

1 WEDNESDAY, OCTOBER 18, 2023; 9:31 A.M.

2
3 PROCEEDINGS

09:31:48 4 THE JUDICIAL ASSISTANT: PLEASE COME TO
5 ORDER. DEPARTMENT 69 IS ONCE AGAIN IN SESSION.

09:31:52 6 THE COURT: OKAY. GOOD MORNING, COUNSEL.

09:31:56 7 ALL PRESENT: GOOD MORNING, YOUR HONOR.

09:31:57 8 THE COURT: WE'RE ON THE RECORD. PARTIES
9 ARE PRESENT.

09:32:00 10 MISS HAMILL, ANYTHING BEFORE WE GO BACK TO
11 YOUR CASE IN CHIEF.

09:32:04 12 MS. HAMILL: YES, YOUR HONOR. YESTERDAY
13 WHEN WE WERE GOING OVER EXHIBIT 21, PAGE 16, IT WAS
14 VERY TINY MICROSCOPIC PRINT, AND YOU ASKED ME TO
15 PRINTED OUT AN ENLARGED COPY. I HAVE DONE SO AND
16 PROVIDED A COPY TO OPPOSING COUNSEL. MAY I PROVIDE IT
17 TO THE COURT?

09:32:19 18 THE COURT: YES.

09:32:20 19 MR. RAYGOR: AND WE DO HAVE THAT, YOUR
20 HONOR.

09:32:22 21 THE COURT: THANK YOU.

09:32:27 22 LOIDA, CAN YOU THREE HOLE PUNCH THIS AND WE
23 CAN TAKE OUT THAT PAGE. OKAY?

09:32:35 24 THE JUDICIAL ASSISTANT: YES, YOUR HONOR.

09:32:35 25 THE COURT: OKAY. ANYTHING ELSE?

09:32:38 26 MS. HAMILL: NO, YOUR HONOR.

09:32:38 27 THE COURT: ANYTHING FROM THE DEFENSE?

09:32:40 28 MR. RAYGOR: NO, YOUR HONOR.

09:32:41 1 THE COURT: CALL YOUR NEXT WITNESS.

09:32:43 2 MS. HAMILL: I'M CALLING MISS MARGARET
3 ORENSTEIN TO THE STAND, PLEASE.

09:32:47 4 THE COURT: PLEASE STEP FORWARD TO BE SWORN.

09:32:53 5 THE CLERK: PLEASE STAND BEHIND THE COURT
6 REPORTER AND RAISE YOUR RIGHT HAND.

09:32:56 7 DO YOU SOLEMNLY STATE THAT THE TESTIMONY YOU
8 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
9 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT
10 THE TRUTH, SO HELP YOU GOD?

09:33:04 11 THE WITNESS: I DO.

09:33:07 12 THE CLERK: PLEASE HAVE A SEAT IN THE
13 WITNESS STAND.

09:33:12 14 PLEASE STATE AND SPELL YOUR FIRST AND LAST
15 NAME FOR THE RECORD.

09:33:16 16 THE WITNESS: MARGARET ORENSTEIN. MAR G.A.
17 R E T. ORENSTEIN. O.R. E NST EIN.

09:33:25 18 THE CLERK: THANK YOU.

09:33:26 19 THE COURT: YOU MAY INQUIRE.

09:33:29 20 MS. HAMILL: THANK YOU.

09:33:29 21

09:33:29 22 DIRECT EXAMINATION

09:33:30 23 Q. (BY MS. HAMILL) THANK YOU, MS. ORENSTEIN,
24 FOR BEING HERE.

09:33:33 25 YOU TESTIFIED AT THE EVIDENTIARY HEARING IN
26 THIS MATTER EXTENSIVELY ABOUT YOUR ASSOCIATION WITH
27 THE ALLIANCE. I'M NOT GOING TO GET INTO ALL OF THAT
28 AGAIN. BUT JUST TO CONFIRM, YOU ARE A MEMBER OF THE

1 ALLIANCE.

09:33:44 2 A. I AM A MEMBER OF THE ALLIANCE.

09:33:45 3 Q. AND DO YOU REMEMBER THE COUNTY SHUTTING OFF
4 COMMENTS ON ITS SOCIAL MEDIA PAGES IN JULY OF 2022?

09:33:50 5 A. I DO.

09:33:52 6 Q. AND HOW DID YOU FEEL ABOUT THAT?

09:33:54 7 A. I FELT LIKE IT WAS ONE MORE ATTEMPT TO
8 SILENCE THE DISSENTING VIEWS OF PEOPLE LIKE ME WHO HAD
9 A DIFFERENCE OF OPINION ABOUT HOW THINGS WERE BEING
10 HANDLED BY OUR COUNTY AND STATE.

09:34:08 11 Q. AND WAS THAT COMMENTS SECTION BELOW THE
12 DEPARTMENT OF PUBLIC HEALTH'S POST ON TWITTER
13 IMPORTANT TO YOU?

09:34:16 14 A. IT WAS. I HAD MET PEOPLE THROUGH VIEWING
15 COMMENTS THERE WHO HAD REACHED OUT, TOO. I'D
16 DEVELOPED MY OWN THOUGHT PROCESS ON WHAT WAS GOING ON
17 IN OUR COUNTY AND KIND OF USED IT TO CONNECT DOTS
18 SOMETIMES. THERE WAS OFTEN INFORMATION THERE THAT WAS
19 KIND OF SUMMARIZED BY OTHER PEOPLE THAT I COULD THEN
20 VIEW THERE, AND I KNEW THAT WAS A HELPFUL PLACE.

09:34:41 21 Q. AND WAS IT HELPFUL TO THE ALLIANCE?

09:34:43 22 A. IT WAS HELPFUL TO THE ALLIANCE ALSO BECAUSE
23 IT SHOWED THAT WHAT WE WERE KIND OF TRYING TO SHARE
24 PUBLICLY WAS THE SENTIMENT THAT WAS SHARED WITH MANY
25 OTHER PEOPLE. AND SO BOTH FROM AN INFORMATION
26 PERSPECTIVE AS WELL AS LIKE A FUEL TO, LIKE, OUR --
27 OUR MISSION THAT WE WERE SPEAKING NOT JUST ON BEHALF
28 OF THE ALLIANCE, BUT THERE WAS A LARGE COHORT OF

1 PEOPLE WHO FELT THIS WAY.

09:35:06 2 Q. AND WHEN YOU SAY THIS WAY, WHAT DO YOU MEAN?

09:35:09 3 A. I THINK THAT I CAN SUMMARIZE THAT BY SAYING
4 WE WERE UNDER A STATE OF EMERGENCY FOR A VERY EXTENDED
5 PERIOD OF TIME WHICH IMPACTED MY CHILDREN AND THE WAY
6 THAT THEIR SCHOOLS TREATED THEM AND WHETHER THAT WAS
7 SENDING THEM HOME FOR QUARANTINES, MASKING THEM. I
8 HAVE A SON WHO HAS ASTHMA WHO OFTEN WAS VERY
9 UNCOMFORTABLE WITH HIS MASK. I HAD A THREE-YEAR OLD
10 WHO WAS EARLIER A TWO-YEAR OLD WHO WAS MASKED THIS
11 ENTIRE TIME WITH DROOL ON THEIR MASK. AND THERE WAS A
12 LOT OF DATA THAT SHOWED THAT QUARANTINING CHILDREN,
13 MASKING THEM AT THAT AGE WASN'T THAT BENEFICIAL.

09:35:50 14 AND SO SEEING THAT OTHER PEOPLE WERE SHARING
15 ARTICLES OR DATA TO SUPPORT THE WAY THAT I FELT ABOUT
16 MY CHILDREN BEING UNDER THE MANDATES OF THE COUNTY WAS
17 HELPFUL TO SEE, BECAUSE IT CONNECTED ME TO THOSE
18 PEOPLE. IT ALSO GAVE THE ALLIANCE, YOU KNOW, SUPPORT
19 THAT THERE WAS OTHERS AROUND US THAT SHARED THAT
20 SENTIMENT AND COULD SHARE DATA THAT WE COULD BE
21 TRIANGULATING.

09:36:16 22 Q. AND WERE YOU FAMILIAR WITH THE ALT ACCOUNT?
23 YOU WERE HERE FOR THE TESTIMONY YESTERDAY REGARDING
24 THE ALT ACCOUNT; CORRECT?

09:36:21 25 A. I WAS HERE FOR THE TESTIMONY UNTIL THE
26 DEFENDANTS QUESTIONED, YES.

09:36:26 27 Q. SO WHEN I SAY ALT ACCOUNT, DO YOU KNOW WHAT
28 I'M REFERRING TO?

09:36:29 1 A. YES, I DO KNOW WHAT THE ALT ACCOUNT IS.

09:36:32 2 Q. AND WERE YOU FAMILIAR WITH THE ALT ACCOUNT
3 IN AUGUST OF 2022?

09:36:41 4 A. YES, I WAS.

09:36:44 5 Q. AND DID THE SUSPENSION OF THAT ACCOUNT
6 IMPACT THE ALLIANCE?

09:36:49 7 A. YES, VERY MUCH SO. FOR A PERIOD OF TIME THE
8 ALT ACCOUNT ALLOWED PEOPLE TO AGAIN CONGREGATE AND
9 DISCUSS THE COUNTY'S MANDATES AND THE IMPACT ON
10 FAMILIES. AND WHEN IT WAS SHUT DOWN, IT WAS ONE MORE
11 TIME THAT IT FELT LIKE WE AGAIN COULD NOT CONGREGATE
12 PUBLICLY TO DISCUSS WHAT WAS A DIFFERENT VIEW THAN THE
13 COUNTY'S.

09:37:13 14 Q. COULDN'T YOU HAVE TWEETED FROM YOUR OWN
15 ACCOUNT AND TALKED TO PEOPLE THAT WAY?

09:37:18 16 A. NO. AS, FOR EXAMPLE, AS MISS ROJAS STATED
17 YESTERDAY, THERE WAS A PERSON WHO WOULD SHARE VERY
18 VALUABLE DATA WHO DID NOT FOLLOW HER BUT DID FOLLOW
19 THE ALT ACCOUNT. SO THE ALT ACCOUNT CONGREGATED
20 PEOPLE WHO WERE VERY INTERESTED IN MANDATES FROM THE
21 COUNTY. AND ON MY INDIVIDUAL ACCOUNT, I DON'T HAVE
22 FOLLOWERS. I DON'T HAVE A BULLHORN, SO TO SPEAK, THAT
23 THAT COMMENTS SECTIONS FOR THE L.A. COUNTY DEPARTMENT
24 OF PUBLIC HEALTH OR THE ALT ACCOUNT PROVIDED.

09:37:50 25 Q. DID YOU EVER TRY TO USE ANY OTHER AVENUES TO
26 SHARE YOUR THOUGHTS WITH THE COUNTY?

09:37:55 27 A. YES.

09:37:56 28 Q. WHAT DID YOU TRY TO DO?

09:37:58 1 A. ALTERNATIVELY, WHEN THE COMMENTS SECTION WAS
2 SHUT, I DID TRY TO GO AND SPEAK IN AN L.A. COUNTY
3 BOARD OF SUPERVISOR'S MEETING BY CALLING IN. THAT WAS
4 ONE OF THE AVENUES THAT WAS STATED YESTERDAY. AND I
5 WAITED ON HOLD FOR WELL OVER AN HOUR. AND THEN I WAS
6 EVENTUALLY TOLD THAT THE MEETING HAD BEEN CAPPED AND
7 THAT MY WORDS WOULDN'T BE HEARD. THE ONLY WORDS THAT
8 I HEARD REPEATEDLY WERE FROM LARGE ORGANIZATIONS THAT
9 CLEARLY HAVE AN ARMY OF PEOPLE, WHETHER IT'S UNIONS OR
10 OTHER LARGE VENDORS THAT HAVE SPECIAL INTERESTS WITHIN
11 THE COUNTY WHO CAN HIRE PEOPLE TO STAY ON THE PHONES
12 FOREVER. GET ON AN HOUR EARLY. I CAN'T DO THAT AS
13 I'M GETTING THREE CHILDREN PREPARED FOR SCHOOL,
14 PACKING LUNCHES, ET CETERA.

09:38:45 15 I GOT ON, I THINK, SHORTLY BEFORE THE
16 MEETING STARTED, AND I WAITED OVER AN HOUR AND A HALF
17 TO SPEAK AND THEN WAS TOLD THAT THE MEETING WAS CAPPED
18 AFTER I HEARD FROM MANY PEOPLE WHO ALREADY HAVE
19 AVENUES TO SPEAK TO THE COUNTY, WHETHER IT'S THROUGH
20 PRESIDENTS OF THEIR UNION, ET CETERA, AND THEN I
21 DIDN'T REALLY HEAR FROM INDIVIDUALS LIKE ME IN THAT
22 CALL.

09:39:04 23 Q. DO YOU RECALL THE DATE OF THAT CALL?

09:39:06 24 A. THAT WAS SEPTEMBER 27TH OF 2022.

09:39:12 25 Q. DO YOU RECALL SPECIFIC EXAMPLES OF THE
26 GROUPS THAT WERE ABLE TO GET THROUGH AND COMMENT?

09:39:18 27 A. I BELIEVE SEIU WAS ONE OF THEM.

09:39:21 28 Q. SEIU?

09:39:23 1 A. SEIU.

09:39:24 2 Q. WHAT IS THAT?

09:39:24 3 A. SERVICE EMPLOYEES -- I DON'T KNOW WHAT THE
4 I STANDS FOR, BUT I THINK THE U STANDS FOR UNION.
5 THEY'RE A LARGE UNION THAT REPRESENTS MANY EMPLOYEES
6 WITHIN THE COUNTY.

09:39:35 7 Q. AND DID YOU HEAR MORE THAN ONE CALLER
8 REPRESENTING SEIU?

09:39:39 9 A. YES.

09:39:40 10 Q. DO YOU RECALL ABOUT HOW MANY?

09:39:42 11 A. NO, BUT THERE WAS ALSO REPRESENTATIVES FROM,
12 I BELIEVE, SECTS OF OUR EDUCATION UNIONS. PERHAPS
13 WITH UTLA. I DON'T KNOW IF THERE'S A PUBLISHING OF
14 THE LIST, BUT IT MAY EXIST SOMEWHERE.

09:39:57 15 Q. WHAT WERE YOU TRYING TO CALL IN ABOUT?

09:39:58 16 A. I WAS CALLING TO SHARE THAT I DID NOT AGREE
17 WITH THE MANDATES IN THE COUNTY AND ALSO PRESENT SOME
18 OF THE EVIDENCE OF WHY. AND I ALSO THINK THAT JUST
19 SPEAKING PUBLICLY ALLOWS OTHER PEOPLE WHO FEEL THE
20 SAME WAY TO APPRECIATE THAT THEY'RE NOT ALONE AND THAT
21 IT IS IMPORTANT TO SPEAK UP. BUT WHEN YOU CAN'T BE
22 HEARD, THEN OTHERS WON'T SPEAK UP, EITHER.

09:40:24 23 AND SO I JUST TRIED EVERY AVENUE I COULD,
24 BUT IT JUST KEPT ON GETTING SHUT DOWN. SO I COULDN'T
25 SPEAK IN A BOARD OF SUPERVISORS MEETING. I COULDN'T
26 BE PRESENT IN BOARD OF SUPERVISORS MEETING FOR A
27 WHILE. I COULDN'T COMMENT. I COULDN'T SHARE CHARTS
28 WITH PEOPLE TO COMMENT UNDER THE COUNTY DEPARTMENT OF

1 PUBLIC HEALTH OR THE ALT ACCOUNT.

09:40:44 2 SO AVENUES JUST KEPT GETTING SHUT DOWN.

09:40:47 3 Q. AND YOU SAID YOU COULDN'T BE PRESENT IN
4 BOARD OF SUPERVISORS MEETINGS FOR A WHILE. WHAT DO
5 YOU MEAN BY THAT?

09:40:53 6 A. THOSE MEETINGS WEREN'T PUBLIC. SO MEMBERS
7 OF THE PUBLIC COULD NOT ATTEND THEM. I ALSO ASKED TO
8 BE INVITED TO A MEETING FOR EDUCATION CALLS. I THINK
9 MISS FERRER MENTIONED THE OTHER DAY THAT THERE WERE
10 EDUCATION-SPECIFIC CALLS THAT THEY WOULD HAVE
11 BRIEFINGS ON. I ASKED FOR A LINK TO THAT. I WAS TOLD
12 THAT THAT WAS NOT FOR THE PUBLIC. IT WAS ONLY FOR
13 MEMBERS THAT RAN -- ADMINISTRATIVELY RAN SCHOOLS.

09:41:23 14 AND SO THAT WAS ANOTHER AREA WHERE I WANTED
15 TO SEE WHAT WAS MY PRESCHOOL DIRECTOR WAS BEING TOLD.
16 WHAT WERE MEMBERS OF SCHOOLS BEING TOLD, BECAUSE ONCE
17 THOSE MEETINGS WERE DIGESTED AND SHARED WITH ME, WHAT
18 MY PRESCHOOL DIRECTOR WAS TELLING ME SEEMS INACCURATE.

09:41:39 19 SO I WANTED TO HEAR IT WITH MY OWN EARS AND
20 I WAS TOLD I WAS NOT ALLOWED.

09:41:43 21 Q. WHO TOLD YOU YOU WEREN'T ALLOWED?

09:41:45 22 A. MY PRESCHOOL DIRECTOR TOLD ME SHE ASKED IF
23 SHE COULD SHARE THE LINK WITH ME AND SHE WAS
24 FORBIDDEN.

09:41:52 25 MS. ALTER: YOUR HONOR, ASK THAT THAT LAST
26 ANSWER BE STRICKEN.

09:41:59 27 THE COURT: SUSTAINED.

09:42:00 28 MS. HAMILL: I HAVE NO FURTHER QUESTIONS FOR

1 THIS WITNESS.

09:42:02 2 THE COURT: OKAY. CROSS-EXAMINATION.

09:42:03 3

09:42:03 4 CROSS-EXAMINATION

09:42:04 5 Q. (BY MS. ALTER) MS. ORENSTEIN, YOU
6 PREVIOUSLY TESTIMONY THAT YOUR TWITTER ACCOUNT WAS
7 SUSPENDED. IS THAT CORRECT?

09:42:09 8 A. MY TWITTER ACCOUNT IS SUSPENDED.

09:42:11 9 Q. YOU DO NOT PRESENTLY HAVE A TWITTER ACCOUNT
10 THEN; CORRECT?

09:42:14 11 A. I CAN LOG INTO IT, BUT IT'S SUSPENDED.

09:42:16 12 Q. WHAT DOES THAT MEAN?

09:42:18 13 A. IT MEANS THAT I CAN VIEW, BUT I CAN'T
14 COMMENT, LIKE, RETWEET. I CAN'T DO ANY ACTIVITY.

09:42:23 15 Q. OKAY. WHEN WAS THAT ACCOUNT SUSPENDED?

09:42:25 16 A. ABOUT NINE MONTHS AGO IT WAS BROKEN INTO BY
17 A CRYPTO SPAMMER. IT SPAMS ALL OVER TWITTER, AND
18 TWITTER CLOSED IT DOWN.

09:42:35 19 Q. SO NOTHING DO WITH THE COUNTY?

09:42:37 20 A. NOTHING TO DO WITH THE COUNTY, NO.

09:42:40 21 Q. YOU TESTIFIED PREVIOUSLY AND THIS IS THE
22 TRANSCRIPT FROM THE ONE-DAY EVIDENTIARY HEARING WE HAD
23 AND I'M QUOTING FROM PAGE 53, LINES 17 THROUGH 21.
24 MISS HAMILL ASKED YOU, SPEAKING OF BEING ON TWITTER
25 YOURSELF, HAS YOUR ACCOUNT, MARGORENS, MAR GO R E N S,
26 WHAT WAS MENTIONED EARLIER, HAS THAT BEEN SUSPENDED?

09:43:15 27 AND YOU ANSWERED, QUOTE, IT HAS BEEN
28 SUSPENDED AND IT SPEAKS TO THE INFREQUENCY WITH WHICH

1 I'M ON TWITTER.

09:43:22 2 A. YES. SO I DID NOT KNOW FOR ABOUT SEVEN
3 MONTHS THAT IT WAS SUSPENDED.

09:43:28 4 THE COURT: WELL, WHAT'S THE QUESTION?

09:43:30 5 Q. (BY MS. ALTER) THE QUESTION IS, SO YOU'RE
6 ON TWITTER INFREQUENTLY?

09:43:33 7 A. AT THIS POINT I DECIDED FOR THE HEALTH AND
8 WELL-BEING OF MYSELF TO INFREQUENTLY VISIT TWITTER.

09:43:41 9 Q. WHEN DID THAT CHANGE?

09:43:46 10 A. PROBABLY ABOUT NINE MONTHS AGO.

09:43:49 11 Q. NINE MONTHS AGO.

09:43:52 12 BEFORE THAT POINT, DID TWITTER EVER TAKE
13 DOWN A POST ON YOUR PERSONAL TWITTER ACCOUNT?

09:43:58 14 A. NOT THAT I'M AWARE OF, NO.

09:44:00 15 Q. DO YOU HAVE ANY KNOWLEDGE THAT THE COUNTY
16 EVER TRIED TO GET TWITTER TO TAKE DOWN ONE OF YOUR
17 POSTS?

09:44:07 18 A. I DON'T KNOW. I DON'T KNOW WHO BROKE INTO
19 MY ACCOUNT. I DON'T KNOW WHY IT WAS CLOSED DOWN. I
20 HAVE NO REASONS TO BELIEVE THAT IT WAS THE COUNTY.

09:44:14 21 Q. OKAY. YOU TESTIFIED JUST NOW ON DIRECT THAT
22 YOU MET A LOT OF PEOPLE?

09:44:21 23 A. YEAH.

09:44:22 24 Q. IN THE -- THROUGH THE L.A. COUNTY PUBLIC
25 HEALTH TWITTER?

09:44:26 26 A. YES.

09:44:27 27 Q. APPROXIMATELY HOW MANY PEOPLE DID YOU MEET?

09:44:28 28 A. I DON'T KNOW BECAUSE I MAYBE SAW A COMMENT

1 THERE, AND THEN I SAW A TWEET OF THEIRS ELSEWHERE AND
2 SO YOU SEE THINGS MULTIPLE TIMES AND YOU RECOGNIZE
3 THAT YOU HAVE SOMETHING IN COMMON AND THEN YOU MIGHT
4 REACH OUT AFTER THAT.

09:44:40 5 Q. WAS IT MORE THAN TWO PEOPLE?

09:44:42 6 A. YES.

09:44:42 7 Q. MORE THAN FIVE PEOPLE?

09:44:45 8 A. I DON'T KNOW. I KNOW OF TWO THAT WERE
9 SITTING IN THE -- WITH ME YESTERDAY. SO YES, PROBABLY
10 MORE THAN FIVE, BUT I AT THAT POINT I THINK IT'S, YOU
11 KNOW, I -- I CAN'T LIKE NAME A SPECIFIC NUMBER. BUT
12 SARAH BETH AND ROXANNE HOGE, FOR EXAMPLE, ARE TWO
13 PEOPLE THAT I MET THROUGH THAT.

09:45:01 14 Q. SO OTHER THAN THOSE TWO PEOPLE, YOU CAN'T
15 IDENTIFY ANYBODY ELSE?

09:45:04 16 MS. HAMILL: OBJECTION.

09:45:05 17 THE WITNESS: WELL, THERE'S CYNTHIA ROJAS.

09:45:08 18 THE COURT: LET'S SLOW IT DOWN A BIT.

09:45:09 19 WHAT'S THE OBJECTION?

09:45:11 20 MS. HAMILL: MISCHARACTERIZES TESTIMONY.

09:45:12 21 THE COURT: OVERRULED.

09:45:13 22 WHAT IS THE QUESTION AGAIN?

09:45:15 23 MS. ALTER: MADAM REPORTER, WOULD YOU READ
24 THAT BACK, PLEASE.

09:45:18 25 THE REPORTER: CERTAINLY.

09:45:36 26 (RECORD READ.)

09:45:38 27 THE COURT: AND YOU ANSWERED, WELL, THERE'S
28 CYNTHIA ROJAS. LET'S GO ON TO A NEW QUESTION.

09:45:43 1 Q. (BY MS. ALTER) THERE IS MORE THAN THREE
2 PEOPLE?

09:45:44 3 A. I THINK THAT WE'RE SPLITTING HAIRS. I SAID
4 THERE WERE PEOPLE THAT I WOULD SEE THEM REPEATEDLY
5 MAKE COMMENTS IN THAT SECTION. I WOULD SEE THEY HAVE
6 A POINT TO MAKE THAT WAS WHAT I THOUGHT VALID.

09:45:59 7 THE COURT: MISS ORENSTEIN, A VERY NARROW
8 QUESTION IS: THERE IS MORE THAN THREE PEOPLE?

09:46:06 9 THE WITNESS: YES.

09:46:07 10 THE COURT: OKAY. YOU'VE ANSWERED IT.

09:46:09 11 THE WITNESS: OKAY.

09:46:10 12 THE COURT: SHE'LL FOLLOW UP WITH HER NEXT
13 QUESTION.

09:46:11 14 GO AHEAD.

09:46:13 15 Q. (BY MS. ALTER) OKAY. SO YOU ALSO
16 TESTIFIED THAT YOU LOOKED AT THE COMMENTS IN
17 LACDPH'S SOCIAL MEDIA ACCOUNTS TO OBTAIN ARTICLES
18 AND DATA. WERE THOSE ARTICLES AVAILABLE ELSEWHERE?

09:46:28 19 A. THEY MIGHT HAVE BEEN. I DON'T KNOW.
20 IT'S -- THE POINT IS THAT IT'S A CURATED SET OF
21 INFORMATION THAT I FOUND REPEATEDLY HELPFUL.

09:46:36 22 THE COURT: MISS ORENSTEIN, AGAIN, THE
23 LAWYERS WILL ASK FOLLOW-UP QUESTIONS. YOUR ANSWER WAS
24 THEY MIGHT HAVE BEEN. NEXT QUESTION.

09:46:42 25 MS. ALTER: YOUR HONOR, MOVE TO STRIKE
26 EVERYTHING AFTER THEY MIGHT HAVE BEEN.

09:46:46 27 THE COURT: THAT'S GRANTED. ASK YOUR NARROW
28 QUESTIONS, PLEASE GIVE A NARROW ANSWER. YOUR LAWYER

1 WILL FOLLOW-UP.

09:46:52 2 PROCEED.

09:46:54 3 Q. (BY MS. ALTER) SO THESE ARTICLES THAT WERE
4 SHARED, THEY WERE LINKED? THEY WERE INTERNET LINKS;
5 CORRECT?

09:46:59 6 A. OR PICTURES OF GRAPHS, FOR EXAMPLE.

09:47:03 7 Q. AND THOSE ALL -- THOSE ALL WERE FROM OTHER
8 SOURCES; CORRECT?

09:47:07 9 MS. HAMILL: OBJECTION. VAGUE AND AMBIGUOUS
10 AS TO OTHER SOURCES.

09:47:10 11 THE COURT: SUSTAINED.

09:47:18 12 Q. (BY MS. ALTER) SO COULD YOU RETWEET THE
13 COUNTY'S POSTS YOURSELF AT THIS POINT IN TIME BEFORE
14 JULY OF 20 -- ACTUALLY, STRIKE THAT.

09:47:29 15 AS YOU SIT HERE TODAY, IF YOU HAD A TWITTER
16 ACCOUNT, COULD YOU RETWEET THE COUNTY'S POSTS?

09:47:35 17 MS. HAMILL: OBJECTION. CALLS FOR
18 SPECULATION.

09:47:37 19 THE COURT: SUSTAINED.

09:47:38 20 Q. (BY MS. ALTER) WHEN YOU WERE ACTIVE ON
21 TWITTER, DID YOU EVER RETWEET THE COUNTY'S POSTS?

09:47:43 22 MS. HAMILL: OBJECTION. VAGUE AND AMBIGUOUS
23 AS TO TIME.

09:47:45 24 THE COURT: SUSTAINED.

09:47:47 25 Q. (BY MS. ALTER) IN THE TIME PERIOD BEFORE
26 JULY 30TH OF 2022, DID YOU EVER RETWEET THE COUNTY'S
27 POSTS?

09:47:54 28 A. I WOULD NEVER RETWEET THE COUNTY'S POSTS.

09:47:57 1 Q. SO THE ANSWER IS NO?

09:47:59 2 A. THE ANSWER IS NO.

09:48:00 3 Q. OKAY. DID YOU EVER RETWEET THE COUNTY'S
4 POSTS AFTER JULY 30TH, 2022?

09:48:08 5 A. I DON'T RECALL BUT I WOULD HAVE HAD NO
6 REASON TO RETWEET THEIR POSTS.

09:48:13 7 Q. NOTHING WAS STOPPING YOU FROM DOING IT,
8 THOUGH, WAS THERE?

09:48:17 9 MS. HAMILL: OBJECTION. CALLS FOR
10 SPECULATION.

09:48:18 11 THE COURT: SUSTAINED.

09:48:19 12 Q. (BY MS. ALTER) COULD YOU HAVE RETWEETED
13 THEIR POSTS?

09:48:21 14 MS. HAMILL: OBJECTION. CALLS FOR
15 SPECULATION.

09:48:23 16 THE COURT: SUSTAINED.

09:48:29 17 Q. (BY MS. ALTER) SWITCHING GEARS, TO YOUR
18 KNOWLEDGE, WAS THERE ANYTHING PREVENTING YOU FROM
19 RETWEETING THE COUNTY'S POSTS?

09:48:41 20 A. NO.

09:48:41 21 Q. BUT YOU CHOSE NOT TO?

09:48:45 22 A. I NEVER CHOSE TO RETWEET THEIR POSTS.

09:48:50 23 Q. OKAY. DO YOU KNOW ABOUT HOW MANY COMMENTS
24 WERE ON THE ALT ACCOUNT DURING THE TIME IT WAS UP, OR
25 POSTS?

09:48:59 26 A. NO.

09:48:59 27 Q. WAS IT MORE THAN FIVE?

09:49:03 28 A. I DON'T -- I DON'T KNOW, BUT -- I DON'T KNOW

1 THE NUMBER. YES, PROBABLY MORE THAN FIVE, YES.

09:49:08 2 Q. MORE THAN 10?

09:49:10 3 MS. HAMILL: OBJECTION. CALLS FOR
4 SPECULATION.

09:49:12 5 Q. (BY MS. ALTER) DO YOU KNOW IF IT WAS MORE
6 THAN 10?

09:49:14 7 THE COURT: OVERRULED. YOU MAY ANSWER.

09:49:17 8 A. YES, MORE THAN 10.

09:49:22 9 Q. (BY MS. ALTER) DO YOU KNOW IF IT WAS MORE
10 THAN 20?

09:49:26 11 A. YES, MORE THAN 20.

09:49:31 12 Q. DO YOU KNOW HOW MANY FOLLOWERS THE ALT
13 ACCOUNT HAD?

09:49:36 14 A. NO.

09:49:38 15 Q. DO YOU KNOW HOW MANY FOLLOWERS YOU HAD ON
16 YOUR TWITTER ACCOUNT WHEN IT WAS STILL ACTIVE?

09:49:44 17 A. SEVERAL HUNDRED.

09:49:48 18 Q. HAVE YOU EVER E-MAILED DR. FERRER?

09:49:53 19 A. I DON'T RECALL.

09:49:54 20 Q. HAVE YOU EVER CALLED IN TO LACDPH'S
21 INFORMATION LINE?

09:50:00 22 A. NO, I HAVE NOT.

09:50:02 23 Q. HAVE YOU EVER CREATED A SOCIAL MEDIA ACCOUNT
24 THAT COULD QUOTE TWEET LACDPH'S POSTS?

09:50:09 25 A. I BELIEVE MY ACCOUNT COULD HAVE QUOTE
26 TWEETED LACDPH'S ACCOUNT.

09:50:15 27 Q. BUT YOU HAVEN'T CREATED AN ACCOUNT
28 SPECIFICALLY FOR THERE PURPOSE, HAVE YOU?

09:50:20 1 A. I HAVE NOT.

09:50:22 2 Q. WHY NOT?

09:50:25 3 A. I DON'T UNDERSTAND THE QUESTION. WHY HAVE
4 I NOT CREATED AN ACCOUNT TO QUOTE TWEET, LIKE, THE ALT
5 ACCOUNT?

09:50:34 6 Q. YES.

09:50:35 7 A. WELL, THE ALT ACCOUNT EXISTED.

09:50:37 8 Q. WHY DID YOU NOT CREATE A REPLACEMENT FOR THE
9 ALT ACCOUNT?

09:50:40 10 A. WELL, IT GOT SUSPENDED BY TWITTER AND SO
11 AGAIN, IT'S LIKE PUSHING AT THE EXACT SAME STRATEGY
12 THAT WAS SHUT DOWN.

09:50:55 13 Q. HAVE YOU EVER PARTICIPATED IN MEDIA
14 INTERVIEWS DISCUSSING LAWS DEPARTMENTS COVID POLICIES?

09:51:02 15 A. YES, AS IT RELATES TO SCHOOLS, MOSTLY. I'VE
16 BEEN INTERVIEWED BY REPORTERS AS IT RELATES TO MY
17 CHILDREN AT SCHOOL, AND IT DID INVOLVE THE MANDATES.

09:51:14 18 Q. DID YOU EVER DM LACDPH?

09:51:18 19 A. I DON'T THINK I DID.

09:51:29 20 MS. ALTER: NO FURTHER QUESTIONS FOR THIS
21 WITNESS, YOUR HONOR.

09:51:31 22 THE COURT: ANYTHING FURTHER?

09:51:34 23 MS. HAMILL: NO, YOUR HONOR.

09:51:35 24 THE COURT: YOU MAY STEP DOWN.

09:51:36 25 ANY FURTHER WITNESSES FOR THE ALLIANCE?

09:51:42 26 MS. HAMILL: I AM GOING TO CALL ROXANNE
27 HOGE. I WILL MAKE SURE SHE'S OUTSIDE.

09:52:13 28 NO, YOUR HONOR. I'M CALLING SARAH BETH

1 BURWICK.

09:52:21 2 THE COURT: ALL RIGHT. YOU MAY COME
3 FORWARD, PLEASE.

09:52:24 4 THE JUDICIAL ASSISTANT: IF YOU'LL STAND
5 BEHIND THE COURT REPORTER.

09:52:26 6 THE CLERK: DO YOU SOLEMNLY STATE THAT THE
7 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE
8 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND
9 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

09:52:34 10 THE WITNESS: I DO.

09:52:35 11 THE CLERK: PLEASE HAVE A SEAT IN THE
12 WITNESS STAND. PLEASE STATE AND SPELL YOUR FIRST AND
13 LAST NAME FOR THE RECORD.

09:52:46 14 THE WITNESS: SARAH BETH BURWICK. SARAH
15 WITH AN H, BET H, AND BURWICK IS B AS IN BOY, U R WIC
16 K.

09:52:57 17 THE CLERK: THANK YOU.

09:52:58 18 THE COURT: THANK YOU.

09:52:58 19 PROCEED.

09:52:58 20

09:52:58 21 DIRECT EXAMINATION

09:52:59 22 Q. (BY MS. HAMILL) GOOD MORNING,
23 MISS BURWICK. THANK YOU FOR BEING HERE.

09:53:02 24 DO YOU REMEMBER THE COUNTY CUTTING OFF
25 PUBLIC COMMENTS THEIR SOCIAL MEDIA IN JULY OF 2022?

09:53:09 26 A. YES.

09:53:10 27 Q. WHAT DID YOU THINK OF THAT?

09:53:11 28 A. I WAS UPSET ABOUT IT.

09:53:12 1 Q. WHY?

09:53:13 2 A. BECAUSE I AM AN AVID TWITTER USER AND THE
3 PUBLIC COMMENTS WERE AN IMPORTANT AVENUE FOR SHARING
4 AND RECEIVING INFORMATION.

09:53:22 5 Q. WHAT KIND OF INFORMATION DID YOU SHARE AND
6 RECEIVE IN THOSE PUBLIC COMMENTS?

09:53:30 7 A. PEOPLE SHARED DIFFERENT GRAPHS, DIFFERENT
8 INTERPRETATIONS OF THE DATA THAT WAS BEING PRESENTED
9 BY THE COUNTY, CLARIFYING INFORMATION, QUESTIONS,
10 CONTEXT, OPINIONS, NUANCE. A LOT OF DIFFERENT KINDS
11 OF INFORMATION WAS SHARED THERE AND RECEIVED BY THE
12 VIEWERS.

09:54:00 13 Q. AND DID THE CLOSURE OF PUBLIC COMMENTS BELOW
14 THE DEPARTMENT OF PUBLIC HEALTH'S TWITTER POSTIMPACT
15 THE ALLIANCE?

09:54:06 16 A. YES.

09:54:07 17 Q. HOW SO?

09:54:08 18 A. BECAUSE MEMBERS OF THE ALLIANCE WERE UNABLE
19 TO COMMENT PUBLICLY ON THE DEPARTMENT OF PUBLIC
20 HEALTH'S SOCIAL MEDIA POSTS.

09:54:16 21 Q. WAS IT IMPORTANT FOR THE ALLIANCE TO BE ABLE
22 TO POST IN THE PUBLIC COMMENTS SECTION OF THE
23 DEPARTMENT OF PUBLIC HEALTH'S TWITTER?

09:54:23 24 A. I BELIEVE SO.

09:54:24 25 Q. WHY?

09:54:26 26 A. BECAUSE AGAIN THAT'S WHERE MEMBERS OF THE
27 ALLIANCE WOULD SHARE INFORMATION, RECEIVE INFORMATION
28 TO OTHER PEOPLE WHO WERE VIEWING THE COMMENTS AND

1 AMONGST OURSELVES.

09:54:37 2 Q. ARE YOU FAMILIAR WITH THE ALT ACCOUNT THAT
3 WAS DISCUSSED ON DAY 1 AND DAY TWO OF THIS TRIAL?

09:54:43 4 A. YES.

09:54:43 5 Q. SO WHEN I SAY ALT ACCOUNT, YOU KNOW WHAT I'M
6 REFERRING TO?

09:54:47 7 A. YES.

09:54:49 8 Q. HOW DID THE SUSPENSION OF THE ALT ACCOUNT
9 IMPACT THE ALLIANCE?

09:54:56 10 A. WELL, TO ANSWER THAT, I'D HAVE TO GO BACK TO
11 WHAT I VIEWED AS THE IMPORT OF THE ALT ACCOUNT, WHICH
12 WAS AN OPPORTUNITY TO COMMENT ON THE DEPARTMENT'S
13 SOCIAL MEDIA POSTS ONCE THEY CLOSED PUBLIC COMMENTS.
14 SO THE ALT ACCOUNT PROVIDED A PLACE WHERE TWITTER
15 USERS AND MEMBERS OF THE MEDIA, INDIVIDUALS, MEMBERS
16 OF THE MEDIA, ALLIANCE MEMBERS, AND OTHER FOLKS COULD
17 RESPOND TO THE COUNTY'S POSTS WITH THEIR OWN
18 INFORMATION OR VIEWS.

09:55:32 19 SO THE SHUTDOWN OF THE ALT ACCOUNT AGAIN
20 TOOK AWAY ANOTHER AVENUE FOR PUBLIC COMMENT.

09:55:41 21 Q. DID YOU PERSONALLY INTERACT WITH ANY MEMBERS
22 FROM THE MEDIA IN THE COMMENTS SECTION OF THE
23 DEPARTMENT OF PUBLIC HEALTH'S TWITTER?

09:55:50 24 A. I BELIEVE I DID.

09:55:52 25 Q. AND YOU CALL YOURSELF AN AVID TWITTER USER.
26 CAN YOU EXPLAIN WHY YOU USE SOCIAL MEDIA.

09:56:02 27 A. I'D HAVE TO GO BACK TO MY CHILDHOOD. I HAVE
28 ALWAYS USED WRITING TO EXPRESS MYSELF. I'M AN

1 ATTORNEY. THE FIRST DAY OF CONSTITUTIONAL LAW CLASS
2 ON THE FIRST -- IN MY FIRST YEAR OF LAW SCHOOL, THE
3 PROFESSOR ASKED, WHAT'S THE MOST IMPORTANT POWER A
4 PERSON HAS? AND THE CLASSROOM WAS SILENT. AND THEN
5 IT SUDDENLY DAWNED ON ME, AND I RAISED MY HAND AND I
6 SAID, THE POWER OF THE PEN, WHICH WAS THE RIGHT
7 ANSWER.

09:56:29

8 I'VE ALWAYS USED WRITTEN EXPRESSION TO ASK
9 QUESTIONS, TO RAISE DIFFERENT IDEAS, TO SHARE
10 VIEWPOINTS. I'M ALSO A BIG READER, WHICH IS HOW I
11 RECEIVE INFORMATION, INCLUDING NEWS, OPINIONS, CURRENT
12 EVENTS, DATA, WHICH BECAME EXTREMELY IMPORTANT, OF
13 COURSE, DURING COVID WHEN WE WERE RECEIVING SO MUCH
14 CONFLICTING INFORMATION THAT DIRECTLY AFFECTED OUR
15 LIVES.

09:56:55

16 SOCIAL MEDIA HAS BECOME NOW THE MOST
17 IMPORTANT WAY FOR ME TO CONTINUE MY LIFELONG PASSION
18 OF EXPRESSING MYSELF. THE REASON I THINK IT'S SO
19 IMPORTANT IS BECAUSE BY ONE CLICK OF THE BUTTON, YOU
20 CAN HAVE THOUSANDS OR MILLIONS OF PEOPLE READING WHAT
21 YOU ARE SAYING. LIKEWISE, BY OPENING THE APP, YOU CAN
22 SEE JUST SUCH A WEALTH OF INFORMATION FROM SO MANY
23 SOURCES. AND IN PARTICULAR, TWITTER IS REALLY GOOD
24 FOR THAT.

09:57:34

25 SOME OF THE OTHER SOCIAL MEDIA PLATFORMS I
26 USE ARE MORE FOCUSED ON PICTURES OR, YOU KNOW, KEEPING
27 UP WITH YOUR COUSIN IN MARYLAND. BUT TWITTER IN
28 PARTICULAR IS SO POWERFUL IN TERMS OF SHARING

1 INFORMATION VERY QUICKLY AND VERY, VERY BROADLY.

09:57:51 2 Q. CAN YOU GIVE ME AN EXAMPLE OF HOW YOU USED
3 SOCIAL MEDIA TO SHARE SOMETHING THAT YOU BELIEVED WAS
4 IMPORTANT?

09:57:59 5 MS. ALTER: YOUR HONOR, OBJECTION.
6 RELEVANCE.

09:58:02 7 THE COURT: PROFFER, MISS HAMILL?

09:58:09 8 MS. HAMILL: THIS IS TO SHOW THE IMPORTANCE
9 OF THE ALLIANCE AND THEIR MEMBERS' ABILITY TO SHARE
10 INFORMATION IN THE COMMENTS OF THE DEPARTMENT OF
11 PUBLIC HEALTH COMMENTS SECTION, BECAUSE WHAT THEY WERE
12 SHARING THERE WAS ESSENTIALLY DEBUNKING THESE
13 SCIENTIFIC AND MEDICAL CONCLUSIONS THAT WERE COMING
14 OUT OF THE DEPARTMENT OF PUBLIC HEALTH. AND
15 MISS BURWICK WAS INVOLVED IN CONDUCTING RESEARCH AND
16 SHARING THAT RESEARCH IN THE COMMENTS SECTION.

09:58:41 17 THE COURT: WELL, YOUR QUESTION WAS
18 OVERBROAD. IF YOU WANT TO FOCUS IT SPECIFICALLY AS TO
19 THE ALLIANCE AND THE DEPARTMENT OF PUBLIC HEALTH, YOU
20 MAY REPHRASE.

09:58:55 21 Q. (BY MS. HAMILL) CAN YOU GIVE ME AN EXAMPLE
22 OF ANY RESEARCH YOU CONDUCTED ON BEHALF OF THE
23 ALLIANCE REGARDING THE DEPARTMENT OF PUBLIC HEALTH?

09:59:02 24 MS. ALTER: OBJECTION, YOUR HONOR, VAGUE.

09:59:03 25 THE COURT: OVERRULED.

09:59:04 26 YOU MAY ANSWER THAT.

09:59:05 27 THE WITNESS: YES. ONE EXAMPLE WOULD BE
28 PEDIATRIC COVID DEATHS IN L.A. COUNTY. AT VARIOUS

1 POINTS THROUGHOUT THE PANDEMIC, THE DEPARTMENT OF
2 PUBLIC HEALTH ON ITS SOCIAL MEDIA HAS CLAIMED THAT "X"
3 NUMBER OF CHILDREN IN THE COUNTY HAVE DIED OF COVID.
4 I BEGAN AT SOME POINT, I BELIEVE IN 2021, WONDERING
5 WHETHER THOSE NUMBERS WERE ACCURATE AND WHETHER THOSE
6 NUMBERS WERE CAPTURING CHILDREN WHO DIDN'T NECESSARILY
7 DIE FROM COVID DISEASE BUT INSTEAD DIED OF OTHER
8 ILLNESSES AND MAY HAVE TESTED POSITIVE FOR COVID
9 INCIDENTALLY OR EVEN IN THE PAST.

09:59:55 10 SO I BEGAN DIGGING INTO THE COUNTY MEDICAL
11 EXAMINER'S RECORDS WHICH WERE PUBLICLY AVAILABLE. I
12 BEGAN LOOKING AT DEATH CERTIFICATES FOR PEDIATRIC
13 DEATHS. AND I ALSO BEGAN, WHERE POSSIBLE, LOOKING AT
14 AUTOPSY REPORTS OF CHILDREN WHOSE DEATH CERTIFICATES
15 REFLECTED THEY MAY HAVE DIED OF OR WITH COVID
16 INFECTION.

10:00:27 17 I, ALLIANCE MEMBERS, OTHER ALLIANCE MEMBERS
18 HELPED ME LOOK THROUGH SOME OF THIS INFORMATION,
19 BECAUSE THE WAY YOU HAD TO SEARCH THE MEDICAL
20 EXAMINER'S RECORDS WAS KIND OF COMPLICATED AND TIME
21 CONSUMING.

10:00:42 22 MS. ALTER: YOUR HONOR, MOVE TO STRIKE BOTH
23 AS A NARRATIVE AND TOTALLY LACKING IN FOUNDATION.
24 MISS BURWICK HAS TESTIFIED SHE'S AN ATTORNEY AND SHE'S
25 PURPORTING TO PROVIDE TESTIMONY NOW THAT WOULD BE
26 EXPERT TESTIMONY IN THE REALM OF A PEDIATRICIAN OR AN
27 EPIDEMIOLOGIST OR SOMEONE ELSE IN THE MEDICAL FIELD.
28 THERE IS NO EVIDENCE TO SUGGEST SHE HAS THE ABILITY TO

1 OPINE ON ACCURACY OF PEDIATRIC DEATH NUMBERS.

10:01:05 2 THE COURT: OVERRULED. SHE HASN'T OFFERED
3 AN OPINION. SHE'S JUST TESTIFIED AS TO THE RESEARCH
4 SHE CONDUCTED IN RESPONSE TO THE QUESTION.

10:01:14 5 BUT IT IS BECOMING A NARRATIVE. SO ASK
6 ANOTHER QUESTION.

10:01:18 7 Q. (BY MS. HAMILL) DID YOU EVER SHARE THE
8 INFORMATION THAT YOU LEARNED FROM THIS RESEARCH IN
9 THE COMMENTS SECTION OF THE DEPARTMENT OF PUBLIC
10 HEALTH'S TWITTER ACCOUNT?

10:01:26 11 A. I BELIEVE I DID. I SHARED IT AS WIDELY AS I
12 COULD.

10:01:30 13 Q. DO YOU RECALL APPROXIMATELY WHEN YOU BEGAN
14 SHARING THAT INFORMATION?

10:01:36 15 A. AT SOME POINT IN 2022. I THINK EARLY IN
16 2022, TO THE BEST OF MY RECOLLECTION.

10:01:44 17 Q. THANK YOU. AND I AM GOING TO GO BACK TO
18 EXHIBITS THAT WE LOOKED AT DURING THE EVIDENTIARY
19 HEARING. I'M GOING TO LAY A FOUNDATION AND MAKE SURE
20 THAT THEY ARE ADMITTED JUST IN CASE THERE ARE
21 ARGUMENTS ABOUT THE GERMANENESS IN THE STANDING
22 CONTEXT.

10:02:00 23 SO LET'S START WITH EXHIBIT 9, PLEASE. MAY
24 I APPROACH THE WITNESS?

10:02:06 25 THE COURT: YES. AND BY THE WAY,
26 MISS BURWICK, JUST TO CONFIRM, YOU ARE A MEMBER OF THE
27 ALLIANCE?

10:02:14 28 THE WITNESS: YES, SIR.

10:02:15 1 THE COURT: OKAY.

10:02:32 2 Q. (BY MS. HAMILL) HAVE YOU SEEN THIS
3 DOCUMENT BEFORE, MISS BURWICK?

10:02:36 4 A. YES.

10:02:37 5 Q. AND WHAT IS THIS?

