUR DEPOSITION THAT  
18 IF A NEGATIVE STORY CAME OUT ABOUT ONE OF YOUR BOSSES,  
19 YOU WOULD THINK OF STRATEGIES TO PUT OUT INFORMATION  
20 OR FRAME A MESSAGE THAT YOU WANTED TO PUT OUT; RIGHT?

21 A. I BELIEVE I SAID THAT, YES.

22 Q. AND YOU REFERRED TO THAT AS REPUTATION  
23 MANAGEMENT; CORRECT?

24 A. I WOULDN'T SAY NECESSARILY THAT'S REPUTATION  
25 MANAGEMENT, BECAUSE I COULD HAVE BEEN REFERRING TO A  
26 VARIETY OF DIFFERENT THINGS, WHETHER IT'S A PIECE OF  
27 LEGISLATION OR SUPPORT FOR A GROUP OR ANOTHER  
28 ORGANIZATION. SO I WOULDN'T NECESSARILY SAY THAT

1 IS REPUTATION MANAGEMENT. IT MAY BE A PIECE OF  
2 REPUTATION MANAGEMENT BUT NOT SOLELY.

3 Q. AND YOU WOULD TRY TO HAVE STORIES PLACED  
4 WITH MEDIA OUTLETS THAT WERE POSITIVE ABOUT YOUR  
5 BOSSES; CORRECT?

6 A. CORRECT.

7 Q. AND YOU ALSO TRIED TO KILL STORIES BUT YOU  
8 WEREN'T VERY GOOD AT IT; CORRECT?

9 A. I DID THAT MAYBE SEVERAL TIMES, AND NO, I AM  
10 NOT VERY GOOD AT IT. AND I WAS UNSUCCESSFUL.

11 Q. AND IN YOUR WORDS, KILLING A STORY MEANS  
12 YOU, QUOTE, ATTEMPT TO PERSUADE A WRITER THAT THE  
13 STORY ISN'T VALID OR THAT IT'S WRONG OR THAT THERE'S  
14 NO BENEFIT TO THE STORY, END QUOTE.

15 MR. RAYGOR: LACKS FOUNDATION.

16 Q. (BY MS. HAMILL) DO YOU RECALL MAKING THAT  
17 STATEMENT DURING YOUR DEPOSITION?

18 THE COURT: HOLD OFF. OBJECTION?

19 MR. RAYGOR: LACKS FOUNDATION.

20 THE COURT: OVERRULED. YOU MAY ANSWER.

21 THE WITNESS: I RECALL SAYING THAT, YES.

22 Q. (BY MS. HAMILL) SO IN YOUR PRESENT ROLE AS  
23 THE COMMUNICATIONS DIRECTOR FOR THE DEPARTMENT OF  
24 PUBLIC HEALTH, YOU SUPERVISE APPROXIMATELY SEVEN TO  
25 10 EMPLOYEES; CORRECT?

26 A. IT'S A LITTLE MORE THAN THAT NOW AT THIS  
27 TIME, YES.

28 Q. HOW MANY NOW?

1 A. MAYBE 11 OR 12.

2 Q. SO YOU'RE THE SUPERVISOR FOR THE ENTIRE  
3 COMMUNICATIONS TEAM AT THE DEPARTMENT OF PUBLIC  
4 HEALTH; CORRECT?

5 A. CORRECT.

6 Q. AND YOU ALSO OVERSEE THE WORK OF FRASER  
7 COMMUNICATIONS; CORRECT?

8 A. WHEN THEY WERE CONTRACTED WITH US, YES, IN  
9 THAT CAPACITY, YES.

10 Q. AND THE DEPARTMENT OF PUBLIC HEALTH  
11 CONTRACTED WITH FRASER INCLUDES A LINE ITEM TO DEVELOP  
12 AND IMPLEMENT A SOCIAL MEDIA LISTENING PROGRAM TO  
13 MONITOR AND REPORT ON PUBLIC COMMENTS AND PERCEPTIONS  
14 ON NOVEL CORONA VIRUS, COVID-19, AND THE COUNTY'S  
15 RESPONSE AND PREVENTION EFFORTS; RIGHT?

16 A. I DON'T REMEMBER THE SPECIFICS OF THE  
17 CONTRACT, BUT I ASSUME SO, YEAH. THAT SOUNDS LIKE  
18 VERY STANDARD CONTRACTUAL LANGUAGE WITH THE  
19 COMMUNICATION AGENCIES.

20 Q. DURING THE COVID-19 PANDEMIC, YOU MONITORED  
21 MEDIA OUTLETS FOR THEIR COVERAGE OF COVID; CORRECT?

22 A. THAT'S CORRECT.

23 Q. YOU MONITORED ALMOST ALL OF THE LOCAL MEDIA  
24 OUTLETS AND SOME NATIONAL AS WELL; CORRECT?

25 A. YES.

26 Q. AND THOSE INCLUDE THE "L.A. TIMES," THE L.A.  
27 DAILY NEWS, CBS, NBC, ABC, FOX 11, KFI, KPCC, KNX,  
28 TELEMUNDO, AND UNIVISION; RIGHT?

1           A.    I'M SURE THERE ARE MORE, BUT THAT'S MOST OF  
2 THEM, YES.  THAT'S MOST OF THE WELL KNOWN ONES.

3           Q.    AND THE @L.A. PUBLIC HEALTH TWITTER ACCOUNT  
4 HAS MULTIPLE MEDIA FOLLOWERS; CORRECT?

5           A.    I ASSUME SO.  I DON'T KNOW SPECIFICALLY WHO  
6 FROM THE MEDIA FOLLOWS THEM.  I THINK WE HAVE HUNDREDS  
7 OF THOUSANDS OF FOLLOWERS, SO THERE'S NO WAY FOR ME TO  
8 KNOW.

9           Q.    ON JULY 7TH, 2022, BARBARA FERRER BEGAN  
10 SPEAKING PUBLICLY ABOUT IMPOSING A NEW MASK MANDATE IN  
11 L.A. COUNTY; CORRECT?

12                   MR. RAYGOR:  OBJECTION.  LACKS FOUNDATION.

13                   THE COURT:  OVERRULED.

14                   YOU MAY TESTIFY IF YOU RECALL.

15                   THE WITNESS:  I DON'T RECALL THAT THAT'S THE  
16 SPECIFIC DATE.

17           Q.    (BY MS. HAMILL) DO YOU REMEMBER ROUGHLY  
18 JANUARY OF 2022 THAT THERE WAS A MASK MANDATE THAT  
19 WAS BEING SPOKEN ABOUT COMING BACK?

20                   THE COURT:  JANUARY?

21           Q.    (BY MS. HAMILL) SORRY, JULY OF 2022.

22                   THE COURT:  START OVER WITH YOUR QUESTION.

23           Q.    (BY MS. HAMILL) DO YOU RECALL ROUGHLY JULY  
24 OF 2022 THAT FERRER WAS CONSIDERING BRINGING BACK A  
25 NEW MASK MANDATE?

26           A.    CORRECT, YES.

27           Q.    AND IS IT FAIR TO SAY THAT PEOPLE WERE  
28 GENERALLY ANGRY ABOUT THIS IDEA?

1 MR. RAYGOR: OBJECTION. CALLS FOR  
2 SPECULATION.

3 THE COURT: OVERRULED.

4 NOT FOR THE TRUTH OF THE MATTER BUT WHAT HE  
5 WAS INFORMED OF WHICH MAY HAVE INFLUENCED HIS POLICY  
6 DECISIONS. SO YOU MAY ANSWER.

7 THE WITNESS: I GENERALLY SAW AN UPTICK OF  
8 ANGER AND PEOPLE WHO WERE UPSET ABOUT THE POSSIBILITY  
9 OF THE RETURN OF A MASK MANDATE.

10 Q. (BY MS. HAMILL) AND IN JULY OF 2022,  
11 PEOPLE BEGAN TALKING ABOUT A STUDY WRITTEN BY  
12 FERRER'S DAUGHTER IN THE COMMENT SECTION OF THE  
13 DEPARTMENT OF PUBLIC HEALTH'S TWITTER ACCOUNT;  
14 RIGHT?

15 A. CORRECT, YES.

16 Q. AND YOU TESTIFIED THAT AS THE DEPARTMENT'S  
17 LEADER, BARBARA FERRER'S REPUTATION AND CREDIBILITY  
18 WERE IMPORTANT; RIGHT?

19 A. CORRECT, YES.

20 Q. AND THAT YOU WERE WORRIED ABOUT MAINTAINING  
21 HER CREDIBILITY; CORRECT?

22 A. CORRECT.

23 Q. WOULD YOU AGREE THAT THERE WAS AN UPTICK IN  
24 ANGRY COMMENTS IN JULY 2022 ON THE DEPARTMENT'S PUBLIC  
25 SOCIAL MEDIA?

26 A. I'M SORRY. CAN YOU REPEAT THAT AGAIN?

27 Q. WOULD YOU AGREE THERE WAS AN UPTICK IN ANGRY  
28 COMMENTS IN JULY 2022 ON THE DEPARTMENT'S SOCIAL

1 MEDIA?

2 A. I WOULD AGREE WITH THAT, YES.

3 Q. AND WOULD YOU AGREE THAT PEOPLE WERE UPSET  
4 ABOUT THE IDEA OF A MASK MANDATE COMING BACK? YOU  
5 ALREADY SAID YES. I'LL SKIP THAT.

6 OKAY. LET'S GO TO EXHIBIT 61, PLEASE. I  
7 CAN HELP YOU -- MAY I APPROACH THE WITNESS?

8 THE COURT: YES.

9 Q. (BY MS. HAMILL) HAVE YOU SEEN THIS BEFORE?

10 A. I ASSUME SO. I TYPICALLY SEE ALL OF OUR  
11 SOCIAL MEDIA POSTS THAT GO OUT, BUT I DON'T  
12 SPECIFICALLY REMEMBER THIS POST.

13 Q. AND DO YOU RECOGNIZE THE FIRST PAGE OF THIS  
14 EXHIBIT 61-1 AS A VIEW OF THE DEPARTMENT OF PUBLIC  
15 HEALTH'S ARCHIVE SHOWING A JULY 15TH TWEET?

