

Videotaped Deposition of
Barbara Ferrer, Ph.D.
May 03, 2023

Alliance of LA County Parents
vs.
County of LA Dept. of Public Health



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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ALLIANCE OF LOS ANGELES)
COUNTY PARENTS, an)
unincorporated association,)
))
Petitioner and Plaintiff,)
))
vs.) Case No.: 22STCP02772
))
COUNTY OF LOS ANGELES COUNTY)
DEPARTMENT OF PUBLIC HEALTH;)
MUNTU DAVIS, in his official)
capacity as Health Officer)
for the County of Los)
Angeles; BARBARA FERRER, in)
her official capacity as)
Director of the County of Los)
Angeles Department of Public)
Health; and DOES 1 through)
25, inclusive,)
))
Defendants.)

VIDEOTAPED DEPOSITION OF BARBARA FERRER, PH.D.
Los Angeles, California
Wednesday, May 3, 2023

REPORTED BY:
KATHY MANNLEIN
CSR NO. 13153
JOB NO. 10119882

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21

22 Also present: Kirill Davidoff, Videographer
23 William Birnie, County Counsel

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1 Los Angeles, California

2 Wednesday, May 3, 2023

3 11:39 a.m.

4

5 THE VIDEOGRAPHER: We are now on the record.

6 Today's date is May 3rd, 2023, and the time is

7 11:39 a.m.

8 This is the video deposition of Barbara Ferrer,
9 being taken in the matter of Alliance of Los Angeles
10 County Parents versus County of Los Angeles County
11 Department of Public Health on behalf of the
12 plaintiff, pending in the Superior Court of the
13 State of California for the County of Los Angeles;
14 case number 22STCP02772.

15 We are at 333 South Hope Street, 43rd Floor,
16 Los Angeles, California 90071. My name is
17 Kirill Davidoff of Aptus Court Reporting, located at
18 401 West A Street, Suite 1680, San Diego, California
19 92101.

20 Will counsel please identify yourselves and
21 state whom you represent.

22 MS. HAMILL: Good morning, Julie Hamill; Hamill
23 Law and Consulting on behalf of petitioner and
24 plaintiff, Alliance of Los Angeles County Parents.

25 MR. RAYGOR: Kent Raygor, of Sheppard Mullin,

1 on -- excuse me -- on behalf of the defendants named
2 in this action, County of Los Angeles, Department of
3 Public Health, Dr. Muntu Davis, and Barbara Ferrer,
4 Ph.D. I am here for the witness, Barbara Ferrer,
5 Ph.D. today.

6 With me, but not speaking or participating
7 today is county counsel, William Birnie,
8 B-i-r-n-i-e.

9 THE VIDEOGRAPHER: The court reporter today is
10 Kathy Mannlein. And she may now swear in or affirm
11 the deponent.

12
13 BARBARA FERRER, PH.D.,
14 aving been administered an oath, was examined and
15 testified as follows:

16
17 MS. HAMILL: Thank you.

18

19 EXAMINATION

20 BY MS. HAMILL:

21 Q. Good morning. Can you please state and spell
22 your name, for the record.

23 A. Barbara Ferrer, B-a-r-b-a-r-a F-e-r-r-e-r.

24 Q. And do you prefer to be called Ms. Ferrer or
25 Dr. Ferrer?

- 1 A. I don't really have a preference.
- 2 **Q. Okay. And what is your current position?**
- 3 A. I'm the director of the LA County, Department
4 of Public Health.
- 5 **Q. How long have you held that position?**
- 6 A. A little over six years.
- 7 **Q. Six years. So help me with the math. What**
8 **year did you start?**
- 9 A. I believe 2017.
- 10 **Q. Okay. Thank you.**
- 11 **Have you ever been deposed before?**
- 12 A. Yes.
- 13 **Q. When was the last time you were deposed?**
- 14 A. Maybe 20 years ago.
- 15 **Q. And what was that for?**
- 16 A. I was the director of the health department for
17 Boston, and I think there was a labor dispute.
- 18 **Q. The city of Boston, Massachusetts?**
- 19 A. I worked for the public health commission,
20 which was quasi city department.
- 21 **Q. So you were the director of the public health**
22 **commission in Boston?**
- 23 A. Yeah.
- 24 **Q. Any other times?**
- 25 A. I don't believe so.

1 Q. So just once. Okay. So I'm going to go over
2 some ground rules with you.

3 MS. HAMILL: But before we do that, I do want
4 to note for the record that my client, Sarah Beth
5 Burwick, who is a member of the Alliance of
6 Los Angeles County Parents is in the lobby. And
7 Mr. Raygor is refusing to allow her to enter the
8 room for the deposition. I'm going to give you an
9 opportunity to allow her into the room. Or if you
10 would like to provide legal justification for
11 excluding my client from this deposition, I'd love
12 to hear that.

13 MR. RAYGOR: It's -- you're in a deposition
14 with Dr. Ferrer. I'm happy to talk with you off the
15 record rather than take your time during the
16 deposition.

17 MS. HAMILL: And will you allow my client,
18 Sarah Beth Burwick, to enter the room and
19 participate in this deposition by sitting here and
20 observing?

21 MR. RAYGOR: Same response. I'm happy to talk
22 with you off the record. You're here for a
23 deposition of Dr. Ferrer. Please proceed or we can
24 take a break.

25 MS. HAMILL: So I'm -- I'm just getting

1 clarification from you that you are refusing to
2 allow my client into the room. Is that correct?

3 MR. RAYGOR: That is not correct. I have said
4 that you're in the middle of a deposition,
5 Dr. Ferrer is here. I'm happy to talk with you off
6 the record.

7 MS. HAMILL: Let's go off the record.

8 THE VIDEOGRAPHER: We're going off the record
9 at 11:44 a.m.

10 (Off the record.)

11 THE VIDEOGRAPHER: We're back on the record at
12 11:52 a.m. Please continue.

13 MS. HAMILL: Thank you. So now we've wasted
14 about 22 minutes in this deposition. Counsel for
15 the county is trying to force me to sign some sort
16 of document in order to allow my client to attend
17 the deposition. She is sitting in the lobby,
18 waiting to be let in the building, and Mr. Raygor
19 continues to refuse. So we are going to proceed
20 with the deposition.

21 BY MS. HAMILL:

22 **Q. You're under oath. So even though this**
23 **deposition is taking place in a law office, the**
24 **testimony that you give today requires you to**
25 **testify truthfully under penalty of perjury as if**

1 you were testifying in a court of law.

2 Do you understand?

3 A. Yes.

4 Q. I will try to make my questions as clear as
5 possible. But if for any reason, you don't
6 understand a question, please ask me to clarify, or
7 refuse or repeat it, and I will do so.

8 If you answer a question, the assumption will
9 be, and the record will reflect, that you understood
10 the question.

11 Does that make sense?

12 A. Yep.

13 Q. And please don't guess. I'm entitled to your
14 best estimates, but I don't want you to guess or
15 speculate.

16 For example, if I were to ask you to estimate
17 the length of this room, you could do that because
18 you're sitting and you can see the things in the
19 room. If I were to ask you to estimate the size of
20 my patio table, you would be guessing completely
21 because you've never seen my patio.

22 Only one of us should speak at a time in order
23 to make things easier for our court reporter.

24 Please use words and not gestures. If you're going
25 to say "yes" or "no," please use the words "yes" or

1 "no," instead of "uh-huh," "huh-uh," or a shake of
2 the head, or a nod of the head.

3 Ask for a break if at any time during this
4 deposition, you feel you need one.

5 Your attorney may object to some of my
6 questions. If that happens, please pause and wait
7 for the objection before you answer. Unless your
8 attorney instructs you not to answer, you are
9 required to answer my questions.

10 Everything we say here today will be taken down
11 by the court reporter. After the deposition is
12 over, the reporter will transcribe what we've said.

13 If I ask you the same questions later at trial
14 that I've asked you today, and your answers change,
15 I will be able to comment on those changes. And one
16 of the reasons will be to question your
17 truthfulness. You can expect to be asked to explain
18 the reason for the differences in your answers.

19 And is there any reason why you might be unable
20 to provide your best testimony today?

21 A. No.

22 Q. No. Did you review any documents in
23 preparation for your deposition today?

24 A. No.

25 Q. None at all?

1 A. (Shakes head.)

2 MR. RAYGOR: Just a minute. That was another
3 question. Asked and answered.

4 THE COURT REPORTER: I'm sorry, I can't hear
5 you.

6 MR. RAYGOR: Oh, asked and answered. That was
7 another question, I said. And then I said, asked
8 and answered.

9 Julie, here are the documents.

10 MS. HAMILL: And, for the record, counsel for
11 the county has just handed me a thumb drive. And I
12 will take a look at these documents at our first
13 break. Thank you very much.

14 BY MS. HAMILL:

15 **Q. So you personally did not review any documents**
16 **in preparation for this deposition?**

17 MR. RAYGOR: Asked and answered. If I don't
18 instruct you not to answer, as Ms. Hamill said, you
19 can go ahead and answer.

20 THE WITNESS: No.

21 BY MS. HAMILL:

22 **Q. No. Did you search for any documents?**

23 A. No.

24 **Q. You did not?**

25 MR. RAYGOR: Asked and answered.

1 BY MS. HAMILL:

2 Q. Did you have -- did you have anyone in your
3 office conduct a search of documents for you?

4 A. I'm not really sure what that question would
5 mean. In my department or in my office? The
6 department has 6,000 people in it. So I think if
7 you could just clarify.

8 Q. Sure. So I am going to share a document that
9 we'll mark as Exhibit 1, the Alliance of Los Angeles
10 County Parents Notice of Taking Deposition of
11 Barbara Ferrer and Demand to Produce Documents at
12 Deposition. I'll hand that to your counsel.

13 (Exhibit 1 marked.)

14 BY MS. HAMILL:

15 Q. Have you seen this document before?

16 A. I have not.

17 Q. You have not.

18 MR. RAYGOR: Asked and answered.

19 BY MS. HAMILL:

20 Q. I'm going to direct your attention to the
21 bottom of Page 1, number one. And this says, "Any
22 and all documents" -- and then there's a definition
23 of documents -- "reflecting any communications
24 between you and Brett Morrow regarding
25 County of Los Angeles County Department of Public

1 Health's social media posts, including but not
2 limited to any e-mails, text messages, or any
3 written correspondence."

4 So I assume you have not looked for any
5 responsive documents.

6 MR. RAYGOR: Calls for speculation as to what
7 you assume.

8 MS. HAMILL: You may answer the question.

9 THE WITNESS: I didn't respond to this. I
10 didn't see this until right now. I'm assuming that
11 if you have documents, it's -- other people have
12 gone in and looked at any of our correspondence and
13 produced documents for you, but I didn't produce the
14 documents myself.

15 BY MS. HAMILL:

16 Q. And you've never seen --

17 A. And I didn't look at any of the documents.

18 Q. Okay. And you've never seen this document,

19 Exhibit 1 --

20 A. And I've never seen this document until you're
21 sharing it with me now.

22 MR. RAYGOR: Asked and answered.

23 BY MS. HAMILL:

24 Q. Do you have any idea who provided the documents
25 that were handed to me this morning?

1 A. I do not.

2 Q. Number two, "Any and all documents reflecting
3 the identification of all social media accounts used
4 by Department of Public Health."

5 I assume you haven't seen that before?

6 A. I have not.

7 MR. RAYGOR: Calls for speculation as to what
8 you assume.

9 MS. HAMILL: You may answer.

10 THE WITNESS: I have not seen any documents.

11 BY MS. HAMILL:

12 Q. All right. In the interest of time, I'm not
13 going to read all of these.

14 But, for the record, there are 23 demands to
15 produce documents at deposition.

16 And you have not reviewed these demands nor
17 have you produced any responsive documents?

18 A. I have not.

19 Q. Thank you.

20 MR. RAYGOR: I have, on the witness's behalf.
21 They're in that thumb drive.

22 MS. HAMILL: I'd like to mark as Exhibit 2,
23 Defendant Barbara Ferrer Ph.D's Responses To
24 Document Demands Contained In Plaintiff's April 13,
25 2023 Deposition Notice.

1 (Exhibit 2 marked.)

2 BY MS. HAMILL:

3 Q. Have you seen this document before?

4 A. I have not.

5 Q. I'll direct your attention to Page 4 of what's
6 been marked as Exhibit 2, lines 20 through 22.

7 These are objections lodged by your counsel.

8 And it says, "Reflecting written communications
9 between Defendant and Mr. Morrow since July 26, 2022
10 about closing public commentary on the County of
11 Los Angeles Department of Public Health's public
12 Twitter, Facebook, and Instagram posts."

13 This is actually not what I requested. The
14 request has been rephrased by counsel.

15 MS. HAMILL: Will counsel produce the documents
16 that were demanded?

17 MR. RAYGOR: We can conduct our meet and
18 confer, as I said, in my correspondence with you
19 after the deposition of Dr. Ferrer.

20 BY MS. HAMILL:

21 Q. And on Page 5 --

22 MR. RAYGOR: Can you read back the question?

23 (Record read.)

24 MR. RAYGOR: After serving these responses --
25 and before I produced the documents you have on the

1 thumb drive -- we determined there are no such
2 non-privileged documents.

3 MS. HAMILL: There are no such non-privileged
4 documents --

5 MR. RAYGOR: That's what I just said, yes.

6 MS. HAMILL: -- that -- well --

7 MR. RAYGOR: Oh, sorry.

8 MS. HAMILL: In my demand for production number
9 one, I did not limit the time nor did I limit the
10 subject matter to closing public commentary. So I'm
11 going to ask again if counsel will produce
12 responsive documents to my demand for production,
13 number one?

14 MR. RAYGOR: We asserted objections. I
15 narrowed the response to what I felt was appropriate
16 as stated in Exhibit 2, lines -- Page 4, lines 18 to
17 22. And we searched for and did not find any
18 responsive documents.

19 MS. HAMILL: And I will ask again if counsel
20 will be producing documents responsive to my demand.

21 MR. RAYGOR: I've already stated all I'm going
22 to state. If you have a desire to meet and confer
23 on the scope of the responses, we can do that, but
24 not during the deposition. Please send me a meet
25 and confer letter. This is the first I'm hearing

1 about it.

2 BY MS. HAMILL:

3 **Q. And Page 5, line 22, again, counsel has imposed**
4 **his own limitations on my demand. This is not**
5 **responsive to my demand for production number two.**

6 MS. HAMILL: Will counsel produce documents
7 responsive to demand for production number two?

8 MR. RAYGOR: Same response as what I just said.

9 BY MS. HAMILL:

10 **Q. And I'll ask the witness, Ms. Ferrer,**
11 **Dr. Ferrer, have you conducted a search for the**
12 **documents demanded in production number two?**

13 A. I have not.

14 **Q. You have not. Can you do that?**

15 MR. RAYGOR: Calls for speculation.

16 MS. HAMILL: You may answer the question.

17 THE WITNESS: I don't -- I don't search for
18 documents.

19 BY MS. HAMILL:

20 **Q. You don't search for documents?**

21 A. I don't search for documents in response to
22 requests from counsel or from -- you know, freedom
23 of information requests. I mean, that's just not
24 something I personally do. There are other people
25 on the team that handle those requests.

1 Q. Who handle those requests?

2 A. I wouldn't know their names.

3 Q. So you cannot personally conduct any searches
4 for documents?

5 A. I don't conduct those searches.

6 Q. You don't. But you could?

7 A. For documents related to requests from outside
8 sources. I search for my own documents that I need.
9 But there's a process that the county has set up,
10 and our department uses, to respond to requests for
11 other documents.

12 Q. Can you explain that process to me?

13 A. Not really. I cannot.

14 Q. So --

15 A. I just know that -- what I know is that those
16 requests are sent to a centralized office, and
17 reviewed, and then responded to. I mean, I --
18 that's the best that I can help you with, sort of
19 how it happens. I'm not -- I don't have any
20 additional information.

21 Q. What is the centralized office?

22 A. A centralized location would probably be
23 better. There's a group of folks that handle
24 requests for information. They also do other tasks,
25 as well.

1 Q. Is that within the Department of Public Health
2 or within the overall county?

3 A. Within the Department of Public Health.

4 Q. So there's a centralized office within the
5 department --

6 A. I'd say a centralized unit.

7 Q. A centralized unit within the Department of
8 Public Health that conducted a search for these
9 documents?

10 MR. RAYGOR: Objection, misstates the witness's
11 testimony.

12 THE WITNESS: I -- that is the usual process.
13 If that -- there could have been a different process
14 that was followed in this case, and I wouldn't know
15 about it.

16 BY MS. HAMILL:

17 Q. If you wanted to, could you go to your office
18 and search for documents that I requested in this
19 demand for production?

20 A. I haven't read this demand for production, so
21 I'd have to read it and then make a determination if
22 I could do it.

23 Q. Well, let's go back to demand for production
24 number one, which requests communications between
25 you and Brett Morrow.

