

01:32:06 1 THURSDAY, OCTOBER 19, 2023; 1:32 P.M.

01:32:12 2

01:32:12 3 PROCEEDINGS

01:32:18 4 THE COURT: ALL RIGHT. WE'RE ON THE RECORD.

5 THE PARTIES ARE PRESENT. WE ARE IN THE DEFENSE CASE.

01:32:23 6 PLEASE CALL YOUR NEXT WITNESS.

01:32:25 7 MR. RAYGOR: ERICA LESPRON.

01:32:27 8 THE COURT: STEP FORWARD AND BE SWORN.

01:32:36 9 THE JUDICIAL ASSISTANT: IF YOU CAN JUST

10 STAND RIGHT HERE BEHIND THE COURT REPORTER. FACE THE

11 CLERK AND RAISE YOUR RIGHT-HAND.

01:32:41 12 THE CLERK: DO YOU SOLEMNLY STATE THAT THE

13 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE

14 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND

15 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

01:32:51 16 THE WITNESS: I DO.

01:32:52 17 THE CLERK: PLEASE HAVE A SEAT IN THE

18 WITNESS STAND. PLEASE STATE AND SPELL YOUR FIRST AND

19 LAST NAME FOR THE RECORD.

01:32:58 20 THE WITNESS: YES. ERICA LESPRON. ERI C.

21 A. LES PR O N.

01:33:05 22 THE CLERK: THANK YOU.

01:33:05 23 THE COURT: OKAY. WE HAVE OLD TECHNOLOGY,

24 SO SLIDE YOUR CHAIR AS CLOSE TO THE MICROPHONE AS YOU

25 CAN AND DO YOUR BEST TO SPEAK UP AND RIGHT INTO THE

26 MICROPHONE. OKAY?

01:33:15 27 THE WITNESS: OKAY.

01:33:16 28 THE COURT: THAT'S BETTER. THANK YOU.

01:33:18 1 ALL RIGHT. YOU MAY INQUIRE.

01:33:20 2

01:33:21 3 DIRECT EXAMINATION

01:33:21 4 Q. (BY MR. RAYGOR) GOOD MORNING (SIC).

01:33:23 5 JUST SOME BACKGROUND MATERIAL. DO YOU HAVE
6 A COLLEGE DEGREE?

01:33:25 7 A. YES.

01:33:25 8 Q. FROM WHERE?

01:33:27 9 A. WHITTIER COLLEGE.

01:33:27 10 Q. WHEN?

01:33:28 11 A. IN 2015.

01:33:29 12 Q. AND WHAT WAS YOUR DEGREE IN?

01:33:31 13 A. KINESIOLOGY.

01:33:32 14 Q. OKAY. AND LET'S TALK ABOUT -- YOU'RE AN
15 EMPLOYEE OF THE DEPARTMENT OF PUBLIC HEALTH FOR
16 LOS ANGELES COUNTY; RIGHT?

01:33:39 17 A. YES.

01:33:40 18 Q. WHEN DID YOU START THAT?

01:33:41 19 A. IN FEBRUARY OF 2021.

01:33:43 20 Q. WHAT WAS YOUR JOB TITLE AT THAT TIME?

01:33:46 21 A. I WAS AN ADMINISTRATIVE AIDE.

01:33:49 22 Q. CAN YOU TELL ME AS AN ADMINISTRATIVE AIDE
23 JUST AN OVERVIEW OF WHAT YOUR JOB DUTIES WERE?

01:33:54 24 A. YES. SO I HANDLED OUR SOCIAL MEDIA ACCOUNT
25 POSTINGS ALONG WITH OTHER ADMINISTRATIVE DUTIES,
26 INVOICING, AND I WORKED WITH FRASER COMMUNICATIONS ON
27 SOCIAL MEDIA IDEAS AS WELL.

01:34:09 28 Q. AND WHO IS FRASER COMMUNICATIONS?

01:34:11 1 THAT'S F-R-A-S-E-R.

01:34:13 2 THE REPORTER: THANK YOU.

01:34:14 3 THE WITNESS: FRASER COMMUNICATIONS WAS A
4 CONSULTING COMPANY THAT ASSISTED WITH OUR SOCIAL MEDIA
5 DEVELOPMENT.

01:34:20 6 Q. (BY MR. RAYGOR) DID YOU DO ANYTHING TO
7 MONITOR SOCIAL MEDIA -- YOUR ACCOUNTS?

01:34:25 8 A. YES.

01:34:26 9 Q. WHAT DID THAT ENTAIL?

01:34:28 10 A. I WOULD HAVE MY SCREENS OPEN FROM START TO
11 FINISH OF MY WORKDAY, AND I WOULD JUST LOOK ON
12 TWITTER, FACEBOOK, AND INSTAGRAM FOR ANYTHING.

01:34:40 13 Q. ARE THOSE THE THREE SOCIAL MEDIA ACCOUNTS OR
14 THE CHANNELS, LET'S SAY, TO WHICH YOU POSTED?

01:34:46 15 A. YES.

01:34:47 16 Q. FOR DHP?

01:34:48 17 A. YES.

01:34:50 18 Q. WHO DID YOU REPORT TO IN THAT ROLE?

01:34:52 19 A. I REPORTED TO BRETT MORROW.

01:34:55 20 Q. OKAY. ANYONE ELSE?

01:34:56 21 A. NO.

01:34:58 22 Q. ARE YOU PART OF A TEAM THAT REPORTS TO
23 BRETT MORROW?

01:35:02 24 A. YES.

01:35:03 25 Q. WHAT DO YOU CALL THE TEAM?

01:35:06 26 A. OFFICE OF COMMUNICATIONS.

01:35:07 27 Q. OKAY. ABOUT HOW MANY PEOPLE ARE ON THAT
28 TEAM TODAY?

01:35:11 1 A. TWELVE. ABOUT 12.

01:35:12 2 Q. AND CAN YOU THINK BACK TO WHEN YOU STARTED
3 IN FEBRUARY OF 2021, ABOUT HOW MANY PEOPLE?

01:35:20 4 A. SIX.

01:35:20 5 Q. OKAY. AND SOME POINT, DID YOU GET PROMOTED?

01:35:24 6 A. YES.

01:35:25 7 Q. TO WHAT?

01:35:26 8 A. PUBLIC INFORMATION ASSISTANT.

01:35:28 9 Q. WHEN DID THAT HAPPEN?

01:35:29 10 A. IN OCTOBER OF 2022.

01:35:32 11 Q. DID YOUR DUTIES CHANGE?

01:35:34 12 A. YES.

01:35:35 13 Q. CAN YOU JUST DESCRIBE FOR ME BRIEFLY HOW
14 THEY CHANGED?

01:35:38 15 A. YES. SO I STARTED TO ASSIST IN RESPONDING
16 TO DIRECT MESSAGES ON OUR SOCIAL MEDIA PLATFORMS.
17 I ASSISTED WITH INTERNAL COMMUNICATIONS AT DHP.
18 I HOSTED TELEBRIEFINGS, AND I WAS ALSO IN THE MEDIA
19 INBOX.

01:35:55 20 Q. WHAT DOES THAT MEAN, MEDIA INBOX?

01:35:58 21 A. IT'S WHERE MEDIA CAN SEND IN MEDIA INQUIRIES
22 AND WOULD ANSWER BACK TO THEM.

01:36:04 23 Q. SENT IN BY E-MAIL?

01:36:05 24 A. E-MAIL, YES.

01:36:06 25 Q. IS THAT THE MEDIA @PH DOT L.A. COUNTY .GOV
26 E-MAIL BOX?

01:36:11 27 A. YES.

01:36:12 28 Q. WHERE IS YOUR OFFICE PHYSICALLY?

01:36:15 1 A. WE'RE -- WE'RE IN DOWNTOWN LOS ANGELES AT
2 DPH'S MAIN HEADQUARTERS.

01:36:22 3 Q. AND IS YOUR COMMUNICATIONS GROUP ALL
4 GATHERED IN ONE PLACE?

01:36:25 5 A. YES.

01:36:25 6 Q. DO YOU SHARE THAT FLOOR WITH ANYBODY?

01:36:28 7 A. YES.

01:36:28 8 Q. WHO?

01:36:31 9 A. DHP EXECUTIVE AND DIRECTORS.

01:36:33 10 Q. CAN YOU NAME -- IS DR. FERRER'S OFFICES ON
11 THE SAME FLOOR AS YOURS?

01:36:39 12 A. YES.

01:36:39 13 Q. HOW ABOUT DR. DAVIS?

01:36:41 14 A. YES.

01:36:44 15 Q. SO YOU MENTIONED THAT YOU MONITOR AND
16 POST -- USED TO, ANYWAY -- MONITOR AND POST TO THREE
17 SOCIAL MEDIA ACCOUNTS; TWITTER, FACEBOOK, AND
18 INSTAGRAM; CORRECT?

01:36:55 19 A. YES.

01:36:57 20 Q. CAN YOU TELL ME ABOUT THE POSTING PROCESS.
21 HOW DID THAT COME ABOUT AS FAR AS YOUR DAY-TO-DAY JOB,
22 WHAT YOU DID?

01:37:07 23 A. YES. SO PROGRAMS OR OUR STAFF WOULD --
24 WOULD FIGURE OUT WHAT WE WANTED TO POST THAT DAY, AND
25 I WOULD JUST BE GIVEN THE CAPTION, THE GRAPHIC, AND
26 THEN ONCE IT WAS APPROVED, THEN I WOULD GO AHEAD AND
27 POST TO OUR SOCIAL MEDIA PLATFORMS.

01:37:30 28 Q. AND SO WOULD YOU DO THAT -- YOU WOULD POST

1 YOURSELF?

01:37:33 2 A. YES.

01:37:34 3 Q. YES? AND DID ANYBODY ELSE HELP POST?

01:37:37 4 A. IF I WAS OUT SICK OR IF I WAS ON VACATION.

01:37:41 5 Q. SOMEBODY WOULD FILL IN FOR YOU?

01:37:43 6 A. YES.

01:37:43 7 Q. WOULD THAT BE SOMEONE FROM THE

8 COMMUNICATIONS TEAM?

01:37:46 9 A. YES, OR FRASER COMMUNICATIONS.

01:37:51 10 THE COURT: CAN YOU ESTABLISH A TIME PERIOD,
11 PLEASE.

01:37:53 12 Q. (BY MR. RAYGOR) SURE. WHEN YOU WERE DOING
13 WHAT YOU JUST DESCRIBED, WHEN WAS THAT?

01:37:58 14 A. FROM 2021 WHEN I STARTED TO 2022.

01:38:03 15 Q. AND WHEN IN 2022?

01:38:07 16 A. THE END OF 2022, DECEMBER 2022.

01:38:11 17 Q. DID THAT CHANGE BECAUSE YOU THEN GOT
18 PROMOTED AT THE END OF 2022?

01:38:23 19 A. YES. I GOT PROMOTED.

01:38:25 20 THE COURT: WAIT. YOUR ANSWER WAS "YES" OR
21 "NO"? YOU GOT PROMOTED?

01:38:28 22 THE WITNESS: YES.

01:38:29 23 THE COURT: TO WHAT?

01:38:31 24 THE WITNESS: PUBLIC INFORMATION ASSISTANT.

01:38:35 25 THE COURT: OKAY.

01:38:42 26 Q. (BY MR. RAYGOR) SO WHEN YOU WERE AN
27 ADMINISTRATIVE AIDE AND DOING A LOT OF THE POSTING,
28 IT APPEARS TO HAVE BEEN DURING WHAT WE MIGHT CALL

1 THE HEIGHT OF THE PANDEMIC. DOES THAT SOUND RIGHT?

01:38:53 2 A. YES.

01:38:53 3 Q. SO 2020, 2021, 2022?

01:38:56 4 A. YES.

01:38:57 5 MS. HAMILL: OBJECTION. OBJECTION TO THE
6 CHARACTERIZATION OF THE HEIGHT OF THE PANDEMIC.

01:39:03 7 THE COURT: WELL, I'LL OVERRULE THAT
8 OBJECTION.

01:39:07 9 WERE YOU EMPLOYED THERE IN 2020?

01:39:10 10 THE WITNESS: NO.

01:39:10 11 THE COURT: OKAY. SO YOU WERE WORKING THERE
12 IN 2021 AND 2022; YES?

01:39:16 13 THE WITNESS: YES.

01:39:17 14 THE COURT: OKAY.

01:39:18 15 Q. (BY MR. RAYGOR) FORGIVE ME FOR THAT. I
16 SHOULD NOT HAVE INCLUDED 2020.

01:39:21 17 SO DURING 2021 AND 2022, YOU WERE WORKING ON
18 DOING POSTS.

01:39:26 19 A. YES.

01:39:27 20 Q. DID THAT -- DID THAT JOB, AS FAR AS POSTING
21 ON FACEBOOK, TWITTER, AND INSTAGRAM, CHANGE AT ALL
22 DURING THOSE TWO YEARS, 2021, 2022, AS A RESULT OF THE
23 PANDEMIC?

01:39:41 24 A. YES. ALL THREE OF OUR SOCIAL MEDIA
25 PLATFORMS BECAME A VERY TOXIC ENVIRONMENT. WE WERE
26 FINDING THAT IT WAS HARD FOR US TO SHARE OUT OUR
27 PUBLIC HEALTH MESSAGING TO THE COMMUNITY BECAUSE ANY
28 POST THAT WE WOULD SHARE OUT, WHETHER IT WAS COVID OR

1 NON-COVID, WOULD GET INUNDATED BY NEGATIVE, MEAN
2 COMMENTS THAT WERE EITHER DIRECTED TO US OR TO PEOPLE
3 IN OUR COMMENTS SECTION.

01:40:10 4 Q. AND HOW DID YOU KNOW THAT?

01:40:12 5 A. I WOULD SEE IT WHEN I WOULD POST -- AFTER
6 POSTING ONTO OUR SOCIAL MEDIA PLATFORMS.

01:40:18 7 Q. IS THAT PART OF WHAT YOU DESCRIBED EARLIER
8 WHEN YOU SAID PART OF YOUR JOB WAS TO MONITOR THE
9 SOCIAL MEDIA ACCOUNTS AND YOU SAID YOU KEPT THE
10 SCREENS OPEN ALL DAY?

01:40:26 11 A. YES, I WOULD KEEP THEM ON A TAB, THREE
12 SEPARATE TABS EVERY DAY.

01:40:31 13 Q. AT SOME POINT -- SO WHEN YOU FIRST STARTED
14 AT DHP IN THIS ROLE AS ADMINISTRATIVE AIDE, WERE
15 COMMENTS OPEN FROM THE PUBLIC IN RESPONSE TO -- WHEN
16 I SAY DHP, YOU UNDERSTAND I MEAN DEPARTMENT OF PUBLIC
17 HEALTH?

01:40:47 18 A. YES.

01:40:47 19 Q. IF I ALSO SOMETIMES JUST SAY DEPARTMENT, DO
20 YOU UNDERSTAND THE SAME THING?

01:40:51 21 A. YES.

01:40:52 22 Q. OKAY. SO WHEN YOU FIRST STARTED -- I'LL GO
23 BACK.

01:40:56 24 WHEN YOU FIRST STARTED YOUR JOB AT THE
25 DEPARTMENT, WERE PUBLIC COMMENTS OPEN SO THAT PEOPLE
26 COULD RESPOND TO AND TALK ABOUT POSTS FROM THE
27 DEPARTMENT?

01:41:09 28 A. YES.

01:41:10 1 Q. AT SOME POINT DID THAT CHANGE?

01:41:12 2 A. YES.

01:41:12 3 Q. ABOUT WHEN?

01:41:13 4 A. IN JULY OF 2022.

01:41:18 5 Q. CAN YOU JUST TELL ME A LITTLE BIT ABOUT HOW
6 THAT HAPPENED.

01:41:22 7 A. YES. SO OUR -- I AND OUR COMMUNICATIONS
8 TEAM DECIDED TO CLOSE PUBLIC COMMENTS IN LATE JULY OF
9 2022, BUT WE MADE THE NOTE THAT WE WERE GOING TO KEEP
10 COMMENTS OPEN FOR TOWN HALL EVENTS. AND WE WERE ALSO
11 GOING TO STILL ALLOW NONVERBAL REACTIONS.

01:41:43 12 Q. WHAT DO YOU MEAN BY NONVERBAL REACTIONS?

01:41:47 13 A. SO NONVERBAL REACTIONS ARE ANOTHER WAY THAT
14 YOU CAN INTERACT WITH THE POST. SO FOR EXAMPLE,
15 TWITTER AND INSTAGRAM HAVE A HARD, WHAT YOU CALL HEART
16 EMOJI WHICH IS ALSO KNOWN AS A NONVERBAL REACTION. IF
17 YOU LIKE A POST, YOU CAN HIT THAT HEART EMOJI.

01:42:06 18 FOR FACEBOOK, HOWEVER, THEY ALLOW MULTIPLE
19 NONVERBAL REACTIONS. YOU CAN POST A THUMBS UP, THUMBS
20 DOWN, SMILEY FACE, FIRE EMOJI. MULTIPLE NONVERBAL
21 REACTIONS.

01:42:17 22 Q. AT THAT TIME, WERE YOU RE -- AT THAT TIME,
23 MEANING AFTER JULY OF 2022, WERE YOU RESPONSIBLE FOR
24 OPENING AND CLOSING COMMENTS IN CONNECTION WITH TOWN
25 HALL --

01:42:26 26 A. NO.

01:42:26 27 Q. -- EVENTS?

01:42:28 28 IT WAS SOMEBODY ELSE?

01:42:29 1 A. YES.

01:42:31 2 Q. WHY WERE COMMENTS -- DO YOU KNOW WHY
3 COMMENTS WERE CLOSED IN LATE JULY 2022?

01:42:37 4 A. YES.

01:42:37 5 Q. WHY?

01:42:39 6 A. AGAIN, OUR PUBLIC HEALTH SOCIAL MEDIA
7 PLATFORMS JUST BECAME A VERY TOXIC ENVIRONMENT, AND WE
8 FOUND THAT THERE WAS A LOT OF NEGATIVE INTERFERENCE
9 WITH US TRYING TO SHARE OUT OUR PUBLIC HEALTH
10 MESSAGING. PEOPLE WERE JUST BEING REALLY MEAN IN THE
11 COMMENTS. THEY WERE GOING BACK AND FORTH. WE EVEN
12 HAD SOME DHP EMPLOYEES REACH OUT TO US AND ASK US IF
13 WE CAN SHUT THE COMMENTS OFF JUST BECAUSE THEY FELT
14 THAT OUR PUBLIC HEALTH MESSAGING WAS JUST GETTING
15 DROWNED OUT.

01:43:14 16 WE ALSO RECEIVED QUESTIONS FROM CONSTITUENTS
17 AS WELL BECAUSE THEY WERE JUST SO TIRED OF SEEING THE
18 NEGATIVE COMMENTS AND BACK AND FORTH.

01:43:22 19 Q. WHEN YOU SAY CONSTITUENTS, DO YOU MEAN
20 RESIDENTS?

01:43:26 21 A. RESIDENTS, YES.

01:43:28 22 Q. AND WHO WAS -- COULD YOU TELL FROM
23 MONITORING THOSE THREE ACCOUNTS -- DID YOU MONITOR
24 COMMENTS, THEN, TOO?