16 A. IT APPEARS SO, YES.

17 Q. AND THE TWEET ID ENDS IN 536. DO YOU SEE  
18 THE ID UNDERNEATH THE DAILY UPDATE?

19 A. I DO SEE THAT, YES.

20 Q. OKAY. AND TURN TO THE SECOND PAGE,  
21 EXHIBIT 61-TWO.

22 A. UH-HUH.

23 Q. AND DO YOU RECOGNIZE THIS AS THE SAME TWEET  
24 FROM THE ARCHIVE BUT WITH REVISED POSTED UNDERNEATH?

25 A. IT APPEARS TO BE THE SAME TWEET, YES.

26 Q. AND THE TWEET FROM PUBLIC HEALTH ON THIS  
27 PAGE IS THE COVID DAILY UPDATE; CORRECT?

28 A. CORRECT.



1 Q. AND IT PROVIDES THE NUMBER OF NEW CASES, NEW  
2 DEATHS, HOSPITALIZATIONS, AND POSITIVITY RATE;  
3 CORRECT?

4 A. AS WELL AS THE CASES TO DATE AND THE DEATHS  
5 TO DATE.

6 Q. AND THE FIRST REPLY HERE ON EXHIBIT 61-TWO  
7 IS FROM A USER NAMED SHAWNA CAMPBELL. AND IT SAYS,  
8 QUOTE, PLEASE LOOK AT THESE VIDEOS. THIS IS OUR MAJOR  
9 COUNTY HOSPITAL PLAINLY STATING WE ARE NOT IN A  
10 CRISIS. PLEASE EVERYONE IN L.A., GET THE WORD OUT.  
11 THE BOARD OF SUPERVISORS AND MEDIA NEED TO SEE THESE  
12 VIDEOS.

13 AND THEN SHE TAGS SUPERVISOR JANICE HAHN AND  
14 THE BOARD OF SUPERVISOR'S ACCOUNT. DO YOU RECALL  
15 SEEING THAT IN JULY OF 2022?

16 A. I DON'T.

17 Q. AND DO YOU KNOW WHAT VIDEO SHE WAS SHARING?

18 A. I DON'T. IT DOESN'T LOOK LIKE THERE'S A  
19 SCREEN CAP OR A FILE ATTACHED TO IT.

20 Q. IN YOUR OPINION, IS IT PROBLEMATIC FOR THE  
21 DEPARTMENT OF PUBLIC HEALTH FROM A PR STANDPOINT TO  
22 HAVE COMMENTS LIKE THIS OUT IN THE OPEN?

23 A. I'M UNSURE WHAT YOU MEAN BY PROBLEMATIC.

24 Q. WELL, THE DEPARTMENT OF PUBLIC HEALTH HAS  
25 HUNDREDS OF THOUSANDS OF FOLLOWERS.

26 A. UH-HUH.

27 Q. AND SOME OF THEM ARE IN THE MEDIA. SO IS IT  
28 PROBLEMATIC, IN YOUR ROLE AS A REPUTATION MANAGEMENT

1 PERSON, TO HAVE INFORMATION LIKE THIS SAYING WE'RE NOT  
2 IN A CRISIS POSTED ON THE DEPARTMENT'S PUBLIC TWITTER?

3 A. I DON'T THINK SO. I DON'T BELIEVE SO, NO.

4 Q. WHY NOT?

5 A. I DON'T KNOW WHAT VIDEO SHE'S REFERRING TO  
6 OR THE CONTENT OF THE VIDEOS AT ALL. SO I CAN'T  
7 REALLY SAY ANYTHING ABOUT THE CONTENT OF WHAT EXACTLY  
8 SHE'S REFERRING TO.

9 Q. LET'S TURN TO EXHIBIT 61-THREE, PLEASE.

10 A. PAGE 3?

11 Q. IF YOU LOOK AT THE BOTTOM RIGHT OR THESE ARE  
12 LANDSCAPED, SO IT'S GOING TO BE?

13 A. CUT OFF.

14 Q. DO YOU SEE?

15 A. YEAH, YEAH.

16 THE COURT: WAIT. WHAT'S THE QUESTION,  
17 PLEASE? I MISSED THE DISCUSSION BETWEEN THE TWO OF  
18 YOU. LET'S HAVE A QUESTION.

19 MS. HAMILL: NO QUESTION YET. IT WAS JUST  
20 HAVING HIM TURN TO EXHIBIT 61, PAGE 3. THERE IS A  
21 TWEET WITH A PHOTO OF FERRER WITH A LABEL DOCTOR  
22 INCOMPETENT, AND BELOW THAT IS ANOTHER TWEET SHARING  
23 THE L.A. COUNTY-USC VIDEO.

24 Q. DO YOU SEE THAT?

25 A. I DO, YES.

26 Q. AND DO YOU KNOW WHAT I'M REFERRING TO WHEN I  
27 SAY THE L.A. COUNTY-USC VIDEO?

28 A. I'M ASSUMING YOU MEAN THE VIDEO FROM

1 SOOTHINESS WEDNESDAYS. IT IS A WEEKLY TOWN HALL VIDEO  
2 THAT ONE SPECIFIC HOSPITAL USED TO HOLD EVERY WEEK FOR  
3 THEIR INTERNAL STAFF.

4 THE REPORTER: YOUR HONOR, MAY I GET A  
5 SPELLING FOR THAT.

6 THE COURT: YES. HELP ALL OF US TO SPELL  
7 THE NAME OF THIS PERSON OR ENTITY THAT DOES A WEEKLY  
8 TOWN HALL.

9 THE WITNESS: S O O T H I N E S S ,  
10 WEDNESDAYS.

11 MR. RAYGOR: YOUR HONOR, MAYBE I'M ON THE  
12 WRONG PAGE, BUT IS THERE A VIDEO? PAGE 3?

13 THE COURT: YOU GET TO FOLLOW UP WHEN IT'S  
14 YOUR TURN, MR. RAYGOR. SO IT'S MISS HAMILL'S WITNESS.

15 Q. (BY MS. HAMILL) AND SOOTHINESS WEDNESDAYS  
16 REFERS TO -- THAT IS HOW DOCTORS PAUL HOLTOM AND  
17 BRAD SPELLBERG DESCRIBED THEIR WEEKLY TOWN HALL AT  
18 L.A. COUNTY-USC HOSPITAL; CORRECT?

19 A. CORRECT.

20 Q. AND WHY DID THEY CALL IT SOOTHINESS  
21 WEDNESDAYS?

22 A. I HAVE NO IDEA.

23 Q. WERE YOU HERE EARLIER WHEN WE PLAYED THE  
24 JULY 13TH L.A. COUNTY-USC HOSPITAL VIDEO?

25 A. I WAS NOT, NO.

26 Q. I DON'T WANT TO WASTE THE COURT'S TIME, BUT  
27 I THINK I MAY NEED TO PLAY THAT CLIP AGAIN FOR THIS  
28 WITNESS TO UNDERSTAND WHAT I'M REFERRING TO.

1 THE COURT: HE SEEMS TO KNOW WHAT YOU'RE  
2 REFERRING TO. AND I HAVE THE VIDEO IN MIND.

3 Q. (BY MS. HAMILL) OKAY.

4 THE COURT: WHY DON'T YOU PROCEED AND SEE IF  
5 WE CAN APPROACH IT A DIFFERENT WAY.

6 MS. HAMILL: YES, YOUR HONOR.

7 Q. (BY MS. HAMILL) AND SO WOULD THIS TWEET ON  
8 EXHIBIT 61-THREE THAT SAYS DOCTOR INCOMPETENT FROM  
9 THE PUBLIC UNHEALTHY DIRECTOR, WOULD THAT BE  
10 PROBLEMATIC FOR THE DEPARTMENT OF PUBLIC HEALTH'S  
11 PR, FOR ITS PUBLIC IMAGE?

12 A. I DON'T BELIEVE SO. I DON'T THINK ANYONE'S  
13 OPINION OF DR. FERRER IS NECESSARILY PROBLEMATIC.

14 Q. LET'S TURN TO EXHIBIT 61, PAGE 4, PLEASE.  
15 AND THERE IS A TWEET HERE FROM PHIL CURPIN DATED  
16 JULY 16TH, 2022. AND HE SAYS, L.A. COUNTY-USC FULL  
17 JULY 14TH VID. QUOTE, ONLY 10 PERCENT OF OUR COVID  
18 POSITIVE ADMISSIONS ARE DUE TO COVID. VIRTUALLY NONE  
19 OF THEM GO TO THE ICU, AND WHEN THEY DO GO TO THE ICU,  
20 IT'S NOT FOR PNEUMONIA. THEY ARE NOT INTUBATED. WE  
21 HAVE NOT SEEN ONE OF THOSE SINCE FEBRUARY.

22 AND EARLIER TODAY WE PLAYED THE FULL VIDEO  
23 AND THAT IS A QUOTE FROM THE JULY 13TH L.A. COUNTY-USC  
24 SOOTHINESS WEDNESDAYS VIDEO.

25 DO YOU RECALL SEEING THAT VIDEO?

26 A. I RECALL WATCHING IT AFTER THE FACT WHEN  
27 PEOPLE BEGAN POSTING IT.

28 Q. SO THIS EXHIBIT, EXHIBIT 61, CONTAINS 17

1 PAGES OF REPLIES TO THE DEPARTMENT OF PUBLIC HEALTH  
2 INITIAL TWEET. AND I WANT YOU TO FLIP THROUGH THIS  
3 AND JUST LOOK UP AT ME WHEN YOU'RE DONE.

4 A. I'M DONE.

5 Q. WOULD IT BE FAIR TO SAY THAT THE REPLIES TO  
6 THE COUNTY'S JULY 15TH COVID REPORT ARE MOSTLY  
7 CRITICAL OF THE DEPARTMENT?