10:02:43 6 A. IT APPEARS TO BE A LETTER PREPARED BY AND ON
7 BEHALF OF THE ALLIANCE.

10:02:54 8 Q. AND WHAT IS IT REGARDING?

10:03:02 9 A. IT REGARDS THE CALIFORNIA STATE OF
10 EMERGENCY.

10:03:07 11 Q. AND IN YOUR OPINION, DOES THIS LETTER
12 REPRESENT THE VIEWS OF THE ALLIANCE?

10:03:12 13 A. YES, ABSOLUTELY.

10:03:13 14 Q. DO YOU RECALL WHEN THIS LETTER WAS WRITTEN
15 AND SENT?

10:03:19 16 A. THE DATE SAYS MARCH 8, 2022, AND THAT'S
17 CONSISTENT WITH MY MEMORY.

10:03:26 18 Q. AND CAN YOU PLEASE TURN TO EXHIBIT 11 IN
19 YOUR BOOK. HAVE YOU SEEN THIS DOCUMENT BEFORE?

10:03:47 20 A. YES.

10:03:50 21 Q. DO YOU KNOW WHAT THIS IS?

10:04:01 22 MS. ALTER: YOUR HONOR, OBJECTION.
23 RELEVANCE.

10:04:04 24 THE COURT: WHAT'S THE RELEVANCE OF THESE
25 EXHIBITS?

10:04:09 26 MS. HAMILL: THE DOCUMENTS THAT I'M
27 PRESENTING, EXHIBIT 9, 10, 11, AND 14 ARE --

10:04:14 28 THE COURT: I THOUGHT WE WERE ON 11.

10:04:16 1 MS. HAMILL: YES. WE'RE ON 11 NOW.

10:04:18 2 THE COURT: OKAY.

10:04:19 3 MS. HAMILL: THIS IS SENATE BILL ANALYSIS
4 THAT INCLUDES SUPPORT ON THE RECORD FROM ALLIANCE OF
5 L.A. COUNTY PATIENTS ON EXHIBIT 11, PAGE 7, TO SHOW
6 THE PURPOSE OF THE ALLIANCE AND THE OBJECTIVES OF THE
7 ALLIANCE FOR THE PURPOSES OF STANDING, IF THERE'S ANY
8 DISPUTE AS TO WHETHER OR NOT THE ISSUES IN THIS CASE
9 ARE GERMANE TO THE PURPOSE OF THE ASSOCIATION.

10:04:41 10 THE COURT: WELL, I DON'T KNOW WHAT YOUR
11 REFERENCE TO STANDING IS. WE PASSED THAT ISSUE IN
12 THESE PROCEEDINGS BEFORE THE TRIAL STARTED. WHY DO WE
13 HAVE TO REVISIT STANDING?

10:04:53 14 MS. HAMILL: MY CONCERN IS THAT DEFENDANTS
15 ARE GOING TO CONTINUE THE ARGUMENT THAT THE PURPOSE OF
16 THE ALLIANCE IS NOT GERMANE TO THE OBJECTIVES IN THIS
17 LAWSUIT. IF THE DEFENDANTS ARE WILLING TO STIPULATE
18 THAT THE PURPOSE OF THE ALLIANCE AND THE OBJECTIVE OF
19 THIS LAWSUIT ARE GERMANE AND THAT THERE IS STANDING
20 AND THAT THERE'S NO CHALLENGE TO THAT, THEN I WILL
21 DROP ALL OF THIS, AND WE DON'T NEED TO GO OVER IT
22 AGAIN.

10:05:15 23 THE COURT: ARE YOU CONFLATING GERMANENESS
24 WITHSTANDING? I'M HAVING A HARD TIME UNDERSTANDING
25 WHERE YOU'RE TRYING TO GO HERE.

10:05:22 26 MS. HAMILL: DEFENDANTS MADE AN ARGUMENT --

10:05:24 27 THE COURT: WHEN?

10:05:25 28 MS. HAMILL: AT THE EVIDENTIARY HEARING THAT

1 THE PURPOSE -- THAT THIS LAWSUIT WASN'T GERMANE TO THE
2 PURPOSE OF THE ALLIANCE.

10:05:32 3 THE COURT: WELL, I DON'T RECALL THAT. THE
4 NARROW ISSUE BEFORE THE COURT PRETRIAL WAS, DOES THE
5 ALLIANCE HAVE STANDING? AND I RULED IN YOUR FAVOR
6 THAT IT DOES. AND NOW WE'RE IN THE TRIAL, HAVING BEEN
7 VESTED WITH STANDING.

10:05:45 8 MS. HAMILL: YES.

10:05:46 9 THE COURT: I THINK THAT SHIP HAS SAILED.
10 I'M NOT SURE WHY WE NEED TO GO THROUGH STANDING ISSUES
11 AGAIN.

10:05:51 12 MS. HAMILL: YES, YOUR HONOR.

10:05:52 13 THE COURT: OKAY.

10:05:53 14 MS. HAMILL: AS LONG AS DEFENDANTS ARE NOT
15 GOING TO RAISE THE ISSUE OF GERMANENESS AGAIN. I'M
16 CONCERNED THAT THEY WILL.

10:06:01 17 THE COURT: I DIDN'T HEAR IN THE TWO
18 SENTENCE OPENING STATEMENT OF MR. RAYGOR, AND I
19 HAVEN'T HEARD IT SO FAR IN THIS TRIAL. BUT IF THEY DO
20 RAISE IT, I'LL HEAR FROM YOU AS TO HOW YOU WISH TO
21 PROCEED. OKAY?

10:06:17 22 MS. HAMILL: YES, YOUR HONOR.

10:06:18 23 I HAVE A FEW REMAINING QUESTIONS FOR
24 MISS BURWICK.

10:06:21 25 THE COURT: GO AHEAD.

10:06:23 26 Q. (BY MS. HAMILL) DID YOU EVER REPORT AN
27 ACCOUNT OR A TWEET ON TWITTER?

10:06:25 28 A. YES, I HAVE.

10:06:26 1 Q. HOW? WALK ME THROUGH THE PROCESS OF THE
2 FUNCTIONS.

10:06:35 3 A. I DON'T HAVE MY TWITTER ACCOUNT IN FRONT OF
4 ME, BUT THERE'S A REPORT BUTTON ON THE APP THAT ALLOWS
5 YOU TO REPORT EITHER A TWEET OR, I BELIEVE, A WHOLE
6 ACCOUNT. AND I BELIEVE I'VE REPORTED BOTH, TWEETS
7 INDIVIDUALLY AND THEN OTHER ACCOUNTS COMPLETELY.

10:06:55 8 Q. HAVE YOU EVER DIRECTLY E-MAILED A TWITTER
9 EXECUTIVE TO REPORT A TWEET OR AN ACCOUNT?

10:07:00 10 MS. ALTER: OBJECTION. RELEVANCE.

10:07:02 11 THE COURT: SUSTAINED.

10:07:05 12 Q. (BY MS. HAMILL) HAVE YOU EVER TRIED TO
13 WATCH THE L.A. COUNTY-USC SOOTHINESS WEDNESDAYS
14 VIDEO? AND DO YOU KNOW WHAT I'M TALKING ABOUT WHEN
15 I SAY THAT?

10:07:13 16 A. I DO.

10:07:14 17 Q. HAVE YOU EVER TRIED TO WATCH ONE OF THOSE
18 VIDEOS?

10:07:16 19 A. YES.

10:07:17 20 MS. ALTER: OBJECTION.

10:07:17 21 Q. (BY MS. HAMILL) AND HOW --

10:07:19 22 THE COURT: HOLD ON. WHAT IS THE OBJECTION?

10:07:21 23 MS. ALTER: SHE ASKED ABOUT VIDEO AND THEN
24 SHE SAID VIDEOS. ARE WE TALKING ABOUT ONE?

10:07:28 25 THE COURT: SUSTAINED. REPHRASE.

10:07:29 26 Q. (BY MS. HAMILL) DO YOU REMEMBER DURING
27 DAY 1 AND DAY 2 OF TRIAL, WE PLAYED WHAT IS KNOWN AS
28 EXHIBIT 35 IN THIS CASE. IT'S A JULY 13TH, 2022

1 L.A. COUNTY-USC VIDEO OF THEIR TOWN HALL. DO YOU
2 RECALL WATCHING THAT OR HEARING IT WHEN YOU WERE
3 SITTING IN COURT?

10:07:52 4 A. YES.

10:07:52 5 Q. HAVE YOU EVER TRIED TO WATCH THAT VIDEO
6 BEFORE THIS TRIAL?

10:07:56 7 A. YES.

10:07:57 8 Q. HOW DID YOU ACCESS IT?

10:08:04 9 A. I TRIED TO WATCH IT A FEW TIMES. THE FIRST
10 TIME I EVER WATCHED IT, I BELIEVE I HAD ACCESS TO THE
11 LINK THROUGH SOMEONE POSTING IT ON TWITTER. THE NEXT
12 TIME I TRIED TO WATCH IT WAS TO SHOW IT TO MY HUSBAND
13 WHO DOESN'T USE SOCIAL MEDIA. AND WE WERE ON HIS
14 LAPTOP, WHICH DOESN'T HAVE ANY SOCIAL MEDIA, AND I
15 BELIEVE I SEARCHED YOUTUBE FOR THE VIDEO TO SHOW MY
16 HUSBAND AND WASN'T ABLE TO FIND IT.

10:08:32 17 MS. ALTER: YOUR HONOR, MOVE TO STRIKE AS
18 SPECULATION. THE WITNESS'S STATEMENT, I BELIEVE, IS
19 UNCERTAINTY.

10:08:38 20 THE COURT: OVERRULED.

10:08:39 21 YOU CAN ARGUE ITS WEIGHT LATER.

10:08:42 22 MS. HAMILL: I HAVE NO FURTHER QUESTIONS FOR
23 THIS WITNESS.

10:08:45 24 THE COURT: CROSS-EXAMINATION.

10:08:46 25 MS. ALTER: YOUR HONOR, IF I MAY, I'D LIKE
26 TO GIVE MISS BURWICK EXHIBIT 323.

10:08:51 27 THE COURT: OKAY. YOU CAN ASSIST AND MAKE
28 SURE SHE HAS 323.

10:08:57 1 THANK YOU, MR. RAYGOR.

10:09:19 2 THE WITNESS: THANK YOU.

10:09:33 3 THE COURT: FOR THE RECORD, 323 HAS 170
4 PAGES.

10:09:38 5 GO AHEAD.

10:09:39 6 MS. ALTER: YES, AND ALSO FOR THE RECORD, IT
7 WAS ADMITTED BY STIPULATION YESTERDAY.

10:09:43 8 THE COURT: OKAY.

10:09:44 9

10:09:44 10 CROSS-EXAMINATION.

10:09:45 11 Q. (BY MS. ALTER) MISS BURWICK, IF YOU COULD
12 TURN TO PAGE 2 OF EXHIBIT 323.

10:09:51 13 A. IS THAT 323-2?

10:09:53 14 Q. YES.

10:09:54 15 A. OKAY.

10:09:55 16 Q. DO YOU SEE WHERE IT SAYS AT SARAH BETH 345
17 UNDERNEATH YOUR NAME AND YOUR PHOTO?

10:10:01 18 A. I DO.

10:10:01 19 Q. IS THAT YOUR TWITTER HANDLE?

10:10:03 20 A. YES.

10:10:04 21 Q. OKAY. AND WHAT WE'RE LOOKING AT ON
22 PAGE 323-2, IS THIS AN ACCURATE DEPICTION OF THE
23 LANDING PAGE OF YOUR TWITTER ACCOUNT?

10:10:17 24 THE COURT: THE WHAT PAGE?

10:10:20 25 MS. ALTER: LANDING PAGE.

10:10:21 26 THE WITNESS: I CAN'T TELL WHAT DAY IT WAS
27 TAKEN FROM. I DON'T THINK THAT'S AN ACCURATE -- THE
28 LANDING PAGE OF MY TWITTER ACCOUNT TODAY.

10:10:33 1 Q. (BY MS. ALTER) COULD YOU TURN BACK A PAGE,
2 PLEASE. DO YOU SEE WHERE IT SAYS CAPTURE TIMESTAMP
3 MONDAY, OCTOBER 9TH, 2023?

10:10:44 4 A. YES.

10:10:45 5 MS. HAMILL: OBJECTION. THE DOCUMENT SPEAKS
6 FOR ITSELF.

10:10:47 7 THE COURT: WELL, IT WOULD ASSIST ME IF I
8 CAN FIND --

10:10:52 9 MS. ALTER: YOUR HONOR, IT'S THE FOURTH LINE
10 DOWN ON PAGE 1. SAYS CAPTURE TIMESTAMP UTC.

10:10:58 11 THE COURT: OKAY. THANK YOU.

10:10:59 12 AND YOUR ANSWER, MISS BURWICK, IS, YOU SEE
13 THAT?

10:11:02 14 THE WITNESS: YES.

10:11:03 15 THE COURT: NEXT.

10:11:04 16 Q. (BY MS. ALTER) TURN BACK TO PAGE 2,
17 PLEASE. IS THIS AN ACCURATE DEPICTION OF THE
18 LANDING PAGE FOR YOUR TWITTER ACCOUNT ON OCTOBER 9TH
19 OF 2023?

10:11:13 20 A. I HAVE NO REASON TO BELIEVE IT ISN'T.

10:11:28 21 Q. SO IF YOU TURN TO THE VERY LAST PAGE,
22 PAGE 170, DO YOU SEE THE DATE THAT SAYS DECEMBER 13TH,
23 2022?

10:11:54 24 A. YES, I SEE THAT.

10:11:55 25 Q. DID YOU DELETE YOUR TWEETS BEFORE THAT DATE?

10:11:58 26 A. NO.

10:11:59 27 Q. DO YOU HAVE ANY IDEA WHY THEY WOULD NOT SHOW
28 UP ON THIS CAPTURE OF YOUR TWITTER PAGE?

10:12:04 1 A. I HAVE ABSOLUTELY NO IDEA.

10:12:06 2 Q. OKAY.

10:12:14 3 A. CAN I CLARIFY SOMETHING ABOUT THIS EXHIBIT
4 FOR THE COURT?

10:12:17 5 THE COURT: NOT AT THIS TIME. THE LAWYERS
6 WILL ASK FOLLOW-UP QUESTIONS.

10:12:21 7 THE WITNESS: THANK YOU.

10:12:26 8 Q. (BY MS. ALTER) SO YOU TESTIFIED ON YOUR
9 DIRECT EXAMINATION THAT YOU RECEIVED CERTAIN
10 INFORMATION FROM OR THROUGH THE PUBLIC COMMENTS
11 SECTION OF THE PUBLIC HEALTH TWITTER ACCOUNT. IS
12 THAT CORRECT?

10:12:41 13 A. YES.

10:12:41 14 Q. WERE THE GRAPHS THAT YOU TALKED ABOUT, WERE
15 THOSE AVAILABLE ELSEWHERE?

10:12:45 16 A. I DON'T KNOW.

10:12:46 17 Q. INTERPRETATIONS OF THE DATA THAT YOU
18 REFERENCED, WERE THOSE AVAILABLE ELSEWHERE?

10:12:51 19 A. I DON'T THINK SO.

10:12:52 20 Q. DO YOU KNOW?

10:12:58 21 A. IT DEPENDS ON WHICH -- WHICH GRAPH OR WHICH
22 INTERPRETATION, SO I REALLY CAN'T ANSWER THESE
23 QUESTIONS. THEY'RE TOO OVERBROAD. IF YOU SHOW ME A
24 PARTICULAR GRAPH OR A PARTICULAR PIECE OF INFORMATION,
25 I MIGHT BE ABLE TO DETERMINE WHETHER IT WAS AVAILABLE
26 ELSEWHERE.

10:13:13 27 Q. YOU TESTIFIED THAT THERE WERE GRAPHS;
28 CORRECT?

10:13:18 1 A. YES.

10:13:18 2 Q. ARE YOU AWARE IF ANY OF THESE GRAPHS WERE
3 AVAILABLE ELSEWHERE?

10:13:24 4 A. NO.

10:13:24 5 Q. YOU'RE NOT AWARE OR ARE YOU SAYING YOU'RE
6 NOT AWARE OR ARE YOU SAYING THEY WERE NOT AVAILABLE
7 ELSEWHERE?

10:13:32 8 A. I'M NOT AWARE.

10:13:33 9 Q. YOU SAID THERE WERE QUESTIONS ASKED IN THE
10 COMMENTS SECTION. DO YOU KNOW IF THOSE QUESTIONS WERE
11 ASKED ELSEWHERE?

10:13:47 12 A. CERTAINLY SOME WERE NOT.

10:13:49 13 Q. DO YOU KNOW THAT?

10:13:50 14 A. YES, I DO.

10:13:52 15 Q. CAN YOU GIVE ME AN EXAMPLE.

10:13:57 16 A. I CAN'T GIVE A SPECIFIC EXAMPLE WITHOUT
17 SEEING A PARTICULAR POST THAT WE'RE TALKING ABOUT, BUT
18 BECAUSE THE POSTS AT L.A. COUNTY DEPARTMENT OF PUBLIC
19 HEALTH EACH CONTAINED DIFFERENT TYPES OF INFORMATION,
20 THE QUESTIONS IN THE COMMENTS COULD LOGICALLY REFER TO
21 THE INFORMATION THAT WAS BEING SHARED. IT WAS A
22 RESPONSE TO INFORMATION BEING SHARED.

10:14:26 23 SO OF COURSE, MANY OF THE QUESTIONS WERE IN
24 RESPONSE TO WHAT WAS BEING POSTED.

10:14:31 25 MS. ALTER: YOUR HONOR, MOVE TO STRIKE
26 EVERYTHING AFTER I CAN'T POINT TO A SPECIFIC EXAMPLE.

10:14:37 27 THE COURT: OVERRULED.

10:14:40 28 Q. (BY MS. ALTER) SO YOU TALKED ABOUT OPINION

1 SHARED IN THE COMMENTS SECTION. WERE THOSE OPINIONS
2 SHARED ELSEWHERE?

10:14:51 3 A. SOME, YES; SOME, NO.

10:14:53 4 Q. WHICH WERE NOT SHARED ELSEWHERE?

10:14:56 5 A. THE ONES THAT WERE IN DIRECT RESPONSE TO THE
6 POSTS BY THE COUNTY.

10:15:01 7 MS. HAMILL: OBJECTION. IF THIS LINE OF
8 QUESTIONING IS GOING TO CONTINUE, I THINK IT WOULD BE
9 FAIR TO THE WITNESS TO HAVE ONE OF THE EXHIBITS
10 CONTAINING THE POSTS AND RESPONSES IN FRONT OF THE
11 WITNESS.

10:15:11 12 THE COURT: THAT OBJECTION'S OVERRULED.
13 YOU'LL HAVE REDIRECT.

10:15:14 14 NEXT QUESTION.

10:15:16 15 Q. (BY MS. ALTER) SO AFTER THE COUNTY CLOSE
16 ITS PUBLIC COMMENTARY, MEMBERS OF THE ALLIANCE COULD
17 STILL COMMUNICATE WITH ONE ANOTHER; RIGHT?

10:15:25 18 A. NO COMMENTS.

10:15:26 19 Q. MEMBERS OF THE ALLIANCE COULD STILL
20 COMMUNICATE WITH ONE ANOTHER; CORRECT?

10:15:34 21 A. YES.

10:15:35 22 Q. AND YOU ALL TALKED TO EACH OTHER OUTSIDE THE
23 CONTEXT OF LACDPH'S TWITTER ACCOUNT; RIGHT?

10:15:43 24 A. I DON'T KNOW WHAT YOU MEAN BY YOU ALL.

10:15:46 25 Q. MEMBERS OF THE ALLIANCE, MEMBERS OF THE
26 ALLIANCE TALKED TO ONE ANOTHER OUTSIDE THE CONTEXT OF
27 LACDPH'S TWITTER ACCOUNT.

10:15:53 28 A. SOME.

10:15:55 1 Q. WELL, I BELIEVE YOU TESTIFIED THAT YOU
2 HAD -- I BELIEVE IT WAS YOU WHO TESTIFIED YOU HAD
3 MISS ROJAS AND OTHER PEOPLE AT YOUR HOUSE; DID YOU
4 NOT?

10:16:03 5 A. AT THE STANDING HEARING, I BELIEVE I
6 TESTIFIED ABOUT THAT, YES.

10:16:06 7 Q. OKAY. SO YOU TALKED TO THEM OUTSIDE OF
8 TWITTER; CORRECT?

10:16:09 9 A. CORRECT.

10:16:10 10 Q. AND DID YOU COMMUNICATE BY E-MAIL?

10:16:15 11 A. I DON'T THINK SO.

10:16:15 12 Q. BY TEXT?

10:16:17 13 A. WITH SOME MEMBERS, YES.

10:16:19 14 MS. HAMILL: OBJECTION. RELEVANCE.

10:16:20 15 THE COURT: OVERRULED.

10:16:21 16 Q. (BY MS. ALTER) BY PHONE?

10:16:24 17 A. I'M NOT A PHONE PERSON, SO I WOULD SAY NO.

10:16:28 18 Q. MOVING ON TO THE ALT ACCOUNT FOR A MINUTE
19 HERE, DID YOU EVER COMMENT ON THE ALT ACCOUNT?

10:16:39 20 A. I'M NOT SURE WHETHER I PERSONALLY DID OR
21 WHETHER -- I'LL JUST SAY I'M NOT SURE.

10:16:50 22 Q. YOU'VE GOT APPROXIMATELY 64,000 FOLLOWERS ON
23 TWITTER; RIGHT?

10:16:55 24 A. NO.

10:16:56 25 Q. WHAT'S WRONG WITH THAT STATEMENT?

10:16:58 26 A. I HAVE 67,000 FOLLOWERS AS OF TODAY.

10:17:03 27 Q. AND YOU RETWEETED SOME OF LACDPH'S CONTENT;
28 CORRECT?

10:17:08 1 A. I'M NOT SURE.

10:17:13 2 Q. COULD YOU PLEASE TURN TO PAGE 65 OF
3 EXHIBIT 323. VERY BOTTOM OF THE PAGE.

10:17:34 4 A. YES, I SEE THAT.

10:17:35 5 Q. WHAT IS THAT, THE COMMENT THAT SAYS, OPEN
6 YOUR COMMENTS?

10:17:41 7 A. THAT'S A QUOTED TWEET.

10:17:42 8 THE COURT: CAN YOU POINT OUT WHERE YOU
9 BELIEVE COUNSEL'S REFERRING ON PAGE 65?

10:17:46 10 THE WITNESS: YES, SO THIS IS
11 EXHIBIT 323-65.

10:17:50 12 THE COURT: RIGHT.

10:17:51 13 THE WITNESS: AND IT'S TO THE BOTTOM OF THE
14 PAGE WHERE IT SAYS, SARAH BETH BURWICK. IT HAS MY
15 LITTLE PICTURE ON THE LEFT-HAND SIDE.

10:17:59 16 THE COURT: OH, OPEN YOUR COMMENTS. I SEE
17 IT NOW. OKAY.

10:18:02 18 GO AHEAD. NEXT QUESTION.

10:18:03 19 Q. (BY MS. ALTER) TURN TO THE NEXT PAGE,
20 PLEASE, 66. AND THE LITTLE CIRCLE, THE TALK BUBBLE
21 WITH A 20 NEXT TO IT, THAT MEANS THAT 20 PEOPLE
22 COMMENTED ON YOUR QUOTE TWEET; CORRECT?

10:18:23 23 A. I BELIEVE SO.

10:18:24 24 Q. SO YOU HAVE RETWEETED LACDPH'S CONTENT;
25 RIGHT?

10:18:30 26 A. MAYBE I HAVE, BUT THIS EXAMPLE IS NOT A
27 RETWEET, IT'S A QUOTE TWEET. THOSE ARE TWO DIFFERENT
28 THINGS.

10:18:36 1 Q. SO YOU HAVE QUOTE TWEETED LACDPH CONTENT?

10:18:39 2 A. CORRECT.

10:18:40 3 Q. AND YOU HAVE THE ABILITY TO DO THAT AS WE
4 SIT HERE TODAY; CORRECT?

10:18:45 5 A. I DON'T KNOW.

10:18:52 6 Q. TO YOUR KNOWLEDGE --

10:18:54 7 THE COURT: WAIT, BEFORE WE LEAVE THIS PAGE,
8 MISS BURWICK, ON PAGE 65, THAT OPEN YOUR COMMENT HAS A
9 DATE OF MAY 8. WHAT YEAR IS THAT? DO YOU KNOW?

10:19:06 10 THE WITNESS: I CAN ONLY SPECULATE.

10:19:08 11 THE COURT: WELL, DON'T SPECULATE. IT
12 DOESN'T HAVE A YEAR, THOUGH; CORRECT?

10:19:15 13 THE WITNESS: CORRECT.

10:19:16 14 THE COURT: OKAY.

10:19:17 15 NEXT QUESTION.

10:19:29 16 Q. (BY MS. ALTER) I BELIEVE YOU TESTIFIED ON
17 DIRECT THAT YOU SHARED YOUR OPINIONS AND VIEWS AS
18 WIDELY AS YOU COULD ON CERTAIN TOPICS. IS THAT
19 CORRECT?

10:19:38 20 A. THE ONLY -- YES. I WOULD SAY I STILL
21 CONTINUED TO SHARE.

10:19:44 22 Q. AND YOU TESTIFIED SPECIFICALLY AS TO THE
23 CONTENTION THAT LACDPH'S PEDIATRIC DEATHS WERE
24 OVERCOUNTED; CORRECT?

10:19:54 25 A. NO. I DID NOT SAY OVERCOUNTED.

10:19:57 26 Q. WHAT DID YOU SAY?

10:19:58 27 A. AND THAT'S JUST ONE EXAMPLE --

10:20:00 28 THE COURT: LET ME STOP.

10:20:03 1 I SUSTAINED YOUR OBJECTION, MISS ALTER, WHEN
2 YOU THOUGHT THE WITNESS WAS ABOUT TO GIVE OPINION
3 TESTIMONY. SO IF SHE'S NOT GIVING OPINION TESTIMONY
4 IN THIS PROCEEDING, IN THIS TRIAL, ARE YOU NOW ASKING
5 FOR HER OPINIONS VIS-A-VIS PEDIATRIC DEATHS IN L.A.
6 COUNTY?

10:20:20 7 MS. ALTER: NO, I'M NOT ASKING FOR HER
8 OPINION, YOUR HONOR.

10:20:23 9 THE COURT: OKAY. THEN LET'S GO ON TO
10 ANOTHER POINT.

10:20:28 11 Q. (BY MS. ALTER) DID YOU TESTIFY, I BELIEVE,
12 THAT YOU SHARED CERTAIN STUDIES OR CERTAIN
13 INFORMATION AS WIDELY AS YOU COULD? IS THAT
14 ACCURATE?

10:20:38 15 A. I DON'T KNOW ABOUT STUDIES, SO NO, THAT'S
16 NOT ACCURATE.

10:20:41 17 Q. WHAT INFORMATION DO YOU SHARE AS WIDELY AS
18 YOU CAN?

10:20:44 19 THE COURT: WELL, WHAT TIME PERIOD ARE WE
20 TALKING ABOUT NOW?

10:20:48 21 MS. ALTER: PRESENT TENSE, YOUR HONOR.

10:20:49 22 THE COURT: OKAY. WITH THAT AMENDMENT, YOU
23 MAY ANSWER.

10:20:53 24 MS. HAMILL: OBJECTION. RELEVANCE.

10:20:56 25 THE COURT: WELL, I GUESS THAT'S WHAT I WAS
26 GETTING TO. WHAT IS THE RELEVANCE OF HER DESIRE TO
27 SHARE INFORMATION WIDELY AS OF TODAY, MISS ALTER?

10:21:05 28 MS. ALTER: YOUR HONOR, THE WITNESS HAS

1 TESTIFIED THAT THE CLOSURE OF PUBLIC COMMENTARY CUT
2 OFF AN AVENUE FOR SHARING AND RECEIVING PUBLIC
3 INFORMATION. THE WITNESS HAS SIMULTANEOUSLY TESTIFIED
4 SHE HAS 67,000 FOLLOWERS ON TWITTER AND THAT SHE
5 SHARES INFORMATION PROLIFERICALLY. AND I'M TRYING TO
6 GET TO WHETHER HER ABILITY TO GET HER MESSAGE OUT HAS
7 BEEN CURTAILED, WHETHER SHE STILL HAS ACCESS TO THIS
8 AUDIENCE OF 67,000 AS WE SIT HERE TODAY.

10:21:38 9 THE COURT: SHE JUST SAYS SHE HAS 67,000
10 FOLLOWERS, AND YOU CAN SUM UP AT THE END OF THE CASE
11 AND MAKE WHATEVER POINT YOU CHOOSE BASED ON THE
12 EVIDENCE THAT'S BEEN INTRODUCED SO FAR.

10:21:48 13 MS. ALTER: OKAY. I'LL MOVE ON, YOUR HONOR.

10:21:49 14 THE COURT: OKAY.

10:21:50 15 Q. (BY MS. ALTER) YOU'VE BEEN CRITICAL OF THE
16 COUNTY; CORRECT?

10:21:55 17 A. I'VE BEEN CRITICAL OF THE DEPARTMENT OF
18 PUBLIC HEALTH.

10:22:00 19 Q. OKAY.

10:22:00 20 A. SO CORRECT.

10:22:02 21 Q. AND THE DEPARTMENT OF PUBLIC HEALTH, TO YOUR
22 KNOWLEDGE, HAS NEVER TRIED TO REMOVE ANY OF THE
23 CONTENT POSTED AT SARAH BETH 345, HAS IT?

10:22:12 24 A. I HAVE ABSOLUTELY NO IDEA.

10:22:14 25 Q. SO TO YOUR KNOWLEDGE, THE ANSWER IS NO;
26 CORRECT?

10:22:16 27 A. CAN YOU ASK THE QUESTION AGAIN?

10:22:18 28 Q. SURE. TO YOUR KNOWLEDGE, HAS THE COUNTY

1 EVER TRIED TO REMOVE ANY OF THE CONTENT YOU PLACED ON
2 SARAH BETH 345?

10:22:25 3 A. NO, NOT TO MY KNOWLEDGE.

10:22:27 4 Q. HAVE YOU EVER E-MAILED DR. FERRER?

10:22:32 5 A. I DON'T THINK SO.

10:22:33 6 Q. HAVE YOU EVER CALLED LACDPH'S INFO LINE?

10:22:41 7 A. I DON'T BELIEVE I HAVE PERSONALLY, BUT I
8 BELIEVE OTHER MEMBERS OF THE ALLIANCE MAY HAVE AT MY
9 REQUEST OR IN COORDINATION WITH ME.

10:22:53 10 MS. ALTER: MOVE TO STRIKE EVERYTHING AFTER
11 MAY HAVE AS SPECULATION, YOUR HONOR.

10:22:57 12 THE COURT: SUSTAINED.

10:22:58 13 Q. (BY MS. ALTER) HAVE YOU EVER PARTICIPATED
14 IN MEDIA INTERVIEWS DISCUSSING DPH'S COVID POLICIES?

10:23:09 15 A. DO YOU MEAN HAVE I BEEN INTERVIEWED?

10:23:11 16 Q. YES.

10:23:21 17 A. I DON'T KNOW.

10:23:21 18 Q. HAVE YOU WRITTEN ANY ARTICLES?

10:23:23 19 A. SORRY?

10:23:23 20 Q. HAVE YOU WRITTEN ANY ARTICLES ABOUT COVID
21 POLICIES?

10:23:29 22 A. CAN YOU BE MORE SPECIFIC AS TO ARTICLES?

10:23:31 23 Q. A BLOG. HAVE YOU BLOGGED ABOUT IT?

10:23:39 24 A. I -- I HAD A NEWSLETTER ON A WEBSITE CALLED
25 SUBSTACK, S U B.S. TA C K, WHERE I WROTE ABOUT
26 DIFFERENT TOPICS, INCLUDING COVID POLICIES. BUT I
27 CAN'T RECALL WHETHER I EVER WROTE SPECIFICALLY ABOUT
28 THE L.A. COUNTY DEPARTMENT OF PUBLIC HEALTH POLICIES.

10:24:19 1 Q. HAS YOUR TWITTER ACCOUNT BEEN ACTIVE
2 CONSISTENTLY FROM JULY OF 2022 TO THE PRESENT?

10:24:24 3 A. NO.

10:24:25 4 Q. DID YOU CHOOSE TO SHUT IT DOWN YOURSELF?

10:24:30 5 MS. HAMILL: OBJECTION. VAGUE AND AMBIGUOUS
6 AS TO SHUT IT DOWN.

10:24:32 7 THE COURT: AS TO TIME AS WELL. REPHRASE.

10:24:36 8 Q. (BY MS. ALTER) YOU JUST ANSWERED THAT YOUR
9 TWITTER ACCOUNT HAS NOT BEEN ACTIVE CONSISTENTLY
10 BETWEEN JULY 2022 AND TODAY. MY QUESTION IS: DID
11 YOU MAKE THE DECISION TO DEACTIVATE IT?

10:24:46 12 A. YES.

10:24:47 13 Q. DID THAT DECISION HAVE ANYTHING TO DO WITH
14 THE COUNTY?

10:24:52 15 A. NO.

10:25:03 16 THE COURT: WHEN DID YOU DEACTIVATE IT?

10:25:06 17 THE WITNESS: I DEACTIVATED IT MULTIPLE
18 TIMES.

10:25:10 19 THE COURT: IN THE TIME PERIOD FROM
20 JULY 2022 TO TODAY'S DATE?

10:25:13 21 THE WITNESS: YES, YOUR HONOR.

10:25:14 22 THE COURT: THANK YOU.

10:25:27 23 MS. ALTER: NO FURTHER QUESTIONS, YOUR
24 HONOR.

10:25:28 25 THE COURT: ANY REDIRECT?

10:25:29 26 MS. HAMILL: I HAVE A FEW.

10:25:30 27 ///

10:25:30 28 ///

REDIRECT EXAMINATION

10:25:31 1
10:25:33 2 Q. (BY MS. HAMILL) MISS BURWICK, IS THERE
3 ANYTHING ABOUT EXHIBIT 323 THAT YOU WOULD LIKE TO
4 CLARIFY FOR THE COURT?

10:25:37 5 A. YES.

10:25:37 6 Q. WHAT IS THAT?

10:25:41 7 A. IT DOESN'T REFLECT MY REPLIES TO TWEETS.

10:25:49 8 Q. WHAT DOES THAT MEAN?

10:25:52 9 A. SO ON TWITTER, AS I THINK WE'VE COVERED
10 DURING THIS TRIAL, A TWITTER USER CAN TWICE TWEET AN
11 ORIGINAL TWEET. IT CAN ALSO RETWEET SOMEONE ELSE'S
12 TWEET OR QUOTE TWEET SOMEONE ELSE'S TWEET. A USER CAN
13 ALSO COMMENT ON OTHER USER'S TWEETS. THIS EXHIBIT
14 DOES NOT REFLECT COMMENTS I'VE MADE ON OTHER TWITTER
15 USERS TWEETS.

10:26:25 16 Q. AND YOU TESTIFIED THAT YOUR TWITTER ACCOUNT
17 HAS 67,000 FOLLOWERS. CAN'T YOU JUST BE HAPPY WITH
18 THAT? WHY DO YOU NEED THE COUNTY DEPARTMENT OF PUBLIC
19 HEALTH TO OPEN UP THEIR COMMENTS?

10:26:40 20 A. BECAUSE WHEN I'M COMMENTING ON MATTERS
21 SPECIFICALLY RELATED TO L.A. COUNTY, THEY'RE NOT BEING
22 SEEN BY THE SAME PEOPLE WHO FOLLOW THE COUNTY. IT'S A
23 DIFFERENT SET OF PEOPLE. MY FOLLOWERS ARE AROUND THE
24 COUNTRY, AROUND THE WORLD. YOU KNOW, I DON'T ONLY
25 TWEET A LOT ABOUT COVID. I TWEET ABOUT ALL SORTS OF
26 THINGS. SO SOME OF MY FOLLOWERS REFLECT PEOPLE WHO
27 ARE INTERESTED IN OTHER TOPICS THAT I TWEET ABOUT.
28 WHEREAS, RESPONDING TO THE COUNTY DEPARTMENT OF PUBLIC

1 HEALTH'S POSTS REACHES A DIFFERENT SUBSET OF PEOPLE
2 WHO ARE FOLLOWING THE COUNTY AND VIEWING THE COUNTY'S
3 POSTS.

10:27:32 4 MS. ALTER: YOUR HONOR, MOVE TO STRIKE AS
5 LACKING FOUNDATION AS TO MISS BURWICK HAS NOT
6 ESTABLISHED ANY PERSONAL KNOWLEDGE OF THE -- OF THE
7 IDENTITIES OF THE PEOPLE WHO FOLLOW THE COUNTY SUCH
8 THAT SHE WOULD BE ABLE TO TESTIFY ABOUT WHETHER THERE
9 IS ANY IDENTITY BETWEEN HER FOLLOWERS AND THE PEOPLE
10 WHO FOLLOW THE COUNTY'S SOCIAL MEDIA ACCOUNTS.

10:27:55 11 THE COURT: I'LL OVERRULE THAT'S. I THINK
12 YOUR OBJECTION GOES TO THE WEIGHT OF THE TESTIMONY
13 WHICH YOU CAN ARGUE LATER.

10:28:02 14 Q. (BY MS. HAMILL) CAN YOU TELL ME WHEN YOU
15 FIRST DECIDED TO DEACTIVATE YOUR TWITTER ACCOUNT
16 AFTER JULY 2022?

10:28:14 17 A. I CAN'T RECALL SPECIFIC DATES. WHEN I'VE
18 DEACTIVATED, IT'S TYPICALLY BECAUSE I HAVE SOMETHING
19 GOING ON IN MY PERSONAL LIFE AND NEED TO TAKE A BREAK.

10:28:24 20 Q. AND THEN YOU CAN REACTIVATE?

10:28:27 21 A. CORRECT.

10:28:27 22 Q. AND THAT'S BEEN YOUR PATTERN SINCE JULY OF
23 2022?

10:28:32 24 A. YES.

10:28:35 25 MS. HAMILL: I HAVE NO FURTHER QUESTIONS FOR
26 THIS WITNESS.

10:28:38 27 MS. ALTER: YOUR HONOR, JUST ONE
28 CLARIFICATION, PLEASE.

10:28:41 1 THE COURT: GO AHEAD.

10:28:41 2

10:28:41 3 RECROSS-EXAMINATION

10:28:43 4 Q. (BY MS. ALTER) MISS BURWICK, YOU TALKED
5 ABOUT NOT BEING ABLE TO SEE REPLIES ON EXHIBIT 323.

10:28:52 6 THE COURT: DID YOU SAY COMMENTS OR REPLIES?

10:28:55 7 MS. ALTER: I BELIEVE SHE COMMENTED AS TO
8 BOTH.

10:28:58 9 THE COURT: WELL, I'M ASKING THE WITNESS.
10 WHAT DID YOU SAY?

10:29:00 11 THE WITNESS: SHE SAID REPLIES.

10:29:01 12 THE COURT: YOU SAID REPLIES IN YOUR
13 PREVIOUS TESTIMONY?

10:29:05 14 THE WITNESS: YES.

10:29:05 15 THE COURT: OKAY. THANK YOU.

10:29:05 16 NOW, I'M SORRY. I INTERRUPTED. GO AHEAD.

10:29:07 17 Q. (BY MS. ALTER) MY QUESTION IS: IF I WERE
18 TO PULL UP OR -- STRIKE THAT.

10:29:14 19 WHEN YOU OPENED TWITTER, DO YOU SEE REPLIES
20 OR DO YOU SIMPLY SEE -- YOU SIMPLY SEE POSTS OR QUOTE
21 TWEETS OR RETWEETS?

10:29:29 22 A. THERE'S A TAB THAT SHOWS REPLIES. IF YOU
23 LOOK ON EXHIBIT 323-2, POSTS IS BOLDED HERE, IF YOU
24 SEE ON THE LEFT SIDE UNDER MY FIRST TWEET. SO YOU SEE
25 POSTS IS BOLDED. BUT IF YOU WERE TO CLICK ON REPLIES,
26 WHICH IS THE NEXT KIND OF COLUMN OVER, I BELIEVE THAT
27 WOULD SHOW REPLIES.

10:30:00 28 Q. OKAY. BUT YOU HAVE NO REASON TO BELIEVE

1 THAT THE POSTS AS SHOWN HERE ARE INACCURATE, DO YOU?

10:30:05 2 A. CORRECT, NO.

10:30:06 3 MS. ALTER: NO FURTHER QUESTIONS, YOUR
4 HONOR.

10:30:08 5 THE COURT: ALL RIGHT. MAY WE EXCUSE THE
6 WITNESS?

10:30:10 7 MS. HAMILL: YES, YOUR HONOR.

10:30:11 8 THE COURT: THANK YOU, MISS BURWICK. YOU
9 MAY STEP DOWN. YOU ARE EXCUSED.

10:30:15 10 NEXT WITNESS FOR THE ALLIANCE?

10:30:17 11 MS. HAMILL: ROXANNE HOGE. H O G E.

10:30:21 12 THE COURT: ALL RIGHT.

10:30:22 13 MS. HAMILL: MAY MISS BURWICK SIT IN THE
14 GALLERY FOR THIS?

10:30:27 15 THE COURT: YES. SHE'S BEEN EXCUSED.

10:31:04 16 THE CLERK: DO YOU SOLEMNLY STATE THAT THE
17 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE
18 THERE COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND
19 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

10:31:13 20 THE WITNESS: YES.

10:31:14 21 THE CLERK: PLEASE HAVE A SEAT IN THE
22 WITNESS STAND. PLEASE STATE AND SPELL YOUR FIRST AND
23 LAST NAME FOR THE RECORD.

10:31:27 24 THE WITNESS: MY NAME IS ROXANNE. R O X A N
25 N E. HOGE. H O G E. RHYMES WITH ROGUE BUT DOESN'T
26 HAVE A U.

10:31:41 27 THE COURT: ALL RIGHT. YOU MAY PROCEED.

10:31:43 28 Q. (BY MS. HAMILL) GOOD MORNING, MISS HOGE.

1 THANK YOU FOR BEING HERE.

10:31:45 2 A. GOOD MORNING.

10:31:46 3 Q. YOU ARE A TWITTER USER; CORRECT?

10:31:47 4 A. YES, MA'AM.

10:31:48 5 Q. HAS YOUR ACCOUNT EVER BEEN SUSPENDED?

10:31:50 6 A. YES, MA'AM.

10:31:51 7 Q. CAN YOU TELL ME HOW OR WHEN THAT OCCURRED.

10:31:56 8 A. THE BIG BAN SUSPENSION I GOT WAS JULY OF
9 2022 WHEN I JUST REPEATED WHAT THE USC COUNTY DOCTORS
10 HAD SAID IN RESPONSE TO SOMETHING ABOUT L.A. PUBLIC
11 HEALTH WANTING TO BRING BACK THE MASK MANDATE.

10:32:21 12 Q. WAS THAT A QUOTE TWEET OR A RETWEET OR YOUR
13 OWN UNIQUE TWEET?

10:32:26 14 A. I THINK IT MAY HAVE BEEN A REPLY TO SOMEONE.

10:32:32 15 Q. AND WHAT HAPPENED? HOW DID YOU REALIZE THAT
16 YOUR ACCOUNT WAS SUSPENDED?

10:32:36 17 A. WELL, WHEN YOU, FOR THOSE WHO DON'T USE
18 TWITTER, WHEN YOU LOG IN, YOU TRY TO LIKE SOMETHING OR
19 ANSWER SOMETHING OR SPEAK TO SOMEONE, AND YOU CAN'T.
20 AND THEN YOU GET AN E-MAIL EITHER AT THE SAME TIME OR
21 IN THE ACCOUNT THAT SAYS, WE'VE LOCKED YOUR ACCOUNT.
22 YOU ARE SUSPENDED FOR THE FOLLOWING, AND IT WAS THE
23 TWEET I HAD MENTIONED, L.A. PUBLIC HEALTH AND THE L.A.
24 COUNTY-USC DOCTOR VIDEO.

10:33:01 25 Q. AND WHY DID TWITTER SAY YOUR ACCOUNT WAS
26 SUSPENDED?

10:33:04 27 A. FOR COVID MISINFORMATION.

10:33:06 28 Q. DID YOU APPEAL THAT SUSPENSION?

10:33:09 1 A. I DID, BUT I ENDED UP HAVING TO DELETE THE
2 TWEET IN ORDER TO GET BACK MY ACCOUNT.

10:33:15 3 Q. AND THEN YOUR ACCOUNT WAS RESTORED?

10:33:17 4 A. YES.

10:33:20 5 Q. DO YOU REMEMBER THE COUNTY SHUTTING OFF
6 COMMENTS ON ITS SOCIAL MEDIA PAGES IN JULY OF 2022?

10:33:25 7 A. YES.

10:33:26 8 Q. AND HOW DID THAT IMPACT YOU, IF AT ALL?

10:33:31 9 A. IT WAS -- IT ADDED FRUSTRATION TO AN ALREADY
10 FRUSTRATING SITUATION WHERE WE COULDN'T SPEAK IN THE
11 PUBLIC SQUARE. WE COULDN'T GET INFORMATION FROM EACH
12 OTHER AND TO OTHER PEOPLE ABOUT WHAT I CERTAINLY
13 VIEWED AS REALLY HARMFUL AND NONSENSICAL POLICIES,
14 ESPECIALLY REGARDING CHILDREN IN SCHOOLS.

10:33:57 15 Q. AND HOW DID THAT CLOSURE OF PUBLIC COMMENTS
16 IMPACT THE ALLIANCE?

10:34:04 17 A. WELL, BECAUSE WE ARE PARENTS CONCERNED ABOUT
18 CHILDREN AND THE -- I THINK -- SORRY. IF I CAN JUST
19 BACK UP.

10:34:14 20 OUR KIDS -- MINE IN PARTICULAR, HAD NOT HAD
21 A NORMAL YEAR OF SCHOOL SINCE EIGHTH GRADE. AND AT
22 THIS POINT THEY WERE JUNIORS IN HIGH SCHOOL. AND AT
23 FIRST THEY WERE LOCKED OUT, INCLUDING OUT OF PRIVATE
24 HIGH SCHOOLS, WHICH NOWHERE ELSE IN THE COUNTRY DID.
25 AND THEN WHEN THEY WENT BACK TO SCHOOL, THEY WERE
26 MASKED, WHICH LED TO FEELINGS OF ISOLATION AND
27 DIFFICULTIES COMMUNICATING WITH EACH OTHER AND WITH
28 TEACHERS.

10:34:43 1 AND SO THAT SUMMER WE WERE REALLY HOPEFUL
2 THAT THIS NEXT YEAR WOULD BE A NORMAL YEAR. AND WHEN
3 I -- WE ALL STARTED HEARING ABOUT THIS RETURNING MASK
4 MANDATE, ESPECIALLY IN LIGHT OF EVERYONE BEING ABLE,
5 AS ADULTS, TO GO TO CONCERTS UNMASKED AND SEE BAD
6 BUNNY OR TO GO TO THE SUPER BOWL OR WHATEVER THOSE
7 FOOTBALL GAMES ARE LEADING UP TO IT, IT WAS PRETTY
8 DEVASTATING.

10:35:13 9 SO THE COMMENTS CLOSING, IT WAS THE ONLY
10 AVENUE THE PEOPLE OF LOS ANGELES HAD, REALLY, TO FIND
11 EACH OTHER AND TO DISCOVER THAT YOU WERE NOT ALONE.

10:35:28 12 Q. AND ARE YOU FAMILIAR WITH THE ALT ACCOUNT
13 THAT'S BEEN DISCUSSED IN THIS TRIAL ON DAY 1 AND DAY
14 2?

10:35:33 15 A. YES, MA'AM.

10:35:33 16 Q. SO WHEN I SAY ALT ACCOUNT, YOU KNOW TO WHAT
17 I AM REFERRING.

10:35:37 18 A. YES.

10:35:37 19 Q. HOW DID THE SUSPENSION OF THAT ACCOUNT
20 IMPACT THE ALLIANCE?

10:35:41 21 A. AGAIN, FRUSTRATION, BECAUSE WHEN -- WHEN
22 PUBLIC HEALTH CLOSED COMMENTS AND THE ALT ACCOUNT THEN
23 WENT, AHA, WE WILL JUST REPOST THESE COMMENTS SO
24 PEOPLE CAN STILL GATHER IN THIS VIRTUAL SQUARE, IT WAS
25 NOT AS GOOD, OBVIOUSLY, BECAUSE IT DOESN'T HAVE THE
26 REACH, BUT IT WAS SOMETHING. AND IT FELT VERY MUCH
27 LIKE A SLAP IN THE FACE.

10:36:10 28 I'M A NATURALIZED CITIZEN, AND LIKE,

1 AMERICA'S FREE SPEECH WAS KIND OF A BIG DEAL TO ME,
2 AND SO IT WAS REALLY FRUSTRATING.

10:36:18 3 Q. DID YOU EVER TRY TO DIRECT MESSAGE THE L.A.
4 DEPARTMENT OF PUBLIC HEALTH THROUGH THEIR TWITTER
5 ACCOUNT?

10:36:26 6 A. YES, I DID.