01:43:34 25 A. I DIDN'T NECESSARILY GO THROUGH EACH AND
26 EVERY COMMENT, NO.

01:43:38 27 Q. DID YOU LOOK AT THEM FAIRY OFTEN?

01:43:40 28 A. YES.

01:43:42 1 Q. DID YOU NOTICE THAT WHEN YOU DESCRIBED THIS
2 TOXIC KIND OF ATMOSPHERE AND THE MEANNESS AND THE BACK
3 AND FORTH, NEGATIVE INTERFERENCE, THAT KIND OF THING,
4 WHO WAS DOING THAT?

01:43:54 5 A. IT WASN'T A SPECIFIC GROUP OF PEOPLE OR
6 PERSON. IT WAS JUST ALL OVER THE BOARD. PEOPLE WHO
7 ENJOYED WHATEVER PUBLIC HEALTH MESSAGING WE WERE
8 SHARING WOULD GET ATTACKED. PEOPLE WHO DISAGREED
9 WOULD GET ATTACKED. IT WAS JUST A LOT OF BACK AND
10 FORTH.

01:44:10 11 Q. YOU MENTIONED THAT SOME PEOPLE FROM DHP AND
12 ALSO CONSTITUENTS, YOU CALLED THEM, HAD REACHED OUT --
13 I DON'T WANT TO PUT WORDS IN YOUR MOUTH. THEY REACHED
14 OUT TO ASK WHAT?

01:44:21 15 A. THEY REACHED OUT TO ASK IF WE COULD PLEASE
16 CLOSE PUBLIC COMMENTS.

01:44:25 17 Q. WHEN DID THAT HAPPEN?

01:44:27 18 A. IN EARLY 2022.

01:44:29 19 Q. WAS ANY ACTION TAKEN AT THAT TIME TO EXPLORE
20 THAT?

01:44:34 21 A. SO I DID LET BRETT KNOW THAT WE RECEIVED
22 THESE COMMENTS -- OR THESE REQUESTS, AND WE DID HAVE
23 A SMALL DISCUSSION THAT IF THAT WAS A POSSIBILITY.
24 AND THAT HAPPENED BETWEEN MYSELF, BRETT, AND FRASER
25 COMMUNICATIONS.

01:44:49 26 Q. WAS THERE A PARTICULAR PERSON AT FRASER
27 COMMUNICATIONS?

01:44:53 28 A. YES.

01:44:53 1 Q. WHO WAS THAT?

01:44:54 2 A. MONIQUE.

01:44:55 3 Q. DO YOU KNOW MONIQUE'S LAST NAME?

01:44:57 4 A. CISNEROS.

01:44:59 5 Q. SO AT SOME POINT, PUBLIC COMMENTS WERE
6 CLOSED; RIGHT?

01:45:04 7 A. YES.

01:45:04 8 Q. AND SO BETWEEN THIS TIME FRAME IN EARLY 2022
9 WHEN YOU HAD DISCUSSIONS UNTIL THEY WERE DISCLOSED, I
10 THINK YOU SAID LATE JULY 2022, WAS THERE ONGOING
11 DISCUSSION ABOUT THAT SUBJECT OF CLOSING PUBLIC
12 COMMENTS?

01:45:18 13 A. I'M SORRY. CAN YOU REPEAT THE QUESTION?

01:45:20 14 Q. SURE.

01:45:21 15 I THINK YOU SAID THAT PEOPLE -- CERTAIN
16 PEOPLE FROM DHP HAD REACHED OUT AS WELL AS
17 CONSTITUENTS IN EARLY 2022. AND THEN BY LATE 2022,
18 THE COMMENTS WERE ACTUALLY CLOSED DOWN. IN THAT
19 INTERIM PERIOD, WERE THERE ONGOING DISCUSSIONS BETWEEN
20 YOU, MR. MORROW, AND FRASER COMMUNICATIONS ABOUT
21 POSSIBLY CLOSING PUBLIC COMMENTS?

01:45:44 22 MS. HAMILL: OBJECTION. LEADING.

01:45:46 23 THE COURT: OVERRULED. YOU MAY ANSWER.

01:45:47 24 THE WITNESS: YES.

01:45:49 25 Q. (BY MR. RAYGOR) AND WHAT WERE THOSE? CAN
26 YOU JUST DESCRIBE FOR ME, PLEASE, WHAT THOSE
27 CONVERSATIONS CONSISTED OF?

01:45:54 28 A. SO WE WOULD JUST TALK ABOUT -- WE ALL FELT

1 THE SAME WAY. WE WERE ALL JUST MENTALLY EXHAUSTED OF
2 HAVING TO SEE THESE COMMENTS ON OUR SOCIAL MEDIA
3 PLATFORMS, AND WE JUST WANTED TO GET OUR PUBLIC HEALTH
4 MESSAGE OUT ABOUT HOW TO PROTECT YOURSELF, ANY PUBLIC
5 HEALTH MESSAGING THAT WOULD HELP RESIDENTS IN ANY WAY.
6 AND WE WERE JUST EXTREMELY EXHAUSTED OF HAVING TO SEE
7 THESE ON OUR PLATFORMS.

01:46:22 8 AND THEN ONCE CONSTITUENTS AND DHP FELLOW
9 EMPLOYEES REACHED OUT TO US, THEN WE THOUGHT -- WE
10 STARTED TALKING ABOUT MAYBE IF THIS WAS A POSSIBILITY.

01:46:34 11 Q. AT SOME POINT, DID THE POSSIBILITY BECOME
12 MORE CONCRETE AS FAR AS DISCUSSIONS OF ACTUALLY TAKING
13 STEPS TO CLOSE DOWN PUBLIC COMMENTS?

01:46:42 14 A. YES.

01:46:42 15 Q. ABOUT WHEN?

01:46:43 16 A. IN LATE JULY OF 2022.

01:46:46 17 Q. AND WHO DID YOU HAVE THOSE DISCUSSIONS WITH?

01:46:50 18 A. IT WAS BETWEEN ME, BRETT, AND MONIQUE.

01:46:55 19 Q. DID BRETT MORROW, FOR EXAMPLE, TELL YOU WHY
20 THEY WERE THINKING OF ACTUALLY DOING IT THEN?

01:47:01 21 A. YES.

01:47:01 22 Q. WHY?

01:47:02 23 A. HE JUST TOLD US THAT HE -- WE WERE ALL JUST,
24 LIKE I SAID PREVIOUSLY, THAT WE WERE JUST TIRED OF
25 SEEING ALL THIS NEGATIVITY ON OUR SOCIAL MEDIA
26 PLATFORMS WHEN WE WERE JUST TRYING TO HELP SHARE OUR
27 PUBLIC HEALTH MESSAGING TO HELP RESIDENTS.

01:47:20 28 Q. DO YOU RECALL A SPECIFIC DATE WHEN COMMENTS

1 WERE CLOSED DOWN?

01:47:24 2 A. NOT SPECIFICALLY.

01:47:25 3 Q. DO YOU RECALL BEING ON AN E-MAIL

4 COMMUNICATION WITH MR. MORROW AND MS. CISNEROS ABOUT

5 THAT SUBJECT?

01:47:32 6 A. YES.

01:47:32 7 Q. CAN I ASK YOU TO LOOK AT EXHIBIT 55.

01:47:36 8 YOUR HONOR, MAY I COME AROUND AND HELP?

01:47:38 9 THE COURT: YES.

01:48:17 10 Q. (BY MR. RAYGOR) SO I WILL BE SHOWING YOU

11 AT VARIOUS POINTS TODAY DIFFERENT EXHIBITS, AND THEY

12 ARE IN THESE BINDERS BEHIND YOU, AND THEY'RE TABBED

13 ON THE SIDE. SO NO. 55?

01:48:33 14 THE COURT: MR. RAYGOR, LET ME INQUIRE. WE

15 HEARD NOW FROM TWO DEFENSE WITNESSES, DR. FERRER AND

16 MR. MORROW, ABOUT THE JULY EVENTS WHICH LED UP TO THE

17 CLOSING AND WHO MADE THE FINAL DECISION. IT APPEARS

18 IT IS GETTING CUMULATIVE.

01:48:48 19 MR. RAYGOR: I WAS JUST GOING TO SHOW HER

20 THIS ONE TO SEE IF THAT REFRESHED HER MEMORY ABOUT

21 WHEN THE DECISION WAS MADE.

01:48:53 22 THE COURT: OKAY. TO REFRESH HER MEMORY.

23 YOU MAY PROCEED.

01:48:57 24 Q. (BY MR. RAYGOR) COULD YOU JUST LOOK AT

25 THAT EXHIBIT 55. ARE YOU ON THOSE COMMUNICATIONS?

01:49:01 26 A. YES.

01:49:02 27 Q. DOES THAT REFRESH YOUR MEMORY AS TO WHEN THE

28 DECISION TO ACTUALLY CLOSE DOWN PUBLIC COMMENTS WAS

1 MADE?

01:49:07 2 A. YES.

01:49:08 3 Q. WHAT WAS THAT DATE?

01:49:09 4 A. JULY 29, 2022 AND JULY 30TH.

01:49:15 5 Q. THANK YOU.

01:49:23 6 DO YOU RECALL AT ABOUT THE SAME TIME, WAS
7 THERE ONGOING DISCUSSIONS WITHIN THE DEPARTMENT OF
8 PUBLIC HEALTH ABOUT POTENTIALLY ISSUING A NEW MASK
9 MANDATE?

01:49:32 10 A. YES.

01:49:32 11 Q. DID THE CLOSING OF PUBLIC COMMENTS IN YOUR
12 DISCUSSIONS WITH MONIQUE OR WITH MR. MORROW OR ANYBODY
13 ELSE HAVE ANYTHING TO DO WITH A POSSIBLE NEW MASK
14 MANDATE?

01:49:43 15 A. NO. AND THE -- THE POSSIBILITY OF A MASK
16 MANDATE, THAT WAS -- WE ALREADY -- PUBLIC HEALTH
17 ALREADY MENTIONED THAT WASN'T GOING TO HAPPEN BEFORE
18 WE EVEN SHUT COMMENTS, SO THEY HAD NOTHING TO DO WITH
19 EACH OTHER.

01:49:57 20 Q. INSTEAD OF CLOSING PUBLIC COMMENTS ON YOUR
21 SOCIAL MEDIA SITES, DID YOU EVER THINK ABOUT ANY
22 ALTERNATIVES TO THAT, SUCH AS JUST DELETING OR MUTING
23 OR HIDING COMMENTS?

01:50:10 24 A. NO.

01:50:10 25 Q. WHY NOT?

01:50:11 26 A. BECAUSE IT WOULD MAKE US LOOK -- IT WOULD
27 MAKE ME LOOK LIKE I WAS EDITING COMMENTS AND SILENCING
28 PARTICULAR PEOPLE, AND THAT WASN'T THE CASE.

01:50:22 1 Q. THAT WAS NOT SOMETHING YOU WANTED TO DO?

01:50:25 2 A. NO.

01:50:30 3 Q. SO LET'S TALK JUST ABOUT THE MECHANICS OF
4 ACTUALLY CLOSING PUBLIC COMMENTS FOR A FEW MINUTES.
5 ON TWITTER, HOW DO YOU GO ABOUT DOING THAT?

01:50:39 6 A. SO ON TWITTER, BEFORE YOU SHARE A TWEET, YOU
7 HAVE THE OPTION --

01:50:45 8 MS. HAMILL: OBJECTION. CALLS FOR EXPERT
9 TESTIMONY.

01:50:47 10 THE COURT: I'M INCLINED TO SUSTAIN THAT.
11 HOW IS THIS WITNESS QUALIFIED TO TESTIFY AS TO
12 TWITTER'S MECHANISMS FOR CLOSING ANY FEATURE OF THEIR
13 SOCIAL MEDIA PLATFORM?

01:51:00 14 MR. RAYGOR: I'LL LAY A FOUNDATION FOR IT
15 FIRST.

01:51:02 16 THE COURT: OKAY. YOU MAY DO SO.

01:51:04 17 MR. RAYGOR: OKAY.

01:51:05 18 Q. (BY MR. RAYGOR) SO YOU PHYSICALLY WERE
19 RESPONSIBLE FOR POSTING DHP POSTS, RIGHT, ON
20 TWITTER, INSTAGRAM AND FACEBOOK?

01:51:17 21 A. YES.

01:51:18 22 Q. AND DID YOU HAVE TO DO ANYTHING TO
23 PHYSICALLY TURN OFF COMMENTS AFTER JULY 29?

01:51:22 24 A. YES.

01:51:23 25 Q. WHAT DID YOU HAVE TO DO?

01:51:25 26 A. I HAD TO MANUALLY --

01:51:27 27 Q. SORRY. IF YOU CAN JUST TALK ABOUT TWITTER
28 FIRST.

01:51:30 1 A. SO FOR TWITTER, I HAD TO MANUALLY TURN OFF
2 THE ABILITY FOR PEOPLE TO COMMENT ON OUR TWEET BEFORE
3 POSTING IT ONTO OUR TWITTER PLATFORM.

01:51:40 4 Q. HOW ABOUT FOR FACEBOOK?

01:51:43 5 A. SO FOR FACEBOOK, ACTUALLY, YOU'RE NOT
6 ALLOWED TO MANUALLY TURN OFF COMMENTS BEFORE POSTING.
7 YOU CAN ONLY TURN OFF THE COMMENTS AFTER. SO I WOULD
8 HAVE TO SHARE THE SOCIAL MEDIA POSTS TO OUR FACEBOOK
9 FEED AND THEN GO BACK AND TURN OFF THE COMMENTS.

01:52:02 10 Q. AND HOW ABOUT INSTAGRAM?

01:52:03 11 A. INSTAGRAM, WE WERE ABLE TO PRESET A TURN OFF
12 COMMENTS OPTION BEFORE POSTING.

01:52:10 13 Q. DID THE SYSTEM -- SO DID YOU HAVE TO TURN
14 OFF COMMENTS MANUALLY ONE BY ONE FOR EACH POST?

01:52:18 15 A. YES.

01:52:18 16 Q. OKAY. AND WAS IT A PERFECT SYSTEM?

01:52:21 17 A. NO. IT WAS SOMETHING THAT I WAS LEARNING.
18 I DID, YOU KNOW, SOMETIMES MAKE MISTAKES. AND
19 WHENEVER I DID MAKE A MISTAKE, I WOULD FIX IT RIGHT
20 AWAY.

01:52:32 21 Q. AND WHEN YOU SAY FIX IT, WHAT DO YOU MEAN?

01:52:34 22 A. I WOULD, FOR AT LEAST FACEBOOK AND
23 INSTAGRAM, GO BACK, AND YOU HAVE THE ABILITY TO TURN
24 COMMENTS OFF EVEN AFTER YOU POST IT.

01:52:44 25 Q. AND IS IT SOMETHING DIFFERENT FOR TWITTER?

01:52:46 26 A. CORRECT. FOR TWITTER, IF YOU SHARE A TWEET
27 WITHOUT TURNING OFF PUBLIC COMMENTS, YOU CANNOT GO
28 BACK AND TURN THEM OFF MOVING FORWARD. WE JUST LEAVE

1 IT UP THERE.

01:52:57 2 Q. WHEN YOU DISCOVERED THAT COMMENTS HAD BEEN
3 LEFT ON WHEN YOU WENT BACK, AS I THINK YOU SAID, TO
4 FIX THAT, DID YOU EVER THEN TAKE -- SO YOU WOULD TURN
5 COMMENTS OFF AT THAT TIME IF YOU COULD?

01:53:08 6 A. YES.

01:53:09 7 Q. AND DID YOU THEN TAKE THE OPPORTUNITY TO
8 DELETE THE COMMENTS THAT HAD BEEN POSTED IN THE
9 MEANTIME?

01:53:14 10 A. NO.

01:53:14 11 Q. WHY?

01:53:16 12 A. BECAUSE AGAIN, IT WOULD LOOK LIKE I WAS
13 TRYING TO SILENCE A SPECIFIC PERSON OR GROUP, AND THAT
14 WASN'T THE CASE. WE JUST TURNED OFF COMMENTS TO NO
15 LONGER ALLOW NEW COMMENTS FROM COMING IN.

01:53:29 16 Q. DID YOU ENCOUNTER ANY OTHER PROBLEMS BECAUSE
17 OF THE NATURE OF THE TWITTER PLATFORM OR FACEBOOK OR
18 INSTAGRAM IN GETTING COMMENTS TO STAY SHUT OFF?

01:53:39 19 A. YES.

01:53:40 20 Q. CAN YOU GIVE ME SOME EXAMPLES?

01:53:43 21 A. SURE. ONE EXAMPLE WAS BOOSTING. SO WHEN
22 COMMENTS WERE SHUT OFF, I WOULD GO AHEAD AND, YOU
23 KNOW, POST TO OUR PLATFORMS. AND WHEN I WOULD GO TO
24 FACEBOOK, I WOULD SHARE THE POSTS, SUCCESSFULLY TURN
25 OFF COMMENTS. HOWEVER, IF WE WANTED TO BOOST A POST,
26 WE FOUND OUT EARLY ON THAT FACEBOOK'S SOFTWARE
27 ACTUALLY TURNS THE COMMENTS BACK ON THE POST WITHOUT
28 LETTING US KNOW. AND WE WOULD ONLY FIND THAT OUT IF

1 IT WAS FLAGGED BY SOMEBODY OR IF I SAW IT ON THE FEED.

01:54:20 2 Q. WHAT IS A BOOSTED POST?

01:54:22 3 A. SO BOOSTING IS FACEBOOK -- ON FACEBOOK THAT
4 IF YOU WANT TO REACH A WIDER AUDIENCE, YOU CAN GO
5 AHEAD AND PAY MONEY TO HAVE A SPECIFIC POST BOOSTED.
6 AND THEN THAT WOULD HIT A WIDER AUDIENCE.

01:54:42 7 Q. I'M GOING TO SHOW YOU A DIFFERENT EXHIBIT
8 BOOK. I'M GOING TO COME UP AND GET THAT FOR YOU.

01:55:15 9 COULD YOU PLEASE LOOK AT 284. LET ME KNOW
10 WHEN YOU'RE THERE.

01:55:32 11 A. I'M HERE.

01:55:37 12 Q. AND SO THE FIRST PAGE IS SOMETHING THAT'S
13 CALLED PAGE VAULT THAT CONTAINS VARIOUS DATA AS FAR AS
14 WHEN THIS WAS CAPTURED. IF YOU LOOK AT THE VERY
15 BOTTOM RIGHT-HAND CORNER, YOU'LL SEE PAGE NUMBERS, FOR
16 EXAMPLE, ON THIS IT WILL SAY EXHIBIT 284-1 AND THE
17 NEXT PAGE IS -2. SO LOOKING AT PAGE -2, WHAT AM I
18 LOOKING AT HERE?

01:56:16 19 A. TWITTER POST FROM AUGUST 23RD, 2022.

01:56:23 20 Q. I REALLY APOLOGIZE. I SAID 284. I MEANT
21 294.

01:56:29 22 A. 294.

01:56:36 23 Q. DO YOU SEE THE TAB? DO YOU HAVE IT? OKAY.

01:56:39 24 SO FOR 294, LOOK AT PAGE 294-TWO. WHAT IS
25 THIS?

01:56:44 26 A. SO THIS IS A PERFECT EXAMPLE. THIS WAS A
27 BOOSTED POST ON FACEBOOK.