8 A. IT APPEARS TO BE MOSTLY, YES.

9 Q. AND THERE'S A LOT OF SHARING OF THAT  
10 SOOTHINESS WEDNESDAYS L.A. COUNTY-USC VIDEO; RIGHT?

11 A. IT APPEARS SO, YES.

12 Q. LET'S MOVE ON TO EXHIBIT 62. AND DO YOU  
13 RECOGNIZE THIS AS AN EXCERPT FROM THE DEPARTMENT OF  
14 PUBLIC HEALTH'S TWITTER ARCHIVE WITH A JULY 10TH TWEET  
15 FROM THE DEPARTMENT OF PUBLIC HEALTH?

16 A. I DO, YES.

17 Q. AND THE ID BELOW THIS TWEET ENDS IN 561?  
18 YES?

19 A. YES.

20 Q. AND TURNING TO THE NEXT PAGE, EXHIBIT 62,  
21 WOULD YOU AGREE THAT THIS IS THE SAME TWEET WITH --  
22 SHOWING THE REPLIES BELOW?

23 A. IT APPEARS SO, YES.

24 Q. AND IT LOOKS LIKE, IF YOU LOOK AT  
25 EXHIBIT 62, PAGE 2, UNDER THE MAIN TWEET, IT SAYS THAT  
26 THERE ARE 220 COMMENTS. DO YOU SEE THAT?

27 A. I SEE THAT, YES.

28 Q. I AM NOT GOING TO MAKE YOU REVIEW ALL OF

1 THOSE REPLIES OR GO THROUGH THE 41 PAGES -- SORRY, 42  
2 PAGES OF REPLIES. AND THE MAIN TWEET HERE FROM L.A.  
3 PUBLIC HEALTH SAYS, QUOTE, L.A COUNTY ENTERS HIGH  
4 COMMUNITY LEVEL, AND IF THEY REMAIN THERE FOR TWO  
5 WEEKS, A NEW MASK MANDATE WILL BE IMPLEMENTED  
6 JULY 29TH.

7 CORRECT?

8 A. NOT EXACTLY THAT WAY, BUT IT SEEMS TO BE THE  
9 SENTIMENT OF IT.

10 Q. IT'S ESSENTIALLY TELLING PEOPLE THAT WE'RE  
11 GOING TO IMPLEMENT INDOOR MASKING ON JULY 29TH IF WE  
12 STAY IN THIS HIGH COMMUNITY LEVEL FOR TWO CONSECUTIVE  
13 WEEKS; CORRECT?

14 A. CORRECT.

15 Q. AND DID YOU POST THIS?

16 A. I DON'T REMEMBER IF I POSTED THIS, BUT I'M  
17 CERTAIN SOMEBODY ON THE COMMUNICATIONS TEAM POSTED IT  
18 OR SOMEONE FROM FRASER COMMUNICATIONS.

19 Q. AND IF YOU FLIP THROUGH THE PAGES OF THIS  
20 EXHIBIT TO SEE THE REPLIES TO THIS TWEET, YOU WILL  
21 AGAIN SEE A NUMBER OF PEOPLE SHARING THE L.A.  
22 COUNTY-USC VIDEO. DO YOU SEE THAT?

23 A. I SEE IT A FEW TIMES, YES.

24 Q. IN THIS EXHIBIT HAS 42 PAGES OF REPLIES TO  
25 THAT TWEET, ALMOST ALL OF WHICH ARE CRITICAL OF FERRER  
26 AND THE DEPARTMENT OF PUBLIC HEALTH; CORRECT?

27 A. I HAVEN'T GONE THROUGH ALL 42 PAGES, BUT I'M  
28 CERTAIN MANY ARE.

1 Q. IS IT FAIR TO SAY THAT THE PEOPLE COMING TO  
2 COMMENT ON THE PUBLIC HEALTH TWEETS WERE ANGRY ABOUT  
3 THE IMPENDING MASK MANDATE?

4 A. SOME OF THEM SEEMED TO BE, YES.

5 Q. LET'S GO TO EXHIBIT 63, PLEASE. DO YOU  
6 RECOGNIZE THIS AS A JULY 15TH, 2022 TWEET FROM THE  
7 DEPARTMENT OF PUBLIC HEALTH ARCHIVE?

8 A. I DO, YES.

9 Q. AND THE TWEET ID BELOW ENDS IN NO. 938;  
10 CORRECT?

11 A. YES.

12 Q. AND FLIP TO THE NEXT PAGE, EXHIBIT 63-TWO.  
13 AND DO YOU RECOGNIZE THIS AS THE SAME TWEET SHOWING  
14 ALL OF THE REPLIES?

15 A. IT APPEARS TO BE, YES.

16 Q. AND THE FIRST REPLY HERE ON EXHIBIT 63,  
17 PAGE 2, FROM NICKIWILLNOTCOMPLY IS ANOTHER SHARING OF  
18 THAT VIDEO OF THE L.A. COUNTY-USC DOCTORS; CORRECT?

19 A. IT APPEARS SO, YES.

20 Q. AND THIS PARTICULAR TWEET FROM THE  
21 DEPARTMENT OF PUBLIC HEALTH HAS 58 REPLIES; YES?

22 A. YES.

23 Q. AND I DON'T WANT TO WASTE THE COURT'S OR THE  
24 WITNESS'S TIME, BUT I DO WANT YOU TO FLIP THROUGH  
25 BRIEFLY.

26 Q. SO IS IT FAIR TO SAY THAT THE VAST MAJORITY  
27 OF THE REPLIES HERE WERE CRITICAL OF FERRER AND THE  
28 DEPARTMENT OF PUBLIC HEALTH?

1 A. IT APPEARS A GOOD NUMBER OF THEM ARE, YES.

2 Q. OKAY. LET'S GO TO EXHIBIT 65.

3 A. 64?

4 Q. 65.

5 A. 65.

6 Q. DO YOU RECOGNIZE THIS AS A JULY 25TH, 2022  
7 TWEET FROM THE DEPARTMENT OF PUBLIC HEALTH ARCHIVE?

8 A. I DO, YES.

9 Q. AND THIS IS A POST ABOUT HOW MASKS PROTECT  
10 YOU FROM SPREADING COVID; RIGHT?

11 A. CORRECT.

12 Q. AND THE TWEET ID ENDS IN 048; CORRECT?

13 A. IT DOES, YES.

14 Q. AND IF YOU TURN TO THE NEXT PAGE,  
15 EXHIBIT 65-TWO, THIS SHOWS THE SAME TWEET WITH 134  
16 REPLIES. IS THAT CORRECT?

17 A. CORRECT.

18 Q. AND AGAIN, I'LL LET YOU BRIEFLY FLIP THROUGH  
19 THIS EXHIBIT. LET ME KNOW WHEN YOU'VE DONE SO. SO IS  
20 IT FAIR TO SAY THE REPLIES HERE IN EXHIBIT 65 ARE  
21 OVERWHELMINGLY CRITICAL OF THE DEPARTMENT AND OF  
22 FERRER?

23 A. IT APPEARS SOME OF THEM ARE, YES.

24 Q. SO THIS IS ESSENTIALLY PAGES OF CRITICISM OF  
25 FERRER AND THE DEPARTMENT OF PUBLIC HEALTH; CORRECT?

26 A. IT APPEARS SO, YES.

27 Q. AND THAT'S NOT GREAT PR, IS IT?

28 A. I WOULDN'T CONSIDER THIS PUBLIC RELATIONS.



1 Q. LET'S GO TO EXHIBIT 67. THIS IS THE LAST  
2 EXHIBIT IN THIS LINE OF QUESTIONING.

3 PLEASE LOOK AT THE MIDDLE TWEET ON THIS PAGE  
4 WHERE THE ID ENDS IN 553. DO YOU RECOGNIZE THIS AS A  
5 JULY 28, 2022 TWEET FROM THE DEPARTMENT OF PUBLIC  
6 HEALTH ARCHIVE?

7 A. IT APPEARS SO, YES.

8 Q. AND IF YOU TURN TO THE NEXT PAGE,  
9 EXHIBIT 67-TWO, THIS IS THE SAME TWEET WITH 43  
10 REPLIES. IS THAT CORRECT?

11 A. CORRECT.

12 Q. AND AGAIN, THIS LOOKS LIKE 13 PAGES OF  
13 CRITICISM OF FERRER AND THE DEPARTMENT; RIGHT?

14 A. A GOOD NUMBER OF IT APPEARS TO BE, YES.

15 Q. WOULD IT BE FAIR TO SAY THAT PEOPLE WERE  
16 OVERWHELMINGLY OPPOSED TO BRINGING BACK ANOTHER MASK  
17 MANDATE AT THAT POINT?

18 MR. RAYGOR: OBJECTION. CALLS FOR  
19 SPECULATION.

20 THE COURT: REPHRASE HAVING TO DO WITH THIS  
21 EXHIBIT. YOUR QUESTION WAS OVERBROAD.

22 MS. HAMILL: I'LL MOVE ON.

23 Q. (BY MS. HAMILL) DURING YOUR DEPOSITION YOU  
24 TESTIFIED ABOUT USING YOUR PERSONAL TWITTER ACCOUNT  
25 TO REPLY TO FOX 11 NEWS ANCHOR ELIX MICHAELSON;  
26 CORRECT?

27 A. YES.

28 Q. AND WERE YOU RESPONDING TO A JULY 16TH, 2022

1 TWEET BY DR. JEFFREY KLAUSNER WHICH HAD SHARED A VIDEO  
2 OF THE L.A. COUNTY-USC DOCTORS TALKING ABOUT HOW THEY  
3 HAD NO ONE IN THE HOSPITAL FOR PULMONARY DISEASE DUE  
4 TO COVID; CORRECT?

5 A. I DON'T RECALL THAT I WAS REPLYING TO THAT  
6 SPECIFIC DOCTOR, IF I REMEMBER CORRECTLY, I RESPONDED  
7 TO ELLIS'S TWEET OR RESPONSE ABOUT THAT.

8 Q. DO YOU RECALL WHAT YOU SAID TO ELIX  
9 MICHAELSON?

10 A. NOT SPECIFICALLY, NO, BUT I BELIEVE I WAS  
11 TUSSLING WITH THE FRAMING OF HIS COMMENT ABOUT FOX  
12 11'S ACCESS TO THE DEPARTMENT OF PUBLIC HEALTH.