10:36:27 7 Q. DID THEY RESPOND TO YOU?

10:36:28 8 A. SOMETIMES.

10:36:29 9 Q. DID YOU EVER E-MAIL THE L.A. COUNTY
10 DEPARTMENT OF PUBLIC HEALTH?

10:36:34 11 A. I GOT THE E-MAIL FROM MR. GILCHUCK -- I
12 DON'T KNOW HOW TO SPELL THAT, SORRY -- ONE TIME.
13 BECAUSE OF A PARTICULARLY STUPID DECISION THAT WAS
14 IMPACTING DANCERS AT MY KID'S SCHOOL. IT'S DANGEROUS
15 TO NOT BE ABLE TO SEE YOUR FEET WHEN YOU'RE ON POINTE.
16 AND THE SCHOOL THOUGHT THAT THEY HAD TO MASK, AND
17 THERE WAS NOT A LOT OF CLARIFICATION COMING TO
18 SCHOOLS.

10:37:01 19 BECAUSE IN THOSE SCHOOL BRIEFINGS,
20 MRS. FERRER WOULD TELL SCHOOLS TO GO FURTHER, TO DO
21 MORE, TO PUSH AND MANDATE THINGS THAT WERE JUST
22 RECOMMENDATIONS.

10:37:10 23 AND SO OUR SCHOOL NURSE AND SCHOOL THEATER
24 DEPARTMENT WERE CONFUSED, SO I TOOK IT UPON MYSELF TO
25 E-MAIL MR. OR DR. GILCHUCK.

10:37:20 26 Q. DID MR. GILCHUCK RESPOND?

10:37:22 27 A. HE DID.

10:37:23 28 Q. HE DID NOT?

10:37:24 1 A. HE DID.

10:37:24 2 Q. OH, HE DID?

10:37:26 3 THE COURT: HOLD ON. WAIT FOR THE NEXT
4 QUESTION, PLEASE.

10:37:31 5 Q. (BY MS. HAMILL) AND WHAT DID HE SAY?

10:37:34 6 A. SOMETHING TOTALLY USELESS TO ME.

10:37:38 7 Q. DID YOU EVER E-MAIL BARBARA FERRER?

10:37:40 8 A. I DID NOT. I DID NOT KNOW UNTIL WE WERE
9 HERE THAT SHE HAD AN E-MAIL THAT YOU COULD MAIL.

10:37:46 10 Q. HAVE YOU EVER ATTENDED A BOARD OF
11 SUPERVISORS MEETING?

10:37:48 12 A. THEY WERE CLOSED. THE BOARD OF SUPERVISORS
13 WERE CLOSED FOR A VERY, VERY, VERY LONG TIME. I DID
14 ATTEMPT MANY TIMES TO SPEAK, BUT YOU WOULD SOMETIMES
15 WAIT FOR AN HOUR, TWO HOURS ON HOLD. I GOT THROUGH A
16 FEW TIMES AND THEN THEIR FIRST MEETING THAT WAS OPEN
17 DOWNTOWN, I CAME HERE.

10:38:07 18 Q. SO THE FIRST MEETING THEY HAD WHEN THEY
19 REOPENED TO THE PUBLIC FOR PHYSICAL IN-PERSON MEETING,
20 YOU ATTENDED THAT MEETING?

10:38:15 21 MS. ALTER: OBJECTION. LEADING.

10:38:17 22 THE COURT: OVERRULED.

10:38:18 23 THE WITNESS: I DID.

10:38:18 24 Q. (BY MS. HAMILL) CAN YOU EXPLAIN HOW THAT
25 WENT.

10:38:21 26 A. FOR THOSE OF US WHO DON'T LIVE DOWNTOWN OR
27 KNOW DOWNTOWN, IT'S SORT OF AN OVERWHELMING PLACE, AND
28 SO I CAME. I PARKED WHAT I THOUGHT WAS EARLY ENOUGH,

1 AND THEN I WALKED INTO A HUGE PUBLIC SECTOR UNION
2 DSA -- D, DOG, S, SAM, A, GANG MOB SCENE OF PEOPLE
3 BANGING DRUMS AND WEARING COLORED TEE SHIRTS AND
4 ADVOCATING FOR VARIOUS THINGS. AND I WAS JUST A LONE
5 PERSON. I DON'T EVEN REMEMBER IF I GOT TO SPEAK THAT
6 DAY.

10:39:02 7 MS. ALTER: YOUR HONOR, THERE IS A LOT OF
8 IRRELEVANT MATERIAL HERE. CAN WE ASK THE WITNESS TO
9 STAY FOCUSED ON THE QUESTION ASKED?

10:39:08 10 THE COURT: TO DO WHAT?

10:39:09 11 MS. ALTER: STAY FOCUSED ON THE QUESTION
12 ASKED. WE ARE TALKING ABOUT DRUMS BANGING AND TEE
13 SHIRTS.

10:39:17 14 THE COURT: WELL, YOU MAKE OBJECTIONS AS YOU
15 SEE FIT. HER ANSWER WAS RESPONSIVE TO THE LAST
16 QUESTION.

10:39:23 17 Q. (BY MS. HAMILL) HAVE YOU EVER HAD TO WAIT
18 ON THE PHONE TO TRY TO SPEAK DURING BOARD OF
19 SUPERVISORS MEETINGS?

10:39:27 20 A. YES. YES, MA'AM, I HAVE.

10:39:29 21 Q. AND HAVE YOU EVER WAITED TO SPEAK TO THE
22 BOARD OF SUPERVISORS AND BEEN TOLD YOU THAT COULDN'T
23 SPEAK?

10:39:36 24 MS. ALTER: OBJECTION. LEADING.

10:39:37 25 THE COURT: OVERRULED.

10:39:37 26 YOU MAY ANSWER.

10:39:39 27 THE WITNESS: YES.

10:39:39 28 Q. (BY MS. HAMILL) HOW MANY TIMES?

10:39:46 1 A. I LOST TRACK. I HAVE NO IDEA.

10:39:48 2 Q. HAVE YOU EVER BEEN CALLED NAMES ON TWITTER?

10:39:50 3 A. YES, I HAVE BEEN CALLED NAMES ON TWITTER.

10:39:53 4 Q. I WILL NOT ASK YOU TO REPEAT THE NAMES.

5 HAVE YOU EVER REPORTED A TWEET OR AN ACCOUNT ON
6 TWITTER?

10:40:03 7 MS. ALTER: OBJECTION. RELEVANCE.

10:40:06 8 THE COURT: WELL, WHAT'S THE RELEVANCE?

10:40:10 9 MS. HAMILL: THE COUNTY DEPARTMENT OF PUBLIC
10 HEALTH, AS WE'VE ALLEGED IN THE COMPLAINT AND AS WE'RE
11 ARGUING HERE, HAS SPECIAL ACCESS TO EXECUTIVES AT
12 TWITTER TO REPORT TWEETS THAT THEY DON'T LIKE.
13 MEMBERS OF THE PUBLIC AND MEMBERS OF THE ALLIANCE
14 DON'T HAVE THAT SPECIAL ACCESS. THEY ARE FORCED TO
15 USE THE REPORT FEATURE IN TWITTER. THAT IS A
16 DISTINCTION THAT IS IMPORTANT TO PROVE THAT THERE
17 WAS -- IT'S PART OF THE SIGNIFICANT ENCOURAGEMENT AND
18 COERCION ARGUMENT AND GOES TO THE ELEMENTS OF THE
19 SPECIAL RELATIONSHIP.

10:40:39 20 THE COURT: WELL, THEN, ASK A MORE FOCUSED
21 QUESTION WHETHER OR NOT SHE IN THE PAST HAS REPORTED
22 A -- I FORGET THE TERMINOLOGY YOU USED, IS OVERBROAD.
23 IF YOUR FOCUS IS WHETHER SHE HAS ACCESS TO TWITTER
24 EXECUTIVES, ASK HER THAT.

10:40:57 25 Q. (BY MS. HAMILL) DO YOU HAVE ANY ACCESS TO
26 TWITTER EXECUTIVES?

10:41:01 27 A. I HAVE NOT.

10:41:02 28 Q. SO YOU HAVE NEVER REPORTED A TWEET TO A

1 TWITTER EXECUTIVE?

10:41:07 2 MS. ALTER: OBJECTION. LEADING.

10:41:08 3 THE COURT: OVERRULED.

10:41:09 4 THE WITNESS: I HAVE NOT.

10:41:13 5 Q. (BY MS. HAMILL) HAVE YOU EVER CONTACTED
6 THE L.A. DEPARTMENT OF PUBLIC HEALTH INFORMATION
7 LINE?

10:41:23 8 A. I DON'T KNOW. I MAY HAVE -- IS THAT THE
9 PHONE NUMBER FOR JUST GENERAL INFORMATION? I MAY HAVE
10 CALLED THE ONE TIME.

10:41:32 11 Q. DON'T SPECULATE. DON'T NEED TO SPECULATE.

10:41:34 12 A. YEAH. SORRY.

10:41:36 13 MS. HAMILL: I HAVE NO FURTHER QUESTIONS.

10:41:37 14 THE COURT: CROSS?

10:41:37 15 MS. ALTER: YES, YOUR HONOR.

10:41:38 16

10:41:38 17 CROSS-EXAMINATION

10:41:40 18 Q. (BY MS. ALTER) MISS HOGE, CAN YOU LOOK AT
19 THE BINDER IN FRONT OF YOU. IS THERE AN EXHIBIT 318
20 THERE. IT HAS A TAB. THE TAB WOULD SAY 318.

10:41:52 21 A. YES. YES, MA'AM.

10:41:56 22 Q. OKAY. COULD YOU PLEASE TURN TO PAGE 2,
23 WHICH IS, IT SAYS 318-TWO AT THE BOTTOM RIGHT-HAND
24 CORNER OF THE PAGE.

10:42:08 25 A. YES.

10:42:08 26 Q. OKAY. SEE YOUR PHOTO AND THEN YOUR NAME AND
27 THEN IT SAYS AT ROXANNE HOGE. IS THAT YOUR TWITTER
28 HANDLE?

10:42:18 1 A. YES, MA'AM.

10:42:20 2 Q. AND CAN YOU TURN BACK TO PAGE 1 OF THIS
3 EXHIBIT, PLEASE. DO YOU SEE FOUR LINES FROM THE TOP
4 WHERE IT SAYS, CAPTURE TIMESTAMP, UTC?

10:42:32 5 A. YES.

10:42:33 6 Q. AND IT SAYS, THURSDAY, 21 SEPTEMBER 2023.

10:42:37 7 A. YES.

10:42:38 8 Q. OKAY. PLEASE TURN UP TO PAGE 2 AGAIN. IS
9 THIS AN ACCURATE REPRESENTATION OF YOUR TWITTER FEED
10 AS IT EXISTED ON SEPTEMBER 21ST, 2023?

10:42:52 11 A. IT APPEARS TO BE SO.

10:42:53 12 Q. OKAY. CAN YOU TURN TO THE LAST PAGE IN THIS
13 DOCUMENT, WHICH IS 278.

10:43:09 14 A. OH, YEAH.

10:43:13 15 Q. AND DO YOU SEE THAT HAS A DATE OF JULY 21?
16 ARE YOU WITH ME?

10:43:18 17 A. YES.

10:43:19 18 Q. THAT'S JULY 21 OF 2023; CORRECT?

10:43:27 19 A. I DON'T -- IT DOESN'T SAY THAT. IT'S
20 MEMORIES OF MY FRIEND'S HUSBAND WHO DIED, SO I DON'T
21 KNOW WHEN HE DID. LOOKS LIKE 2022.

10:43:37 22 Q. LET ME ASK YOU THIS: TURN BACK TO PAGE 1 OR
23 PAGE 2, PLEASE.

10:43:49 24 A. UH-HUH.

10:43:49 25 Q. DO YOU SEE WHERE IT SAYS, JULY 5TH, 2022,
26 THE VERY TOP, YOUR FIRST TWEET THAT'S PINNED?

10:44:02 27 A. YES. APOLOGIES. I HAVE ONE CLOSE CONTACT
28 AND ONE FAR ONE SO I'M LIKE (INDICATING).

10:44:07 1 Q. TAKE YOUR TIME.

10:44:08 2 A. I HAVE TO...

10:44:10 3 YES. I SEE THAT.

10:44:11 4 Q. OKAY. NOW, LOOK AT THE TWEET BELOW IT THAT
5 SAYS 51 MINUTES.

10:44:18 6 A. YES, MA'AM.

10:44:19 7 Q. AND THE ONE THAT SAYS 51 MINUTES MEANS THAT
8 IT WAS 51 MINUTES BEFORE THE CAPTURE; CORRECT?
9 FIFTY-ONE MINUTES BEFORE THE TIME YOU'RE PRESENTLY
10 LOOKING -- BEFORE THIS WAS CAPTURED; CORRECT?

10:44:32 11 MS. HAMILL: OBJECTION. RELEVANCE.

10:44:33 12 THE COURT: WHAT'S THE RELEVANCE?

10:44:34 13 MS. ALTER: THE RELEVANCE IS, I'M
14 DEMONSTRATING THAT WHEN YOU ARE LOOKING AT SOMETHING
15 FROM THE CURRENT YEAR, TWITTER DOES NOT PUT THE YEAR
16 ON IT. IF YOU ARE LOOKING AT SOMETHING FROM A
17 PREVIOUS YEAR, TWITTER WILL SHOW YOU -- SO THAT'S THAT
18 VERY LAST TWEET ON PAGE 278. IT WAS -- WE CAN TELL
19 THAT IT'S JULY OF THIS YEAR BECAUSE THERE IS NO YEAR.

10:44:57 20 THE COURT: WELL, IF SHE'S COMPETENT TO
21 TESTIFY THAT ON PAGE 278, THERE IS THE YEAR 2022.

10:45:03 22 MS. ALTER: YES, BECAUSE THAT IS SOMETHING
23 THAT SHE IS -- SHE'S SHARING. IT'S A PRIOR MEMORY
24 THAT SHE'S SHARING.

10:45:10 25 Q. (BY MS. ALTER) IF YOU LOOK AT PAGE --

10:45:13 26 THE COURT: ALL RIGHT. WELL, ARE YOU TRYING
27 TO ESTABLISH THAT PAGE 278 WHERE IT SAYS JULY 21
28 SHOULD -- OCCURRED IN THE YEAR 2022?

10:45:27 1 MS. ALTER: YES, YOUR HONOR.

10:45:28 2 THE WITNESS: COULD I BE HELPFUL FOR A
3 SECOND?

10:45:31 4 THE COURT: WHY DON'T YOU WAIT FOR LAWYER'S
5 QUESTION. MAYBE WE'LL GET THROUGH THIS.

10:45:36 6 MS. HAMILL: CALLS FOR SPECULATION AND CALLS
7 FOR EXPERT --

10:45:38 8 THE COURT: I DON'T KNOW. LET'S GET A
9 PENDING QUESTION. HOLD YOUR OBJECTION.

10:45:43 10 Q. (BY MS. ALTER) SO BACK -- ON PAGE 2, THE
11 TWEET THAT SAYS, LOOKING FORWARD TO JOIN FELLOW
12 WARRIORS FOR CHILDREN, IT SAYS 51 MINUTES. THAT WAS
13 SOMETHING YOU TWEETED THIS MONTH; CORRECT?

10:45:55 14 A. YES. THAT WAS THIS SEPTEMBER. THIS MONTH
15 IS OCTOBER.

10:46:01 16 Q. OH, YOU KNOW WHAT? I APOLOGIZE, BECAUSE
17 THIS WAS CAPTURED IN SEPTEMBER. SO THIS WAS SOMETHING
18 YOU TWEETED IN SEPTEMBER; CORRECT?

10:46:08 19 A. YES, MA'AM.

10:46:08 20 Q. OKAY. AND IF YOU -- IF YOU FLIP THROUGH
21 THERE AND YOU SEE YOUR TWEETS IN ORDER, DO YOU HAVE
22 ANY REASON TO BELIEVE THAT THESE TWEETS START -- THAT
23 THEY GO BACK ANY EARLIER THAN JULY OF THIS YEAR?

10:46:28 24 A. WELL, ON PAGE 76, I SEE ONE FROM
25 JANUARY 8TH. I'M VERY CONFUSED BECAUSE I DON'T --
26 I'M NOT A TWITTER EXPERT. I LIKE IT, BUT I...

10:46:42 27 THE COURT: MISS HOGE, HAVE YOU EVER SEEN
28 THIS STACK OF DOCUMENTS BEFORE?

10:46:45 1 THE WITNESS: NO, I HAVE NOT.

10:46:46 2 THE COURT: OKAY.

10:46:47 3 MS. ALTER: OKAY. I'LL MOVE ON, YOUR HONOR.

10:46:58 4 Q. (BY MS. ALTER) OKAY, YOU TESTIFIED THAT
5 YOUR ACCOUNT WAS SUSPENDED; CORRECT?

10:47:01 6 A. YES, MA'AM.

10:47:01 7 Q. IN JULY OF 2022. IS THAT RIGHT?

10:47:06 8 A. YES, I THINK SO.

10:47:07 9 Q. OKAY. AND YOU THINK IT WAS SUSPENDED OVER A
10 REPLY YOU POSTED; CORRECT?

10:47:13 11 A. THAT'S WHAT TWITTER TOLD ME.

10:47:15 12 Q. OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE,
13 AS YOU SIT HERE TODAY, OF WHO REPORTED YOUR REPLY?

10:47:23 14 A. NO, BUT I'D LOVE TO KNOW.

10:47:27 15 Q. DO YOU HAVE NOTES WITH YOU ON THE STAND?

10:47:28 16 A. I DO.

10:47:29 17 Q. DO YOU? MAY I SEE A COPY OF THOSE, PLEASE?

10:47:32 18 A. SURE.

10:47:33 19 MS. ALTER: YOUR HONOR, MAY I APPROACH?

10:47:35 20 THE COURT: ALL RIGHT. COUNSEL ON BOTH
21 SIDES CAN APPROACH.

10:47:43 22 THE WITNESS: SORRY. I HAVE FOUR KIDS AND
23 I WRITE EVERYTHING DOWN.

10:48:40 24 Q. (BY MS. ALTER) SO TURNING BACK TO
25 EXHIBIT 318, PLEASE, I JUST WANT TO TALK ABOUT YOUR
26 TWITTER ACCOUNT HERE FOR A COUPLE OF MINUTES.

10:48:55 27 AS YOU SIT HERE TODAY, DO YOU HAVE ANY
28 PERSONAL KNOWLEDGE THAT THE COUNTY HAS TRIED TO REMOVE

1 ANY OF THE CONTENT YOU POSTED AT YOUR AT ROXANNE HOGE
2 HANDLE?

10:49:03 3 A. I DO NOT, BECAUSE I DON'T KNOW ANYONE AT
4 TWITTER.

10:49:09 5 MS. ALTER: MOVE TO STRIKE EVERYTHING AFTER
6 I DO NOT, YOUR HONOR.

10:49:12 7 THE COURT: ALL RIGHT. THE MOTION'S
8 GRANTED.

10:49:18 9 Q. (BY MS. ALTER) HAVE YOU EVER QUOTE TWEETED
10 LACDPH CONTENT?

10:49:22 11 A. WHO?

10:49:23 12 Q. PUBLIC HEALTH CONTENT.

10:49:26 13 A. YES.

10:49:31 14 Q. HAVE YOU EVER PARTICIPATED IN ANY MEDIA
15 INTERVIEWS DISCUSSING LACDPH COVID POLICIES?

10:49:46 16 A. THAT'S A HARD ONE, BECAUSE I DON'T THINK
17 SPECIFICALLY -- I TALKED ABOUT THEM WHENEVER I COULD,
18 BUT I CAN'T THINK OF A SPECIFIC INTERVIEW ABOUT THAT.

10:49:59 19 Q. OKAY. AND YOU TALKED ABOUT THEM OUTSIDE THE
20 CONTEXT OF THE COMMENTS SECTION ON LACDPH'S TWITTER
21 ACCOUNT; CORRECT?

10:50:07 22 A. YES, BECAUSE I WASN'T ALLOWED IN THE
23 COMMENTS SECTION ANYMORE.

10:50:10 24 Q. YOU TALKED ABOUT IT ELSEWHERE EVEN WHEN
25 PUBLIC COMMENT WAS OPEN; CORRECT?

10:50:15 26 A. YES.

10:50:17 27 Q. DO YOU STILL HAVE 14,500 FOLLOWERS ON
28 TWITTER?

10:50:21 1 A. I WOULD HAVE TO CHECK MY PHONE.

10:50:24 2 Q. OKAY. BUT DO YOU HAVE AT LEAST 14,500
3 FOLLOWERS ON TWITTER?

10:50:30 4 A. I BELIEVE SO.

10:50:30 5 Q. OKAY. HAVE YOU EVER REMOVED POSTS FROM YOUR
6 TWITTER ACCOUNT?

10:50:35 7 A. I'M SORRY. CAN YOU EXPLAIN?

10:50:37 8 Q. HAVE YOU EVER DELETED POSTS FROM YOUR
9 TWITTER ACCOUNT?

10:50:40 10 A. A FEW TIMES WITH TYPOS THAT WERE JUST
11 EGREGIOUS AND THEN MAYBE ONE OR TWO THAT WERE MAYBE
12 DISPARAGING TO A FAMILY MEMBER OR SOMETHING THAT I
13 RECONSIDERED.

10:50:56 14 Q. FAIR. YOU TALKED ABOUT COVID ON YOUR
15 TWITTER ACCOUNT; RIGHT?

10:51:00 16 A. I TALKED ABOUT COVID POLICIES, YES.

10:51:02 17 Q. YOU TALKED ABOUT MASKING POLICIES?

10:51:05 18 A. YES.

10:51:06 19 Q. BOTH -- STRIKE THAT.
20 BEFORE JULY 30TH, 2022, YOU TALKED ABOUT
21 MASKING POLICIES?

10:51:12 22 A. WELL, UP UNTIL I WAS SUSPENDED ON JULY 20TH,
23 YES.

10:51:17 24 Q. WAS IT YOUR TESTIMONY THAT YOU HAVEN'T
25 TALKED ABOUT MASKING POLICIES SINCE JULY 20TH OF 2022?

10:51:24 26 A. I -- I HAVE, BUT YOU SAID 30TH, SO I DIDN'T
27 KNOW WHAT THE DATE MEANT SO --

10:51:28 28 Q. OH, OKAY. OKAY.

10:51:32 1 IN THE LAST THREE MONTHS, HAVE YOU POSTED
2 ABOUT MASKING POLICIES ON TWITTER?

10:51:41 3 A. ENTIRELY POSSIBLE. I POSTED A LOT ABOUT THE
4 TEN-DAY MASK MANDATE THAT WAS THE BACKDOOR MASKING FOR
5 CHILDREN. SO THAT'S JUST GONE ON FOREVER, SO
6 POSSIBLY, YES.

10:51:52 7 Q. YOU CRITICIZED DR. FERRER ON TWITTER; RIGHT?

10:51:55 8 A. HER POLICIES, YES.

10:52:16 9 MS. ALTER: NO FURTHER QUESTIONS, YOUR
10 HONOR.

10:52:17 11 THE COURT: ANYTHING FURTHER?

10:52:18 12 MS. HAMILL: JUST ONE THING.

10:52:20 13 THE COURT: GO AHEAD.

10:52:20 14
10:52:20 15 REDIRECT EXAMINATION

10:52:21 16 Q. (BY MS. HAMILL) MISS HOGE, WHY WAS IT
17 IMPORTANT FOR YOU AND THE ALLIANCE TO COMMENT ON THE
18 COMMENTS SECTION ON THE LACDPH'S TWITTER ACCOUNT
19 WHEN YOU HAVE 14.5 THOUSAND OF YOUR OWN FOLLOWERS?

10:52:36 20 MS. ALTER: OBJECTION. LEADING AND CALLS
21 FOR A NARRATIVE.

10:52:44 22 THE COURT: THE OBJECTION'S OVERRULED.

10:52:46 23 YOU MAY ANSWER.

10:52:47 24 THE WITNESS: THANK YOU, YOUR HONOR.

10:52:48 25 THE NUMBER OF FOLLOWERS ONE HAS IS
26 IRRELEVANT IN THE CONTEXT OF BEING ABLE TO SPEAK IN
27 ANOTHER ROOM. FOR EXAMPLE, IF WE'RE IN THIS COURTROOM
28 AND WE'RE HAVING A BACK AND FORTH NOW, AND I'M ALLOWED

1 TO TALK AND YOU'RE ALLOWED TO TALK, IT DOESN'T MATTER
2 THAT I HAVE A RAGING PARTY WITH 14,000 PEOPLE NEXT
3 DOOR IF I'M NOT ALLOWED TO TALK IN HERE. I WON'T BE
4 REPRESENTED IN COURT. RIGHT? LIKE, SO, THAT'S WHAT
5 THE -- THE COUNTY HAS, AS BRETT SAID, HUNDREDS OF
6 THOUSANDS OF FOLLOWERS, AND YOU CAN EVEN SEE THAT THE
7 ENGAGEMENT ON THE MESSAGING THEY WANTED TO GET OUT WAS
8 MORE, WAS HIGHER WHEN THEY ALLOWED COMMENTS.

10:53:33

9 IT'S SO -- SPEECH, THE ONLY SOLUTION FOR
10 SPEECH YOU DON'T LIKE IS MORE SPEECH. THAT WAS --
11 THAT WAS JUDGE BRANDEIS. I MEAN, THIS IS -- THIS IS A
12 BIG DEAL TO ME, BECAUSE KIDS WERE REALLY HARMED AND
13 SCHOOLS WERE HARMED BECAUSE THEY DIDN'T FEEL THAT THEY
14 HAD AWAY TO PUSH BACK. AND SO ONLY NOSY, BUSYBODY,
15 PUSHY MOMS LIKE US COULD HAVE A CHANCE TO SAY, LOOK,
16 I FOUND IAN MILLER IN THE REPLIES. HE HAS THIS CHART
17 THAT SHOWS HOW THE MASK MANDATE IS USELESS. AND SO
18 NOW I CAN ADVOCATE FOR MY THREE-YEAR OLD OR MY 16
19 YEAR-OLD OR WHATEVER TO BE ABLE TO SPEAK TO THEIR
20 FRIENDS AND HEAR THEIR TEACHERS.

10:54:19

21 AND THAT'S WHY IT WAS IMPORTANT TO ME.

10:54:22

22 MS. HAMILL: THANK YOU.

10:54:22

23 NO FURTHER QUESTIONS.

10:54:24

24 THE COURT: ANYTHING FURTHER?

10:54:25

25 MS. ALTER: NO, YOUR HONOR.

10:54:26

26 THE COURT: THANK YOU FOR COMING IN. YOU
27 MAY STEP DOWN, MISS HOGE.

10:54:31

28 THE WITNESS: THANK YOU. DO YOU NEED A COPY

1 OF THIS?

10:54:33 2 THE COURT: WELL, THE LAWYERS WILL TELL YOU.

10:54:36 3 WE'LL TAKE A BREAK IN A MOMENT. DO YOU HAVE

4 FURTHER WITNESSES THIS MORNING?

10:54:40 5 MS. HAMILL: NO, YOUR HONOR.

10:54:40 6 THE COURT: YOU'LL BE RESTING?

10:54:42 7 MS. HAMILL: YES, YOUR HONOR.

10:54:43 8 THE COURT: MAKE SURE YOU GET YOUR EXHIBITS

9 ORGANIZED DURING THE BREAK, AND THEN I'LL LET YOU MAKE

10 YOUR RECORD WHEN WE RETURN AT FIVE MINUTES AFTER THE

11 HOUR. OKAY?

10:54:51 12 MS. HAMILL: THANK YOU, YOUR HONOR.

10:54:52 13 THE COURT: AND YOU'LL BE READY WITH YOUR

14 FIRST WITNESS, RIGHT, MR. RAYGOR?

10:54:58 15 MR. RAYGOR: YES.

10:54:58 16 THE COURT: OKAY.

11:04:21 17 (RECESS FROM 10:55 A.M. TO 11:07 A.M.)

11:04:21 18

11:04:21 19 PROCEEDINGS

11:07:18 20 THE JUDICIAL ASSISTANT: PLEASE COME TO

21 ORDER. COURT IS ONCE AGAIN IN SESSION.

11:07:22 22 THE COURT: WE'RE BACK ON THE RECORD.

11:07:25 23 MISS HAMILL, I'LL HEAR FROM YOU.

11:07:27 24 MS. HAMILL: YES, YOUR HONOR. I PREPARED A

25 LIST OF IDENTIFIED EXHIBITS FOR OPPOSING COUNSEL AND

26 FOR THE COURT. MAY I PROVIDE A COPY TO THE COURT?

11:07:36 27 THE COURT: YES. OKAY. I HAVE YOUR ONE

28 PAGE LIST, AND I JUST WANT TO UNDERSTAND THE

1 HANDWRITTEN NOTES AT THE BOTTOM. YOU'RE ADDING
2 EXHIBIT 32. YES?

11:08:05 3 MS. HAMILL: YES, YOUR HONOR.

11:08:06 4 THE COURT: AND THEN YOU SAY RJN, REQUEST
5 FOR JUDICIAL NOTICE, I ASSUME. AND THEN THERE'S SOME
6 OTHER LETTERS, A B SOMETHING?

11:08:15 7 MS. HAMILL: I APOLOGIZE FOR MY HANDWRITING.
8 THE REQUEST FOR JUDICIAL NOTICE SEEKS JUDICIAL NOTICE
9 OF EXHIBITS 38 THROUGH 43 AND FACTS 1 AND 2 IDENTIFIED
10 IN THE REQUEST FOR JUDICIAL NOTICE.

11:08:29 11 THE COURT: OKAY. WHEN DID YOU FILE YOUR
12 REQUEST FOR JUDICIAL NOTICE?

11:08:34 13 MS. HAMILL: IT WAS FILED OCTOBER 16TH;
14 COURTESY COPIES WERE PROVIDED TO THE COURT. THE COURT
15 CONFIRMED RECEIPT OF THOSE COURTESY COPIES ON THE
16 FIRST DAY OF TRIAL. I BELIEVE I HAVE --

11:08:45 17 THE COURT: JUST ONE MOMENT. OKAY.

11:09:01 18 OKAY. I FOUND THAT.

11:09:04 19 MR. RAYGOR, HAVE YOU HAD A CHANCE TO REVIEW
20 THIS LIST?

11:09:09 21 MR. RAYGOR: I'M STILL GOING THROUGH IT.

11:09:12 22 THE COURT: SO THE ANSWER IS NOT ENTIRELY?

11:09:15 23 MR. RAYGOR: NOT ENTIRELY.

11:09:16 24 THE COURT: OKAY. THEN HERE'S WHAT WE'RE
25 GOING TO DO IS, YOU ARE GOING TO REST PROVISIONALLY,
26 MISS HAMILL, SUBJECT TO A RESOLUTION OF YOUR PROFFERED
27 EXHIBITS. AND I'LL GIVE THE DEFENSE TEAM OVER THE
28 LUNCH HOUR TO REVIEW THIS IN A MORE THOROUGH FASHION,

1 AND THEN WE CAN WRAP IT ALL UP SOMETIME LATER IN THE
2 DAY. OKAY?

11:09:38 3 MS. HAMILL: YES, YOUR HONOR.

11:09:39 4 THE COURT: ALL RIGHT.

11:09:40 5 MR. RAYGOR: YOUR HONOR, I WAS DISTRACTED
6 TRYING TO GET THROUGH THIS QUICKLY, AND THERE WAS
7 SOMETHING ADDITIONALLY ABOUT THE REQUEST FOR JUDICIAL
8 NOTICE. WHAT EXHIBITS AND WHAT FACT NUMBERS,
9 MISS HAMILL?

11:09:52 10 MS. HAMILL: 38 THROUGH 43.

11:09:57 11 THE COURT: DON'T THEY HAVE THE SAME PIECE
12 OF PAPER I DO?

11:10:00 13 MS. HAMILL: I DIDN'T WRITE THE RJN PART.
14 I'M SORRY. THE RJN IS FOR EXHIBITS 38 THROUGH 43, AND
15 FACTS 1 AND 2, THOSE ARE CONTAINED WITHIN THE RJN THAT
16 WAS FILED AND SERVED ON OCTOBER 16TH.

11:10:15 17 MR. RAYGOR: OKAY. THANK YOU.

11:10:16 18 THE COURT: OKAY.

11:10:18 19 MR. RAYGOR: SO YES, WE WILL GO THROUGH THAT
20 OVER THE LUNCH BREAK --

11:10:23 21 THE COURT: THANK YOU.

11:10:23 22 MR. RAYGOR: -- AND BE PREPARED TO DISCUSS.

11:10:26 23 THE COURT: THANK YOU. ALL RIGHT. WE ARE
24 NOW IN THE DEFENSE CASE, AND YOU MAY CALL YOUR FIRST
25 WITNESS.

11:10:34 26 MS. ALTER: YOUR HONOR, THE DEFENSE CALLS
27 LILY CHU.

11:10:37 28 THE COURT: ALL RIGHT. SHE'LL STEP FORWARD

1 AND BE SWORN.

11:10:45 2 THE JUDICIAL ASSISTANT: YOU CAN STAND RIGHT
3 BEHIND THE COURT REPORTER. FACE THE CLERK AND RAISE
4 YOUR RIGHT HAND.

11:10:52 5 THE CLERK: DO YOU SOLEMNLY STATE THAT THE
6 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE
7 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND
8 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

11:11:00 9 THE WITNESS: YES.

11:11:02 10 THE CLERK: PLEASE HAVE A SEAT IN THE
11 WITNESS STAND. PLEASE STATE AND SPELL YOUR FIRST AND
12 LAST NAME FOR THE RECORD.

11:11:12 13 THE WITNESS: LILY CHU. L I L Y, C H U.

11:11:17 14 THE CLERK: THANK YOU.

11:11:17 15 THE COURT: YOU MAY INQUIRE.

11:11:18 16

11:11:19 17 DIRECT EXAMINATION

11:11:20 18 Q. (BY MS. ALTER) GOOD MORNING, MISS CHU.
19 WHERE ARE YOU PRESENTLY EMPLOYED?

11:11:23 20 A. SHEPPARD MULLIN RICHTER & HAMPTON.

11:11:26 21 Q. HOW LONG HAVE YOU WORKED FOR SHEPPARD
22 MULLIN?

11:11:29 23 A. APPROXIMATELY TEN YEARS.

11:11:31 24 Q. WHAT IS YOUR JOB TITLE?

11:11:33 25 A. PRACTICE SPECIALIST.

11:11:35 26 Q. WHAT ARE YOUR DUTIES IN THAT ROLE?

11:11:39 27 A. THERE'S QUITE A BIT, BUT I DO A LOT OF
28 LITIGATION SUPPORT AND TRIAL SUPPORT.

11:11:45 1 Q. WHAT DO YOU DO IN YOUR TRIAL SUPPORT ROLE?

11:11:48 2 A. I TYPICALLY HANDLE THE EXHIBITS AND EXHIBIT
3 LISTS.

11:11:54 4 Q. DO YOU HELP CREATE EXHIBITS?

11:11:56 5 A. YES.

11:11:57 6 Q. ARE YOU FAMILIAR WITH A PROGRAM CALLED PAGE
7 VAULT?

11:12:07 8 A. YES.

11:12:08 9 Q. IT IS TWO WORDS; CORRECT?

11:12:10 10 A. I BELIEVE SO.

11:12:11 11 Q. OKAY. WHAT IS PAGE VAULT?

11:12:14 12 A. PAGE VAULT IS A PROGRAM THAT ALLOWS US TO
13 CAPTURE URLS IN A FORMAT THAT IS LEGIBLE.

11:12:21 14 Q. WHY DO YOU NEED PAGE VAULT TO DO THAT?

11:12:25 15 A. IF YOU TRY AND PDF A LARGE MEDIA SITE, THE
16 FORMATTING WILL BE OFF AND SOMETIMES OVERLAP PICTURES.
17 THE PAGE VAULT WILL KEEP IT TO LOOK LIKE HOW IT LOOKS
18 LIKE WHEN YOU SEE IT ONLINE.

11:12:40 19 Q. SO DO YOU USE PAGE VAULT TO CAPTURE SOCIAL
20 MEDIA PAGES?

11:12:44 21 A. YES.

11:12:46 22 Q. CAN YOU DESCRIBE FOR ME HOW YOU CAPTURE
23 SOCIAL MEDIA MATERIAL USING PAGE VAULT.

11:12:53 24 A. SO YOU OPEN UP THE PAGE VAULT PLATFORM. YOU
25 LOG IN, TYPE IN THE URL THAT YOU ARE TRYING TO
26 CAPTURE. IT WILL ONLY CAPTURE IT IF IT'S PUBLICLY
27 AVAILABLE, AND THEN IT WILL RUN THROUGH THE PROGRAM
28 WHEN YOU PRESS CAPTURE.

11:13:10 1 Q. WHAT DO YOU MEAN BY URL?

11:13:12 2 A. WELL, A URL ARE SPECIFIC WEBSITE ADDRESSES
3 TO EITHER A TWEET, A POST, OR AN ACCOUNT. IT'S
4 ESSENTIALLY A WEBSITE.

11:13:26 5 Q. OKAY. SO AFTER YOU PRESS CAPTURE, WHAT
6 HAPPENS?

11:13:32 7 A. I DON'T KNOW THE MECHANISM OF WHAT PAGE
8 VAULT DOES, BUT IT RUNS THROUGH THE SITE THAT YOU'RE
9 TRYING TO CAPTURE AND THEN IT SPITS OUT A PDF.

11:13:47 10 Q. SO DID YOU USE PAGE VAULT TO CAPTURE ANY
11 PUBLICLY AVAILABLE MATERIAL FOR THIS CASE?

11:13:54 12 A. YES.

11:13:56 13 Q. OKAY. COULD YOU TURN TO EXHIBIT 242. I
14 THINK THAT'S IN A DIFFERENT BINDER.

11:14:05 15 YOUR HONOR, MAY I APPROACH THE WITNESS?

11:14:08 16 THE COURT: YES. MISS ALTER, ARE WE GOING
17 THROUGH THIS BECAUSE YOU WERE NOT ABLE TO OBTAIN A
18 STIPULATION TO THE ADMISSIBILITY OF EXHIBITS?

11:14:27 19 MS. ALTER: YES, YOUR HONOR.

11:14:28 20 THE COURT: OKAY.

11:14:32 21 MS. ALTER: I WOULD ASK THAT PERHAPS AFTER
22 WE GO THROUGH ONE OR TWO OF THESE, SO WE DON'T HAVE TO
23 DO THIS OVER AND OVER AGAIN, THAT PERHAPS WE CAN
24 RECONSIDER THAT STIPULATION.

11:14:42 25 MS. HAMILL: I'M HAPPY TO STIPULATE AS LONG
26 AS YOU'RE WILLING TO STIPULATE TO EXHIBIT 32 ON THE
27 SAME -- THESE ARE THE SAME ISSUES THAT THE ALLIANCE
28 STRUGGLED WITH. SO IF IT'S A TWO-WAY STIPULATION,

1 WE'RE OPEN TO DISCUSSING THAT.

11:14:58 2 THE COURT: WELL, PERHAPS WE CAN SHORT-CUT
3 THIS. WHICH EXHIBITS ARE YOU SEEKING WE GET INTO
4 EVIDENCE THROUGH MISS CHU?

11:15:06 5 MS. ALTER: WE ARE SEEKING TO
6 AUTHENTICATE -- WELL, 242 IS ALREADY IN EVIDENCE. I
7 JUST WANT TO ESTABLISH HOW IT WAS PREPARED. AND THEN
8 WE ARE SEEKING TO AUTHENTICATE EXHIBITS 264 TO 265,
9 281 TO 291.

11:15:21 10 THE COURT: GO SLOW. 264, 265.

11:15:24 11 MS. ALTER: 281 TO 291. 294 TO 314 AND
12 EXHIBITS 318 AND 323 HAVE ALREADY BEEN ADMITTED, BUT I
13 DID WANT TO ESTABLISH THE PROCESS BY WHICH THEY WERE
14 PREPARED. AND 324 HAS BEEN INTRODUCED. I DON'T
15 BELIEVE IT'S BEEN ADMITTED YET. AND WE WOULD EXPLAIN
16 TO THE COURT HOW THAT WAS PREPARED AS WELL.

11:15:59 17 THE COURT: ALL RIGHT. MISS HAMILL, YOU'RE
18 PREPARED TO STIPULATE TO THE ADMISSIBILITY OF THESE
19 EXHIBITS IN EXCHANGE FOR A STIPULATION TO THE
20 ADMISSIBILITY OF 32?

11:16:13 21 MS. HAMILL: CORRECT, YOUR HONOR.

11:16:14 22 THE COURT: OKAY.

11:16:17 23 DEFENSE COUNSEL, THE BALL'S IN YOUR COURT.

11:16:21 24 MS. ALTER: YOUR HONOR, I THINK WE DISCUSSED
25 32 FAIRLY EXTENSIVELY YESTERDAY, AND YOUR HONOR
26 REFUSED TO ALLOW IT INTO EVIDENCE FOLLOWING AN
27 OBJECTION BY MR. RAYGOR. AND I THINK PART OF THE
28 PROBLEM WITH EXHIBIT 32 IS THAT IT SELECTIVELY QUOTES

1 FROM OR SELECTIVELY HIGHLIGHTS PARTICULAR DIRECT
2 MESSAGES WITHOUT ANY EXPLANATION AS TO WHY THOSE WERE
3 CHOSEN; WHEREAS, OTHERS WERE NOT.

11:16:49 4 THE COURT: WELL, YOUR WITNESS TESTIFIED AS
5 TO THAT METHODOLOGY AS HE UNDERSTOOD IT. I DON'T
6 THINK HE WAS QUESTIONING THE ACCURACY. I JUST DIDN'T
7 THINK HE WAS COMPETENT TO TESTIFY ABOUT THE
8 METHODOLOGY. IF YOU FEEL THAT THE EXHIBIT IS SOMEHOW
9 INACCURATE, YOU'RE ENTITLED TO THAT OPINION.

11:17:09 10 BUT IF YOU WANT TO RELY ON YOUR OWN WITNESS
11 WHO SAID, I THINK IT WAS MR. MORROW, WHO SAID THAT IT
12 LOOKED ACCURATE TO HIM, PERHAPS YOU'LL RETHINK YOUR
13 OBJECTION TO 32.

11:17:23 14 MR. RAYGOR: MAY WE HAVE A MOMENT TO
15 CONSULT?

11:17:25 16 THE COURT: THE TWO OF YOU CAN PUT YOUR
17 HEADS TOGETHER, YES.

11:17:29 18 MS. HAMILL: AND THIS --

11:17:30 19 THE COURT: HOLD ON.

11:17:31 20 MS. HAMILL: THE DEFENSE ALREADY STIPULATED
21 TO ITS AUTHENTICITY BEFORE YESTERDAY.

11:17:36 22 THE COURT: I DON'T RECALL THAT IT WAS
23 BROUGHT TO MY ATTENTION YESTERDAY. OKAY. THEY CAN
24 FACTOR THAT IN, IN THEIR CONFERENCE.

11:17:58 25 MS. ALTER: YOUR HONOR, WE WILL STIPULATE.

11:17:59 26 THE COURT: ALL RIGHT. SO LET ME REFLECT
27 WHAT I UNDERSTAND THE STIPULATION TO BE, AND THEN I'LL
28 HEAR FROM COUNSEL. THE PARTIES HAVE STIPULATED THAT

1 THE FOLLOWING EXHIBITS SHALL BE RECEIVED INTO
2 EVIDENCE; 32, 264 AND 265, 281 THROUGH 291, 294 TO
3 314, AND 324.

11:18:21 4 AGREED, MISS HAMILL?

11:18:22 5 MS. HAMILL: AGREED, YOUR HONOR.

11:18:24 6 THE COURT: AND AGREED, MISS ALTER?

11:18:26 7 MS. ALTER: YES, YOUR HONOR.

11:18:26 8 THE COURT: THANK YOU.

11:18:28 9 DO YOU STILL NEED TO ASK OTHER QUESTIONS OF
10 THE WITNESS, MISS CHU?

11:18:33 11 MS. ALTER: JUST A HANDFUL OF QUESTIONS,
12 YOUR HONOR.

11:18:34 13 THE COURT: OKAY. GO AHEAD

11:18:36 14 MS. ALTER: YES.

11:18:43 15 Q. (BY MS. ALTER) SO MISS CHU, COULD YOU
16 PLEASE LOOK AT PAGE 1 OF EXHIBIT 242.

11:18:52 17 A. OKAY.

11:18:52 18 Q. DO YOU SEE WHERE IT SAYS CAPTURE URL?

11:18:57 19 A. YES.

11:18:59 20 Q. WHAT DOES THAT MEAN?

11:19:03 21 A. THAT IS THE URL THAT WAS SPECIFIED TO PAGE
22 VAULT TO CAPTURE THE FIRE FERRER HASHTAG.

11:19:13 23 Q. WHAT IS A FIRE FERRER HASHTAG?

11:19:16 24 A. IT'S A SEARCH THAT WAS GENERATED WITHIN
25 TWITTER WITH POUND SIGN FIRE FERRER.

11:19:24 26 Q. DO YOU SEE BELOW CAPTURE URL SAYS PAGE
27 LOADED AT UTC?

11:19:31 28 A. YES.

11:19:31 1 Q. WHAT DOES THAT MEAN?

11:19:32 2 A. THAT MEANS WHAT I TYPED THE ADDRESS INTO THE
3 PAGE VAULT PLATFORM.

11:19:36 4 Q. YOU SEE BELOW THAT WHERE IT SAYS CAPTURE
5 TIMESTAMP?

11:19:40 6 A. YES.

11:19:40 7 Q. WHAT DOES THAT MEAN?

11:19:42 8 A. THAT IS WHEN THE CAPTURE STARTED.

11:19:45 9 Q. AND WHAT DOES USER MEAN?

11:19:46 10 A. THAT WOULD BE ME.

11:19:50 11 Q. SO IF YOU LOOK AT THE FOOTER ON EXHIBIT 242,
12 IT SAYS DOCUMENT TITLE. DO YOU SEE THAT?

11:20:00 13 A. YES.

11:20:01 14 Q. WHAT IS THAT IN REFERENCE TO?

11:20:03 15 A. THAT IS A TITLE THAT I CAN GENERATE WHEN I'M
16 MANIPULATING THE PROGRAM.

11:20:09 17 Q. SO THE DOCUMENT TITLE IS A TITLE THAT YOU
18 HAVE GIVEN THE DOCUMENT?

11:20:13 19 A. YES.

11:20:13 20 Q. DOES IT MATCH WHAT'S ON OUR EXHIBIT LIST?
21 CLOSELY?

11:20:18 22 A. CLOSELY.

11:20:18 23 Q. OKAY. AND THE CAPTURE URL IS THE SAME TERM
24 THAT YOU REFER TO ON PAGE 1 OF THIS EXHIBIT? DO YOU
25 SEE WHERE IT SAYS CAPTURE URL DOWN BELOW AT THE TITLE?

11:20:32 26 A. YES.

11:20:32 27 Q. AND THAT'S THE SAME CAPTURE SPACE URL THAT
28 YOU SEE ON PAGE 1.

11:20:43 1 A. YES.

11:20:44 2 Q. AND THEN CAPTURE TIMESTAMP UTC, WHICH IS PUT
3 AT THE BOTTOM OF EACH PAGE OF THIS EXHIBIT, IS THAT
4 THE SAME CAPTURE TIMESTAMP THAT YOU REFERENCED ON
5 PAGE 1 OF THE EXHIBIT?

11:21:01 6 A. YES.

11:21:08 7 Q. FOR EACH OF THESE EXHIBITS THAT WE JUST
8 ADMITTED, IS THE PDF SUBMITTED AN ACCURATE
9 REPRESENTATION OF WHAT PAGE VAULT GENERATED?

11:21:17 10 A. YES.

11:21:18 11 Q. DID YOU MAKE ANY CHANGES TO THE CONTENT THAT
12 PAGE VAULT GENERATED?

11:21:23 13 A. CONTENT, NO.

11:21:28 14 MS. ALTER: I HAVE NO FURTHER QUESTIONS,
15 YOUR HONOR.

11:21:30 16 THE COURT: DO YOU HAVE ANY EXAMINATION OF
17 THE WITNESS?

11:21:32 18 MS. HAMILL: YES, YOUR HONOR.

11:21:33 19

11:21:34 20 CROSS-EXAMINATION

11:21:49 21 Q. (BY MS. HAMILL) GOOD AFTERNOON, MISS CHU.
22 GOOD MORNING. I DON'T KNOW WHAT TIME IT IS.

11:21:53 23 YOU TESTIFIED THAT YOU HANDLE EXHIBITS AND
24 EXHIBIT LISTS. IS THAT CORRECT?

11:21:58 25 A. CORRECT.

11:21:59 26 Q. AND HAVE YOU BEEN HANDLING EXHIBITS IN THIS
27 CASE SINCE THE OUTSET?

11:22:02 28 A. YES.

11:22:03 1 Q. DID YOU HANDLE THE PRODUCTION OF DOCUMENTS
2 FROM X CORP.?

11:22:08 3 MS. ALTER: OBJECTION. EXCEEDS THE SCOPE.