01:56:50 28 Q. AND DOES IT SHOW THAT COMMENTS HAD BEEN LEFT

1 ON?

01:56:53 2 A. YES.

01:56:55 3 Q. AND WHAT WAS THE DATE FOR THIS POST?

01:56:59 4 A. OCTOBER 10, 2022.

01:57:01 5 Q. OKAY. COULD YOU THEN TURN TO 295-TWO. IS
6 THIS THE SAME POST?

01:57:14 7 A. YES.

01:57:15 8 Q. AND IS THIS ON A DIFFERENT PLATFORM?

01:57:17 9 A. YES, ON TWITTER.

01:57:18 10 Q. OKAY. AND IS THE DATE THE SAME, OCTOBER 10,
11 2022?

01:57:22 12 A. YES.

01:57:23 13 Q. IS THIS ONE ON TWITTER SHOW THAT COMMENTS
14 ALSO WERE LEFT OPEN?

01:57:27 15 A. NO.

01:57:29 16 Q. TURN TO 297, PLEASE. SORRY, NOT 297, 296.
17 IS THIS THE SAME POST?

01:57:40 18 A. YES.

01:57:41 19 Q. AND IT'S A BOOSTED POST?

01:57:43 20 A. THIS ONE'S NOT A BOOSTED POST. IT'S ON
21 INSTAGRAM.

01:57:47 22 Q. IT'S BOOSTED ONLY ON FACEBOOK?

01:57:49 23 A. YES.

01:57:49 24 Q. SO DOES THIS ONE HAVE COMMENTS SHUT OFF?

01:57:54 25 A. YES.

01:57:57 26 Q. AND IS THIS ALSO, IF YOU LOOK AT
27 PAGE 296-SIX, IS THIS ONE ALSO DATED OCTOBER 10, 2023?

01:58:06 28 A. YOU SAID 296?

01:58:08 1 Q. YES. 296-SIX, PAGE 6.

01:58:11 2 A. YES, OCTOBER 10.

01:58:13 3 Q. SO OF THESE THREE, THE ONLY ONE WHERE
4 COMMENTS HAVE BEEN LEFT ON WAS FACEBOOK; CORRECT?

01:58:19 5 A. YES, BECAUSE IT WAS A BOOSTED POST. SO EVEN
6 THOUGH I SUCCESSFULLY TURNED OFF THE COMMENTS ON
7 FACEBOOK, WHEN IT WAS THEN BOOSTED, COMMENTS WERE
8 TURNED BACK ON AND WE WEREN'T AWARE OF THAT <!0>

01:58:39 9 Q. TURN TO EXHIBIT 300. AND I'M GOING TO TRY
10 TO DO THIS MORE QUICKLY BECAUSE IT'S GOING TO BE THE
11 SAME KIND OF SERIES. OKAY?

01:58:49 12 IF'S YOU LOOK AT 300, 301, AND 302, CAN YOU
13 JUST CONFIRM FIRST THAT WHAT THEY SHOW IS THE SAME
14 POST ON FACEBOOK, TWITTER, AND INSTAGRAM RESPECTIVELY?

01:59:06 15 A. YES.

01:59:08 16 Q. AND OF THE THREE, WHERE -- FIRST OF ALL,
17 LOOK AT 300, EXHIBIT 300. IS THIS ANOTHER BOOSTED
18 POST?

01:59:16 19 A. YES, BECAUSE IT WAS PART OF A CAMPAIGN THAT
20 WE WERE RUNNING.

01:59:19 21 Q. SO OF THE THREE, IS ONLY THE FACEBOOK POST
22 HAVE COMMENTS OPEN?

01:59:23 23 A. YES.

01:59:25 24 Q. AND THE SAME POST AT THE SAME DAY ON THE
25 OTHER TWO PLATFORMS, TWITTER AND, YOU KNOW, DID NOT
26 HAVE COMMENTS; CORRECT?

01:59:32 27 A. CORRECT.

01:59:32 28 Q. SO PLEASE LOOK AT NOW 303, 304, AND 305. IS

1 THIS THE SAME POST POSTED ON FACEBOOK, TWITTER, AND
2 INSTAGRAM?

01:59:51 3 A. YES.

01:59:51 4 Q. AND LOOKING AT 303, IS THIS ANOTHER FACEBOOK
5 BYE?

01:59:57 6 A. YES, BECAUSE IT WAS PART OF THE CAMPAIGN WE
7 WERE RUNNING.

02:00:00 8 Q. AGAIN, ARE THE COMMENTS ONLY OPEN ON THE
9 FACEBOOK PLATFORM?

02:00:07 10 A. YES.

02:00:10 11 Q. OKAY. TWO MORE EXAMPLES, AND WE'RE DONE
12 WITH THIS.

02:00:14 13 LOOK AT EXHIBITS 306, 307, AND 308. IS THIS
14 THE SAME POST ON FACEBOOK, TWITTER, AND INSTAGRAM
15 OCTOBER 25, 2022?

02:00:33 16 A. YES.

02:00:36 17 Q. GOING BACK TO 306, IS THAT A BOOSTED POST ON
18 FACEBOOK?

02:00:44 19 A. YES, IT WAS PART OF A CAMPAIGN WE WERE
20 RUNNING.

02:00:46 21 Q. OF THE EXHIBITS 306, 307, AND 308, LOOKING
22 AT THOSE, IS THE ONLY ONE WHERE COMMENTS ARE OPEN ON
23 FACEBOOK AND THEY'RE NOT ON TWITTER AND INSTAGRAM?

02:01:06 24 A. CORRECT.

02:01:07 25 Q. AND ONE MORE HERE, ONE MORE TRIPLET. PLEASE
26 LOOK AT EXHIBITS 312, 313, AND 314. IS THIS THE SAME
27 OCTOBER 28, 2022 POST ON ALL THREE PLATFORMS?

02:01:30 28 A. YES.

02:01:30 1 Q. AND LOOK AT THE FACEBOOK POST ON
2 EXHIBIT 312. IS THAT A BOOSTED POST?

02:01:36 3 A. YES. PART OF A CAMPAIGN WE WERE RUNNING AT
4 THE TIME.

02:01:40 5 Q. AND OF THE THREE COMMENTS ARE LEFT OPEN ONLY
6 ON THE FACEBOOK POST?

02:01:46 7 A. YES.

02:01:46 8 Q. NOT ON THE TWITTER OR INSTAGRAM?

02:01:49 9 A. CORRECT.

02:01:50 10 Q. DID YOU HAVE TO DO -- ONCE YOU DISCOVERED
11 THAT THIS WAS HAPPENING, WHAT DID YOU DO?

02:01:55 12 A. SO ONCE WE DISCOVERED THIS ISSUE, WE STOPPED
13 BOOSTING ENTIRELY. WE DIDN'T BOOST ANYMORE.

02:02:06 14 Q. DID YOU EVER DISCOVER ANY OTHER TECHNOLOGY
15 ISSUES THAT INTERFERED WITH YOUR ABILITY TO MAKE SURE
16 THAT A COMMENTS OFF SETTING WOULD STICK?

02:02:16 17 A. YES.

02:02:16 18 Q. CAN YOU DESCRIBE THAT FOR ME.

02:02:18 19 A. YES. SO META OWNS FACEBOOK AND INSTAGRAM,
20 AND IT OFFERS AN OPTION FOR YOU TO CROSS-POST ON THOSE
21 TWO PLATFORMS. SO WHAT WE WOULD DO IS, WE WOULD GO
22 ONTO INSTAGRAM, TURN OFF THE COMMENTS, AND POST ON THE
23 INSTAGRAM. AND YOU WERE ALSO ALLOWED TO PRESET A BIT,
24 AND THAT WOULD ALLOW YOU TO POST TO FACEBOOK AT THE
25 SAME TIME OF YOU POSTING ONTO INSTAGRAM. SO WHEN WE
26 WOULD TURN OFF THE COMMENTS ON INSTAGRAM, WE ASSUMED
27 THAT THE COMMENTS WOULD AUTOMATICALLY BE SHUT OFF ON
28 FACEBOOK SINCE WE TURNED THE COMMENTS OFF.

02:02:56 1 AND EARLY ON, WE FOUND OUT THAT THAT WASN'T
2 THE CASE. WE STILL HAD TO MANUALLY GO INTO FACEBOOK
3 AND TURN THEM OFF EVEN THOUGH WE CROSS-POSTED.

02:03:07 4 MS. HAMILL: BELATED OBJECTION. TO THE
5 EXTENT THIS WITNESS IS TALKING ABOUT GENERALLY HOW
6 TWITTER OPERATES, I OBJECT TO IMPROPER EXPERT WITNESS
7 TESTIMONY. BUT TO THE EXTENT SHE'S TALKING ABOUT HER
8 OWN OPINION, I HAVE NO OBJECTION.

02:03:19 9 THE COURT: WELL, THE OBJECTION'S OVERRULED.
10 SHE IN MY ESTIMATION DID NOT GIVE AN OPINION. SHE
11 GAVE HER PERCIPIENT KNOWLEDGE OF HER ACTIONS IN THIS
12 TIME PERIOD.

02:03:30 13 SO ONCE AGAIN, THE OBJECTION'S OVERRULED.

02:03:33 14 Q. (BY MR. RAYGOR) SO COULD YOU LOOK -- I
15 WILL DO SETS OF THREE AND DO THIS FOUR TIMES
16 HOPEFULLY VERY QUICKLY.

02:03:39 17 LOOK AT 283, 284, AND 285.

02:04:03 18 A. OKAY.

02:04:03 19 Q. IS THIS A BOOSTED POST?

02:04:05 20 A. NO.

02:04:05 21 THE COURT: WHICH ONE?

02:04:06 22 Q. (BY MR. RAYGOR) ON EXHIBIT 283 IS THE
23 FACEBOOK POST; RIGHT?

02:04:13 24 A. CORRECT.

02:04:13 25 Q. IS THAT A BOOSTED POST?

02:04:15 26 A. NO.

02:04:15 27 Q. SO IS IT THE SAME -- DO EXHIBITS 283, -84,
28 AND -85 SHOW THE SAME POST POSTED ON THREE DIFFERENT

1 PLATFORMS?

02:04:23 2 A. YES.

02:04:24 3 Q. AND IN ORDER, ARE THEY FACEBOOK, TWITTER,
4 AND INSTAGRAM?

02:04:30 5 A. FACEBOOK -- YES.

02:04:33 6 Q. AND WHICH ONE OF THOSE -- WHICH OF THOSE
7 THAT HAS COMMENTS OPEN?

02:04:39 8 A. FACEBOOK.

02:04:39 9 Q. AND NOT TWITTER AND INSTAGRAM?

02:04:42 10 A. CORRECT.

02:04:42 11 Q. SO DO YOU KNOW WHAT HAPPENED TO CAUSE THAT
12 IF THIS WASN'T A BOOSTED POST?

02:04:46 13 A. YES.

02:04:46 14 Q. WHAT?

02:04:47 15 A. SO IT WAS EITHER ONE, A HUMAN MISTAKE THAT I
16 PROBABLY MADE AND FORGOT TO TURN OFF THE COMMENTS, AND
17 TWO, I ACTUALLY MIGHT HAVE JUST CROSS-POSTED THIS
18 VIDEO SINCE IT WAS ACTUALLY A REEL ON INSTAGRAM AND
19 TURNED OFF THE COMMENTS ON INSTAGRAM BEFORE I KNEW
20 THAT WHEN YOU CROSS-POST IT TO FACEBOOK, YOU STILL HAD
21 TO MANUALLY TURN OFF THE COMMENTS ON FACEBOOK.

02:05:11 22 Q. WHEN YOU SAY IT WAS A REEL ON INSTAGRAM,
23 WHAT DO YOU MEAN?

02:05:14 24 A. JUST A VIDEO.

02:05:15 25 Q. COULD YOU LOOK AT THE NEXT THREE, ARE 286,
26 287, AND 288 EXHIBITS.

02:05:35 27 A. YOU SAID 286, 287...

02:05:37 28 Q. AND 288.

02:05:44 1 A. OKAY.

02:05:44 2 Q. DOES THIS SHOW THE SAME MONKEYPOX POST FROM
3 AUGUST 30, 2022, ACROSS FACEBOOK, TWITTER, AND
4 INSTAGRAM?

02:05:55 5 A. YES.

02:05:55 6 Q. AND A FACEBOOK POST WHICH WAS 286, WAS THAT
7 BOOSTED?

02:06:01 8 A. NO.

02:06:01 9 Q. ARE COMMENTS OPEN ON ANY OF THESE?

02:06:03 10 A. YES.

02:06:04 11 Q. WHICH?

02:06:06 12 A. FACEBOOK.

02:06:07 13 Q. AND NOT ON THE OTHER TWO?

02:06:09 14 A. CORRECT.

02:06:10 15 Q. SAME QUESTION: DO YOU HAVE AN EXPLANATION
16 FOR THAT?

02:06:13 17 A. YES. AS I MENTIONED BEFORE, I ACCIDENTALLY
18 PROBABLY LEFT THEM ON OR I CROSS-POSTED FROM INSTAGRAM
19 TO FACEBOOK.

02:06:21 20 Q. NOW, LOOK AT 289, 290, AND 2901. IS THIS A
21 SEPTEMBER 1, 2022 POST ABOUT TESTING AND VACCINES THAT
22 ARE ON FACEBOOK, TWITTER, AND INSTAGRAM, RESPECTIVELY?

02:06:45 23 A. YES.

02:06:47 24 Q. OKAY. ARE COMMENTS OPEN ON ONE OF THESE?

02:06:56 25 A. YES.

02:06:56 26 Q. WHICH ONE?

02:06:57 27 A. FACEBOOK.

02:06:58 28 Q. AND AS FAR AS AN EXPLANATION FOR THE

1 REASONS, SAME AS YOU STATED IN THE PRIOR TWO
2 INSTANCES?

02:07:03 3 A. YES.

02:07:06 4 Q. FINALLY, LAST SET HERE, 297, 298, AND 299.

02:07:19 5 IS THIS AN OCTOBER 13, 2022 POST -- THIS
6 BEING EXHIBIT 297 -- IS THAT AN OCTOBER 13, 2022 POST
7 ON FACEBOOK?

02:07:30 8 A. YES.

02:07:30 9 Q. AND IT WAS THE SAME POST, THEN, ON THE NEXT
10 TWO EXHIBITS ON TWITTER AND INSTAGRAM?

02:07:35 11 A. YES.

02:07:37 12 Q. DOES ONE OF THESE HAVE COMMENTS OPEN?

02:07:40 13 A. YES.

02:07:40 14 Q. WHICH ONE?

02:07:41 15 A. FACEBOOK.

02:07:43 16 Q. AND ARE THE REASONS THE SAME AS YOU
17 ARTICULATED FOR THE PRIOR THREE INSTANCES?

02:07:49 18 A. YES.

02:07:51 19 Q. DID YOU DO ANYTHING TO ADDRESS THIS GOING
20 FORWARD ONCE YOU DISCOVERED IT?

02:07:56 21 A. YES. WE STOPPED CROSS-POSTING ON INSTAGRAM
22 TO FACEBOOK. SO WE MADE IT A POINT -- I MADE IT A
23 POINT THAT I WOULD JUST POST MANUALLY ON TWITTER,
24 INSTAGRAM, AND FACEBOOK MANUALLY TO TURN OFF THE
25 COMMENTS.

02:08:10 26 Q. DO YOU HAVE THE ALLIANCE BOOK, THE ONE WE
27 HAD LOOKED AT UNDERNEATH THERE? I CAN COME UP AND
28 HELP. I'M GOING TO LOOK FOR EXHIBIT 47.

02:08:26 1 A. THIS ONE?

02:08:26 2 Q. I CAN GET IT.

02:09:03 3 IS THIS A DHP POST WE'RE LOOKING AT?

02:09:06 4 A. YES.

02:09:07 5 Q. ON WHICH PLATFORM?

02:09:10 6 A. TWITTER.

02:09:12 7 Q. AT THE BOTTOM, THERE IS SOMETHING THAT SAYS,
8 WHO CAN REPLY? AND UNDERNEATH THAT, IT SAYS PEOPLE @
9 L.A. PUBLIC HEALTH MENTIONED CAN REPLY.

02:09:31 10 WHAT DOES THAT REFER TO?

02:09:33 11 A. SO THAT BASICALLY MEANS THAT IF WE WERE TO
12 HAVE -- IF I WERE TO TAG SOMEBODY OR MENTION SOMEONE
13 IN THIS PLATFORM THAT HAS A TWITTER ACCOUNT, THEY
14 COULD LEAVE A COMMENT ON OUR ACCOUNT -- ON THE POST.

02:09:46 15 Q. WHEN YOU WERE FIRST POSTING AFTER THE PUBLIC
16 COMMENTS HAD BEEN TURNED OFF, DID YOU KNOW THERE THAT
17 MIGHT CREATE AN ISSUE?

02:09:54 18 A. NO.

02:09:55 19 Q. AT SOME POINT, DID YOU ADDRESS THAT GOING
20 FORWARD?

02:09:59 21 A. YES. WE STOPPED TAGGING ANY ACCOUNTS ON OUR
22 TWITTER POSTS SO THAT NO ONE WOULD BE ABLE TO COMMENT.

02:10:15 23 Q. SHIFTING GEARS FOR A MOMENT, DID YOU HAVE
24 ANY RESPONSIBILITY FOR DIRECT MESSAGES?

02:10:22 25 A. YES.

02:10:22 26 Q. IN WHAT REGARD?

02:10:23 27 A. I WOULD GO IN AND RESPOND BACK TO QUESTIONS
28 THAT WERE SENT IN TO US.

02:10:33 1 Q. WOULD YOU RESPOND PERSONALLY?

02:10:35 2 A. YES.

02:10:35 3 Q. AND WOULD YOU ALSO FORWARD THEM TO OTHER
4 PEOPLE TO RESPOND, IF APPROPRIATE?

02:10:39 5 A. NO.

02:10:40 6 Q. YOU DID IT YOURSELF?

02:10:41 7 A. I DID IT MYSELF.

02:10:42 8 Q. AT SOME POINT, DID YOU DISCOVER THAT YOU
9 MIGHT NOT BE SEEING ALL THE DIRECT MESSAGES COMING IN?

02:10:48 10 A. YES.

02:10:48 11 Q. AND HOW DID THAT HAPPEN?

02:10:50 12 A. SO SPECIFICALLY FOR TWITTER, TWITTER --
13 WE -- I JUST FOUND OUT A COUPLE MONTHS AGO THAT
14 TWITTER HAS A SPAM FILTER ON THE DIRECT MESSAGING
15 AREA, WHERE IF SOMEONE WERE TO SEND IN, LIKE, A SPAM
16 MESSAGE OR SOMETHING THAT CAN GO AGAINST TWITTER'S
17 POLICY, IT WOULD AUTOMATICALLY GET FILTERED, AND WE
18 WOULDN'T SEE IT. I WOULDN'T SEE IT AT ALL.

02:11:17 19 Q. SO ONCE YOU DISCOVERED THAT, WAS ANYTHING
20 DONE TO ADDRESS THAT ISSUE?

02:11:22 21 A. WELL, SO WHEN WE DISCOVERED THIS, I WENT
22 BACK INTO THE SOCIAL MEDIA MESSAGING THAT WE COULD
23 HAVE -- THAT WE DID MISS, AND I DID RESPOND BACK AND
24 ASK THOSE PEOPLE IF THEY HAD ANY PENDING QUESTIONS.