13 Q. AND YOU TESTIFIED THAT YOUR COMMENTS TO ELIX  
14 WERE MADE BECAUSE YOU FELT HE WAS MAKING ASSUMPTIONS  
15 THAT THE DEPARTMENT OF PUBLIC HEALTH WASN'T PROVIDING  
16 ACCESS TO FERRER; CORRECT?

17 A. CORRECT, YEAH.

18 Q. AND IT WAS IMPORTANT TO YOU TO SHOW THE  
19 PUBLIC THAT ELIX WAS WRONG AND THAT PEOPLE COULD  
20 ACCESS FERRER; RIGHT?

21 A. LESS THE PUBLIC AND MORE SO ELIX HIMSELF.

22 Q. SO I WANT TO GET BACK TO THAT JULY 13TH,  
23 L.A. COUNTY-USC TOWN HALL VIDEO THAT WE'VE BEEN  
24 TALKING ABOUT THAT WE PLAYED EARLIER TODAY BUT YOU  
25 WEREN'T HERE TO WATCH IT. IF YOU NEED TO WATCH IT LET  
26 ME KNOW, BUT I THINK WE CAN GET THROUGH THIS WITHOUT  
27 IT.

28 SO IN A JULY 22ND, 2022 E-MAIL TO SAL

1 RODRIGUEZ AT THE SOUTHERN CALIFORNIA NEWS GROUP, YOU  
2 REFERRED TO STATEMENTS AND GRAPHICS FROM THAT VIDEO.  
3 SO I ASSUME THAT MEANS YOU WATCHED IT; CORRECT?

4 A. I BELIEVE I SAID, YES, THAT I HAD WATCHED A  
5 PORTION OF IT.

6 Q. AND THIS VIDEO CREATED PROBLEMS FOR THE  
7 DEPARTMENT OF PUBLIC HEALTH, DIDN'T IT?

8 A. I DON'T NECESSARILY THINK -- BELIEVE THAT  
9 THE VIDEO ITSELF CREATED PROBLEMS, BECAUSE THEY WERE  
10 JUST SPEAKING ABOUT WHAT THEY WERE SEEING AT THEIR  
11 TOWN HALL SPECIFICALLY.

12 Q. BUT THE SHARING OF THE VIDEO CREATED  
13 PROBLEMS; RIGHT?

14 A. I WOULDN'T EVEN SAY THE SHARING OF THE VIDEO  
15 CREATED PROBLEMS.

16 Q. DID IT CREATE ANY PROBLEMS FOR THE  
17 DEPARTMENT?

18 A. THE VIDEO ITSELF?

19 Q. OR ANYTHING ABOUT THE VIDEO.

20 A. I THINK THAT SOME FOLKS SEEMED TO BE  
21 CONFLATING THE ISSUE AT ONE SPECIFIC HOSPITAL AND  
22 SAYING THAT IT WAS APPLICABLE OR WHAT WAS HAPPENING  
23 ACROSS -- ACROSS THE COUNTY.

24 Q. SO ON JULY 18TH, 2022, YOU TEXTED YOUR  
25 COUNTERPART AT HEALTH SERVICES, CORAL ITZCALLI ABOUT  
26 THIS VIDEO; CORRECT?

27 A. I DON'T REMEMBER THE SPECIFIC DATE, BUT I  
28 REMEMBER TEXTING HER, YES.

1 Q. LET'S GO TO EXHIBIT 27, PLEASE.

2 A. I DON'T HAVE A 27.

3 Q. DO YOU RECOGNIZE THIS DOCUMENT?

4 A. I DO, YES.

5 Q. AND WHAT IS THIS?

6 A. IT'S A TEXT EXCHANGE BETWEEN MYSELF AND  
7 CORAL.

8 Q. SO CORAL ITZCALLI IS THE HEAD OF  
9 COMMUNICATIONS FOR HEALTH SERVICES; CORRECT?

10 A. DIRECTOR OF COMMUNICATIONS, I BELIEVE.

11 THE COURT: PLEASE SPELL HER LAST NAME.

12 THE WITNESS: ITZ --

13 THE COURT: Z?

14 THE WITNESS: C. A. L L I, I BELIEVE.

15 ITZCALLI.

16 THE COURT: THANK YOU. NEXT.

17 Q. (BY MS. HAMILL) SO YOU ASKED IF  
18 MISS ITZCALLI WAS GETTING MEDIA REQUESTS ON THE L.A.  
19 COUNTY-USC VIDEO; RIGHT?

20 A. IT APPEARS SO, YES.

21 Q. AND SHE TOLD YOU IT'S BEEN HER HEADACHE AND  
22 THAT SHE WOULD SEND YOU HER RESPONSE; CORRECT?

23 A. YES.

24 Q. THEN YOU WILL TOLD HER, QUOTE THIS IS FUN.  
25 THE ANTI-MASKERS FOUND MY PERSONAL TWITTER AND NOW I  
26 HAVE FOX NEWS REPORTERS TWEETING AT ME. LOL.

27 DID YOU SEE THAT?

28 A. IT APPEARS I DID.

1 Q. AND BY ANTI-MASKERS, YOU MEAN PEOPLE WHO  
2 WERE OPPOSED TO THE IMPENDING MANDATE; RIGHT?

3 A. I'M ASSUMING SO.

4 Q. AND WASN'T THAT THE DAY AFTER YOU USED YOUR  
5 PERSONAL TWITTER ACCOUNT TO TALK TO FOX 11 REPORTER  
6 ELIX MICHAELSON ON A PUBLIC TWITTER THREAD?

7 A. I DON'T REMEMBER THE SPECIFIC DATE OF WHEN I  
8 SPOKE TO ELIX.

9 Q. I'M GOING TO HAVE TO GET BACK TO THAT  
10 EXHIBIT BECAUSE IT'S NOT IN MY BINDER. I'M GOING TO  
11 HOLD THAT FOR LATER.

12 SO BACK TO EXHIBIT 27. YOU ARE ASKED WHEN  
13 THE NEXT WEEKLY L.A. COUNTY-USC TOWN HALL WOULD BE;  
14 RIGHT?

15 A. YES.

16 Q. AND THEN YOU SAID, OH, IT WILL BE FINE.  
17 IT'S A RIGHT-WING ECHO CHAMBER; CORRECT?

18 A. IT APPEARS SO, YES.

19 Q. DO YOU CONSIDER ANTI-MASK SENTIMENTS TO BE  
20 RIGHT-WING?

21 A. NOT NECESSARILY, NO.

22 Q. AS A FORMER STAFF MEMBER FOR DEMOCRATIC  
23 CONGRESSMEN, DO YOU CONSIDER YOURSELF LEFT-WING?

24 A. THAT'S NOT HOW I WOULD IDENTIFY MYSELF, NO.

25 Q. YOU DON'T BELIEVE YOUR ROLE AS  
26 COMMUNICATIONS CHIEF FOR THE DEPARTMENT OF PUBLIC  
27 HEALTH SHOULD BE PARTISAN, DO YOU?

28 A. ABSOLUTELY NOT.

1 Q. AND MISS ITZCALLI TOLD YOU SHE ASKED THE  
2 L.A. COUNTY-USC DOCTORS TO TAKE TIME TO ADDRESS THIS  
3 WITH, QUOTE, MESSAGING WE PUT TOGETHER IN OUR  
4 STATEMENT.

5 RIGHT?

6 A. IT APPEARS SO, YES.

7 Q. AND SHE WAS REFERRING TO THE HEALTH SERVICES  
8 STATEMENT ON THE TOWN HALL VIDEO ISSUED ON JULY 18TH;  
9 CORRECT?

10 MR. RAYGOR: OBJECTION. LACKS FOUNDATION.  
11 CALLS FOR SPECULATION.

12 THE COURT: YOU MAY TESTIFY IF YOU KNOW.

13 THE WITNESS: CAN YOU REPEAT THE QUESTION  
14 AGAIN? SORRY.

15 Q. (BY MS. HAMILL) LET ME PULL UP  
16 EXHIBIT 209. THIS WILL HELP. THIS IS DEFENDANTS'  
17 EXHIBIT.

18 DO YOU RECOGNIZE THE DOCUMENT IN 209.

19 A. I DO, YES.

20 Q. (BY MS. HAMILL) WHAT IS THAT?

21 A. IT'S A STATEMENT FROM HEALTH SERVICES.

22 Q. SO WHEN CORAL TEXTED YOU ABOUT MESSAGING, WE  
23 PUT TOGETHER IN OUR STATEMENT, SHE WAS REFERRING TO  
24 THIS STATEMENT IN 209; CORRECT?

25 MR. RAYGOR: CALLS FOR SPECULATION.

26 THE COURT: WELL, LAY A FOUNDATION AS TO HIS  
27 PERSONAL KNOWLEDGE. THAT'S HER JOB.

28 Q. (BY MS. HAMILL) DO YOU HAVE ANY IDEA WHAT

1 STATEMENT CORAL ITZCALLI WAS TALKING ABOUT IN HER  
2 TEXT MESSAGE TO YOU ON EXHIBIT 27-1?

3 A. I ASSUMED IT WAS THE STATEMENT SHE WAS  
4 REFERRING TO EARLIER IN THE TEXT EXCHANGE.

5 Q. THE STATEMENT IN 209?

6 A. CORRECT, YES.

7 Q. AND THEN CORAL ASKED IF YOU HAVE ANY OTHER  
8 KEY POINTS YOU WANT ADDRESSED; CORRECT?

9 A. SHE DID, YES.

10 Q. DIDN'T YOU TESTIFY THAT YOU HAD NO  
11 INVOLVEMENT IN DRAFTING THIS STATEMENT DURING YOUR  
12 DEPOSITION?

13 A. I DID, YES.

14 Q. SO YOU DIDN'T GIVE HER ANY COMMENTARY?

15 A. NO, BECAUSE IT APPEARS THAT SHE SENT THE  
16 STATEMENT ORIGINALLY TO ME AT 12:30, AND THEN THIS  
17 EXCHANGE WAS LATER ON THE DAY, AROUND 3:30 WHEN THE  
18 STATEMENT HAD ALREADY BEEN FINALIZED AND SENT OUT.