1 Would you be able to search for documents
2 responsive to that request?

3 A. Where -- where is that request?

4 Q. It begins on Page 3 and goes to Page 4 of
5 Exhibit 2.

6 A. No, I couldn't do this.

7 Q. And why not?

8 A. I don't have -- I wouldn't know where all these
9 documents might be.

10 Q. Would you be able to conduct a search in your
11 e-mail inbox?

12 A. I think I can, yes.

13 Q. Have you ever conducted a search of your e-mail
14 inbox for any content?

15 A. Not for content, but by people.

16 Q. By people. So you know how to conduct a search
17 of your e-mail inbox for communications with certain
18 people?

19 A. Yes, I do.

20 Q. Okay. I'm going to ask that you conduct a
21 search of your e-mail inbox for documents responsive
22 to demand for production number one.

23 And do you have a list of all of the social
24 media accounts maintained by the Department of
25 Public Health?

1 A. I do not.

2 Q. You do not. Are you aware of one existing?

3 A. I am not.

4 Q. Do you know who might know?

5 A. I would imagine that Brett Morrow, as the
6 director of that office, would know.

7 Q. And what is the office that he's the director
8 of?

9 A. Office of communications and -- I don't know,
10 we just call it the office of communications. But
11 it has a longer title.

12 Q. And is that within the Department of Public
13 Health?

14 A. That is within the Department of Public Health.

15 Q. And so he doesn't do any communications, work
16 for other departments in the county?

17 MR. RAYGOR: Objection, it's not a question.
18 It's a statement.

19 MS. HAMILL: If you understand, you may answer.

20 THE WITNESS: The county is organized in a way
21 that all of the departments will help out with
22 communications, efforts that happen in other places.
23 So he could, yes, be helping in other places, as
24 well.

25 ///

1 BY MS. HAMILL:

2 Q. Thank you.

3 And going on to Page 5, demand for production
4 number three. This says, "Any and all departments
5 reflecting communications between you and the LA
6 County, USC Medical Center, including but not
7 limited to any e-mails, text messages, or any other
8 written correspondence."

9 Have you corresponded via e-mail with the
10 LA County USC Hospital?

11 A. Well, the LA USC County Hospital is not an
12 e-mail entity. So you can communicate with people
13 that work there, but I've never communicated with
14 them as an entity.

15 Q. That's a good clarification.

16 So which people from LA County USC Hospital
17 have you communicated with via e-mail?

18 A. I could not answer that.

19 Q. Have you communicated with Dr. Spellberg?

20 A. I wouldn't recollect when we communicated. But
21 I've been there six years, and I would imagine at
22 some points, we've communicated.

23 Q. Have you communicated with Dr. Holtom?

24 A. Not to my knowledge. But, again, six years is
25 a long time, so I wouldn't -- I would just say I

1 don't know.

2 Q. I'm going to ask that you go back and search
3 your e-mail inbox for communications between
4 yourself and Dr. Spellberg and Dr. Holtom.

5 MR. RAYGOR: Can you spell? Holtom or Holtom?

6 MS. HAMILL: H-o-l-t-o-m.

7 BY MS. HAMILL:

8 Q. And on Page 6, we have demand for production
9 number four, "Any and all documents reflecting
10 communications between you and Health Services of
11 Los Angeles County, including but not limited to any
12 e-mails, text messages, or any other written
13 correspondence."

14 Have you corresponded with any people from the
15 Health Services of Los Angeles County?

16 A. Yes.

17 Q. Who are your points of contact at the
18 Health Services of Los Angeles County?

19 A. I would not be able to name them all.

20 Q. With whom do you most frequently communicate
21 there?

22 A. Dr. Christina Galli.

23 Q. Anyone else?

24 A. (Shakes head.) Not frequently.

25 Q. And does Dr. Christina Galli oversee your

1 department?

2 A. She does not.

3 Q. Are you lateral --

4 A. Yes, we are.

5 Q. So you have equal --

6 A. We're both department heads.

7 Q. You're both department heads.

8 So Dr. Christina Galli is essentially what your
9 position is in the health services?

10 A. (Nods head.)

11 Q. And what's the difference --

12 MR. RAYGOR: Is that -- you have to answer
13 audibly for the court reporter.

14 THE WITNESS: Yes, yes. Dr. Christina Galli's
15 department is an equivalent department to my
16 department.

17 BY MS. HAMILL:

18 Q. And what is the difference between
19 Health Services of Los Angeles County and the
20 Department of Public Health?

21 A. The Department of Health Services runs the
22 county's hospitals and the Department of Health
23 Services' clinics.

24 And the Department of Public Health is
25 responsible for the public health and wellbeing of

1 the 10.3 million dollars -- million people who live
2 in the county. So the health services department
3 serves mostly as a provider. And the county's
4 Department of Public Health has 50, plus, programs,
5 doing a range of services in support for residents
6 all across the county.

7 **Q. Is it fair to say that the Department of Public**
8 **Health is more policy while health services is more**
9 **provider?**

10 A. I don't think that would be the way I'd
11 characterize it.

12 **Q. Would you characterize it a different way?**

13 A. I would.

14 **Q. How would you characterize it?**

15 A. The Department of Public Health provides
16 services and supports to families all across -- to
17 residents all across the county. They -- we also
18 engage in some policy work, but so does the
19 Department of Health Services. I mean, all
20 departments are engaging in policy work. So I don't
21 think that's an appropriate distinction.

22 **Q. Thank you.**

23 **Demand for production number five requests "any**
24 **and all documents reflecting communications between**
25 **you and Sheila Kuehl regarding Department of Public**

1 Health's social media including but not limited to
2 any e-mails, text messages, or any other written
3 correspondence."

4 Do you know Sheila Kuehl?

5 A. Yes, I do.

6 Q. Am I pronouncing her name correctly?

7 A. Kuehl.

8 Q. Kuehl.

9 So have you corresponded with Sheila Kuehl via
10 e-mail?

11 A. Yes, I have.

12 Q. You have. Have you corresponded --

13 MR. RAYGOR: Asked and answered.

14 MS. HAMILL: I'm sorry?

15 MR. RAYGOR: Asked and answered.

16 BY MS. HAMILL:

17 Q. And have you corresponded with Ms. Kuehl
18 regarding the county's social media?

19 A. I do not recall ever communicating with her
20 about that.

21 Q. Do you recall Ms. Kuehl ever having concerns
22 about the county's social media?

23 A. I do not recall that.

24 Q. I'd like for you to conduct a search of your
25 e-mail inbox for communications between you and

1 Sheila Kuehl regarding Department of Public Health's
2 social media pursuant to demand for production
3 number five.

4 Demand for production number six on Page 8
5 requests "any and all documents reflecting
6 communications between you and Holly Mitchell
7 regarding Department of Public Health's social
8 media."

9 Have you corresponded with Holly Mitchell via
10 e-mail?

11 A. Yes, I have.

12 Q. Have you corresponded with Holly Mitchell via
13 e-mail about the department's social media?

14 A. Not that I recall.

15 Q. Okay. And I'll ask again that you conduct a
16 search of your e-mail inbox for communications
17 between you and Ms. Mitchell regarding Department of
18 Public Health's social media.

19 And continuing this pattern, demand for
20 production number seven, requests, "Communications
21 between you and Hilda Solis regarding Department of
22 Public Health's social media."

23 Have you corresponded with Ms. Solis via social
24 -- or via e-mail?

25 A. Yes, I have.

1 Q. You have. Have you corresponded with her
2 specifically with regard to Department of Public
3 Health's social media?

4 A. Not that I recall.

5 Q. Okay. And I will ask that you conduct a search
6 of your e-mail inbox for correspondence between
7 yourself and Ms. Solis regarding Department of
8 Public Health's social media pursuant to demand for
9 production number seven.

10 Demand for production No. 8 on Page 10 asks for
11 "documents reflecting communications between you and
12 any other person regarding a Twitter account
13 identified as ALT_lacph."

14 Are you familiar with that account?

15 A. I am not.

16 Q. Have you ever heard of it in your --

17 A. I have not.

18 Q. Okay. Demand for production No. 9, "Any and
19 all documents reflecting communications between you
20 and Kaitlin Barnes regarding Department of Public
21 Health's social media, including but not limited to
22 e-mails, texts, or any other written
23 correspondence."

24 Are you familiar with Kaitlin Barnes?

25 A. I am.

1 Q. And how do you know Kaitlin?

2 A. She's my daughter.

3 Q. She's your daughter.

4 MR. RAYGOR: Asked and answered.

5 BY MS. HAMILL:

6 Q. Does she live with you currently?

7 MR. RAYGOR: Not relevant to any subject in
8 this lawsuit.

9 You can answer.

10 THE WITNESS: Sometimes.

11 BY MS. HAMILL:

12 Q. Have you communicated with Kaitlin Barnes via
13 e-mail?

14 A. Yes, I have.

15 Q. Have you communicated with her via e-mail
16 regarding Department of Public Health's social
17 media?

18 A. Not that I recall.

19 Q. And I will ask that you conduct a search of
20 your inbox for communications between yourself and
21 Kaitlin Barnes regarding Department of Public
22 Health's social media.

23 MS. HAMILL: I'm speaking a little fast. I'm
24 sorry. I'm going to slow down.

25 ///

1 BY MS. HAMILL:

2 Q. Okay. Demand for production No. 10, "Any and
3 all documents reflecting Department of Public Health
4 policies relating to communications with the
5 public."

6 Does the Department of Public Health have
7 policies relating to communications with the public?

8 A. Yes.

9 Q. Yes. Are those policies in writing?

10 A. Yes.

11 Q. Have those been produced today?

12 A. I don't know.

13 MR. RAYGOR: Yes.

14 MS. HAMILL: Great.

15 BY MS. HAMILL:

16 Q. And demand for production No. 11, is, "Any and
17 all documents reflecting Department of Public Health
18 policies relating to social media."

19 Does the Department of Public Health have
20 policies respecting social media?

21 A. Not that I know of.

22 Q. Okay.

23 A. Or recall.

24 Q. Number 12 is, "Any and all documents reflecting
25 Department of Public Health's determinations

1 regarding who may be tagged in the County's social
2 media posts."

3 Are you familiar with any sort of policy
4 regarding these determinations?

5 A. I am not.

6 Q. Number 13 on Page 14, "Any and all documents
7 reflecting misinformation regarding public health
8 guidance in comments on Department of Public
9 Health's social media posts."

10 Are you familiar with any misinformation
11 regarding public health guidance in the comments to
12 the Department of Public Health's social media
13 posts?

14 A. I am not.

15 Q. Not at all.

16 MR. RAYGOR: Asked and answered.

17 BY MS. HAMILL:

18 Q. Number 14, "Any and all documents reflecting
19 'bullying' in the comments on Department of Public
20 Health's social media posts."

21 Are you familiar with any "bullying" in
22 comments on Department of Public Health's social
23 media posts?

24 A. Could you restate that question? Because I'm
25 not sure if you're asking me if I'm familiar -- like

1 if someone has told me that there's bullying that's
2 going on, or if I have seen documents, or have
3 looked on the social media posts and seen people
4 doing those activities.

5 **Q. Have you personally seen any bullying in the**
6 **comments to the Department of Public Health's social**
7 **media posts?**

8 A. I have not, but I do not review the social
9 media posts.

10 **Q. You do not review the social media posts?**

11 A. I do not review the social media posts.

12 MR. RAYGOR: Asked and answered.

13 MS. HAMILL: And I am repeating -- and I
14 repeating the statements because with the masks, it
15 is difficult to understand, and I want to make sure
16 we have a clear record.

17 MR. RAYGOR: Then let's ask the court reporter
18 to see if the most important person in the room has
19 heard it and put in the record.

20 MS. HAMILL: And I would also like to clarify
21 for my own understanding as the deposing attorney.
22 Thank you very much.

23 MR. RAYGOR: You're welcome. I'll continue to
24 object on that ground.

25 ///

1 BY MS. HAMILL:

2 Q. Okay. Are you familiar with bullying in the
3 comments? Meaning, has anyone told you that there
4 is bullying in the comments on the Department of
5 Public Health's social media posts?

6 A. Yes, they have.

7 Q. And who told you that?

8 A. I don't recall.

9 Q. Do you think it was Brett Morrow?

10 A. I don't recall.

11 Q. Who manages the Department of Public Health's
12 Twitter account?

13 A. I think there have been a variety of people
14 managing that account. Brett is the person in that
15 office that I would talk to the most. But there are
16 other people in the office that also work closely
17 with communications that could have communicated
18 that information to me.

19 Q. And what kind of bullying was going on,
20 according to the people that you spoke to?

21 A. I don't really recall any details of how it was
22 described.

23 Q. Do you recall whether the bullying was targeted
24 toward you or toward other members of the public?

25 A. My recollection of the conversation around

1 bullying on the social media posts was not about
2 bullying directed at me.

3 **Q. So it was bullying of other individuals?**

4 A. Yes.

5 **Q. Of members of the board of supervisors?**

6 A. It was bullying about other members of the
7 public.

8 **Q. Members of the public.**

9 A. Yeah.

10 **Q. Number 15, "Any and all documents reflecting**
11 **'harassment' in comments on Department of Public**
12 **Health's social media posts."**

13 **Are you familiar with any harassment in the**
14 **comments on the Department of Public Health's social**
15 **media posts?**

16 A. I have seen no social media posts.

17 **Q. Has anyone told you that there was harassment**
18 **in the comments?**

19 A. To the best of my recollection in the same
20 conversation that we were discussing bullying, we
21 were discussing harassing comments, as well. And
22 it...

23 **Q. And what's the difference in your mind between**
24 **bullying and harassing?**

25 A. I think they're very similar.

1 Q. Number 16, "Any and all documents reflecting
2 threats in comments on Department of Public Health's
3 social media posts."

4 Are you familiar with any threats in the
5 comments on Department of Public Health's social
6 media?

7 A. I have not -- social media posts? Could you
8 define "social media" for me? Like when you say
9 social media, what are you -- what are you including
10 there?

11 Q. I'm referring to Twitter, Facebook, Instagram.

12 A. I think the answer is yes.

13 Q. So you're familiar with threats?

14 A. I have been shown threats.

15 Q. Shown threats.

16 Did you produce those documents today?

17 A. The only threats that I have been shown are --
18 were threats against me that were then sent to the
19 sheriff.

20 Q. And those were in the comments to the
21 department's social media?

22 A. I cannot be sure.

23 Q. So it could have been via direct message?

24 A. I cannot be sure.

25 MS. HAMILL: And I'll ask counsel, did you

1 provide any documents reflecting those threats
2 today?

3 MR. RAYGOR: I don't know. I gave you the
4 archive. We produced the entire archive.

5 MS. HAMILL: Do you know how many gigabytes
6 were produced?

7 MR. RAYGOR: I do not.

8 MS. HAMILL: Okay.

9 BY MS. HAMILL:

10 Q. Okay. We asked for the org chart. I assume
11 that it's in these documents that I will review on
12 our break.

13 Number 18 on Page 18, "Any and all documents
14 reflecting the Department of Public Health's
15 decision to disable public comments on its social
16 media posts on or about August 4th, 2022."

17 Were you involved in that decision?

18 A. The communications office made that decision
19 and then informed me of it to see if I had any
20 objections.

21 Q. Did you have any objections?

22 A. I did not.

23 Q. Did you have any concerns?

24 A. We discussed making sure that at the town
25 halls, people would be able to ask us questions.

1 Q. And how do those town halls work?

2 A. I can't talk about how the platform works. I
3 can talk about how we organize the town hall. We
4 have various presenters that talk for a couple of
5 minutes each on the topic for that town hall. They
6 range -- they're generally clinicians and public
7 health practitioners. I usually am moderating. And
8 then after those short presentations, we open for
9 questions from the general public, and try to get to
10 as many of the questions as possible related to the
11 topic that's being discussed.

12 Q. And how are those questions moderated?

13 A. I would not know the answer to that.

14 Q. Are you the person who gets to ask the
15 questions of the panelists?

16 A. I'm given a list of questions that come --
17 because I think there's a variety of ways that
18 people can ask us questions. And so I will be given
19 a list of those questions as they're coming in. And
20 then I will go ahead and ask as many of those
21 questions as I can.

22 Q. But you don't always ask all of the questions

23 --

24 A. We never have time to ask all of the questions.

25 Q. Are you aware of whether or not all members of

1 the public participating in the town hall can see
2 the questions being asked?

3 A. I have no idea how the technology works.

4 Q. And do you select the clinicians and the public
5 health practitioners who speak on these panels?

6 A. I will do that with my team, you know. We
7 really are really responding, often, to questions
8 that are being asked of us. So if there's a new
9 guidance on vaccinations, for example, we'll do town
10 hall on vaccinations. And then we'll have our
11 experts on vaccinations present the information.

12 Q. Would you ever invite a clinician or public
13 health practitioner who has views that are divergent
14 from yours on best practices with respect to COVID?

15 A. All of the -- as far as I recall, all of the
16 presenters at our town halls are people who work at
17 the Department of Public Health.