11:22:11 4 THE COURT: WELL, WHAT'S THE RELEVANCE OF
5 THE PRODUCTION FROM X CORP.? THAT'S A THIRD-PARTY?

11:22:16 6 MS. HAMILL: THE RELEVANCE IS THAT WE HAVE
7 DISPUTES ABOUT THE ABILITY TO USE THE REDACTED COPIES
8 VERSUS THE SEALED UNREDACTED COPIES. AND I WANT TO
9 VERIFY WITH MISS CHU THAT THE REDACTED COPY IS THE
10 SAME AS THE UNREDACTED COPY.

11:22:36 11 THE COURT: WELL, I'M NOT SURE THAT'S A GOOD
12 USE OF THIS WITNESS'S TIME OR THE COURT'S TIME. THAT
13 SHOULD BE SOMETHING WORKED OUT BY THE LAWYERS. AND I
14 THOUGHT WE HAD A PROTOCOL FOR THAT.

11:22:47 15 SO WHAT'S THE PURPOSE OF MAKING OR DIRECTING
16 QUESTIONS TO THIS WITNESS ON THAT TOPIC?

11:22:53 17 MS. HAMILL: I'LL MOVE ON.

11:22:54 18 THE COURT: OKAY.

11:22:56 19 Q. (BY MS. HAMILL) X CORP., FORMERLY KNOWN AS
20 TWITTER, IS A CLIENT OF SHEPPARD MULLIN; CORRECT?

11:23:04 21 MS. ALTER: OBJECTION. RELEVANCE.

11:23:05 22 THE COURT: WHAT IS THE RELEVANCE?

11:23:09 23 MS. HAMILL: ALLIANCE HAS ALLEGED
24 SIGNIFICANT ENCOURAGEMENT AND COERCION BY DEFENDANT
25 COUNTY DEPARTMENT OF PUBLIC HEALTH OF TWITTER. PART
26 OF THE ANALYSIS OF SIGNIFICANT ENCOURAGEMENT AND
27 COERCION IS THE INTERTWINED NATURE OF THE RELATIONSHIP
28 BETWEEN THE GOVERNMENT AND THE PRIVATE PARTY. THE LAW

1 FIRM REPRESENTS EVERY PRIVATE PARTY AND THE GOVERNMENT
2 IN THIS CASE.

11:23:37 3 MS. ALTER: YOUR HONOR, OBJECTION. LACKS
4 FOUNDATION.

11:23:38 5 THE COURT: WAIT. THIS IS ARGUMENT, SO I'LL
6 HEAR FROM YOU IN A MOMENT.

11:23:43 7 MS. ALTER: OKAY.

11:23:43 8 THE COURT: SHEPPARD MULLIN REPRESENTED WHO?

11:23:47 9 MS. HAMILL: SHEPPARD MULLIN REPRESENTS THE
10 DIGITAL PLATFORMS META AND X CORP. AND THE GOVERNMENT.

11:23:52 11 THE COURT: OKAY. I'M ASSUMING THAT'S A
12 PROFFER. THEY ARE CERTAINLY REPRESENTING, WHEN YOU
13 SAY THE GOVERNMENT, THE DEPARTMENT OF PUBLIC HEALTH
14 AND THE COUNTY HERE. YES?

11:24:01 15 MS. HAMILL: YES.

11:24:02 16 THE COURT: BUT YOU BELIEVE THAT ONE OF
17 THEIR OTHER CLIENTS IS X CORP.?

11:24:07 18 MS. HAMILL: YES, YOUR HONOR.

11:24:08 19 THE COURT: OKAY. AND?

11:24:09 20 MS. HAMILL: AND I WOULD LIKE TO ASK THIS
21 WITNESS IF SHE'S BEEN WORKING WITH X CORP. ON THIS
22 CASE.

11:24:17 23 THE COURT: THE RECORD REFLECTS IN THIS
24 LAWSUIT THAT "X" CORP. HAS BEEN REPRESENTED BY A
25 DIFFERENT LAW FIRM. I THINK IT'S WHITE & CASE; WAS IT
26 NOT?

11:24:28 27 MS. HAMILL: THAT'S WHO MADE THEIR
28 APPEARANCES IN THIS CASE, BUT I'M WONDERING IF THE LAW

1 FIRM IS ALSO WORKING WITH X CORP. BEHIND THE SCENES.

11:24:37 2 THE COURT: OKAY. I'M GOING TO SUSTAIN THE
3 OBJECTION. I DON'T THINK THERE'S ANY RELEVANCE --
4 ASSUMING YOUR FACTS ARE CORRECT -- THAT A MAJOR LAW
5 FIRM SUCH AS SHEPPARD MULLIN HAS MULTIPLE CLIENTS,
6 INCLUDING OTHERS THAT MAY BE THIRD PARTIES IN THIS
7 CASE. BUT IN THIS PARTICULAR CASE, THE RECORD IS THAT
8 X CORP. IS REPRESENTED BY A DIFFERENT LAW FIRM, AND I
9 THINK IT'S HIGHLY REMOTE AS TO SOME SORT OF CONNECTION
10 OR COLLUSION BASED ON THAT THIN PROFFER. AND UNDER
11 352, I'M GOING TO PRECLUDE IT.

11:25:14 12 NEXT TOPIC.

11:25:16 13 Q. (BY MS. HAMILL) HAVE YOU WORKED WITH THE
14 DEPARTMENT OF PUBLIC HEALTH'S TWITTER ARCHIVE IN
15 THIS CASE?

11:25:23 16 A. VERY LIMITED.

11:25:25 17 Q. HAVE YOU OPENED UP THE ARCHIVE ON YOUR
18 COMPUTER?

11:25:28 19 A. YES.

11:25:28 20 Q. WHEN YOU OPEN UP THE ARCHIVE, ARE YOU ABLE
21 TO MANIPULATE ANY OF THE DATA IN THE ARCHIVE?

11:25:34 22 MS. ALTER: OBJECTION. RELEVANCE.

11:25:38 23 THE COURT: WHAT EXHIBIT IS THIS GOING TO,
24 IF ANY?

11:25:41 25 MS. HAMILL: EXHIBIT 75.

11:25:43 26 THE COURT: 75. OKAY.

11:25:47 27 MS. ALTER: YOUR HONOR, THAT'S ON A DRIVE.

11:25:50 28 THE COURT: 75? OKAY. 75 IS THE -- YOUR

1 FLASH DRIVE WITH A BUNCH OF OTHER DATA; RIGHT?

11:25:56 2 MS. HAMILL: IT'S THE FLASH DRIVE --
3 EXHIBIT 75 IS THE FULL TWITTER ARCHIVE THAT WAS
4 PRODUCED BY DEFENDANTS AND MY ASSUMPTION IS MISS CHU
5 PRODUCED THAT DOCUMENT AND MARKED IT AS 000421 IN THE
6 DEFENDANTS' PRODUCTION.

11:26:12 7 THE COURT: VERONICA, WHAT IS THE STATUS OF
8 75?

11:26:20 9 THE CLERK: IT HAS (INAUDIBLE).

11:26:27 10 THE REPORTER: YOUR HONOR, OFF THE RECORD
11 FOR THIS?

11:26:27 12 THE COURT: YES.

11:26:27 13 (A DISCUSSION WAS HELD OFF THE RECORD.)

11:26:32 14 THE COURT: THE CLERK HAS VERIFIED THAT 75
15 HAS NEITHER BEEN OFFICIALLY IDENTIFIED NOR IS IT IN
16 EVIDENCE. SO YOU'RE TRYING TO GET IT INTO EVIDENCE;
17 RIGHT?

11:26:46 18 MS. HAMILL: YES, YOUR HONOR.

11:26:46 19 THE COURT: IS THERE ANY OBJECTION TO 75?

11:26:50 20 MS. ALTER: NO OBJECTION, YOUR HONOR.

11:26:51 21 THE COURT: 75 IS RECEIVED.

11:26:54 22 MS. HAMILL: THANK YOU, YOUR HONOR.

11:26:54 23 THE COURT: NO FURTHER QUESTIONS?

11:26:56 24 MS. HAMILL: NO FURTHER QUESTIONS.

11:26:57 25 THE COURT: ANY FOLLOW-UP?

11:26:59 26 MS. ALTER: NO, YOUR HONOR.

11:26:59 27 THE COURT: OKAY. THANK YOU FOR COMING IN,
28 MISS CHU.

11:27:02 1 THE WITNESS: NO PROBLEM.

11:27:03 2 THE COURT: YOU MAY RETURN TO YOUR SEAT IN
3 THE BACK.

11:27:11 4 NEXT WITNESS FOR THE DEFENSE.

11:27:13 5 MR. RAYGOR: MR. MORROW. MR. MORROW.

11:27:16 6 THE COURT: MR. MORROW MAY RETURN TO THE
7 WITNESS STAND. MR. MORROW, YOU ARE STILL UNDER OATH.
8 CORRECT?

11:27:23 9 THE WITNESS: CORRECT, YES.

11:27:24 10 THE COURT: THANK YOU. AND I HAVE IN MIND,
11 MR. RAYGOR, THE TESTIMONY FROM A DAY OR SO AGO, SO WE
12 WILL NOT BE REPEATING THAT; CORRECT?

11:27:36 13 MR. RAYGOR: I WILL DO MY BEST NOT TO REPEAT
14 IT.

11:27:38 15 THE COURT: WELL, GOOD, BECAUSE I MAY
16 INTERPOSE MY OWN OBJECTION.

11:27:43 17 MR. RAYGOR: UNDERSTOOD.

11:27:44 18 THE WITNESS: I MAY AS WELL.

11:27:45 19 THE COURT: VERY GOOD.
20 NOW, GO AHEAD.

11:27:48 21

11:27:50 22 DIRECT EXAMINATION

11:27:52 23 Q. (BY MR. RAYGOR) MR. MORROW, WELCOME BACK.
24 CAN YOU HEAR ME, COURT REPORTER?

11:28:01 25 THE REPORTER: YES, VERY WELL. THANK YOU
26 VERY MUCH.

11:28:04 27 MR. RAYGOR: I WILL TRY TO KEEP MY VOICE UP.

11:28:06 28 Q. (BY MR. RAYGOR) WHO DO YOU PRESENTLY

1 REPORT TO?

11:28:09 2 A. PRESENTLY I REPORT TO DR. BARBARA FERRER.

11:28:12 3 Q. PREVIOUSLY, YOU REPORTED TO SOMEBODY OTHER
4 THAN HER?

11:28:16 5 A. CORRECT.

11:28:16 6 Q. AND WHO WAS THAT?

11:28:17 7 A. MEGAN MCCLAIRE.

11:28:20 8 Q. AND DOES MEGAN MCCLAIRE, AT THE TIME DID
9 MEGAN MCCLAIRE REPORT TO DR. FERRER?

11:28:26 10 A. CORRECT.

11:28:28 11 Q. HAS SHE RECENTLY BEEN REPLACED -- SHE, MEGAN
12 MCCLAIRE?

11:28:32 13 A. YES.

11:28:32 14 Q. BY WHOM?

11:28:34 15 A. DR. ANISH MAHAJAN, I BELIEVE IS HIS LAST
16 NAME. I'M SORRY. I DON'T KNOW HOW TO SPELL IT. BUT
17 HE IS THE NEW CHIEF DEPUTY DIRECTOR OF THE DEPARTMENT
18 OF PUBLIC HEALTH.

11:28:45 19 Q. SO DO YOU NOW REPORT TO HIM?

11:28:47 20 A. I DO NOT AT THIS TIME. I MAY IN THE FUTURE.

11:28:52 21 THE COURT: YOU MAY WHAT?

11:28:53 22 THE WITNESS: IN THE FUTURE.

11:28:55 23 Q. (BY MR. RAYGOR) DO YOU KNOW ERICA LESPRON?

11:28:57 24 A. I DO, YES.

11:28:58 25 Q. DOES SHE REPORT TO YOU?

11:28:59 26 A. SHE DOES, YES.

11:29:00 27 Q. IS SHE PART OF YOUR COMMUNICATIONS TEAM
28 WITHIN THE DEPARTMENT OF PUBLIC HEALTH?

11:29:04 1 A. SHE IS, YES.

11:29:05 2 Q. IF I SAY DPH SOMETIMES JUST TO SHORTEN IT,
3 DO YOU UNDERSTAND THAT I'M REFERRING TO THE
4 LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH?

11:29:13 5 A. I DO, YES.

11:29:14 6 Q. OR IF I SOMETIMES JUST SAY THE DEPARTMENT,
7 WILL YOU STILL UNDERSTAND IT'S THE SAME THING?

11:29:20 8 A. I WILL, YES.

11:29:22 9 Q. WHAT IS HER PRESENT JOB ON YOUR TEAM?

11:29:24 10 A. SHE IS A PUBLIC INFORMATION ASSISTANT.

11:29:26 11 Q. DO YOU KNOW WHEN SHE GOT THAT JOB?

11:29:28 12 A. I'M SORRY, WHAT?

11:29:29 13 Q. WHEN DID SHE GET THAT JOB?

11:29:32 14 A. I BELIEVE SHE WAS REPORTED SOMETIME LATE
15 LAST YEAR. I CAN'T REMEMBER EXACTLY WHEN.

11:29:37 16 Q. REPORTED OR PROMOTED?

11:29:38 17 A. I'M SORRY. PROMOTED. I'M SORRY IF I SAID
18 REPORTED. PROMOTED.

11:29:43 19 Q. AT ABOUT THE TIME THAT SHE WAS -- WAS SHE
20 WORKING IN YOUR TEAM AT THE TIME THAT THE SOCIAL MEDIA
21 ACCOUNT COMMENTARY WAS CLOSED DOWN?

11:29:53 22 A. CORRECT.

11:29:55 23 Q. WHAT WAS HER JOB TITLE THEN?

11:29:57 24 A. ADMINISTRATIVE AIDE.

11:29:59 25 Q. IN THAT JOB, WHAT DOES SHE DO?

11:30:02 26 MS. HAMILL: OBJECTION. RELEVANCE.

11:30:04 27 THE COURT: WHAT DOES SHE DO? CURRENTLY?

11:30:07 28 Q. (BY MR. RAYGOR) SORRY. LET ME BE CLEAR AS

1 TO TIME. WHEN SHE WAS AN ADMINISTRATIVE AIDE ON
2 YOUR TEAM, WHAT WERE HER JOB DUTIES?

11:30:20 3 A. SHE DID VARIOUS ADMINISTRATIVE TASKS. SHE
4 POSTED CONTENT ON SOCIAL MEDIA, AND I LIKE TO JOKE
5 WITH HER OTHER DUTIES AS ASSIGNED. SHE'S GREAT AT HER
6 JOB, AND SO WE CAN ASK HER TO DO ANY JOB, AND SHE WILL
7 DO IT EXCEPTIONALLY WELL.

11:30:42 8 MS. HAMILL: MOVE TO STRIKE EVERYTHING AFTER
9 THE RESPONSE TO THE QUESTION.

11:30:46 10 THE COURT: OVERRULED.

11:30:46 11 Q. (BY MR. RAYGOR) AS PART OF HER DUTIES, DID
12 SHE ALSO MONITOR YOUR SOCIAL MEDIA ACCOUNTS?

11:30:51 13 A. CORRECT, YES.

11:31:03 14 Q. DOES THE DEPARTMENT HAVE A WEBSITE WHERE IT
15 PROVIDES PUBLIC HEALTH INFORMATION TO RESIDENTS?

11:31:09 16 A. IT DOES, YES.

11:31:10 17 Q. COULD YOU TURN -- SORRY. LET ME GET IT FOR
18 YOU.

11:31:15 19 A. I CAN GET IT.

11:31:18 20 THE COURT: WHAT EXHIBIT ARE WE LOOKING FOR?

11:31:20 21 MR. RAYGOR: 325.

11:31:25 22 THE WITNESS: OH, MY GOD, IT'S HEAVY.

11:31:28 23 325?

11:31:30 24 MR. RAYGOR: YES.

11:31:53 25 THE WITNESS: I'M HERE.

11:31:58 26 Q. (BY MR. RAYGOR) IS THIS ITS HOME PAGE?

11:32:01 27 A. CORRECT, YES.

11:32:01 28 Q. LET ME ASK WHAT IT IS FIRST.

11:32:03 1 TELL ME WHAT THIS IS.

11:32:05 2 A. THIS IS THE HOME PAGE OF THE DEPARTMENT OF
3 PUBLIC HEALTH'S INTERNET PAGE.

11:32:11 4 Q. IN OTHER WORDS, ITS WEBSITE?

11:32:13 5 A. CORRECT, YES.

11:32:13 6 Q. AND THAT'S THE ADDRESS PUBLIC HEALTH DOT
7 L.A. COUNTY DOT GOV?

11:32:18 8 A. CORRECT. USERS CAN ALSO USE PH DOT L.A.
9 COUNTY .GOV AS A SHORTENED URL.

11:32:26 10 Q. DOES DPH ALLOW PEOPLE TO COMMENT ON DPH'S
11 CONTENTED ON THIS WEBSITE?

11:32:35 12 A. IT DOES NOT.

11:32:36 13 Q. HAS IT EVER ALLOWED COMMENTARY ON ITS
14 WEBSITE?

11:32:39 15 A. NO, NOT TO MY KNOWLEDGE.

11:32:42 16 Q. COULD YOU TURN TO 325-TWO, THE SECOND PAGE
17 OF THIS EXHIBIT. AND DO YOU SEE THE -- WHAT DO YOU
18 CALL THAT LOGO WITH THE -- I SEE IT AS FOUR PROFILES.
19 IT LOOKS BLUE ON WHITE ON MY PAGE.

11:33:00 20 A. I'M SORRY. THE QUESTION WAS, WHAT DO I CALL
21 THAT?

11:33:03 22 Q. IS THAT A DEPARTMENT OF PUBLIC HEALTH LOGO?

11:33:05 23 A. CORRECT. THAT IS A PORTION OF THE
24 DEPARTMENT OF PUBLIC HEALTH LOGO.

11:33:09 25 Q. OKAY. AND JUST BELOW THAT, IT SAYS L.A.
26 PUBLIC HEALTH; CORRECT?

11:33:15 27 A. CORRECT.

11:33:15 28 Q. CAN YOU READ THE SENTENCE BELOW THAT,

1 STARTING WITH COMMITTED?

11:33:20 2 MS. HAMILL: OBJECTION. THE DOCUMENT SPEAKS
3 FOR ITSELF.

11:33:23 4 THE COURT: IS 325 IN EVIDENCE, VERONICA?

11:33:27 5 THE CLERK: NO, YOUR HONOR.

11:33:27 6 THE COURT: ARE YOU MOVING IT INTO EVIDENCE?

11:33:30 7 MR. RAYGOR: SORRY. I THOUGHT WE HAD MOVED
8 THESE IN WHEN WE WERE TALKING ABOUT --

11:33:34 9 THE COURT: WAS THIS ONE OF THE STIPULATED
10 ONES?

11:33:36 11 MS. HAMILL: ALLIANCE HAS NO OBJECTION.

11:33:38 12 THE COURT: IT WAS NOT ON MY LIST, NO. YOUR
13 PROFFER STOPPED WITH 324.

11:33:46 14 MR. RAYGOR: MISS HAMILL JUST SAID THEY HAVE
15 NO OBJECTION.

11:33:49 16 THE COURT: ALL RIGHT. 325 IS RECEIVED.

11:33:53 17 Q. (BY MR. RAYGOR) SO CAN YOU JUST READ THAT
18 COMMITTED SENTENCE. THE SENTENCE THAT STARTED WITH
19 COMMITTED.

11:34:00 20 A. COMMITTED TO PROTECTING AND IMPROVING THE
21 HEALTH OF THE OVER 10 MILLION RESIDENTS OF HASHTAG
22 L.A. COUNTY.

11:34:15 23 Q. COULD YOU TURN TO PAGE 325-THREE, PLEASE.
11:34:28 24 WHAT IS THIS?

11:34:31 25 A. THIS APPEARS TO BE THE ABOUT PAGE FROM THE
26 DEPARTMENT OF PUBLIC HEALTH'S FACEBOOK PAGE.

11:34:36 27 Q. SO IS THIS WHAT MIGHT SOMETIMES BE REFERRED
28 TO AS A LANDING PAGE FOR YOUR SOCIAL MEDIA FACEBOOK

1 ACCOUNT?

11:34:44 2 A. IT CAN BE, YES.

11:34:55 3 Q. IN THE LOWER RIGHT-HAND CORNER, THERE IS A
4 STATEMENT THAT SAYS ABOUT L.A. COUNTY DEPARTMENT OF
5 PUBLIC HEALTH. CAN YOU READ THE STATEMENT BELOW THAT,
6 PLEASE?

11:35:05 7 MS. HAMILL: OBJECTION. THIS DOCUMENT
8 SPEAKS FOR ITSELF. IT'S BEEN ADMITTED INTO EVIDENCE.

11:35:09 9 THE COURT: YEAH, SUSTAINED. YOU CAN REFER
10 TO IT MORE FULLY IN YOUR CLOSING ARGUMENT, MR. RAYGOR,
11 BUT IT IS IN EVIDENCE.

11:35:15 12 MR. RAYGOR: THEN I WILL -- UNDERSTOOD.

11:35:19 13 Q. (BY MR. RAYGOR) TURN TO PAGE 325-FIVE.
14 AND WHAT IS THIS?

11:35:34 15 A. THAT IS THE DEPARTMENT OF PUBLIC HEALTH'S
16 INSTAGRAM PAGE.

11:35:50 17 Q. IS PUBLIC COMMENTARY CURRENTLY ALLOWED IN
18 RESPONSE TO DPH POSTS ON ITS INSTAGRAM PAGE?

11:35:58 19 A. CURRENTLY PUBLIC COMMENTARY IS NOT PERMITTED
20 ON OUR INSTAGRAM PAGE.

11:36:03 21 Q. WAS IT PERMITTED PRIOR TO JULY 29 OR 30,
22 2022?

11:36:08 23 A. CORRECT, YES.

11:36:11 24 Q. AND ON THE FACEBOOK PAGE, ARE PUBLIC
25 COMMENTS IN RESPONSE TO DPH POSTS CURRENTLY ALLOWED ON
26 YOUR FACEBOOK PAGE?

11:36:20 27 A. CURRENTLY, THEY ARE NOT.

11:36:21 28 Q. WERE THEY ALLOWED BEFORE JULY 29 OR 30,

1 2022?

11:36:26 2 A. CORRECT.

11:36:39 3 Q. TURN TO PAGE 325-TWO. SAME COUPLE OF
4 QUESTIONS WITH RESPECT TO YOUR TWITTER SOCIAL MEDIA
5 ACCOUNT. ARE COMMENTS FROM THE PUBLIC IN RESPONSE
6 TO DPH POSTS THAT ARE MADE ON DPH'S TWITTER ACCOUNT
7 CURRENTLY ALLOWED?

11:37:02 8 A. THEY ARE NOT.

11:37:03 9 Q. WERE THEY ALLOWED BEFORE JULY 29 OR 30,
10 2022?

11:37:06 11 A. YES, THEY WERE.

11:37:11 12 Q. HOW LONG HAVE YOU BEEN WORKING IN THE
13 COMMUNICATIONS ARENA?

11:37:17 14 A. NEARLY 20 YEARS.

11:37:20 15 Q. AS A RESULT OF THAT, DO YOU HAVE FAIRLY DEEP
16 EXPERIENCE WITH HOW SOCIAL MEDIA ACCOUNTS OPERATE?

11:37:26 17 A. I DO, YES. I'VE BEEN AROUND SINCE BEFORE
18 SOCIAL MEDIA WAS A PROMINENT USE OF COMMUNICATIONS.

11:37:34 19 MS. HAMILL: OBJECTION. MOVE TO STRIKE
20 EVERYTHING AFTER YES.

11:37:38 21 THE COURT: SUSTAINED.

11:37:41 22 Q. (BY MR. RAYGOR) DO YOU OPERATE YOUR -- DO
23 YOU HAVE YOUR OWN SOCIAL MEDIA ACCOUNTS?

11:37:45 24 A. I DO, YES.

11:37:47 25 Q. TWITTER?

11:37:47 26 A. I HAVE A TWITTER ACCOUNT, YES.

11:37:49 27 Q. FACEBOOK?

11:37:51 28 A. I DO HAVE A FACEBOOK ACCOUNT, BUT I NEVER GO

1 ON IT. IT'S JUST THERE.

11:37:56 2 Q. INSTAGRAM?

11:37:57 3 A. I DO HAVE AN INSTAGRAM ACCOUNT, YES.

11:38:00 4 Q. ARE YOU FAMILIAR WITH HOW TWITTER USES DATES
5 WITH COMMENTS POSTED OR REPLIES THAT ARE POSTED?

11:38:14 6 A. I AM, YES.

11:38:15 7 Q. AND CAN YOU JUST TELL ME WHAT, IF A DATE
8 APPEARS AND IT DOESN'T HAVE A YEAR AFTER IT, WHAT DOES
9 THAT MEAN?

11:38:23 10 A. THAT MEANS IT'S --

11:38:25 11 MS. HAMILL: OBJECTION. VAGUE AND
12 AMBIGUOUS.

11:38:27 13 THE COURT: THERE IS AN OBJECTION, WHICH IS?

11:38:28 14 MS. HAMILL: VAGUE AND AMBIGUOUS.

11:38:30 15 THE COURT: OVERRULED.

11:38:32 16 YOU MAY ANSWER.

11:38:33 17 THE WITNESS: I'M SORRY. CAN YOU REPEAT THE
18 QUESTION.

11:38:35 19 Q. (BY MR. RAYGOR) WHAT DOES IT MEAN ON
20 TWITTER WHEN IT SHOWS A DATE OR A PARTICULAR
21 COMMENT, BUT IT DOESN'T INCLUDE A YEAR AFTER THAT
22 DATE?

11:38:42 23 MS. HAMILL: OBJECTION. CALLS FOR AN EXPERT
24 TESTIMONY.

11:38:47 25 THE COURT: THAT OBJECTION IS SUSTAINED.

11:38:55 26 Q. (BY MR. RAYGOR) DO YOU HAVE KNOWLEDGE OF
27 THAT BASED ON YOUR 20 YEARS OF EXPERIENCE WITH
28 SOCIAL MEDIA ACCOUNTS?

11:39:03 1 A. I DO, YES.

11:39:04 2 MR. RAYGOR: YOUR HONOR, I WOULD PROFFER FOR
3 THE VERY LIMITED PURPOSE OF THAT, THAT HE HAS
4 EXPERIENCE OF HOW TWITTER -- WHAT IT MEANS WHEN
5 TWITTER DOES INCLUDE A YEAR AND WHEN IT DOESN'T
6 INCLUDE A YEAR.

11:39:16 7 THE COURT: YOU ARE OFFERING HIM TO GIVE AN
8 EXPERT OPINION ON HOW TWITTER FUNCTIONS?

11:39:21 9 MR. RAYGOR: CORRECT, BASED ON HIS
10 EXPERIENCE -- DEEP EXPERIENCE WITH SOCIAL MEDIA
11 ACCOUNTS FOR THE LAST 20 YEARS.

11:39:29 12 THE COURT: WELL, THAT MEANS MISS ALTER
13 COULD ALSO TESTIFY ON HOW TWITTER WORKS AS WELL. SHE
14 IS PRETTY CONVERSANT ON THIS STUFF.

11:39:39 15 MR. RAYGOR: AS COULD I.

11:39:40 16 THE COURT: OH, REALLY? AT THE OUTSET OF
17 THIS, I DIDN'T THINK YOU WERE SO EDUCATED.

11:39:46 18 MS. ALTER: AND I TAKE THE FIFTH ON THAT,
19 YOUR HONOR.

11:39:48 20 THE WITNESS: HE'S NOT UNDER OATH.

11:39:49 21 THE COURT: I'M GOING TO SUSTAIN THE
22 OBJECTION.

11:40:03 23 Q. (BY MR. RAYGOR) DID YOU RECENTLY LOOK TO
24 SEE HOW MANY POSTS HAVE BEEN MADE BY DPH ON ITS
25 TWITTER, FACEBOOK AND INSTAGRAM SOCIAL MEDIA
26 ACCOUNTS SINCE JULY 29, 2022?

11:40:16 27 A. I DID, YES.

11:40:16 28 Q. ABOUT HOW LONG AGO?

11:40:17 1 A. I'M SORRY. SAY THAT AGAIN?

11:40:19 2 Q. ABOUT HOW LONG AGO?

11:40:20 3 A. SEVERAL DAYS AGO.

11:40:22 4 Q. AND HOW MANY WERE THERE?

11:40:24 5 A. APPROXIMATELY 2500.

11:40:29 6 Q. JUST TO BE CLEAR, THAT'S FOR ALL THREE
7 TOGETHER; CORRECT?

11:40:32 8 A. CORRECT. NOW INCLUDING A NEW PLATFORM
9 CALLED THREADS, WHICH IS A PART OF META WHICH OWNS
10 FACEBOOK AND INSTAGRAM.

11:40:41 11 Q. I'M SORRY. DID YOU SAY NOT INCLUDING?

11:40:44 12 A. INCLUDING.

11:40:44 13 Q. OH, INCLUDING.

11:40:46 14 A. YES.

11:40:53 15 Q. CAN YOU JUST DESCRIBE VERY GENERALLY WHAT
16 SORT OF TOPICS DO THE DEPARTMENT'S SOCIAL MEDIA POSTS
17 COVER?

11:41:02 18 A. WE INCLUDE INFORMATION ABOUT HEAT SAFETY,
19 INFANT MORTALITY, SUDDEN INFANT DEATH SYNDROME, M POX,
20 WHICH USED TO BE CALLED MONKEYPOX AT ONE TIME,
21 COVID-19, VACCINATIONS, THE FLU. WHEN THE TROPICAL
22 STORM CAME A FEW WEEKS AGO OR A FEW MONTHS AGO, HOW
23 PEOPLE CAN PREVENT MOLD IN THEIR HOUSE IF THERE WAS
24 FLOODING. WHAT TO DO IN TERMS OF POWER OUTAGES WITH
25 REGARDS TO THE SEMITROPIC STORM.

11:41:40 26 WE PROVIDE INFORMATION ABOUT WATER QUALITY
27 FOR OCEAN WATERS, A WHOLE HOST OF DIFFERENT TOPICS,
28 BUT NOT LIMITED TO THOSE.

11:41:52 1 Q. WOULD IT BE FAIR TO SAY THAT THE TOPICS ARE
2 GENERALLY FOCUSED ON PROVIDING BROAD CATEGORIES OF
3 HEALTH INFORMATION TO THE COUNTY'S RESIDENTS?

11:42:02 4 A. ABSOLUTELY.

11:42:04 5 Q. IT WASN'T LIMITED TO JUST COVID DATA OR
6 COVID MESSAGING. WAS IT?

11:42:11 7 A. IT WAS NOT.

11:42:12 8 MS. HAMILL: VAGUE AND AMBIGUOUS AS TO TIME.

11:42:13 9 THE COURT: NO, HE ESTABLISHED THE TIME,
10 SINCE JULY OF 2022. OVERRULED.

11:42:22 11 Q. (BY MR. RAYGOR) BEFORE THE PANDEMIC, WERE
12 ALL THOSE KINDS OF TOPICS THAT YOU MENTIONED ALSO
13 THE SUBJECT OF DEPARTMENT OF PUBLIC HEALTH POSTS?

11:42:30 14 A. SO YOU ONLY BEGAN AT THE DEPARTMENT OF
15 PUBLIC HEALTH ABOUT EIGHT WEEKS BEFORE COVID, BUT IN
16 THOSE EIGHT WEEKS, YES. THERE WAS MANY OTHER TOPICS
17 THAT WERE POSTED FROM SOCIAL MEDIA.

11:42:44 18 Q. CAN YOU TELL ME A LITTLE BIT ABOUT HOW THE
19 ACTUAL PROCESS OF POSTING -- POSTING HEALTH MESSAGES
20 ON THE DEPARTMENT'S SOCIAL MEDIA ACCOUNTS WENT BEFORE
21 JULY 2022?

11:42:56 22 A. YES. EITHER OUR COMMUNICATIONS AGENCY,
23 FRASER COMMUNICATIONS, OR OUR INTERNAL STAFF WOULD
24 DEVELOP CONTENT; EITHER GRAPHICS, FLYERS, OR CAPTION
25 TEXT. THEY WOULD GO THROUGH SEVERAL DIFFERENT ROUNDS
26 OF DEVELOPMENT IN DESIGN AND THE WRITING OF THE
27 CAPTIONS. THEY WOULD PROVIDE IT TO ME FOR REVIEW.
28 I WOULD GIVE MY FEEDBACK AND ONCE I FELT AS THOUGH IT

1 WAS ACCURATE AND HOW I -- I GUESS YOU CAN SAY, WANTED
2 IT, I WOULD APPROVE IT AND THEN IT WOULD GO INTO -- WE
3 WOULD SLOT IT WITHIN A -- IT'S NOT A TECHNICAL TERM,
4 BUT LIKE WE WOULD SLOT IT IN TERMS OF ITS DATE AND
5 TIME OF WHEN WE WOULD POST IT BASICALLY.

11:43:51 6 Q. AND THEN WHO WOULD DO THE ACTUAL, FOR LACK
7 OF A BETTER TERM, PHYSICAL POSTING?

11:43:56 8 A. FOR THE MOST PART, IT WAS ERICA LESPRON.

11:44:01 9 Q. WAS SHE THERE IN THE COMMUNICATIONS TEAM
10 WHEN YOU FIRST STARTED?

11:44:07 11 A. SHE WAS NOT, NO. SHE CAME IN, I WANT TO SAY
12 JANUARY OF 2021.

11:44:22 13 Q. SO I KNOW WE TALKED ABOUT IN YOUR TESTIMONY
14 BEFORE TODAY ABOUT THE DATE OF CLOSING PUBLIC
15 COMMENTS. I'M NOT GOING TO COVER THAT AGAIN. HAVE
16 COMMENTS BEEN CLOSED DOWN ENTIRELY?

11:44:37 17 A. THEY HAVE NOT.

11:44:38 18 Q. WHEN ARE THEY NOT?

11:44:40 19 A. THEY'RE NOT CLOSED DOWN WHEN WE HOLD VIRTUAL
20 TOWN HALL MEETINGS.

11:44:47 21 Q. AND SO WHAT HAPPENS WHEN THERE IS A VIRTUAL
22 TOWN MEETING? CAN YOU JUST WALK ME THROUGH THE
23 PROCESS OF WHAT HAPPENS WITH COMMENTS THERE.

11:44:56 24 A. SURE. THOSE VIRTUAL TOWN HALL MEETINGS ARE
25 LIVE-STREAMED ON OUR YOUTUBE PAGE AND WE SOLICIT
26 QUESTIONS FOR THE VIRTUAL TOWN HALL MEETINGS BOTH
27 PRIOR TO THE MEETING BEGINNING AND DURING THE MEETING.
28 PART OF WHAT DR. FERRER WANTED WAS FOR THE ABILITY FOR

1 PEOPLE TO STILL PROVIDE QUESTIONS DURING THE VIRTUAL
2 TOWN HALLS.

11:45:22 3 SO WHEN WE GO TO POST THE LINK FOR THE
4 VIRTUAL TOWN HALL LIVE STREAM, THOSE POSTS COMMENTS
5 ARE ALLOWED FOR POTENTIAL QUESTIONS THAT WE MAY FLAG.
6 AND THAT WE WOULD PROVIDE TO BE ASKED.

11:45:38 7 Q. SO AFTER COMMENTARY WAS CLOSED DOWN IN LATE
8 JULY 2022, IF YOU HAVE A TOWN HALL MEETING, WHAT DO
9 YOU HAVE TO DO? DO YOU HAVE TO GO IN AND CHANGE A
10 SETTING? DO YOU HAVE TO -- HOW DO YOU GET THE
11 COMMENTS TURNED BACK ON AND THEN OFF?

11:45:56 12 A. SO IT MAY BE -- IT DEPENDS DEPENDING ON THE
13 PLATFORM AND THE DEVICE YOU ARE USING. THE USER MAY
14 NEED TO CHANGE A SETTING, BUT IT WOULD DEPEND ON THAT
15 SPECIFIC PLATFORM OR THE SPECIFIC DEVICE THAT IS BEING
16 USED. EITHER WAY, THE PERSON POSTING THAT POST WOULD
17 NEED TO ENSURE THAT COMMENTS ARE -- ARE ON AND ARE
18 ALLOWED.

11:46:23 19 Q. AND DO THE COMMENTS SOMETIMES -- ARE YOU
20 FAMILIAR WITH THE COMMENTS THAT GET POSTED DURING TOWN
21 HALL MEETINGS?

11:46:30 22 A. I AM, YES.

11:46:32 23 Q. ARE DO THE COMMENTS SOMETIME INCLUDE
24 QUESTIONS THAT PEOPLE WANTED TO ASK?

11:46:37 25 A. SOMETIMES THEY DO, YES.

11:46:38 26 Q. IS THERE SOMEBODY WHO DECIDES WHICH
27 QUESTIONS GET PRESENTED DURING THE TOWN HALL MEETING?

11:46:43 28 A. THERE IS, YES.

11:46:44 1 Q. IS THERE AN UNLIMITED AMOUNT OF TIME IN
2 WHICH TO HAVE QUESTIONS POSED AND ANSWERS GIVEN?

11:46:51 3 A. WELL, ONCE THE TOWN HALL IS CONCLUDED,
4 THERE'S NOT -- IT'S NOT POSSIBLE FOR PEOPLE TO GET
5 THEIR QUESTIONS ANSWERED AT THE VIRTUAL -- FOR THE
6 VIRTUAL TOWN HALL. BUT DR. FERRER, WHEN SHE WOULD
7 HOST THESE TOWN HALLS, WOULD STILL ENCOURAGE PEOPLE TO
8 SEND MESSAGES EITHER THROUGH E-MAIL OR DIRECT MESSAGE.

11:47:13 9 Q. CAN YOU TURN TO EXHIBIT 264, PLEASE.

11:47:17 10 A. 264.

11:47:43 11 Q. CAN YOU TELL ME WHAT THIS IS.

11:47:51 12 A. THIS APPEARS TO BE THE FACEBOOK POST OF THE
13 LIVE STREAM OF OUR, WHAT WAS THEN CALLED MONKEYPOX
14 VIRTUAL TOWN HALL THAT WAS HELD ON JULY 15TH, 2022.

11:48:03 15 Q. AND THAT WAS BEFORE PUBLIC COMMENTS WERE
16 CLOSED DOWN IN RESPONSE TO DPH'S POSTS; CORRECT?

11:48:10 17 A. CORRECT, YES.

11:48:11 18 Q. AND DOES THIS EXHIBIT 264 REFLECT THAT THERE
19 WERE COMMENTS BEING POSTED HERE OR MADE DURING THE
20 MONKEYPOX VIRTUAL TOWN HALL ON THAT DATE?

11:48:23 21 A. IT DOES, YES.

11:48:25 22 MS. HAMILL: OBJECTION.

11:48:26 23 THE COURT: WHAT IS THE OBJECTION?

11:48:28 24 MS. HAMILL: IS THIS -- IF HE'S TESTIFYING
25 ABOUT WHAT'S IN THE EXHIBIT, THERE AREN'T DATES IN THE
26 EXHIBIT. SO I'M CONFUSED --

11:48:36 27 THE COURT: JUST TELL ME WHAT THE LEGAL
28 BASIS FOR YOUR OBJECTION IS.

11:48:42 1 MS. HAMILL: I'M SORRY. VAGUE AND
2 AMBIGUOUS.

11:48:47 3 THE COURT: WELL, THAT THE EXHIBIT IS VAGUE
4 AND AMBIGUOUS? YOU'VE ALREADY STIPULATED IT'S
5 ADMITTED.

11:48:52 6 MS. HAMILL: I'M CONFUSED ABOUT -- IS THE
7 QUESTION ASKING HIM ABOUT DATES IN THE EXHIBIT?
8 BECAUSE THERE ARE NO DATES IN THE EXHIBIT.

11:49:00 9 THE WITNESS: THERE IS. LOOK RIGHT UNDER --

11:49:02 10 THE COURT: HOLD ON.

11:49:03 11 THE WITNESS: SO -- OH, SORRY.

11:49:05 12 THE COURT: WE HAVE TO DO THIS FORMALLY.

11:49:06 13 THE OBJECTION IS OVERRULED, AND YOU WILL
14 HAVE A CHANCE TO CROSS-EXAMINE.

11:49:11 15 MR. RAYGOR, ASK YOUR QUESTION AGAIN SO WE
16 ALL GET BACK ON TRACK.

11:49:17 17 MR. RAYGOR: SURE.

11:49:18 18 Q. (BY MR. RAYGOR) SO AT THE TOP OF
19 264-THREE -- ARE YOU THERE?

11:49:23 20 A. I AM, YES.

11:49:24 21 Q. AND THE VERY TOP SAYS LOS ANGELES COUNTY
22 DEPARTMENT OF PUBLIC HEALTH WAS LIVE.

11:49:29 23 A. YES.

11:49:29 24 Q. AND BELOW THAT, WHAT'S THE DATE?

11:49:32 25 A. JULY 13TH, 2022.

11:49:34 26 Q. BELOW THAT, WHAT DOES IT SAY?

11:49:36 27 A. MONKEYPOX VIRTUAL TOWN HALL.

11:49:38 28 Q. AND THEN THAT'S REPEATED; RIGHT?

11:49:40 1 A. CORRECT, YES.

11:49:41 2 Q. AND DOWN BELOW THERE IS A LIST OF COMMENTS?

11:49:44 3 A. CORRECT, YES.

11:49:44 4 Q. AND IS IT YOUR UNDERSTANDING THAT THOSE
5 COMMENTS ARE COMMENTS THAT WERE MADE ON THE SAME DATE
6 AS APPEARS AT THE TOP, JULY 13, 2022?

11:49:53 7 A. I WOULD EVEN SAY THAT THEY WERE MADE DURING
8 THE TOWN HALL ITSELF. AND THE REASON YOU KNOW THAT IS
9 BECAUSE NEXT TO THE NAME OF THE COMMENT, THERE'S A
10 TIMESTAMP THAT INDICATES WHEN THAT COMMENT WAS MADE
11 DURING THE TOWN HALL.

11:50:10 12 Q. FOR EXAMPLE, IF YOU LOOK DOWN AT LAURA MK,
13 THE SECOND PHOTO BUBBLE DOWN, THERE'S A 41:05.

11:50:19 14 A. YES.

11:50:33 15 THE COURT: WHAT DOES THE 41:05 MEAN?

11:50:38 16 THE WITNESS: THAT MEANS THAT SHE PROVIDED
17 THAT COMMENT AT 41 MINUTES AND FIVE SECONDS INTO THE
18 LIVE STREAM OF THE VIRTUAL TOWN HALL.

11:50:47 19 THE COURT: THANK YOU.

11:50:49 20 Q. (BY THE COURT) IF YOU GO TO THE NEXT ONE,
21 JUST TO FOLLOW UP ON HIS HONOR'S QUESTION, IT SAYS
22 STEVE JAMISON, JA MIS O N, AND THAT IS A TIMESTAMP
23 NEXT TO THAT, 0:00. DO YOU KNOW WHAT THAT MEANS?

11:51:06 24 A. ACTUALLY DON'T KNOW WHY IT SAYS 0:00 OR WHAT
25 THAT MEANS. I'M UNSURE.

11:51:13 26 Q. CAN YOU TURN TO EXHIBIT 265, PLEASE. CAN
27 YOU TELL ME WHAT THIS LOOKS LIKE.

11:51:28 28 A. THIS LOOKS LIKE A LIVE STREAM OF A VIRTUAL

1 TOWN HALL.

11:51:51 2 Q. IT'S ON THE SAME DATE?

11:51:52 3 A. YES.

11:51:55 4 Q. AND COMMENTS THERE ARE ALSO -- COMMENTS ALSO
5 APPEAR BELOW THAT ON PAGE 265-THREE; RIGHT?

11:52:02 6 A. CORRECT, YES.

11:52:21 7 Q. WHY WERE PUBLIC COMMENTS CLOSED IN JULY --
8 LATE JULY, JULY 29 OR 30, 2022?

11:52:29 9 MS. HAMILL: OBJECTION. CALLS FOR TESTIMONY
10 ON THE ULTIMATE ISSUE IN THE CASE.

11:52:33 11 THE COURT: OVERRULED.

11:52:34 12 YOU MAY RESPOND.

11:52:36 13 THE WITNESS: ULTIMATELY, THE COMMENTS WERE
14 CLOSED BECAUSE THE DEPARTMENT OF PUBLIC HEALTH, WE
15 FELT THE COMMENTS SECTION INCLUDED A LOT OF
16 HARASSMENT, BULLYING, FOUL LANGUAGE, AND VEILED
17 THREATS AMONGST THE COMMENTERS FROM BOTH SIDES AND
18 THAT IT WAS DISTRACTING AND DROWNING OUT THE MESSAGE
19 FROM DPH.

11:53:02 20 Q. (BY MR. RAYGOR) WAS THERE A PERIOD OF TIME
21 EARLY IN THE PANDEMIC, MIDDLE OF THE PANDEMIC WHEN
22 IT SEEMED TO GET WORSE?

11:53:12 23 A. IT EBBED AND FLOWED.

11:53:13 24 Q. WAS THERE ANY TIMES THAT YOU CAN RECALL, AS
25 YOU SIT HERE TODAY, WHEN IT WAS PARTICULARLY BAD?

11:53:20 26 A. THERE WERE A FEW TIMES WHERE IT WAS
27 PARTICULARLY BAD.

11:53:24 28 Q. CAN YOU GIVE ME SOME SORT OF TIME FRAME FOR

1 THAT.

11:53:28 2 A. DO YOU MEAN THE COMMENTS OR DO YOU MEAN THE
3 PANDEMIC IN GENERAL?

11:53:31 4 Q. DURING THE PANDEMIC COME TRIAL SUPPORT,
5 LET'S SAY, DID THE COMMENTARY THAT YOU WERE TALKING
6 ABOUT, THE YELLING, THE HARASSMENT, NAME-CALLING, THAT
7 KIND OF THING, DID IT ESCALATE ATTIC TIMES DURING THE
8 PANDEMIC? AND THAT WOULD BE 2020, 2021, '22?

11:53:49 9 A. YEAH. I CAN'T REMEMBER SPECIFIC DATES, BUT
10 ANYTIME THERE WERE ANY KIND OF HEALTH OFFICER ORDERS
11 THAT WOULD PROVIDE SOME KIND OF GUIDANCE OR
12 RESTRICTIONS, THERE WOULD BE NEGATIVE COMMENTS THEN.
13 WHEN THERE WAS DIFFICULTIES AROUND THE ROLLOUT OF THE
14 VACCINATION, THERE WAS A LOT OF ANGRY COMMENTS THEN AS
15 WELL.

11:54:17 16 AND THEN AS TIME KIND OF WORE ON, THERE WERE
17 ALSO NEGATIVE AND ANGRY COMMENTS THEN, TOO. SO IT'S
18 BEEN PERSISTENT THROUGHOUT THE PANDEMIC, I WOULD SAY.

11:54:28 19 Q. AND BASED ON THE COMMENTS THAT YOU WERE
20 SEEING, DO YOU HAVE A SENSE OF WHO WAS REACTING
21 ANGRILY, MAKING BAD COMMENTS, CALLING NAMES, THE OTHER
22 KINDS OF THINGS YOU MENTIONED?

11:54:43 23 MS. HAMILL: OBJECTION. CALLS FOR
24 SPECULATION AND RELEVANCE.

11:54:47 25 THE COURT: OVERRULED.

11:54:48 26 THE WITNESS TESTIFIED WITHOUT OBJECTION TO
27 BOTH SIDES AND SEEMED TO BE RESPONSIBLE FOR THE
28 LANGUAGE, COUNSEL'S QUESTIONS FOLLOW-UP IS MATERIAL

1 AND YOU MAY ANSWER IT.

11:55:00 2 THE WITNESS: I'M SORRY. CAN YOU ASK THAT
3 AGAIN.

11:55:02 4 Q. (BY THE COURT) YES. DO YOU HAVE A SENSE
5 FROM LOOKING AT THE COMMENTS THAT WERE POSTED DURING
6 THE PANDEMIC OF WHO WAS DOING THE YELLING, THE
7 NAME-CALLING, ACTING ANGRILY?

11:55:15 8 A. NOT THEM SPECIFICALLY AS PEOPLE, BUT IT
9 SEEMED TO BE PEOPLE WHO WERE BOTH FOR DPH AND AGAINST
10 THE DPH.

11:55:30 11 Q. DID THAT KIND OF CONDUCT THAT YOU WERE
12 SEEING HAVE ANY IMPACT ON YOUR JOB?

11:55:38 13 A. I WOULD SAY SO, TO A DEGREE, YES.

11:55:41 14 Q. HOW SO?

11:55:42 15 A. IT JUST MADE IT MORE DIFFICULT TO GET OUR
16 MESSAGE OUT. I LIKENED IT TO, YOU KNOW, TO USE A
17 METAPHOR, LIKE A CAR CRASH. IF SOMEBODY'S DRIVING, WE
18 DON'T NECESSARILY WANT THEM TO LOOK AT THE CAR CRASH.
19 WE WANT THEM TO KEEP THEIR EYES ON THE ROAD AHEAD OF
20 THEM, AND THAT'S HOW I VIEWED OUR PUBLIC HEALTH
21 MESSAGE. AND WE FELT AS THOUGH THAT THE HARASSMENT
22 AND BULLYING WAS VERY DISTRACTING AND HARMFUL TO THE
23 RESIDENTS.