19 Q. AND DID YOU READ THAT STATEMENT WHEN IT WENT  
20 OUT?

21 A. I BELIEVE I READ IT WHEN SHE E-MAILED IT TO  
22 ME.

23 Q. AND CAN YOU LOOK AT EXHIBIT 209 AND THE  
24 FIRST LINE, IT SAYS, WE WOULD LIKE TO BE VERY CLEAR.  
25 THE COVID-19 PANDEMIC REMAINS A VERY SERIOUS PUBLIC  
26 HEALTH THREAT THAT WE MUST CONTINUE TO FIGHT WITH  
27 EVERY TOOL AVAILABLE.

28 AND THEN IT GOES ON, RISING RATES OF

1 INFECTION ARE EXTREMELY CONCERNING.

2 IS IT FAIR TO SAY THAT THE COUNTY DOCTORS  
3 SPOKE CANDIDLY ABOUT THEIR CLINICAL OBSERVATIONS, BUT  
4 THOSE OBSERVATIONS CONFLICTED WITH THE DEPARTMENT'S  
5 MESSAGING ON HOSPITALIZATIONS?

6 A. I'M NOT SURE I UNDERSTAND OR AM FOLLOWING  
7 THE PREMISE OF YOUR QUESTION.

8 Q. DID YOU FEEL THAT YOU HAD TO WORK WITH  
9 MISS ITZCALLI TO DO SOME DAMAGE CONTROL AFTER THAT  
10 L.A. COUNTY-USC VIDEO LEAKED TO THE PUBLIC?

11 A. I DIDN'T WORK WITH HER ON ANYTHING IN  
12 REGARDS TO THE CREATION OF THIS STATEMENT OR ANYTHING  
13 ELSE.

14 Q. SO THE HEALTH SERVICES STATEMENT GOES OUT,  
15 AND IT ESSENTIALLY WALKS BACK WHAT THE L.A. COUNTY-USC  
16 DOCTORS SAID ABOUT HOSPITALIZATIONS AND SEVERITY OF  
17 COVID; RIGHT?

18 A. I DON'T KNOW IF THAT'S NECESSARILY TRUE,  
19 BECAUSE IF I'M REMEMBERING CORRECTLY, THEY WERE ONLY  
20 TALKING ABOUT THE NUMBERS THAT THEY WERE SEEING AT  
21 THEIR SPECIFIC HOSPITAL. SO I DON'T KNOW IF I WOULD  
22 NECESSARILY SAY IT WAS WALKING BACK. BUT I DON'T KNOW  
23 THE EXACT QUOTES OF WHAT THEY WERE SAYING.

24 Q. SO AT THIS POINT ON JULY 18TH, DID YOU HAVE  
25 ANY ISSUES WITH THE L.A. COUNTY-USC VIDEO? DID YOU  
26 HAVE CONCERNS ABOUT IT?

27 A. ABOUT THE VIDEO? NO. BUT I WOULD SAY I HAD  
28 CONCERNS ABOUT HOW IT WAS BEING SPUN OR USED IN THE



1 MEDIA.

2 Q. SO LET'S GO BACK TO EXHIBIT 23. AND I'M  
3 SORRY, I MISSPOKE. WE ARE NOT GOING BACK TO IT. WE  
4 ARE LOOKING AT IT FOR THE FIRST TIME. EXHIBIT 23.

5 A. CAN I PUT THIS BACK HERE?

6 Q. SO PLEASE TURN TO EXHIBIT 23, PAGE 2.  
7 DO YOU RECOGNIZE THIS AS AN E-MAIL FROM  
8 YOURSELF TO MISS ITZCALLI?

9 A. I DO, YES.

10 Q. AND YOU FORWARDED A SCREEN SHOT AFTER PHIL  
11 CURPIN TWEET THAT DR. BRAD SPELLBERG HAD RETWEETED;  
12 CORRECT?

13 A. CORRECT, YES.

14 Q. AND IN THAT TWEET, PHIL CURPIN SAYS, WHAT IS  
15 THIS EMBARRASSING NONSENSE, AND TAGS DR. BRAD  
16 SPELLBERG; CORRECT?

17 A. IT APPEARS SO, YES.

18 Q. AND THEN CORAL RESPONDS TO YOUR E-MAIL ON  
19 EXHIBIT 23, PAGE 1, AND SHE SAYS SHE'S HAVING  
20 DR. SPELLBERG DELETE AND RETWEET WHAT SHE BELIEVES HE  
21 MEANT TO TWEET, WHICH WAS THE ORIGINAL HEALTH SERVICES  
22 STATEMENT WITHOUT COMMENTARY FROM MR. CURPIN; CORRECT?

23 MR. RAYGOR: OBJECTION. MISCHARACTERIZES  
24 WHAT THE DOCUMENT SAYS.

25 THE COURT: WILL THE PARTIES STIPULATE THAT  
26 IT'S IN EVIDENCE?

27 MS. HAMILL: YES.

28 MR. RAYGOR: YES.

1 THE COURT: WELL, IT SPEAKS FOR ITSELF, AND  
2 THE OBJECTION'S SUSTAINED.

3 Q. (BY MS. HAMILL) IT WOULD BE A PROBLEM FOR  
4 THE DEPARTMENT'S PUBLIC IMAGE FOR A COUNTY MEDICAL  
5 DOCTOR TO CALL A PREPARED STATEMENT EMBARRASSING  
6 NONSENSE, WOULDNT IT?

7 A. THIS DOESN'T SEEM TO BE A COUNTY STATEMENT,  
8 THOUGH. IT SEEMS TO BE A STATEMENT FROM HEALTH  
9 SERVICES AND NOT THE COUNTY.

10 Q. AND THEN ON JULY 19TH --

11 THE COURT: HOLD ON A SECOND. WHAT  
12 DISTINCTION ARE YOU DRAWING BETWEEN HEALTH SERVICES  
13 AND THE COUNTY?

14 THE WITNESS: THERE'S -- LOS ANGELES COUNTY  
15 HAS ITSELF WHICH HAS COUNTYWIDE COMMUNICATIONS WHICH  
16 HAS A MEDIA ARM THAT CAN SEND OUT STATEMENTS FROM THE  
17 COUNTY AS A WHOLE FROM COUNTYWIDE COMMUNICATIONS.  
18 HEALTH SERVICES ITSELF IS A DEPARTMENT WITHIN  
19 LOS ANGELES COUNTY AS A DEPARTMENT WITHIN THE COUNTY.

20 THE COURT: ALL RIGHT. BUT HEALTH SERVICES  
21 IS A DEPARTMENT WITHIN THE COUNTY?

22 THE WITNESS: CORRECT, YES. BUT THERE IS A  
23 COMMUNICATIONS ARM WHICH IS WHAT WE CALL COUNTYWIDE  
24 COMMUNICATIONS. SO WHEN WE REFER TO A STATEMENT AS  
25 BEING FROM THE COUNTY, IT'S REFERRED TO AS BEING FROM  
26 COUNTYWIDE COMMUNICATIONS.

27 THE COURT: OKAY. THANK YOU.

28 NEXT QUESTION.

1 Q. (BY MS. HAMILL) SO LET'S GO BACK TO  
2 EXHIBIT 27, PAGE 2, PLEASE. IT LOOKS LIKE ON  
3 JULY 19TH, 2022, AT 6:51 P.M., YOU TEXT  
4 MISS ITZCALLI. THE L.A. COUNTY-USC VIDEO WILL BE ON  
5 FOX NEWS TONIGHT IN THE 7 P.M. HOUR.

6 DO YOU REMEMBER SAYING THAT?

7 A. IT APPEARS I SAID THAT, YES.

8 Q. AND SHE RESPONDS, OF COURSE IT IS, WITH AN  
9 EMOJI. AND SHE CONTINUES, MOST OF THE MILEAGE IS  
10 COMING FROM CONSERVATIVE-LEANING OUTLETS BENT ON  
11 MAKING IT STICK.

12 DO YOU HAVE ANY IDEA WHAT SHE'S TALKING  
13 ABOUT.

14 A. I IMAGINE --

15 MR. RAYGOR: CALLS FOR SPECULATION.

16 THE COURT: SUSTAINED.

17 Q. (BY MS. HAMILL) ARE YOU AWARE OF WHICH  
18 CONSERVATIVE-LEANING OUTLETS WERE BENT ON MAKING IT  
19 STICK?

20 A. I DON'T REMEMBER.

21 Q. IF YOU CAN RECALL, WASN'T THE INFORMATION  
22 THAT CAME OUT OF THAT L.A. COUNTY-USC VIDEO GOOD NEWS  
23 AND IMPORTANT FOR THE PUBLIC TO HEAR?

24 MR. RAYGOR: OVERBROAD.

25 THE COURT: IT'S COMPOUND AS WELL.  
26 SUSTAINED.

27 Q. (BY MS. HAMILL) DID YOU PERCEIVE THE L.A.  
28 COUNTY-USC VIDEO TO BE CONSERVATIVE?

1           A.    I DON'T BELIEVE IT HAD ANY KIND OF POLITICAL  
2 LEANING WHATSOEVER.

3           Q.    AND THEN YOU TEXTED CORAL ITZCALLI ABOUT A  
4 RIGHT-WING ECHO CHAMBER; CORRECT?

5           A.    CORRECT, YES.

6           Q.    SO WOULD YOU CONSIDER THE CONTINUING  
7 PANDEMIC MANDATES -- I'M SORRY. LET ME GO BACK.

8                   WHY WOULD TALKING ABOUT THE LESSENING  
9 SEVERITY OF COVID BE CONSIDERED RIGHT-WING OR  
10 CONSERVATIVE?