18 Q. Okay.

19 MS. HAMILL: Is this clear for your transcript?

20 THE COURT REPORTER: Yeah, only because I'm
21 hooked up to his audio. Otherwise, I wouldn't be
22 able to do it.

23 BY MS. HAMILL:

24 Q. No. 19, "Any and all documents reflecting an
25 archive of Department of Public Health's data from

1 Twitter showing the @lapublichealth account's
2 activity from March 1, 2020 through the present."

3 And my understanding is that a full archive of
4 the data has been provided on this thumb drive which
5 I will review on a break.

6 Are you aware that the Department of Public
7 Health's Twitter posts, prior to September of 2022,
8 are no longer visible on Twitter?

9 A. I'm not sure what you mean. Could you say that
10 again?

11 Q. So each Twitter user has a timeline. And the
12 Department of Public Health has a timeline. And in
13 the timeline, it shows a series of posts in
14 chronological order. The Department of Public
15 Health's Twitter stops in September of 2022. And
16 there's no -- there are no posts that are viewable
17 on the timeline prior to September of 2022.

18 A. I'm not sure I understand at all what you mean.
19 I don't know how to answer.

20 Q. So I'll just take that as a "no." You're not
21 aware?

22 A. Yeah, I'm totally not aware.

23 Q. Thank you.

24 And you said you're not aware of any
25 misinformation in the comments to the Department of

1 **Public Health's social media posts?**

2 MR. RAYGOR: You already asked. The witness
3 already answered.

4 THE WITNESS: I have not seen any of the posts.
5 I am aware that there was a lot of misinformation
6 that other people were contributing on our sites
7 that was creating a lot of confusion. But I didn't
8 see those posts. And the conversations I had was
9 that they were happening, and they were problematic.
10 And there was a lot of them.

11 BY MS. HAMILL:

12 **Q. And do you recall what kind of misinformation**
13 **was being shared?**

14 A. I don't recall the details. I think a lot of
15 it was around vaccines and masks, but I have no
16 details, and poor recollection.

17 **Q. And you were concerned about that**
18 **misinformation; is that correct?**

19 A. I am concerned about misinformation, yes.

20 **Q. Why?**

21 A. We're the public health department. People
22 coming to our sites are looking for accurate
23 information. And as the public health department,
24 we take that responsibility very seriously.

25 **Q. And how do you determine whether a piece of**

1 **information is misinformation or not?**

2 A. We have a team of epidemiologists, clinicians,
3 public health practitioners who work hard to
4 determine what is accurate information. So I would
5 say when the information is not aligned with what
6 we've determined is accurate information, for us,
7 that would represent misinformation.

8 You asked a hard question, because there are
9 lots of different ways people can think about
10 misinformation.

11 **Q. And so if I'm understanding correctly,**
12 **information that's not aligned with what the**
13 **Department of Public Health has put out would**
14 **constitute misinformation?**

15 MR. RAYGOR: Objection, the witness provided
16 her testimony.

17 THE WITNESS: I don't think that's what I said.
18 It's not necessarily information that we've put out.
19 It's information that we have determined is
20 credible, and accurate, and based in science.

21 Sometimes there could be misinformation circulating
22 about a topic we have yet to present information on.

23 BY MS. HAMILL:

24 **Q. And so how do you determine whether something**
25 **is credible, and accurate, and based in science?**

1 A. There's a review by a team of qualified people
2 at the health department, that look at the
3 information, that are versed in public health
4 practice, and research, and the appropriateness of
5 research, and the epidemiology of disease that
6 actually are working together to make those
7 determinations. There's no one person that does
8 that job.

9 **Q. Can you name anyone on that team?**

10 A. Yes.

11 **Q. Will you, please?**

12 A. Dr. Sharon Balter.

13 **Q. Anyone else?**

14 A. Dr. Paul Simon.

15 **Q. Not the musician?**

16 A. Not the musician.

17 **Q. Anyone else?**

18 A. Dr. Dawn Terashita.

19 **Q. Anyone else?**

20 A. It's a long list.

21 **Q. About how long?**

22 A. Dr. Muntu Davis.

23 **Q. Anybody else?**

24 A. I'm trying to make sure I have everyone's last
25 names. I would have to give you some first names

1 because I'm not sure I've -- I think Dr. Produ
2 Gunder {sic} or -- but I'm not positive about the
3 last name; Dr. Zach Rubin; Dr. Rida Zengel. There's
4 -- I'll stop there.

5 **Q. Okay. Thank you very much.**

6 **So tell me if my understanding is correct. If**
7 **-- if conflicting pieces of information regarding an**
8 **issue came to the department, would this team that**
9 **you just described meet and discuss and decide which**
10 **is more credible?**

11 MR. RAYGOR: Improper and incomplete
12 hypothetical; calls for speculation.

13 THE WITNESS: Different people on our teams
14 have different areas of expertise. Depending on
15 someone's area of expertise, they would be called to
16 review documents. They would also be looking,
17 obviously, at documents that were coming out of CDC
18 -- the Centers for Disease Control.

19 BY MS. HAMILL:

20 **Q. Out of CDC?**

21 A. (Nods head.)

22 **Q. And if the CDC took a position on an issue,**
23 **would your department align with the CDC on that**
24 **issue?**

25 A. Not always.

1 Q. Not always.

2 How has your department differed from CDC
3 guidance with respect to COVID?

4 MR. RAYGOR: So how does this have anything to
5 do with the subject of the lawsuit which is social
6 media -- free speech?

7 MS. HAMILL: It goes to the petitioner and
8 plaintiff's theory of the case, where we have a
9 theory of why social media comments were blocked,
10 and how the public was restricted from communicating
11 with one another.

12 MR. RAYGOR: Why don't you ask those questions
13 then?

14 MS. HAMILL: I mean, are you planning to stop
15 the deposition? I don't think I'm under any
16 obligation to explain the full legal theory.

17 MR. RAYGOR: If you continue on things that are
18 outside the subject matter of the current lawsuit,
19 which is the free speech claim, I will just instruct
20 the witness not to answer. But I won't stop the
21 deposition.

22 MS. HAMILL: That's going to be a problem. We
23 are not asking questions that are outside the scope.
24 And I would caution you not to instruct your client
25 not to answer on relevance grounds. But that's your

1 risk to take. You seem like a risk taker.

2 Okay. So let's move on.

3 MR. RAYGOR: That's inappropriate, and it's
4 unprofessional, and I'll ask you to please cease
5 that.

6 MS. HAMILL: To what?

7 MR. RAYGOR: I'll ask you to please cease that.

8 MS. HAMILL: Please cease what?

9 MR. RAYGOR: I said that was improper and
10 unprofessional, your -- your comment.

11 MS. HAMILL: Is -- is it improper and
12 unprofessional to keep my client locked downstairs
13 in the lobby?

14 MR. RAYGOR: We had an agreement where she
15 could come up. You reneged on it.

16 MS. HAMILL: I'm sorry, I'm under no obligation
17 to give you anything, in order to have my client in
18 the room. But we're going to move on with our
19 deposition.

20 BY MS. HAMILL:

21 **Q. No. 21, "Any and all documents reflecting**
22 **Department of Public Health's objective in disabling**
23 **comments on its social media posts."**

24 **What was the Department of Public Health's**
25 **objective in disabling public comments on the social**

1 media?

2 A. The Department of Public Health closed public
3 comments to ensure that on our sites, people were
4 receiving accurate information.

5 Q. And I would express to your attorney that
6 determining what constitutes accurate information,
7 and how that process works, is going to go to the
8 respondent and defendant's objective in disabling
9 comments, which is relevant to the free speech
10 claim.

11 Demand for production number 22, "Any and all
12 documents reflecting Department of Public Health's
13 consideration of alternatives to disabling comments
14 on its social media posts."

15 Did the department consider any alternatives to
16 completely closing off comments on the department's
17 social media?

18 A. That would have been a conversation that would
19 have happened in the communications office.

20 Q. So with Brett?

21 A. (Nods head.) Well, with Brett and his team.

22 Q. And you were not involved in that conversation?

23 A. I was not involved in that conversation.

24 Q. Demand for production number 23, "Any and all
25 documents reflecting alternative avenues for

1 communication between members of the public,
2 following its disabling of comments on the county's
3 social media posts."

4 So this question in this demand seeks to
5 understand what, if anything, the department did to
6 ensure that the public could continue to communicate
7 with each other regarding Department of Public
8 Health issues.

9 A. I think from the department's perspective, we
10 are not creating platforms for individuals to
11 communicate with each other. We want to make sure
12 people can communicate with us, ask us questions,
13 offer their advice or their comments, or their
14 counsel, and that we can be responsive to those
15 queries, and hear their advice.

16 Q. Would you agree that prior to the decision to
17 shut off the public comments, there was a platform
18 where the public could communicate with each other
19 other regarding Department of Public Health issues?

20 A. I wouldn't know that.

21 Q. You wouldn't know?

22 A. I wouldn't know.

23 MR. RAYGOR: Asked and answered.

24 BY MS. HAMILL:

25 Q. All right. And I'll just ask one more time,

1 for to you return to your e-mail inbox and conduct a
2 search of all responsive documents that we discussed
3 in this exhibit.

4 How are you doing? Do you need a break or...

5 A. I'm good.

6 Q. Okay. So I understand you have a Ph.D. in
7 social welfare; is that correct?

8 A. No, it is not.

9 Q. Do you have a Ph.D.?

10 A. I do.

11 Q. And what is that in?

12 A. I'm not sure what the -- I don't think it just
13 says social welfare. I'm not actually sure what it
14 might say on the diploma. My Ph.D. was award -- I
15 was awarded that Ph.D. I was part of a P
16 fellowship that actually was doing work on health
17 policy.

18 Q. And where did you receive that Ph.D.?

19 A. Brandeis University.

20 Q. Brandeis.

21 A. The fellowship program was a joint program
22 between BU and Brandeis -- Boston University, sorry.

23 Q. How long did you attend that program?

24 A. I don't recall. Coursework was two years. And
25 then there was work to complete a dissertation.

1 Q. Do you have any other degrees?

2 A. I do.

3 Q. What are those?

4 A. I have a Bachelor's of Arts from University of
5 California, Santa Cruz. I have a master's in public
6 health from Boston University. And I have a
7 master's in education from the University of
8 Massachusetts.

9 Q. That's a lot of degrees.

10 So how did you become the director of public
11 health for Los Angeles County? Did you respond to a
12 job listing?

13 MR. RAYGOR: Compound question -- questions.

14 THE WITNESS: I was recruited. I was recruited
15 for the position.

16 BY MS. HAMILL:

17 Q. Were you recruited by the Board of Supervisors?

18 A. I was recruited by a recruiter.

19 Q. And who did you interview with?

20 A. I interviewed with Dr. Mitch Katz and then I
21 interviewed with the Board of Supervisors.

22 Q. Did you have personal relationships with anyone
23 at the county or on the Board of Supervisors prior
24 to your interview?

25 A. I did not.

1 Q. I'd like to take a break so I can pull up the
2 documents produced.

3 THE VIDEOGRAPHER: We're going off the record
4 at 12:44 p.m.

5 (Off the record.)

6 THE VIDEOGRAPHER: We are back on the record at
7 1:19 p.m. Please continue.

8 MS. HAMILL: Thank you. And I will restate
9 once again that my client has been sitting in the
10 lobby downstairs since 11:30, and it's now almost
11 1:30. And I will ask one more time that Mr. Raygor
12 allow my client upstairs.

13 MR. RAYGOR: We had an agreement earlier where
14 I said that if -- let's go off the record.

15 MS. HAMILL: I'm not doing this. Yes or no.
16 I'm not going off the record. Yes or no.

17 MR. RAYGOR: You don't want to meet and confer
18 about it and repeat our agreement that we had
19 earlier --

20 MS. HAMILL: I'm not --

21 MR. RAYGOR: Just a minute, I'm still speaking.
22 I gave you an offer to allow her to come up at the
23 beginning of the deposition. You accepted the
24 terms. You said yes, I agree. I went to just write
25 you a simple e-mail to confirm that. Mr. Birnie,

1 who came back in here, told me you had reneged. So
2 it was you who did not allow her to come up here.

3 MS. HAMILL: Number one, I am under no
4 obligation to do anything in order to have my
5 client, a party to this case, attend this
6 deposition, under no obligation whatsoever. There's
7 no legal authority for that.

8 Number two, I never agreed to put anything into
9 writing, or to sign anything that you draft up for
10 me to sign while I'm taking a deposition. I would
11 never do that. So I'm going to give you -- excuse
12 me, I'm speaking. I'm going to give you one last
13 opportunity and then we are going to seek sanctions
14 against you. Okay?

15 Under CCP 2025.420 (b)(12), "Any party,
16 deponent, or other effective person or organization
17 may move for a protective order to exclude
18 designated persons other than the parties to the
19 action, and their officers, and counsel from the
20 deposition."

21 You have no authority to keep her out. So one
22 last time: Are you going to allow Ms. Burwick to
23 come upstairs?

24 MR. RAYGOR: Are you going to -- your word for
25 her being a member is not sufficient. It's not

1 evidence.

2 Are you going to -- we should be able to state
3 on the record that she is a member.

4 MS. HAMILL: Yes.

5 MR. RAYGOR: And at some point when we have our
6 meet and confer, will you --

7 MS. HAMILL: I'm not agreeing to anything.
8 She's coming up or not.

9 MR. RAYGOR: I just -- okay, well, now you're
10 renegeing on that agreement.

11 Proceed. We just had an agreement, I thought
12 --

13 MS. HAMILL: She will come up and say on the
14 record that she is a member. I'm not agreeing to
15 anything else. I'm not obligated to do that. We
16 are going to seek sanctions against you unless you
17 let her up right now. It's your call.

18 Do you need time to confer?

19 MR. RAYGOR: I don't need it, but I'd like it.

20 MS. HAMILL: Okay. Go ahead.

21 MR. RAYGOR: Go off the record.

22 MS. HAMILL: Not with me, with -- I'm done
23 talking to you about this.

24 MR. RAYGOR: No, it's your deposition, Julie.
25 If you -- I can't tell you to go off the record so I

1 can go out and talk to my client. You can do that.

2 MS. HAMILL: So you would like to go off the
3 record so you can go talk to your client?

4 MR. RAYGOR: Yes.

5 MS. HAMILL: About allowing my client to attend
6 the deposition?

7 MR. RAYGOR: I can't confirm that because
8 you're asking me to disclose attorney-client
9 privileged communications or work product.

10 MS. HAMILL: Okay. If you need to go off the
11 record in order to make this call, please feel free,
12 but please return within two minutes so we can
13 continue and stop wasting time. Thank you.

14 MR. RAYGOR: We could have stopped wasting time
15 --

16 MS. HAMILL: Mr. Raygor, you're being abusive
17 at this point.

18 MR. RAYGOR: You could have stopped --

19 MS. HAMILL: You are being abusive at this
20 point.

21 MR. RAYGOR: You could have stopped wasting
22 time --

23 MS. HAMILL: You are being abusive at this
24 point. I am asking you --

25 MR. RAYGOR: Please let me finish my statement.

1 If you're not going to give me common courtesy of
2 professionalism, okay? I don't have to take this.

3 Are we off the record now?

4 THE VIDEOGRAPHER: No, we're still on the
5 record.

6 MR. RAYGOR: You said we could go off the
7 record. Will you please let us go off the record?

8 MS. HAMILL: Sure. We'll go off the record.

9 THE VIDEOGRAPHER: We're going off the record
10 at 1:23 p.m.

11 (Off the record.)

12 THE VIDEOGRAPHER: We're back on record at
13 1:34 p.m. Please continue.

14 MS. HAMILL: Thank you very much.

15 Will you allow my client to come upstairs now?

16 MR. RAYGOR: I will. But I've got to have a
17 security officer approve it. I was waiting for him
18 to come up. I don't know where he is. But, yes.

19 MS. HAMILL: Okay, thank you.

20 MR. RAYGOR: As long as she states on the
21 record that she's a member.

22 MS. HAMILL: That's fine.

23 How do we expedite the security process so
24 Ms. Burwick can enter the building?

25 MR. RAYGOR: I'm trying to find somebody else.

1 They're supposed to interrupt if they can find
2 somebody else because the guy -- Quincy is in a
3 meeting somewhere.

4 MS. HAMILL: I assume that the receptionist is
5 able to call down to security and allow someone to
6 enter.

7 MR. RAYGOR: Yeah. But based on her tweeting
8 stream this morning, while she's been in the lobby,
9 the security officer got concerned.

10 MS. HAMILL: I have not seen it.

11 MR. RAYGOR: So I've gotta get him to sort of
12 intercede.

13 Anyway, let's go off. Can we go off so I can
14 go talk to the receptionist?

15 MS. HAMILL: Sure.

16 THE VIDEOGRAPHER: Off the record at 1:35 p.m.

17 (Off the record.)