11:56:11 24 Q. AND HOW WOULD IT BE HARMFUL TO THE
25 RESIDENTS?

11:56:14 26 A. PEOPLE WERE MAKING VEILED THREATS. THEY
27 WERE COMMENTING, CALLING PEOPLE STUPID, CURSING AT ONE
28 ANOTHER, INVITING VIOLENCE, YOU KNOW, SAYING ALL KINDS

1 OF FOUL AND HORRIBLE THINGS TO EACH OTHER.

11:56:36 2 Q. DO YOU RECALL WHEN YOU FIRST STARTED
3 THINKING ABOUT CLOSING PUBLIC COMMENTARY IN RESPONSE
4 TO THE DEPARTMENT'S SOCIAL MEDIA POSTS?

11:56:45 5 A. WE HAD RECEIVED A FEW MESSAGES, EITHER
6 DIRECT MESSAGES ON SOCIAL MEDIA PLATFORMS OR E-MAILS
7 THROUGHOUT THE PANDEMIC. BUT I REMEMBER SPECIFICALLY
8 IN EARLY 2022, IT WAS RAISED TO ME THE POSSIBILITY
9 FROM OTHER DPH EMPLOYEES.

11:57:03 10 Q. SO WAS IT SOMETHING YOU RAISED OR OTHER
11 PEOPLE IN DPH FIRST RAISED?

11:57:10 12 A. OTHER FOLKS WITHIN DPH RAISED AND THEN IT
13 WAS DISCUSSED WITH SEVERAL PEOPLE ON THE
14 COMMUNICATIONS TEAM AND FRASER COMMUNICATIONS.

11:57:16 15 Q. SO FOCUSING ON THIS TIME FRAME OF EARLY
16 2022, WHEN IT WAS RAISED BY OTHER PEOPLE WITHIN DPH,
17 DID THEY COME TO YOU?

11:57:28 18 A. I DON'T REMEMBER SPECIFICALLY IF THEY CAME
19 DIRECTLY TO ME, BUT SOMETHING WAS FORWARDED TO ME OR
20 IT WAS MADE -- BROUGHT TO MY ATTENTION.

11:57:38 21 Q. AND WHAT DID THEY -- WHAT WAS IT THEY WERE
22 ASKING OR SUGGESTING?

11:57:43 23 A. FOR US TO TURN OFF THE COMMENTS.

11:57:47 24 Q. AND DO YOU RECALL ANY OF THE RATIONALE THAT
25 WAS GIVEN FOR WHATEVER WAS FORWARDED TO YOU?

11:57:52 26 A. THE SAME THING I SAID HERE; THAT A LOT OF
27 THE HURTFUL, FOUL LANGUAGE, VEILED THREATS, BULLYING,
28 AND HARASSMENT.

11:58:02 1 Q. SO DID YOU ACT ON THAT RIGHT AWAY?

11:58:05 2 A. I DID NOT, NO.

11:58:06 3 Q. WHY?

11:58:07 4 A. BECAUSE AT THE TIME I DID NOT WARRANT --
5 I DID NOT BELIEVE THAT IT WAS DISTRACT -- THAT
6 DISTRACTING FROM OUR PUBLIC HEALTH MESSAGE AT THAT
7 TIME.

11:58:22 8 Q. SO WHAT DID YOU DO AFTER RECEIVING THOSE
9 KINDS OF QUESTIONS OR SUGGESTIONS ABOUT CLOSING DOWN
10 PUBLIC COMMENTARY?

11:58:30 11 A. I FEEL BAD SAYING THIS, BUT I KIND OF
12 BRUSHED IT OFF. AND MY REPLY WAS, JUST LET THEM KNOW
13 WE DISCUSSED IT AND WE'RE GOING TO KEEP THEM ON.

11:58:39 14 Q. AND DID IT CHANGE IT SOMEHOW?

11:58:41 15 A. IT DID. IT DID.

11:58:42 16 Q. ABOUT WHEN?

11:58:44 17 A. LATE JULY OF 2022.

11:58:48 18 Q. SO WHAT HAPPENED THEN?

11:58:51 19 A. AROUND THEN, I NOTICED A SIGNIFICANT UPTICK
20 IN THE BULLYING AND HARASSMENT, AS I MENTIONED IN THE
21 COMMENTS, AND THEN THAT'S WHEN WE DECIDED TO TURN OFF
22 THE COMMENTS.

11:59:01 23 Q. DID THAT HAPPEN IN LATE JULY THAT YOU
24 NOTICED THAT UPTICK OR EARLIER?

11:59:06 25 A. THROUGHOUT THE MONTH, YES. AND EVEN PERHAPS
26 INTO LATE AUGUST AS WELL.

11:59:11 27 Q. WHEN YOU SAY THROUGHOUT THE MONTH, THE MONTH
28 OF JULY 2022?

11:59:15 1 A. CORRECT, YES.

11:59:20 2 Q. SO AT THAT POINT, DID YOU START SERIOUSLY
3 CONSIDERING THEN CLOSING DOWN THE PUBLIC COMMENTS IN
4 RESPONSE TO DPH POSTS?

11:59:28 5 A. CORRECT.

11:59:28 6 Q. WHAT DID YOU DO FIRST?

11:59:30 7 A. THE FIRST THING I DID WAS, IN EARLY JULY IS,
8 I DISCUSSED WITH COUNTY COUNSEL.

11:59:44 9 THE COURT: I THINK WE'RE GOING TO BREAK AT
10 THAT POINT, MR. RAYGOR. IT'S THE NOON HOUR, AND
11 YOU'RE GETTING INTO A NEW TOPIC. SO WE WILL HAVE THE
12 WITNESS RETURN AT 1:30 TO CONTINUE HIS EXAMINATION.

11:59:58 13 ARE THERE ANY HOUSEKEEPING ISSUES FROM THE
14 DEFENSE?

12:00:01 15 MR. RAYGOR: NOT HERE, YOUR HONOR.

12:00:02 16 THE COURT: THANK YOU.

12:00:03 17 NOT FROM THE PLAINTIFF? THEN VERY GOOD.
18 WE'LL BE IN RECESS UNTIL 1:30.

12:00:10 19 MR. RAYGOR: THANK YOU.

12:00:11 20 MS. HAMILL: THANK YOU, YOUR HONOR.

12:00:12 21 THE REPORTER: THANK YOU, YOUR HONOR.

12:00:13 22 (RECESS FROM 12:00 P.M. TO 1:31 P.M.)

01:31:12 23

01:31:18 24 PROCEEDINGS

01:31:20 25 THE COURT: ALL RIGHT. WE'RE BACK ON THE
26 RECORD. THIS IS YOUR CONTINUING DIRECT EXAMINATION.

01:31:25 27 MR. RAYGOR: YOUR HONOR, BEFORE I CONTINUE,
28 CAN I RAISE A QUESTION ABOUT WITNESS ORDER THAT MAY

1 IMPACT THE TRIAL?

01:31:31 2 THE COURT: OKAY. IF YOU WANT TO INTERRUPT
3 YOUR TESTIMONY, SURE.

01:31:36 4 MR. RAYGOR: IT'S JUST, BECAUSE I NEED TO
5 LET DR. FERRER KNOW. SHE JUST INFORMED US SHE HAS A
6 MEDICAL APPOINTMENT THAT SHE CAN'T GET OUT OF. SHE
7 WOULDN'T BE AVAILABLE TOMORROW UNTIL 11. I'D LIKE TO
8 BE ABLE TO FINISH AS EARLY AS POSSIBLE TOMORROW. SO
9 IF THERE IS A POSSIBILITY OF BRINGING HER IN TODAY
10 AFTER I FINISH MY DIRECT OF MR. MORROW, THEN WE CAN
11 TAKE DR. FERRER, GET HER FINISHED AND OUT OF HERE, AND
12 THEN CONTINUE WITH MR. MORROW AFTERWARD FOR CROSS.

01:32:04 13 THE COURT: DO YOU WANT TO INTERRUPT HIS
14 TESTIMONY AND BRING IN DR. FERRER?

01:32:09 15 MR. RAYGOR: YES.

01:32:12 16 THE COURT: WHEN?

01:32:12 17 MR. RAYGOR: TODAY. WE COULD FINISH.

01:32:13 18 THE COURT: WELL, WHEN TODAY?

01:32:15 19 MR. RAYGOR: WHAT'S THAT?

01:32:16 20 THE COURT: WHEN TODAY?

01:32:17 21 MR. RAYGOR: OH. AT ANY TIME AFTER 2:00
22 SHE'S AVAILABLE TODAY.

01:32:23 23 THE COURT: AND HOW LONG DO YOU ANTICIPATE
24 HER TESTIMONY TO BE?

01:32:26 25 MR. RAYGOR: I EXPECT MY TIME WITH HER TO BE
26 MAYBE 30, 35 MINUTES.

01:32:31 27 THE COURT: OKAY. DO YOU HAVE ANY
28 OBJECTION?

01:32:34 1 MS. HAMILL: NO, YOUR HONOR.

01:32:34 2 THE COURT: OKAY. LET'S PROCEED ON THAT
3 BASIS.

01:32:36 4 MR. RAYGOR: CAN I JUST LET MY COLLEAGUE
5 KNOW TO --

01:32:39 6 THE COURT: HAVE YOUR COLLEAGUE STEP OUT SO
7 WE DON'T INTERRUPT YOU.

01:32:44 8 MR. RAYGOR: OKAY.

01:32:45 9 THE COURT: OKAY.

01:32:49 10 MS. ALTER: I'VE GOT IT.

01:32:50 11

01:32:50 12 DIRECT EXAMINATION (RESUMED)

01:32:55 13 Q. (BY MR. RAYGOR) BEFORE THE LUNCH BREAK,
14 MR. MORROW, WE TALKED A LITTLE BIT ABOUT THE LEADING
15 COMMENTS OPEN, DO YOU RECALL THIS, FOR THE TOWN
16 HALL-TYPE EVENTS?

01:33:04 17 A. YES.

01:33:04 18 Q. WERE OTHER WAYS LEFT OPEN AFTER PUBLIC
19 COMMENTARY WAS CLOSED DOWN IN LATE JULY OF 2022? WERE
20 THERE OTHER MEANS THAT THE PUBLIC COULD STILL REACT TO
21 DPH POSTS?

01:33:18 22 A. YES. THEY COULD DO WHAT ARE CALLED
23 NONVERBAL REACTIONS. THEY COULD LIKE A POST ON
24 INSTAGRAM AND TWITTER AND ON FACEBOOK. THERE'S A
25 VARIETY OF NONVERBAL REACTIONS CALLED EMOJIS WHERE
26 THEY COULD EXPRESS THEIR APPROVAL OR DISAPPROVAL OF
27 THE CONTENT POSTED.

01:33:47 28 Q. I THINK WHERE WE LEFT OFF YOU BEFORE LUNCH

1 IS, I ASKED YOU WHAT DID YOU DO NEXT IN THE PROCESS OF
2 IMPLEMENTING THE CLOSING OF PUBLIC COMMENTARY. DO YOU
3 RECALL THAT?

01:34:00 4 A. I THINK SO, YES.

01:34:01 5 Q. I BELIEVE YOU MENTIONED YOU TALKED TO COUNTY
6 COUNSEL?

01:34:04 7 A. OH, YES, YES. I DISCUSSED WITH COUNTY
8 COUNSEL.

01:34:07 9 Q. DO YOU REMEMBER WHEN YOU TALKED WITH THEM?
10 AND I WANT TO CAUTION YOU, DON'T TELL ME ANYTHING
11 ABOUT WHAT YOU DISCUSSED, WHAT THEY SAID, WHAT YOU
12 SAID, BUT JUST DO YOU REMEMBER WHEN YOU TALKED WITH
13 THEM?

01:34:19 14 A. I BELIEVE IT WAS JULY 12TH, 2022.

01:34:24 15 Q. AND WAS THAT JUST TO GET LEGAL ADVICE ABOUT
16 THE CLOSING OF PUBLIC COMMENT?

01:34:30 17 A. CORRECT, YES.

01:34:35 18 Q. COULD YOU LOOK AT EXHIBIT 243, PLEASE.

01:34:39 19 A. I'M SORRY. COULD YOU SAY THE NUMBER AGAIN,
20 PLEASE?

01:34:42 21 Q. 243. THIS IS WHAT IS CALLED A PRIVILEGE LOG
22 THAT LAWYERS CREATE TO DISCLOSE POTENTIAL ATTORNEY AND
23 CLIENT COMMUNICATIONS. COULD YOU LOOK THROUGH THIS,
24 PLEASE, ON PAGE 243-TWO.

01:35:35 25 A. I SEE IT, YES.

01:35:37 26 Q. AND DO YOU SEE THAT THERE ARE VARIOUS
27 E-MAILS AND DIFFERENT DATES AND TIMES, THERE ARE SOME
28 THAT ARE FROM YOU. DO YOU SEE THAT?

01:35:46 1 A. I DO.

01:35:47 2 Q. AND DO YOU SEE IN THE TWO COLUMNS, OR, THERE
3 ARE SOME THAT ARE BACK TO YOU?

01:35:53 4 A. I SEE THAT, YES.

01:35:56 5 Q. OKAY. AND YOUR NAME EITHER APPEARS IN THE
6 FROM OR THE TO COLUMN; CORRECT?

01:36:02 7 A. YES.

01:36:02 8 Q. ON EVERY ENTRY?

01:36:04 9 A. YES.

01:36:04 10 Q. AND THE SUBJECT MATTER ON THE RIGHT-HAND
11 COLUMN IS CLOSING PUBLIC COMMENTS ON SOCIAL MEDIA?

01:36:11 12 A. CORRECT.

01:36:11 13 Q. SO WHAT DATE DOES THIS REFLECT THAT YOU HAD
14 THESE DISCUSSIONS?

01:36:16 15 A. THE FIRST ONE WAS JULY 12TH, 2022.
16 SUBSEQUENT CONVERSATIONS WERE ON JULY 13TH AND
17 JULY 14TH.

01:36:30 18 Q. SO AFTER HAVING THESE DISCUSSIONS WITH
19 COUNTY COUNSEL ABOUT CLOSING PUBLIC COMMENTS ON SOCIAL
20 MEDIA, WHAT DID YOU DO NEXT?

01:36:45 21 A. I RAISED THE ISSUE WITH DR. BARBARA FERRER.

01:36:50 22 Q. AND HOW DID YOU DO THAT?

01:36:51 23 A. VIA E-MAIL.

01:36:57 24 Q. AND WHAT DID YOU -- WHAT WAS THE SUBSTANCE
25 OF THE E-MAIL?

01:37:02 26 A. JUST LETTING HER KNOW MY IDEA, INFORMING HER
27 THAT I DISCUSSED IT WITH COUNTY COUNSEL, AND ASKING
28 HER OPINION.

01:37:14 1 Q. SO AT SOME POINT DID YOU HAVE AN IN-PERSON
2 DISCUSSION WITH DR. FERRER ABOUT CLOSING PUBLIC MEDIA?

01:37:21 3 A. I'M SURE I DID. I DON'T SPECIFICALLY
4 REMEMBER THE DATES OR THE SUBSTANCE OF IT, THOUGH.

01:37:27 5 Q. BUT WAS IT BEFORE PUBLIC MEDIA -- SORRY,
6 PUBLIC COMMENTS WERE CLOSED?

01:37:32 7 A. YES, YES.

01:37:33 8 Q. SOMETIME IN JULY?

01:37:34 9 A. I'M CERTAIN, YES.

01:37:36 10 Q. DID SHE HAVE ANY ASKS OR REQUESTS THAT, IF
11 YOU WERE GOING TO CLOSE PUBLIC COMMENTS, THAT CERTAIN
12 THINGS HAPPEN?

01:37:45 13 MS. HAMILL: OBJECTION. LEADING.

01:37:46 14 THE COURT: OVERRULED.

01:37:47 15 THE WITNESS: YES. SHE REQUESTED --

01:37:49 16 THE COURT: WAIT FOR THE NEXT QUESTION. THE
17 ANSWER IS YES.

01:37:53 18 Q. (BY MR. RAYGOR) WHAT DID SHE REQUEST?

01:37:54 19 A. SHE REQUESTED THAT WE LEAVE ON -- WE ALLOW
20 PUBLIC COMMENTARY DURING VIRTUAL TOWN HALL MEETINGS.

01:38:06 21 Q. AND YOU DID THAT EVENTUALLY.

01:38:09 22 A. CORRECT, YES.

01:38:14 23 Q. DO YOU RECALL, THEN, TOWARD THE END OF JULY
24 DISCUSSING THE CLOSING OF PUBLIC COMMENTARY WITH ERICA
25 LESPRON FROM YOUR COMMUNICATIONS TEAM WITH MONIQUE
26 CISNEROS FROM FRASER COMMUNICATIONS?

01:38:27 27 A. I DO RECALL, YES.

01:38:28 28 Q. WHAT DO YOU RECALL ABOUT THAT EXCHANGE?

01:38:30 1 A. WE HAD DISCUSSED THAT THIS WAS GOING TO BE
2 BEGINNING; THAT I HAD DISCUSSED THIS WITH DR. FERRER
3 AND COUNTY COUNSEL, AND THAT WE WOULD BEGIN
4 IMPLEMENTING IT.

01:38:43 5 Q. DO YOU RECALL THE DATES?

01:38:45 6 A. ON OR AROUND JULY 29TH, 2022.

01:38:51 7 Q. CAN YOU LOOK AT EXHIBIT 55?

01:38:58 8 MS. ALTER: YOUR HONOR, MAY I APPROACH THE
9 WITNESS?

01:39:00 10 THE COURT: SURE, IS THIS A NEW EXHIBIT?

01:39:02 11 MS. ALTER: YEAH. I'M JUST HELPING HIM GET
12 THE BINDER.

01:39:06 13 KENT, YOU SAID 55?

01:39:09 14 MR. RAYGOR: YES.

01:39:38 15 Q. (BY MR. RAYGOR) IS THIS THE E-MAIL
16 EXCHANGE BETWEEN YOU, MS. LESPRON, AND MS. CISNEROS
17 THAT YOU WERE JUST MENTIONING?

01:39:45 18 A. IT IS, YES.

01:39:50 19 Q. AND DOES IT LOOK LIKE THE FIRST E-MAIL IS
20 FROM JULY 29?

01:39:58 21 A. IS IT DOES, YES.

01:39:59 22 Q. AND THE LAST ONE IS JULY 30?

01:40:02 23 A. YES. THAT'S FROM ME AT JUST PAST MIDNIGHT.

01:40:06 24 Q. DOES THAT HELP YOU AS FAR AS FIGURING OUT
25 EXACTLY WHETHER SOCIAL MEDIA COMMENTS WERE CLOSED
26 DOWN?

01:40:12 27 A. YES.

01:40:12 28 Q. WHEN?

01:40:14 1 A. JULY 29TH OR 30TH, 2022.

01:40:18 2 Q. AND WAS IT DONE ON ALL THREE SOCIAL MEDIA
3 ACCOUNTS AT THE SAME TIME; TWITTER, INSTAGRAM, AND
4 FACEBOOK?

01:40:25 5 A. NOT ENTIRELY. UNFORTUNATELY, AS I TESTIFIED
6 YESTERDAY, IT WAS DONE A LITTLE HAPHAZARDLY WHERE SOME
7 POSTS INITIALLY HAD COMMENTS TURNED OFF AND THEN SOME
8 DID NOT UNTIL WE HAD THIS DISCUSSION WHERE I DID SAY,
9 WE NEED TO DO IT FOR ALL POSTS MOVING FORWARD.

01:40:48 10 Q. DO YOU SEE ON PAGE 55-1, IT'S AN E-MAIL FROM
11 YOU AT THE VERY TOP OF THE PAGE, E-MAIL FROM YOU TO
12 MONICA -- SORRY, MONIQUE AND ERICA. DO YOU SEE THAT?

01:41:05 13 A. I DO.

01:41:07 14 Q. AND CAN YOU JUST READ YOUR -- WHAT STATEMENT
15 IT IS THAT YOU SENT IN THE E-MAIL?

01:41:13 16 A. LET'S DO IT FOR ALL POSTS. I'M OVER PEOPLE
17 RN, LOL.

01:41:19 18 MS. HAMILL: OBJECTION. CUMULATIVE
19 TESTIMONY.

01:41:21 20 THE COURT: HAVEN'T WE HEARD TESTIMONY FROM
21 HIM ABOUT THIS PREVIOUSLY?

01:41:24 22 MR. RAYGOR: I DIDN'T THINK WE HAD, BUT IT'S
23 POSSIBLE.

01:41:28 24 THE COURT: RIGHT. AND THIS EXHIBIT, I
25 BELIEVE IT IS IN EVIDENCE.

01:41:32 26 IS 55 IN EVIDENCE?

01:41:35 27 THE CLERK: NO, YOUR HONOR, IT IS NOT. IT
28 IS THE FIRST TIME IT'S MENTIONED.

01:41:40 1 THE COURT: I'M NOT SURE ABOUT THAT, BUT ARE
2 YOU MOVING IT IN?

01:41:44 3 THE CLERK: 55? I DON'T HAVE IT MARKED.

01:41:46 4 THE COURT: NOT EVEN FOR IDENTIFICATION? I
5 THOUGHT WE HAD TESTIMONY YESTERDAY, BUT MAYBE MY
6 MEMORY IS FAULTY.

01:41:51 7 YOU MAY PROCEED.

01:41:52 8 MR. RAYGOR: YOUR HONOR, I BELIEVE THERE ARE
9 MULTIPLE COPIES OF THIS. PERHAPS ALLIANCE HAD IT IN
10 THEIR BOOKS. I'M NOT SURE.

01:41:59 11 THE COURT: WELL, THIS IS ALLIANCE'S EXHIBIT
12 BOOK, 55.

01:42:02 13 MR. RAYGOR: OH, SORRY. CAN WE JUST GO OFF
14 THE RECORD FOR A SECOND SO I CAN CLARIFY THAT?

01:42:10 15 THE COURT: ALL RIGHT.

01:42:11 16 (A DISCUSSION WAS HELD OFF THE RECORD.)

01:43:20 17 MR. RAYGOR: YOUR HONOR, IT LOOKS LIKE THIS
18 EXHIBIT WAS PART OF EXHIBIT 45, WHICH WAS A DEPOSITION
19 TRANSCRIPT, AND IT WAS AN EXHIBIT TO A DEPOSITION
20 TRANSCRIPT. THAT'S WHY I HAVE IT -- I'M USING THIS AS
21 A STANDALONE EXHIBIT FROM ALLIANCE.

01:43:35 22 THE COURT: ALL RIGHT. THAT SOUNDS CORRECT.
23 WHAT'S THE STATUS OF 45?

01:43:46 24 THE CLERK: IT'S NOT -- IT HASN'T BEEN
25 ADMITTED, YOUR HONOR.

01:43:49 26 THE COURT: OKAY. WELL, YOU CAN TIE UP THE
27 LOOSE ENDS HERE, MR. RAYGOR.

01:43:55 28 MR. RAYGOR: OKAY.

01:43:56 1 Q. (BY MR. RAYGOR) SO ON THAT STATEMENT, WHAT
2 DOES RN MEAN?

01:43:59 3 A. RIGHT NOW.

01:44:00 4 Q. LOL. WHAT DOES THAT MEAN?

01:44:03 5 A. LAUGH OUT LOUD.

01:44:04 6 Q. WHAT WERE YOU MEANING BY THESE TWO SENTENCES
7 AND LOL?

01:44:07 8 A. WELL, THE FIRST SENTENCE, I'M TELLING --
9 INSTRUCTING MONIQUE AND ERICA TO PROCEED WITH TURNING
10 OFF PUBLIC COMMENTARY FOR ALL POSTS FROM HERE FORWARD.
11 AND I'M OVER PEOPLE, RN, MEANING RIGHT NOW IS
12 GENERALLY ABOUT MY FRUSTRATION WITH HOW -- WITH THE
13 PUBLIC COMMENTARY IN OUR COMMENTS SECTION OF PEOPLE
14 HARASSING, BULLYING, CURSING AT ONE ANOTHER, AND
15 TREATING ONE ANOTHER POORLY, AND SAYING VEILED THREATS
16 TO ONE ANOTHER.

01:44:45 17 Q. AND THE LOL?

01:44:47 18 THE COURT: WELL, THIS WE HAVE COVERED
19 YESTERDAY WITH MR. MORROW. YOU'RE RIGHT. IT WAS A
20 PART OF EXHIBIT 45. AND HE DID TESTIFY ABOUT HIS
21 INTERPRETATION OF THIS PARTICULAR MESSAGE, THIS
22 MESSAGE ON JULY 30TH AT 12:09 A.M.

01:45:10 23 MR. RAYGOR: I APOLOGIZE FOR WASTING TIME.

01:45:13 24 THE COURT: WELL, THAT'S THE PROBLEM WHEN WE
25 HAVE AN EXHIBIT MARKED IN TWO DIFFERENT FASHIONS.

01:45:20 26 MR. RAYGOR: I'LL MOVE ON.

01:45:22 27 THE COURT: OKAY.

01:45:22 28 Q. (BY MR. RAYGOR) MR. MORROW, JUST AFTER

1 PUBLIC COMMENTS WERE TURNED OFF, DID YOU HAVE
2 ANYBODY PIN A MESSAGE TO THE THREE SOCIAL MEDIA
3 ACCOUNTS TO GIVE THE PUBLIC NOTICE OF WHAT WAS GOING
4 ON?

01:45:36 5 A. I DID, YES.

01:45:37 6 Q. DID YOU DO THAT YOURSELF OR DID YOU HAVE
7 SOMEBODY IN YOUR GROUP DO IT OR SOMEONE ELSE?

01:45:42 8 A. I CAN'T RECALL, BUT IT'S LIKELY THAT SOMEONE
9 ON THE COMMUNICATIONS TEAM DID THAT.

01:45:47 10 Q. COULD YOU LOOK AT EXHIBIT 228, PLEASE. IT'S
11 PROBABLY IN A SEPARATE BINDER.

01:46:14 12 A. I'M HERE, YES.

01:46:15 13 Q. OKAY. CAN YOU TELL ME WHAT THAT IS.

01:46:21 14 A. THAT IS A PIN POST TO WHAT APPEARS TO BE THE
15 DEPARTMENT OF PUBLIC HEALTH'S INSTAGRAM PAGE. PINNED
16 MEANING THAT WHEN SOMEONE COMES TO OUR PAGE, IT IS THE
17 FIRST POST THAT ANYONE MANY SEE ON OUR PAGE FOR
18 NOTIFICATION REGARDING PUBLIC COMMENTS.

01:46:41 19 Q. BASICALLY, IT WILL APPEAR TOWARD THE TOP OF
20 THE PAGE?

01:46:44 21 A. EXACTLY, YES.

01:46:47 22 Q. AND SKIP OVER TO 231. SORRY, NOT 231, 230.

01:46:59 23 THE CLERK: IS THAT EXHIBIT 230?

01:47:02 24 MR. RAYGOR: EXHIBIT 230, YES.

01:47:08 25 Q. (BY MR. RAYGOR) IS THAT THE SAME NOTICE
26 PINNED ON ALL THE OTHER SOCIAL MEDIA ACCOUNTS?

01:47:12 27 A. CORRECT. IT APPEARS TO BE THE FEATURED
28 OPINION POST ON FACEBOOK.

01:47:17 1 Q. AND COULD YOU TURN TO EXHIBIT 229, PLEASE.
2 IS THAT THE SAME NOTICE REGARDING PUBLIC COMMENTS ON
3 YOUR TWITTER ACCOUNT?

01:47:36 4 A. CORRECT.

01:47:40 5 Q. DOES THIS NOTICE TELL THE PUBLIC THAT
6 COMMENTS ARE BEING TURNED OFF AS TO DPH POSTS?

01:47:47 7 A. IT DOES SEVERAL TIMES IN THE -- SEVERAL
8 INSTANCES WITHIN THE POST. IT DOES SAY THAT IT'S WITH
9 REGARDS TO POSTS.

01:47:58 10 Q. AND DOES IT SAY THAT COMMENTS WILL BE
11 LIMITED TO TOWN HALL-TYPE EVENTS?

01:48:04 12 A. CORRECT, YES. I BELIEVE THAT IS IN THE
13 FIRST SENTENCE.

01:48:06 14 Q. WHAT DOES IT SAY ABOUT DIRECT MESSAGES?

01:48:09 15 A. IT SAYS RESIDENTS WHO HAVE QUESTIONS OR ARE
16 LOOKING FOR GUIDANCE CAN SEND A DIRECT MESSAGE AND
17 PUBLIC HEALTH WILL RESPOND AS SOON AS POSSIBLE.

01:48:18 18 Q. AND ARE THOSE -- IS THAT NOTICE STILL PINNED
19 TOWARD THE TOP OF EACH OF THE THREE PAGES -- THREE
20 ACCOUNTS?

01:48:25 21 A. IT IS, YES.

01:48:47 22 Q. ARE YOU FAMILIAR WITH THE MEDIA BOX, THE
23 E-MAIL BOX?

01:48:51 24 A. I AM, YES.

01:48:52 25 Q. IS THAT AN E-MAIL ADDRESS OF MEDIA @PH DOT
26 L.A. COUNTY .GOV?

01:48:59 27 A. IT IS, YES.

01:49:00 28 Q. AND WHAT IS THAT USED FOR?

01:49:02 1 A. THAT IS OUR INTAKE E-MAIL INTAKE FOR
2 REQUESTS FROM MEDIA OUTLETS.

01:49:09 3 Q. OKAY. CAN ANYBODY WRITE TO THAT E-MAIL BOX?

01:49:12 4 A. YES, ANYBODY CAN WRITE TO THAT E-MAIL BOX,
5 AND IT IS LISTED ON THE DPH PUBLIC WEBSITE
6 COMMUNICATIONS PAGE.

01:49:21 7 Q. BECAUSE OF YOUR POSITION AS CHIEF
8 COMMUNICATIONS OFFICER, DO YOU MONITOR THAT E-MAIL
9 BOX?

01:49:26 10 A. I HAVE ACCESS TO IT, BUT I DON'T ACTIVELY
11 MONITOR IT. BUT IF NEEDED, I CAN.

01:49:31 12 Q. HAVE YOU SEEN INSTANCES WHERE THE PUBLIC
13 SENDS E-MAILS TO DPH THROUGH THAT MEDIA BOX?

01:49:39 14 A. ALL THE TIME.

01:49:42 15 Q. ARE YOU FAMILIAR WITH THE E-MAIL ADDRESS
16 BFERRER @PH DOT L.A. COUNTY .GOV?

01:49:51 17 A. I AM, YES.

01:49:51 18 Q. IS THAT AN E-MAIL BOX THAT IS LIMITED TO
19 ONLY CERTAIN PEOPLE?

01:49:54 20 A. NO.

01:49:55 21 Q. ANYBODY CAN WRITE TO IT?

01:49:57 22 A. CORRECT.

01:49:58 23 Q. ARE YOU FAMILIAR WITH THE DPH DIRECTOR AT PH
24 DOT L.A. COUNTY DOT GOV?

01:50:14 25 A. I AM, YES.

01:50:16 26 Q. IS THAT AN E-MAIL BOX THAT ANYBODY FROM THE
27 PUBLIC CAN WRITE TO?

01:50:21 28 A. IT IS, YES.

01:50:22 1 Q. ARE YOU FAMILIAR WITH ANOTHER E-MAIL BOX
2 WITH AN ADDRESS LIAISON COVID-19 @PH DOT L.A. COUNTY
3 .GOV?

01:50:34 4 A. I AM, YES.

01:50:35 5 Q. SAME QUESTION. IS THERE ANY LIMIT ON WHO
6 CAN WRITE TO THAT?

01:50:39 7 A. THERE IS NOT.

01:50:40 8 Q. CAN PEOPLE FROM THE PUBLIC WRITE TO THAT
9 E-MAIL ADDRESS?

01:50:43 10 A. YES, ALL THE TIME.

01:50:46 11 Q. OUR LAST E-MAIL BOX HERE, ARE YOU FAMILIAR
12 WITH AN ENVIRONMENTAL HEALTH LIAISON BOX WITH AN
13 ADDRESS EHAADMINLIAISON @PH DOT L.A. COUNTY .GOV?

01:51:00 14 A. I AM, YES.

01:51:02 15 Q. IS THAT LIMITED TO ONLY CERTAIN PEOPLE BEING
16 ABLE TO WRITE TO IT?

01:51:06 17 A. IT IS NOT.

01:51:07 18 Q. DO MEMBERS OF THE PUBLIC SOMETIMES WRITE TO
19 IT?

01:51:11 20 A. I DON'T HAVE ACCESS TO THAT E-MAIL, SO I
21 CAN'T IMAGINE. BUT I DO KNOW THAT IT IS MADE PUBLICLY
22 AVAILABLE ON OUR WEBSITE. SO I WOULD IMAGINE SO.

01:51:20 23 Q. THE OTHER E-MAIL ADDRESSES THAT I MENTIONED,
24 ARE THEY ALL MADE AVAILABLE TO THE PUBLIC ON THEIR
25 WEBSITE?

01:51:25 26 A. I BELIEVE SO, YES.

01:51:30 27 Q. DID ANY OF THOSE E-MAIL BOXES GET CLOSED
28 DOWN AT ANY TIME DURING THE PANDEMIC?

01:51:36 1 A. THEY DID NOT.

01:51:37 2 Q. DO YOU KNOW IF THEY'RE OPEN TODAY?

01:51:41 3 A. THEY ARE.

01:51:43 4 Q. ARE YOU FAMILIAR WITH THE SEVEN-DAY-A-WEEK
5 CALL CENTER THAT'S OPEN FROM 8 A.M. TO 8 P.M.?

01:51:48 6 A. I AM, YES.

01:51:49 7 Q. DO YOU KNOW IF THAT EVER GOT CLOSED DOWN AT
8 ANY TIME DURING THE PANDEMIC?

01:51:53 9 A. IT DID NOT, NO.

01:51:54 10 Q. IS IT STILL RUNNING TODAY?

01:51:55 11 A. IT IS STILL RUNNING TODAY AT THIS VERY
12 MOMENT.

01:52:04 13 Q. DO YOU HAVE DUTIES AS A COMMUNICATION
14 OFFICER IN CONNECTION WITH TOWN HALLS?

01:52:08 15 A. I DO, YES.

01:52:09 16 Q. WHAT DO YOU DO IN CONNECTION WITH THOSE?

01:52:12 17 A. I WOULD DISCUSS PLANNING WITH DR. FERRER,
18 WITH THE SPEAKERS, SUGGEST TOPICS. I WOULD ALSO
19 DIRECT STAFF TO ASSIST IN DEVELOPING TALKING POINTS,
20 IF NEEDED. I WOULD HELP ASSIST IN SETTING UP THE
21 TECHNICAL BACK END OF THE LIVE STREAM, MONITORING
22 QUESTIONS THAT ARE BEING SENT IN AND PROVIDED DURING
23 THE TOWN HALL AND PROVIDING THOSE QUESTIONS TO THE
24 SPEAKERS.

01:52:44 25 Q. DID YOU EVER CURATE THE MESSAGES OR COMMENTS
26 THAT WOULD BE ADDRESSED AT THE TOWN HALL?

01:52:50 27 MS. HAMILL: OBJECTION. VAGUE AND AMBIGUOUS
28 AS TO CURATE.

01:52:53 1 THE COURT: SUSTAINED.

01:52:54 2 Q. (BY MR. RAYGOR) LET ME ASK IT A DIFFERENT
3 WAY. DID YOU EVER DECIDE WHICH MESSAGES WOULD BE
4 FORWARDED FOR COMMENT AT THE TOWN HALL AND OTHERS
5 DID NOT FORWARD?

01:53:06 6 A. IN A WAY, YES, BECAUSE I WOULD SAY THERE
7 WERE TIMES WE WOULD GET HUNDREDS AND HUNDREDS OF
8 QUESTIONS, AND MANY OF THEM WERE VERY, VERY SIMILAR,
9 IF NOT IDENTICAL. SO YOU DON'T WANT TO PUT THROUGH
10 THE SAME EXACT QUESTION THAT HAS THE SAME SENTIMENT.
11 SO I WOULD JUST PUT THROUGH SOMETHING THAT HAD THAT
12 SENTIMENT OR JUST ONE SPECIFIC QUESTION FOR IT THAT
13 WOULD ANSWER OTHER PEOPLE'S QUESTIONS.

01:53:28 14 SO I DON'T KNOW IF THAT MEANS NECESSARILY
15 CURATE, BUT I WOULD PROVIDE QUESTIONS TO THE HOST,
16 YES, AND THEN THEY WOULD SELECT WHAT IS ASKED DURING
17 THE TOWN HALL.

01:53:38 18 Q. DID YOU EVER LOOK FOR MESSAGES TO BE
19 ADDRESSED AT THE TOWN HALL THAT WERE CONTRARY TO
20 WHATEVER DPH POLICIES WERE?

01:53:51 21 A. I'M NOT SURE. ARE YOU REFERRING TO
22 QUESTIONS WE RECEIVED OR ARE YOU TALKING ABOUT --

01:53:56 23 Q. QUESTIONS YOU RECEIVED. SORRY.

01:53:58 24 A. CORRECT, YES. QUITE FREQUENTLY, I WOULD
25 PROVIDE QUESTIONS WE RECEIVED FOR THE SPEAKERS TO
26 ADDRESS TO BE ABLE TO EITHER PROVIDE PROPER CONTEXT OR
27 TO CORRECT INFORMATION DEPENDING ON WHAT EXACTLY WAS
28 ASKED FOR THAT QUESTION.

01:54:17 1 SO THAT IS SOMETHING THAT I HAD A PRACTICE
2 FOR, IS TO PROVIDE QUESTIONS THAT MAYBE INCORRECT OR
3 THAT WE WANT TO DISCUSS, EVEN THOUGH IT MAY HAVE BEEN
4 FRAMED INCORRECTLY OR NEGATIVELY TOWARDS DPH.

01:54:31 5 Q. DID YOU EVER PURPOSELY EXCLUDE ANY QUESTIONS
6 THAT WERE SUBMITTED THAT WERE, SAY, CONTRARY TO OR
7 AGAINST WHATEVER DPH'S POLICIES OR MESSAGES WERE?

01:54:43 8 A. NO. I WOULDN'T SAY THAT. I THINK THE ONLY
9 MESSAGES OR QUESTIONS I EXCLUDED WERE ONES THAT WERE
10 CURSING OR HATEFUL OR HARASSING TO US. I -- I
11 WOULDN'T -- OR IF IT ACTUALLY WASN'T A QUESTION AND
12 MOST OF THE TIME THEY WEREN'T QUESTIONS.

01:55:02 13 Q. I THINK THERE WAS SOME DISCUSSION YESTERDAY
14 ABOUT MEDIA BRIEFINGS. HOW OFTEN WOULD THOSE HAPPEN?

01:55:07 15 A. AT ONE POINT, IT WAS FIVE DAYS A WEEK IN THE
16 EARLY DAYS OF THE PANDEMIC, AND IT FLUCTUATED
17 THROUGHOUT THE PANDEMIC. SOMETIMES IT WOULD BE
18 THREE-DAYS A WEEK -- THREE-DAYS A WEEK, EXCUSE ME. WE
19 GOT DOWN TO TWO DAYS A WEEK AND EVENTUALLY ONE DAY A
20 WEEK AND NOW IT IS ON AN AD HOC BASIS IF THERE'S
21 SOMETHING THAT IS NEWSWORTHY.

01:55:29 22 Q. WERE THEY STREAMED OR...

01:55:31 23 A. I DON'T KNOW IF THE FIRST FEW WERE STREAMED,
24 JUST BECAUSE IT WAS ALL COMING TOGETHER SO QUICKLY.
25 BUT I WOULD PROBABLY SAY ABOUT 99 PERCENT OF THE MEDIA
26 BRIEFINGS THAT HAVE BEEN HELD ARE AVAILABLE -- WERE
27 MADE AVAILABLE VIA LIVE STREAM, YES.

01:55:47 28 Q. AND SO WAS THE PUBLIC ABLE TO WATCH THOSE IF

1 THEY SO WANTED?

01:55:50 2 A. CORRECT. THEY WERE ABLE TO WATCH AND
3 COMMENT ON THEM.

01:56:04 4 Q. WAS THERE EVER A PERIOD OF TIME DURING THE
5 PANDEMIC THAT TOWN HALL MEETINGS WERE STOPPED
6 ENTIRELY?

01:56:11 7 A. I WOULDN'T SAY STOPPED ENTIRELY. AT ONE
8 POINT WE WERE HAVING THEM ON A MONTHLY BASIS. AND
9 THEN EVENTUALLY WE JUST BEGAN HAVING THEM IF THERE WAS
10 A MAJOR DEVELOPMENT OR IF WE WERE GETTING A LOT OF
11 QUESTIONS ABOUT A SPECIFIC TOPIC THAT WE WANTED TO
12 PROVIDE INFORMATION. THE TOWN HALLS WOULD GET -- I
13 MEAN, I THINK SOMETIMES UPWARDS OF A HUNDRED THOUSAND
14 PEOPLE WATCHING THE TOWN HALLS. SO THERE WAS A LOT OF
15 INFORMATION THAT PEOPLE WERE SEEKING.

01:56:40 16 AND IT WAS EASIER FOR US, INSTEAD OF
17 ANSWERING EVERY SINGLE INDIVIDUAL QUESTION THAT MAY
18 COME IN TO US, TO TRY TO DO IT IN THIS KIND OF
19 CAPACITY WHILE STILL TRYING TO ANSWER THE QUESTIONS
20 DIRECTLY.

01:56:53 21 Q. WAS IT EVER PART OF YOUR JOB TO DECIDE WHAT
22 INFORMATION ABOUT PUBLIC HEALTH WAS CORRECT AND WHAT
23 WAS WRONG?

01:56:59 24 A. NO, NEVER. I'M A COMPLETE LAYMAN. I DON'T
25 HAVE ANY PUBLIC HEALTH EXPERIENCE OR EPIDEMIOLOGY --
26 EPIDEMIOLOGICAL EXPERIENCE. I'M NOT AN M.D.,
27 CLINICIAN, PH.D., OR ANYTHING LIKE THAT.

01:57:16 28 Q. WAS IT EVER PART OF YOUR JOB TO DECIDE IF

1 SOMETHING WAS MISINFORMATION?

01:57:23 2 A. I WOULDN'T SAY NECESSARILY THAT WAY. I
3 RELIED ON THE EXPERTS AND THE INFORMATION THAT THEY
4 PROVIDED. WHAT I WILL SAY IS THAT IF THERE'S
5 SOMETHING THAT'S A LONG-STANDING TRUTH OR A FACT
6 PROVIDED BY OUR PUBLIC HEALTH EXPERTS OR
7 EPIDEMIOLOGISTS AND I SAW SOMETHING, I COULD IDENTIFY
8 THAT AS MISINFORMATION JUST BECAUSE I'VE BEEN MADE
9 AWARE OF WHATEVER POLICY THERE MAY BE OR WHATEVER, YOU
10 KNOW, THE ISSUE MAYBE WITH THE CONTENT BEING PROVIDED.

01:57:54 11 Q. CAN YOU THINK OF ANY EXAMPLES OF THAT?

01:57:58 12 A. I WOULD PROBABLY SAY THAT MASKS ARE
13 INEFFECTIVE. THAT MAY BE ONE. I COULD PROBABLY THINK
14 OF OTHERS IF I TAKE A MINUTE.

01:58:10 15 THE COURT: AN EXAMPLE OF WHAT? YOU SAID
16 MASKS ARE INEFFECTIVE. WHAT IS THAT AN EXAMPLE OF?

01:58:16 17 THE WITNESS: THAT COULD BE AN EXAMPLE OF A
18 PIECE OF WHAT I CONSIDER MISINFORMATION THAT I COULD
19 IDENTIFY BY MYSELF BASED UPON THE LONGSTANDING
20 INFORMATION PROVIDED BY OUR PUBLIC HEALTH EXPERTS AND
21 EPIDEMIOLOGISTS.

01:58:30 22 THE COURT: OKAY. NEXT QUESTION.

01:58:36 23 Q. (BY MR. RAYGOR) DID CLOSING PUBLIC
24 COMMENTS ON DPH POSTS HAVE ANYTHING TO DO WITH THE
25 FACT THAT DPH WAS THINKING IN JULY ABOUT THE SAME
26 TIME OF A NEW MASK MANDATE BEING ISSUED?

01:58:49 27 A. NO. IN FACT, WE DIDN'T CLOSE OFF PUBLIC
28 COMMENTARY UNTIL AFTER THAT WAS DECIDED.

01:58:56 1 Q. DID A MASK MANDATE, A NEW ONE, EVER GET
2 ISSUED IN JULY?

01:59:02 3 A. NO.

01:59:02 4 Q. OR THEREAFTER?

01:59:03 5 A. NO.

01:59:04 6 THE COURT: WHO DECIDED NOT TO ISSUE THE
7 MASK MANDATE? WAS IT DR. FERRER?

01:59:10 8 THE WITNESS: SO THE MASK MANDATE WAS
9 DECIDED BASED UPON SEVERAL METRICS.

01:59:16 10 THE COURT: WHO MADE THE FINAL DECISION?

01:59:18 11 THE WITNESS: I DON'T KNOW IF IT WOULD BE
12 HER OR DR. MUNTU DAVIS. DR. MUNTU DAVIS IS THE ONE
13 THAT WOULD ISSUE THE ORDER. SO NOW THAT I THINK ABOUT
14 IT, IT WOULD BE HIM, I BELIEVE.

01:59:29 15 THE COURT: HE REPORTED TO DR. FERRER,
16 THOUGH, DIDN'T HE?

01:59:33 17 THE WITNESS: I BELIEVE SO, YES. I'M NOT
18 ENTIRELY SURE OF THE EXACT MECHANICS OF HOW OR WHO
19 DECIDES THAT.

01:59:38 20 THE COURT: WOULD HE HAVE THE AUTHORITY TO
21 DO IT WITHOUT HER APPROVAL?

01:59:42 22 THE WITNESS: I DON'T KNOW THAT.

01:59:43 23 THE COURT: OKAY. WHO MADE THE FINAL
24 DECISION TO CLOSE PUBLIC COMMENTS ON THE VARIOUS
25 SOCIAL MEDIA?

01:59:55 26 THE WITNESS: SO I CREATED THE -- I HAD THE
27 IDEA. I SHARED IT WITH DR. FERRER, AND SHE APPROVED
28 THE IDEA.

02:00:02 1 THE COURT: SO SHE MADE THE FINAL DECISION?

02:00:05 2 THE WITNESS: CORRECT. I WOULDN'T HAVE DONE
3 IT WITHOUT HER APPROVAL, YES.

02:00:09 4 THE COURT: NEXT QUESTION.

02:00:13 5 Q. (BY MR. RAYGOR) BY CLOSING PUBLIC
6 COMMENTARY ON DPH'S SOCIAL MEDIA POSTS, WERE COUNTY
7 RESIDENTS PRECLUDE FROM THE SHARING WITH EACH OTHER
8 THEIR OPINIONS ABOUT DPH POLICIES?

02:00:25 9 A. ABSOLUTELY NOT.

02:00:26 10 Q. CAN YOU GIVE ME SOME EXAMPLES OF WHERE THAT
11 CONTINUED TO HAPPEN DESPITE THE FACT THAT SOCIAL MEDIA
12 COMMENTS WERE CLOSED DOWN?

02:00:35 13 MS. HAMILL: OBJECTION. RELEVANCE.

02:00:40 14 THE COURT: YOU WANT HIM TO TESTIFY ABOUT
15 WHAT THE PUBLIC WAS ABLE TO DO?

02:00:45 16 MR. RAYGOR: YES. IF HE'S SEEN ANY EXAMPLES
17 OF WHEN THE PUBLIC STILL WERE ABLE TO TALK WITH EACH
18 OTHER ABOUT SOCIAL MEDIA POLICIES WITH WHICH A READER
19 MIGHT HAVE DISAGREED WITH DPH.

02:00:58 20 THE COURT: ALL RIGHT. YOU CAN GIVE US AN
21 EXAMPLE.

02:01:00 22 THE WITNESS: THEY COULD DISCUSS IT ON
23 SOCIAL MEDIA ON THEIR OWN PROFILES AND WITH EACH
24 OTHER. THEY COULD ALSO QUOTE, RETWEET, OR SHARE OUR
25 INFORMATION AND DISCUSS IT THERE.

02:01:11 26 THE COURT: WELL, THAT'S NONRESPONSIVE.
27 COUNSEL ASKED FOR EXAMPLES, NOT THEORETICALLY WHAT WAS
28 DOABLE. DO YOU KNOW SPECIFIC EXAMPLES?

02:01:21 1 THE WITNESS: THEY COULD SHARE THEIR
2 INFORMATION ON SOCIAL MEDIA, YES, ON THEIR OWN SOCIAL
3 MEDIA PROFILES.

02:01:27 4 THE COURT: OKAY. THAT STILL SEEMS
5 THEORETICAL, BUT OKAY. YOU'RE NOT ABLE TO GIVE US AN
6 EXAMPLE THAT YOU SAW?