11          A.    I DON'T CONSIDER THAT PARTISAN OR POLITICAL  
12 AT ALL.

13          Q.    SO WHAT WERE YOU TALKING ABOUT WHEN YOU  
14 MENTIONED RIGHT-WING ECHO CHAMBER?

15          A.    I BELIEVE WHAT I WAS REFERRING TO WAS THE  
16 SEEMINGLY PARTISAN OR POLITICAL PEOPLE ON SOCIAL MEDIA  
17 OR MEDIA OUTLETS THAT WERE REALLY PURSUING IT OR  
18 PERHAPS TAKING IT OUT OF CONTEXT.

19          Q.    AND THEN YOU ASKED CORAL ON EXHIBIT 27,  
20 PAGE 2, IF YOU CAN WATCH THE NEXT L.A. COUNTY-USC TOWN  
21 HALL; RIGHT?

22          A.    I DID, YES.

23          Q.    AND SHE TELLS YOU THAT SHE'LL SEND YOU A  
24 LINK. YES?

25          A.    YES.

26          Q.    AND THEN SHE SAYS THAT THE L.A. COUNTY-USC  
27 DOCTORS HAVE BEEN ASKED TO TAKE A MOMENT DURING THE  
28 NEXT TOWN HALL TO SET THE RECORD STRAIGHT AND

1 EMPHASIZE, QUOTE, OUR STANCE, CONTENT FROM OUR  
2 STATEMENT, END QUOTE.

3 DO YOU RECALL HER SAYING THAT?

4 A. IT APPEARS SHE SAID THAT, YES.

5 Q. SO IS IT YOUR UNDERSTANDING THAT THOSE  
6 DOCTORS WERE TOLD THEY NEEDED TO CHANGE THEIR  
7 PRESENTATION TO REFLECT MESSAGING CRAFTED BY CORAL  
8 ITZCALLI?

9 A. I DON'T KNOW EXACTLY WHAT THEY WERE TOLD,  
10 BUT ALL I CAN DEDUCE IS FROM WHAT EXACTLY SHE SAID  
11 HERE. I DON'T KNOW IF THEY CHANGED -- I DON'T KNOW  
12 WHAT THEIR PRESENTATION WAS PRIOR TO THIS.

13 Q. LET'S CHANGE GEARS. LET'S TALK ABOUT  
14 JULY 20TH, 2022. YOU TEXT PATRICK BOLAND WHO WAS  
15 THEN ADAM SCHIFF'S CHIEF OF STAFF; CORRECT?

16 A. I DON'T REMEMBER THE SPECIFIC DATE.

17 Q. LET'S PULL UP EXHIBIT 26, PLEASE.

18 DO YOU RECOGNIZE THIS DOCUMENT?

19 A. I DO, YES.

20 Q. IS THIS AN EXCHANGE BETWEEN YOU AND PATRICK  
21 BOLAND?

22 A. IT APPEARS SO, YES.

23 Q. AND YOU SAID, DO YOU HAVE A CONTACT AT  
24 TWITTER AT ALL? GOV AFFAIRS OR SECURITY PRIVACY.  
25 WE'RE GETTING THREATS OVER MASKS.

26 DO YOU RECALL SAYING THAT?

27 A. I DO, YES.

28 Q. BUT YOU HADN'T BEEN GETTING ANY SPECIFIC

1 CREDIBLE THREATS, HAD YOU?

2 A. I DON'T REMEMBER SPECIFICALLY AT THAT TIME.  
3 WE WERE GENERALLY GETTING THREATS, VEILED THREATS,  
4 HARASSMENT OVER A VARIETY OF ISSUES, AND WE HAVE BEEN  
5 THROUGHOUT THE PANDEMIC.

6 Q. SO ON THAT SAME DAY, JULY 20TH OF 2022, ADAM  
7 SCHIFF'S CHIEF OF STAFF PATRICK BOLAND PROVIDED YOU  
8 WITH CONTACT INFORMATION WITH HIS CONTACT AT TWITTER;  
9 CORRECT?

10 A. I DON'T KNOW IF IT WAS HIS CONTACT, BUT IT  
11 WAS SOMEONE HE KNEW AT TWITTER.

12 Q. AND I ASSUME THAT WAS DONE BY PHONE CALL;  
13 RIGHT? BECAUSE I DON'T SEE A TEXT EXCHANGE WITH THAT  
14 INFORMATION HERE.

15 A. I DON'T REMEMBER HOW HE PROVIDED ME THE  
16 INFORMATION.

17 Q. AND THEN YOU SENT AN E-MAIL ON JULY 20TH,  
18 2022, TO LAUREN CULBERTSON, THEN HEAD OF U.S. PUBLIC  
19 POLICY FOR TWITTER; CORRECT?

20 A. I -- I DON'T REMEMBER IT BEING THAT DAY, BUT  
21 I ASSUME SO.

22 Q. LET'S GO TO EXHIBIT 59, PLEASE. IF IT'S NOT  
23 IN FRONT OF YOU, I'LL HELP YOU OUT.

24 LET'S GO TO EXHIBIT 59, PAGE 7, PLEASE,  
25 PAGES 6 AND 7. DO YOU RECOGNIZE THIS IS AN EXCHANGE  
26 BETWEEN YOURSELF, LAUREN CULBERTSON, AND PATRICK  
27 BOLAND?

28 A. I WOULDN'T NECESSARILY CALL IT AN EXCHANGE

1 BECAUSE SHE NEVER WROTE BACK TO ME. BUT THEY ARE  
2 E-MAILS FROM ME TO LAUREN, YES.

3 Q. AND COPYING PATRICK BOLAND; CORRECT?

4 A. CORRECT, YES. IT LOOKS AS THOUGH HE'S  
5 COPIED.

6 Q. AND THE SUBJECT LINE WHICH IS AT THE BOTTOM  
7 OF EXHIBIT 59-SIX IS ALL CAPITAL LETTERS, REFERRAL  
8 FROM PATRICK BOLAND: L.A. COUNTY DEPARTMENT OF PUBLIC  
9 HEALTH STAFF HARASSMENT ON TWITTER.

10 CORRECT?

11 A. I WOULD SAY NOT THE WHOLE SUBJECT LINE IS IN  
12 CAPITAL LETTERS BUT ONLY A PORTION OF IT.

13 Q. JUST THE PART THAT SAYS REFERRAL FROM  
14 PATRICK BOLAND; CORRECT?

15 A. CORRECT, YES.

16 Q. SO BEFORE YOU SENT THIS E-MAIL, DID YOU  
17 SPEAK WITH MR. BOLAND ABOUT HIS HISTORY WITH  
18 MISS CULBERTSON?

19 A. I DID NOT, NO.

20 Q. DID PATRICK TELL YOU THAT HE SENT A VERY  
21 SIMILAR E-MAIL TO MISS CULBERTSON REGARDING ALLEGED  
22 HARASSMENT OF ADAM SCHIFF'S STAFF?

23 A. HE DID NOT, NO.

24 Q. AND YOU KNEW LAUREN TO BE THE HEAD OF U.S.  
25 PUBLIC POLICY; CORRECT?

26 A. I DID NOT KNOW HER ROLE AT TWITTER.

27 Q. WELL, IT LOOKS LIKE, IF YOU GO TO 59,  
28 PAGE 7, HER SIGNATURE BLOCK IDENTIFIES HERSELF AS HEAD

1 OF U.S. PUBLIC POLICY. IS THAT SOMETHING YOU WROTE OR  
2 IS THAT SOMETHING THAT CAME FROM HER E-MAIL TO YOU?

3 A. I'M ASSUMING WHAT HAPPENED HERE WAS  
4 EVENTUALLY THIS THREAD CAME FROM A FORWARD FROM HER.  
5 IF YOU GO THROUGH THE WHOLE, WHOLE THREAD AND THEN IT  
6 AUTOMATICALLY POPULATED SEVERAL THINGS; ONE BEING  
7 THOSE TWO LITTLE SCREEN SHOTS AT THE BOTTOM LEFT-HAND  
8 CORNER WHICH HAVE BEEN CORRUPTED AND ARE NOT SHOWING  
9 AND THEN THE SECOND BEING HER SIGNATURE.

10 SO NO, I DID NOT WRITE THAT.

11 Q. SO YOU AGREE THAT IS LAUREN CULBERTSON'S  
12 E-MAIL SIGNATURE ON EXHIBIT 59-SEVEN.

13 A. SHE --

14 MR. RAYGOR: OBJECTION. LACKS FOUNDATION.

15 THE COURT: SUSTAINED.

16 Q. (BY MS. HAMILL) AT ANY POINT, DID YOU  
17 LEARN THAT MISS CULBERTSON WAS THE HEAD OF U.S.  
18 PUBLIC POLICY AT TWITTER?

19 A. I DON'T REMEMBER.

20 Q. HAVING DIRECT ACCESS TO AN EXECUTIVE AT THAT  
21 LEVEL TO HANDLE YOUR REQUESTS IS UNIQUE, ISN'T IT?

22 MR. RAYGOR: OBJECTION. VAGUE -- OR SORRY,  
23 LACKS FOUNDATION AS TO THAT LEVEL.

24 THE COURT: SUSTAINED.

25 Q. (BY MS. HAMILL) WHEN YOU USE TWITTER AND  
26 YOU SEE A TWEET THAT YOU DON'T LIKE, YOU CAN USE THE  
27 REPORT FUNCTION IN THE APP TO REPORT THE TWEET;  
28 CORRECT?



1 A. CORRECT.

2 Q. AND WOULD YOU SAY THAT THAT'S HOW MOST  
3 TWITTER USERS REPORT TWEETS THAT THEY DON'T LIKE?

4 A. I WOULD ASSUME SO. I DON'T KNOW HOW OTHER  
5 TWITTER USERS REPORT INFORMATION THAT THEY DON'T LIKE  
6 OR THAT THEY POTENTIALLY VIOLATE THEIR TERMS OF  
7 SERVICE.