18 THE VIDEOGRAPHER: We are back on record at
19 1:38 p.m. Please continue.

20 BY MS. HAMILL:

21 **Q. Thank you. I am marking as Exhibit 3 the**
22 **County of Los Angeles Department of Public Health**
23 **Organization Chart that was produced by respondents**
24 **and defendants this morning.**

25 MS. HAMILL: Thank you.

1 (Exhibit 3 marked.)

2 BY MS. HAMILL:

3 Q. Have you seen this document before?

4 A. I have.

5 Q. And is this your current organization chart for
6 the Department of Public Health?

7 A. It is.

8 Q. And at the top here, it says Director of Public
9 Health, Health Officer, and Chief Deputy Director.

10 Are those three different people?

11 A. Yes, they are.

12 Q. You are the Director of Public Health?

13 A. Yes, I am.

14 Q. And are you above the Health Officer and Chief
15 Deputy Director in the org chart?

16 A. Yes, I am.

17 Q. Okay. And where does Brett Morrow fall in this
18 org chart?

19 A. Brett is the Office of Communications and
20 Public Affairs Director. So he's right under us.

21 Q. And does Brett take direction from you?

22 A. At the moment, Brett is a direct report to the
23 Chief Deputy Director. But I obviously work closely
24 with the Chief Deputy Director.

25 Q. Who is the Chief Deputy Director?

1 A. Megan McClaire.

2 **Q. Megan McClaire?**

3 A. McClaire.

4 **Q. How do you spell that?**

5 A. Megan is M-e-g-a-n; McClaire is

6 M-c-C-l-a-i-r-e.

7 **Q. Is she a physician?**

8 A. She is not.

9 **Q. Do you know -- does she hold any advanced**

10 **degrees?**

11 A. She has a master's in public health.

12 **Q. A master's in public health.**

13 A. And she might have other degrees, as well.

14 **Q. Okay. So Brett Morrow reports to**

15 **Megan McClaire. And Megan McClaire reports to you?**

16 A. Yes.

17 **Q. Do you ever have meetings directly with**

18 **Brett Morrow?**

19 A. I don't know that I would call them structured

20 meetings. But I do meet with him.

21 **Q. How often?**

22 A. On an as-needed basis.

23 **Q. And when do you find that you need him the**

24 **most?**

25 A. One of my roles at the department is I approve

1 all content for communications. So any time we're
2 doing a campaign, or we're creating educational
3 materials, at some point, the content is reviewed by
4 me.

5 **Q. And do you review all of the posts on social**
6 **media?**

7 A. I do not.

8 **Q. You do not.**

9 **And so when you say content, you mean longer**
10 **form documents?**

11 A. Yeah, if we're, you know -- if we're focused on
12 vaccinations, then I will get some written documents
13 saying, here's our -- here's our suggested messaging
14 on vaccinations for the next three weeks. And then
15 there's a team of folks -- after -- once I look at
16 it, and I say, yeah, this sounds great, then there's
17 a team of folks that will turn that into, you know,
18 a variety of actual messages. I don't necessarily
19 see every message, but I see the content that will
20 build towards those messages.

21 **Q. Okay. But you don't necessarily approve every**
22 **single --**

23 A. No.

24 **Q. -- post that's made on social media?**

25 A. No, I don't.

1 Q. Does Brett?

2 A. You'd have to ask Brett.

3 MS. HAMILL: Do we know if --

4 MR. RAYGOR: Is this Exhibit 3, by the way?

5 MS. HAMILL: Do we know if Ms. Burwick is
6 authorized yet?

7 MR. RAYGOR: I have been overruled,
8 unfortunately. So I -- it's out of my hands.

9 MS. HAMILL: You've been overruled?

10 MR. RAYGOR: Yes, based on her conduct in the
11 lobby, as reported by security, and on her Twitter
12 -- stuff that's going on now, security has
13 determined not a good liability risk.

14 MS. HAMILL: Can you explain exactly what
15 you're talking about so that I have that for the
16 record.

17 MR. RAYGOR: No, I can't.

18 MS. HAMILL: So you're excluding my client, but
19 you're not explaining to me why?

20 MR. RAYGOR: I just explained, it's out of my
21 hands.

22 MS. HAMILL: Well, I need to understand what
23 the reasons are, because we are seeking sanctions
24 against you.

25 MR. RAYGOR: Okay, got it. I understand.

1 MS. HAMILL: Can you provide me with whatever
2 it is you're talking about?

3 MR. RAYGOR: Not during the deposition. Let's
4 finish with Dr. Ferrer.

5 MS. HAMILL: Okay. I am texting her to tell
6 her to leave now. And me doing that means I'm
7 bringing a sanctions motion against you. Okay?

8 BY MS. HAMILL:

9 **Q. Outside of public meetings, how do you**
10 **communicate with the Board of Supervisors?**

11 A. There's e-mails, there's phone calls that you
12 might have. We attend a lot of events, and there
13 may be Board of Supervisors that are at the events
14 or sponsoring the events.

15 In terms of formal communications, we go
16 through the Board and the Board office. There's an
17 executive office of the Board.

18 **Q. So you communicate through the executive office**
19 **to get to the Board --**

20 A. Or we send an e-mail to all of the members of
21 the Board. Or we communicate with their staff.

22 MS. HAMILL: And, for the record, Ms. Burwick
23 is disputing what you just told me. And so I'm
24 assuming you're going to provide me with evidence
25 that you are justifying your exclusion of my client

1 on, Mr. Raygor.

2 BY MS. HAMILL:

3 **Q. Do you have personal relationships with any of**
4 **the members of the Board of Supervisors?**

5 A. How would you define a personal relationship?

6 **Q. Do you discuss non-work issues with any of the**
7 **members of the Board of Supervisors?**

8 A. I'm sure I -- I'm sure there's casual
9 conversations: How's your family? Did you see a
10 movie? But I don't have personal friendships with
11 any of them.

12 **Q. Do you keep in touch with Sheila Kuehl?**

13 A. I have -- you mean keep in touch with her when?

14 **Q. Since she left the Board of Supervisors.**

15 A. Yes, on occasion, I have had a meal with her.

16 **Q. So you've told me a little bit --**

17 A. She's -- only since she's not been -- I want to
18 go on record. It's only since she's not been a
19 supervisor.

20 **Q. Okay. Thank you.**

21 A. When she was a supervisor, I didn't have any
22 meals with her.

23 **Q. Okay. And you told me a little bit about this**
24 **earlier, but I want to make sure I understand your**
25 **job and your duties as the Director of the**

1 Department of Public Health.

2 Can you describe those to me?

3 A. Can you be more specific about duties? Just
4 overall responsibility? Or are you looking in
5 particular for supervision responsibility? I mean,
6 it's super broad.

7 Q. It is broad.

8 A. Yeah.

9 Q. What are your goals and objectives as the
10 director? What's the overarching on a macrolevel?

11 A. The overarching objective is to ensure that
12 residents in LA County have resources and
13 opportunities to be in optimal health and wellbeing.

14 Q. And how do you define "optimal health and
15 wellbeing"?

16 A. I'm not sure there's a -- there's a definition.

17 Q. Do you consider mental health to be part of
18 that?

19 A. Yeah, we consider physical and emotional
20 wellbeing.

21 Q. Does the Board of Supervisors evaluate you on
22 an annual basis?

23 A. Yes, they do.

24 Q. And what benchmarks are you supposed to meet?

25 A. Every department head is part of an evaluation

1 process where we lay out and have agreed upon goals
2 and metrics for every performance evaluation period.
3 And then all five supervisors evaluate us based on
4 the goals and objectives that got laid out. Those
5 will incorporate overall county goals, as well.

6 **Q. And do you have any -- were there any specific**
7 **goals or metrics that you were aiming to meet in**
8 **this past year?**

9 A. There's a whole list of goals and metrics for
10 this past year.

11 **Q. Are any of those goals or metrics COVID**
12 **numbers?**

13 A. No. COVID numbers? What does that mean?

14 **Q. Can you give me one of the goals or one of the**
15 **metrics?**

16 A. I can't recall the exact language, so I'm
17 hesitant to answer the question.

18 **Q. I'm just curious about how the Board of**
19 **Supervisors measures your performance.**

20 **Is there anything tangible or measurable that**
21 **you can think of?**

22 A. We have a measure -- we have a measure in there
23 to ensure that residents have access to vaccines and
24 therapeutics. And then we will measure that
25 throughout the year around how we've set up a

1 vaccine and how we're distributing therapeutics.
2 That is not necessarily the specific metric, but
3 that is -- that is an example that I think gets to
4 what those metrics look like.

5 **Q. Okay. So there would be a certain goal in**
6 **number of vaccines administered, for example?**

7 A. Not necessarily a number of vaccines
8 administered. More, if the issue is access to
9 vaccines, it would more be access points to
10 vaccines.

11 **Q. So would that be like the mobile vaccine**
12 **campaign?**

13 A. Yeah, we would include information about those
14 700 plus sites we offer every week for mobile
15 vaccines. We'd include information on the
16 distribution of where people can get vaccines so
17 that wherever you are in the county, you have access
18 to a place to get vaccinated. We'd include
19 information about how homebound residents can get
20 somebody to come to their house to vaccinate them.

21 **Q. And as the Director of Public Health, you are**
22 **essentially the decisionmaker for LA County**
23 **Department of Public Health; correct?**

24 A. I am the director and make the final decisions
25 or have delegated authority to other people on my

1 team to make the final decisions.

2 **Q. Are you responsible for the -- the public**
3 **health orders that are issued by your office?**

4 A. I am not.

5 **Q. You're not. Who is responsible for those?**

6 MR. RAYGOR: Asked and answered.

7 THE WITNESS: Dr. Davis is the health officer,
8 so he ultimately has authority over health officer
9 orders and independent authority over health officer
10 orders.

11 BY MS. HAMILL:

12 **Q. Are you involved in the drafting process for**
13 **those public health orders?**

14 A. Depends on the particular health officer order.

15 **Q. Were you involved in the K-12 public health**
16 **orders?**

17 MR. RAYGOR: Objection, we're getting very far
18 afield from the free speech claim that's at issue
19 here involving the closing of public commentary on
20 Twitter, Instagram, and Facebook. Are we going to
21 come back to that soon?

22 MS. HAMILL: As I described earlier, these are
23 relevant questions.

24 You may answer.

25 MR. RAYGOR: We'll let you go a little bit

1 further, but if we're not going to get back to that,
2 I'll have to instruct her not to answer.

3 THE WITNESS: Most likely. There were numerous
4 orders. And that's -- so I'm not trying to be
5 evasive. There was not just one order.

6 BY MS. HAMILL:

7 **Q. And is your involvement more providing policy**
8 **direction or coming up with specifics?**

9 A. There's a school team that will really usually
10 come out with specifics and work with Dr. Davis on
11 those specifics. But I am likely to understand any
12 directions that are being given in terms of actions
13 or changes that are going to happen at schools. I
14 work very closely with school administrators. Less
15 closely with the drafting of a health officer order.

16 **Q. And what experience do you have leading a**
17 **response to an infectious disease epidemic?**

18 MR. RAYGOR: Objection. Let's move on.

19 MS. HAMILL: It's credibility of the witness.

20 MR. RAYGOR: Sorry, that's not -- no. I'm
21 instructing the witness not to answer. It is not
22 within the scope of the sole remaining claim at
23 issue in this case, which is a free speech claim
24 directed at the closing of public commentary. The
25 witness is very busy, available for a limited period

1 of time. And is ready, willing, and able to talk
2 about issues relevant to the only subject matter
3 relating in the lawsuit. What you're asking now is
4 not a subject matter of the lawsuit.

5 MS. HAMILL: I will just say for the record
6 that California Evidence Code, Section 210 defines
7 relevant evidence as "evidence including evidence
8 relevant to the credibility of a witness, or hearsay
9 declarant, having any tendency or reason to prove or
10 disprove any disputed fact that is of consequence to
11 the determination of the action."

12 MR. RAYGOR: Okay. I'll be right back. I left
13 my notes in the other office.

14 MS. HAMILL: And security has denied that they
15 are refusing to allow her up. They said it's
16 Sheppard Mullin.

17 We're still on; correct?

18 THE COURT REPORTER: Yes.

19 MS. HAMILL: Can you restate my last question?
20 Oh, I have it. So I'll ask it again.

21 BY MS. HAMILL:

22 **Q. What experience do you have leading a response**
23 **to an infectious disease epidemic?**

24 MR. RAYGOR: So that is not within the scope of
25 discovery. CCP Section 2017.010 defines the scope

1 of relevant discovery as "evidence that is relevant
2 to the subject matter or itself admissible or
3 reasonably calculated to lead to the discovery of
4 admissible evidence."

5 This question and others that might be
6 forthcoming, similar to it, are not focused on the
7 subject matter of the lawsuit, which is now just a
8 single claim for free speech violation arising from
9 the closing down of public commentary on Twitter,
10 Facebook, and Instagram.

11 Citing to the Federal -- or, sorry, the
12 California Evidence Code on credibility and such
13 issues does not give anyone a free rein in any
14 deposition to ask any question they wish. It's got
15 to be circumscribed. And it is circumscribed by the
16 subject matter of the lawsuit.

17 MS. HAMILL: And I will say that information
18 shared by members of the public on LA County Public
19 Health Twitter threads, which Department of Public
20 Health cut off, is quite relevant to this case.
21 This case is about freedom of speech on a very
22 critical issue that led to extreme harm to children,
23 especially in LA County. These questions are all
24 relevant to demonstrating how and why decisions were
25 made to eliminate public discourse, control the

1 narrative, prolong harmful restrictive measures
2 without any means for the public to share critical
3 information about the realities of the virus.

4 So if you are through harassing me, I would
5 like to continue. These questions are relevant to
6 petitioner's theory of the case, which the
7 petitioner is under no obligation to provide to
8 defendant, respondent. And my client is still
9 downstairs. So are we ready to move on?

10 MR. RAYGOR: Couple a things. First, you're
11 not a petitioner anymore. You're a plaintiff.

12 Second, the statement that you just read, if
13 you want to ask her questions about whether any of
14 those were reasons for closing off public
15 commentary, you certainly have free rein to do that.

16 MS. HAMILL: We have -- we already have
17 testimony on the record that misinformation was one
18 of the reasons. So we're going to move on with
19 questioning. I'd like to not be interrupted
20 anymore.

21 MR. RAYGOR: We -- we shall see.

22 BY MS. HAMILL:

23 **Q. What experience do you have leading a response**
24 **to an infectious disease epidemic?**

25 MR. RAYGOR: So that goes to credibility, as

1 you stated, so I'll instruct her not to answer as
2 beyond the scope of discovery as stated in
3 CCP 2017.010, as I recall -- yes.

4 MS. HAMILL: I'm going to need a rough.

5 THE COURT REPORTER: Okay.

6 MS. HAMILL: Okay. And this is not just
7 credibility. But this also goes to the fact that we
8 have records showing many experts in the field
9 disputing the conclusions of the Department of
10 Public Health, and sharing that information on
11 public comments on social media. And then we have
12 the Department of Public Health closing off those
13 comments. This is all quite relevant to the action.
14 And I'm going to continue to ask these questions.
15 And if you continue to instruct not to answer, I
16 will have no -- no other option but to compel and
17 seek sanctions against you.

18 MR. RAYGOR: Did not disclose -- did not close
19 off those comments, just cut off -- or closed all
20 comments.

21 MS. HAMILL: Excuse me --

22 MR. RAYGOR: It was not --

23 MS. HAMILL: -- are you testifying?

24 MR. RAYGOR: No, I'm stating something.

25 MS. HAMILL: Okay.

1 MR. RAYGOR: The closing of public commentary
2 was agnostic. It was not focused on any particular
3 person, or line of inquiry, or line of commentary.

4 MS. HAMILL: I'm going to ask that the attorney
5 for the witness to stop making speaking objections.
6 And to stop testifying. Barbara Ferrer is here to
7 testify, not Kent Raygor.

8 MR. RAYGOR: Yes, and I was not. I was
9 responding to your statement, Julie. That's the
10 only reason.

11 MS. HAMILL: I'm going to ask the question once
12 again.

13 MR. RAYGOR: If you want to stop making
14 speeches, then I won't have to respond.

15 MS. HAMILL: You are forcing me to do so by
16 instructing your client not to answer relevant
17 questions. This is not going well.

18 MR. RAYGOR: For you, I agree.

19 BY MS. HAMILL:

20 **Q. What experience do you have leading a response**
21 **to an infectious disease epidemic?**

22 MR. RAYGOR: I believe that's the same
23 question. And I instructed -- if it is the same
24 question, I instructed you not to answer.

25 ///

1 BY MS. HAMILL:

2 Q. What experience do you have in leading
3 responses to outbreaks of infectious diseases?

4 MR. RAYGOR: Same instruction.

5 BY MS. HAMILL:

6 Q. What specific training have you had in
7 infectious diseases?

8 MR. RAYGOR: Same instruction.

9 BY MS. HAMILL:

10 Q. Have you reviewed any studies of infectious
11 disease epidemiology?

12 MR. RAYGOR: Same instruction.

13 BY MS. HAMILL:

14 Q. Do you have any specific degrees in those
15 fields?

16 MR. RAYGOR: Can you read back the question?

17 (Record read.)