02:11:37 25 Q. AND JUST TO BE CLEAR, ARE DIRECT MESSAGES
26 POSTS FROM THE DEPARTMENT OF PUBLIC HEALTH?

02:11:45 27 A. NO. DIRECT MESSAGES ARE A ONE-ON-ONE
28 CONVERSATION BETWEEN MYSELF AND THE USER. IT'S

1 SIMILAR TO, LIKE, A TEXT MESSAGE.

02:11:54 2 Q. COULD YOU TURN -- SORRY, THE BOOK -- I'LL
3 COME UP.

02:12:21 4 COULD YOU TURN TO THE BOOK THAT'S IN FRONT
5 OF YOU, TO 325. AND WHEN YOU'RE THERE, PLEASE LOOK AT
6 325-THREE. ARE YOU THERE?

02:13:00 7 A. YES, I'M HERE.

02:13:03 8 Q. IS THIS THE DEPARTMENT'S FACEBOOK LANDING
9 PAGE?

02:13:06 10 A. YES.

02:13:07 11 Q. AND THE POSTS THAT YOU POST TO FACEBOOK,
12 WHERE WOULD THEY APPEAR ON THIS PAGE, IF YOU'RE A
13 USER?

02:13:15 14 A. IT WOULD APPEAR ON THE POST TAB ON THE FAR
15 LEFT CORNER.

02:13:19 16 Q. AND JUST CAN YOU EXPLAIN ON THE RECORD WHERE
17 THE POST TAB IS ON THE PAGE.

02:13:25 18 A. YES, ON THE LEFT-HAND CORNER RIGHT NEXT TO
19 ABOUT, RIGHT UNDER OUR HEADER.

02:13:34 20 Q. AND OKAY. SO POSTS. AND THEN TO THE RIGHT
21 OF THE WORD POST, THERE'S A WORD ABOUT?

02:13:40 22 A. YES.

02:13:43 23 Q. AND TO THE RIGHTS OF THAT IS REVIEWS?

02:13:45 24 A. YES.

02:13:45 25 Q. WHEN DID YOU FIRST NOTICE THAT THERE WAS A
26 REVIEWS TAB ON FACEBOOK?

02:13:49 27 A. I DIDN'T KNOW THERE WAS A REVIEWS TAB THAT
28 EXISTED UNTIL IT WAS BROUGHT UP IN THIS CASE.

02:13:57 1 Q. HAVE YOU SINCE LOOKED AT THAT AND SEE WHAT'S
2 UNDER IT?

02:14:00 3 A. YES. SO IT LOOKED LIKE IT WAS -- FACEBOOK
4 OFFERS THE ABILITY FOR PEOPLE TO MAYBE PAY OR POST
5 SPAM OR REVIEWS ON -- UNDER THE REVIEWS TAB. HOWEVER,
6 REVIEWS ARE NOT DHP POSTS.

02:14:24 7 Q. IF I -- ARE YOU FAMILIAR WITH AN ACCOUNT --
8 A TWITTER ACCOUNT THAT WENT BY THE HANDLE @ ALT
9 UNDERSCORE LACPH?

02:14:41 10 A. YES.

02:14:41 11 Q. WHEN DID YOU FIRST SEE IT?

02:14:45 12 A. IN AUGUST OF 2022.

02:14:50 13 Q. OKAY. AND WHAT DID YOU NOTICE ABOUT IT?

02:14:53 14 A. IT LOOKED LIKE OUR ACCOUNT. LOOKED LIKE A
15 FAKE DHP ACCOUNT, VERY SIMILAR TO OURS.

02:14:59 16 Q. WHAT WAS IT ABOUT IT THAT YOU RECALL, AS YOU
17 SIT HERE TODAY, THAT MADE YOU THINK IT LOOKED VERY
18 SIMILAR TO YOURS?

02:15:06 19 MS. HAMILL: OBJECTION. CUMULATIVE
20 TESTIMONY.

02:15:09 21 THE COURT: SEEMS SO, MR. RAYGOR. AND SHE'S
22 NOT THE DECISION MAKER. IT WAS EITHER MR. MORROW OR
23 DR. FERRER.

02:15:18 24 MR. RAYGOR: OKAY.

02:15:20 25 THE COURT: WE COVERED ALL THIS THROUGH
26 MORROW, WHO IS HER BOSS; RIGHT?

02:15:25 27 MR. RAYGOR: I WOULD LIKE TO FIND HER
28 IMPRESSIONS OF WHY SHE FELT IT IMPORTANT ENOUGH TO

1 REPORT IT TO MR. MORROW.

02:15:32 2 THE COURT: I DON'T THINK THAT'S RELEVANT,
3 AND IT IS CUMULATIVE.

02:15:39 4 Q. (BY MR. RAYGOR) AT SOME POINT, DID YOU
5 SHOW -- DID YOU REPORT IT TO MR. MORROW?

02:15:42 6 A. YES.

02:15:43 7 Q. AND WHAT DID HE ASK YOU TO DO?

02:15:45 8 A. HE ASKED ME TO FILE -- TO REPORT IT TO
9 TWITTER AND FILE AN IMPERSONATION REPORT.

02:15:53 10 Q. DID YOU DO THAT?

02:15:53 11 A. YES, AND I LEFT MY CONTACT INFORMATION ON
12 THERE SO THEY WOULD REACH OUT TO ME.

02:16:02 13 Q. DID YOU HAVE ANY MORE INVOLVEMENT WITH
14 TWITTER CONCERNING THAT ALT ACCOUNT?

02:16:09 15 A. NO.

02:16:10 16 Q. DID YOU EVER RECEIVE A NOTICE FROM TWITTER
17 CONCERNING IT?

02:16:13 18 A. YES.

02:16:13 19 Q. WHEN WAS THAT? DO YOU KNOW?

02:16:16 20 A. I CAN'T RECALL.

02:16:17 21 Q. COULD YOU GRAB THE BINDER?

02:16:19 22 THE COURT: DIDN'T WE COVER THIS WITH
23 MORROW, ALL THE E-MAILS AND HIS BACK AND FORTH WITH
24 TWITTER?

02:16:25 25 MR. RAYGOR: YES, BUT THERE'S ONE E-MAIL
26 THAT WAS JUST WITH MISS LESPRON, I WAS GOING TO HAVE
27 HER AUTHENTICATE.

02:16:31 28 THE COURT: WELL, LET'S SEE. WHAT EXHIBIT

1 IS IT, AND WE'LL SEE IF IT'S CUMULATIVE.

02:16:35 2 MR. RAYGOR: 21.

02:16:48 3 THE COURT: WHAT PAGE?

02:16:50 4 MR. RAYGOR: EIGHT.

02:17:12 5 THE COURT: ALL RIGHT. YOU MAY ASK HER
6 ABOUT THAT PAGE.

02:17:14 7 Q. (BY MR. RAYGOR) DO YOU HAVE EXHIBIT 21,
8 PAGE 8, IN FRONT OF YOU?

02:17:18 9 A. NO.

02:17:19 10 Q. IT'S THE BOOK THAT'S BEHIND YOU.

02:17:22 11 A. THIS ONE (INDICATING)?

02:17:26 12 THE COURT: DOES IT HAVE A 21 TAB?

02:17:29 13 THE WITNESS: NO. IT ONLY STARTS AT 45.

02:17:31 14 MR. RAYGOR: SORRY.

02:18:10 15 Q. (BY MR. RAYGOR) DO YOU SEE THAT
16 EXHIBIT 21-008?

02:18:16 17 A. YES.

02:18:18 18 Q. CAN YOU JUST DESCRIBE WHAT THAT IS.

02:18:23 19 A. SO THAT'S TWITTER SUPPORT E-MAILING ME,
20 LETTING US KNOW THAT THE ALT ACCOUNT WAS SUSPENDED DUE
21 TO VIOLATING THEIR RULES.

02:18:33 22 Q. APART FROM RECEIVING THAT -- MAKING THE
23 INITIAL PERSONAL -- OR SORRY, MAKING THE INITIAL
24 IMPERSONATION REPORT AND THEN RECEIVING THAT NOTE ON
25 AUGUST 23, DID YOU HAVE ANY OTHER INVOLVEMENT
26 PERSONALLY WITH THE ALT ACCOUNT?

02:18:46 27 A. NO.

02:18:47 28 Q. DO YOU KNOW WHO ADAM SCHIFF IS?

02:18:49 1 A. NO.

02:18:49 2 Q. DO YOU KNOW WHO PATRICK BOLAND IS?

02:18:52 3 A. NO.

02:18:58 4 Q. IN LEADING UP TO THE CLOSING OF PUBLIC
5 POLICY ON THE DEPARTMENT'S SOCIAL MEDIA POSTS, WERE
6 YOU PERSONALLY EVER TOLD TO LOOK FOR AND SHUT DOWN ANY
7 PARTICULAR PERSONS OR THEIR VIEWPOINTS OR OPINIONS?

02:19:13 8 A. NO.

02:19:14 9 Q. HOW ABOUT TO LOOK FOR AND CLOSE OFF ANY
10 PARTICULAR POLITICAL LINKS THAT WERE EXHIBITED?

02:19:21 11 A. NO.

02:19:22 12 Q. IN TALKING WITH YOUR COLLEAGUES AT THE
13 DEPARTMENT'S OFFICES, DID YOU EVER PERSONALLY HEAR
14 ANYBODY SUGGESTING THAT YOU DO THAT?

02:19:30 15 A. NO.

02:19:31 16 Q. WHEN YOU WERE POSTING TO TWITTER, FACEBOOK,
17 AND INSTAGRAM, DID YOU EVER LOOK FOR PARTICULAR VOICES
18 OR PEOPLE THAT YOU WANTED TO MAKE SURE WERE NOT HEARD?

02:19:41 19 A. NO.

02:19:41 20 Q. DID YOU EVER LOOK FOR PARTICULAR VOICES OR
21 PEOPLE OR OPINIONS OR STATEMENTS OR VIEWPOINTS THAT
22 YOU WANTED TO MAKE SURE THEY WERE HEARD BECAUSE THEY
23 WERE IN FAVOR OF WHAT DHP WAS DOING?

02:19:52 24 A. NO.

02:19:55 25 Q. HAVE YOU EVER HEARD FROM ANYONE THAT THE
26 INTENT BEHIND CLOSING PUBLIC COMMENTS WAS TO CLOSE OFF
27 THE VOICES FROM PARTICULAR PEOPLE OR STATEMENTS FROM
28 PARTICULAR PEOPLE?

02:20:03 1 MS. HAMILL: OBJECTION. RELEVANCE.

02:20:05 2 THE COURT: OVERRULED.

02:20:06 3 YOU MAY ANSWER.

02:20:07 4 THE WITNESS: NO.

02:20:16 5 Q. (BY MR. RAYGOR) DO YOU RECALL WHEN YOU
6 MADE THE IMPERSONATION REPORT ON THE ALT ACCOUNT?

02:20:21 7 A. IN AUGUST OF 2022.

02:20:23 8 Q. DO YOU KNOW IF IT WAS EARLY, MIDDLE, LATE?

02:20:27 9 A. IT WAS LIKE MID-AUGUST, MID -- MID LATE
10 AUGUST. I CAN'T REALLY RECALL.

02:20:32 11 Q. OKAY. ONE LAST THING. LAST NIGHT I ASKED
12 YOU TO SEE IF YOU COULD FIND A PARTICULAR VIDEO ON
13 YOUTUBE. DO YOU RECALL THAT?

02:20:46 14 A. YES.

02:20:46 15 Q. OKAY. AND THAT WAS FOR A JULY 13, 2022
16 LAC-USC MEDICAL CENTER VIDEO; RIGHT?

02:20:56 17 A. YES.

02:20:56 18 Q. DID YOU DO SO?

02:20:57 19 A. YES.

02:20:57 20 Q. WHAT DID YOU DO?

02:20:59 21 A. I JUST WENT TO GOOGLE AND I TYPED IN L.A.
22 COUNTY-USC VIRTUAL TOWN HALL EVENT. AND WHAT POPPED
23 UP WAS A TWITTER ACCOUNT. HIS NAME WAS PHIL, I
24 BELIEVE, AND IT WAS FROM -- I THINK IT WAS JULY 17TH,
25 AND IT HAD THE LAC-USC VIDEO ON ONE OF HIS POSTS ON
26 TWITTER. AND THE VIDEO ITSELF WAS ACTUALLY CUT DOWN
27 TO, LIKE, THREE-MINUTES, I THINK. AND IT OFFERED A
28 SOURCE LINK. SO I CLICKED ON THE SOURCE LINK WHICH

1 THEN TOOK ME TO L.A. COUNTY-USC YOUTUBE PAGE WHICH HAD
2 THE FULL VIDEO, WHICH IS LIKE 30-MINUTES LONG. AND
3 YEAH, THAT'S HOW I FOUND IT.

02:21:48 4 Q. DID I ASK YOU AS TO LOOK AT A PORTION OF IT?

02:21:50 5 A. YES.

02:21:51 6 Q. AND WHAT DID YOU SEE?

02:21:54 7 MS. HAMILL: OBJECTION. RELEVANCE?

02:21:56 8 THE COURT: OBJECTION?

02:21:56 9 MS. HAMILL: RELEVANCE.

02:21:58 10 THE COURT: RELEVANCE?

02:21:59 11 MR. RAYGOR: I WAS JUST -- I WANT -- I'LL
12 SKIP THAT QUESTION.

02:22:03 13 THE COURT: OKAY.

02:22:05 14 OBJECTION'S SUSTAINED.

02:22:08 15 Q. (BY MR. RAYGOR) DID ANYONE AT THE
16 DEPARTMENT OF PUBLIC HEALTH EVER ASK YOU TO DO
17 ANYTHING ABOUT TRYING TO TAKE DOWN THAT PARTICULAR
18 VIDEO?

02:22:14 19 A. NO. AND WE ACTUALLY DON'T EVEN HAVE
20 ACCESS --

02:22:18 21 THE COURT: WELL, YOU'VE ANSWERED THE
22 QUESTION. HE'LL FOLLOW-UP.

02:22:22 23 Q. (BY MR. RAYGOR) COULD YOU, IF YOU WANTED
24 TO?

02:22:23 25 A. NO.

02:22:24 26 Q. WHY?

02:22:24 27 A. WE DON'T HAVE ACCESS TO THEIR YOUTUBE
28 ACCOUNT. THAT'S MONITORED BY DHS.

02:22:31 1 Q. SO AS A PERSON WHO IS RESPONSIBLE FOR
2 POSTING AND MAKING SURE COMMENTS WERE CLOSED OFF, DID
3 YOU MAKE YOUR BEST EFFORTS AT ALL TIMES TO SIMPLY
4 CLOSE PUBLIC COMMENTS REGARDLESS OF WHO WAS SPEAKING
5 OR REGARDLESS OF WHAT WAS BEING SAID?

02:22:47 6 A. YES. I TRIED MY BEST EVERY TIME I CAME TO
7 WORK TO POST ON THESE PLATFORMS. I REALLY JUST WANTED
8 TO CREATE A SPACE ON OUR THREE SOCIAL MEDIA PLATFORMS
9 FOR US TO PUSH OUT PUBLIC HEALTH MESSAGING TO OUR
10 COMMUNITY WITHOUT HAVING ANY NEGATIVE INTERFERENCE
11 WITH THAT.

02:23:09 12 Q. SEVERAL INSTANCES WE DISCUSSED EARLIER WHERE
13 COMMENTS HAD NOT GOTTEN TURNED OFF, PARTICULARLY ON
14 FACEBOOK, TO WHAT DO YOU ATTRIBUTE THAT OVERALL?

02:23:22 15 A. HONESTLY, BASIC HUMAN ERROR AND ALSO
16 TECHNOLOGY, SOFTWARE TECHNOLOGY ON TWITTER, FACEBOOK,
17 AND INSTAGRAM THAT INTERFERED WITH US KEEPING PUBLIC
18 COMMENTS OFF.

02:23:35 19 MR. RAYGOR: I HAVE NOTHING FURTHER, YOUR
20 HONOR, FROM MS. LESPRON.

02:23:39 21 THE COURT: THANK YOU. CROSS-EXAMINATION.

02:23:40 22 MS. HAMILL: THANK YOU.

02:23:54 23
02:23:55 24 CROSS-EXAMINATION

02:23:56 25 Q. (BY MS. HAMILL) GOOD AFTERNOON,
26 MISS LESPRON. YOU TESTIFIED ON DIRECT THAT UP UNTIL
27 OCTOBER OF 20 -- OR BEGINNING IN OCTOBER OF 2022,
28 YOU BEGAN RESPONDING TO DIRECT MESSAGES. IS THAT

1 CORRECT?

02:24:10 2 A. NO.

02:24:11 3 Q. YOU SAID YOU ASSISTED IN RESPONDING TO
4 DIRECT MESSAGES ON SOCIAL MEDIA PLATFORMS. DID THAT
5 BEGIN IN OCTOBER OF 2022?

02:24:21 6 A. SORRY. YES.

02:24:22 7 Q. OKAY.

02:24:22 8 A. IT DID, SORRY.

02:24:23 9 Q. IT'S OKAY.

02:24:24 10 AND THEN WHO WAS DOING THAT BEFORE OCTOBER
11 OF 2022?

02:24:30 12 A. IT WAS MR. MORROW AND MONIQUE CISNEROS.

02:24:36 13 Q. THANK YOU.

02:24:39 14 AND BEFORE OCTOBER OF 2022, WHO WAS
15 RESPONDING TO THE MEDIA INQUIRIES?

02:24:45 16 A. I DON'T REMEMBER.

02:24:48 17 Q. DO YOU KNOW HOW TO MONITOR ENGAGEMENT ON
18 SOCIAL MEDIA?

02:24:52 19 A. DO I KNOW HOW TO...

02:24:55 20 YES.

02:24:55 21 Q. DO YOU LOOK AT ANALYTICS?

02:24:56 22 A. YES.

02:24:57 23 Q. DID YOU NOTICE THAT THE ENGAGEMENT ON THE
24 DEPARTMENT OF PUBLIC HEALTH'S POSTS DROPPED AFTER THE
25 PUBLIC COMMENTS WERE SHUT OFF?

02:25:05 26 A. I CAN'T RECALL.

02:25:10 27 Q. DID YOU EVER REPORT MEAN COMMENTS TO
28 TWITTER?

02:25:14 1 A. NO.

02:25:20 2 Q. AND YOU TESTIFIED ON DIRECT THAT YOU HAD
3 SOME PEOPLE FROM THE DEPARTMENT OF PUBLIC HEALTH REACH
4 OUT TO YOU AND ASK YOU IF YOU COULD SHUT OFF THE
5 COMMENTS. WHO WERE THOSE PEOPLE?

02:25:30 6 A. I CAN'T RECALL. THEY WERE JUST PUBLIC
7 HEALTH EMPLOYEES.

02:25:34 8 Q. WERE THEY FROM THE EXECUTIVE FLOOR WHERE THE
9 DIRECTORS AND EXECUTIVES WERE?

02:25:39 10 A. NO.

02:25:40 11 Q. IS THERE ANYTHING THAT WOULD REFRESH YOUR
12 MEMORY?

02:25:44 13 A. I CAN'T RECALL, NO.

02:25:46 14 Q. AND THEN YOU SAID THAT YOU LET BRETT KNOW
15 THAT YOU RECEIVED REQUESTS; CORRECT?