8 Q. WOULD YOU AGREE THAT MOST PEOPLE DON'T HAVE  
9 ACCESS TO TWITTER EXECUTIVES TO REPORT TWEETS THEY  
10 DON'T LIKE?

11 A. PROBABLY, YES.

12 Q. AND IN THE BODY OF YOUR FIRST E-MAIL TO  
13 LAUREN CULBERTSON, YOU LED WITH -- THIS IS AT THE  
14 BOTTOM OF EXHIBIT 59, PAGE 6, I WAS REFERRED TO YOU BY  
15 MY FRIEND PATRICK BOLAND WHO I USED TO WORK WITH IN  
16 CONGRESSMAN SCHIFF'S OFFICE.

17 CORRECT?

18 A. CORRECT, YES.

19 Q. AND YOU KNEW AT THAT TIME THAT SCHIFF WAS  
20 THE CHAIR OF THE HOUSE PERMANENT SELECT COMMITTEE ON  
21 INTELLIGENCE; CORRECT?

22 A. YES.

23 Q. AND WHEN I ASKED YOU DURING YOUR DEPOSITION  
24 WHY YOU FELT THIS PARTICULAR MATTER WAS IMPORTANT  
25 ENOUGH TO INVOLVE ADAM SCHIFF'S OFFICE, YOU SAID  
26 BECAUSE YOU WERE FEELING NERVOUS AND SCARED ABOUT YOUR  
27 AND YOUR WIFE'S SAFETY. IS THAT RIGHT?

28 A. THAT AMONGST OTHER THINGS, YES.

1 Q. AND YOU WERE CONCERNED ABOUT INTIMIDATING  
2 LANGUAGE AND MISINFORMATION AN HARASSMENT ON  
3 DEPARTMENT OF PUBLIC HEALTH CHANNELS; CORRECT?

4 A. I BELIEVE SO, YES.

5 Q. BUT YOU HADN'T ACTUALLY RECEIVED ANY  
6 SPECIFIC CREDIBLE THREATS; RIGHT?

7 A. WE HAD BEEN RECEIVING THREATS THROUGHOUT THE  
8 PANDEMIC ON SOCIAL MEDIA, VIA E-MAIL THROUGHOUT THE  
9 PANDEMIC.

10 Q. SO THEN THE BODY OF YOUR E-MAILS -- E-MAIL  
11 CONTINUES, I'M THE CHIEF COMMUNICATION OFFICER FOR THE  
12 L.A. COUNTY DEPARTMENT OF PUBLIC HEALTH AND WE ARE  
13 LIKELY GOING TO BRING BACK INDOOR MASKING; RIGHT?

14 A. IT APPEARS I WROTE THAT, YES.

15 Q. AND YOU SAY, UNFORTUNATELY, THIS HAS LED TO  
16 CONSTANT HARASSMENT AND IT WAS FROM SEVERAL  
17 ANTI-MASKERS WHO ARE TARGETING OUR PUBLIC HEALTH  
18 ACCOUNT AND MY PERSONAL TWITTER ACCOUNT WITH ACCOUNT  
19 FLOODING ME WITH DOZENS OF HASHTAGS AND EVEN USING  
20 INTIMIDATING LANGUAGE BY MAKING REFERENCES TO MY  
21 PREGNANT WIFE; CORRECT?

22 A. CORRECT. THAT'S WHAT I WROTE, YES.

23 Q. AND WHEN I ASKED YOU WHAT YOU HOPED  
24 MISS CULBERTSON WOULD DO IN RESPONSE TO THIS E-MAIL,  
25 YOU SAID YOU HOPED SHE WOULD PUT YOU IN TOUCH WITH  
26 THEIR GOVERNMENT RELATIONS TEAM AND THAT THEY WOULD  
27 DETERMINE WHETHER THEIR TERMS AND POLICIES WERE BEING  
28 VIOLATED.

1           SO THAT WAS THAT YOU JUST WANTED TO TELL  
2 TWITTER THAT YOU THOUGHT THEIR TERMS AND POLICIES WERE  
3 BEING VIOLATED AND CALL IT A DAY.

4           A.    WELL, YES.  I DO ASK THEM, THE VERY LAST  
5 LINE, I ASK THEM FOR ANY ASSISTANCE WOULD BE  
6 APPRECIATED OR IF YOU COULD PUT ME IN CONTACT WITH  
7 THEIR CALIFORNIA -- I KNOW NOW THEY DIDN'T HAVE A  
8 CALIFORNIA TEAM.  SOME SOCIAL MEDIA COMPANIES DO HAVE  
9 REGIONAL OR STATE-BASED TEAMS, BECAUSE THERE ARE SO  
10 MANY GOVERNMENT AGENCIES OR ORGANIZATIONS THAT THEY  
11 HAVE TO DEAL WITH.

12           I LEARNED LATER ON THAT THEY DON'T HAVE A  
13 CALIFORNIA TEAM.  BUT I WAS AGAIN, AS I SAID THE LAST  
14 SENTENCE HERE, JUST LOOKING FOR ASSISTANCE, YES.

15           Q.    AND DID YOU WANT THOSE ACCOUNTS TO BE  
16 SUSPENDED?

17           A.    NOT NECESSARILY.  I WANTED THEM -- I WANTED  
18 TWITTER TO TAKE A LOOK AT THEM TO SEE IF THEIR TERMS  
19 OF SERVICES WERE BEING VIOLATED.

20           Q.    AND IN THIS E-MAIL TO MISS CULBERTSON, YOU  
21 WERE COMPLAINING ABOUT BEING TARGETED ON YOUR PERSONAL  
22 ACCOUNT, NOT THE DEPARTMENT OF PUBLIC HEALTH ACCOUNT;  
23 RIGHT?

24           A.    ME PERSONALLY?

25           Q.    IN THIS E-MAIL?

26           A.    OH.

27           Q.    YOU WERE COMPLAINING TO MISS CULBERTSON  
28 ABOUT HARASSMENT ON YOUR PERSONAL TWITTER ACCOUNT;

1 CORRECT?

2 A. PART OF IT, YES.

3 Q. AND @MORROW, M O R R O W, UNDERSCORE, BRETT  
4 IS YOUR PERSONAL ACCOUNT; CORRECT?

5 A. IT IS, YES.

6 Q. AND YOU USED THAT ACCOUNT FOR OFFICIAL  
7 PUBLIC HEALTH PURPOSES AT TIMES; CORRECT?

8 A. I WOULDN'T NECESSARILY PUT IT THAT WAY.

9 Q. LIKE WHEN YOU ENGAGED WITH ELIX MICHAELSON,  
10 FOR EXAMPLE?

11 MR. RAYGOR: OBJECTION. LACKS FOUNDATION.

12 THE COURT: ENGAGED WITH WHOM? I'M SORRY.

13 Q. (BY MS. HAMILL) ELIX MICHAELSON.

14 THE COURT: OVERRULED.

15 YOU MAY ANSWER.

16 THE WITNESS: I WOULDN'T NECESSARILY CALL  
17 THAT -- I CAN'T REMEMBER IF YOU SAID OFFICIAL  
18 PURPOSES. BUT IT IS PRETTY COMMON STANDARD FOR  
19 COMMUNICATIONS PROFESSIONALS TO ENGAGE WITH REPORTERS  
20 AND THE WORK THAT THEY'RE DOING ON TWITTER FROM THEIR  
21 PERSONAL HANDLES. I DO IT FAR LESS. I'VE MAYBE DONE  
22 IT A HANDFUL OF TIMES.

23 Q. (BY MS. HAMILL) YOUR PERSONAL TWITTER YOU  
24 IDENTIFY YOURSELF AS THE CHIEF COMMUNICATION  
25 DIRECTOR FOR THE DEPARTMENT OF PUBLIC HEALTH;  
26 CORRECT?

27 A. I DO, YES.

28 Q. SO TWO DAYS LATER ON FRIDAY, JULY 22ND,

1 2022, YOU HADN'T GOTTEN A RESPONSE FROM TWITTER;  
2 CORRECT?

3 A. CORRECT, YES.

4 Q. AND THAT WAS THE SAME DAY, JULY 22ND, 2022,  
5 THAT THE OPINION PIECE CALLED, BRINGING BACK A MASK  
6 MANDATE IN LOS ANGELES COUNTY IS UNJUSTIFIED, WAS  
7 PUBLISHED; CORRECT? WE'LL GET TO THAT IN A MINUTE.

8 MR. RAYGOR: OBJECTION. LACKS FOUNDATION.

9 THE COURT: YOU MAY TESTIFY IF YOU RECALL.

10 THE WITNESS: I DON'T REMEMBER WHAT DAY IT  
11 WAS PUBLISHED.

12 Q. (BY MS. HAMILL) SO YOU SENT A FOLLOW-UP TO  
13 MISS CULBERTSON ON JULY 22ND, 2022; CORRECT?

14 A. IT APPEARS SO, YEAH. I HADN'T HEARD BACK  
15 FROM HER FOR A COUPLE OF DAYS. AND I WAS JUST LOOKING  
16 FOR ASSISTANCE, LIKE I SAY.

17 Q. AND THEN WE'RE LOOKING AT EXHIBIT 59, PAGE 5  
18 NOW. ON JULY 25TH, MISS CULBERTSON FORWARDS YOUR  
19 E-MAIL TO GOV, GOV, AT TWITTER .COM AND ASKS THEM TO  
20 RESPOND; CORRECT?

21 A. IT APPEARS SO, YES, JULY 25TH, YES.

22 Q. AND THEN THE GOV AT TWITTER .COM ACCOUNT  
23 RESPONDS AND ASKS YOU TO FILE AN IMPERSONATION REPORT,  
24 TO FORWARD IT TO THEM, AND THEY WILL EXPEDITE IT.  
25 CORRECT?