18 MR. RAYGOR: Vague and ambiguous.

19 BY MS. HAMILL:

20 Q. Do you understand the question?

21 A. Can you clarify what fields?

22 Q. Do you have any degrees in infectious disease
23 epidemiology?

24 A. I have a master's in public health.

25 Q. And how does that relate to epidemiology?

1 A. Everybody who has a degree in master's in
2 public health has taken numerous courses both in
3 infectious diseases and in epidemiology.

4 **Q. And are you familiar with the concept of**
5 **reproduction number?**

6 A. I am.

7 **Q. Can you explain what that is?**

8 MR. RAYGOR: I don't know enough about what it
9 is to be able to object.

10 THE WITNESS: It talks about how -- how quickly
11 -- what the sequencing is of replication of, in this
12 case, a virus.

13 BY MS. HAMILL:

14 **Q. So what role did Dr. Muntu Davis play in the**
15 **county public health response to COVID?**

16 A. Dr. Davis and I are co-incident commanders of
17 the response. And Dr. Davis has his independent
18 health officer authority that actually allows him to
19 determine when and if -- to issue health officer
20 orders.

21 **Q. And why was he not more front and center as the**
22 **face of public health during this COVID response in**
23 **LA County?**

24 MR. RAYGOR: Lacks foundation; assumes facts
25 not in evidence; argumentative.

1 THE WITNESS: I think he was very visible. So
2 -- I'm having a hard time answering, because from my
3 perspective, he was very visible. Everyone had lots
4 of different roles that they were playing. And
5 there's certainly some sectors where he was the
6 primary contact person.

7 BY MS. HAMILL:

8 **Q. And did you consult any infectious disease**
9 **experts from the community or from local**
10 **universities?**

11 A. That's a --

12 MR. RAYGOR: Objection, extremely broad, not
13 limited to any time frame, not limited to anything
14 relevant at all to this suit.

15 BY MS. HAMILL:

16 **Q. Do you understand my question?**

17 A. I do. And of course we consult with infectious
18 disease experts for many diseases. I mean, we -- we
19 deal with a host of infectious diseases. So I'm not
20 sure exactly what you're -- what you're asking me to
21 answer here, but the answer is yes.

22 **Q. Were there any local universities in particular**
23 **that you developed good relationships with their**
24 **infectious disease experts?**

25 A. In the last six years?

1 Q. Yeah.

2 A. Our team has strong relationships with all of
3 the larger universities and with the larger health
4 care systems and their infectious disease teams. So
5 we have infectious disease physicians that actually
6 cultivate, nurture, and maintain those
7 relationships.

8 Q. And we spoke a little bit earlier about
9 Brett Morrow.

10 How did you first he meet Brett Morrow?

11 A. I cannot recall.

12 Q. Did you create a job post for his role?

13 A. As far as I can recall, absolutely not.

14 Q. No.

15 A. I don't really create the job posts, so...

16 Q. Did you hire him?

17 A. Yes.

18 Q. Is he an employee of LA County Department of
19 Public Health?

20 A. Yes.

21 Q. Is there a budget for Brett?

22 A. There's not a budget for Brett. There's a
23 budget for the communications office.

24 Q. Do you know what that is?

25 A. I do not.

1 Q. And I believe you mentioned that Brett reports
2 to Megan McClaire who is the Chief Deputy Director;
3 correct?

4 A. Yes.

5 Q. And you give direction to the Chief Deputy
6 Director who, in turn, gives direction to Brett; is
7 that correct?

8 A. I don't -- I don't think I would characterize
9 it that way.

10 Q. How would you characterize it?

11 A. I speak with the Chief Deputy Director. She
12 shares information with me, I share information with
13 her. Some of that information she uses to guide
14 conversations with Brett Morrow.

15 Q. Did you ever ask Brett or anyone else to brief
16 you on what people are saying on social media
17 regarding your policies?

18 A. I don't recall.

19 Q. And if Brett did or said something on social
20 media with the LA County Department of Public Health
21 account that you didn't agree with, would you
22 discuss that with him?

23 MR. RAYGOR: Improper hypothetical; incomplete.

24 THE WITNESS: Could you repeat that?

25 ///

1 BY MS. HAMILL:

2 Q. Sure. If Brett did something that you didn't
3 agree with, using the Department of Public Health's
4 social media accounts, would you discuss it with
5 him?

6 A. If that's a hypothetical question, I would
7 either discuss it with him, but I would probably
8 more likely discuss it with the chief deputy.

9 Q. Have you ever attended a Board of Supervisors
10 meeting in-person?

11 A. Yes.

12 Q. Are they in-person now?

13 A. Yes.

14 Q. How long were they remote only?

15 A. I would not be able to answer that.

16 Q. It was about two years; correct? If you had to
17 give me your best estimate.

18 A. I don't really know. It was a long time.

19 Q. Do you remember the last time you attended a
20 remote-only Board of Supervisors meeting?

21 A. I do not recall.

22 Q. Did you ever hear about people having
23 difficulty getting through to speak when hearings
24 were remote?

25 A. The Board of Supervisor hearing?

1 Q. Yes.

2 A. I don't recall.

3 Q. Did you personally ever experience technical
4 difficulties when participating in a remote Board of
5 Supervisor's meeting?

6 A. I think once there was a problem getting
7 connected.

8 Q. And what was the process your office used to
9 respond to direct messages on social media after
10 disabling public comments?

11 A. I don't know.

12 Q. That's a Brett question?

13 A. That's a Brett question. I'm not sure what
14 direct messaging is.

15 Q. Have you ever facilitated any physical group
16 meetings or town halls for the public to discuss
17 public health policy?

18 A. Ever?

19 Q. In your time at LA County.

20 A. Yes.

21 Q. When?

22 A. On numerous occasions.

23 Q. Did you ever do it with COVID?

24 MR. RAYGOR: Objection, vague and ambiguous.

25 You mean while she's had COVID?

1 MS. HAMILL: During the pandemic from
2 March 2020 through the present.

3 THE WITNESS: In-person?

4 MS. HAMILL: Yes.

5 THE WITNESS: I'm sure we did, but I can't
6 recall the actual instances. I mean we were -- we
7 were not remote for a while. And then we were
8 remote for a while and then we were not remote again
9 for a while, so...

10 BY MS. HAMILL:

11 **Q. Because it seems like lately, all of the town**
12 **halls are remote; is that correct?**

13 A. I think the town halls are -- the town halls
14 that we were doing -- we've been doing since the
15 pandemic have all been remote. I think there are
16 other smaller community meetings that are not
17 remote. And I -- some of those get called town
18 halls, as well, so I think that's the confusion
19 here.

20 **Q. And are members of the public invited to your**
21 **weekly press briefings?**

22 A. I -- that's a Brett question. I don't have the
23 answer.

24 **Q. Are members of the press invited to your**
25 **telephonic K-12 briefings?**

1 A. They are not.

2 **Q. Why not?**

3 A. The decision on the sector specific
4 telebriefings was to create them as a space where
5 people -- where we could have a dialogue about
6 concerns that were being raised. And not for
7 anybody on those calls to feel like they would be
8 quoted. So that, you know, people would feel they
9 had a good opportunity to think out loud, say what
10 was on their mind, use the information they gathered
11 to maybe make a different decision later on without
12 being in -- you know, quoted by the media.

13 **Q. And what kind of people are invited to the K-12**
14 **press briefings?**

15 A. They're not press briefings, so --

16 **Q. K-12 briefings.**

17 A. The list for the K-12 -- there are two -- there
18 are two meetings we have. So that's why I'm
19 confused. There's a meeting that the LA County
20 Office of Education sets up with -- and you'd have
21 to get from them, the invite list. But I believe
22 it's superintendents from all of the school
23 districts. And that's also an opportunity for us to
24 get questions and give out information. And then
25 there's the -- what I think you're talking about,

1 the telebriefings on the phone. And I don't know
2 exactly who's invited. There's -- it's sent out by
3 -- another unit does all the invites. But I think
4 it's a very extensive list of folks who get invited.
5 And then those are not closed calls. I mean, we ask
6 that the media, you know, hang up. And we let
7 people know that it's all off the record. But
8 anybody who gets information about those
9 telebriefings -- and, you know, we -- there's a
10 massive distribution about the telebriefings that
11 we're having, is welcome to dial in.

12 **Q. And I'm looking at my other questions. And**
13 **these all seem to be Brett questions, so I'm going**
14 **to skip over these.**

15 **Do you know if LA County USC Hospital was ever**
16 **tagged in any of your Department of Public Health**
17 **posts?**

18 A. I can't answer that, because I don't know what
19 being "tagged" means.

20 **Q. So does your department have -- I think you**
21 **answered this earlier -- your department has**
22 **policies and processes it uses to communicate with**
23 **the public; correct?**

24 A. It does.

25 **Q. And I believe you produced a document that's**

1 responsive; correct?

2 And, unfortunately, I only have this in
3 electronic form, because I was not provided with
4 printed copies of documents. This is the County of
5 Los Angeles Public Health contacts with news media.
6 It's a two-page document. And I guess we're not
7 going to be able to mark it as an exhibit.

8 MR. RAYGOR: I offered earlier if you wanted
9 those printed out, I could have that done.

10 MS. HAMILL: Yes, please.

11 MR. RAYGOR: You just said that you wanted the
12 org chart. That's why I printed that one out.

13 MS. HAMILL: Yeah, I asked you to print out all
14 the documents in an e-mail. But --

15 MR. RAYGOT: I haven't seen that yet.

16 MS. HAMILL: Perhaps you could have those
17 printed and, also, let my client up.

18 Would you be able to handle that?

19 MR. RAYGOR: I can print out the documents. Do
20 you want to take a break so I can do that?

21 MS. HAMILL: No, I don't want to take a break.
22 I'm sure that there are assistants here that can
23 handle that.

24 MR. RAYGOR: There are, but I would have to
25 talk to them, so...

1 MS. HAMILL: That's what e-mail was created
2 for.

3 Okay. So I'm just going to go through this
4 document unless you want to have the documents
5 printed.

6 You also have another -- you have co-counsel
7 here. I'm here by myself. My client is still in
8 the lobby. It's now 2:15.

9 MR. RAYGOR: I said I would get you the
10 documents --

11 MS. HAMILL: I don't want to take anymore
12 breaks. So...

13 MR. RAYGOR: Okay.

14 MS. HAMILL: Use your resources. You're in
15 Sheppard Mullin's offices. There are a million
16 people in here. I suggest you use your resources.

17 MR. RAYGOR: I've got another thumb drive in my
18 office over there. I can't magically go get it and
19 have somebody come and find it. I have to actually
20 walk over there, give it to someone, and tell them
21 what to print out.

22 MS. HAMILL: Okay. Can you do that?

23 MR. RAYGOR: And I'm happy to do that.

24 MS. HAMILL: Can you do that in one minute?

25 MR. RAYGOR: Probably.

1 MS. HAMILL: I don't want to keep taking
2 breaks.

3 MR. RAYGOR: Probably.

4 MS. HAMILL: Go for it. Thank you.

5 THE VIDEOGRAPHER: We are going off the record
6 at 12:17 p.m.

7 (Off the record.)

8 THE VIDEOGRAPHER: We're back on the record at
9 2:23 p.m.

10 Please continue.

11 MS. HAMILL: Do you have printed copies of the
12 contact with news media policy?

13 MR. RAYGOR: Yeah, just hold on a second. I
14 think I'm missing the first few. I think it's in
15 there. Is there a 401? I think 408 was the --

16 MS. HAMILL: 400-R1.

17 Are you talking about the Bates number?

18 MR. RAYGOR: Yeah, is it 401 to 407?

19 MS. HAMILL: 406 to 407.

20 MR. BIRNIE: Do you need anything?

21 THE WITNESS: I'm good, thanks.

22 THE COURT REPORTER: We're still on the record.

23 THE VIDEOGRAPHER: Go off?

24 MS. HAMILL: I'll wait for... thank you.

25 ///

1 BY MS. HAMILL:

2 Q. I'm going to mark -- have you mark as Exhibit 4
3 -- is that where we are? Bates stamped 406 to 407,
4 County of Los Angeles Public Health, Contacts with
5 News Media Policy.

6 MR. RAYGOR: Julie, if you just hand me those,
7 I'll have somebody make two copies of those.

8 MS. HAMILL: Thank you.

9 (Exhibit 4 marked.)

10 MS. HAMILL: Are we still on?

11 THE COURT REPORTER: Yes, we are.

12 MS. HAMILL: And I will note for the record
13 that this deposition continues to be delayed and
14 time wasted.

15 And I will read a tweet from my client,
16 Sara Beth Burwick from today at 2:23 that says,
17 "Apparently Sheppard Mullin Attorney Kent Raygor is
18 now claiming security will not allow me up because
19 of my tweets and conduct in the lobby. This is
20 obviously a lie. The security guy just came over
21 and told me Sheppard Mullin is still denying me
22 access to the office. I've been sitting here,
23 calmly, for two and a half hours. I've approached
24 security a couple of times to politely ask if
25 they've heard from Sheppard Mullin yet, and once to

1 ask for the nearest restroom. I've taken down the
2 names of the security staff who have observed me
3 waiting for nearly three hours. I informed them
4 that Mr. Raygor claims that security will not allow
5 me up. All three security staff on duty say that's
6 not true."

7 Moving on to the deposition.

8 BY MS. HAMILL:

9 **Q. Are you familiar with this document that we**
10 **have marked as Exhibit 4?**

11 A. Yes, I am.

12 **Q. And is this the current policy for contacts**
13 **with news media?**

14 A. I believe it's true, yes.

15 **Q. Has this policy changed at all within the last**
16 **two to three years?**

17 A. I don't think so.

18 **Q. Okay. So, essentially, what I gather from this**
19 **policy is that any media requests have to be vetted**
20 **through a public information office?**

21 A. Officer.

22 **Q. Officer.**

23 A. Like a PIO is an officer.

24 **Q. And those PIOs work under Brett?**

25 A. Yes, they do.

1 Q. Okay, thank you.

2 And, to your knowledge, if I'm recalling your
3 earlier testimony correctly, the department does not
4 have any written policies regarding social media?

5 A. As far as I know.

6 Q. Okay. At any point in the last three years,
7 has any member of the Board of Supervisors expressed
8 concern about lack of access to your office by the
9 public?

10 A. I really can't recall.

11 Q. Have any of the members of the Board of
12 Supervisors expressed concern about the inability to
13 comment on social media posts by the department?

14 A. I don't believe that anybody has expressed that
15 concern to me. I can't really speak for other --
16 expressions of concerns of other people.

17 Q. So Katherine Barter's office, for example, has
18 not contacted you with concerns about accessibility?

19 A. Not that I recall.

20 Q. Would she contact you normally or would she
21 contact Brett for something like that?

22 A. In general, the supervisors don't contact us.
23 They have someone from their office to contact us.
24 And that would probably not go directly to me. That
25 would go to our Board liaison office. And then they

1 would try to funnel the requests to the appropriate
2 staff person, and that's how it would get answered.

3 Q. Okay. So are you aware of anyone from the
4 staff, of any of the Board of Supervisors,
5 expressing concerns about the lack of accessibility
6 to the Department of Public Health?

7 A. I cannot recall being aware of that.

8 Q. And you personally did not ever see comments on
9 Department of Public Health's social media prior to
10 them being disabled?

11 A. I did not.

12 Q. Are you familiar with the public comments that
13 were submitted to the Board of Supervisors on
14 September 27th, 2022 most of which were asking the
15 Board to reopen public comments on the Department of
16 Public Health's social media?

17 A. What was the question?

18 Q. Are you familiar with the public comments
19 submitted to the Board of Supervisors on
20 September 27th, 2022, most of which were asking the
21 board to reopen comments on department --

22 A. I am not.

23 Q. You're not familiar?

24 A. No.

25 Q. Do you believe that your department has an

1 **obligation or responsibility to prevent bullying?**

2 A. Again, that's a difficult question. We have a
3 legal obligation to prevent bullying in the
4 workplace, as does everybody in the workplace. So
5 the answer is affirmative for our obligation in the
6 workplace. I'm not sure that we have an obligation,
7 a legal obligation, in other settings. But we
8 certainly do our very best to promote a climate of
9 respect, and tolerance, and an anti-bullying
10 culture.

11 **Q. I'm going to hand over what I will have marked**
12 **as Exhibit 5. Thank you.**

13 (Exhibit 5 marked.)