02:25:54 16 A. YES.

02:25:54 17 Q. AND YOU HAD A DISCUSSION OF WHETHER CLOSING
18 COMMENTS WAS A POSSIBILITY WITH BRETT AND FRASER
19 COMMUNICATIONS; CORRECT?

02:26:02 20 A. YES.

02:26:03 21 Q. CAN YOU REMEMBER WHAT WAS DISCUSSED DURING
22 THAT CONVERSATION?

02:26:06 23 A. JUST THE POSSIBILITY OF, IF THAT WAS AN
24 OPTION TO TURN OFF COMMENTS ON ALL PUBLIC PLATFORMS.

02:26:13 25 Q. DID YOU GUYS TALK ABOUT FREE SPEECH?

02:26:15 26 A. NO.

02:26:15 27 Q. DID YOU TALK ABOUT THE FIRST AMENDMENT?

02:26:18 28 A. NO.

02:26:22 1 Q. SINCE AUGUST 1 OF 2022, FOR HOW MANY POSTS
2 DID YOU MISTAKENLY LEAVE COMMENTS OPEN ON THE
3 DEPARTMENT OF PUBLIC HEALTH'S SOCIAL MEDIA SITES?

02:26:35 4 A. I CAN'T RECALL.

02:26:36 5 Q. AND YOU TESTIFIED ON DIRECT THAT YOU DIDN'T
6 DELETE COMMENTS UNDER TWEETS THAT YOU ACCIDENTALLY
7 LEFT COMMENTS OPEN ON, BUT YOU CAN'T DELETE SOMEONE
8 ELSE'S TWEET, CAN YOU?

02:26:47 9 A. I DIDN'T SAY THAT.

02:26:50 10 MS. HAMILL: IS IT POSSIBLE TO GET A
11 READBACK --

02:26:56 12 THE COURT: JUST ASK A DIRECT QUESTION.

02:26:57 13 MS. HAMILL: SURE.

02:26:59 14 Q. (BY MS. HAMILL) THERE WAS A QUESTION FROM
15 MR. RAYGOR WHERE HE ASKED IF YOU DELETED REPLIES
16 UNDER TWEETS WHERE THE COMMENTS HAD BEEN LEFT OPEN,
17 AND YOU SAID NO. CORRECT?

02:27:11 18 A. NO. THAT WAS FOR FACEBOOK.

02:27:14 19 Q. OKAY. CAN YOU DELETE SOMEONE ELSE'S
20 COMMENTS OR REPLIES ON FACEBOOK?

02:27:19 21 A. YOU CAN, BUT WE NEVER DID THAT.

02:27:21 22 Q. SO YOU CAN ACTUALLY DELETE SOMEONE ELSE'S
23 CONTENT ON FACEBOOK?

02:27:27 24 MR. RAYGOR: ASKED AND ANSWERED.

02:27:28 25 THE COURT: OVERRULED.

02:27:28 26 ANSWER. DO YOU KNOW THE QUESTION AT THIS
27 POINT?

02:27:30 28 THE WITNESS: NO.

02:27:31 1 THE COURT: ASK YOUR QUESTION AGAIN.

02:27:32 2 Q. (BY MS. HAMILL) DID YOU DELETE SOMEONE
3 ELSE'S COMMENTS OR REPLIES ON FACEBOOK?

02:27:35 4 A. I'M NOT SURE.

02:27:37 5 Q. CAN YOU DELETE SOMEONE ELSE'S COMMENTS OR
6 REPLIES ON TWITTER?

02:27:41 7 A. I'M NOT SURE.

02:27:44 8 Q. YOU CAN REPORT THEM; RIGHT?

02:27:48 9 A. YES.

02:27:49 10 Q. BUT YOU CAN'T DELETE THEM?

02:27:53 11 A. I'M NOT SURE.

02:27:56 12 Q. AND HOW DO YOU KNOW THAT BOOSTED POSTS ON
13 FACEBOOK AUTOMATICALLY OPEN COMMENTS?

02:28:02 14 A. BECAUSE WE HAD A THIRD-PARTY AGENCY CALLED
15 TEAM FRIDAY. THEY WERE BOOSTING OUR POSTS BECAUSE WE
16 HAD A CAMPAIGN GOING ON WITH THEM, AND WE NOTICED THAT
17 THE POSTS THAT WERE PART OF OUR CAMPAIGN THAT WERE
18 GETTING BOOSTED, COMMENTS WERE THEN REOPENED. THAT'S
19 HOW WE FIGURED IT OUT.

02:28:18 20 Q. SO ARE YOU CERTAIN THAT A BOOSTED POST
21 AUTOMATICALLY OPENS COMMENTS?

02:28:23 22 A. YES.

02:28:26 23 Q. AND YOU'VE LEFT COMMENTS OPEN ON TWEETS AS
24 WELL; CORRECT?

02:28:31 25 A. I CAN'T RECALL.

02:28:38 26 Q. ON DIRECT, YOU WERE TALKING ABOUT THE DIRECT
27 MESSAGES, AND YOU MENTIONED A SPAM FILTER; CORRECT?

02:28:45 28 A. YES.

02:28:45 1 Q. AND YOU SAID THAT ONCE YOU DISCOVERED THAT,
2 YOU WENT BACK AND RESPONDED. WHEN DID THAT HAPPEN?

02:28:53 3 A. I CAN'T RECALL.

02:28:54 4 Q. WAS IT WITHIN THE LAST THREE MONTHS?

02:28:57 5 A. NO.

02:28:57 6 Q. WAS IT WITHIN THE LAST SIX-MONTHS?

02:29:00 7 A. YES.

02:29:05 8 Q. DID YOU RESPOND TO EVERY DIRECT MESSAGE?

02:29:08 9 A. YES. WE RESPONDED TO THE DIRECT MESSAGE
10 THAT HAD QUESTIONS, YES.

02:29:14 11 Q. HOW MANY DID YOU RESPOND TO?

02:29:19 12 A. I WANT TO SAY BETWEEN 10, 20 QUESTIONS.

02:29:26 13 Q. AND DID YOU LOG IN -- WELL, LET'S GET
14 SPECIFIC WITH A TIMELINE HERE.

02:29:33 15 BACK IN AUGUST OF 2022, DID YOU LOG INTO THE
16 DEPARTMENT OF PUBLIC HEALTH TWITTER ACCOUNT USING
17 BRETT MORROW'S E-MAIL ACCOUNT?

02:29:45 18 A. NO.

02:29:45 19 Q. WHAT WAS THE USER NAME TO LOG INTO THAT
20 ACCOUNT?

02:29:49 21 A. THEIR GMAIL ACCOUNT, I BELIEVE.

02:29:52 22 Q. IT'S A GMAIL ACCOUNT?

02:29:54 23 A. I CAN'T RECALL.

02:29:54 24 Q. IT'S A GMAIL ACCOUNT?

02:29:56 25 A. NO. I CAN'T RECALL.

02:30:02 26 Q. IS THERE A TWITTER HANDLE CONNECTED TO YOUR
27 DEPARTMENT OF PUBLIC HEALTH E-MAIL ADDRESS?

02:30:12 28 A. I CAN'T RECALL.

02:30:13 1 Q. LET'S TAKE A LOOK AT THE EXHIBITS. I
2 BELIEVE IT'S EXHIBIT 21, PAGE 8.

02:30:40 3 A. IS IT IN THIS FOLDER?

02:30:42 4 Q. LET ME HELP YOU.

02:30:43 5 MAY I APPROACH THE WITNESS?

02:30:45 6 THE COURT: YES.

02:30:59 7 THE WITNESS: OKAY.

02:31:02 8 Q. (BY MS. HAMILL) DO YOU RECALL LOOKING AT
9 THIS EXHIBIT EARLIER?

02:31:04 10 A. YES.

02:31:05 11 Q. AND YOU MENTIONED THAT THIS IS AN E-MAIL
12 FROM TWITTER TO YOUR PUBLIC HEALTH E-MAIL ADDRESS
13 WHICH IS ELESPRON @PH DOT L.A. COUNTY .GOV; CORRECT?

02:31:22 14 A. YES.

02:31:22 15 Q. AND YOU SAID THAT YOU HAD REPORTED THE ALT
16 ACCOUNT; CORRECT?

02:31:26 17 A. YES.

02:31:26 18 Q. HOW DID YOU REPORT THE ALT ACCOUNT?

02:31:30 19 A. WE HAD TO GO ONTO TWITTER, AND TWITTER
20 ACTUALLY PROVIDED US A LINK TO REPORT THE ALT ACCOUNT.
21 AND SO WE WENT ON -- IT WAS A TWITTER WEB PAGE.

02:31:45 22 Q. OKAY. SO TWITTER PROVIDED YOU WITH A LINK.
23 YOU FOLLOWED THE LINK?

02:31:49 24 A. UH-HUH.

02:31:50 25 Q. AND YOU FILLED OUT A REPORT?

02:31:51 26 A. YES.

02:31:52 27 Q. SO IT WASN'T THE TYPICAL REPORT THAT A
28 NORMAL USER WOULD DO, BY CLICKING THOSE THREE DOTS --

02:32:12 1 THE REPORTER: EXCUSE ME. CAN YOU START
2 FROM "CLICKING THOSE THREE DOTS," PLEASE.

02:32:12 3 Q. (BY MS. HAMILL) TO REPORT A TWEET OR AN
4 ACCOUNT?

02:32:17 5 MR. RAYGOR: MY OBJECTION WAS -- I FORGOT MY
6 OBJECTION. I'LL WITHDRAW IT.

02:32:21 7 THE COURT: ALL RIGHT.

02:32:22 8 YOU MAY ANSWER THE QUESTION.

02:32:24 9 THE WITNESS: SORRY. CAN YOU REPEAT THE
10 QUESTION.

02:32:27 11 MS. HAMILL: CAN YOU READ IT BACK?

02:32:27 12 THE REPORTER: YES.

02:32:46 13 (THE RECORD WAS READ BY THE REPORTER.)

02:32:47 14 MR. RAYGOR: MY OBJECTION, FOR THE RECORD,
15 WAS SPECULATION AS TO NORMAL USER.

02:32:51 16 THE COURT: OVERRULED. AND YOU NOW MAY
17 ANSWER.

02:32:54 18 THE WITNESS: NO. WE JUST DIDN'T KNOW
19 WHERE -- EXACTLY WHERE TO REPORT THE ACCOUNT. SO I'M
20 NOT SURE ABOUT THE THREE DOTS.

02:33:01 21 Q. (BY MS. HAMILL) ARE YOU FAMILIAR WITH HOW
22 TO REPORT A TWEET OR AN ACCOUNT USING THOSE THREE
23 DOTS WITHIN THE APP?

02:33:07 24 A. NO.

02:33:07 25 Q. YOU SAID EARLIER THAT YOU'VE REPORTED
26 TWEETS; CORRECT?

02:33:14 27 MR. RAYGOR: MISCHARACTERIZES THE TESTIMONY.

02:33:16 28 THE COURT: OVERRULED.

02:33:16 1 DO YOU RECALL SAYING THAT?

02:33:18 2 THE WITNESS: NO.

02:33:19 3 Q. (BY MS. HAMILL) HAVE YOU EVER REPORTED A
4 TWEET?

02:33:22 5 A. NOT A TWEET BUT AN ACCOUNT.

02:33:24 6 Q. HAVE YOU EVER REPORTED ACCOUNTS ASIDE FROM
7 THE ALT ACCOUNT?

02:33:28 8 A. NO.

02:33:28 9 Q. SO THE ONLY THING YOU'VE EVER REPORTED ON
10 TWITTER IS THE ALT ACCOUNT?

02:33:33 11 A. YES.

02:33:33 12 Q. OKAY. SO YOU'VE BEEN WORKING IN THIS ROLE
13 MONITORING THE SOCIAL MEDIA FOR THE DEPARTMENT OF
14 PUBLIC HEALTH SINCE 2021?

02:33:53 15 A. YES.

02:33:53 16 Q. AND YOU SAID THAT THE TABS ARE UP AT ALL
17 TIMES, AND YOU'RE CONSTANTLY MONITORING. BUT YOU'VE
18 ONLY EVER REPORTED ONE ACCOUNT TO TWITTER?

02:34:02 19 A. YES.

02:34:02 20 Q. OKAY. WHY DID YOU FEEL THAT WAS IMPORTANT?

02:34:10 21 A. BECAUSE THAT ALT ACCOUNT LOOKED EXACTLY LIKE
22 OURS, AND I WAS SCARED THAT PEOPLE WERE GOING TO THINK
23 THAT THAT ACCOUNT WAS AFFILIATED WITH US. IT JUST
24 LOOKED EXACTLY LIKE OUR ACCOUNT.

02:34:21 25 Q. WERE YOU CONCERNED ABOUT WHAT YOU WERE
26 SEEING IN THE REPLIES TO THAT ACCOUNT?

02:34:25 27 A. NO.

02:34:26 28 Q. WERE YOU CONCERNED ABOUT THE CONTENT THAT

1 WAS BEING TWEETED BY THAT ACCOUNT?

02:34:31 2 A. NO.

02:34:36 3 Q. DID YOU TELL MR. MORROW THAT YOU RECEIVED
4 THIS E-MAIL MARKED AS EXHIBIT 21, PAGE 8?

02:34:42 5 A. YEAH, I SENT IT TO HIM.

02:34:44 6 Q. WHEN DID YOU SEND IT TO HIM?

02:34:45 7 A. THE DAY I GOT IT.

02:34:51 8 Q. DID THE DEPARTMENT OF PUBLIC HEALTH, TO YOUR
9 KNOWLEDGE, EVER RESPOND TO ANY COMMENTS ON TWITTER
10 CONTAINING MISINFORMATION WITH CORRECT DATA TO CORRECT
11 THAT MISINFORMATION?

02:35:03 12 MR. RAYGOR: OBJECTION. EXCEEDS SCOPE.

02:35:06 13 THE COURT: OVERRULED. BUT I'M NOT SURE I
14 UNDERSTAND THE QUESTION. PLEASE REPHRASE.

02:35:10 15 Q. (BY MS. HAMILL) THROUGHOUT THIS TRIAL,
16 WE'VE HEARD THAT THE DEPARTMENT OF PUBLIC HEALTH WAS
17 CONCERNED ABOUT MISINFORMATION BEING POSTED IN THE
18 COMMENTS SECTION OF THEIR TWITTER POSTS. AND SO I'M
19 WONDERING, IN YOUR EXPERIENCE, HAVE YOU EVER
20 RESPONDED TO ANY OF THAT MISINFORMATION WITH CORRECT
21 INFORMATION FROM THE DEPARTMENT OF PUBLIC HEALTH'S
22 TWITTER ACCOUNT?

02:35:32 23 A. IN THE COMMENTS SECTION?

02:35:33 24 Q. YES.

02:35:34 25 A. NO.

02:35:34 26 Q. WHY NOT?

02:35:36 27 A. I'M NOT A SUBJECT MATTER EXPERT.

02:35:41 28 Q. AND YOU MENTIONED THAT YOU DIDN'T KNOW ABOUT

1 THE REVIEWS TAB IN FACEBOOK UNTIL THIS CASE; CORRECT?

02:35:47 2 A. YES.

02:35:48 3 Q. AND YOU DIDN'T KNOW ABOUT THE UNANSWERED
4 DM'S UNTIL THIS CASE AS WELL; CORRECT?

02:35:53 5 A. YES.

02:36:01 6 Q. AND YOU WERE DISCUSSING THE L.A. COUNTY-USC
7 VIRTUAL TOWN HALL THAT MR. RAYGOR ASKED YOU TO LOOK
8 UP; CORRECT?

02:36:08 9 A. YES.

02:36:08 10 Q. CAN YOU TELL ME AGAIN WHAT YOU GOOGLED?

02:36:10 11 A. YES. I GOOGLED L.A. COUNTY-USC VIRTUAL TOWN
12 HALL.

02:36:15 13 Q. AND THAT TOOK YOU TO TWITTER?

02:36:17 14 A. NO. IT TOOK ME TO THE REGULAR GOOGLE
15 INTERFACE PAGE AFTER YOU PRESS SEARCH, AND A TWITTER
16 ACCOUNT POPPED UP.

02:36:26 17 Q. AND YOU SAID IT WAS BILL --

02:36:30 18 A. PHIL.

02:36:30 19 Q. PHIL CURPIN?

02:36:32 20 A. YES.

02:36:32 21 Q. IT WAS A PHIL CURPIN TWEET?

02:36:34 22 A. YES.

02:36:35 23 Q. CONTAINING THE VIDEO?

02:36:36 24 A. YES, BUT IT WAS SHORTENED.

02:36:39 25 Q. AND IT HAD A SOURCE LINK?

02:36:40 26 A. YES, UNDER THE VIDEO.

02:36:41 27 Q. FROM MR. CURPIN?

02:36:43 28 A. ON HIS POST ON TWITTER, YES.

02:36:44 1 Q. SO YOU CLICKED ON THE LINK WITHIN
2 MR. CURPIN'S POST, AND IT SHOWED YOU THE ACTUAL VIDEOS
3 ON YOUTUBE?

02:36:51 4 A. YES, ON L.A. COUNTY-USC'S YOUTUBE PAGE.

02:36:55 5 Q. ARE YOU FAMILIAR WITH THE CONCEPT OF AN
6 UNLISTED YOUTUBE VIDEO?

02:36:59 7 A. YES.

02:37:00 8 Q. WHAT DOES THAT MEAN TO YOU?

02:37:02 9 A. IT MEANS THAT NOT EVERYONE CAN SEE THAT
10 VIDEO.

02:37:05 11 Q. WHO CAN SEE THE VIDEO?

02:37:08 12 A. PEOPLE WHO HAVE THE LINK.

02:37:10 13 MS. HAMILL: I HAVE NO FURTHER QUESTIONS.

02:37:11 14 THE COURT: ANY REDIRECT?

02:37:12 15 MR. RAYGOR: NO, YOUR HONOR.

02:37:13 16 THE COURT: CAN WE EXCUSE THIS WITNESS?

02:37:15 17 MR. RAYGOR: YES.

02:37:15 18 THE COURT: THANK YOU FOR COMING IN. YOU
19 MAY STEP DOWN. YOU'RE EXCUSED.

02:37:19 20 THE WITNESS: DO YOU WANT ME TO PUT THESE
21 BACK?

02:37:21 22 THE COURT: YOU CAN JUST LEAVE THOSE THERE.
23 THEY'LL TAKE CARE OF THEM.

02:37:24 24 ANY OTHER WITNESSES FOR THE DEFENSE?

02:37:26 25 MR. RAYGOR: NO, YOUR HONOR.

02:37:27 26 THE COURT: ALL RIGHT. OTHER THAN EXHIBITS,
27 ARE YOU RESTING?

02:37:32 28 MR. RAYGOR: YES. YES, YOUR HONOR. OTHER

1 THAN EXHIBITS, WE ARE RESTING OUR CASE.

02:37:37 2 THE COURT: THANK YOU. ARE THERE TO BE ANY
3 REBUTTAL WITNESSES FOR ALLIANCE?

02:37:43 4 MS. HAMILL: NO, YOUR HONOR.