02:01:36 7 THE WITNESS: A SPECIFIC EXAMPLE OF A POST
8 THAT I SAW, NO, BUT I UNDERSTAND WHAT YOU'RE SAYING.

02:01:42 9 THE COURT: THAT WAS THE QUESTION.

02:01:43 10 THE WITNESS: I UNDERSTAND, OKAY.
11 APOLOGIES.

02:01:47 12 Q. (BY MR. RAYGOR) ARE YOU FAMILIAR WITH THE
13 HASHTAG FIRE FERRER TWITTER ACCOUNT?

02:01:52 14 A. I AM, YES.

02:01:52 15 Q. COULD YOU LOOK AT EXHIBIT 242.

02:01:56 16 MS. HAMILL: BELATED OBJECTION. DID YOU
17 CALL IT A FIRE FERRER ACCOUNT? IF SO, THAT
18 MISSTATES --

02:02:02 19 THE COURT: WELL, LET'S LOOK AT 242 AND SEE
20 WHAT IT SAYS.

02:02:20 21 MR. RAYGOR: AND I'LL CLARIFY MY QUESTION.
22 I BELIEVE I MISTAKENLY CALLED IT AN ACCOUNT.

02:02:25 23 Q. (BY MR. RAYGOR) THE HASHTAG FIRE FERRER
24 SEARCHABLE HASHTAG, ARE YOU FAMILIAR WITH THAT?

02:02:32 25 A. I AM, YES.

02:02:33 26 Q. AND WHAT IS EXHIBIT 242?

02:02:37 27 A. EXHIBIT 242 IS A COMPILATION OF POSTS,
28 INCLUDING THE HASHTAG FIRE FERRER.

02:02:49 1 Q. DO YOU SEE AT THE VERY BOTTOM OF THE PAGE,
2 242-1 -- SORRY, NOT AT THE BOTTOM. ON PAGE 242-1, DO
3 YOU SEE THE FOURTH ENTRY DOWN, CAPTURE TIMESTAMP?

02:03:08 4 A. OH, I SEE. OKAY. I HAVE A 5001. I DON'T
5 HAVE A DASH ONE. I HAVE EXHIBIT 242-501.

02:03:24 6 THE COURT: I HAVE 242-1. THIS IS THE FIRST
7 PAGE.

02:03:27 8 MR. RAYGOR: I'M SORRY. THERE'S TWO
9 BINDERS.

02:03:30 10 THE WITNESS: OH, I'M ON THE WRONG BOOK.
11 THIS IS 242 BY ITSELF.

02:03:34 12 THE COURT: HAS ITS OWN BINDER.

02:03:36 13 THE WITNESS: OKAY. THIS SEEMS TO BE A
14 CONTINUATION OF IT.

02:03:48 15 MR. RAYGOR: MAY I JUST APPROACH AND HELP
16 HIM GET BOOKS OUT OF THE WAY?

02:03:54 17 THE WITNESS: OH, THANK YOU.

02:03:58 18 OKAY. I SEE IT HERE.

02:04:01 19 Q. (BY MR. RAYGOR) SO WHAT IS THE TIME -- NOT
20 THE TIME -- BUT WHAT'S THE DATE FOR THE CAPTURE
21 TIMESTAMP?

02:04:09 22 A. IT SAYS WEDNESDAY, 17TH OF MAY, 2023,
23 2138:08 GMT.

02:04:21 24 Q. AND SO TURN TO THE NEXT PAGE, PLEASE,
25 242-TWO. AND THE FIRST COMMENT THERE OR POST IS WITH
26 PUBLIC UNHEALTHY DIRECTOR TM. DO YOU SEE THAT?

02:04:47 27 A. I SEE THAT, YES.

02:04:49 28 Q. AFTER IT'S GOT A 1H, WHAT DOES 1H REFER TO?

02:04:53 1 A. THAT REFERS TO THE POST BEING POSTED ONE
2 HOUR BEFORE THIS PAGE WAS CAPTURED.

02:05:08 3 Q. AND THEN TURN TO THE VERY LAST PAGE, WHICH
4 IS -- I'VE GOT TWO BOOKS. DO YOU HAVE PAGE --
5 EXHIBIT 242, PAGE 867?

02:05:35 6 MS. HAMILL: OBJECTION. LACKS FOUNDATION.

02:05:37 7 THE COURT: HOLD ON. IS THAT IN A DIFFERENT
8 VOLUME? MY EXHIBIT 242 GOES TO PAGE 49 MEAN.

02:05:44 9 MR. RAYGOR: NO, I THINK IT'S SPLIT INTO TWO
10 BINDERS, BUT LET ME JUST DEAL WITH THE ONE THAT YOUR
11 HONOR HAS.

02:05:51 12 Q. (BY MR. RAYGOR) LOOK AT PAGE 499 IN THE
13 FIRST VOLUME WE WERE LOOKING AT.

02:05:56 14 A. OKAY.

02:06:00 15 THE COURT: AND WHAT WAS THE OBJECTION,
16 HERE, MISS HAMILL?

02:06:04 17 MS. HAMILL: LACKS FOUNDATION. I DON'T KNOW
18 IF THIS WITNESS HAS SEEN THIS DOCUMENT BEFORE.

02:06:10 19 THE COURT: WELL, ARE YOU MOVING THIS INTO
20 EVIDENCE?

02:06:12 21 MR. RAYGOR: YES.

02:06:13 22 THE CLERK: YOUR HONOR, 242 IS ALREADY IN
23 EVIDENCE.

02:06:15 24 THE COURT: 242 IS IN EVIDENCE, I'M REMINDED
25 BY THE CLERK, SO THE OBJECTION'S OVERRULED. WE CAN GO
26 TO PAGE 499. THANK YOU, MADAM CLERK.

02:06:25 27 THE CLERK: YOU'RE WELCOME.

02:06:27 28 Q. (BY THE COURT) SO ON THAT PAGE 499, JUST

1 LOOK AT THE BOTTOM POST THERE.

02:06:31 2 A. YES.

02:06:31 3 Q. IT'S FROM THE GREEDY MIDDLE CLASS.

02:06:35 4 A. I SEE IT, YES.

02:06:36 5 Q. AND WHAT'S THE DATE OF THAT ONE?

02:06:38 6 A. NOVEMBER 5TH, 2022.

02:06:40 7 MS. HAMILL: OBJECTION. THE DOCUMENT SPEAKS
8 FOR ITSELF.

02:06:43 9 THE COURT: WELL, OVERRULED. COUNSEL CAN
10 DRAW THE COURT'S ATTENTION TO A PORTION THAT HE
11 BELIEVES IS RELEVANT.

02:06:49 12 Q. (BY MR. RAYGOR) AND IF YOU COULD JUST FLIP
13 THROUGH IT VERY QUICKLY, I'M NOT GOING TO ASK YOU
14 ABOUT ANY PARTICULAR POST, BUT IF YOU CAN JUST LOOK
15 AT DATES, ARE THEY COVERING A TIME FRAME FROM
16 SOMETIME IN 2022 TO WHENEVER THIS WAS CAPTURED IN
17 MAY 2023?

02:07:09 18 THE COURT: ARE YOU SAYING WORKING BACKWARDS
19 THROUGH THIS EXHIBIT, MR. RAYGOR?

02:07:14 20 MR. RAYGOR: YEAH, PROBABLY FROM THE BACK OF
21 IT TOWARD THE FRONT.

02:07:43 22 THE WITNESS: OKAY.

02:07:44 23 Q. (BY THE COURT) DID YOU SEE THAT ROUGHLY --
24 COMMENTS FROM 2022 AND 2023?

02:07:51 25 A. YES.

02:07:51 26 Q. AND IN THOSE 499 PAGES, DID YOU NOTICE
27 ANYTHING THAT WAS, LIKE, CRITICAL OF DR. FERRER OR
28 CRITICAL OF DPH?

02:07:59 1 A. I WOULD SAY ALMOST ALL OF IT IS.

02:08:10 2 Q. HAVE YOU EVER HEARD OF ANY PETITIONS BEING
3 CIRCULATED TO HAVE DR. FERRER FIRED?

02:08:16 4 A. I HAVE, YES.

02:08:17 5 Q. HAVE YOU SEEN THEM?

02:08:18 6 A. I HAVE, YES.

02:08:22 7 Q. AND DO YOU KNOW WHO SIGNED THOSE KINDS OF
8 PETITIONS?

02:08:26 9 A. I DO NOT KNOW WHO SIGNED THOSE KINDS OF
10 PETITIONS, BUT I ASSUME IT'S PEOPLE WHO WANTED HER TO
11 BE FIRED.

02:08:32 12 Q. PEOPLE FROM THE PUBLIC?

02:08:35 13 A. POSSIBLY, YES.

02:08:40 14 Q. DID THE DEPARTMENT EVER TRY TO CLOSE DOWN
15 THE HASHTAG FIRE FERRER -- I'M SORRY -- THE HASHTAG
16 FIRE FERRER?

02:08:51 17 A. NO, NEVER.

02:09:26 18 Q. I BELIEVE YOU MIGHT HAVE MENTIONED THAT YOU
19 ALSO SAW SOME PERSONAL COMMENTS ABOUT YOU PERSONALLY
20 OR ABOUT YOUR PREGNANT WIFE. DO YOU RECALL THAT?

02:09:35 21 A. I DO, YES.

02:09:38 22 Q. DID THAT HAVE ANYTHING TO DO WITH YOUR
23 EXPLORATION OF CLOSING DOWN PUBLIC COMMENTARY ON POSTS
24 ON YOUR SOCIAL MEDIA ACCOUNTS?

02:09:50 25 A. ABSOLUTELY NOT. I HAD CONSIDERED THAT
26 BEFORE THAT POST WAS SENT. AND THEN THOSE KIND OF
27 COMMENTS CRITICALLY -- CRITICAL OF ME PERSONALLY HAVE
28 CONTINUED AFTER WE CLOSED PUBLIC COMMENT. SO CLOSING

1 PUBLIC COMMENT HAD NO BEARING OR IMPACT ON THE
2 CRITICISM AND HARASSMENT THAT I RECEIVED PERSONALLY.

02:10:15 3 Q. DO YOU RECALL A CAMPAIGN THAT DPH HAD WITH
4 COMMUNITY PARTNERS DURING THE PANDEMIC?

02:10:21 5 A. I DO, YES.

02:10:22 6 Q. CAN YOU JUST DESCRIBE THAT FOR ME, A BIT?

02:10:25 7 A. SURE.

02:10:26 8 MS. HAMILL: OBJECTION. RELEVANCE.

02:10:27 9 THE COURT: PROFFER?

02:10:29 10 MR. RAYGOR: I'M GOING TO -- I BELIEVE THAT
11 THE WITNESS WILL BE ABLE TO TESTIFY THAT AS PART OF
12 THIS COMMUNITY GROUP, THEY WERE SPEAKING OF POSTING
13 VIDEOS ON BEHALF OF DPH AND THEY WERE GETTING
14 HARASSING, BULLYING TYPE OF COMMENTS. PEOPLE CALLING
15 THEIR EMPLOYERS TO BE FIRED.

02:10:47 16 THE COURT: WHO IS THIS CAMPAIGN COMPRISED
17 OF? I WANT A PROFFER FROM YOU SO YOU CAN PERSUADE ME
18 IT IS RELEVANT.

02:10:57 19 MR. RAYGOR: COMPRISED FROM PEOPLE FROM THE
20 COMMUNITY THAT SIT FOR SHORT VIDEOS THAT GET POSTED ON
21 THE SOCIAL MEDIA ACCOUNTS FOR THINGS LIKE WHY IT'S
22 IMPORTANT TO GET YOUR CHILDREN VACCINATED OR KEEP THEM
23 HEALTHY. AND THEN THEY WERE SUBJECTED TO BULLYING AND
24 HARASSMENT.

02:11:22 25 THE COURT: HOW WOULD HE HAVE PERSONAL
26 KNOWLEDGE OF THAT?

02:11:25 27 MR. RAYGOR: BECAUSE I BELIEVE HE WAS IN
28 MEETINGS WITH SOME OF THEM.

02:11:28 1 THE COURT: AND HE HEARD THAT FROM --

02:11:31 2 MR. RAYGOR: THESE COMMUNITY PARTNERS.

02:11:32 3 THE COURT: AND THAT WOULD BE ADMISSIBLE
4 UNDER WHAT THEORY?

02:11:37 5 MR. RAYGOR: UNDER THE THEORY THAT -- JUST
6 STATE OF MIND GOING TO WHY THIS WAS BEING CLOSED DOWN
7 IS THAT THE COMMUNITY PARTNERS THAT WERE WORKING WITH
8 HIM WERE ALSO GET HARASSED. THESE ARE MEMBERS OF THE
9 PUBLIC.

02:11:48 10 THE COURT: WHOSE STATE OF MIND?

02:11:49 11 MR. RAYGOR: STATE OF MIND OF MR. MORROW FOR
12 WHY HE IS CLOSING DOWN PUBLIC COMMENTARY.

02:11:54 13 THE COURT: WELL, HE DIDN'T. DR. FERRER
14 DID.

02:11:57 15 MR. RAYGOR: WHY HE WAS EXPLORING IT AND
16 RECOMMENDING THAT IT BE CLOSED DOWN OR PRESENTING IT
17 TO DR. FERRER TO ACTUALLY MAKE THE DECISION.

02:12:06 18 THE COURT: WELL, LET'S SEE WHERE IT GOES.
19 YOU CAN LAY A FOUNDATION AS TO THIS SO-CALLED
20 COMMUNITY CAMPAIGN, AND I'LL WAIT TO SEE IF THERE ARE
21 OTHER OBJECTIONS.

02:12:15 22 Q. (BY MR. RAYGOR) SO MR. MORROW, CAN YOU
23 EXPLAIN WHAT YOUR COMMUNITY PARTNER CAMPAIGN WAS.

02:12:22 24 A. SURE. SO WE WORKED WITH VARIOUS
25 COMMUNITY-BASED ORGANIZATIONS IN SPECIFIC
26 NEIGHBORHOODS AND COMMUNITIES. AND WHAT WE HAD DONE
27 WAS FILMED SHORT VIDEOS WITH VARIOUS COMMUNITY
28 PARTNERS, MEMBERS OF THE PUBLIC, OR CLIENTS OF THESE

1 CBO'S, TALKING ABOUT WHY THEY GOT VACCINATED OR WHY
2 THEY CHOSE TO VACCINATE THEIR CHILDREN. AND
3 UNFORTUNATELY, WHAT HAPPENED WAS, ONCE THOSE VIDEOS
4 WERE POSTED, PEOPLE IN THE COMMENTS SECTION WOULD MAKE
5 DISPARAGING AND HARASSING COMMENTS ABOUT THESE
6 SPECIFIC PEOPLE. AND I HAD HEARD THROUGH OTHER
7 PARTNERS THAT SOME OF THESE PEOPLE FEATURED IN THESE
8 VIDEOS, THEY WERE VERY PROUD TO BE IN THESE VIDEOS,
9 BUT THEY WERE VERY UPSET THAT THEY WERE BEING
10 HARASSED, MOCKED, AND DERIDED IN OUR COMMENTS SECTION.

02:13:23 11 Q. DID YOU HEAR THAT YOURSELF FROM THESE
12 COMMUNITY -- SOME OF THE COMMUNITY PARTNER MEMBERS?

02:13:27 13 A. I DIDN'T HEAR MYSELF, NO.

02:13:34 14 Q. I'M GOING TO SHOW YOU -- YOUR HONOR, THIS IS
15 AN ADDITIONAL EXHIBIT THAT IS NOT IN THE BOOKS. I
16 SHARED IT WITH MISS HAMILL. IT'S 326 ON OCTOBER 14TH.
17 THEY ARE PRINTED OUT BY THE WITNESS. I WANT TO GIVE
18 THEM TO HIM AND THEN USE THEM AND THEN I'LL OFFER THEM
19 INTO EVIDENCE LATER.

02:13:56 20 MS. HAMILL: OBJECTION. I HAVE NOT SEEN
21 THIS DOCUMENT, AND MR. MORROW SAID HE DIDN'T HAVE
22 PERSONAL KNOWLEDGE, SO THIS SOUNDS LIKE HEARSAY.

02:14:02 23 MR. RAYGOR: IT'S A DIFFERENT SUBJECT AND I
24 SENT IT TO MISS HAMILL ON OCTOBER 14.

02:14:06 25 MS. HAMILL: MAY I REVIEW IT?

02:14:08 26 THE COURT: BY WHAT --

02:14:10 27 MR. RAYGOR: E-MAIL.

02:14:11 28 THE COURT: E-MAIL? YOU CAN DISTRIBUTE IT.

1 WE'RE A LONG WAY FROM IT BEING ADMITTED, BUT YOU CAN
2 PASS OUT COPIES.

02:14:26 3 THE WITNESS: THANK YOU.

02:14:42 4 THE COURT: OKAY. 326 FOR IDENTIFICATION IS
5 BEFORE THE WITNESS.

02:14:45 6 GO AHEAD.

02:15:10 7 Q. (BY MR. RAYGOR) MR. MORROW, DO YOU
8 RECOGNIZE THIS?

02:15:13 9 A. I DO, YES.

02:15:14 10 Q. WHAT IS IT?

02:15:16 11 A. IT IS A TWEET OF OUR COVID-19 DAILY UPSET
12 FROM JULY 18TH, 2022.

02:15:22 13 MS. HAMILL: OBJECTION. MISCHARACTERIZES
14 THE EVIDENCE. ON EXHIBIT 326-SIX, WE HAVE INSTAGRAM
15 POSTS.

02:15:32 16 THE COURT: WELL, YES, YOU DIDN'T SPECIFY A
17 PAGE, MR. RAYGOR. SO --

02:15:38 18 MR. RAYGOR: LET ME ASK A CLEARER QUESTION.

02:15:40 19 THE COURT: BE A LITTLE BIT MORE PRECISE.

02:15:42 20 Q. (BY MR. RAYGOR) LOOK THROUGH --
21 EXHIBIT 326 CONSISTS OF DIFFERENT DOCUMENTS; RIGHT?

02:15:48 22 A. CORRECT, YES.

02:15:51 23 Q. CAN YOU, WITHOUT GOING THROUGH THEM ONE BY
24 ONE, CAN YOU JUST TELL ME WHAT CONSTITUTES THIS
25 EXHIBIT?

02:15:57 26 A. THEY ARE A COLLECTION OF SOCIAL MEDIA POSTS
27 FROM THE DEPARTMENT OF PUBLIC HEALTH THROUGHOUT THE
28 MONTH OF JULY FROM VARIOUS PLATFORMS, INCLUDING

1 TWITTER, FACEBOOK, AND INSTAGRAM.

02:16:08 2 Q. AND WHO MADE THESE CAPTIONS FROM THE SOCIAL
3 MEDIA ACCOUNTS?

02:16:12 4 A. I DID.

02:16:12 5 Q. WHEN?

02:16:14 6 A. WITHIN THE LAST WEEK OR SO.

02:16:17 7 Q. DID YOU LOOK FOR EACH OF THESE AND THEN MAKE
8 A COPY YOURSELF?

02:16:21 9 A. I DID, YES.

02:16:24 10 Q. DID YOU MAKE ANY CHANGES TO WHATEVER
11 APPEARED ON THE SCREEN BEFORE YOU MADE A COPY?

02:16:30 12 A. I DID NOT.

02:16:31 13 Q. YOU JUST COPIED IT EXACTLY AS IT APPEARED ON
14 YOUR SCREEN?

02:16:35 15 A. I DID, YES.

02:16:37 16 Q. WERE YOU LOOKING FOR ANYTHING IN PARTICULAR?

02:16:40 17 A. I WAS LOOKING FOR HARASSING COMMENTS,
18 BULLYING, FOUL LANGUAGE, AND DISPARAGING COMMENTERS
19 MAKING DISPARAGING OR VEILED THREATS TO ONE ANOTHER.

02:16:54 20 Q. COULD YOU LOOK AT PAGE 326-1.

02:16:57 21 MS. HAMILL: OBJECTION. I'M GOING TO OBJECT
22 TO THIS EXHIBIT IN ITS ENTIRETY. IT'S LATE RECEIVED.
23 IT'S NOT THE BEST EVIDENCE. IT'S INCOMPLETE, AND IT
24 APPEARS TO BE UNRELIABLE.

02:17:11 25 THE COURT: WELL, I'M GOING TO FOCUS ON LATE
26 RECEIPT, BECAUSE AS WE'VE DISCUSSED PREVIOUSLY,
27 MR. RAYGOR, WE DON'T DO TRIALS BY SURPRISE OR AMBUSH
28 ANYMORE. THIS IS YOUR CASE IN CHIEF. IT'S NOT

1 REBUTTAL, AND FOR YOU TO HAVE YOUR WITNESS IN THE LAST
2 WEEK OR SO COMPILE PURPORTED SUMMARY OF THIS EVIDENCE
3 AND THEN SERVE IT ON COUNSEL A COUPLE DAYS BEFORE
4 TRIAL, IT SEEMS EXTRAORDINARILY UNTIMELY.

02:17:49 5 MR. RAYGOR: I BELIEVED THAT THERE WAS
6 SUFFICIENT TIME IN LIGHT OF EVERYTHING THAT WE'VE ALL
7 BEEN RECEIVING ON THIS SIDE OF THE COUNSEL TABLE.
8 IT'S NOT MUCH DIFFERENT THAN RECEIVING A REQUEST FOR
9 JUDICIAL NOTICE FROM MS. HAMILL ON FRIDAY EVENING, YOU
10 KNOW, A FEW MINUTES BEFORE CLOSE OF BUSINESS ON THE
11 DAY BEFORE TRIAL STARTS, ALSO.

02:18:07 12 THE COURT: WELL, PERHAPS, BUT YOU DIDN'T
13 OBJECT TO IT. YOU STIPULATED TO IT.

02:18:11 14 MR. RAYGOR: WE HAVE NOT YET. ON THE
15 REQUEST FOR JUDICIAL NOTICE?

02:18:14 16 THE COURT: I BELIEVE WE COVERED THAT.

02:18:15 17 MR. RAYGOR: THAT WAS A MOTION. THAT'S
18 SOMETHING DIFFERENT.

02:18:19 19 THE COURT: I THINK IT DEALT WITH THE
20 REQUEST FOR JUDICIAL NOTICE, ITEMS 1 AND 2, AND
21 EXHIBITS 38 THROUGH 43 WHICH YOU STIPULATED TO EARLIER
22 TODAY.

02:18:37 23 MR. RAYGOR: I DON'T -- I DON'T RECALL THAT.
24 I HAVE TO LOOK, BECAUSE I HAD PREPARED A --

02:18:41 25 THE COURT: YES. THAT WAS AN EXCHANGE FOR
26 MISS HAMILL STIPULATING TO A WHOLE SERIES OF EXHIBITS
27 STARTING WITH 264 AND ENDING WITH 324. YOU
28 STIPULATED.

02:18:51 1 MR. RAYGOR: TO EXHIBIT 32, YOUR HONOR.

02:18:56 2 THE COURT: EXCUSE ME. LET ME GET MY NOTES.
3 I THOUGHT WE ALSO DEALT WITH THE REQUEST FOR JUDICIAL
4 NOTICE.

02:19:05 5 MISS HAMILL, CAN YOU REFRESH ALL OF OUR
6 MEMORY WHEN YOU BROUGHT THAT UP EARLIER TODAY?

02:19:11 7 MS. HAMILL: I DON'T RECALL A STIPULATION TO
8 THE REQUEST FOR JUDICIAL NOTICE.

02:19:14 9 THE COURT: OKAY. THEN I STAND CORRECTED.
10 YOU BROUGHT IT UP EARLIER TODAY, AND I GUESS WE JUST
11 PASSED THAT.

02:19:22 12 MS. HAMILL: BUT I'M WILLING TO PROPOSE A
13 STIPULATION. IF THE DEFENDANTS WILL STIPULATE TO THE
14 ADMISSIBILITY OF THE EXHIBITS AND FACTS IN ALLIANCE'S
15 REQUEST FOR JUDICIAL NOTICE, I WILL AGREE THAT
16 EXHIBIT 326 CAN BE ADMITTED INTO EVIDENCE.

02:19:38 17 THE COURT: OFF THE RECORD FOR A SECOND.

02:19:40 18 (A DISCUSSION WAS HELD OFF THE RECORD.)

02:21:04 19 THE COURT: LET'S GO BACK ON THE RECORD. A
20 STIPULATION HAS BEEN PROPOSED BY MISS HAMILL AND
21 MR. RAYGOR, YOUR RESPONSE.

02:21:09 22 MR. RAYGOR: I WILL NOT ACCEPT THAT
23 STIPULATION.

02:21:11 24 THE COURT: OKAY. VERY GOOD.

02:21:13 25 MR. RAYGOR: I WOULD PROPOSE --

02:21:14 26 THE COURT: I WILL BE SUSTAINING THE
27 OBJECTION TO PROPOSE EXHIBIT 326, BECAUSE IT WAS
28 PRODUCED IN VIOLATION OF THE COURT'S CASE MANAGEMENT

1 ORDER.

02:21:57 2 Q. (BY MR. RAYGOR) FOCUSING ON THE ACTUAL
3 CLOSING OF PUBLIC COMMENTS AND WHAT HAPPENED
4 THEREAFTER, DID THE CLOSING OF PUBLIC COMMENTS IN
5 RESPONSE TO POSTS BY DPH ON ITS SOCIAL MEDIA
6 ACCOUNTS GO OFF WITHOUT ANY GLITCHES?

02:22:12 7 A. IT DID NOT, UNFORTUNATELY.

02:22:16 8 Q. WHY?

02:22:17 9 A. IT WAS A NEW PROCESS. I THINK IT'S
10 SOMETHING WE WERE ALL LEARNING. DIFFERENT PLATFORMS
11 HAVE DIFFERENT SETTINGS AND DIFFERENT FUNCTIONS THAT
12 NEEDED TO HAPPEN IN A SEAMLESS MANNER.

02:22:35 13 Q. CAN YOU GIVE ME SOME EXAMPLES?

02:22:38 14 A. SURE. THERE, BECAUSE INSTAGRAM AND FACEBOOK
15 ARE COMPANY-OWNED BY META, THEY DO HAVE THE ABILITY TO
16 CROSS-POST BETWEEN INSTAGRAM AND FACEBOOK. SO
17 THEORETICALLY, IF YOU LINK YOUR FACEBOOK ACCOUNT AND
18 YOUR INSTAGRAM ACCOUNT, YOU WON'T NECESSARILY NEED TO
19 POST SOMETHING ON EACH PROFILE. YOU COULD POST
20 SOMETHING DIRECTLY TO INSTAGRAM AND CROSS-POST IT AT
21 THE SAME TIME DIRECTLY TO FACEBOOK.

02:23:08 22 WHAT WE DISCOVERED WAS THAT EVEN THOUGH WE
23 WOULD SET THE SETTING TO TURN OFF COMMENTS ON THE
24 INSTAGRAM POST, THERE WERE TIMES WHERE THERE WAS AN
25 ERROR AND THAT FUNCTION WOULD NOT CROSS OVER WHEN IT
26 WAS CROSS-POSTED TO FACEBOOK.

02:23:46 27 Q. DO YOU RECALL THE, WHAT WE REFERRED TO IN
28 THIS TRIAL AS THE ALT ACCOUNT? DO YOU KNOW WHAT THAT

1 IS?

02:23:50 2 A. I DO, YES.

02:23:51 3 Q. IS THAT SOMETHING THAT REFERS TO THE ALT
4 UNDERSCORE LACPH ACCOUNT?

02:23:58 5 A. YES.

02:24:00 6 Q. DID YOU EVER SEE IT YOURSELF?

02:24:02 7 A. I DID, YES.

02:24:02 8 Q. WHEN?

02:24:04 9 A. IT HAD TO BE AUGUST OF 2022.

02:24:08 10 Q. WHY DID IT HAVE TO BE AUGUST OF 2022?

02:24:11 11 A. MY UNDERSTANDING IS THAT'S THE ONLY TIME IT
12 WAS ACTIVE.

02:24:15 13 Q. WHAT DID IT LOOK LIKE WHEN YOU FIRST SAW IT?

02:24:18 14 A. IT LOOKED INCREDIBLY LIKE THE DEPARTMENT OF
15 PUBLIC HEALTH'S TWITTER PAGE.

02:24:22 16 Q. CAN YOU DESCRIBE THAT FOR ME, PLEASE.

02:24:24 17 A. IT USED OUR LOGO. ITS BIO WASN'T ENTIRELY
18 CLEAR THAT IT WAS COMPLETELY UNAFFILIATED. I BELIEVE
19 IT SAID THAT IT WAS FOR THE DEPARTMENT OF PUBLIC
20 HEALTH, MEANING THAT IT WAS ON OUR BEHALF, WHICH WAS
21 NOT TRUE.

02:24:41 22 Q. DID IT HAVE THE WORD COMMENTARY OR
23 UNOFFICIAL OR ANY OTHER SUCH WORDS, ANY WORDS SIMILAR
24 TO THAT?

02:24:50 25 MS. HAMILL: OBJECTION. CUMULATIVE
26 TESTIMONY.

02:24:52 27 THE COURT: WELL, IT SOUNDS FAMILIAR, AND I
28 BELIEVE MR. MORROW TESTIFIED ABOUT THIS YESTERDAY,

1 MR. RAYGOR.

02:25:01 2 MR. RAYGOR: OKAY. I'LL MOVE ON.

02:25:03 3 THE COURT: OKAY.

02:25:23 4 Q. (BY MR. RAYGOR) PLEASE LOOK AT
5 EXHIBIT 227. MR. MORROW, I UNDERSTAND 59 IS THE
6 SAME EXHIBIT, SO RATHER THAN INTRODUCING A NEW ONE,
7 WHY DON'T YOU PLEASE LOOK AT EXHIBIT 59.

02:26:02 8 A. EXCUSE ME. DID YOU SAY 227 OR 59?

02:26:05 9 Q. 59.

02:26:06 10 A. OKAY.

02:26:31 11 Q. SO LOOK AT PAGE 59-003. JUST BELOW THE
12 MIDDLE OF THE PAGE, YOU SEE AN AUGUST 5 E-MAIL FROM
13 YOU.

02:26:43 14 A. I DO, YES.

02:26:45 15 MS. HAMILL: OBJECTION. CUMULATIVE
16 TESTIMONY.

02:26:47 17 THE COURT: ONCE AGAIN, I BELIEVE THIS WAS
18 COVERED YESTERDAY, MR. RAYGOR. I AM JUST
19 DOUBLE-CHECKING MY NOTES, BUT I RECALL THAT CERTAINLY
20 MISS HAMILL WENT THROUGH THIS EXTENSIVELY, AND NOW I'M
21 CHECKING MY NOTES ABOUT YOUR DIRECT EXAMINATION. AND
22 I DON'T FIND IT. SO YOU MAY PROCEED.

02:27:29 23 Q. (BY MR. RAYGOR) SO JUST STARTING THERE AND
24 KIND OF READ TO YOURSELF UP TO THE TOP OF THE FIRST
25 PAGE, WHICH IS 59-001, JUST TO GET A SENSE OF THE
26 E-MAIL EXCHANGE, PLEASE.

02:27:45 27 A. I SEE IT, YES.

02:27:47 28 Q. EXCUSE ME?

02:27:47 1 A. I SEE IT, YES.

02:27:48 2 Q. YOU READ ALL THREE OR TWO AND A HALF PAGES?

02:27:51 3 A. OH, I THOUGHT YOU JUST WANTED THAT ONE PAGE.

02:27:54 4 Q. SO STARTING WHERE I POINTED YOU OUT ON
5 PAGE 3 --

02:27:57 6 A. I UNDERSTAND.

02:27:58 7 Q. WORKING YOUR WAY UP THE CHAIN, THAT MEANS GO
8 TO PAGE 2 AND THEN PAGE 1?

02:28:03 9 A. I UNDERSTAND.

02:28:12 10 OKAY.

02:28:12 11 Q. HOW LONG DID IT TAKE FOR TWITTER TO RESPOND
12 TO THE FIRST E-MAIL?

02:28:18 13 MS. HAMILL: OBJECTION. THE DOCUMENT SPEAKS
14 FOR ITSELF AND THIS IS CUMULATIVE TESTIMONY.

02:28:22 15 THE COURT: WELL, THE DOCUMENT DOES SPEAK
16 FOR ITSELF AND WE DID GO THROUGH THIS QUITE A BIT
17 YESTERDAY. PERHAPS NOT WITH YOUR QUESTIONS,
18 MR. RAYGOR, BUT I CERTAINLY HAVE THIS EXHIBIT IN MIND.

02:28:33 19 MR. RAYGOR: OKAY. THEN I'LL MOVE ON TO MY
20 NEXT QUESTION.

02:28:39 21 Q. (BY MR. RAYGOR) DO YOU SEE ANYTHING IN THE
22 EXCHANGE BETWEEN YOU AND TWITTER THAT INDICATES YOU
23 WERE DEMANDING OR THREATENING OR TRYING TO COERCE
24 TWITTER INTO DOING SOMETHING?

02:28:50 25 A. I DO NOT. THROUGHOUT MY EXCHANGE, I AM
26 ASKING QUESTIONS --

02:28:56 27 MS. HAMILL: OBJECTION. MOVE TO STRIKE
28 EVERYTHING AFTER I DO NOT.

02:29:00 1 THE COURT: SUSTAINED.

02:29:01 2 Q. (BY MR. RAYGOR) IS THERE ANYTHING IN THAT
3 EXCHANGE THAT INDICATES TO YOU THAT TWITTER WAS
4 FEELING UNDULY PUT UPON BY YOU OR ANNOYED BY YOU?

02:29:11 5 A. NOT AT ALL.

02:29:20 6 Q. AFTER THE MOST RECENT E-MAIL HERE, WHICH IS
7 AT THE TOP OF PAGE 1, IS THERE ANYTHING -- DID YOU
8 HEAR ANYTHING FURTHER ABOUT THIS AFTER THAT, THE ALT
9 ACCOUNT?

02:29:31 10 A. I DID NOT.

02:29:45 11 Q. PLEASE TURN LATER ON IN THIS EXHIBIT TO
12 PAGE 7. I'M GOING TO ASK YOU SIMILAR QUESTIONS BUT
13 FROM PAGE 7, 6, 5, 4, AND UP TO PART OF THREE. SO
14 AGAIN IN REVERSE ORDER. THIS IS THE ONE WE TALKED
15 ABOUT EXTENSIVELY YESTERDAY, SO I AM NOT GOING TO GO
16 THROUGH IT IN ANY DETAIL, BUT THIS IS THE ONE THAT
17 STARTS WITH YOUR JULY 20 E-MAIL.

02:30:26 18 DO YOU SEE THAT AT THE BOTTOM OF PAGE 6?

02:30:28 19 A. I DO.

02:30:28 20 Q. TO LAUREN CULBERTSON?

02:30:30 21 A. I DO, YES.

02:30:33 22 Q. AND IS THERE -- SO IF YOU CAN JUST LOOK
23 YOURSELF, STARTING WITH THAT E-MAIL, UP THROUGH THE
24 E-MAIL FROM TWITTER GOVERNMENT AND POLITICS ON
25 JULY 27, THAT'S AT THE BOTTOM OF PAGE 3, IF YOU CAN
26 JUST REFRESH YOUR MEMORY ABOUT THEIR EXCHANGE.

02:30:57 27 MS. HAMILL: OBJECTION. CUMULATIVE
28 TESTIMONY.

02:31:03 1 THE COURT: OVERRULED. THE PENDING QUESTION
2 IS TO HAVE THE WITNESS REFRESH HIS MEMORY.

02:31:11 3 THE WITNESS: YES.

02:31:14 4 Q. (BY MR. RAYGOR) IS THERE ANYTHING IN THAT
5 EXCHANGE BETWEEN YOU AND TWITTER THAT INDICATES THAT
6 YOU WERE DEMANDING, THREATENING, OR TRYING TO COERCE
7 TWITTER INTO DOING SOMETHING?

02:31:25 8 A. NOT AT ALL.

02:31:26 9 Q. IS THERE ANYTHING YOU SEE IN THAT EXCHANGE
10 THAT INDICATES TO YOU THAT TWITTER WAS BEING UNDULY
11 PUT UPON BY YOU?

02:31:32 12 A. NO. WE WERE BEING VERY POLITE AND CORDIAL
13 WITH ONE ANOTHER.

02:31:36 14 MS. HAMILL: OBJECTION. MOVE TO STRIKE
15 AFTER NO.

02:31:40 16 THE COURT: SUSTAINED.

02:31:42 17 Q. (BY MR. RAYGOR) LOOK AT PAGE 5, PLEASE, AT
18 THE VERY BOTTOM.

02:31:46 19 A. UH-HUH.

02:31:47 20 Q. SO EMBEDDED IN THE MIDDLE OF -- IN THE
21 MIDDLE OF THIS EXCHANGE IS AN E-MAIL FROM LAUREN
22 CULBERTSON AT TWITTER DATED JULY 25, 2022, AT
23 11:20 A.M. DO YOU SEE THAT?

02:32:01 24 A. I DO, YES.

02:32:02 25 Q. WHAT DOES SHE SAY THERE?

02:32:04 26 A. SHE SAYS, CAN YOU PLEASE RESPOND TO HIM HER
27 STANDARD PROCESS. THANKS, WITH AN EXCLAMATION POINT.

02:32:12 28 Q. DO YOU SEE ANYTHING IN THAT STATEMENT THAT

1 INDICATES THAT TWITTER WAS BEING COERCED OR THREATENED
2 OR INTIMIDATED BY YOU?

02:32:20 3 A. NO, THEY WERE JUST HAVING ME DO THE STANDARD
4 PROCESS WHICH IS AVAILABLE -- ALSO AVAILABLE TO THE
5 PUBLIC.

02:32:27 6 MS. HAMILL: MOVE TO STRIKE EVERYTHING AFTER
7 THE WORD NO.

02:32:30 8 THE COURT: SUSTAINED.

02:32:43 9 Q. (BY MR. RAYGOR) DO YOU HAVE ANY PROBLEM
10 TODAY IF ANYBODY DECIDED TO QUOTE TWEET EACH AND
11 EVERY DEPARTMENT OF PUBLIC HEALTH POST?

02:32:49 12 MS. HAMILL: OBJECTION. VAGUE AND
13 AMBIGUOUS.

02:32:51 14 THE COURT: SUSTAINED.

02:32:55 15 Q. (BY MR. RAYGOR) DO YOU KNOW WHAT QUOTE
16 TWEETING IS?

02:32:57 17 A. I DO, YES.

02:32:59 18 Q. ARE PEOPLE FREE TO QUOTE TREAT -- QUOTE
19 TWEET ANY OF THE POSTS?

02:33:03 20 A. YES, THEY ARE. AND THEY DO.

02:33:09 21 Q. DO YOU EVER TRY TO SHUT THAT DOWN?

02:33:11 22 A. NO, NEVER.

02:33:16 23 Q. DIDN'T YOU TRY TO SHUT THAT DOWN WITH THE
24 ALT ACCOUNT WE TALKED ABOUT EARLIER?

02:33:22 25 A. I DID, BUT THAT WAS BECAUSE I BELIEVE THEY
26 WERE POSSIBLY IMPERSONATING THE DEPARTMENT OF PUBLIC
27 HEALTH BY USING OUR LOGO AND BEING UNCLEAR IN THEIR
28 BIO ABOUT ITS AFFILIATION.

02:33:34 1 Q. WOULD YOU EVER TRY TO SHUT DOWN AN
2 ACCOUNT -- AN ACCOUNT THAT QUOTE TWEETED ALL OF YOUR
3 POSTS IF IT DIDN'T LOOK LIKE IT WAS IMPERSONATING YOUR
4 ACCOUNT?

02:33:44 5 A. I WOULD NOT.

02:33:54 6 Q. IS THAT THE ONLY REASON YOU TRIED TO SHUT
7 DOWN THAT ALT ACCOUNT?

02:33:58 8 A. ABSOLUTELY.

02:34:11 9 MR. RAYGOR: YOUR HONOR, I'M GOING TO WRAP
10 UP ON DIRECT, AND I SEE DR. FERRER IS HERE. JUST
11 ANOTHER MINUTE OR SO?

02:34:20 12 THE COURT: FINISH YOUR DIRECT SO WE HAVE A
13 LOGICAL BREAK IN THE PROCEEDINGS.

02:34:26 14 Q. (BY MR. RAYGOR) DO YOU KEEP TRACK OF HOW
15 MANY RETWEETS THERE ARE OF DPH POSTS?

02:34:33 16 A. I GENERALLY LOOK AT IT, BUT I DON'T HAVE,
17 LIKE, A SPREADSHEET OF THE -- OF THEM, BUT I GENERALLY
18 HAVE AN IDEA.

02:34:42 19 Q. CAN YOU SORT OF CHARACTERIZE IT AS MANY, OR
20 ONLY OCCASIONALLY, OR ANYTHING IN BETWEEN?

02:34:48 21 A. WE HAVE MANY RETWEETS AND QUOTE RETWEETS,
22 YES.

02:34:53 23 Q. FAIRLY COMMON?

02:34:55 24 A. VERY COMMON.

02:34:58 25 Q. WERE YOU AWARE THAT -- GOING BACK TO ADAM
26 SCHIFF, YOU WORKED FOR HIM ONLY IN 2012. IS THAT
27 RIGHT?

02:35:06 28 A. I WORKED ON HIS CAMPAIGN IN 2010 FOR A

1 COUPLE OF MONTHS, AND THEN I WORKED IN HIS
2 CONGRESSIONAL OFFICE FOR SEVERAL MONTHS IN 2020.

02:35:15 3 Q. AND YOU HAVEN'T WORKED FOR HIM SINCE THEM?

02:35:17 4 A. I HAVE NOT.

02:35:18 5 Q. WERE YOU AWARE THAT HIS OFFICE IN CONGRESS
6 WAS COMMUNICATING WITH TWITTER IN THE 2018 AND 2020
7 TIME FRAME?

02:35:24 8 A. I WAS NOT.

02:35:26 9 Q. WERE YOU AWARE THAT A COMMITTEE ON WHICH
10 REPRESENTATIVE SCHIFF SITS WAS EXAMINING SOCIAL MEDIA
11 COMPANIES IN LIGHT OF RUSSIAN INTERFERENCE WITH
12 DEMOCRATIC PROCESSES OR DEEP FAKES AND MANIPULATED
13 MEDIA, ARTIFICIAL INTELLIGENCE, ISSUES LIKE THAT?

02:35:43 14 A. I WAS NOT.

02:35:44 15 Q. DO YOU KNOW WHAT SECTION 230 OF THE
16 COMMUNICATIONS DECENCY ACT IS?

02:35:48 17 A. I DO NOT.

02:36:04 18 Q. CAN YOU TURN TO EXHIBIT 20, PLEASE.

02:36:17 19 THE COURT: BEFORE WE LEAVE -- WELL, IT'S
20 ACTUALLY TWO TOPICS AGO, DID YOU CONSULT WITH
21 DR. FERRER ABOUT SHUTTING DOWN THE ALT ACCOUNT?

02:36:31 22 THE WITNESS: I DID NOT, NO. I DON'T
23 BELIEVE I DID.

02:36:34 24 THE COURT: SO THE FINAL DECISION TO REACH
25 OUT TO TWITTER WAS YOURS AND YOURS ONLY?

02:36:39 26 THE WITNESS: CORRECT, YES.

02:36:39 27 THE COURT: OKAY.

02:36:42 28 NEXT EXHIBIT IS 20, YOU SAID?

02:36:45 1 MR. RAYGOR: YES.

02:36:55 2 Q. (BY MR. RAYGOR) SO WE TALKED A BIT ABOUT
3 THIS YESTERDAY IN COURT, OR YOU DID. ON THE
4 FIRST PAGE, WHICH IS 20 DASH -- IT'S THE SECOND
5 PAGE, ACTUALLY -- 20-002, I BELIEVE YOU SAID THIS
6 WAS AN EXCHANGE BETWEEN YOU AND A FRIEND CALLED
7 CARRIE. IS THAT CORRECT?

02:37:12 8 A. CORRECT. MORE OF A COLLEAGUE THAN A FRIEND,
9 TO BE MORE ACCURATE.

02:37:17 10 Q. IN THE MIDDLE BLUE BUBBLE ON PAGE 1, IT
11 SAYS, I JUST SAW THIS FOLLOW AND SAW ALL THE GOP HATE
12 ON YOUR TIMELINE, LOL.

02:37:26 13 THE BLUE BUBBLES ARE FROM YOU; CORRECT?

02:37:30 14 A. CORRECT, YES.

02:37:31 15 Q. WHAT WERE YOU MEANING BY SAYING GOP HATE?

02:37:36 16 MS. HAMILL: OBJECTION. CUMULATIVE
17 TESTIMONY.

02:37:38 18 THE COURT: WELL, I'LL HAVE TO CHECK MY
19 NOTES, MISS HAMILL, TO SEE WHETHER THERE WAS COVERED
20 BY MR. RAYGOR YESTERDAY IN HIS BRIEF DIRECT OF THIS
21 WITNESS. YOU BELIEVE IT WAS?

02:37:52 22 MS. HAMILL: I ASKED THE EXACT SAME
23 QUESTION.

02:37:54 24 THE COURT: WELL, THAT'S NOT CUMULATIVE.

02:37:57 25 MS. HAMILL: OKAY.

02:37:57 26 THE COURT: SO IF THAT'S THE BASIS OF IT,
27 THEN YOUR OBJECTION'S OVERRULED.

02:38:02 28 THE WITNESS: IT WAS AN OBSERVATION OF THE

1 CONTENT AND ONLY THE CONTENT ON HER TIMELINE.

02:38:15 2 Q. (BY MR. RAYGOR) COULD YOU FLIP TO
3 EXHIBIT 27, PLEASE. AND THIS, I BELIEVE YOU
4 TESTIFIED YESTERDAY, IS A TEXT EXCHANGE BETWEEN YOU
5 AND CORAL ITZCALLI; RIGHT?

02:38:38 6 A. CORRECT.

02:38:43 7 Q. IN THE RIGHT-HAND COLUMN ON PAGE 27-1, IT'S
8 THE FIRST PAGE OF EXHIBIT 27, THERE'S A BLUE BUBBLE.
9 THE BLUE BUBBLES ARE YOUR TEXTS; CORRECT?

02:38:56 10 A. CORRECT.

02:38:57 11 Q. IT SAYS, OH, IT WILL BE FINE. IT'S
12 RIGHT-WING ECHO CHAMBER.

02:39:03 13 WHAT WERE YOU REFERRING TO THERE?

02:39:06 14 A. THAT THE COMMENTARY AND THE MEDIA STORIES AT
15 THE TIME SEEMED TO BE LIMITED TO WHAT I CALLED A
16 RIGHT-WING ECHO CHAMBER. IT WAS AN OBSERVATION ON MY
17 END AS TO WHERE THE ISSUE HAD THE MOST OXYGEN.

02:39:24 18 Q. WHICH ISSUE?

02:39:25 19 A. THE ISSUE REGARDING THE L.A. COUNTY-USC
20 VIDEOS.

02:39:31 21 Q. AS A COMMUNICATIONS PERSON, DO YOU ALSO
22 CONSIDER THERE TO BE A LEFT-WING ECHO CHAMBER?

02:39:38 23 A. ABSOLUTELY.

02:39:38 24 Q. IS THAT TRUE IN SOCIAL MEDIA?

02:39:41 25 A. YES.

02:39:44 26 Q. DOES THAT -- DOES THE FACT THAT THERE ARE
27 RIGHT-WING AND LEFT-WING ECHO CHAMBERS IMPACT YOU
28 DOING YOUR JOB?

02:39:50 1 A. ABSOLUTELY NOT. IT'S MERELY AN OBSERVATION
2 AS A COMMUNICATIONS PROFESSIONAL.

02:39:59 3 Q. AND YOUR JOB AS A COMMUNICATIONS
4 PROFESSIONAL FOR DPH IS VERY SIMPLY WHAT?

02:40:03 5 A. TO INFORM AND EDUCATE THE RESIDENTS IN L.A.
6 COUNTY ABOUT PUBLIC HEALTH-RELATED MATTERS AND VARIOUS
7 EVENTS.

02:40:12 8 Q. LAST QUESTION: WAS THAT JOB LIMITED TO JUST
9 COVID HEALTH?

02:40:17 10 A. IT WAS NOT.

02:40:19 11 MR. RAYGOR: YOUR HONOR, I HAVE NOTHING ELSE
12 ON DIRECT FOR THIS WITNESS.

02:40:22 13 THE COURT: ALL RIGHT. THEN WE'LL TAKE THE
14 AFTERNOON RECESS UNTIL 10 MINUTES TO THE HOUR. AND
15 YOU CAN CALL DR. FERRER OUT OF ORDER.

02:40:29 16 MR. RAYGOR: THANK YOU.

02:40:30 17 THE COURT: ALL RIGHT.

02:40:31 18 THE REPORTER: THANK YOU, YOUR HONOR.

02:40:39 19 THE COURT: THAT MEANS, MR. MORROW, YOU'RE
20 STILL ON STANDBY, SO DON'T LEAVE OR AT LEAST CONSULT
21 WITH THE LAWYERS AS TO WHEN YOU WILL NEXT BE TEED UP.