14 BY MS. HAMILL:

15 **Q. Which is a tweet from Marla Tellez,**
16 **T-e-l-l-e-z, saying her chief communications**
17 **director sent us a statement. And she's referring**
18 **to you.**

19 Do you have it in front of you?

20 A. I don't.

21 **Q. Okay. I'll wait until you have it.**

22 **Are you familiar with this statement?**

23 MR. RAYGOR: So just objection, lacks
24 foundation that Ms. Tellez was referring to
25 Dr. Ferrer.

1 BY MS. HAMILL:

2 Q. Are you familiar with this statement?

3 A. I'm familiar with it now.

4 Q. Had you not seen the before?

5 A. I wouldn't recall.

6 Q. So this is -- according to this tweet, on
7 August 4th, 2022 --

8 A. Uh-huh.

9 Q. -- this was the County of Los Angeles
10 Department of Public Health's official statement on
11 why comments were disabled.

12 And it says, "Public Health has zero tolerance
13 for threats, bullying, or harassment on any of our
14 platforms and made the decision to disable social
15 media comments after receiving concerns from
16 numerous residents who were targeted."

17 MR. RAYGOR: Objection, lacks foundation; lacks
18 authentication, and violates the best evidence rule.
19 There's no indication this is a tweet.

20 THE WITNESS: Yeah, I'm confused about -- I
21 mean, I'm having a hard time answering because I
22 don't -- this doesn't look like a statement from us
23 right now. So was there a statement? I mean, you
24 showed me something that somebody tweeted, and
25 you're asking me if I saw this. I mean, I might

1 have seen a statement, but I definitely didn't see
2 this tweet. So I don't -- I'm not sure what you're
3 asking me. The answer is negative on the tweet. I
4 didn't see this tweet.

5 BY MS. HAMILL:

6 **Q. But you've seen a statement?**

7 A. Well, I would have to see the statement,
8 because I'm assuming the statement wasn't just this
9 sort of phrase.

10 **Q. And I'm trying to pull up the documents. It**
11 **would be helpful if Mr. Raygor could identify the**
12 **document number, which was produced this morning.**

13 MR. RAYGOR: If you want to hand them back to
14 me --

15 THE WITNESS: It was like a -- you're saying it
16 was like a media statement and this -- is it a media
17 statement? I don't know what this is.

18 MS. HAMILL: Yes.

19 THE WITNESS: Okay.

20 MS. HAMILL: Did you say that they're out
21 there?

22 MR. RAYGOR: I asked somebody to bring in
23 copies. They didn't yet.

24 MS. HAMILL: Please don't leave again. I don't
25 want to waste anymore time.

1 THE WITNESS: Do I need to answer something
2 somewhere?

3 MR. RAYGOR: Do you want to go out to the desk
4 and see if they have those copies?

5 MS. HAMILL: Okay. The document is identified
6 as Bates number 409 to 410. And it's an e-mail --
7 once the copies come in, I will have them marked as
8 Exhibit 6.

9 (Exhibit 6 marked.)

10 MS. HAMILL: And it's an e-mail from
11 Brett Morrow to Elizabeth Ford, DPH Media, and Marla
12 Tellez.

13 Am I pronouncing that correctly? Tellez?

14 THE WITNESS: Well, do you think she's Latina?
15 If she's Latina, it would be Tellez. But I don't --
16 you know -- I don't know how people pronounce that.
17 I mean, where I'm from, double L is like a Y almost?
18 But I don't know -- I mean, I can't speak for her.
19 I'm not really sure how she pronounces it.

20 MS. HAMILL: Maybe I'll just call her Marla so
21 I don't butcher her name.

22 Thank you, sir. I'm looking at Bates 409 to
23 410. Thank you.

24 MR. RAYGOR: Here's another set. Please mark
25 this as Exhibit 6.

1 THE WITNESS: Oh, thank you.

2 BY MS. HAMILL:

3 Q. So this -- this thread begins at the bottom of
4 -- what's marked as 409 from Elizabeth Ford.

5 It says, "Hi, LA County Public Health media
6 team, Fox 11 viewers wondering why the comments have
7 been turned off on the LA County Public Health
8 social media accounts. Can you please provide a
9 statement on this?"

10 And then we have a response from Brett Morrow.
11 And he says, "See below from Public Health."

12 "Public Health has a zero tolerance for
13 threats, bullying, or harassment on any of our
14 platforms and made the decision to disable social
15 media comments after receiving concerns from
16 numerous residents who were being targeted.
17 Residents who wish to share their thoughts with
18 Public Health on social media can still do so by
19 sending direct messages to our accounts."

20 Do you recognize the statement now?

21 A. I don't recall, I'll be honest. It was a long
22 time ago. I can say that for the most part, my
23 approval is needed on press releases, but not on all
24 communications with media outlets. So -- and I just
25 don't recall seeing this. That doesn't mean that I

1 didn't. But I really don't recall.

2 **Q. So you don't recall whether or not you approved**
3 **this?**

4 A. Yeah, I think it's unlikely that I approved it.
5 And because there's not an approval process for
6 communicating with the media, except the approval
7 process that's in place around press releases.

8 **Q. And you don't recall any conversations with**
9 **Mr. Morrow about this particular statement?**

10 A. Not about this particular statement, I don't.

11 **Q. Does this reflect accurately what your position**
12 **is?**

13 MR. RAYGOR: Vague as to "your." You mean the
14 department's or Dr. Ferrer's?

15 THE WITNESS: Was there --

16 MS. HAMILL: You may answer if you understand.

17 THE WITNESS: Oh, okay. I don't disagree with
18 this statement. I think in the conversation that I
19 had, I think my emphasis was on misinformation and
20 not having our sites be used to spread
21 misinformation. But I do agree that I don't want
22 our sites to be used as places where people are
23 threatened either. I don't think this fully
24 captures my sense of how -- of how that decision was
25 -- was made and characterized. But I do agree that

1 our sites can't be used as places where people are
2 feeling threatened and bullied.

3 BY MS. HAMILL:

4 **Q. Is there any other reason you can think of that**
5 **would have led the department to close off public**
6 **comments on social media?**

7 A. No, I -- I think -- you know, our record speaks
8 for itself in many ways about a real desire to make
9 sure that people can get good information from us,
10 ask questions. I spend a lot of time in the field,
11 I go door knocking. I mean -- you know, I think,
12 you know, we make every effort that's possible to be
13 able to have information that people can get from
14 us, that we think -- obviously, this is our -- our
15 interpretation -- that we think is accurate. And to
16 answer people's questions. I -- I also think it was
17 a reasonable decision to make -- to make sure that
18 when people came to our sites, looking for that
19 information, it was pretty easy to just get that
20 information and not have other -- you know,
21 different -- as you noted, contradictory information
22 on our site. But I can't think of any other reason
23 that we would have done this.

24 **Q. What would be the risk of the public having**
25 **access to information that deviates from the**

1 **Department of Public Health guidance?**

2 A. I mean, I think the public has tons of access
3 to that. I -- I think it's sort of what's the
4 purpose of our site, is, really, what's probably
5 important to us. The purpose of our site is so that
6 people have information that we want to communicate.
7 If we were the only site where you could get
8 information, that would probably be -- we'd be in a
9 different country, and that would be a different
10 story. In this country, people have access to all
11 kinds of information, from all over the place,
12 depending on what means of communications they're
13 comfortable using. You know, we have TV, we have --
14 lots of people can search the web. I don't think
15 anybody lacks the ability to get information on
16 differing views than ours. But I think it's
17 appropriate for our site to represent the
18 information we think is credible that the public
19 should have.

20 **Q. And did you ever work with local media outlets**
21 **to review content regarding COVID that they intended**
22 **to air, to make sure that it aligned with the**
23 **guidance from the department?**

24 A. I never did. But you'd have to ask our
25 communication team whether there were any requests

1 from local media for us to play that role. I
2 wouldn't know that.

3 **Q. So you're not familiar with any role that the**
4 **department played in curating COVID-related content**
5 **at local media outlets?**

6 A. I'm not familiar with that. And I would
7 imagine that if that happened, it would be at the
8 request of a local media outlet.

9 **Q. So the local media outlet would probably**
10 **contact Brett to get his approval on something --**

11 A. It might say, you know, we're wondering -- the
12 only way I see this happening is somebody calls us
13 and says, I looked through your materials. You
14 know, we want to -- we want to put a piece of this,
15 but we're changing it a little, here's what we're
16 going to go with, is this -- is this accurate. But
17 I don't -- I don't think we approached the media and
18 say, you know, we want to review your -- we want to
19 review what you're posting. I would find that
20 highly unlikely, and, certainly, nothing I know
21 about.

22 **Q. Okay. So if I'm understanding your testimony**
23 **correctly, you do believe that the Department of**
24 **Public Health has an obligation to prevent the**
25 **spread of misinformation; is that right?**

Barbara Ferrer, Ph.D.

1 MR. RAYGOR: Objection, her testimony speaks
2 for itself on what she just stated.

3 THE WITNESS: I'm not sure that's exactly
4 accurate. And I think it's the word "obligation"
5 that I'm going to be a little bit fussy about.
6 Because I don't know if you mean a legal obligation
7 or -- you know, I don't know what kind of
8 obligation. I think we have to do our best to make
9 sure that people have accurate information. And we
10 generally spend almost all of our time trying to
11 promote accurate information. I don't think we
12 spend a lot of our time trying to address all of the
13 misinformation that's out there. So I think we
14 really come at this from -- our obligation is to
15 provide people with accurate information.

16 BY MS. HAMILL:

17 **Q. I'm going to ask that we mark as Exhibit 7 --**
18 **is that where we are?**

19 THE COURT REPORTER: I believe.

20 MS. HAMILL: The Morbidity and Mortality Weekly
21 Report, COVID-19 Case Rates in Transitional
22 Kindergarten Through Grade 12 Schools and in the
23 Community - Los Angeles County, California,
24 September 2020 through March 2021.

25 (Exhibit 7 marked.)

1 BY MS. HAMILL:

2 **Q. Have you seen this study before?**

3 MR. RAYGOR: Just a minute, let's look through
4 it.

5 THE WITNESS: It's not a study. This is an
6 article. So, yes, I've seen this article before.

7 MS. HAMILL: So it's an article.

8 THE WITNESS: Yeah.

9 MS. HAMILL: Not a study.

10 BY MS. HAMILL:

11 **Q. What's the difference?**

12 A. Well, the article is reporting on some data
13 that they looked at. A study would be probably much
14 longer, much more detail. It would contain a lot of
15 other information that you might not get in the
16 article.

17 **Q. Okay. Did you ever rely on this article in
18 issuing any health orders?**

19 A. No, and I don't issue health orders.

20 **Q. Dr. Muntu Davis.**

21 **Are you aware of whether the CDC relied on this
22 study to issue any orders?**

23 MR. RAYGOR: Objection, we're far afield from
24 the reasons or rationale for closing public
25 commentary on Facebook, Twitter, and Instagram,

1 which is the sole remaining claim in this action.
2 So unless you can show how this relates to that, I'm
3 going to instruct her not to answer.

4 MS. HAMILL: And, again, this goes to
5 credibility of the witness. And it goes to the
6 plaintiff's theory of the case as to why social
7 media comments were shut down, and the timing.

8 MR. RAYGOR: If you want -- again, if you want
9 to ask questions about did this have any role to
10 play in shutting down those commentaries, you are
11 welcome to ask that. But these questions that you
12 just asked -- or question that you just asked is not
13 directed at that.

14 BY MS. HAMILL:

15 **Q. Are you familiar with the authors of this**
16 **article?**

17 A. I'm familiar with all but one.

18 **Q. Which one are you not familiar with?**

19 A. Sherry Yin.

20 **Q. Sherry Yin.**

21 **And Kaitlin Barnes identified here is your**
22 **daughter; correct?**

23 A. Yes, she is.

24 **Q. And at the bottom of the second page, at the**
25 **very end, it says, "All authors have completed and**

1 submitted the International Committee of Medical
2 Journal Editors form for disclosure of potential
3 conflicts of interest. No potential conflicts of
4 interest were disclosed."

5 Are you familiar with that?

6 A. I'm familiar with what's written here, yes.

7 Q. And -- and no conflicts of interest were
8 disclosed with this article?

9 MR. RAYGOR: Instruct the witness not to answer
10 for the reasons stated previously.

11 MS. HAMILL: On relevance?

12 MR. RAYGOR: Hmm?

13 MS. HAMILL: You're instructing on relevance?

14 MR. RAYGOR: On scope of discovery.

15 MS. HAMILL: Relevance?

16 MR. RAYGOR: CCP 2017.010. It's no longer the
17 subject of this action. Unless you can ask a
18 question whether this had any role to play in the
19 closing of public commentary on the social media
20 accounts.

21 BY MS. HAMILL:

22 Q. Did this report have any role to play in the
23 closing of comments on social media posts?

24 A. No.

25 Q. Are you aware that people were referring to

1 this study in the conflict of interest in the
2 comments section of the Department of Public
3 Health's Twitter account?

4 MR. RAYGOR: Lacks foundation.

5 THE WITNESS: I mean, the answer is no.

6 BY MS. HAMILL:

7 Q. I'm going to have marked as Exhibit 8 a Twitter
8 thread from July 20th, 2020.

9 MR. RAYGOR: What was the date?

10 MS. HAMILL: July 20th, 2022. Sorry.

11 (Exhibit 8 marked.)

12 BY MS. HAMILL:

13 Q. Have you seen this before?

14 A. No, I have not.

15 Q. So this begins -- this is a Twitter thread that
16 starts with a tweet from the Department of Public
17 Health on July 20th, 2022 that provides the COVID-19
18 daily update. And there are a series of responses
19 in the comments below. The first is a quote tweet
20 of Bill Melugin from Fox LA, saying, "A study cited
21 by the CDC that found that COVID mitigation efforts
22 like masks mandates in schools were effective was
23 authored by LA County bureaucrats including the
24 daughter of Barbara Ferrer. The conflict of
25 interest was never disclosed. @jenvanlaar reports."

1 And then below that, there are a couple of more
2 photos and references to a purported conflict of
3 interest and nepotism.

4 But this had nothing to do with the
5 department's decision to turn off public comments?

6 A. Absolutely not. I mean -- first of all, I
7 never saw it.

8 Second of all, as you're well aware, there were
9 lots of other places where people were bringing up
10 the same issue, and complaining. And the conflict
11 of interest, there can be no conflict of interest
12 between two parties that are working on either a
13 study or an article together. A conflict of
14 interest, in our world, is a third party that's
15 interfering. So there's no third party here. A lot
16 of the information in this study is from people who
17 work for me at the Department of Public Health. So
18 it's just -- I mean, I think we answered this
19 question over and over again. We understand that
20 some people look at this and see it differently but
21 there -- there really is no conflict of interest
22 when two organizations are partnering together, in
23 terms of those disclosures. That's not what's
24 expected on the disclosures. And as you are well
25 aware, people, for three years, have posted

1 everywhere, on their own accounts, on other people's
2 accounts. You know, their disagreements or their
3 worries about me or some actions I've taken. And,
4 you know, that -- there will be no reason to close
5 this down for that. I mean -- and I've really --
6 I've never seen this until you're just showing it to
7 me. And it's never come up in any of the
8 discussions.

9 **Q. So you've never heard about the comments**
10 **regarding potential conflicts of interest --**

11 A. Not on -- not that were posted on social media.

12 **Q. Where did you hear about it?**

13 A. Well, I think -- I think television. I think
14 Fox, in particular, did a lot of TV and asked direct
15 questions about this. So I was well aware, and have
16 indicated that I'm well aware that there were issues
17 being raised. But I'm not aware, and have never
18 seen the posts that you just showed me, that showed
19 up on our social media. And I didn't really know
20 about this. And I think in some ways, it doesn't
21 change anything. I mean, there are lots of other
22 places where people were expressing their concerns.
23 And I was very aware of them. But not that it was
24 showing up on our sites.

25 **Q. Can you provide an example of the "other**

1 places" that people were able to express their
2 concerns?

3 A. I mean, people have their own Twitter accounts
4 and their own Facebook accounts. And I don't -- you
5 know, the way lots of people are communicating with
6 each other is not a way I communicate with people.
7 So I can't speak, really, on the depth of how people
8 are communicating with each other, and exactly which
9 social media platforms they're using. But I do know
10 that there are lots of places where people are able
11 to post negative remarks, or disagreements, or --
12 you know, dislikes, you know, about me personally,
13 or about other people, or about positions that we're
14 taking. And all you would have to do is probably do
15 a search on Twitter to find all those other
16 accounts. So I -- they're not my accounts. And
17 they're not our department's accounts. But I do
18 think there's plenty of places where people have
19 felt like they have a lot of opportunities to go
20 ahead and let each other know and let others know
21 how they feel. I think there's some formal routes.
22 The Board of Supervisors has public comment. People
23 e-mail me with their comments. People e-mail the
24 director's box with their comments. People call my
25 office with their comments. So I think there's tons

1 and tons of ways that people can express themselves,
2 and have expressed themselves. And none of those
3 got closed down because people were being negative
4 or saying things. You know, you can still call the
5 office, you can still send e-mails. So it seems
6 like it would be a far stretch to equate any closing
7 of public comments on the sites we use to give out
8 information with -- with this campaign. And I also
9 don't know the time sequence, because, you know,
10 this would -- this would be a blur to me. Like,
11 sort of, when did things -- when did this happen,
12 when did things close down, when did people in my
13 office start talking about closing things down. I
14 think that would be something you could get more
15 information from Brett about.