02:37:43 5 THE COURT: OTHER THAN EXHIBITS, THE
6 EVIDENCE IS CLOSED. WHAT IS THE STATUS OF THE
7 MEET-AND-CONFER EFFORTS BETWEEN THE PARTIES TO RESOLVE
8 WHAT EXHIBITS ARE EVIDENCE? I'LL START WITH
9 PLAINTIFF.

02:37:53 10 MS. HAMILL: I HAVE A REVISED EXHIBIT LIST
11 THAT I WOULD LIKE TO PROVIDE TO THE COURT. I'VE
12 ALREADY PROVIDED IT TO OPPOSING COUNSEL.

02:37:59 13 THE COURT: OKAY. THIS IS A LIST OF THE
14 EXHIBITS YOU'RE SEEKING TO HAVE ADMITTED INTO
15 EVIDENCE?

02:38:04 16 MS. HAMILL: YES, YOUR HONOR.

02:38:04 17 THE COURT: YOU MAY DO SO.

02:38:09 18 MS. HAMILL: DO YOU NEED A HARD COPY?

02:38:11 19 MR. RAYGOR: YES.

02:38:22 20 THE COURT: ALL RIGHT. MR. RAYGOR, DO YOU
21 HAVE A SIMILAR LIST?

02:38:29 22 MS. ALTER: YOUR HONOR, WE DO. WE SENT IT
23 TO MISS HAMILL ELECTRONICALLY. WE DO NOT HAVE A HARD
24 COPY.

02:38:35 25 THE COURT: WELL, THAT PUTS YOU AND ME AT A
26 DISADVANTAGE, BECAUSE HOW AM I SUPPOSED TO REVIEW
27 THAT?

02:38:41 28 MS. ALTER: THAT IS A VERY GOOD POINT.

02:38:43 1 MS. HAMILL: YOUR HONOR, I CAN MAKE IT EASY.
2 I DON'T HAVE ANY OBJECTIONS TO THEIR EVIDENCE, ASIDE
3 FROM THE ONE EXHIBIT THAT WAS EXCLUDED YESTERDAY
4 PURSUANT TO MY OBJECTION.

02:39:00 5 THE COURT: ALL RIGHT. BUT A NUMBER OF
6 EXHIBITS ARE LURKING IN THESE MULTIPLE VOLUMES, AND I
7 NEED TO KNOW WHICH ONES ARE SPECIFICALLY BEING OFFERED
8 BY THE DEFENSE THAT YOU HAVE NO OBJECTION TO.

02:39:15 9 ARE YOU ABLE TO PROVIDE ANY SORT OF A LIST,
10 MR. RAYGOR?

02:39:19 11 MR. RAYGOR: COULD GO WE GO OFF THE RECORD
12 AND JUST DISCUSS THAT AND GIVE YOU A LIST AND
13 HANDWRITE ONE AND HAND IT UP TO YOUR HONOR.

02:39:29 14 THE COURT: OKAY.

02:39:30 15 MR. RAYGOR: THAT MIGHT WORK BEST.

02:39:31 16 THE COURT: WELL, LET'S GO OFF THE RECORD
17 FOR A MINUTE.

02:39:43 18 (A DISCUSSION WAS HELD OFF THE RECORD.)

02:41:14 19 THE COURT: SO WE'RE GOING TO TAKE 10
20 MINUTES. WE'LL CONVENE AT FIVE MINUTES TO THE HOUR.
21 OKAY? YOU WORK ON GETTING US THE LISTS AND MEETING
22 AND CONFERRING ON YOUR REQUEST FOR JUDICIAL NOTICE.

02:41:27 23 THANK YOU.

02:41:28 24 THE REPORTER: THANK YOU, YOUR HONOR.

02:41:29 25 (RECESS FROM 2:41 P.M. TO 2:55 P.M.)

02:55:46 26 THE COURT: OKAY. LET'S GO BACK ON THE
27 RECORD. AND I HAVE NOW RECEIVED L.A. COUNTY'S
28 PROPOSED EXHIBITS. AND LET'S START THERE.

02:55:55 1 MISS HAMILL, YOU REVIEWED THIS LIST OF
2 EXHIBITS STARTING WITH NO. 32 AND GOING TO 313; YES?

02:56:02 3 MS. HAMILL: YES, YOUR HONOR.

02:56:03 4 THE COURT: AND DO YOU HAVE OBJECTIONS TO
5 ANY OF THOSE?

02:56:05 6 MS. HAMILL: NO, YOUR HONOR.

02:56:06 7 THE COURT: THEY ARE ALL RECEIVED.

02:56:11 8 MS. ALTER: YOUR HONOR, FOR THE RECORD, I
9 THINK YOU JUST SAID 313. I BELIEVE THE LIST GOES TO
10 326, AND NO OBJECTION WAS SUSTAINED TO THAT ONE.

02:56:20 11 THE COURT: I ONLY HAVE TWO-PAGES, AND MY
12 SECOND PAGE ENDS WITH 313.

02:56:26 13 DO YOU HAVE A THIRD PAGE, VERONICA?

02:56:29 14 THE CLERK: NO, I HAVE THE SAME -- THE SAME
15 AS YOU HAVE, YOUR HONOR.

02:56:36 16 THE COURT: YOURS HAS A DIFFERENT FORMAT
17 THAN MINE DOES.

02:56:40 18 THE CLERK: OH, THAT'S BECAUSE THEY SENT IT
19 WITHIN THE E-MAIL, AND I HAD THEM RESEND IT AS AN
20 ATTACHMENT, A PDF.

02:56:46 21 THE COURT: IS THERE ANY WAY TO PRINT OUT
22 THE REMAINING PAGE?

02:56:49 23 THE CLERK: LET ME CHECK. THERE'S THREE
24 PAGES? OH, HERE IT IS.

02:56:55 25 THE COURT: OKAY.

02:56:57 26 THE CLERK: SORRY.

02:57:02 27 THE COURT: I NOW HAVE A THIRD PAGE THROUGH
28 326. AND AGAIN, MISS HAMILL, YOU HAVE NO OBJECTION TO

1 ANY OF THOSE?

02:57:10 2 MS. HAMILL: I WANT TO MAKE SURE 326 IS --
3 IT'S NOT THE EXHIBIT --

02:57:15 4 MS. ALTER: 326 NOTES OBJECTION SUSTAINED.

02:57:18 5 THE COURT: OKAY. I'M NOW READING THAT MORE
6 CAREFULLY.

02:57:23 7 MS. ALTER: 326 JUST SAYS, OBJECTION
8 SUSTAINED. IT'S JUST SO THERE IS A RECORD THAT THAT
9 EXHIBIT WAS OFFERED, AND IT WAS REJECTED.

02:57:33 10 THE COURT: OH, ALL RIGHT. THEN THE RECORD
11 WILL REFLECT THAT, MISS HAMILL, YOU HAVE NO OBJECTION
12 TO THIS LIST STARTING WITH 32 AND GOING THROUGH 325.

02:57:44 13 MS. HAMILL: THAT'S CORRECT, YOUR HONOR.

02:57:45 14 THE COURT: I THINK THE RECORD IS NOW CLEAR.

02:57:48 15 LET US GO NEXT TO PLAINTIFF'S PROPOSED LIST,
16 WHICH I HAVE TWO-PAGES STARTING WITH NO. 5, ENDING
17 WITH 324. AND THEN TWO FACTS AS TO WHICH MISS HAMILL
18 YOU'RE SEEKING THE COURT TO TAKE JUDICIAL NOTICE OF;
19 RIGHT?

02:58:06 20 MS. HAMILL: THAT'S CORRECT, YOUR HONOR.

02:58:08 21 THE COURT: WHO'S HANDLING THE EXHIBITS FOR
22 THE DEFENSE?

02:58:10 23 MS. ALTER: YOUR HONOR, WE SPLIT IT UP
24 DEPENDING ON WHO DID THE CROSS FOR THE WITNESSES FOR
25 THOSE PARTICULAR EXHIBITS. SO THERE ARE A FEW AT THE
26 BEGINNING THAT ARE MINE, AND EVERYTHING ELSE IS
27 MR. RAYGOR'S.

02:58:20 28 THE COURT: OKAY. FIRST, I JUST WANTED TO

1 BE ABLE TO NOTE FROM MY -- WELL, FOR THE RECORD AS
2 WELL AS FOR MY NOTES, IN NUMERICAL ORDER, WHICH ONES
3 ARE THEIR OBJECTIONS TO?

02:58:39 4 MS. ALTER: YOUR HONOR, THERE ARE OBJECTIONS
5 TO 5, 6 -- I BELIEVE WE'VE REACHED AN AGREEMENT ON 9
6 THAT THAT ONE WON'T BE OFFERED. IS THAT CORRECT?
7 THAT'S THE LETTER THAT YOU SENT TO -- A LETTER SENT TO
8 THE CALIFORNIA --

02:58:54 9 MS. HAMILL: CORRECT.

02:58:54 10 MS. ALTER: OKAY. SO EXHIBIT 5 AND 6, THERE
11 ARE OBJECTIONS. PLAINTIFF HAS WITHDRAWN EXHIBIT 9.

02:59:00 12 THE COURT: LET ME STOP THERE.

02:59:02 13 MISS HAMILL, IS THAT CORRECT?

02:59:03 14 MS. HAMILL: YES, YOUR HONOR.

02:59:04 15 THE COURT: SO 9 IS NO LONGER OFFERED.

02:59:06 16 GO AHEAD.

02:59:07 17 MS. ALTER: ON EXHIBITS 15 AND 16, THE
18 PARTIES HAVE REACHED AN AGREEMENT THAT THOSE EXHIBITS
19 ARE TO BE ADMITTED BUT NOT FOR THE TRUTH OF THE
20 MATTERS ASSERTED THEREIN.

02:59:17 21 THE COURT: FOR WHAT PURPOSE, THEN, WOULD
22 THE COURT CONSIDER THEM?

02:59:21 23 MS. HAMILL: FOR THE PURPOSE OF THE FACT
24 THAT THEY WERE STATED AND THEIR EFFECT ON THE LISTENER
25 OF WHAT -- WITHIN THE CONTENTS OF THOSE DOCUMENTS.
26 THEY ARE DATA CHARTS THAT WERE DISCUSSED BY
27 MISS CYNTHIA ROJAS DURING HER TESTIMONY, AND SHE
28 TESTIFIED THAT SHE FOUND THOSE IN THE COMMENTS SECTION

1 OF DEPARTMENT OF PUBLIC HEALTH POSTS.

02:59:41 2 THE COURT: TO SHOW THE EFFECT ON THE
3 LISTENER BUT NOT FOR THE TRUTH OF THE MATTER.

02:59:46 4 MS. HAMILL: CORRECT, YOUR HONOR.

02:59:47 5 THE COURT: ALL RIGHT. SO 15 AND 16 ARE
6 RECEIVED FOR A LIMITED PURPOSE.

02:59:50 7 GO AHEAD.

02:59:51 8 MS. ALTER: WE HAVE OBJECTIONS TO 21, YOUR
9 HONOR.

02:59:53 10 THE COURT: OKAY. GO AHEAD. NEXT.

02:59:55 11 MS. ALTER: ON EXHIBIT 28, WE'VE REACHED AN
12 AGREEMENT. EXHIBIT 28 CONTAINS TWO TEXT MESSAGES ON A
13 SINGLE PAGE. THERE IS ONE ON THE LEFT SIDE OF THE
14 PAGE AND ONE ON THE RIGHT SIDE OF THE PAGE. THE ONE
15 ON THE RIGHT SIDE OF THE PAGE IS ADMITTED. THE ONE ON
16 THE LEFT SIDE OF THE PAGE WAS NEVER INTRODUCED AND
17 THEREFORE IS NOT ADMITTED.

03:00:13 18 THE COURT: OKAY. WE'LL COME BACK TO THAT.
19 WHAT ELSE, WITHOUT ARGUMENT, ARE YOU OBJECTING TO?

03:00:20 20 MS. ALTER: WE ARE OBJECTING TO EXHIBITS 38,
21 39, 40, 41, 42, 43, AND THOSE ARE ALL TO THE REQUEST
22 FOR JUDICIAL NOTICE. WE HAVE PARTIAL OBJECTIONS TO
23 EXHIBIT 45 AND THEN WE HAVE AN OBJECTION TO FACT 2.

03:00:49 24 THE COURT: OKAY. NEXT PAGE?

03:00:51 25 MS. ALTER: YES. FACT 2 OF THE RJN. AND
26 THEN ONE QUESTION FOR MISS HAMILL THAT I DIDN'T GET TO
27 ASK BECAUSE YOUR HONOR HAD TAKEN THE BENCH, AND THAT
28 IS, IS THERE ACTUALLY AN EXHIBIT 53? BECAUSE I

1 THOUGHT THAT WAS RESERVED.

03:01:10 2 MS. HAMILL: THAT IS RESERVED. I DON'T KNOW
3 WHY --

03:01:13 4 THE COURT: OKAY. THERE WAS NO 53.

03:01:15 5 MS. ALTER: YEAH. SO 53, THERE IS NOTHING
6 TO ADMIT.

03:01:17 7 THE COURT: OKAY. WE WILL GO THROUGH THESE
8 IN ORDER. I WILL RULE. IF I NEED ADDITIONAL
9 ARGUMENT, I WILL LET YOU KNOW.

03:01:57 10 WELL, I'M LOOKING AT EXHIBIT 5 WHICH HAS
11 THREE COLUMNS. COLUMN 2, MISS HAMILL, SAYS, QUOTE,
12 PARTIES STIP TO AUTH -- AUTHENTICITY -- AND ADMISS --
13 ADMISSIBILITY -- (10 DOT 15 E-MAIL).

03:02:24 14 AND YOU BELIEVE, MISS HAMILL, THAT THE
15 DEFENDANTS STIPULATED TO THE ADMISSIBILITY OF 5?

03:02:29 16 MS. HAMILL: YES, THEY DID, AND THEY ARE NOW
17 CLAIMING THAT WAS A MISTAKE.

03:02:33 18 THE COURT: OKAY. WHO'D LIKE TO --

03:02:36 19 MR. RAYGOR: I WILL FESS UP TO THE MISTAKE.
20 I WAS WORKING FROM A RED LINE ON SUNDAY WHEN I SENT
21 THE LIST TO MISS HAMILL. I DID NOT INTEND TO PUT XS
22 IN THE BOXES NEXT TO EXHIBIT NO. 5. I SENT HER A NOTE
23 THIS MORNING --

03:02:51 24 THE COURT: WHAT'S THE OBJECTION, THEN, TO
25 NO. 5?

03:02:53 26 MS. ALTER: YOUR HONOR, THE OBJECTION TO
27 NO. 5 IS THAT IT'S HEARSAY. THESE ARE ACCOUNT NOTES
28 THAT WERE CREATED BY MISS CYNTHIA ROJAS. THEY ARE

1 OUT-OF-COURT STATEMENTS THAT SHE IS -- OR THAT
2 ALLIANCE IS ATTEMPTING TO BRING IN FOR THE TRUTH OF
3 THE MATTER ASSERTED THEREIN. THERE ARE TWO LAYERS OF
4 HEARSAY IN THERE. THERE ARE STATEMENTS BY MISS ROJAS
5 HERSELF AND STATEMENTS BY TWITTER. AND AS A RESULT,
6 THE BURDEN SHIFTS TO THE ALLIANCE TO ESTABLISH THAT
7 THERE'S AN EXCEPTION TO THE HEARSAY RULE. THEY CAN'T
8 DO THAT HERE BECAUSE THERE'S NOT EVEN CREDIBLE
9 TESTIMONY AS TO WHEN THIS EXHIBIT WAS CREATED.

03:03:33 10 MISS ROJAS TESTIFIED THAT SHE CREATED THIS
11 DOCUMENT AND I QUOTE CLOSE TO AUGUST 24TH, THE LAST
12 ENTRY END QUOTE AND THAT'S AT PAGE 141 LINES 3 TO 7 OF
13 THE ROUGH TRANSCRIPT.

03:03:49 14 THE COURT: I JUST ASKED FOR THE OBJECTION.
15 IT'S HEARSAY; YES?

03:03:53 16 MS. ALTER: IT'S PART HEARSAY, AND IT'S A
17 LACK OF FOUNDATION. AND I CAN EXPLAIN WHY, BECAUSE
18 THAT'S NOT TOTALLY OBVIOUS.

03:04:00 19 THE COURT: WELL, I THINK YOU JUST DID.

03:04:02 20 BUT IN ANY EVENT, MISS HAMILL, WHAT HEARSAY
21 EXCEPTION WOULD PERMIT THIS?

03:04:07 22 MS. HAMILL: WELL, I'M AT A BIT OF A
23 DISADVANTAGE, BECAUSE HAD I KNOWN THERE WOULD BE THESE
24 OBJECTIONS AND THERE WASN'T A STIPULATION TO
25 AUTHENTICITY, I WOULD HAVE QUESTIONED THE WITNESS
26 IN DETAIL ABOUT WHAT OCCURRED ON THESE DATES.

03:04:19 27 THE COURT: YOU MEAN MISS ROJAS?

03:04:21 28 MS. HAMILL: MISS ROJAS.

03:04:22 1 THE COURT: WELL, THAT'S A FAIR POINT AND
2 THEN THE EVIDENCE IS CLOSED. SO THE OBJECTION'S
3 OVERRULED. NO. 5 IS RECEIVED.

03:04:29 4 OKAY. THEN 6 IS NEXT, WHICH IS A 31-PAGE
5 EXHIBIT. IN SHORT FORM, WHAT IS THE OBJECTION TO 6?

03:04:44 6 MS. ALTER: YES, YOUR HONOR. LACKS
7 FOUNDATION AND AUTHENTICATION.

03:04:48 8 THE COURT: RESPONSE, MISS HAMILL. WHO LAID
9 THE FOUNDATION FOR THIS TO BE RECEIVED IN EVIDENCE?

03:04:57 10 MS. HAMILL: MISS ROJAS.

03:05:07 11 THE COURT: I DO NOT RECALL THAT MISS ROJAS
12 TESTIFIED ABOUT EACH AND EVERY PAGE OF THIS, BUT I
13 WILL REVIEW MY NOTES.

03:05:46 14 SHE GAVE VERY LIMITED TESTIMONY TO THE
15 EFFECT THAT THIS CAME FROM AN ARCHIVE. AND SHE --
16 FROM ARCHIVE.ORG -- AND SHE OBTAINED IT IN THE LAST
17 THREE- TO FOUR WEEKS AND WAS UNABLE TO VERIFY WHETHER
18 THIS WAS THE SAME AS IT APPEARED IN AUGUST 2022.
19 THAT'S AN INSUFFICIENT FOUNDATION. IT WILL NOT BE
20 RECEIVED.

03:06:16 21 MS. HAMILL: MAY I BE HEARD?

03:06:18 22 THE COURT: OKAY. BRIEFLY.

03:06:19 23 MS. HAMILL: I'M LOOKING AT THE TRANSCRIPT
24 ON PAGE 148, AND I ASKED, LINE 3, I ASKED MISS ROJAS
25 IF SHE COULD TURN TO EXHIBIT 6. AND I ASKED IF SHE
26 RECOGNIZED THIS DOCUMENT, IT APPEARS TO BE 31 PAGES.
27 MISS ROJAS RESPONDED YES. I THINK THIS IS THE ALT
28 ACCOUNT, A DUMP OF THE WHOLE TIMELINE.

03:06:40 1 I SAID, SORRY. SHE SAID, OF THE WHOLE
2 TIMELINE? YEAH, I PDF'D THIS.