02:40:48 22 THE WITNESS: WILL DO. THANK YOU, YOUR
23 HONOR.

02:40:51 24 (RECESS FROM 2:40 P.M. TO 2:54 P.M.)

02:54:51 25

02:54:51 26 PROCEEDINGS

02:54:53 27 THE COURT: WE'RE BACK ON THE RECORD.

28 MR. RAYGOR, YOU'RE GOING TO CALL YOUR WITNESS OUT OF

1 ORDER; CORRECT?

02:54:58 2 MR. RAYGOR: YES. DR. FERRER.

02:55:00 3 THE COURT: ALL RIGHT. PLEASE COME FORWARD.
4 AND YOU MAY RESUME THE WITNESS STAND. I'LL REMIND YOU
5 YOU'RE STILL UNDER OATH.

02:55:11 6 THE WITNESS: THANK YOU.

02:55:15 7 THE COURT: YOU MAY PROCEED.

02:55:17 8

02:55:17 9 DIRECT EXAMINATION

02:55:17 10 Q. (BY MR. RAYGOR) WELCOME BACK, DR. FERRER.
11 THANK YOU FOR APPEARING AGAIN.

02:55:21 12 A. THANK YOU.

02:55:23 13 Q. IS WORKING FOR THE LOS ANGELES COUNTY
14 DEPARTMENT OF PUBLIC HEALTH, IS THAT THE FIRST JOB
15 THAT YOU HAD IN PUBLIC HEALTH?

02:55:30 16 A. NO. I HAVE ABOUT 25 YEARS WORKING IN PUBLIC
17 HEALTH.

02:55:36 18 Q. CAN YOU, YOU KNOW, STATE SOME OF THE OTHER
19 PLACES?

02:55:39 20 A. SURE.

02:55:39 21 Q. SOME OF THOSE JOBS THAT YOU DID?

02:55:41 22 A. SURE. FOR THE STATE OF MASSACHUSETTS, I WAS
23 THE DIRECTOR OF CHRONIC DISEASE AND HEALTH PROMOTION.
24 I WAS ALSO THE DIRECTOR FOR THE STATE OF MASSACHUSETTS
25 DEPARTMENT OF PUBLIC HEALTH MATERNAL CHILD AND FAMILY
26 HEALTH. I WAS THE DEPUTY DIRECTOR FOR THE PUBLIC
27 HEALTH COMMISSION, WHICH IS THE CITY'S HEALTH
28 DEPARTMENT, AND THE DIRECTOR FOR THE PUBLIC HEALTH

1 COMMISSION, WHICH IS THE CITY'S HEALTH DEPARTMENT.

02:56:05 2 I ALSO WAS A RESEARCH -- I WAS A SENIOR
3 RESEARCH ASSOCIATE AND RESEARCH ASSOCIATE AT THE
4 INSTITUTE FOR HEALTH POLICY AT BRANDEIS UNIVERSITY.

02:56:18 5 THE COURT: MR. RAYGOR, HOLD ON A SECOND.
6 WE LOST OUR REALTIME, MADAM REPORTER.

02:56:33 7 HOLD ON A SECOND.

02:56:36 8 OH, THERE IT IS. CAN YOU GIVE ME A CURSOR
9 OR SOMETHING TO SEE THAT WE'RE ACTUALLY LINKED?

02:56:59 10 GIVE ME A TEST PATTERN, IF YOU WOULD.

02:57:02 11 THE CLERK: THERE IT IS.

02:57:05 12 THE REPORTER: DO YOU SEE IT NOW, YOUR
13 HONOR?

02:57:06 14 THE COURT: I'M NOT SEEING A TEST PATTERN.
15 COME UP. SCROLL DOWN A LITTLE BIT MORE. OKAY. YEAH.
16 JUST NOT CATCHING UP TO IT.

02:57:31 17 TEST PATTERN AGAIN, PLEASE? NO.
18 INTERESTING. OKAY.

02:57:38 19 WELL, LET'S GO BACK ON THE RECORD. WE'LL
20 DEAL WITH THAT ANOTHER TIME.

02:57:46 21 MR. RAYGOR.

02:57:47 22 MR. RAYGOR: SURE.

02:57:49 23 Q. (BY MR. RAYGOR) SO ABOUT HOW FAR BACK IN
24 TIME DOES THAT TAKE YOU?

02:57:54 25 A. I THINK PROBABLY TO THE 1980S.

02:57:58 26 Q. SO FROM THE 1980S UNTIL YOU CAME TO THIS JOB
27 WAS MOSTLY IN MASSACHUSETTS IN PUBLIC HEALTH?

02:58:04 28 A. PRIMARILY, ALTHOUGH I DID DO THREE YEARS AS

1 A PRINCIPAL AT A HIGH SCHOOL IN BOSTON. AND RIGHT
2 BEFORE I CAME HERE, I WORKED FOR THE KELLOGG
3 FOUNDATION AS THEIR CHIEF STRATEGIST OVERSEEING ALL
4 THEIR PROGRAMMING, INCLUDING THEIR HEALTH PROGRAMMING.

02:58:21 5 Q. CAN YOU GIVE ME A BRIEF OVERVIEW OF WHAT YOU
6 DO AS THE DEPARTMENT OF PUBLIC HEALTH'S DIRECTOR.

02:58:28 7 A. SURE. I MEAN, THIS IS ONE OF THE LARGEST
8 DEPARTMENTS OF PUBLIC HEALTH IN THE ENTIRE COUNTRY.
9 WE HAVE ABOUT 5000 PEOPLE, AND OUR BUDGET IS ABOUT \$2
10 BILLION. SO A FAIR AMOUNT OF TIME IS SPENT JUST
11 MAKING SURE THAT WITH ABOUT 55 PROGRAMS, THAT WE'RE
12 WELL MANAGED, THAT WE'RE EFFICIENT, THAT WE ARE BOTH
13 BRINGING IN REVENUE AND USING REVENUE APPROPRIATELY.

02:58:53 14 BUT I'M ALSO OBVIOUSLY WORKING VERY HARD
15 WITH OUR COMMUNITY PARTNERS AND OUR HEALTHCARE
16 PARTNERS TO TRY TO IDENTIFY THE AREAS WHERE WE NEED TO
17 MAKE BIG IMPROVEMENTS IN THE OVERALL HEALTH STATUS OF
18 PEOPLE LIVING AND WORKING IN L.A. COUNTY. SO THAT
19 ALLOWS US TO HAVE, YOU KNOW, INNOVATIVE COUNTYWIDE
20 PROJECTS THAT REALLY PROMOTE THE HEALTH AND WELL-BEING
21 OF EVERYBODY WHO LIVES AND WORKS HERE.

02:59:20 22 Q. AND I KNOW WE SPENT A LOT OF TIME, EVERYBODY
23 IN THE LAST FEW YEARS, FOCUSING ON COVID FOR OBVIOUS
24 REASONS. BUT WHAT OTHER KINDS OF HEALTH-RELATED
25 ISSUES DOES THE DEPARTMENT DEAL WITH?

02:59:32 26 MS. HAMILL: OBJECTION. RELEVANCE.

02:59:34 27 THE COURT: OVERRULED.

02:59:35 28 YOU MAY ANSWER.

02:59:37 1 THE WITNESS: WE HAVE LOTS OF RESPONSIBILITY
2 AND ACCOUNTABILITY AROUND ENVIRONMENTAL HEALTH ISSUES.
3 WE BOTH HAVE REGULATORY ROLES THAT WE PLAY IN TERMS OF
4 REQUIRED INSPECTIONS ON A WHOLE HOST OF INDUSTRY,
5 INCLUDING RESTAURANTS, THE GARMENT INDUSTRY, WE DO
6 WATER QUALITY. SO THERE'S A WHOLE REGULATORY SIDE.
7 WE ALSO ARE UNDER CONTRACT WITH THE STATE. WE DO ALL
8 OF THE INSPECTIONS, LICENSING INSPECTIONS AT ALL THE
9 HEALTHCARE FACILITIES IN L.A. COUNTY.

03:00:12 10 WE HAVE A HOST OF PROGRAMS FOR CHILDREN'S
11 MEDICAL SERVICES. WE ALSO OFFER COURSES OF CLINICAL
12 SERVICES. WE RUN 14 PUBLIC HEALTH CLINICS. WE RUN TB
13 CONTROL. WE RUN ACUTE COMMUNICABLE DISEASE CONTROL.
14 THERE ARE ABOUT 35 DISEASES THAT ARE REPORTABLE TO US.
15 EVERY TIME A CASE IS REPORTED, WE HAVE TO SEND OUT A
16 TEAM TO INVESTIGATE AND USE MITIGATION METHODS TO
17 AVOID SPREAD.

03:00:42 18 WE ALSO HAVE A HOST OF WHAT WE CALL HEALTH
19 PROMOTION OPPORTUNITIES. WE DO A LOT OF HOME VISITING
20 FOR FIRST-TIME PARENTS AND FOR PARENTS WHO NEED
21 ADDITIONAL SUPPORT. WE RUN A LEAD PREVENTION PROGRAM.
22 WE DO WORK AROUND PREVENTING CHRONIC DISEASES. AND
23 THEN WE HAVE AN ENTIRE SET OF SERVICES RELATED TO
24 COLLECTING AND ANALYZING AND SHARING INFORMATION ABOUT
25 PEOPLE'S HEALTH STATUS.

03:01:11 26 I THINK THAT'S PROBABLY GOOD.

03:01:13 27 Q. (BY MR. RAYGOR) DOES THE DEPARTMENT OF
28 PUBLIC HEALTH HAVE ANY REGULATORY AUTHORITY OVER

1 TWITTER OR X CORP.?

03:01:20 2 A. WE DO NOT.

03:01:22 3 Q. DO YOU KNOW WHO META IS, M ETA?

03:01:25 4 A. YES, I DO.

03:01:26 5 Q. DOES IT HAVE ANY REGULATORY OR OTHER
6 AUTHORITY OVER META?

03:01:30 7 A. WE DO NOT.

03:01:31 8 Q. HOW ABOUT FOR INSTAGRAM?

03:01:34 9 A. WE DO NOT.

03:01:34 10 Q. FOR FACEBOOK?

03:01:36 11 A. WE DO NOT.

03:01:41 12 Q. FOCUSING JUST ON COVID HEALTH, CAN YOU
13 PLEASE JUST DESCRIBE FOR ME KIND OF WHAT YOU FACE IN
14 TRYING TO GET THE PUBLIC PROTECTED BECAUSE OF COVID
15 AND THE PUBLIC AND THOSE CLOSE TO THEM.

03:01:56 16 MS. HAMILL: OBJECTION. VAGUE AND
17 AMBIGUOUS.

03:01:58 18 THE COURT: THAT'S VERY OVERBROAD. IT
19 SOUNDS LIKE A QUESTION DEALING WITH THE HISTORY OF THE
20 COVID PANDEMIC IN THE UNITED STATES. SO IF YOU WANT
21 TO NARROW IT, YOU MAY.

03:02:12 22 MR. RAYGOR: I WILL. IT WAS INCREDIBLY
23 OVERBROAD. I'M SORRY.

03:02:16 24 Q. (BY MR. RAYGOR) CAN YOU TELL ME ANY
25 PARTICULAR PROBLEMS THAT YOU FACED IN TRYING TO GET
26 YOUR MESSAGE OUT TO THE PUBLIC ABOUT WHAT THEY CAN
27 DO TO PROTECT THEMSELVES DURING COVID?

03:02:26 28 A. THE VIRUS THAT CAUSES COVID IS A BRAND-NEW

1 VIRUS THAT WE'VE NEVER SEEN. IT'S NEVER AFFECTED
2 INDIVIDUALS, HUMAN BEINGS, BEFORE. SO WITH ANY NEW
3 VIRUS, THERE'S ENORMOUS CHALLENGES ON REALLY
4 UNDERSTANDING EXACTLY HOW THAT VIRUS IS GOING TO
5 INTERACT WITH HUMAN BEINGS AND WHAT THE IMPACT MIGHT
6 BE ON PEOPLE'S HEALTH STATUS. WE CONSTANTLY NEEDED TO
7 UPDATE INFORMATION, BECAUSE OVER TIME, MORE AND MORE
8 INFORMATION BECAME KNOWN.

03:02:56 9 ALONG WITH THE FACT THAT THE VIRUS MUTATES
10 VERY, VERY FREQUENTLY, WHICH MEANS THAT AGAIN EVERY
11 TIME THE VIRUS MUTATES, YOU HAVE TO GO BACK AND FIGURE
12 OUT ARE OUR OPPORTUNITIES TO PROTECT OURSELVES STILL
13 GOING TO BE EFFECTIVE?

03:03:13 14 AT THE VERY BEGINNING OF THE PANDEMIC, THE
15 FIRST YEAR, WE REALLY DIDN'T HAVE EFFECTIVE, WHAT
16 I AM GOING TO CALL MEDICAL INTERVENTIONS. WE HAD
17 NONMEDICAL INTERVENTIONS. SO THAT WAS NEEDING TO KEEP
18 OUR DISTANCE, NEEDING TO WASH OUR HANDS, NEEDING TO
19 WEAR MASKS. ONCE WE HAD VACCINES, THEN WE HAD AN
20 ADDITIONAL RESPONSIBILITY TO TRY TO MAKE SURE THAT
21 PEOPLE HAD GOOD INFORMATION ABOUT THE VACCINES AND
22 THEY HAD VERY EASY ACCESS TO GETTING THE VACCINES
23 WHICH, AS YOU KNOW, WAS A CHALLENGE BECAUSE WE HAD
24 VERY LIMITED SUPPLY AT THE BEGINNING.

03:03:42 25 WE ALSO HAD MULTIPLE REQUESTS FOR PEOPLE TO
26 GET UPDATED VACCINES AND BOOSTERS. AND WE HAVE THE
27 DEVELOPMENT FINALLY OF EASY TESTING. BUT AT THE
28 BEGINNING, REMEMBER WE DIDN'T HAVE A GOOD WAY TO TEST

1 FOR THIS VIRUS. WE HAD LIMITED SUPPLY TEST KITS.
2 THEN WE HAD TO SET UP MASSIVE COMMUNITY TESTING SITES.
3 NOW WE HAVE TEST THAT YOU CAN DO AT HOME, AND NOW WE
4 ALSO HAVE A REALLY GOOD SET OF THERAPEUTICS; MEDICINES
5 THAT YOU CAN TAKE IF YOU GET INFECTED THAT HELP
6 PREVENT PEOPLE FROM GETTING REALLY SICK AND DYING.

03:04:18 7 BUT YOU KNOW, BACK AT THE BEGINNING IN THE
8 FIRST WINTER WE HAD AND THE SECOND WINTER WE HAD, WE
9 WERE REPORTING BETWEEN 200 AND 300 PEOPLE DYING EVERY
10 DAY. SO FOR THOSE OF US WHO WERE WORKING INTIMATELY
11 ON PROTECTING PEOPLE'S HEALTH, THAT WAS THE OVERRIDING
12 CONCERN ABOUT MAKING SURE THAT OUR MESSAGES WERE
13 GETTING OUT, ABOUT WHAT PEOPLE COULD DO TO NOT GET
14 REALLY SICK AND NOT DIE. 37,000 PEOPLE, ABOUT 37,000
15 PEOPLE HAVE DIED HERE IN L.A. COUNTY.

03:04:57 16 Q. WAS THERE A LOT OF CONFUSION THROUGHOUT THAT
17 TIME PERIOD ABOUT WHAT KINDS OF THINGS COULD BE DONE
18 TO CURE, TO TWEET, TO AVOID INFECTION, THINGS LIKE
19 THAT?

03:05:09 20 MS. HAMILL: OBJECTION. COMPOUND AND VAGUE
21 AND AMBIGUOUS AS TO TIME PERIOD.

03:05:12 22 THE COURT: IT'S ALSO OVERBROAD. CONFUSION
23 AMONG WHICH GROUP?

03:05:17 24 Q. (BY MR. RAYGOR) LET ME TRY TO BREAK IT
25 DOWN. DURING THE TIME PERIOD I THINK YOU WERE
26 DISCUSSING FROM THE BEGINNING OF THE PANDEMIC
27 THROUGH 2022, LET'S SAY, WAS THERE A LOT OF
28 CONFUSION ON THE PART OF PEOPLE THAT YOU SAW ABOUT

1 WHAT KINDS OF THINGS COULD WORK TO HELP CURE COVID
2 OR NOT CURE IT OR HELP TREAT IT, NOT TREAT IT,
3 THINGS LIKE THAT?

03:05:42 4 MS. HAMILL: SAME OBJECTION.

03:05:43 5 THE COURT: YES. PEOPLE THAT THE WITNESS
6 SAW. AGAIN, IT'S A VERY VAGUE DESCRIPTION.

03:05:51 7 MR. RAYGOR: LET ME BREAK IT DOWN FURTHER.

03:05:52 8 Q. (BY MR. RAYGOR) DID YOU SEE DISCUSSION
9 AMONG THE PUBLIC, PEOPLE YOU CAME INTO CONTACT WITH,
10 ABOUT HOW EFFECTIVE WASHING YOUR HANDS IS?

03:06:01 11 A. YES, I DID.

03:06:02 12 Q. HOW ABOUT TOUCHING YOUR FACE AND SURFACES?

03:06:04 13 A. YES, I DID.

03:06:05 14 Q. WHICH TYPES OF FACE COVERINGS MIGHT OR MIGHT
15 NOT WORK?

03:06:11 16 A. YES, I DID.

03:06:13 17 MS. HAMILL: OBJECTION. STILL VAGUE AND
18 AMBIGUOUS AS TO TIME, OVERBROAD, AND IRRELEVANT.

03:06:20 19 THE COURT: WELL, THE TIME, I THINK, HAS
20 BEEN IDENTIFIED. SOME OF THE ISSUES THAT THE DOCTOR
21 HAS SAID PEOPLE HAD CONFUSION ABOUT, WE'VE HEARD. BUT
22 OVERALL, WHAT'S THE RELEVANCE?

03:06:33 23 MR. RAYGOR: THE RELEVANCE IS THAT WHILE ALL
24 THAT CONFUSION WAS GOING ON AND WAS HAPPENING, THAT
25 THE PUBLIC, THE DEPARTMENT OF PUBLIC HEALTH WAS STILL
26 SENDING MESSAGES OUT TO TRY TO MINIMIZE CONFUSION AS
27 MUCH AS POSSIBLE. IT'S PART OF ITS JOB.

03:06:50 28 THE COURT: ALL RIGHT. I THINK THERE IS

1 SOME TESTIMONY TO THAT EFFECT BY MR. MORROW. BUT THE
2 NARROW QUESTION HERE IS WHETHER OR NOT THE CLOSURE OF
3 THE PUBLIC COMMENTS SECTIONS OF THE SOCIAL MEDIA
4 ACCOUNTS ON OR ABOUT JULY 29, 2022, WAS A FIRST
5 AMENDMENT VIOLATION.

03:07:09 6 AND SO WHILE I APPRECIATE THE EFFORTS THE
7 DOCTOR HAS PUT IN AND THOSE OF HER TEAM, I DON'T THINK
8 THIS IS A TRIAL IN WHICH WE ARE GOING TO EXPLORE THE
9 HISTORY AND THE EVOLUTION OF THE COVID VIRUS, ITS
10 EFFECT ON L.A. COUNTY, AND CONFUSION AMONG THE
11 POPULACE.

03:07:31 12 MR. RAYGOR: OKAY.

03:07:33 13 Q. (BY MR. RAYGOR) FOCUSING ON SOCIAL MEDIA,
14 THEN, WERE YOU TOLD OR DID YOU EXPERIENCE YOURSELF
15 WHETHER THERE WAS ANY DIFFICULTY GETTING YOUR PUBLIC
16 HEALTH MESSAGES OUT THROUGH SOCIAL MEDIA?

03:07:46 17 A. I DON'T USE SOCIAL MEDIA, SO I WAS TOLD AT
18 CERTAIN TIMES THAT THERE WERE PROBLEMS GETTING OUR
19 MESSAGE OUT.

03:07:54 20 Q. AND WHAT KIND OF PROBLEMS?

03:07:56 21 A. THAT SOME OF OUR SITES HAD BECOME PLACES
22 WHERE PEOPLE WERE EXCHANGING COMMENTS WITH EACH OTHER
23 THAT WERE ANGRY COMMENTS. THEY WERE HARASSING
24 COMMENTS. PEOPLE WHO FAVORED WHAT PUBLIC HEALTH WAS
25 PROPOSING WERE ARGUING WITH PEOPLE WHO DIDN'T FAVOR
26 WHAT PUBLIC HEALTH WAS PROPOSING.

03:08:23 27 BUT THERE WAS A FAIR AMOUNT OF -- I WAS TOLD
28 THERE WAS A FAIR AMOUNT OF VITRIOL IN THOSE

1 CONVERSATIONS, MAKING IT HARD FOR PEOPLE TO ACTUALLY
2 FIND OUR MESSAGE.

03:08:33 3 Q. AND DID THAT KIND OF VITRIOL OR CONDUCT HAVE
4 ANY IMPACT ON YOU DOING YOUR JOB AS DIRECTOR OF PUBLIC
5 HEALTH?

03:08:42 6 A. PART OF MY JOB IS TO MAKE SURE THAT PEOPLE
7 HAVE INFORMATION THAT WE THINK IS ACCURATE. AND IT
8 CERTAINLY IS HARD TO THINK OF HAVING SOME OF YOUR
9 COMMUNICATION TOOLS MAKE THAT MORE DIFFICULT FOR
10 PEOPLE THAN WE THOUGHT IT SHOULD BE. YOU KNOW, WE
11 REALLY FEEL WHEN YOU COME TO OUR SITE, YOU SHOULD FEEL
12 PRETTY COMFORTABLE YOU'RE GOING TO GET ON OUR SITE THE
13 INFORMATION THAT THE PUBLIC HEALTH DEPARTMENT HAS
14 DETERMINED IS INFORMATION THAT WE WANT THE PUBLIC TO
15 HAVE.

03:09:18 16 THAT'S OUR RESPONSIBILITY, IS TO FIGURE THAT
17 OUT AND THEN USE OUR SITES TO COMMUNICATE THAT
18 INFORMATION.

03:09:26 19 Q. AT SOME POINT A DECISION WAS MADE TO CLOSE
20 PUBLIC COMMENTARY IN RESPONSE TO THE DEPARTMENT'S
21 SOCIAL MEDIA POSTS; CORRECT?

03:09:37 22 A. YES.

03:09:37 23 Q. WHO MADE THAT DECISION?

03:09:38 24 A. I MADE THAT FINAL DECISION.

03:09:41 25 Q. DID YOU CONSULT WITH ANYBODY BEFORE MAKING
26 THAT DECISION?

03:09:44 27 A. I SPOKE WITH MR. MORROW AND PROBABLY MY
28 CHIEF DEPUTY BEFORE MAKING THAT DECISION.

03:09:51 1 Q. WHO'S YOUR CHIEF DEPUTY?

03:09:53 2 A. AT THE TIME IT WAS MEGAN MCCLAIRE.

03:09:57 3 Q. SO HOW DID THAT DECISION COME ABOUT?

03:10:00 4 A. I WAS INFORMED BY MR. MORROW THAT WE WERE
5 HAVING INCREASING PROBLEMS ON OUR SOCIAL MEDIA
6 ACCOUNTS. WHEN WE FIRST BEGAN DISCUSSING THIS, I
7 ASKED THAT HE PLEASE GO TALK WITH COUNTY COUNSEL AND
8 MAKE SURE THAT WE WERE ABLE TO, IN FACT, GO AHEAD AND
9 CLOSE THE ACCOUNTS. AND ALSO WANTED TO MAKE SURE THAT
10 IN CLOSING THE SOCIAL MEDIA ACCOUNTS, WE STILL HAD THE
11 ABILITY, THROUGH OUR TELEBRIEFINGS AND OUR TOWN HALLS,
12 TO ALLOW PEOPLE TO MAKE COMMENTS AND TO ENTER INTO
13 CONVERSATIONS WITH US.

03:10:36 14 Q. DO YOU KNOW, DID HE END UP IMPLEMENTING THAT
15 AFTER YOU MADE THE DECISION TO GO FORWARD?

03:10:41 16 A. YES, HE DID.

03:10:48 17 Q. AT ABOUT THE SAME TIME -- SO I SHOULD ASK
18 YOU: WHEN WAS THE DECISION MADE?

03:10:53 19 A. I BELIEVE IT WAS AT THE END OF JULY, BUT I
20 ACTUALLY CAN'T RECALL THE EXACT DATES.

03:10:58 21 Q. JULY OF 2022?

03:10:59 22 A. SORRY. JULY OF 2022.

03:11:02 23 Q. AND AT ABOUT THAT SAME TIME IN JULY OF 2022,
24 WAS THERE ALSO DISCUSSION ABOUT WHETHER THERE MIGHT BE
25 A NEW MASK MANDATE ISSUED BY YOUR OFFICE?

03:11:11 26 A. THERE WAS.

03:11:13 27 Q. OKAY. IF SUCH A -- DID SUCH A MANDATE EVER
28 ISSUE?

03:11:17 1 A. IT DID NOT.

03:11:18 2 Q. DO YOU RECALL WHEN THE DECISION NOT TO DO
3 THAT WAS MADE?

03:11:21 4 A. I BELIEVE THE DECISION NOT TO GO AHEAD --
5 I BELIEVE THE DECISION THAT WE MADE TO NOT REQUIRE AN
6 IMPLEMENTATION OF THE UNIVERSAL INDOOR MASKING WAS
7 MADE PRIOR TO THE DECISION TO CLOSE DOWN THE SOCIAL
8 MEDIA ACCOUNTS TO PUBLIC COMMENT. TO ALL PUBLIC
9 COMMENT.

03:11:53 10 Q. DID CLOSING PUBLIC COMMENTS ON THE
11 DEPARTMENT'S SOCIAL MEDIA POSTS HAVE ANYTHING TO DO
12 WITH THE FACT THAT THE DEPARTMENT WAS THINKING OF
13 HAVING TO ISSUE A NEW MASK MANDATE?

03:12:04 14 A. NO. AS A MATTER OF FACT, THE DEPARTMENT HAD
15 ALREADY PUBLISHED AN ACTION PLAN THAT SPELLED OUT VERY
16 CLEARLY FOR EVERYONE -- AND I HAD BRIEFED AT OUR MEDIA
17 BRIEFINGS AND ALL OF OUR TELEBRIEFINGS TO IT -- THAT
18 THE DECISION TO REINSTATE UNIVERSAL INDOOR MASKING
19 WOULD COME WHEN WE MET CERTAIN CRITERIA THAT WAS SET
20 BY CDC THAT WOULD INDICATE WE WERE IN A HIGH LEVEL OF
21 COMMUNITY TRANSMISSION AND A HIGH LEVEL OF
22 HOSPITALIZATIONS CREATING RISK FOR OUR HEALTHCARE
23 SYSTEM.

03:12:36 24 SO WE HAD ALREADY PUBLISHED THAT AND WE HAD
25 ALREADY ANNOUNCED THAT IF WE STAYED IN THAT HIGH LEVEL
26 AS DESIGNATED BY CDC, NOT BY US, FOR TWO CONSECUTIVE
27 WEEKS, THAT THE HEALTH OFFICER WOULD GO AHEAD AND
28 ISSUE AN ORDER THAT WOULD REINSTATE THE UNIVERSAL

1 INDOOR MASKING PROTECTION.

03:13:01 2 Q. OVERALL, DO YOU THINK THAT CLOSING PUBLIC
3 COMMENTARY ON THE SOCIAL MEDIA ABOUT DPH, DPH POSTS,
4 WAS A GOOD IDEA?

03:13:08 5 A. YES, I DO.

03:13:09 6 Q. WHY?

03:13:10 7 A. I THINK OUR SITES WHERE WE'RE PUTTING OUT
8 MESSAGES TO THE PUBLIC SHOULD BE SITES THAT REFLECT
9 THE MESSAGES THAT THE PUBLIC HEALTH DEPARTMENT IS
10 TRYING TO GET OUT. I THINK IN GENERAL, I BELIEVE
11 THIS, BUT PARTICULARLY DURING A PANDEMIC, WHEN PEOPLE
12 ARE LOOKING TOWARDS US FOR ACCURATE INFORMATION, OUR
13 SITES SHOULD REALLY REFLECT THE INFORMATION THAT OUR
14 TEAM, AFTER MUCH CONSULTATION AND WITH ENORMOUS SKILL
15 AND CREDENTIALS, HAS DETERMINED IS THE INFORMATION
16 THAT CAN HELP SAVE PEOPLE'S LIVES. THAT'S OUR JOB.

03:13:56 17 I -- I RESPECT THAT PEOPLE MAY WANT TO HAVE
18 A PLATFORM WHERE THEY CAN DEBATE OUR ADVICE, BUT
19 THAT'S NOT OUR PLATFORM. OUR PLATFORM HAS TO BE A
20 PLACE YOU GO WHERE YOU GET INFORMATION THAT THE PUBLIC
21 HEALTH DEPARTMENT IS TRYING TO COMMUNICATE TO THE
22 PUBLIC.

03:14:18 23 Q. LEADING UP TO THE CLOSING OF PUBLIC
24 COMMENTARY ON THE SOCIAL MEDIA POSTS, DID YOU EVER
25 TELL ANYONE THAT YOU WERE -- THAT YOU WANTED TO SHUT
26 DOWN PARTICULAR PERSONS OR PARTICULAR OPINIONS OR
27 VIEWPOINTS ON YOUR SOCIAL MEDIA SITES?

03:14:37 28 A. NEVER.

03:14:37 1 Q. HAVE YOU EVER DONE THAT SINCE?

03:14:39 2 A. NEVER.

03:14:41 3 Q. SAME QUESTION ABOUT PARTICULAR POLITICAL
4 LINKS. DID YOU EVER TELL ANYBODY THAT YOU DIDN'T WANT
5 TO HAVE PARTICULAR POLITICAL LINKS EXPRESSED ON YOUR
6 SOCIAL MEDIA SITES?

03:14:52 7 A. NEVER. THIS PANDEMIC EFFECTS EVERYBODY
8 REGARDLESS OF YOUR POLITICS.

03:14:58 9 Q. IN TALKING WITH YOUR COLLEAGUES AT DPH, DID
10 YOU EVER HEAR ANYBODY SUGGESTING THAT PARTICULAR
11 OPINIONS OR VIEWPOINTS OR POLITICAL LINKS SHOULD BE
12 SILENCED?

03:15:12 13 A. NEVER.

03:15:18 14 Q. DID YOU EVER TELL ANYONE TO LOOK FOR
15 PARTICULAR VOICES OR VIEWPOINTS OR PEOPLE OR OPINIONS
16 THAT WERE ACTUALLY IN FAVOR OF DPH AND MAKING SURE
17 THAT THOSE COULD BE HEARD BEFORE OTHERS?

03:15:32 18 A. NEVER.

03:15:35 19 Q. HAVE YOU EVER HEARD FROM ANYONE THAT THE
20 INTENT BEHIND CLOSING PUBLIC COMMENTARY WAS TO TRY TO
21 SILENCE OR EXCLUDE PARTICULAR PEOPLE OR PARTICULAR
22 VIEWPOINTS?

03:15:45 23 A. NEVER.

03:15:56 24 Q. LAST QUESTION: WHAT WAS THE INTENT OF
25 CLOSING DOWN PUBLIC COMMENTARY?

03:16:01 26 A. TO MAKE SURE THAT PEOPLE HAD INFORMATION
27 THAT WE THOUGHT WAS ACCURATE THAT WOULD HELP PEOPLE
28 REALLY DO THEIR VERY BEST TO PROTECT THEMSELVES AND

1 OTHERS DURING A DEADLY PANDEMIC AND TO HAVE THAT
2 MESSAGE FRONT AND CENTER ON OUR SITES SO THAT IT WAS
3 CLEAR WHAT WE WERE ASKING PEOPLE TO DO AND WHAT WE
4 THOUGHT MADE SENSE FOR US TO DO FOR EACH OTHER.

03:16:26 5 MR. RAYGOR: NO FURTHER QUESTIONS ON DIRECT,
6 YOUR HONOR.

03:16:28 7 THE COURT: THANK YOU.

03:16:29 8 CROSS-EXAMINATION?

03:16:30 9 MS. HAMILL: YES, YOUR HONOR.

03:16:32 10 MAY I EXCLUDE THE WITNESSES, PLEASE?

03:16:36 11 THE COURT: WELL, SOME OF THE WITNESSES IN
12 COURT HAVE BEEN EXCUSED.

03:16:41 13 MS. HAMILL: MR. MORROW.

03:16:42 14 THE COURT: MR. MORROW HAS COMPLETED HIS
15 TESTIMONY, SO HE MAY REMAIN.

03:16:45 16 MS. HAMILL: I'M CROSSING HIM TOMORROW. I
17 HAVEN'T BEEN ABLE TO.

03:16:49 18 THE COURT: YOU'RE ABSOLUTELY RIGHT.

03:16:51 19 SO YOU WILL STEP OUTSIDE, MR. MORROW. YOU
20 HAVEN'T BEEN FORMALLY EXCUSED AS A WITNESS.

03:16:58 21 ANYONE ELSE?

03:17:00 22 MS. HAMILL: MISS LESPRON. AND I AM NOT
23 SURE WHO THIS GENTLEMAN IS. HE WOULDN'T TELL ME.

03:17:05 24 THE COURT: IS HE ONE OF YOUR WITNESSES,
25 MR. RAYGOR?

03:17:08 26 MR. RAYGOR: NO, HE ISN'T. HE'S MY CLIENT.

03:17:11 27 THE COURT: OKAY. HE CAN REMAIN.

03:17:13 28 WELL, WE DEALT WITH THAT PROCEDURAL ISSUE,

1 SO NOW CROSS-EXAMINATION.

03:17:18 2 MS. HAMILL: THANK YOU.

03:17:18 3

03:17:20 4 CROSS-EXAMINATION

03:17:21 5 Q. (BY MS. HAMILL) SO FIRST I WANT TO POINT
6 OUT FOR THE RECORD THAT YOU'VE BEEN WEARING A MASK
7 THROUGHOUT YOUR TESTIMONY TODAY AND ON MONDAY. BUT
8 WHEN I WALKED OUT OF COURT EARLIER, YOU WERE
9 SPEAKING WITH YOUR LAWYER WITHOUT YOUR MASK ON. CAN
10 YOU EXPLAIN WHY YOU'RE WEARING THE MASK IN THE
11 COURTROOM BUT NOT OUTSIDE THE COURTROOM?

03:17:37 12 A. I WAS DRINKING SOME WATER WHEN I WAS
13 OUTSIDE.

03:17:52 14 Q. SO YOU SPOKE ON DIRECT ABOUT YOUR EXPERIENCE
15 WORKING IN PUBLIC HEALTH. DO YOU HAVE ANY EXPERIENCE
16 LEADING A RESPONSE TO A PANDEMIC?

03:18:00 17 A. I HAVE EXPERIENCE LEADING RESPONSES TO H1N1
18 AND TO EBOLA. WE HAVEN'T REALLY HAD A PANDEMIC OF
19 THIS MAGNITUDE IN ANY OF OUR LIFETIMES.

03:18:12 20 Q. AND YOU WERE TALKING ABOUT THE CHALLENGES IN
21 DEALING WITH A NEW VIRUS ON DIRECT; CORRECT?

03:18:18 22 A. YES.

03:18:18 23 Q. BUT IN JULY OF 2022, THAT WAS MORE THAN TWO
24 YEARS AFTER THE PANDEMIC BEGAN; CORRECT?

03:18:24 25 A. YES.

03:18:24 26 Q. SO IT WASN'T REALLY NOW AT THAT POINT, WAS
27 IT?

03:18:27 28 A. THE VIRUS MUTATES ALL THE TIME. SO AS I

1 MENTIONED, EVERY TIME THE VIRUS MUTATES, WE ARE KIND
2 OF BACK TO FIGURE OUT WHAT STRATEGIES WE HAVE TO DO TO
3 MITIGATE AND RESPOND.

03:18:39 4 Q. WOULD YOU AGREE THERE WAS A LOT MORE
5 INFORMATION AVAILABLE IN JULY OF 2022 THAN THERE HAD
6 BEEN IN MARCH OF 2020?

03:18:45 7 A. YES, I WILL.

03:18:45 8 Q. AND AT THAT POINT IN JULY OF 2022, WERE YOU
9 TALKING TO HOSPITALS ABOUT THEIR CLINICAL
10 OBSERVATIONS?

03:18:52 11 A. WE GET REPORTS FROM HOSPITALS ON A DAILY
12 BASIS ABOUT THEIR COVID EXPERIENCES.

03:18:56 13 Q. WERE YOU SPEAKING TO THE HOSPITALS OR WERE
14 YOU JUST REVIEWING THEIR NUMBERS?

03:19:01 15 A. DR. DAVIS IS IN CHARGE OF RELATIONSHIP WITH
16 ALL OUR HEALTH CARE PARTNERS, AND HE MEETS WITH THE
17 HEALTH CARE PARTNERS. I THINK AT THAT TIME THEY WERE
18 STILL MEETING EVERY WEEK UNDER THEIR TRADE ASSOCIATION
19 WITH DR. DAVIS.

03:19:13 20 Q. AND YOU REFERRED TO 200 TO 300 PEOPLE DYING
21 EVERY DAY?

03:19:18 22 THE COURT: WAIT ONE SECOND. WHO IS
23 DR. DAVIS?

03:19:20 24 THE WITNESS: HE'S OUR HEALTH OFFICER.

03:19:22 25 THE COURT: HE REPORTS TO YOU?

03:19:23 26 THE WITNESS: YES, HE DOES. HE REPORTS TO
27 ME BUT HAS INDEPENDENT AUTHORITY AS A HEALTH OFFICER.
28 LEGAL AUTHORITY GRANTED BY THE STATE.

03:19:34 1 Q. (BY MS. HAMILL) AND YOU SPOKE ABOUT 200 TO
2 300 PEOPLE DYING EVERY DAY. YES?

03:19:38 3 A. THERE WERE SOME DAYS WHERE I NOTED THAT THAT
4 HAD HAPPENED DURING OUR WINTER SURGES.

03:19:43 5 Q. YOU MENTIONED YOU WERE WORKING INTIMATELY ON
6 PROTECTING PEOPLE'S HEALTH; CORRECT?

03:19:47 7 A. YES.

03:19:48 8 Q. BUT YOU WEREN'T WORKING IN HOSPITALS, WERE
9 YOU? YOU WERE WORKING FROM YOUR OFFICE; CORRECT?

03:19:53 10 A. WORKING FROM MY OFFICE, SOMETIMES FROM THE
11 POD, SOMETIMES FROM OUR CLINICS. I'M NOT SURE WHAT
12 THAT MEANS.

03:20:08 13 Q. SO YOU MENTIONED EARLIER THAT THERE WAS
14 VITRIOL MAKING IT HARD FOR PEOPLE TO FIND, QUOTE, OUR
15 MESSAGE. SO THE PEOPLE COMMENTING UNDERNEATH THE
16 DEPARTMENT'S POSTS WERE DETRACTING FROM YOUR MESSAGE;
17 CORRECT?

03:20:22 18 A. THAT'S WHAT I WAS TOLD.

03:20:27 19 Q. AND WHAT DO YOU CONSIDER TO BE YOUR SITE?
20 YOU USED THAT PHRASE SEVERAL TIMES.

03:20:32 21 A. OUR SOCIAL MEDIA SITES.

03:20:33 22 Q. YOUR SOCIAL MEDIA ACCOUNTS?

03:20:35 23 A. I GUESS SO, IF THAT'S WHAT THEY'RE CALLED.

03:20:39 24 Q. AND THE DEPARTMENT OF PUBLIC HEALTH'S
25 WEBSITE?

03:20:42 26 A. AND THE DEPARTMENT OF PUBLIC HEALTH'S
27 WEBSITE.

03:20:43 28 Q. ANYTHING ELSE YOU CONSIDERED TO BE YOUR

1 SITE?

03:20:45 2 A. I MEAN, I WOULD -- AGAIN, I'M NOT -- I'M NOT
3 SURE I'M CAPTURING ALL OF THEM, BUT TO THE BEST OF MY
4 ABILITY, I THINK THAT CAPTURES IT. PUBLIC FACING
5 SITES. I GUESS THAT'S HOW I WOULD --

03:20:59 6 THE COURT: PUBLIC WHAT?

03:21:00 7 THE WITNESS: PUBLIC FACING SITES.

03:21:03 8 Q. (BY MS. HAMILL) AND YOU MENTIONED THAT
9 BRETT MORROW TOLD YOU THAT THERE WERE PROBLEMS ON
10 SOCIAL MEDIA ACCOUNTS. WHAT PROBLEMS?

03:21:10 11 A. I MENTIONED THAT HE SAID THAT THERE WAS
12 ARGUING BACK AND FORTH BETWEEN PEOPLE WITH OPPOSING
13 VIEWS; THAT THERE WAS VITRIOL IN THOSE -- IN THOSE
14 CONVERSATIONS AND THAT AT TIMES IT FELT LIKE PEOPLE
15 WERE BEING HARASSED FOR THEIR OPINIONS.

03:21:29 16 Q. DO YOU RECALL THE DATE ON WHICH YOU
17 ANNOUNCED THAT YOU WOULD NOT BE REINSTATING THE MASK
18 MANDATE?

03:21:34 19 A. I DO NOT. I KNOW IT WAS IN JULY OF 2022.

03:21:37 20 Q. DO YOU RECALL THAT THAT LAWSUIT WAS FILED ON
21 JULY 26TH?

03:21:41 22 A. I DO NOT.

03:21:41 23 Q. DID THE FILING OF THIS LAWSUIT HAVE ANY
24 IMPACT WHATSOEVER ON YOUR DECISION TO NOT BRING BACK
25 THE MASK MANDATE?

03:21:48 26 A. ABSOLUTELY NOT. AS I NOTED, WE HAVE A
27 RUBRIC THAT WE USED AND WE FOLLOWED --

03:21:54 28 Q. YOU CHANGED THE NUMBERS --

03:21:55 1 A. -- AROUND THE --

03:21:55 2 Q. -- DIDN'T YOU?

03:21:55 3 A. WE DIDN'T CHANGE THE NUMBERS.

03:21:57 4 THE COURT: HOLD ON. YOU'RE TRIPPING OVER
5 EACH OTHER.

03:21:59 6 HAD YOU FINISHED YOUR ANSWER?

03:22:00 7 THE WITNESS: I GUESS SO.

03:22:01 8 THE COURT: OKAY. THEN LET'S GET A NEW
9 QUESTION. BUT GIVE EACH OTHER A CHANCE TO COMPLETE
10 THEIR THOUGHT.

03:22:07 11 QUESTION.

03:22:08 12 Q. (BY MS. HAMILL) BEFORE ANNOUNCED THAT YOU
13 WOULDN'T BE REINSTATING THE UNIVERSAL MASK MANDATE
14 AT THE END OF JULY, I BELIEVE IT MIGHT HAVE BEEN
15 JULY 29TH, BUT I DON'T KNOW -- YOU ANNOUNCED A SET
16 OF METRICS THAT YOU WERE GOING TO BE USING; CORRECT?

03:22:23 17 A. YES. THOSE METRICS WERE ANNOUNCED A WHILE
18 EARLIER. MUCH EARLIER.

03:22:27 19 Q. AND THEN WHEN YOU ANNOUNCED THAT YOU WEREN'T
20 BRINGING BACK THE MASK MANDATE, YOU USED DIFFERENT
21 NUMBERS, DIDN'T YOU?

03:22:32 22 A. I DON'T KNOW WHAT THAT MEANS, BUT WE DIDN'T
23 CHANGE THE METRICS.

03:22:35 24 Q. YOU TOOK THE COUNT FROM L.A.'S NUMBERS
25 INSTEAD OF THE CDC'S NUMBERS; CORRECT?

03:22:41 26 A. WE HAD ALWAYS BEEN USING THE L.A. NUMBERS
27 FOR QUITE A WHILE. THERE WAS A DISCREPANCY IN NUMBERS
28 AROUND THE HOSPITALIZATIONS. I DON'T THINK THERE WAS

1 A DISCREPANCY ON THE CASE NUMBERS. I THINK THE
2 HOSPITALIZATION NUMBERS, THERE WAS A SLIGHT
3 DIFFERENCE.

03:23:06 4 Q. DO YOU BELIEVE WE ARE STILL IN A DEADLY
5 PANDEMIC?

03:23:09 6 A. I BELIEVE FOR SOME PEOPLE, THIS VIRUS CAN BE
7 DEADLY.

03:23:13 8 MS. HAMILL: I HAVE NO FURTHER QUESTIONS.

03:23:14 9 THE COURT: ANY FOLLOW-UP?

03:23:16 10 MR. RAYGOR: VERY BRIEFLY.

03:23:17 11

03:23:18 12 REDIRECT EXAMINATION

03:23:19 13 Q. (BY MR. RAYGOR) JUST FOR THE RECORD,
14 DR. DAVIS IS, YOU MENTIONED -- CAN YOU PLEASE STATE
15 HIS WHOLE NAME.

03:23:26 16 A. YEAH, DR. MUNTU, M U N T U, DAVIS, D.A. V I
17 S. AND HE'S THE HEALTH OFFICER FOR L.A. COUNTY.

03:23:37 18 Q. THAT'S HIS TITLE, IS HEALTH OFFICER?

03:23:39 19 A. YES, IT IS.

03:23:40 20 Q. APART FROM TAKING A SIP OF WATER OUT IN THE
21 HALLWAY WHEN TALKING TO ME, DID YOU KEEP YOUR MASK ON
22 THE WHOLE TIME?

03:23:49 23 A. MOST OF THE TIME. I WAS -- I -- I WAS
24 DRINKING WATER, SO A FEW TIMES, SO I THINK WHENEVER I
25 WAS DRINKING, I WAS TAKING IT OFF FOR A FEW MINUTES.
26 I HAVE A BAD COLD, SO I MEAN -- I SHOULDN'T HAVE TO
27 EXPLAIN WHY I'M WEARING A MASK -- BUT I HAVE A COLD.
28 THIS IS A PRETTY CLOSE ROOM. I HAVE TESTED THIS

1 MORNING. I DON'T THINK I HAVE COVID, BUT AGAIN,
2 PEOPLE CHANGE. SO OUT OF RESPECT FOR EVERYBODY HERE,
3 I'M KEEPING THE MASK ON.

03:24:15 4 MR. RAYGOR: NOTHING FURTHER, YOUR HONOR.

03:24:17 5 THE COURT: CAN WE EXCUSE DR. FERRER FROM
6 THESE PROCEEDINGS?

03:24:19 7 MS. HAMILL: YES, YOUR HONOR.

03:24:20 8 THE COURT: THANK YOU FOR COMING IN AGAIN.
9 HAVE A GOOD DAY.

03:24:24 10 THE WITNESS: THANK YOU.

03:24:24 11 THE COURT: ALL RIGHT. SHALL WE GO BACK TO
12 MR. MORROW?

03:24:27 13 MR. RAYGOR: YES. I FINISHED MY DIRECT.

03:24:30 14 THE COURT: YES. I WAS REMINDED THERE'S
15 STILL CROSS-EXAMINATION. SO WOULD SOMEONE KINDLY
16 BRING HIM INTO COURT.

03:24:53 17 MR. RAYGOR: YOUR HONOR --

03:24:54 18 THE COURT: IT LOOKS LIKE YOUR CLIENT IS
19 ASSISTING.

03:24:59 20 ALL RIGHT. MR. MORROW, PLEASE RESUME THE
21 WITNESS STAND FOR CROSS-EXAMINATION.

03:25:04 22 THE WITNESS: ALL RIGHT.

03:25:16 23 MS. HAMILL: MY OBJECTIVE IS TO GET US
24 THROUGH THIS BEFORE 4:00.

03:25:19 25 THE COURT: VERY GOOD.

03:25:21 26 MS. HAMILL: ALL RIGHT.

03:25:21 27 ///

03:25:21 28 ///

CROSS-EXAMINATION

03:25:23 1
03:25:23 2 Q. (BY MS. HAMILL) SO YOU WERE ASKED ABOUT
3 YOUR OWN SOCIAL MEDIA ACCOUNTS ON DIRECT; CORRECT?
4 YOUR PERSONAL ACCOUNTS?

03:25:28 5 A. I WAS, YES.

03:25:29 6 Q. ALL RIGHT. I WANT YOU TO -- WELL, YOU MIGHT
7 NOT NEED TO LOOK AT THE DEPOSITION. YOU MENTIONED
8 CONGRESSMAN SCHIFF IN YOUR TWITTER BIO; CORRECT?

03:25:39 9 A. THAT I HAD WORKED FOR HIM, YES.

03:25:41 10 Q. AND YOU TAG HIM. HIS TWITTER HANDLE IS IN
11 YOUR PERSONAL TWITTER BIO; CORRECT?

03:25:47 12 A. YES. THAT IS COMMON PRACTICE FOR A LOT OF
13 COMMUNICATIONS FOLKS.

03:25:50 14 Q. AND YOU STILL HAVE CONGRESSMAN TAKANO IN
15 YOUR BIO, TOO; CORRECT?

03:25:58 16 A. THAT'S CORRECT.