16 **Q. Okay.**

17 THE WITNESS: Am I keeping this?

18 MR. RAYGOR: Yeah, keep that in the pile for
19 the court reporter.

20 BY MS. HAMILL:

21 **Q. Do you have a personal relationship with anyone**
22 **at the CDC?**

23 A. Yes, I do.

24 **Q. And who is that?**

25 A. Well, I have a professional relationship, so

1 the answer is no. I have no personal relationships
2 -- the CDC is huge. There probably are a couple of
3 people, I'm not sure they still work at CDC, but
4 have worked at CDC that I have personal
5 relationships with.

6 **Q. Do you have a relationship with**
7 **Rochelle Walensky?**

8 A. I have a professional relationship with her,
9 yes.

10 **Q. How frequently do you speak?**

11 A. I would say infrequently.

12 **Q. Infrequently.**

13 A. Infrequently.

14 **Q. Maybe once a month if you had to estimate?**

15 A. I don't even think we speak that often.

16 **Q. Were there any periods of time where you were**
17 **speaking with her more frequently?**

18 A. She made a site visit to LA. And, you know, we
19 probably spoke more frequently right before she
20 came, and then in sort of the couple of weeks after
21 she was here. Just sort of following up on some of
22 the places she had visited and questions she had. I
23 don't think there's any other period that stands out
24 where, you know, we had frequent conversation.

25 **Q. Do you recall when the site visit took place?**

1 A. I -- I want to say spring of 2022, but I'm not
2 positive. So I don't recall.

3 **Q. Have you considered reopening public comments**
4 **on social media?**

5 A. We have not.

6 **Q. And why not?**

7 A. The decision is based on the fact that we want
8 to use our sites to convey the information we want
9 to communicate with the public. And that remains
10 true today.

11 **Q. So when I say "soothiness Wednesdays" --**

12 A. When you say what?

13 **Q. Soothiness Wednesdays, does that mean anything**
14 **to you?**

15 A. No.

16 **Q. No, okay.**

17 THE WITNESS: Does it mean anything to you?

18 MR. RAYGOR: Soothiness?

19 MS. HAMILL: Soothiness.

20 MR. RAYGOR: S-o-o-t-h-i?

21 MS. HAMILL: It's probably not a real word.

22 THE WITNESS: Okay.

23 MS. HAMILL: It's a phrase used. "Soothiness
24 Wednesdays."

25 THE WITNESS: Never heard of it.

1 BY MS. HAMILL:

2 **Q. Have you ever watched the weekly town hall**
3 **videos that the CMO, CEO, Chief Epidemiologist at LA**
4 **County USC put out for their staff?**

5 A. I have not.

6 THE COURT REPORTER: Can you repeat the
7 question, please.

8 MS. HAMILL: Sorry. I need to drink a calm
9 tea.

10 BY MS. HAMILL:

11 **Q. Have you seen the weekly videos that the CMO,**
12 **CEO, and Chief Epidemiologist at LA County USC put**
13 **out for their staff?**

14 MR. RAYGOR: If I could just ask, CMO, Chief
15 Medical Officer?

16 MS. HAMILL: Uh-huh.

17 THE WITNESS: I have not.

18 BY MS. HAMILL:

19 **Q. No, never?**

20 A. Never.

21 **Q. Have you heard about those videos?**

22 A. I've heard about a couple of those videos.

23 **Q. What did you hear about them?**

24 A. There's a video where a couple of people from
25 USC, LA County, LAC, were talking about the fact

1 that the epidemic was over. And that there were --
2 there was, really, no need for people to be worried.
3 It was a staff meeting, I think. But I think
4 there's -- I don't know if we're talking -- I don't
5 know if this is the same thing. There was a staff
6 meeting that was held where there was communication
7 about the sense from the team there that the
8 pandemic was over.

9 **Q. And did that concern you?**

10 A. Yes, it did.

11 **Q. Why?**

12 A. At the time, the pandemic clearly wasn't over.
13 And I always worry about what hospitals experience
14 in a large county like ours, with over 10 million
15 people. And that hospital, in particular, does
16 maybe about three percent of the volume of
17 hospitalizations, making an assessment about a
18 pandemic ending without additional information.

19 **Q. Did you review the video of the town hall staff**
20 **meeting?**

21 A. I did not.

22 **Q. You just heard about it?**

23 A. I just heard about it.

24 **Q. Who told you about it?**

25 A. I cannot recall.

1 MS. HAMILL: Are we on 8?

2 MR. RAYGOR: 9.

3 (Exhibit 9 marked.)

4 BY MS. HAMILL:

5 Q. Passing over to mark as Exhibit 9 another tweet
6 thread that starts with an LA County Department of
7 Public Health tweet, dated July 27th, 2022. And
8 this provides another COVID-19 daily update. I'll
9 give you time to look at it before I ask questions.

10 A. Okay.

11 MR. RAYGOR: I think one's for me.

12 THE WITNESS: Okay.

13 BY MS. HAMILL:

14 Q. And I'll assume you haven't seen this before?

15 A. I haven't seen this.

16 Q. Have you heard the phrase "snowflake weepies"?

17 A. I've heard it. I'm not sure what it means.

18 Q. I just mention that because it's in the --

19 A. I know. I have no idea what it really means.

20 But I have heard it.

21 Q. Well, in the third -- well, the second reply
22 from Pavement1999, it says, "I encourage anyone who
23 believes there is a COVID emergency in LA to watch
24 today's LA County USC press conference. Read
25 through this thread, too." And then it quote tweets

1 Phil Kerpen who includes a video from LA County USC
2 Medical Center.

3 To your knowledge, did the sharing of this town
4 hall video have any influence on the department's
5 decision to disable public comments?

6 A. It did not.

7 Q. So you weren't concerned about misinformation
8 about the end of the pandemic being posted on the
9 Department of Public Health's social media accounts?

10 A. I've already said that the reason for closing
11 the social media accounts to public comment was so
12 that there wouldn't be misinformation. So if this
13 information was going to be posted along with other
14 pieces of misinformation on our accounts, that would
15 be in that broader category.

16 But this one particular instance did not play
17 into that decision. As far as I know, this got
18 broad dissemination through other people's accounts.
19 So, again, it's not about a particular piece of
20 misinformation that's showing up. It's about people
21 coming to our site and having access to information
22 that's not ours.

23 Q. And so is it your opinion, then, that the
24 information shared by the LA County USC doctors in
25 that staff meeting saying that the pandemic was

1 **over, that's misinformation?**

2 A. I would say that's misinformation or mis- --
3 yeah. I would never use that -- I mean, I -- I'm
4 not going to -- I'm not going to quibble. I mean,
5 that's not language I would have used. I don't
6 think particularly -- when did this happen? At that
7 point in time anybody would have said the pandemic's
8 over, really. I mean most people were not using
9 those terms in Public Health. So -- but certainly
10 people are entitled to their opinions about when
11 they think the pandemic ended or started. And, you
12 know, there's -- there's no way of my controlling
13 that kind of misinformation. The issue for us is on
14 our site. We don't want to be magnifying that
15 information. I can't really do much about the
16 differences of opinion that people hold outside of
17 -- you know, outside, and other places. And I'm not
18 even intending to be disrespectful to people who
19 hold independent or different decisions. All I can
20 say is we curate our information really carefully.
21 As I described, we have a whole team of folks that
22 look at information to determine its accuracy and
23 determine what's -- what needs to be on our website.
24 That's the intent here.

25 **Q. And what is your fear with respect to something**

1 like this town hall video reflecting that staff
2 meeting? What is your specific fear about that
3 being shared and disseminated widely?

4 A. I don't have a fear of it being disseminated
5 widely, because I can't control that. And there's
6 no -- there's no point of being fearful about lots
7 of things you can't control. I think, you know,
8 that -- you'd be -- you'd be scared of a lot then.
9 I try to, sort of, narrow what I'm going to really
10 worry about. And that's what I'm saying. Those are
11 not the reasons -- there's no particular instance
12 that you could point to that -- you know, I would
13 say, like, oh, this is misinformation that, you
14 know, we have to do something about immediately. In
15 general, this kind of information that goes out and
16 gets a lot of attention, I think doesn't help us
17 encourage people to continue to protect each other
18 when there's a need for people to protect each
19 other.

20 I think at last July, on average, there were 15
21 to 20 deaths a day of COVID, one of the highest
22 mortality rates that we have when compared to other
23 diseases. And, you know, for us, we're very focused
24 on trying to prevent as many people from being
25 severely ill or dying from COVID.

1 So, you know, it's sort of a global issue and
2 not particular to this. And I don't see it as my
3 job to prevent this kind of misinformation from
4 being circulated by other sources. I think we need
5 to counter it. And we need to make sure that we're
6 giving people what we think is an accurate
7 assessment, as a public health department.

8 **Q. And you mentioned a statistic about deaths per**
9 **day. 15 to 20?**

10 A. Yeah, I think. Again, you know, to the best of
11 my recollection.

12 **Q. Would those be from or with COVID?**

13 A. Deaths are classified as being COVID deaths by
14 a very strict definition. And so they're deaths of
15 people who either died of COVID or COVID contributed
16 to their cause of death. And that determination is
17 made, in some cases, by a medical examiner. In
18 other cases, by death certificates, record reviews.

19 **Q. And so does your --**

20 A. Not a decision we make, I guess is what I'm
21 saying. Not a decision made by the Department of
22 Public Health.

23 **Q. And so would your office review medical**
24 **examiner records and death certificates to determine**
25 **the death count?**

1 MR. RAYGOR: I'm going to instruct you not to
2 answer, because now, again, we are outside the scope
3 of the subject matter of the remaining claim in this
4 lawsuit.

5 THE WITNESS: Okay.

6 MS. HAMILL: And I will state that there are
7 other exhibits I intend to provide where people are
8 commenting about the distinction between deaths from
9 and with COVID. And the contention there is that
10 public comments were shut off so that people weren't
11 aware of such a distinction. So this is highly
12 relevant, and I would like to continue this course
13 of questioning.

14 MR. RAYGOR: Well, you can ask -- certainly you
15 can ask those questions about whether people were
16 aware of that. And you can ask whether or not that
17 awareness or those pieces of information had
18 anything to do with the decision to close off public
19 commentary.

20 BY MS. HAMILL:

21 **Q. Were you aware that people were expressing**
22 **concern that you were using deaths with COVID rather**
23 **than from COVID and overstating the death count?**

24 A. Yes.

25 **Q. Were you concerned about that?**

1 A. No.

2 **Q. Why not?**

3 A. The definition of how deaths are classified is
4 an agreed-upon definition that gets used to classify
5 deaths. Not just of COVID, but all kinds of
6 diseases: Cancer, infant deaths, maternal deaths.
7 I mean, there are definitions that get used for all
8 deaths. And it's a fairly complex algorithm that is
9 used. And then we use that to do the
10 classifications.

11 I can understand that some people might not
12 really understand exactly how death classifications
13 are done. But I wasn't worried that there was
14 significant overcount or undercount of deaths. And
15 the bigger conversation was, actually, always around
16 hospitalizations, not deaths.

17 BY MS. HAMILL:

18 **Q. So on this Exhibit 9, in the COVID-19 update,**
19 **it says there's 1280 currently hospitalized.**

20 **Do you know if that is broken up by from COVID**
21 **or with COVID?**

22 A. I don't know what you're referring to.

23 **Q. I'm looking at Exhibit 9.**

24 A. Oh, this exhibit here?

25 **Q. Yes. And so the very top -- the first tweet is**

1 from Department of Public Health.

2 A. Yeah.

3 Q. And it has a COVID-19 daily update.

4 A. Yeah.

5 Q. And it says 1280 currently hospitalized.

6 A. Yeah.

7 Q. And that -- is that --

8 A. That's the total number of people hospitalized.
9 But we did start producing -- and probably back
10 around -- in 2022 -- differentiating between people
11 hospitalized with COVID and people hospitalized for
12 COVID. It sounds straight forward. It's not quite
13 so straight forward. You can -- the people who are
14 incidental are people who come to the hospital and
15 they are classified as being positive for COVID
16 because they got tested. They didn't necessarily
17 come to the hospital to get care. And then there
18 are people who came to the hospital because they're
19 sick, with COVID-related illness, and they're
20 getting care.

21 Some people who test positive for COVID when
22 they come in, two or three days later, while they're
23 still in the hospital, may, in fact, develop COVID
24 illness. So none of this is particularly -- you
25 know, it's not perfect. But we have produced the

1 differences between incidental COVID
2 hospitalizations and hospitalizations for people
3 with COVID disease -- related disease. It's not on
4 this, but we have it, and we've shared it a lot.

5 **Q. So Doctors Spellberg and Holtom of LA County**
6 **USC are part of health services; is that correct?**

7 A. They are.

8 **Q. Okay. And I think you told me earlier that**
9 **with respect to an organization chart, you are**
10 **equals with the director of health services?**

11 A. That's right.

12 **Q. Okay. And so Dr. Spellberg and Dr. Holtom do**
13 **not report to you?**

14 A. They do not.

15 **Q. They report to --**

16 A. I don't know who they report to so I'm not
17 going to comment.

18 **Q. Okay.**

19 A. I mean, I know who the director is of the
20 Department of Health Services, but I don't know who
21 they directly report to.

22 **Q. Who's the director again?**

23 A. Dr. Christina Galli.

24 **Q. And I'm going to hand a two-page document to**
25 **mark as Exhibit 10.**

1 (Exhibit 10 marked.)

2 BY MS. HAMILL:

3 Q. I'll give you a moment to look it over. Just
4 look at me when you're finished and I'll start
5 asking questions.

6 A. Okay.

7 Q. Thank you.

8 So the first page is the original tweet, which
9 is from the Department of Public Health. And it
10 says, "LA County enters high COVID-19 Community
11 level & will require masking indoors if the county
12 remains high for two consecutive weeks (effective
13 July 29)."

14 And the second page shows two responses. And
15 the first response says, "Why do real doctors have a
16 very different perspective? Public Health Social
17 Justice Warriors should be ignored. I prefer to
18 listen to actual doctors."

19 And then it includes a video of Paul Holtom at
20 LA County USC.

21 And then below that is another response that
22 says, "Meanwhile, on Earth..." And it includes
23 another video of Paul Holtom, Jorge Orozco, and Brad
24 Spellberg of LA County USC, saying, "Only ten
25 percent of our COVID positive admissions are

1 admitted due to COVID. Virtually none of them go to
2 the ICU. And when they do go to the ICU, it is not
3 for pneumonia. They are not intubated... we have
4 not seen one of those since February."

5 Do you recall -- I know that you haven't seen
6 this, because you don't go on Twitter -- but do you
7 recall your office issuing the statement on Page 1,
8 on July 15th, that we are entering high community
9 level?

10 A. Yeah, I don't recall, but I think it happened.

11 **Q. And do you remember hearing that the LA County**
12 **USC doctors were saying only 10 percent of COVID**
13 **positive admissions were admitted due to COVID?**

14 A. No, I don't.

15 **Q. Is it concerning to you to see that as a**
16 **comment on the department's social media?**

17 A. I -- I don't know what -- what you're asking
18 me. This is a comment on our -- these are people
19 posting on our account?

20 **Q. Yes.**

21 A. I think this is part of what was happening with
22 the account. But, no, does this particularly
23 concern me? It concerns me only in that the message
24 we're trying to give out is this message. And now
25 people are paying a lot of attention to this

1 message. We're trying to tell people there's a lot
2 more transmission. The truth of the matter is,
3 there was a lot more transmission. I mean, the way
4 you measure transmission is an agreed-upon measure.
5 Again, similar to deaths. And so when the community
6 level went high, as defined by the CDC, it does mean
7 that it is real; that more people can get infected.

8 So this is the message I want people to get.
9 And what's upsetting is not the content of this
10 message, but that it's different from this. And on
11 our site, all I want people to see is this.

12 MR. RAYGOR: So the very first use of "this
13 message," the third use of "this message," the fifth
14 and the sixth use of "this message," were referring
15 to the first page of Exhibit 10. And then the
16 intervening uses of "this message," were referring
17 to the second page of Exhibit 10.

18 THE WITNESS: Thank you, sorry about that.

19 MR. RAYGOR: It's okay.

20 BY MS. HAMILL:

21 **Q. The video can help with that, as well.**

22 **I'm handing over a two-page document that I'd**
23 **like to have marked as Exhibit 11.**

24 (Exhibit 11 marked.)

25 ///

1 BY MS. HAMILL:

2 Q. And this is a statement on behalf of
3 LA County's -- LA County and USC Medical Center on
4 state of current COVID-19 hospitalizations from
5 health services.