26 A. NO. HERE THEY ASKED ME TO FILE A PRIVATE  
27 INFORMATION REPORT, NOT AN IMPERSONATION REPORT.

28 Q. I'M SORRY. SO THEY ASKED YOU TO FILE A

1 PRIVATE INFORMATION REPORT, THEN SEND THEM THE FORM  
2 AND THEY WILL EXPEDITE IT; CORRECT?

3 A. CORRECT, YES.

4 Q. SO YOU GOT TWITTER TO EXPEDITE YOUR REPORT  
5 BECAUSE OF YOUR CONNECTIONS TO LAUREN CULBERTSON;  
6 CORRECT?

7 MR. RAYGOR: OBJECTION. LACKS FOUNDATION.  
8 CALLS FOR SPECULATION.

9 THE COURT: SUSTAINED.

10 Q. (BY MS. HAMILL) HAD YOU TRIED TO REPORT  
11 THESE PREVIOUSLY?

12 A. I DON'T RECALL.

13 Q. AND THEN YOU RESPOND ON EXHIBIT 59, PAGE 4,  
14 YOU SAY, THANK YOU SO MUCH. A FEW OTHER ITEMS HAVE  
15 COME UP THAT REQUIRE URGENT ACTION. THERE'S A LOT OF  
16 MISINFORMATION GOING AROUND L.A. COUNTY AND UPCOMING  
17 MASK REQUIREMENTS OPPONENTS ARE SPREADING THE  
18 FOLLOWING MISINFORMATION.

19 DO YOU REMEMBER SAYING THAT?

20 A. IT APPEARS SO, YES.

21 Q. AND THEN YOU LIST OUT THE FIRST BULLET POINT  
22 ON EXHIBIT 59, PAGE 5, DR. BARBARA FERRER IS A, QUOTE,  
23 FAKE DOCTOR. THE SECOND BULLET POINT IS L.A. COUNTY  
24 IS LYING ABOUT HOSPITALIZATION NUMBERS. THE THIRD  
25 BULLET POINT IS THE CDC IS NOT RECOMMENDING MASKS.  
26 AND THE FOURTH BULLET POINT IS MASKS ARE NOT EFFECTIVE  
27 FOR ADULTS OR CHILDREN.

28 THEN YOU SAY YOU'VE REPORTED A FEW BUT HAVE

1 NOT HEARD BACK IF ACTION WAS TAKEN. IS IT POSSIBLE I  
2 CAN SEND LINKS OR MISLEADING INFO TO EXPEDITE ANY  
3 OTHER OPTIONS?

4 DO YOU REMEMBER SENDING THAT E-MAIL?

5 A. IT APPEARS I SENT THIS, YES.

6 Q. SO YOU WERE SEEKING URGENT ACTION TO GET  
7 OPPONENTS TO STOP SPREADING MISINFORMATION; CORRECT?

8 A. I THINK I WAS LOOKING MORE SO FOR GUIDANCE  
9 INTO OTHER OPTIONS TO SEND INFORMATION THAT I BELIEVE  
10 MAY HAVE VIOLATED THEIR TERMS OR SERVICES. IF I  
11 REMEMBER CORRECTLY, WE WERE GETTING ERRORS ON THE  
12 TWITTER REPORTING -- I DON'T KNOW -- FUNCTION THAT YOU  
13 HAD THERE. AND TYPICALLY EITHER YOU WOULD GET A CASE  
14 NUMBER OR THEY WOULD SEND SOME KIND OF RESPONSE. AND  
15 WE NEVER RECEIVED ANYTHING.

16 SO THAT'S WHY I WAS ASKING FOR -- SO WAS  
17 LOOKING FOR ASSISTANCE MORE THAN ACTION ON URGENT  
18 ITEMS.

19 Q. BECAUSE YOU WANTED TWITTER TO MAKE SURE --  
20 YOU WANTED TO MAKE SURE TWITTER WAS ENFORCING ITS  
21 GUIDELINES? THAT WAS YOUR OBJECTIVE?

22 A. THAT'S WHAT I WAS LOOKING FOR ASSISTANCE  
23 FOR, YES.

24 MS. HAMILL: AND YOUR HONOR, DO WE GO UNTIL  
25 5:00?

26 THE COURT: NO, I THINK WE'LL BE BREAKING  
27 SOON, SINCE IT SEEMS LIKE YOU HAVE QUITE A BIT MORE TO  
28 COVER, AND WE'LL BE STARTING TOMORROW AT 9:30.

1 MS. HAMILL: 9:30?

2 THE COURT: SO IS THIS A GOOD TIME TO BREAK?

3 MS. HAMILL: YES.

4 THE COURT: OKAY. THEN, SIR, YOUR TESTIMONY  
5 IS NOT COMPLETE, AND YOU WILL COME BACK TOMORROW AT  
6 9:30. ALL RIGHT?

7 THE WITNESS: ALL RIGHT.

8 THE COURT: AND YOU MAY STEP DOWN.

9 HOW MUCH TIME DO YOU ANTICIPATE FOR THE  
10 COMPLETION OF YOUR EXAMINATION?

11 MS. HAMILL: I AM SLIGHTLY OVER HALFWAY  
12 THROUGH. SO...

13 THE COURT: OKAY. SO ANOTHER, WHAT, 45  
14 MINUTES OR THEREABOUTS?

15 MS. HAMILL: I WOULD SAY AN HOUR.

16 THE COURT: AN HOUR, OKAY.

17 YOU CAN STEP DOWN.

18 AND WHAT IS YOUR ANTICIPATED AMOUNT OF  
19 DIRECT EXAMINATION FOR THE WITNESS?

20 MR. RAYGOR: DEPENDS ON WHAT SHE COVERS  
21 TOMORROW. BUT TWO HOURS? MAYBE THREE. BUT IT  
22 DEPENDS ON WHAT I HEAR TOMORROW.

23 THE COURT: OKAY. WELL, SO MUCH FOR TIME  
24 ESTIMATES THAT THE TWO OF YOU GAVE ME AT THE OUTSET.

25 MR. RAYGOR: FOR MY REDIRECT WHETHER I --  
26 SORRY.

27 THE COURT: TOMORROW.

28 MR. RAYGOR: REDIRECT TOMORROW? SORRY.



1 WHEN YOU SAID DIRECT, I SHIFTED TO MY CASE IN CHIEF.  
2 SORRY, YOUR HONOR.

3 THE COURT: OKAY. TOMORROW'S PURPOSES.

4 MR. RAYGOR: PROBABLY NO MORE THAN A HALF AN  
5 HOUR.

6 THE COURT: AND THEN YOUR ORDER OF WITNESSES  
7 THEREAFTER?

8 MS. HAMILL: I AM GOING TO START WITH  
9 CYNTHIA ROJAS. I DON'T HAVE MY WITNESS LIST IN FRONT  
10 OF ME. I DON'T WANT TO TALK OUT OF TURN.

11 THE COURT: ALL RIGHT. LET ME AND OPPOSING  
12 COUNSEL KNOW, PLEASE.

13 MR. RAYGOR: I HAVE A LIST IF YOU WANT IT.

14 MISS HAMILL, I HAVE IT IF YOU WANT IT.

15 MS. HAMILL: OKAY. WELL, HERE WE GO.

16 WE ARE SKIPPING CORAL ITZCALLI BECAUSE WE  
17 RECEIVED A STIPULATION FROM THE DEFENDANTS. META  
18 PLATFORMS AND EXCORP -- IS ANYONE HERE FROM META  
19 PLATFORMS OR EXCORP? THEY WERE SUBPOENAED, BUT DID  
20 NOT SHOW.

21 THE COURT: WELL, WHAT'S YOUR BEST  
22 PREDICTION OF THE ORDER OF WITNESSES FOR TOMORROW?

23 MS. HAMILL: SO WE'RE GOING TO SKIP OVER  
24 THEM. WE WILL GO WITH CYNTHIA ROJAS, THEN MARGARET  
25 ORENSTEIN AND THEN SARAH BETH BURWICK AND ROXANNE  
26 HOGUE.

27 THE COURT: OKAY. I'M SURE MR. RAYGOR'S  
28 TEAM HAVE MADE NOTES.

1           AND YOU WILL PROVIDE TOMORROW PERHAPS AT THE  
2 START OF OUR FIRST SESSION YOUR LIST OF PROPOSED  
3 EXHIBITS YOU'RE MOVING INTO EVIDENCE; RIGHT?

4           MS. HAMILL: YES, YOUR HONOR.

5           THE COURT: OKAY. MAKE SURE YOU HAVE A COPY  
6 FOR OPPOSING COUNSEL AND THE COURT, AND I CAN DEAL  
7 WITH ADMISSIBILITY ISSUES AT THAT TIME.

8           ANY OTHER HOUSEKEEPING ISSUES?

9           MS. HAMILL: I DON'T -- I HAVE THE ENVELOPE  
10 WITH THE THUMB DRIVE THAT I'LL BE PROVIDING, BUT I  
11 DON'T THINK I HAVE ANY OTHER HOUSEKEEPING MATTERS AT  
12 THIS TIME.

13          THE COURT: THANK YOU. MR. RAYGOR?

14          MR. RAYGOR: CAN I MOVE EXHIBITS 260, 261?

15          THE COURT: WHY DON'T YOU ALSO PROVIDE A  
16 LIST AND PROVIDE THAT TO ME, AND I'LL HAND IT TO THE  
17 CLERK TOMORROW SO WE KEEP TRACK AND HAVE A COPY.

18          MR. RAYGOR: YES, I WILL DO THAT.

19          THE COURT: AS WELL FOR OPPOSING COUNSEL;  
20 RIGHT?

21          MR. RAYGOR: YES.

22          THE COURT: ANYTHING ELSE?

23          MR. RAYGOR: COULD WE GET TIME ESTIMATES FOR  
24 THE FOUR ALLIANCE MEMBERS?

25          THE COURT: ARE THEY NOT IN THE WITNESS  
26 LIST? MY RECOLLECTION IS THAT THEY WERE.

27          MR. RAYGOR: YOU'RE RIGHT. SORRY.  
28 10-MINUTES AND 15-MINUTES.

1 THE COURT: OKAY. THEN IF THERE'S NOTHING  
2 FURTHER, WE'LL BE ADJOURNED UNTIL 9:30 TOMORROW  
3 MORNING.

4 MS. HAMILL: THANK YOU, YOUR HONOR.

5 MR. RAYGOR: THANK YOU, YOUR HONOR.

6 THE REPORTER: THANK YOU, YOUR HONOR.

7 (THE PROCEEDINGS ADJOURNED AT 4:07 P.M.)  
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