03:06:46 3 I ASKED IF SHE CREATED THIS DOCUMENT. SHE
4 SAID YES. I ASKED IF SHE TOOK SCREEN SHOTS OF THE ALT
5 ACCOUNT. SHE SAID, I HAVE AT TIMES, YES.

03:06:57 6 AND THEN LINE 15, I ASKED, HOW DID YOU
7 CREATE THIS SPECIFIC DOCUMENT IN EXHIBIT 6? AND THEN
8 SHE RESPONDED WITH TESTIMONY, LINES 17 -- DO YOU WANT
9 ME TO KEEP GOING OR --

03:07:11 10 THE COURT: NO, IT'S STILL INSUFFICIENT.
11 SHE APPARENTLY LOOKED AT OTHER SOURCES AND THEN
12 COMPILED THIS DOCUMENT. AND IT APPEARS THAT CONTAINS
13 SOURCE INFORMATION FROM OTHER THIRD PARTIES. AND
14 MERELY BECAUSE SHE COMPILED IT IS NOT A BASIS UNDER
15 THE EVIDENCE CODE TO ALLOW THIS HEARSAY DOCUMENT IN.
16 SO IT'S NOT RECEIVED.

03:07:38 17 OKAY. 21 IS NEXT.

03:07:41 18 MR. RAYGOR: 21. ON 21, YOUR HONOR --

03:07:44 19 THE COURT: I'M SORRY. YES. 21 IS NEXT.
03:07:47 20 YOU WISH TO BE HEARD. WHAT IS THE
21 OBJECTION?

03:07:51 22 MR. RAYGOR: AND IT'S ONLY TO PAGES 17 TO
23 25.

03:07:59 24 THE COURT: OKAY, 17 TO 25.

03:08:09 25 AND YOUR OBJECTION TO THOSE PAGES IS WHAT?

03:08:12 26 MR. RAYGOR: FOUNDATION, AUTHENTICATION, AND
27 RELEVANCE.

03:08:16 28 THE COURT: OKAY.

03:08:18 1 MISS HAMILL, I DON'T RECALL ANYBODY
2 TESTIFYING TO THOSE PAGES.

03:08:22 3 MS. HAMILL: YES, YOUR HONOR. I SUBPOENAED
4 X CORP. AND X CORP. REFUSED TO APPEAR BECAUSE THEY HAD
5 ALREADY PROVIDED THE CERTAIN OF AUTHENTICITY THAT IS
6 FOUND ON EXHIBIT 21, PAGE 1.

03:08:36 7 THE COURT: WELL, I SEE THAT. BUT THAT'S A
8 HEARSAY DOCUMENT. SO PERHAPS IT'S BEEN AUTHENTICATED
9 BY X CORP. WHY ARE THESE NOT HEARSAY, FROM A
10 THIRD-PARTY? THEY'RE OUT-OF-COURT STATEMENTS.

03:08:52 11 MS. HAMILL: THEY ARE HEARSAY, BUT THEY'RE
12 NOT OFFERED TO PROVE THE TRUTH OF THE MATTER ASSERTED
13 THEREIN.

03:08:57 14 THE COURT: WHAT ARE YOU OFFERING THESE
15 PAGES FOR?

03:09:00 16 MS. HAMILL: TO SHOW THESE COMMUNICATIONS
17 OCCURRED.

03:09:03 18 THE COURT: I'M NOT UNDERSTANDING THE
19 DISTINCTION YOU'RE DRAWING THERE.

03:09:07 20 MS. HAMILL: SO THE STATEMENTS MADE WITHIN
21 THE DOCUMENTS, SUCH AS THIS IS NOT -- WELL, I HAVE TO
22 BE CAREFUL ABOUT WHAT I'M SAYING, BECAUSE PARTS OF
23 THIS ARE STILL UNDER SEAL.

03:09:20 24 STATEMENTS, FOR EXAMPLE, ON EXHIBIT 21,
25 PAGE 17, WHAT JEFF LOWENSTEIN SAYS. WE'RE FAMILIAR
26 WITH THE MANIPULATED MEDIA POLICY, AND I CAN SEE SOME
27 REASONS WHY IN CONTEXT THE TWEET WOULD NOT VIOLATE IT.
28 WE'RE NOT SUBMITTING THIS DOCUMENT TO PROVE THOSE

1 FACTS. WE'RE SUBMITTING THIS DOCUMENT TO SHOW THAT
2 THESE CONVERSATIONS OCCURRED.

03:09:45 3 THE COURT: SO YOU WOULD INTEND TO ARGUE
4 THAT THERE WERE COMMUNICATIONS BETWEEN CULBERTSON AND
5 LOWENSTEIN?

03:09:53 6 MS. HAMILL: AND PATRICK BOLAND.

03:09:54 7 THE COURT: BUT NOT ANY OF THE SUBSTANCE OF
8 THE CONVERSATION.

03:09:58 9 MS. HAMILL: CORRECT.

03:09:58 10 THE COURT: WHAT POSSIBLE WEIGHT COULD THAT
11 HAVE FOR ME AS A TRIER OF FACT?

03:10:04 12 MS. HAMILL: BECAUSE WHAT THIS SHOWS IS THAT
13 THE -- AND I'M NOT TRYING TO PROVE THE CONTENT -- BUT
14 THE CONTENT ITSELF SHOWS THAT PATRICK BOLAND, AS A
15 MEMBER OF SCHIFF'S STAFF, WAS CONTACTING LAUREN
16 CULBERTSON TO GET TWITTER TO SENSOR CONTENT THAT WAS
17 CRITICAL OF SCHIFF.

03:10:23 18 THE COURT: BUT THAT'S THE SUBSTANCE OF
19 THESE E-MAILS. SO I -- AGAIN, I DON'T UNDERSTAND THE
20 DISTINCTION YOU'RE TRYING TO DRAW THAT THEY'RE
21 ADMISSIBLE FOR SOME PURPOSE OTHER THAN THE CONTENTS
22 THEREOF. SO I'LL SUSTAIN THE OBJECTION, PAGES 17
23 THROUGH 25 OF EXHIBIT 21, WHICH MEANS THAT 1 THROUGH
24 16 ARE IN EVIDENCE.

03:10:55 25 28 IS THE NEXT EXHIBIT. AND WHAT'S THE
26 LEGAL OBJECTION TO 28?

03:11:02 27 MS. ALTER: YOUR HONOR, THERE IS NO LEGAL
28 OBJECTION TO 28. THE PARTIES HAVE REACHED AGREEMENT.

1 THERE ARE TWO TWEETS COMBINED ON A SINGLE PAGE THERE.

03:11:10 2 THE COURT: RIGHT.

03:11:10 3 MS. ALTER: ONE ON THE LEFT AND ONE ON THE
4 RIGHT, AND THE LEFT ONE WAS NOT INTRODUCED OR
5 DISCUSSED BY ANY WITNESS, SO WE HAVE AGREED THAT THE
6 LEFT ONE IS INADMISSIBLE AND THE RIGHT ONE IS
7 ADMISSIBLE.

03:11:20 8 THE COURT: IS THAT CORRECT, MISS HAMILL?

03:11:22 9 MS. HAMILL: YES, YOUR HONOR.

03:11:23 10 THE COURT: OKAY. SO NOTED AND SO RECEIVED.
11 TO USE THE OFFICIAL TERMINOLOGY OF THE DAY; THE ONE ON
12 THE RIGHT IS ADMITTED. OKAY.

03:11:36 13 NEXT, EXHIBIT 38.

03:11:40 14 MR. RAYGOR: YOUR HONOR, MAYBE I CAN -- I
15 WILL ADDRESS 38 THROUGH 43, WHICH IS FOR -- IT'S THE
16 SUBJECT OF THEIR REQUEST FOR JUDICIAL NOTICE.

03:11:49 17 THE COURT: OKAY. GO AHEAD.

03:11:51 18 MR. RAYGOR: AND ALSO FACT NO. 1, FACT
19 NO. 2, THE REQUEST FOR JUDICIAL NOTICE.

03:11:57 20 THE COURT: YES.

03:11:58 21 MR. RAYGOR: SO FOR 39, I'LL JUST PICK THAT
22 ONE IN PARTICULAR FIRST. IT'S INCOMPLETE. IT
23 CONSISTS OF ONLY PAGES 1, 4, 5, 23, 29, AND 3 AND
24 NOTHING AFTER 30. SO IT'S NOT AUTHENTIC, BECAUSE IT'S
25 INCOMPLETE AND VIOLATES THE BEST EVIDENCE RULE.

03:12:21 26 DO YOU WANT ME TO GO AHEAD AND --

03:12:23 27 THE COURT: WELL, I THOUGHT YOU WERE GOING
28 TO TALK ABOUT THEM IN GENERAL.

03:12:26 1 MR. RAYGOR: I WILL TALK ABOUT THEM IN
2 GENERAL, YES.

03:12:29 3 SO 38 TO 43 SHOULD NOT BE ADMITTED, BECAUSE
4 NONE OF THEM MENTION THE COUNTY OR THE DEPARTMENT OF
5 PUBLIC HEALTH. 38 IS FROM 2018. 39 AND 40 FROM 2019.
6 41 FROM 2021. 42 FROM 2020. ALL OF THOSE PREDATE
7 ANYTHING THAT AROSE IN THIS CASE BY MORE THAN TWO
8 YEARS. AND THEN 43, ALTHOUGH IT'S FROM DECEMBER OF
9 2022, THE ONLY SUBJECT IS ABOUT HATE SPEECH, SLURS
10 AGAINST BLACK PEOPLE, GAY MEN, COLORADO SPRING
11 SHOOTING, ANTISEMITIC STATEMENTS. NONE OF THESE HAVE
12 ANYTHING TO DO WITH CLOSING PUBLIC COMMENTARY IN 2022
13 BY THE DEPARTMENT.

03:13:24 14 SO WE ALSO, EVEN IF JUDICIAL NOTICE COULD BE
15 TAKEN OF THEM, BECAUSE THEY ARE RECORDS FROM A
16 GOVERNMENTAL ENTITY, NONE OF THEM HAVE ANY FOUNDATION,
17 BECAUSE NO WITNESS FROM TWITTER OR THE GOVERNMENT EVER
18 CAME IN TO TESTIFY ABOUT WHETHER THEY HAD ANY
19 CONNECTION WITH DHP OR CLOSING PUBLIC COMMENTARY OR
20 WHETHER THE COUNTY EVEN KNEW ABOUT ANY OF THESE
21 DISCUSSIONS BETWEEN MR. SCHIFF'S OFFICE AND TWITTER
22 BACK IN THAT TIME FRAME.

03:14:00 23 THE COURT: OKAY. RESPONSE, MISS HAMILL?

03:14:03 24 MS. HAMILL: THANK YOU, YOUR HONOR. IF
25 THESE ARGUMENTS SOUND FAMILIAR, IT'S BECAUSE THE SAME
26 RJN WAS FILED WITH THE ALLIANCE'S OPPOSITION TO ITS
27 MOTION FOR SUMMARY JUDGMENT, AND THIS COURT RULED ON
28 IT. SO NO. 1, THE REASON WHY THESE DOCUMENTS HAVE

1 BEEN SUBMITTED IS TO SHOW THAT CHAIR ADAM SCHIFF WAS
2 THE CHAIRMAN OF THE HOUSE PERMANENT SELECT COMMITTEE
3 ON INTELLIGENCE AND TO SHOW THAT HE HAD REGULATORY
4 AUTHORITY OVER SOCIAL MEDIA COMPANIES AND WAS
5 EXERCISING THAT AUTHORITY AND DISCUSSING THE AMENDMENT
6 OF SECTION 230 WITH REGARD TO REGULATING SOCIAL MEDIA
7 COMPANIES.

03:14:44 8 THE PURPOSE HERE IS TO SHOW THE CONTEXT AND
9 THE HISTORY OF THE RELATIONSHIPS BETWEEN HIS CHIEF OF
10 STAFF, PATRICK BOLAND, AND LAUREN CULBERTSON OF
11 TWITTER WHO HAVE BOTH BEEN DISCUSSED IN THIS CASE.
12 AND THIS IS TO SHOW THE ELEMENTS OF SIGNIFICANT
13 ENCOURAGEMENT AND COERCION BY DEFENDANTS OF TWITTER.

03:15:10 14 MR. RAYGOR: AND I ALSO HAVE TO ADD A
15 HEARSAY OBJECTION, YOUR HONOR, BECAUSE IT SOUNDS LIKE
16 SHE IS OFFERING THESE DOCUMENTS FOR THE TRUTH OF THE
17 MATTERS ASSERTED WITHIN THEM.

03:15:21 18 THE COURT: WELL, DO YOU CARE TO RESPOND TO
19 THAT FINAL POINT, MISS HAMILL?

03:15:25 20 MS. HAMILL: A REQUEST FOR JUDICIAL NOTICE
21 IS SIMPLY ASKING TO THE COURT TO TAKE JUDICIAL NOTICE
22 OF MATTERS THAT ARE EASILY VERIFIABLE, THAT DON'T
23 REQUIRE LIVE TESTIMONY TO COME AND LAY FOUNDATION OR
24 TO TESTIFY. THAT'S SORT OF THE POINT OF A REQUEST FOR
25 JUDICIAL NOTICE.

03:15:41 26 THE COURT: WELL, ACTUALLY THE REQUEST FOR
27 JUDICIAL NOTICE MEANS THAT THESE DOCUMENTS ARE ONES
28 THAT THE COURTS ORDINARILY WOULD TAKE NOTICE OF THEIR

1 EXISTENCE, BUT THERE'S A SECOND STEP IN THAT PROCESS,
2 WHICH IS WHETHER OR NOT THE HEARSAY STATEMENTS THEREIN
3 ARE ADMISSIBLE.

03:16:00 4 MS. HAMILL: ESSENTIALLY, WE DON'T NEED THE
5 CONTENTS OF THESE DOCUMENTS TO BE JUDICIALLY NOTICED.
6 BUT WHAT WE DO NEED IS THE FACTS THAT CONGRESSMAN ADAM
7 SCHIFF WAS THE CHAIRMAN OF THE HOUSE PERMANENT
8 COMMITTEE ON INTELLIGENCE. THAT IS A VERIFIABLE FACT.
9 AND THAT LAUREN CULBERTSON WAS THE HEAD OF U.S. PUBLIC
10 POLICY FOR TWITTER.

03:16:27 11 THE COURT: WELL, DO YOU WANT TO PROPOSE
12 THAT AS A STIPULATION AND AFFIX SOME DATES TO THAT
13 PROPOSED STIPULATION? SCHIFF WAS CHAIR OF THAT
14 COMMITTEE FROM X DATE TO Y DATE AND CULBERTSON HAD HER
15 TITLE FROM A DATE TO B DATE?

03:16:45 16 MS. HAMILL: YES, YOUR HONOR. I'LL PULL IT
17 UP.

03:16:47 18 MR. RAYGOR: I CAN MAKE PART OF THAT EASIER.

03:16:49 19 THE COURT: OKAY.

03:16:51 20 MR. RAYGOR: BECAUSE HER FACT NO. 1 THAT SHE
21 WANTS IN THE REQUEST FOR JUDICIAL NOTICE STATES --
22 ASKS THE COURT TO TAKE JUDICIAL NOTICE OF THE FACT
23 THAT HE WAS CHAIRMAN OF A PARTICULAR PERMANENT
24 COMMITTEE FOR INTELLIGENCE -- I FORGET THE WHOLE
25 TITLE.

03:17:06 26 THE COURT: FROM 2019 --

03:17:08 27 MR. RAYGOR: FROM 2019 TO 2023. I'VE LOOKED
28 AT THAT, AND I DON'T HAVE ANY ISSUE AND I THINK THE

1 COURT CAN TAKE JUDICIAL NOTICE OF THAT.

03:17:16 2 THE COURT: OKAY.

03:17:19 3 MR. RAYGOR: I DON'T SEE ANYTHING SIMILAR AS
4 FAR AS MS. CULBERTSON SHOWING HER TITLES AT PARTICULAR
5 TIMES. SO I'M NOT SURE WHAT I CAN DO ABOUT THAT ONE.

03:17:28 6 THE COURT: WELL, LET'S SEE IF MISS HAMILL
7 HAS A PROFFER AND A PROPOSED STIPULATION AS TO
8 CULBERTSON.

03:17:36 9 MS. HAMILL: PULLING UP THE DOCUMENT, YOUR
10 HONOR.

03:17:48 11 SO THE PROPOSED STIPULATION WITH RESPECT TO
12 LAUREN CULBERTSON IS THAT THIS DOCUMENT -- HOLD ON.

03:17:55 13 THIS IS NOT PART OF THE STIPULATION. I WILL
14 JUST SAY EXHIBIT 41 SHOWS THAT LAUREN CULBERTSON WAS
15 THE HEAD OF U.S. PUBLIC POLICY FOR TWITTER, INC., ON
16 APRIL 27TH, 2021. SO MY PROPOSED STIPULATION WITH
17 RESPECT TO MISS CULBERTSON THAT ON APRIL 27TH, 2021,
18 MISS CULBERTSON WAS PUBLICLY IDENTIFIED AS THE HEAD
19 OF U.S. PUBLIC POLICY AT TWITTER, INC.

03:18:25 20 THE COURT: CAN YOU ACCEPT THAT, MR. RAYGOR?

03:18:27 21 MR. RAYGOR: YES, YOUR HONOR.

03:18:28 22 THE COURT: OKAY. THEN WITH THOSE TWO
23 STIPULATIONS, I WILL NOT BE RECEIVING EXHIBITS 38
24 THROUGH 43, BECAUSE THEY ARE HEARSAY DOCUMENTS. AND
25 THEY OTHERWISE ARE TOO REMOTE IN TIME TO ESTABLISH
26 RELEVANT FACTS IN THIS DISPUTE. BUT THE PARTIES CAN
27 ARGUE BASED ON THE STIPULATION.

03:18:55 28 MR. RAYGOR: YOUR HONOR, THE ONLY REMAINING

1 PART OF THE REQUEST FOR JUDICIAL NOTICE IS FACT NO. 2.

03:19:00

2 THE COURT: OKAY. AND YOUR OBJECTION TO
3 THAT IS WHAT?

03:19:05

4 MR. RAYGOR: IT'S NOT SOMETHING THAT'S
5 PROPERLY THE SUBJECT OF A REQUEST FOR JUDICIAL NOTICE.
6 IT'S NOT FROM A PUBLIC RECORD, A GOVERNMENT RECORD.
7 WHAT MS. HAMILL HAS PULLED IS SOME MATERIAL FROM A
8 COMMERCIAL SITE THAT REQUIRES PAYMENT TO ACCESS IT.
9 SO, YOU KNOW, IT'S NOT SOMETHING THAT IS OF SUCH
10 PUBLIC COMMON KNOWLEDGE THAT PERMISSIVE JUDICIAL
11 NOTICE CAN BE TAKEN UNDER 452. AND IT'S CERTAINLY NOT
12 AN OFFICIAL ACT OF THE LEGISLATIVE, EXECUTIVE, OR
13 JUDICIAL DEPARTMENTS UNDER SECTION 3.

03:19:42

14 IT'S A COMMERCIAL SITE FROM WHICH SHE PULLED
15 SOMETHING AND HASN'T LAID A FOUNDATION THAT WHATEVER
16 IS STATED IN THAT COMMERCIAL SITE IS ACCURATE AS TO
17 MR. BOLAND'S SALARY OR HIS TITLE AT ANY GIVEN TIME.