6 Have you seen this letter before?

7 A. I don't recall.

8 MR. RAYGOR: Objection, lacks foundation that
9 it's a letter.

10 MS. HAMILL: Statement.

11 BY MS. HAMILL:

12 Q. Have you seen this statement before?

13 A. Yeah, I don't recall. It's not our statement.

14 Q. And this is from health services?

15 A. Yeah.

16 Q. And health services is the entity for which
17 Dr. Spellberg and Dr. Holtom work; correct?

18 A. Yes.

19 Q. And this appears to have come out two days
20 after -- well, three days after the LA County
21 Department of Public Health statement on the first
22 page of Exhibit 10; is that correct?

23 A. That's what it appears.

24 Q. Do you recall health services issuing this
25 statement?

1 A. I believe I do.

2 Q. Did you have any involvement in -- in getting
3 this statement issued?

4 A. No, I did not.

5 Q. Did you express concerns to Dr. Galli -- or is
6 it Galli?

7 A. Galli.

8 Q. Did you express any concerns to Dr. Galli about
9 the LA County USC town hall video?

10 A. I may have. I really can't recall.

11 Q. Do you think Brett Morrow would have contacted
12 health services regarding this statement?

13 A. I don't know.

14 Q. But you don't recall specifically reaching out
15 to Dr. Galli to have them issue this statement?

16 A. No, but it's really a I don't recall reaching
17 out as opposed to -- yeah, I just don't recall. I
18 -- I talk very frequently with Dr. Galli, so I can't
19 -- I can imagine that we had a conversation, just
20 about making sure that we were all messaging
21 together; that the pandemic wasn't over.

22 Q. Do you recall her being upset with
23 Dr. Spellberg and Dr. Holtom?

24 A. I do not. And I -- she would not have told me
25 that anyway.

1 Q. We're making progress. I'm passing over a
2 one-page document that I would like to have marked
3 as Exhibit 12.

4 (Exhibit 12 marked.)

5 BY MS. HAMILL:

6 Q. And I assume you haven't seen this before?

7 A. I haven't seen this.

8 Q. Did you hear about Dr. Spellberg tweeting this
9 statement on September 4th?

10 A. Well, I don't know if I heard about it. I
11 mean, I'm reading it now. It's -- it's inaccurate.

12 Q. How is it inaccurate?

13 A. If people test positive for COVID, and then
14 they die, and they were in a car accident, they were
15 in a homicide, they were a suicide, they had some,
16 you know, injury, they had some other compelling
17 factor that caused them to die, they're not -- even
18 if they tested positive, they are not counted as a
19 positive -- by nobody. Nobody's counting those as
20 positive -- as COVID deaths. So it's just an
21 inaccurate definition. I'm not sure where -- where
22 he got that definition. But he's also not the
23 person either at this hospital that is -- that is
24 really signing death certificates or entering in
25 that information. So he might not have known what

1 the definition was. But those -- all of those
2 people who die, even if they had tested positive for
3 COVID, those are not counted as COVID deaths.
4 That's why I was saying, there's an algorithm. Lots
5 of things come out when you establish there's
6 another cause of death.

7 **Q. Is there a place where one could review that**
8 **algorithm? Where does that exist?**

9 MR. RAYGOR: Objection, I instruct the witness
10 not to answer. You're far outside the scope of the
11 subject -- remaining subject matter of this action.

12 And for the same reason, this particular
13 Exhibit 12 was -- it postdates the posting of public
14 commentary on social media.

15 BY MS. HAMILL:

16 **Q. Were you aware that this tweet was deleted?**

17 MR. RAYGOR: Objection, lacks foundation.

18 THE WITNESS: Which tweet?

19 MR. RAYGOR: I don't --

20 MS. HAMILL: The Brad Spellberg tweet from
21 September 4th.

22 THE WITNESS: Oh, no.

23 BY MS. HAMILL:

24 **Q. Did you have any involvement in the deletion of**
25 **this tweet?**

1 A. I did not.

2 Q. Were you aware that Dr. Spellberg had agreed to
3 an interview with local Fox affiliate in September,
4 around the time of this tweet?

5 A. I was not. I mean... I don't -- I was not.

6 Q. And Dr. Spellberg wouldn't have to go through
7 your --

8 A. Absolutely not.

9 Q. He would have to go through the communications
10 Department of Health Services?

11 A. Health Services, yeah.

12 Q. And they have an entirely separate --

13 A. Completely separate.

14 Q. Okay. I accidentally marked someone else's
15 copy as 13. Sorry. I'm going to ask to mark as
16 Exhibit 13 a two-page exhibit that is from the
17 County of Los Angeles, Department of Public Health's
18 website. And it's called Communicable Disease
19 Investigation and Response Protocol Revisions for
20 Schools.

21 (Exhibit 13 marked.)

22 BY MS. HAMILL:

23 Q. Are you familiar with this document?

24 MR. RAYGOR: Is there a date on this?

25 THE WITNESS: Yeah, I'm looking for the same

1 thing.

2 BY MS. HAMILL:

3 Q. It was printed off of the Department of Public
4 Health's website either yesterday or the day before.
5 There's an effective date in the first paragraph of
6 January 14th, 2019.

7 A. So it was printed off as a --

8 Q. I printed this.

9 A. But as an archive document.

10 Q. Um...

11 A. It's not the current protocol. That's what I'm
12 trying to ask.

13 Q. This is --

14 A. I don't know.

15 Q. This was printed directly off of the
16 department's website.

17 A. Right. On our website, we keep copies of
18 everything we've ever issued. And then we have a
19 current protocol. I would suspect this isn't the
20 current protocol, but I'm not sure. That's why --
21 that's why I was asking you, was there a date on
22 this document. Because if -- I can't really answer
23 the question.

24 Q. I'll direct your attention to the second --

25 A. Okay.

1 Q. -- page. And there's a row for influenza and
2 other acute respiratory diseases.

3 A. Yep.

4 Q. And there are outbreak and exclusion criteria.

5 A. Yep.

6 Q. And I'm curious as to why this guidance was not
7 followed for COVID?

8 MR. RAYGOR: Objection, lacks foundation; lacks
9 authentication; incomplete hypothetical.

10 BY MS. HAMILL:

11 Q. Is COVID considered a respiratory disease?

12 A. Yes, it is. It is the most deadly respiratory
13 virus we have circulating.

14 Q. And is there a reason why your department
15 deviated from the influenza and respiratory disease
16 outbreak?

17 MR. RAYGOR: I'll instruct the witness not to
18 answer because this has nothing to do with the
19 current subject matter of the lawsuit, unless you
20 can tie this to some reason for why public
21 commentary was closed on social media accounts.

22 BY MS. HAMILL:

23 Q. Were you aware that people were commenting
24 about the deviation from the outbreak and exclusion
25 criteria that the department had in place for COVID?

1 A. No, I was not.

2 Q. And, again, I disagree with counsel's
3 instruction not to answer on relevance grounds, as
4 these go to credibility and to the defendant -- or
5 the plaintiff's theory of the case.

6 MR. BIRNIE: Do you need to make arrangements
7 for your 4:00?

8 THE WITNESS: What time are we at?

9 MR. BIRNIE: We're at 3:30.

10 THE WITNESS: Do we know about how much longer?
11 Do you know about how much longer? Just so I
12 can decide whether I should take a bathroom break or
13 not.

14 MS. HAMILL: I'm going to guess I can wrap this
15 up in 30 minutes, if there's no further --

16 THE WITNESS: We'll just go.

17 MS. HAMILL: Okay.

18 BY MS. HAMILL:

19 Q. I'm handing over a multi-page document that
20 I'll have marked as Exhibit 14. And this is a
21 document from the California Department of Public
22 Health entitled COVID-19 Age, Race, and Ethnicity
23 Data, dated April 7th, 2023.

24 (Exhibit 14 marked.)

25 MR. BIRNIE: Could you give that date one more

1 time?

2 MS. HAMILL: April 7th, 2023.

3 MR. BIRNIE: Thank you.

4 BY MS. HAMILL:

5 **Q. Are you familiar with these reports from CVPH?**

6 MR. RAYGOR: Just a second. Is that where this
7 is from? It doesn't show what this was printed
8 from.

9 MS. HAMILL: It's from CVPH. The printing was
10 not wonderful.

11 BY MS. HAMILL:

12 **Q. I'm not asking you to authenticate this**
13 **document.**

14 A. Oh, okay.

15 **Q. Are these -- in your opinion, are the CVPH**
16 **tables and data reliable? Are they something that**
17 **you use in your work?**

18 MR. RAYGOR: Objection, outside the scope of
19 the subject matter of this lawsuit, unless you can
20 tie this to some rationale or basis for closing
21 public commentary on the department's Twitter and
22 other social media accounts.

23 MS. HAMILL: And I will --

24 MR. RAYGOR: I'm going to foreclose -- I'll
25 instruct her not to answer. I'll give you a few

1 questions to see if you can tie it up.

2 MS. HAMILL: And I will again disagree with
3 counsel's instruction not to answer on relevance
4 grounds. There are credibility issues at play. And
5 what this document shows is that there are about 98
6 total deaths from COVID or associated with COVID in
7 California for kids under 18 for the entire duration
8 of the pandemic. And the information shared from
9 the official Department of Public Health account
10 made things sound quite different, and quite scary.
11 And it's part of the theory of the case that public
12 comments were shut off to avoid having information
13 like this shared.

14 MR. RAYGOR: This is eight months after it was
15 cut off, the commentary was closed.

16 MS. HAMILL: Yes. This data has held
17 relatively steady for the entire pandemic. So I'd
18 like to question the witness now.

19 MR. RAYGOR: Okay. Do you have data from
20 August of 2022? The same kind of CDPH data?

21 MS. HAMILL: Well, I can ask Dr. Ferrer.

22 BY MS. HAMILL:

23 **Q. Have you been monitoring these CDPH reports?**

24 A. I don't personally monitor these reports. We
25 have our own reports with the same data for

1 LA County. So I would be much more interested in
2 monitoring LA County. But I am aware of these
3 reports.

4 **Q. Do the County of Los Angeles numbers deviate**
5 **much from these numbers?**

6 A. I think a quarter of the deaths in children are
7 from LA County residents.

8 **Q. So a quarter of these deaths listed here?**

9 A. Yeah. I mean, I -- we'd have to look at the
10 dates, but...

11 **Q. So would it be fair to say that there's**
12 **significant age stratification in COVID risk?**

13 A. Yes. And if you look on our website, we
14 publish the data on children's deaths, and have for
15 the entire pandemic. So there's no effort made to
16 not share this data. This data actually gets
17 updated every week on our website -- or was updated
18 every week. I don't -- we're not doing it quite as
19 frequently now.

20 **Q. Are you aware of any harms of masking children?**

21 MR. RAYGOR: Objection, that's part of your
22 lawsuit that was dismissed with prejudice. Your
23 claims one, two, and four, as I recall. And so it's
24 outside the scope of discovery of the subject matter
25 of the action as it presently stands, and I'll

1 instruct the witness not to answer.

2 MS. HAMILL: Again, I disagree with counsel's
3 instruction not to answer on relevance grounds.
4 It's totally inappropriate. This goes to
5 credibility. And it also goes to the constant
6 recommendation and mandate issued on Department of
7 Public Health's social media that children wear
8 masks to be safe, without ever acknowledging the
9 harms. And those harms were constantly acknowledged
10 in public comments below the Department of Public
11 Health's official posts.

12 MR. RAYGOR: So if you can tie that to any
13 decision to close off public commentary on social
14 media accounts for that reason to not share that
15 data, then pursue that --

16 MS. HAMILL: And, again, I'm not required to do
17 that. But I will endeavor to do so. These are
18 totally improper instructions not to answer. So we
19 will have a voluminous motion to compel and
20 sanctions motion.

21 BY MS. HAMILL:

22 **Q. Were you aware that people in the public were**
23 **expressing concerns over harms to children that were**
24 **forced to mask?**

25 A. For the duration of the pandemic?

1 Q. Uh-huh.

2 A. At any particular time?

3 Q. At any particular point.

4 A. Oh, yes, of course.

5 Q. Did you ever consider those harms?

6 A. Consider the harms or consider what people were
7 noting as harms?

8 Q. Either one.

9 A. Uh-huh, yes.

10 Q. Did those go into how you crafted the COVID
11 policies and COVID mandates?

12 A. Just as a reminder, health officer orders are
13 issued by a health officer and not by me. But our
14 conversations around masking obviously weighed risks
15 and benefits.

16 Q. Is there any place that the public could go to
17 see a weighing of harms versus benefits?

18 A. I think they could look at the information they
19 were sharing, and, yes, they could see that. I
20 don't know that we called it risks and benefits.
21 But we spelled out -- particularly before vaccines,
22 therapeutics and testing. That's why we were
23 available. We were left with nonmedical
24 interventions to mitigate a pandemic -- a deadly
25 pandemic. So I think it was a question of people

1 getting seriously ill, people getting infected.
2 Maybe they didn't get seriously ill, but they
3 clearly can pass it on to others who will eventually
4 get seriously ill. So I think there was a lot of
5 weighing. And I think the public had access to all
6 that information.

7 **Q. Have you reviewed this petition for writ of**
8 **mandate/complaint?**

9 A. I don't know --

10 **Q. Have you read it?**

11 A. I don't know which -- what document --

12 **Q. The lawsuit that was filed.**

13 A. No, I have not.

14 **Q. If you want to take a quick break, I'm just**
15 **going to go through the documents that were produced**
16 **this morning and see if there are any questions that**
17 **I have --**

18 A. Okay.

19 **Q. Then we'll wrap it up.**

20 A. Okay.

21 THE VIDEOGRAPHER: We're going off the record
22 at 3:48 p.m.

23 (Off the record.)

24 THE VIDEOGRAPHER: We're back on record at
25 4:00 p.m. Please continue.

1 BY MS. HAMILL:

2 Q. Okay. Thank you very much for being here
3 today. I'm sorry to do this to you, but I'm going
4 to have to suspend the remainder of the deposition
5 in order to have you conduct a search for all
6 documents requested in the demand for production.

7 We are going to seek to compel testimony on
8 questions where counsel instructed not to answer,
9 and we will be seeking sanctions for wrongful
10 exclusion of my client.

11 So I would like to order a rough draft of the
12 transcript here. And we will have to take care of
13 that and then reschedule you to come back.

14 But other than that, I have no further
15 questions for you at this time.

16 THE WITNESS: Are these going back to you?

17 THE COURT REPORTER: Yes, they are.

18 THE WITNESS: Okay.

19 THE VIDEOGRAPHER: This concludes the
20 deposition for today. We're going off the record at
21 4:01 p.m.

22 (Off the record.)

23

24 (The proceedings adjourned at 4:01 p.m.)

25

1 State of California)

2 County of LOS ANGELES)

3

4 I, Kathy Mannlein, Certified Shorthand Reporter,
5 do hereby certify:

6 That prior to being examined, the witness in the
7 foregoing proceeding was by me duly sworn to testify
8 to the truth, the whole truth, and nothing but the
9 truth;

10 That said proceedings were taken before me at the
11 time and place therein set forth and were taken down
12 by me in shorthand and thereafter transcribed into
13 typewriting under my direction and supervision;

14 I further certify that I am neither counsel for,
15 nor related to, any parties to said proceedings, nor
16 in anywise interested in the outcome thereof.

17 In witness whereof, I have hereunto
18 subscribed my name.

19

20 Dated: May 17, 2023

21

22 *Kathy Mannlein*

23

24 Kathy E. Mannlein
25 CSR No. 13153

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DECLARATION UNDER PENALTY OF PERJURY

Case Name: Alliance of LA County Parents vs.
County of LA Dept. of Public Health

Date of Deposition: 05/03/2023

Job No.: 10119882

I, BARBARA FERRER, PH.D., hereby certify
under penalty of perjury under the laws of the State of
_____ that the foregoing is true and correct.

Executed this _____ day of
_____, 2023, at _____.

BARBARA FERRER, PH.D.

NOTARIZATION (If Required)

State of _____

County of _____

Subscribed and sworn to (or affirmed) before me on
this _____ day of _____, 20__,

by _____, proved to me on the
basis of satisfactory evidence to be the person
who appeared before me.

Signature: _____ (Seal)

1 DEPOSITION ERRATA SHEET

2 Case Name: Alliance of LA County Parents vs.
County of LA Dept. of Public Health

3 Name of Witness: Barbara Ferrer, Ph.D.
Date of Deposition: 05/03/2023
Job No.: 10119882

4 Reason Codes: 1. To clarify the record.
2. To conform to the facts.
5 3. To correct transcription errors.

6 Page _____ Line _____ Reason _____

7 From _____ to _____

8 Page _____ Line _____ Reason _____

9 From _____ to _____

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

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21 From _____ to _____

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1 DEPOSITION ERRATA SHEET

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13 From _____ to _____

14 Page _____ Line _____ Reason _____

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17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 _____ Subject to the above changes, I certify that the
transcript is true and correct

23 _____ No changes have been made. I certify that the
transcript is true and correct.

24 _____

25 BARBARA FERRER, PH.D.

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