03:25:59 17 Q. YOU ALSO HAVE THE DEPARTMENT OF PUBLIC
18 HEALTH'S HANDLE IN YOUR BIO; CORRECT?

03:26:03 19 A. CORRECT.

03:26:03 20 Q. IS YOUR BIO VISIBLE TO THE PUBLIC?

03:26:06 21 A. YES, IT IS.

03:26:16 22 Q. SO REMEMBER LOOKING AT EXHIBIT 74? I'M
23 GOING TO PULL THAT UP AGAIN. LET ME KNOW IF YOU NEED
24 ASSISTANCE.

03:26:24 25 A. NO, I GOT IT.

03:26:40 26 Q. AND WE LOOKED AT THIS EXHIBIT, AND WE
27 DISCUSSED THAT ON EXHIBIT 74, PAGE 2, IT SHOWS THAT
28 FROM JUNE 3RD TO JANUARY 17TH -- JUNE 3RD, 2020, TO

1 JANUARY 17TH, 2023, B MORROW @PH DOT L.A. COUNTY .GOV
2 WAS THE E-MAIL ADDRESS ASSIGNED TO THE @LAPUBLICHEALTH
3 TWITTER ACCOUNT; CORRECT?

03:27:10 4 MR. RAYGOR: CUMULATIVE.

03:27:11 5 THE COURT: I'M SORRY. WAS THERE AN
6 OBJECTION?

03:27:14 7 MR. RAYGOR: YES. OBJECTION. CUMULATIVE.

03:27:17 8 THE COURT: I THINK WE DID COVER THIS. IS
9 THIS A PRELIMINARY TO A NEW ISSUE?

03:27:25 10 MS. HAMILL: YES, YOUR HONOR. THAT CAME UP
11 ON DIRECT.

03:27:27 12 THE COURT: OKAY. THEN YOU MAY ANSWER THE
13 PENDING QUESTION. DO YOU HAVE IT IN MIND OR DO YOU
14 NEED TO HEAR THE QUESTION AGAIN?

03:27:34 15 THE WITNESS: I'M SORRY. CAN YOU REPEAT THE
16 QUESTION? I APOLOGIZE.

03:27:37 17 Q. (BY MS. HAMILL) SURE. SO THIS EXHIBIT
18 SHOWS THAT FROM JUNE 3RD, 2020 THROUGH JANUARY 17TH,
19 2023, YOUR E-MAIL ADDRESS AT THE COUNTY WAS ASSIGNED
20 TO THE L.A. PUBLIC HEALTH TWITTER ACCOUNT; CORRECT?

03:27:52 21 A. I WOULDN'T SAY THAT'S ASSIGNED. I WOULD SAY
22 THAT IT'S ASSOCIATED SINCE TWITTER DOES -- MY
23 UNDERSTANDING IS TWITTER DOES REQUIRE AN E-MAIL
24 ADDRESS.

03:28:01 25 Q. AND SO WHEN ANYONE FROM YOUR TEAM WOULD LOG
26 INTO THE L.A. PUBLIC HEALTH TWITTER ACCOUNT IN THIS
27 TIME PERIOD BETWEEN JUNE 3RD, 2020, AND JANUARY 17TH,
28 2023, WOULD THEY NEED TO LOG IN WITH YOUR E-MAIL

1 ADDRESS?

03:28:16 2 A. NO.

03:28:16 3 Q. SO YOU HAD MULTIPLE LOG-INS?

03:28:21 4 A. I DON'T KNOW --

03:28:22 5 THE COURT: DEFINE WHAT YOU MEAN BY MULTIPLE
6 LOG-INS.

03:28:25 7 THE WITNESS: I DON'T KNOW WHAT YOU MEAN BY
8 THAT.

03:28:26 9 Q. (BY MS. HAMILL) HOW DID USERS ON YOUR TEAM
10 LOG IN TO ACCESS THE L.A. PUBLIC HEALTH TWITTER
11 ACCOUNT?

03:28:34 12 A. I CAN'T SAY HOW PEOPLE LOGGED IN. I NEVER
13 WATCHED THEM LOG IN.

03:28:39 14 Q. WAS THERE A PASSWORD FOR THIS ACCOUNT?

03:28:41 15 A. THERE IS A PASSWORD, YES.

03:28:43 16 Q. JUST ONE PASSWORD?

03:28:44 17 A. JUST ONE PASSWORD.

03:28:46 18 Q. AND ONE USER NAME?

03:28:48 19 A. WHICH IS OUR HANDLE, L.A. PUBLIC HEALTH,
20 YES.

03:28:51 21 Q. SO WHEN THIS ACCOUNT WOULD REPORT TWEETS,
22 THE REPORTS WOULD GO TO YOUR E-MAIL ADDRESS, CORRECT,
23 DURING THAT TIME PERIOD?

03:29:03 24 A. I DON'T KNOW NECESSARILY IF THEY DID. I
25 THINK IT MAY DEPEND ON THE REPORTING FUNCTION. I
26 DON'T -- I DON'T RECALL. I CAN'T SAY.

03:29:12 27 Q. IT WOULD BE STRANGE FOR TWITTER TO SEND AN
28 UPDATE ON A REPORT TO AN E-MAIL THAT WASN'T ATTACHED

1 TO THE ACCOUNT AT THE TIME OF THE REPORT; CORRECT?

03:29:20 2 MR. RAYGOR: OBJECTION. CALLS FOR
3 SPECULATION.

03:29:22 4 THE COURT: SUSTAINED.

03:29:32 5 Q. (BY MS. HAMILL) SO YOU TESTIFIED THAT
6 COMMENTS ARE OPEN FOR VIRTUAL TOWN HALL MEETINGS;
7 CORRECT?

03:29:37 8 A. CORRECT.

03:29:37 9 Q. BUT IF SOMEONE GOES TO THE DEPARTMENT OF
10 PUBLIC HEALTH YOUTUBE ACCOUNT, THEY CAN NO LONGER VIEW
11 THOSE COMMENTS, CAN THEY?

03:29:51 12 A. I'M NOT SURE WHERE YOU'RE GOING -- I'M NOT
13 SURE I'M FOLLOWING.

03:29:55 14 Q. SO YOU TESTIFIED THAT COMMENTS WERE LEFT
15 OPEN DURING VIRTUAL TOWN HALLS, SO PEOPLE COULD
16 COMMENT, AND I'M ASKING YOU NOW IF SOMEONE -- IF I
17 WANTED TO GO AND LOOK AT ONE OF THE TOWN HALL VIDEOS
18 ON THE DEPARTMENT OF PUBLIC HEALTH'S YOUTUBE PAGE, I
19 WOULDN'T BE ABLE TO SEE THOSE COMMENTS, WOULD I?

03:30:12 20 A. THE COMMENTS THAT I'M REFERRING TO BEING
21 OPEN ARE ON THE SOCIAL MEDIA POSTS WHERE, AS I
22 TESTIFIED, THE SOCIAL MEDIA POSTS WHERE WE PUT IN THE
23 LIVE STREAM LINK TO IT. WHAT I DON'T KNOW AND I'M
24 UNSURE OF IS HOW YOUTUBE POPULATES THE LIVE STREAM
25 COMMENTS SECTION FOR THAT. I'M UNSURE HOW THAT WORKS.

03:30:38 26 Q. I'M GOING TO DIRECT YOUR ATTENTION TO
27 EXHIBIT 70, PLEASE.

03:30:51 28 DO YOU RECOGNIZE THE MIDDLE TWEET ON WHAT'S

1 MARKED AS EXHIBIT 70, PAGE 1, OCTOBER 27TH, 2022, WITH
2 A TWEET ID ENDING IN 6064? DO YOU SEE THAT?

03:31:04 3 A. I SEE IT, YES.

03:31:06 4 Q. IF YOU TURN THE PAGE TO EXHIBIT 70, PAGE 2,
5 THAT SAME TWEET IS VISIBLE ON TWITTER. AND THERE ARE
6 NO COMMENTS BELOW IT. IS THAT CORRECT?

03:31:17 7 A. CORRECT.

03:31:17 8 Q. AND IT SAYS WHO CAN REPLY? PEOPLE AT L.A.
9 PUBLIC HEALTH MENTIONED CAN REPLY. CORRECT?

03:31:25 10 A. CORRECT.

03:31:26 11 Q. SO THAT WAS A LIVE MEDIA BRIEFING BUT THE
12 COMMENTS WERE CLOSED; CORRECT?

03:31:30 13 A. FOR MEDIA BRIEFINGS, YES. MEDIA BRIEFINGS
14 ARE NOT TOWN HALLS.

03:31:33 15 Q. SO THE LIVE MEDIA BRIEFING, PEOPLE CAN'T
16 COMMENT ON?

03:31:37 17 A. WELL, WE'RE NOT -- WE'RE NOT ASKING FOR
18 QUESTIONS FROM THE PUBLIC. WE'RE ASKING FOR QUESTIONS
19 FROM THE MEDIA. AND I BELIEVE THAT'S STATED ON THE
20 OPINION POST.

03:31:50 21 Q. WHAT'S STATED ON THE OPINION POST?

03:31:51 22 A. I BELIEVE ON THE OPINION POST THAT WE HAVE
23 AT THE TOP OF OUR SOCIAL MEDIA HANDLES, IT SAYS
24 SOMETHING ALONG THE LINES THAT WE ALLOW COMMENTS OPEN
25 SO PEOPLE CAN SEND IN QUESTIONS DURING LIVE TOWN
26 HALLS. WE DON'T SAY THEY CAN SEND QUESTIONS DURING
27 MEDIA BRIEFINGS.

03:32:10 28 Q. A LIVE TOWN HALL IS NOT THE SAME AS A MEDIA

1 BRIEFING.

03:32:14 2 A. (UNINTELLIGIBLE.)

03:32:14 3 THE REPORTER: I'M SORRY. CAN YOU START
4 THAT OVER AGAIN, PLEASE?

03:32:14 5 THE WITNESS: A LIVE TOWN HALL...

03:32:25 6 THE COURT: -- IS NOT THE SAME.

03:32:27 7 THE WITNESS: AS A MEDIA BRIEFING; CORRECT.
8 THEY ARE NOT THE SAME. A LIVE TOWN HALL IS WHERE WE
9 HOLD AN EVENT AND REQUEST THE PUBLIC TO PROVIDE
10 COMMENTS OR SEND IN QUESTIONS THAT WE WILL ANSWER.

03:32:42 11 A MEDIA BRIEFING IS WHERE WE HOLD AN
12 EVENT -- AN EVENT MAY NOT BE THE PROPER WORD, BUT --
13 TO HAVE THE MEDIA ASK US QUESTIONS. AND THE PUBLIC IS
14 INVITED TO VIEW THEM BUT NOT NECESSARILY TO SEND IN
15 QUESTIONS. IT'S STRICTLY FOR MEDIA OUTLETS.

03:33:04 16 Q. (BY MS. HAMILL) HOW MANY LIVE TOWN HALLS
17 DID THE DEPARTMENT OF PUBLIC HEALTH HAVE?

03:33:10 18 MR. RAYGOR: VAGUE AS TO TIME.

03:33:11 19 THE COURT: SUSTAINED AS TO TIME.

03:33:14 20 Q. (BY MS. HAMILL) FROM JULY 2022 THROUGH THE
21 PRESENT.

03:33:18 22 A. I DON'T REMEMBER.

03:33:19 23 Q. FIVE?

03:33:21 24 A. I DON'T REMEMBER.

03:33:21 25 Q. MORE THAN 10?

03:33:22 26 A. AT ONE POINT, WE WERE HAVING THEM MONTHLY.
27 I CAN'T RECALL HOW MANY WE'VE HAD SINCE THEN.

03:33:27 28 Q. SO APPROXIMATELY MONTHLY WOULD BE YOUR BEST

1 TESTIMONY?

03:33:30 2 A. AT ONE TIME WE WERE HAVING THEM MONTHLY. I
3 DON'T REMEMBER WHEN WE DID THEM NOT MONTHLY.

03:33:36 4 Q. AND NOT ALL QUESTIONS ARE ASKED DURING THE
5 VIRTUAL TOWN HALL AS YOU TESTIFIED; IS THAT CORRECT?

03:33:41 6 A. IT'S NOT POSSIBLE. WE WOULD RECEIVE
7 HUNDREDS AND SOMETIMES THOUSANDS OF QUESTIONS. AS I
8 MENTIONED, 95 PERCENT OF THE QUESTIONS WERE VERY, VERY
9 SIMILAR. IT'S A VERSION OF THE SAME QUESTION, SO...

03:33:56 10 Q. I'LL MOVE ON.

03:33:57 11 SO YOU TESTIFIED ON DIRECT THAT YOU CLOSED
12 THE COMMENTS BECAUSE THE COMMENTS SECTION INCLUDED
13 HARASSMENT, BULLYING, FOUL LANGUAGE, AND VEILED
14 THREATS AMONG COMMENTERS FROM BOTH SIDES; THAT IT WAS
15 DISTRACTING AND DROWNING OUT THE MESSAGE FROM THE
16 DEPARTMENT OF PUBLIC HEALTH. BUT COULDN'T YOU HAVE
17 SIMPLY HIDDEN MESSAGES INSTEAD OF ENTIRELY CLOSING OFF
18 THE COMMENTS SECTION?

03:34:21 19 A. TECHNICALLY, YES. I COULD HAVE HIDDEN OR
20 DELETED COMMENTS, YES.

03:34:25 21 Q. DID YOU?

03:34:25 22 A. WE NEVER -- WE NEVER DID THAT.

03:34:26 23 Q. DID YOU CONSIDER DOING THAT?

03:34:27 24 A. NEVER.

03:34:27 25 Q. AND YOU TESTIFIED THAT PEOPLE -- THERE WERE
26 PEOPLE WHO WERE FOR DPH, DEPARTMENT OF PUBLIC HEALTH,
27 AND AGAINST DEPARTMENT OF PUBLIC HEALTH, AND THEY WERE
28 YELLING AND NAME-CALLING AND ACTING ANGRILY; CORRECT?

03:34:39 1 A. CORRECT.

03:34:39 2 Q. DO YOU HAVE ANY EVIDENCE OF THE FOR
3 DEPARTMENT OF PUBLIC HEALTH COMMENTS IN JULY OF 2022?

03:34:48 4 A. DO I HAVE ANY EVIDENCE? IT WOULD BE THE
5 ARCHIVE, LIKELY, THAT WE HAVE THAT HAS BEEN PRESENTED
6 IN EVIDENCE.

03:34:54 7 Q. SO WHEN WE LOOKED YESTERDAY, WE WERE LOOKING
8 AT EXHIBIT 61, 62, AND 63, WHICH I BELIEVE YOU HAVE
9 BEFORE YOU. PERHAPS YOU COULD TAKE A MINUTE AND LOOK
10 THROUGH AND SEE IF YOU CAN SHOW ME THE PRO DEPARTMENT
11 OF PUBLIC HEALTH COMMENTS.

03:35:34 12 A. I SEE ONE ON EXHIBIT 61, PAGE 5.

03:35:38 13 Q. ANY OTHERS?

03:35:40 14 A. I'M LOOKING. I SEE ANOTHER ON PAGE 9, I
15 WOULDN'T SAY IT'S PRO DPH BUT IT'S POSITIVE IN
16 REACTION SAYING FOLKS SHOULD, I'M ASSUMING -- THERE'S
17 A TYPO IN THERE -- BUT IT SAYS, DO NOT GO OUT. STAY
18 HOME.

03:36:22 19 Q. AND SO I'LL SAVE TIME. I DON'T WANT TO
20 WASTE ANY TIME BECAUSE WE WANT TO WRAP THIS BEFORE 4
21 SO YOU DON'T HAVE TO COME BACK TOMORROW, BUT WOULD IT
22 BE FAIR TO SAY THAT THE ANGER AT THE DEPARTMENT, AS I
23 BELIEVE YOU TESTIFIED YESTERDAY, REALLY OUTWEIGHED THE
24 SUPPORT FOR THE DEPARTMENT IN THESE COMMENTS IN JULY
25 OF 2022?

03:36:43 26 A. I DIDN'T SEE ALL OF THE COMMENTS, BUT I
27 WOULD SAY THERE WAS A LOT OF ANGER, YES.

03:36:49 28 Q. AND YOU ALSO SAID ON DIRECT THAT PEOPLE WERE

1 INVITING VIOLENCE.

03:36:53 2 A. CORRECT.

03:36:53 3 Q. CAN YOU GIVE ME AN EXAMPLE.

03:36:55 4 A. YES. SOMEONE AT ONE POINT WAS SAYING,
5 WHOEVER WANTS IT CAN COME GET IT. PEOPLE WERE SAYING,
6 GO SHOVE IT UP YOUR ASS. PEOPLE WERE ALSO SAYING FUCK
7 YOU TO EACH OTHER. PEOPLE WERE SAYING THINGS ALONG
8 THOSE LINES. AND EXCUSE MY LANGUAGE, YOUR HONOR.

03:37:14 9 Q. AND YOU BELIEVE THAT THAT MEANS THAT THEY
10 ARE INVITING VIOLENCE?

03:37:17 11 A. I TAKE, COME GET IT AS INVITING VIOLENCE,
12 YES.

03:37:21 13 Q. COME GET IT?

03:37:22 14 A. COME GET IT, YES.

03:37:23 15 Q. OKAY. AND YOU DESCRIBED THE COMMENTS AS A,
16 QUOTE, CAR CRASH; CORRECT?

03:37:31 17 A. A METAPHOR.

03:37:32 18 Q. AND YOU DIDN'T WANT PEOPLE TO LOOK AT IT;
19 RIGHT?

03:37:35 20 A. I WASN'T LESS SO THAT I DIDN'T WANT PEOPLE
21 TO LOOK AT IT.

03:37:39 22 Q. IT'S A "YES" OR "NO." IS THAT WHAT YOUR
23 TESTIMONY WAS?

03:37:41 24 A. CAN YOU REPEAT THE QUESTION?

03:37:42 25 Q. YOU SAID YOU DIDN'T WANT PEOPLE TO LOOK AT
26 IT.

03:37:45 27 A. I DON'T RECALL --

03:37:45 28 Q. A CAR --

03:37:45 1 A. -- THAT.

03:37:46 2 Q. -- CRASH.

03:37:47 3 THE COURT: WAIT. ONE AT A TIME, PLEASE.

4 TAKE A BREATH, EACH OF YOU. LET'S GET A CLEAR

5 QUESTION.

03:37:54 6 QUESTION.

03:37:54 7 Q. (BY MS. HAMILL) SO YOU DESCRIBED THE

8 COMMENTS AS A CAR CRASH, AND YOU DIDN'T WANT PEOPLE

9 TO LOOK AT IT; CORRECT? "YES" OR "NO"?

03:38:02 10 A. I DON'T RECALL THAT BEING MY EXACT

11 TESTIMONY.

03:38:04 12 Q. AND YOU ONLY WANTED PEOPLE TO LOOK AT THE

13 DEPARTMENT'S MESSAGE; CORRECT?

03:38:11 14 A. I ONLY WANTED THE PUBLIC TO LOOK AT OUR

15 POSTS, OUR INFORMATION THAT WE WERE PROVIDING.

03:38:16 16 Q. AND IN EARLY 2022, YOU MENTIONED ON DIRECT

17 THAT THERE WAS A POSSIBILITY OF CLOSING COMMENTS

18 RAISED BY OTHER DEPARTMENT OF PUBLIC HEALTH EMPLOYEES.

19 WHO WERE THOSE EMPLOYEES?

03:38:27 20 A. I DON'T REMEMBER WHO THE EMPLOYEES WERE. IT

21 WAS FORWARDED TO ME IN AN E-MAIL.

03:38:31 22 Q. AND YOU HAVE NO IDEA WHO IT WAS FROM?

03:38:33 23 A. I JUST DON'T RECALL.

03:38:37 24 Q. SO YOU ALSO DESCRIBED YOURSELF AS A COMPLETE

25 LAYMAN. AND YOU DON'T DETERMINE YOURSELF WHAT IS

26 VALID OR NOT; CORRECT?

03:38:47 27 A. IN TERMS OF PUBLIC HEALTH INFORMATION,

28 MEDICAL INFORMATION AND EPIDEMIOLOGY, YES.

03:38:54 1 Q. SO WHO TOLD YOU TO CONTACT SAL RODRIGUEZ
2 REGARDING THE HOSPITALIZATION NUMBERS IN THE OP-ED ON
3 JULY 22ND, 2022?

03:39:01 4 A. NOBODY TOLD ME TO. I DID IT MYSELF.

03:39:05 5 Q. SO YOU DETERMINED YOURSELF THAT THAT WAS
6 MISINFORMATION?

03:39:08 7 A. I DETERMINED THAT THE INFORMATION IN THE
8 OP-ED WAS INCORRECT WHERE THEY WERE ATTRIBUTING THE
9 QUOTE FROM DR. BRAD SPELLBERG AS BEING REPRESENTATIVE
10 OF THE WHOLE COUNTY AND NOT WHAT HE WAS REALLY SAYING,
11 WHICH WAS THE FACTS AND INFORMATION HE PROVIDED WAS
12 REPRESENTATIVE OF JUST HIS HOSPITAL. AND THE FACT
13 THAT THEY MADE THAT EDIT AND CHANGED IT, I THINK,
14 HOLDS SOME WEIGHT.

03:39:31 15 Q. WELL, YOU KEPT FOLLOWING UP AFTER THE CHANGE
16 WAS MADE, DIDN'T YOU?

03:39:35 17 A. NOT REQUESTING MORE CHANGES, NO.

03:39:37 18 Q. YOU JUST WANTED TO CHAT?

03:39:38 19 A. I DID, YES.

03:39:39 20 Q. OKAY. LET'S TALK ABOUT THE HASHTAG FIRE
21 FERRER. SO WE'RE CLEAR THAT'S NOT AN ACCOUNT;
22 CORRECT. IT'S NOT AN ACCOUNT.

03:39:50 23 A. YES.

03:39:50 24 Q. A HASHTAG IS SOMETHING A PERSON SIMPLY TYPES
25 INTO CONTENT IN A TWEET; RIGHT?

03:39:58 26 A. CORRECT, YES. AND THAT CAN BE USED, I DON'T
27 KNOW NECESSARILY AS A SEARCH FUNCTION WHERE PEOPLE CAN
28 FOLLOW A SPECIFIC HASHTAG TO CONVERSE AMONGST OTHER

1 PEOPLE USING THAT HASHTAG OR TO VIEW CONTENT USING
2 THAT SPECIFIC HASHTAG.

03:40:14 3 Q. SO IF SOMEONE WAS TRYING TO FIND HASHTAG
4 FIRE FERRER, THEY WOULD HAVE TO TYPE IT INTO THE
5 SEARCH BAR; CORRECT? THEY'D HAVE TO LOOK FOR IT?

03:40:25 6 A. THEY COULD EITHER TYPE IT IN, OR MY
7 UNDERSTANDING IS THEY COULD ALSO SET UP A LIST WHERE
8 IT COULD BE AUTO-POPULATED ON A SELECTED FEED OF
9 THEIRS.

03:40:36 10 Q. SO IF SOMEBODY WAS TRYING TO LEARN ABOUT
11 WHAT WAS GOING ON WITH THE DEPARTMENT OF PUBLIC
12 HEALTH, THAT PERSON PROBABLY WOULDN'T ENTER HASHTAG
13 FIRE FERRER INTO THE SEARCH BAR OF TWITTER; CORRECT?

03:40:47 14 MR. RAYGOR: OBJECTION. CALLS FOR
15 SPECULATION.

03:40:50 16 THE COURT: SUSTAINED.

03:40:51 17 Q. (BY MS. HAMILL) AND EXHIBIT -- LET'S GO
18 BACK TO EXHIBIT 242, THE LARGE EXHIBIT THAT HAS TWO
19 VOLUMES. WE'LL START WITH THE ONE, I THINK IT'S THE
20 SECOND VOLUME THAT STARTS AT 501.

03:41:11 21 A. OH, I SEE. OKAY.

03:41:14 22 Q. EXHIBIT 242, PAGE 501.

03:41:18 23 A. OKAY. NOT PAGE 500, 501.

03:41:29 24 Q. YES.

03:41:30 25 A. OKAY.

03:41:30 26 Q. IF YOU CAN TURN TO 502 AND THUMB THROUGH A
27 FEW PAGES, IT LOOKS LIKE IT'S THE SAME PEOPLE POSTING
28 OVER AND OVER AGAIN, DOESN'T IT? THE PUBLIC

1 UNHEALTHY --

03:41:47 2 THE COURT: COUNSEL, JUST ONE MOMENT,
3 PLEASE.

03:41:49 4 (A DISCUSSION WAS HELD OFF THE RECORD.)

03:41:58 5 THE COURT: GO AHEAD, MA'AM.

03:42:01 6 Q. (BY MS. HAMILL) THE PUBLIC UNHEALTHY
7 DIRECTOR AND THE GREEDY MIDDLE CLASS, THEY SEEM TO
8 BE SERIAL POSTERS OF THE HASHTAG FIRE FERRER;
9 CORRECT?

03:42:32 10 A. AT LEAST ON NOVEMBER 4TH AND NOVEMBER 5TH,
11 WHICH IS WHAT I'VE LOOKED AT SO FAR, YES.

03:42:37 12 Q. AND YOU CAN'T REPORT A HASHTAG TO TWITTER,
13 CAN YOU?

03:42:44 14 A. I DON'T KNOW.

03:42:45 15 Q. AND YOU CAN'T CLOSE DOWN A HASHTAG, CAN YOU?

03:42:48 16 A. I HAVE NO IDEA.

03:42:49 17 Q. IT'S NOT AN ACCOUNT, IS IT?

03:42:51 18 MR. RAYGOR: OBJECTION. ASKED AND ANSWERED.

03:42:52 19 THE COURT: SUSTAINED.

03:42:52 20 Q. (BY MS. HAMILL) IT'S NOT A COMMENT, IS IT?

03:42:56 21 A. HASHTAGS ARE -- CAN BE A PART OF COMMENTS.
22 THEY CAN BE INCLUDED IN COMMENTS. AND EVEN A HASHTAG
23 CAN BE BY ITSELF WITHIN A COMMENT. SO YES, A HASHTAG
24 CAN BE A COMMENT.

03:43:09 25 Q. BUT IT'S SIMPLY A STATEMENT MADE IN A TWEET;
26 RIGHT?

03:43:14 27 A. I DON'T KNOW IF I WOULD CALL IT NECESSARILY
28 A STATEMENT. I THINK IT'S LIKE AN ORGANIZING POINT

1 FOR INFORMATION OR A FLOW OF INFORMATION.

03:43:28 2 Q. AND IT'S SEARCHABLE TERM LIKE ANY TERM, SO
3 YOU COULD PUT THE TERM MORROW IN THE SEARCH BAR, AND
4 YOUR TWEETS WOULD APPEAR; RIGHT?

03:43:37 5 A. YOU PROBABLY WOULDN'T FIND MY TWEETS IF YOU
6 JUST PUT IN MORROW. YOU WOULD PROBABLY FIND OTHER
7 STUFF.

03:43:43 8 Q. AND YOU MENTIONED THAT THE COMMENTS ABOUT
9 YOUR PREGNANT WIFE DIDN'T HAVE ANYTHING TO DO WITH
10 YOUR REACHING OUT TO TWITTER, BUT THIS CONFLICTS WITH
11 YOUR STATEMENTS TO BOTH PATRICK BOLAND AND TO TWITTER,
12 DOESN'T IT?

03:43:57 13 A. MY COMMENTS TO PATRICK BOLAND WERE STRICTLY
14 ABOUT MY PERCEIVED -- THE PERCEIVED SECURITY OF MYSELF
15 AND MY PREGNANT WIFE AT THE TIME. THEY WERE UNRELATED
16 TO PUBLIC COMMENTS. SINCE WE'VE CLOSED PUBLIC
17 COMMENTS, I'VE RECEIVED ADDITIONAL COMMENTS ABOUT MY
18 WIFE WHEN SHE WAS PREGNANT AND NOW OUR BABY.

03:44:20 19 SO SHUTTING OFF PUBLIC COMMENTS HAS NOT
20 STOPPED AND CANNOT STOP ANYBODY FROM SENDING ME A
21 TWEET OR A COMMENT ABOUT MY WIFE OR MY BABY.

03:44:34 22 MS. HAMILL: MOVE TO STRIKE EVERYTHING AFTER
23 THE, I BELIEVE YOU SAID NO AT THE BEGINNING.

03:44:39 24 THE WITNESS: I CAN'T REMEMBER.

03:44:40 25 THE COURT: WELL, I'LL OVERRULE THAT. YOU
26 ASKED AN ARGUMENTATIVE QUESTION. THERE WAS NO
27 OBJECTION. YOU ASSERTED THERE WAS A CONFLICT, AND
28 HE'S ENTITLED TO EXPLAIN WHY, IN HIS VIEW, IT WAS NOT.

03:44:53 1 Q. (BY MS. HAMILL) AND IN DISCUSSING THE
2 CAMPAIGN WITH COMMUNITY PARTNERS, YOU TALKED ABOUT
3 HOW PEOPLE WERE SUBJECTED TO BULLYING AND
4 HARASSMENT. CAN YOU IDENTIFY ANY OF THESE PEOPLE
5 WHO WERE BULLIED AND HARASSED?

03:45:06 6 A. ONE WOMAN WAS NAMED JENNY. I CAN'T REMEMBER
7 HER LAST NAME, OR THE EXACT ORGANIZATIONS THAT SHE
8 WORKED FOR, THOUGH.

03:45:13 9 Q. WHAT HAPPENED TO JENNY?

03:45:14 10 A. THERE WERE COMMENTS DISPARAGING JENNY AND
11 HER FAMILY WHO APPEARED IN A VIDEO.

03:45:20 12 Q. COMMENTS BELOW THE POST?

03:45:25 13 A. BELOW THE VIDEO. TYPICALLY THAT'S WHERE THE
14 COMMENTS APPEAR, YES.

03:45:29 15 Q. ON THE DPH, THE DEPARTMENT OF PUBLIC
16 HEALTH'S SOCIAL MEDIA PAGE?

03:45:33 17 A. I CAN'T -- YES. I CAN'T REMEMBER WHICH
18 CHANNEL SPECIFICALLY OR WHICH -- IF IT WAS TWITTER,
19 FACEBOOK OR INSTAGRAM, BUT YES.

03:45:41 20 Q. ON DIRECT YOU SAID TWITTER DIDN'T SEEM
21 ANNOYED OR PUT UPON AT ALL IN YOUR EXCHANGE WITH THEM
22 TO REQUEST THAT CERTAIN ACCOUNTS BE TAKEN DOWN AND
23 CERTAIN TWEETS BE LOOKED AT. BUT I WANT TO DIRECT
24 YOUR ATTENTION TO EXHIBIT 21, PAGE 9.

03:46:26 25 DO YOU NEED ASSISTANCE?

03:46:28 26 A. NO, IT JUST KIND OF CAME APART.

03:46:30 27 Q. LET ME KNOW WHEN YOU'RE THERE.

03:46:44 28 A. I'M HERE.

03:46:45 1 Q. OKAY. SO ON EXHIBIT 21, PAGE 9, ON TUESDAY,
2 AUGUST 23RD, 2022, AT 4:23 P.M., BRETT MORROW SAYS,
3 APPRECIATE YOUR HELP. SORRY FOR ALL OF THE REQUESTS.

03:47:01 4 SO YOU WERE APOLOGIZING FOR ALL YOUR
5 REQUESTS TO TWITTER; CORRECT?

03:47:06 6 A. I WAS. I WAS TRYING TO BE POLITE AND
7 THANKING THEM FOR THEIR ASSISTANCE, YES.

03:47:11 8 Q. AND THEN GO UP TO THE TOP -- TOP E-MAIL SENT
9 FROM BRETT MORROW, WEDNESDAY, AUGUST 24TH, 2022,
10 11:22 P.M. AND YOU SAY, HI ALL. ANOTHER
11 IMPERSONATION REPORT OF AN ACCOUNT TAKING OUR CREATIVE
12 CAMPAIGNS AND CHANGING THEM AND PUTTING THEM OUT AS
13 OURS. THEY ALSO ANNOUNCED FAKE HEALTH ADVISORIES FROM
14 PUBLIC HEALTH. APPRECIATE YOUR HELP ON ALL OF THESE.

03:47:41 15 DO YOU RECALL SAYING THAT?

03:47:42 16 A. I DON'T RECALL, BUT I SEE THE E-MAIL IN THIS
17 EXHIBIT, YES.

03:47:45 18 Q. DO YOU RECALL WHICH ACCOUNT YOU WERE
19 REPORTING IN THAT E-MAIL?

03:47:47 20 A. I CAN'T REMEMBER, NO. THERE WERE SEVERAL
21 THAT WERE DOING SOMETHING ALONG THESE LINES. ONE
22 WHICH I THINK WE DISCUSSED YESTERDAY, THE BARBARA
23 FURRAIR, THE DOG ACCOUNT, THERE MAY HAVE BEEN SEVERAL
24 OTHERS AS WELL THAT WERE TAKING OUR TEMPLATES FOR OUR
25 HEALTH ADVISORIES AND OUR CAMPAIGNS AND CHANGING THE
26 MEANING OR THE TEXT ON THEM. AND THAT WAS CONCERNING,
27 BECAUSE THAT WAS, IN MY EYES, POSSIBLY IMPERSONATING
28 OUR CONTENT AND PROVIDING FALSE INFORMATION TO THE

1 PUBLIC.

03:48:21 2 Q. AND THEN YOU ALSO TESTIFIED ABOUT THE
3 RIGHT-WING ECHO CHAMBER COMMENT THAT YOU MADE. AND
4 YOU SAID THAT WAS AN OBSERVATION OF WHERE THE ISSUE
5 HAD THE MOST OXYGEN. YOU ALSO SAID THERE'S A
6 LEFT-WING ECHO CHAMBER; CORRECT?

03:48:36 7 A. ABSOLUTELY, YES.

03:48:37 8 Q. BUT YOU NEVER COMPLAINED ABOUT THE LEFT-WING
9 ECHO CHAMBERS IN THE TEXTS AND E-MAILS AND POSTS THAT
10 ARE IN EVIDENCE IN THIS LAWSUIT; CORRECT?

03:48:44 11 A. NO. THAT'S BECAUSE THAT WAS NOT MY
12 OBSERVATION AT THE TIME THAT THAT PARTICULAR STORY WAS
13 NOT HAVING OXYGEN WITHIN THE LEFT-WING ECHO CHAMBER.

03:48:54 14 MS. HAMILL: I HAVE NO FURTHER QUESTIONS.

03:48:56 15 THE COURT: ALL RIGHT. DO YOU HAVE ANY
16 FOLLOW-UP, MR. RAYGOR?

03:49:00 17 MR. RAYGOR: JUST ONE MOMENT, PLEASE.

03:49:01 18 THE COURT: YES.

03:49:24 19 MR. RAYGOR: I JUST HAVE ONE QUESTION FOR
20 YOU JUST FOR CLARIFICATION.

03:49:27 21

03:49:27 22 REDIRECT EXAMINATION

03:49:28 23 Q. (BY MR. RAYGOR) IS THE MEDIA BRIEFING THAT
24 YOU TALKED ABOUT EARLIER LIKE A PRESS CONFERENCE?

03:49:33 25 A. YES.

03:49:34 26 MR. RAYGOR: NO FURTHER QUESTIONS.

03:49:35 27 THE COURT: OKAY. NOW WE CAN OFFICIALLY
28 EXCUSE MR. MORROW FROM THESE PROCEEDINGS?

03:49:39 1 MR. RAYGOR: YES, YOUR HONOR.

03:49:40 2 MS. HAMILL: YES, YOUR HONOR.

03:49:40 3 THE COURT: NO OBJECTION. YOU ARE EXCUSED.
4 THANK YOU FOR COMING BACK.

03:49:44 5 THE WITNESS: THANK YOU, SIR.

03:49:48 6 THANK YOU.

03:49:49 7 THE REPORTER: THANK YOU.

03:49:59 8 MR. RAYGOR: CAN I MAKE -- SORRY, YOUR
9 HONOR.

03:50:03 10 THE COURT: ALL RIGHT. MR. RAYGOR, AS WE
11 DISCUSSED OFF THE RECORD A LITTLE WHILE AGO, BECAUSE
12 OF VARIOUS PROCEEDINGS IN THE COURTHOUSE TOMORROW
13 MORNING, WE WILL BE ADJOURNED IN A FEW MINUTES
14 TO 1:30 TOMORROW. SO GIVE US A PREVIEW OF COMING
15 ATTRACTIONS.

03:50:19 16 MR. RAYGOR: WE HAVE ONE WITNESS LEFT, ERICA
17 LESPRON, LES PR O N. SHE'S THE -- WAS THE
18 ADMINISTRATIVE AIDE TO MR. MORROW.

03:50:32 19 THE COURT: YES, WE'VE HEARD HER NAME. AND
20 THE ANTICIPATED TIME OF HER TESTIMONY?

03:50:38 21 MR. RAYGOR: PART OF IT IS GOING TO BE
22 TEDIOUS, SO I WOULD SAY 90 MINUTES.

03:50:42 23 THE COURT: REALLY? WHAT DOES SHE HAVE TO
24 COVER?

03:50:45 25 MR. RAYGOR: THE MISTAKES AND THE REASONS
26 FOR THEM WHERE COMMENTS WERE LEFT OPEN IS THE PRIMARY
27 THING THAT'S GOING TO BE A BIT TEDIOUS TO GO THROUGH.

03:51:00 28 THE COURT: AND SHE IS THE ONE RESPONSIBLE

1 FOR ALLOWING THE COMMENTS PORTION OF THE SOCIAL MEDIA
2 ACCOUNTS TO HAVE REMAINED OPEN FOR WHATEVER NUMBER OF
3 OCCASIONS THAT OCCURRED?

03:51:13 4 MR. RAYGOR: SHE OR THE TECHNOLOGY WITH
5 WHICH SHE WAS WORKING AT TWITTER AND META. SHE CAN
6 EXPLAIN HOW THOSE KINDS OF MISTAKES HAPPENED, WHETHER
7 IT WAS HUMAN ERROR OR TECHNOLOGY ERROR.

03:51:28 8 THE COURT: SOUNDS LIKE SHE'S GOING TO BE
9 ASKED FOR HER OPINIONS AS TO WHAT MIGHT HAVE HAPPENED
10 WITH THE TECHNOLOGY AT TWITTER.

03:51:39 11 MR. RAYGOR: SHE'S GOING TO BE ASKED ABOUT
12 WHAT SHE LEARNED AND WHY CERTAIN THINGS WERE HAPPENING
13 WHEN SHE TRIED TO POST; WHY COMMENTS SOMETIMES GOT
14 OPENED.

03:51:50 15 THE COURT: LEARNED FROM WHOM?

03:51:51 16 MR. RAYGOR: FROM TWITTER AND FROM HER OWN
17 EXPERIENCE IN DEALING WITH POSTING THINGS ON TWITTER,
18 WHAT SHE DISCOVERED ON TWITTER AND FACEBOOK AND
19 INSTAGRAM.

03:52:01 20 THE COURT: WAS SHE DEPOSED IN THIS CASE?

03:52:03 21 MR. RAYGOR: NO.

03:52:05 22 THE COURT: OKAY. WELL, I CAN SEE SOME
23 POTENTIAL ISSUES THERE, BUT ALL RIGHT. YOU'VE GIVEN
24 ME YOUR TIME ESTIMATE. IS THAT FOR BOTH DIRECT AND
25 CROSS OR JUST DIRECT?

03:52:19 26 MR. RAYGOR: THAT WAS JUST DIRECT.

03:52:21 27 THE COURT: OKAY. WHAT DO YOU ANTICIPATE
28 THE LENGTH OF CROSS-EXAMINATION TO BE ON THIS WITNESS?

03:52:26 1 MS. HAMILL: YOUR HONOR, I WANT TO MOVE TO
2 EXCLUDE THIS TESTIMONY, BECAUSE I DO NOT BELIEVE THAT
3 THE INTENT OF THE GOVERNMENT IS RELEVANT IN EVALUATING
4 WHETHER OR NOT THERE WAS A FIRST AMENDMENT VIOLATION
5 IN TERMS OF LEAVING NOT -- WHAT WE ARE -- WHAT THEY
6 ARE TRYING TO PROVE IS THAT THEY HAD A LIMITED PUBLIC
7 FORUM. BUT IN ORDER TO MAINTAIN A LIMITED FORUM, YOU
8 HAVE TO EXERCISE CLEAR AND CONSISTENT CONTROL OVER THE
9 INTERACTIVE PORTIONS OF THE SITE. THE INTENT OF THE
10 GOVERNMENT DOESN'T MATTER IF THERE WAS NO ACTUAL
11 EXERCISE OF CONTROL OVER THE INTERACTIVE PORTIONS OF
12 THE SITE. SO I THINK THAT'S IRRELEVANT TESTIMONY.

03:53:08 13 THE COURT: AND YOU GLEANED FROM THIS
14 PROFFER THAT SHE'S GOING TO BE TESTIFYING ABOUT
15 INTENT?

03:53:13 16 MS. HAMILL: THAT'S WHAT IT SEEMS. I DON'T
17 KNOW WHAT ELSE IT WOULD BE.

03:53:15 18 THE COURT: I WASN'T COMPLETELY CLEAR. IT
19 SOUNDED MORE LIKE SHE WAS GOING TO TALK ABOUT WHAT SHE
20 LEARNED FROM THESE THIRD-PARTY SOCIAL MEDIA SITES AS
21 TO HOW MISTAKES MIGHT HAVE BEEN MADE, AND MAYBE THAT
22 WOULD PERMIT THE ARGUMENT THAT THERE WAS A LACK OF
23 INTENT.

03:53:35 24 IS THAT WHERE YOU'RE GOING WITH THIS?

03:53:37 25 MR. RAYGOR: YES, YOUR HONOR.

03:53:38 26 THE COURT: IT IS. WELL, IS INTENT OR LACK
27 THEREOF RELEVANT IN THIS ANALYSIS?

03:53:44 28 MR. RAYGOR: MAY I TURN THIS OVER TO

1 MISS ALTER TO RESPOND?

03:53:48 2 THE COURT: OKAY.

03:53:50 3 MS. ALTER: YOUR HONOR, THIS IS RELEVANT
4 PARTICULARLY BECAUSE OF THE COURT'S ORDER ON THE
5 MOTION FOR SUMMARY JUDGMENT. YOUR HONOR SAID AT
6 PAGE 2, ALLIANCE HAS SHOWN THAT THERE ARE MATERIAL
7 ISSUES OF DISPUTED FACT REGARDING THE EXTENT TO WHICH
8 RESPONDENTS HAVE ALLOWED THEIR SOCIAL MEDIA ACCOUNTS
9 TO REMAIN OPEN. DEFENDANTS' ASSERTION OF HUMAN ERROR
10 AND SPORADIC MISTAKES RAISE QUINTESSENTIAL FACTUAL
11 ISSUES.

03:54:19 12 AND THE TESTIMONY THAT MISS LESPRON WILL
13 PROVIDE IS DIRECTLY RELEVANT TO THAT HUMAN ERROR
14 QUESTION. WE WILL BE PROVIDING INFORMATION TO
15 DEMONSTRATE TO THE COURT THAT THE, I BELIEVE, EIGHT OR
16 NINE TIMES THAT THE ALLIANCE HAS PROVIDED EVIDENCE
17 WHERE FACEBOOK COMMENTS WERE LEFT OPEN WAS THE RESULT
18 OF HUMAN ERROR AND THAT IT WAS NOT THE RESULT OF ANY
19 ATTEMPT AT CONTENT DISCRIMINATION OR A FAILURE TO
20 MAINTAIN CONTROL.

03:54:48 21 AND WE CITED TO YOUR HONOR IN OUR MOVING
22 PAPERS ON THE MOTION FOR SUMMARY JUDGMENT FEDERAL CASE
23 LAW EXPLAINING THAT HUMAN ERROR AND/OR MISTAKES IS
24 INSUFFICIENT TO INVALIDATE A LIMITED PUBLIC FORUM. SO
25 THE EVIDENCE IS DIRECTLY RELEVANT TO SOME OF THE
26 ISSUES THAT LED YOUR HONOR TO DENY OUR MOTION FOR
27 SUMMARY JUDGMENT AND ARE SQUARELY PRESENTED HEREIN.

03:55:15 28 THE COURT: WELL, I SEE THAT PORTION OF THE

1 OCTOBER 3RD, 2023 ORDER. AND I HAVE THAT IN MIND, BUT
2 IT DIDN'T QUITE SOUND LIKE THAT WAS THE PROFFER THAT
3 MR. RAYGOR WAS MAKING. BECAUSE IN RESPONSE TO MY
4 DIRECT QUESTION ABOUT WHETHER SHE WAS THE ONE WHO
5 CONTROLLED THE SITES, IT SOUNDED LIKE A SEGUE OVER TO
6 WHAT THE SOCIAL MEDIA ACCOUNTS DID AND WHAT
7 MISS LESPRON LEARNED FROM THEM.

03:55:50

8 SO I'M NOT GOING TO GRANT THE MOTION BY
9 PLAINTIFF'S COUNSEL TONIGHT TO PRECLUDE THE WITNESS'S
10 TESTIMONY, AND WE'LL HAVE TO TAKE IT A QUESTION AT A
11 TIME TOMORROW TO SEE WHETHER THE WITNESS CAN TESTIFY
12 ABOUT RELEVANT FACTS AND WHETHER SHE'S COMPETENT AND
13 WHETHER OR NOT SHE'S BEING ASKED TO GIVE OPINION
14 TESTIMONY.

03:56:14

15 WAS SHE DESIGNATED AS AN EXPERT IN THIS
16 MATTER?

03:56:18

17 MR. RAYGOR: NO.

03:56:18

18 THE COURT: OKAY. ALL RIGHT. WELL, I NOW
19 HAVE A PREVIEW. AND THEN YOU'LL BE RESTING. YES?

03:56:24

20 MR. RAYGOR: YES. AFTER, I GUESS, WE HAVE
21 TO SORT OUT THE -- YES, WE'LL BE RESTING OUR CASE AND
22 THEN SORT OUT THE EXHIBITS.

03:56:32

23 THE COURT: OKAY. CAN YOU PROVIDE A COPY OF
24 YOUR PROPOSED EXHIBITS THAT YOU'RE MOVING IN TO
25 OPPOSING COUNSEL AND THE COURT? HOPEFULLY YOU CAN ALL
26 COME TO AN AGREEMENT. FAILING THAT, I'LL COME TO A
27 DECISION.

03:56:42

28 AND THEN LASTLY, BASED ON WHAT YOU HEARD

1 BOTH TODAY AND ANTICIPATE FOR TOMORROW, ARE YOU
2 EXPECTING A REBUTTAL CASE?

03:56:50 3 MS. HAMILL: NO, YOUR HONOR.

03:56:51 4 THE COURT: OKAY. SO WE'LL LIKELY COMPLETE
5 ALL THE EVIDENCE TOMORROW AFTERNOON. AND THE PARTIES,
6 HAVE THEY MET AND CONFERRED ABOUT WHETHER TO HAVE
7 CLOSING ARGUMENT AFTER YOU'VE HAD POST-TRIAL BRIEFING?

03:57:09 8 MS. HAMILL: YES.

03:57:09 9 THE COURT: AND WHAT'S YOUR CONSENSUS?

03:57:12 10 MS. HAMILL: WE AGREED TO DO THAT.

03:57:13 11 THE COURT: TOMORROW WE'LL TALK ABOUT A
12 PARTICULAR SCHEDULE. YOU CONSULTED WITH THE REPORTER
13 ABOUT WHEN A TRANSCRIPT MIGHT BE AVAILABLE; RIGHT?

03:57:21 14 MR. RAYGOR: OKAY.

03:57:22 15 MS. ALTER: YOUR HONOR, IF IT WOULD BE
16 HELPFUL, IF THERE'S A WAY YOU'D LIKE TO DO IT, WITH
17 PLAINTIFF FILING AN INITIAL BRIEF, US RESPONDING, WE
18 MAY BE ABLE TO MEET AND CONFER AND GIVE YOUR HONOR
19 SOME DATES, IF THAT WOULD BE EASIER.

03:57:35 20 THE COURT: TYPICALLY, ONCE WE HAVE A
21 TRANSCRIPT, I GIVE THE PARTIES "X" NUMBER OF DAYS OR
22 WEEKS TO GIVE SIMULTANEOUS CLOSING BRIEFS, AND USUALLY
23 I GIVE A PAGE LIMIT. AND THEN WE SET A DATE FOR
24 CLOSING ARGUMENT, ORAL ARGUMENT, AFTER I'VE HAD A
25 CHANCE TO READ THE RESPECTIVE BRIEFS.

03:57:52 26 SO THAT'S THE USUAL PROCEDURE. YOU CAN
27 REFLECT ON THAT.

03:57:56 28 MS. HAMILL: THANK YOU, YOUR HONOR.

03:57:57 1 MS. ALTER: THANK YOU.

03:57:58 2 MR. RAYGOR: THANK YOU.

03:57:59 3 THE COURT: WE'LL BE ADJOURNED UNTIL
4 TOMORROW AT 1:30.

03:58:06 5 THE REPORTER: THANK YOU, YOUR HONOR.

03:58:22 6 (THE PROCEEDINGS ADJOURNED AT 3:58 P.M.)

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