03:19:58

18 THE COURT: ALL RIGHT. I'M NOT FAMILIAR
19 WITH THAT WEBSITE. IS MR. RAYGOR CORRECT,
20 MISS HAMILL?

03:20:02

21 MS. HAMILL: NOT ENTIRELY. SO LEGI STORM
22 IT'S A REPOSITORY OF PUBLIC RECORDS THAT SHOW TITLES
23 OF PUBLIC EMPLOYEES AND THEIR SALARY. THE SALARY OF
24 MR. BOLAND IS NOT RELEVANT. I DON'T NEED TO GET THAT
25 INTO EVIDENCE. ALL I AM TRYING TO DO IS SHOW THAT
26 MR. BOLAND SERVED AS CHIEF OF STAFF TO CONGRESSMAN
27 ADAM SCHIFF AND A STAFF MEMBER TO THE HOUSE PERMANENT
28 SELECT COMMITTEE ON INTELLIGENCE FROM APRIL 1, 2022,

1 THROUGH JANUARY 2, 2023.

03:20:36 2 THE COURT: CAN YOU ACCEPT THAT?

03:20:38 3 MR. RAYGOR: NO, I CAN'T. IF SHE HAD
4 PRODUCED SOMETHING THAT CAME FROM, LIKE, A .GOV SITE,
5 SOMETHING LIKE THAT, LIKE WE DID WITH MISS CULBERTSON
6 ON THE DOCUMENT, THEN COULD I ACCEPT IT. BUT I DON'T
7 HAVE ANYTHING THAT SHOWS THOSE DATES; THAT WHATEVER
8 HIS POSITION WAS, IT WAS ON THOSE PARTICULAR DATES.

03:20:57 9 THE COURT: WELL, I THINK, MISS HAMILL,
10 MR. MORROW TESTIFIED TO PART OF WHAT YOU'RE SEEKING IN
11 EVIDENCE, AND I THINK OTHERWISE MR. RAYGOR'S OBJECTION
12 IS WELL TAKEN.

03:21:07 13 SO FACT NO. 2 IS NOT RECEIVED BY WAY OF
14 JUDICIAL NOTICE.

03:21:16 15 I BELIEVE THAT LEAVES US ONLY WITH
16 EXHIBIT 45, ACCORDING TO MY NOTES. LET US TURN TO
17 THAT. AND THIS IS THE ENTIRETY OF THE VIDEOTAPED
18 DEPOSITION OF BRETT MORROW. THE OBJECTION IS?

03:21:40 19 MS. ALTER: YOUR HONOR, EXHIBIT 45 IS
20 EXCERPTS FROM MR. MORROW'S DEPOSITION.

03:21:45 21 THE COURT: OH. HOLD ON ONE SECOND. I MAY
22 HAVE MISSPOKEN.

03:21:49 23 YOU'RE RIGHT. IT DOES NOT SEEM TO BE THE
24 ENTIRETY. GO AHEAD.

03:21:53 25 MS. ALTER: AND OUR -- OUR OBJECTION IS THAT
26 THERE ARE 43, I BELIEVE, PAGES OF TESTIMONY, ONLY SOME
27 OF WHICH HAVE BEEN READ INTO THE RECORD AND THERE ARE
28 ALSO -- THAT IT IS FOLLOWED BY, I THINK, 23 PAGES OF

1 DOCUMENTS, MOST OF WHICH WERE NOT DISCUSSED OR
2 PROVIDED OR INTRODUCED TO THE COURT. IF YOU LOOK AT
3 PAGE 45, FOR EXAMPLE, BRINGING BACK A MASK MANDATE IN
4 LOS ANGELES COUNTY IS --

03:22:20 5 THE COURT: WAIT, GO SLOWLY. EXHIBIT 45,
6 PAGE 45.

03:22:23 7 MS. ALTER: PAGE 45.

03:22:24 8 THE COURT: HOLD ON.

03:22:32 9 MY EXHIBIT 45 DOES NOT HAVE A PAGE 45. SO
10 THAT'S A PROBLEM.

03:22:38 11 BUT IN ANY EVENT, MISS HAMILL, TYPICALLY THE
12 ENTIRETY OF DEPOSITION TRANSCRIPTS ARE NOT RECEIVED.
13 YOU USED TRANSCRIPTS IN THIS PROCEEDING.

03:22:47 14 A. LARGELY -- WELL, MAYBE ENTIRELY
15 APPROPRIATELY TO IMPEACH OR REFRESH. AND YOU MADE THE
16 RECORD OF THAT. AND FURTHER, MISS ALTER IS CORRECT;
17 THAT NOT ALL THE EXHIBITS THAT ARE ATTACHED TO THIS OR
18 EXHIBIT 45 WAS TESTIFIED TO OR FOUNDATION WAS LAID.

03:23:06 19 SO I THINK I'M GOING TO SUSTAIN THIS
20 OBJECTION UNLESS YOU CAN PERSUADE ME OTHERWISE.

03:23:11 21 MS. HAMILL: WE DID TALK ABOUT THIS
22 PARTICULAR OP-ED SEVERAL TIMES.

03:23:15 23 THE COURT: I DON'T KNOW WHAT YOU'RE
24 REFERRING TO NOW BY OP-ED.

03:23:18 25 MS. HAMILL: IT IS EXHIBIT 45, PAGE 45.
26 IT'S MARKED AS EXHIBIT 2 TO THE DEPOSITION OF
27 MR. MORROW.

03:23:24 28 THE COURT: OH, HOLD ON A SECOND. BECAUSE

1 THERE WAS A PROBLEM WITH PAGINATION, AND WE DEALT WITH
2 THIS BEFORE.

03:23:31 3 MS. HAMILL: YES.

03:23:31 4 THE COURT: I WAS LOOKING FOR PAGE 45 OF THE
5 TRANSCRIPT. BUT NOW WE HAVE TO LOOK AT PAGE 45 OF THE
6 EXHIBIT.

03:23:43 7 OKAY. I NOW HAVE THE PAGE. MAKE YOUR
8 ARGUMENT.

03:23:47 9 MS. HAMILL: WE SPOKE AT LENGTH THROUGHOUT
10 THE TESTIMONY IN THIS TRIAL ABOUT THIS PARTICULAR
11 OPINION PIECE. THIS IS THE OPINION PIECE THAT
12 MR. MORROW SOUGHT TO HAVE REMOVED BY MR. RODRIGUEZ AT
13 THE SOUTHERN CALIFORNIA NEWS GROUP. SO THIS
14 PARTICULAR EXHIBIT WAS DISCUSSED.

03:24:03 15 THE COURT: WELL, I DON'T THINK MR. MORROW
16 TESTIFIED ABOUT THIS PAGE, DID HE?

03:24:08 17 MS. HAMILL: HE SPOKE ABOUT THE OPINION
18 PIECE. I DON'T KNOW IF I DIRECTED HIS ATTENTION TO
19 THIS PAGE.

03:24:12 20 THE COURT: I'M PRETTY SURE HE DID NOT. HE
21 DID SPEAK QUITE A BIT ABOUT THAT OPINION PIECE, BUT I
22 DON'T RECALL HIM TESTIFYING ABOUT THIS PAGE OR THIS
23 EXHIBIT 2 TO HIS DEPOSITION.

03:24:25 24 MS. HAMILL: I'M FINE WITHDRAWING THAT ONE.

03:24:27 25 BUT WE DEFINITELY -- I USED EXHIBIT 45,
26 PAGE 49 IN MR. MORROW'S TESTIMONY.

03:24:37 27 MS. ALTER: AND THAT WE DO NOT HAVE
28 OBJECTION TO.

03:24:40 1 THE COURT: THAT WAS MARKED AS A DIFFERENT
2 EXHIBIT; WAS IT NOT?

03:24:44 3 MS. HAMILL: YES. BUT WHETHER I WAS
4 QUESTIONING MR. MORROW, I REFERRED TO THIS ONE.

03:24:49 5 THE COURT: WELL, I GUESS I WOULD BE
6 PREPARED TO ALLOW THAT ONE PAGE.

03:24:56 7 MS. HAMILL: THAT IS MULTIPLE PAGES. IT'S
8 EXHIBIT 45-49 THROUGH EXHIBIT 45-51.

03:25:08 9 THE COURT: YES, YOU DID. AND MY NOTES SO
10 REFLECT.

03:25:11 11 SO MISS ALTER, PERHAPS THAT'S THE REASONABLE
12 COMPROMISE HERE.

03:25:16 13 MS. ALTER: YOUR HONOR, WE HAVE NO OBJECTION
14 TO THAT PORTION OF THE EXHIBIT COMING IN.

03:25:20 15 THE COURT: OKAY. DO WE HAVE A CONSENSUS,
16 MISS HAMILL?

03:25:26 17 MS. HAMILL: MAY I TAKE A MINUTE JUST TO
18 MAKE SURE THAT I'M NOT -- THAT I -- IF I HAD MENTIONED
19 ANY OF THESE OTHER PAGES, I WANT TO MAKE SURE THEY'RE
20 INCLUDED.

03:25:36 21 THE COURT: GO AHEAD.

03:27:22 22 MS. HAMILL: AND I DID -- I DID TALK ABOUT
23 PAGE 45 OF EXHIBIT 45 AT -- OH, NO. I'M SORRY.

03:28:26 24 OKAY. I DID NOT FIND ANY REFERENCES TO
25 OTHER EXHIBITS WITHIN THAT EXCERPT.

03:28:31 26 THE COURT: ALL RIGHT. THEN, EXHIBIT 45,
27 PAGES 49 THROUGH 51, ARE RECEIVED.

03:28:51 28 IS THAT THE AGREEMENT?

03:28:52 1 MS. HAMILL: YES, YOUR HONOR.

03:28:53 2 THE COURT: OKAY. ARE THERE ANY OTHER OPEN
3 ISSUES AS TO THE ALLIANCE EXHIBITS?

03:29:14 4 MS. ALTER: I DO NOT BELIEVE SO ON OUR END,
5 YOUR HONOR.

03:29:16 6 THE COURT: OKAY. MISS HAMILL, DO YOU
7 AGREE?

03:29:18 8 MS. HAMILL: YES, YOUR HONOR.

03:29:19 9 THE COURT: OKAY. THEN THE EVIDENCE IS
10 CLOSED BOTH IN TERMS OF TESTIMONY AND EXHIBITS.
11 OFF THE RECORD.

03:29:26 12 (A DISCUSSION WAS HELD OFF THE RECORD.)

03:32:44 13 THE COURT: SO WE'RE BACK ON THE RECORD.
14 THERE WAS A QUESTION ABOUT 75, BUT IT'S A FLASH DRIVE
15 CONTAINED IN AN ENVELOPE, AND IT HAS BEEN RECEIVED IN
16 EVIDENCE.

03:32:55 17 OKAY. NOW, LET'S DISCUSS THE BRIEFING
18 SCHEDULE GOING FORWARD.

03:33:03 19 OFF THE RECORD.

03:33:04 20 (A DISCUSSION WAS HELD OFF THE RECORD.)

03:33:52 21 THE COURT: WE'RE BACK ON THE RECORD. THE
22 REPORTER HAS INDICATED IN TWO WEEKS SHE'LL HAVE
23 AVAILABLE THE TRANSCRIPT OF THESE PROCEEDINGS. SO
24 TODAY IS THE 19TH. THAT LOOKS LIKE NOVEMBER 2. AND
25 OF COURSE, COUNSEL WILL BE MAKING SURE THAT THE COURT
26 REPORTER GETS PAID FOR THAT AND THAT I GET A COPY OF
27 THE TRANSCRIPT. SO YOU ALL MAKE WHATEVER ARRANGEMENTS
28 TO MAKE SURE THAT THOSE THINGS HAPPEN.

03:34:17 1 NOW, WITH THAT IN MIND, MISS HAMILL, HAVE
2 YOU REACHED AN AGREEMENT WITH OPPOSING COUNSEL AS TO
3 WHEN YOUR POST-TRIAL BRIEFING WOULD BE COMPLETED?

03:34:31 4 MS. HAMILL: OUR AGREEMENT THUS FAR IS THAT
5 MISS ALTER HAS MORE EXCITING EVENTS IN HER LIFE THAT
6 NEED TO BE ACCOMMODATED, AND I AM FINE ACCOMMODATING
7 THOSE. AND WE ARE TRYING TO AVOID ORAL ARGUMENT OVER
8 THE HOLIDAYS.

03:34:44 9 THE COURT: IT'S GOING TO BE BEFORE THE
10 HOLIDAYS.

03:34:47 11 MS. HAMILL: OKAY.

03:34:48 12 THE COURT: YEAH. BECAUSE YOU'RE NOT THE
13 ONLY CASE I HAVE, AND I WANT TO RULE WHEN THIS IS
14 FRESH IN MY MIND.

03:34:53 15 MS. HAMILL: YES, YES.

03:34:54 16 THE COURT: OFF THE RECORD.

03:34:55 17 (A DISCUSSION WAS HELD OFF THE RECORD.)

03:35:19 18 THE COURT: ANYWAY, BACK ON THE RECORD.

03:35:21 19 CAN YOU PREPARE BRIEFS IN TWO TO THREE WEEKS
20 AFTER YOU GET THE TRANSCRIPT?

03:35:25 21 MS. HAMILL: YES, YOUR HONOR.

03:35:26 22 THE COURT: CAN THE DEFENSE DO THAT AS WELL?

03:35:28 23 MS. ALTER: YES, YOUR HONOR. I CAN SHORTCUT
24 THIS SLIGHTLY. WE HAD TALKED ABOUT POTENTIALLY TWO
25 WEEKS FROM THE SECOND, WHICH WOULD TAKE US TO THE
26 16TH. THE PROBLEM IS THAT THE THANKSGIVING HOLIDAY IS
27 THE WEEK OF THE 23RD, AND WE WERE TRYING TO AVOID THAT
28 BECAUSE OF VARIOUS FOLKS' TRAVEL, PLUS AVOIDING YOUR

1 HONOR HAVING TO WORK THIS UP OVER --

03:35:50 2 THE COURT: WE WILL BE DARK, SO WE CAN GO TO
3 THE WEEK AFTER THAT.

03:35:53 4 MS. ALTER: OKAY. WE DIDN'T WANT TO RUIN
5 YOUR HONOR'S HOLIDAY WITH THESE BRIEFS AS WELL. SO
6 I THINK FOR YOU, THE WEEK OF NOVEMBER 27TH WOULD WORK
7 FOR US.

03:36:05 8 THE COURT: SURE. STAND BY.

03:36:12 9 HOW DOES DECEMBER 1 LOOK, VERONICA, FOR
10 10 A.M.?

03:36:18 11 THE CLERK: LET ME CHECK, YOUR HONOR.

03:36:29 12 IT LOOKS GOOD, YOUR HONOR.

03:36:31 13 THE COURT: THEN HERE IS THE PROPOSAL.

14 TRANSCRIPT WILL BE PROVIDED BY NOVEMBER 2.
15 SIMULTANEOUS BRIEFING BY NOVEMBER 16. HEARING
16 DECEMBER 1 AT 10 A.M. THE BRIEFS SHALL NOT EXCEED 10
17 PAGES. YOU CAN REFERENCE, AS I EXPECT YOU WILL, THE
18 EXHIBITS. I HAVE A SET OF THE EXHIBITS, AND YOU CAN,
19 OF COURSE, REFERENCE THE TRANSCRIPT WHICH YOU WILL
20 HAVE. BUT I THINK 10-PAGES SHOULD BE SUFFICIENT, AND
21 IT WILL BE SUPPLEMENTED BY ORAL ARGUMENT ON
22 DECEMBER 1.

03:37:11 23 ANY OBJECTION TO THAT PROPOSAL, MISS HAMILL?

03:37:14 24 MS. HAMILL: NO, YOUR HONOR.

03:37:15 25 THE COURT: MR. RAYGOR?

03:37:17 26 MR. RAYGOR: NO, YOUR HONOR.

03:37:18 27 THE COURT: PLAINTIFF WILL GIVE NOTICE OF
28 THE COURT'S RULINGS, THEN. THE EVIDENCE IS CLOSED.

1 WE HAVE OUR GOING-FORWARD SCHEDULE. ANYTHING ELSE
2 FROM THE PLAINTIFF?

03:37:26 3 MS. HAMILL: NO, YOUR HONOR.

03:37:27 4 THE COURT: THANK YOU.

03:37:28 5 ANYTHING ELSE FROM THE DEFENSE?

03:37:30 6 MS. ALTER: YES, YOUR HONOR, ONE BRIEF
7 HOUSEKEEPING ISSUE. AND THAT IS EXHIBIT 21, WHICH IS
8 THE TWITTER EXHIBIT THAT YOUR HONOR ADMITTED THROUGH
9 PAGES 1 TO 16. A PORTION OF THAT HAS BEEN SEALED BY
10 THE COURT. AND TO AVOID HAVING TO FILE A MOTION TO
11 SEAL IF WE QUOTE FROM ANY PORTION OF IT OR REFERENCE
12 IT IN A TRIAL BRIEF, MAY WE HAVE AN ORDER ALLOWING US
13 TO FILE AN UNREDACTED COPY OF ANY TRIAL BRIEF UNDER
14 SEAL WITH A SIMULTANEOUS REDACTED COPY SUBMITTED FOR
15 PUBLIC VIEWING?

03:38:00 16 THE COURT: WELL, I SUPPOSE. THAT'S ONE
17 WORK-AROUND.

03:38:09 18 MISS HAMILL, DO YOU HAVE A COMMENT?

03:38:11 19 MS. HAMILL: WELL, WE SUBMITTED THE REDACTED
20 EXHIBIT 21, WHICH IS NOT SUBJECT TO SEAL. SO I DON'T
21 KNOW -- I THINK WE CAN USE THE REDACTED EXHIBIT IN OUR
22 BRIEFING.

03:38:21 23 THE COURT: THAT'S TRUE. I'M NOT SURE I SEE
24 AN ISSUE HERE, MISS ALTER. WHY DON'T YOU DO YOUR
25 FIRST DRAFT OF YOUR BRIEF, AND THEN IF YOU RUN INTO
26 WHAT YOU THINK IS AN ISSUE, CONSULT AND CONFER WITH
27 OPPOSING COUNSEL.

03:38:40 28 MS. ALTER: OKAY.

03:38:40 1 THE COURT: OKAY?

03:38:42 2 ALL RIGHT. AND THANK YOU. HAVE A GOOD
3 WEEKEND, AND WE WILL BE ADJOURNED.

03:38:48 4 MS. HAMILL: THANK YOU, YOUR HONOR.

03:38:48 5 MS. ALTER: THANK YOU, YOUR HONOR.

03:38:48 6 MR. RAYGOR: THANK YOU, YOUR HONOR.

03:38:49 7 THE CLERK: YOUR HONOR, ARE THEY GOING TO
8 PREPARE THE EXHIBIT BINDERS BEFORE THEY LEAVE TODAY?

03:38:54 9 THE COURT: OH, YES.

03:38:55 10 OFF THE RECORD.

03:39:23 11 THE REPORTER: THANK YOU, YOUR HONOR.

03:39:24 12 (A DISCUSSION WAS HELD OFF THE RECORD.)

03:39:56 13 (THE PROCEEDINGS CONCLUDED AT 3:39 P.M.)

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