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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11 ALLIANCE OF LOS ANGELES COUNTY  
12 PARENTS, an unincorporated association

13 Petitioner and Plaintiff,

14 vs.

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

23 Respondents and Defendants.

Case No.: 22STCP02772

**ALLIANCE OF LOS ANGELES COUNTY  
PARENTS' OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS;  
DECLARATION OF JULIE A. HAMILL  
AND EXHIBITS IN SUPPORT THEREOF**

Hearing Date: September 18, 2023  
Time: 9:30 a.m.  
Dept: 69  
Judge: William F. Fahey

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

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Defendants County of Los Angeles County Department Of Public Health, Muntu Davis, and  
4 Barbara Ferrer (“Defendants”) move to dismiss this case for lack of standing on the ground that  
5 “Alliance cannot prove that it is a legally recognized unincorporated association...” and “Alliance  
6 has not identified its members in written discovery, and its PMQ designee could not identify  
7 Alliance members, or any coordinated activity undertaken by the purported association.” (Mot. To  
8 Dismiss, 2:13-17).

9 Defendants are legally and factually incorrect, and the motion should be denied for the  
10 following reasons: (1) There is no statutory basis for this motion to dismiss, (2) bifurcation will not  
11 preserve judicial economy, (3) Defendants misrepresent the “*Founding Members*” case (4) the law  
12 governing unincorporated associations requires “two or more persons joined by mutual consent for  
13 a common lawful purpose,” which the Alliance of Los Angeles County Parents (“Alliance”) easily  
14 satisfies, and (5) Alliance identified four members, objected to further member identification on  
15 privacy grounds, and the parties agreed months ago that this discovery dispute would be handled  
16 following the summary judgment hearing.

17 **II. LEGAL ARGUMENT**

18 **A. There is no Statutory Basis for Defendants’ Motion to Dismiss**

19 Defendants’ motion is procedurally improper. Cases cited by Defendants do not stand for  
20 the assertion that Defendants can file a non-statutory motion to dismiss to be heard less than a  
21 month prior to trial.

22 *Mendoza v. JPMorgan Chase Bank, N.A.*, (2016) 6 Cal.App.5th 802 involves a standing  
23 argument made on demurrer, which tested the sufficiency of pleadings. *Applera Corp. v. MP*  
24 *Biomedicals, LLC* (2009) 173 Cal.App.4th 769 is a standing challenge brought up for the first time  
25 on appeal. *Barnick v. Longs Drug Stores, Inc.* (1988) 203 Cal.App.3d 377 dealt with whether lack  
26 of subject matter jurisdiction must be raised as an affirmative defense, and the court determined  
27  
28

1 lack of subject matter jurisdiction is such a basic defect that it can be raised at any time by any  
2 available procedure.

3 Defendants do not contend that this court lacks subject matter jurisdiction; they contend that  
4 Alliance is not a legal entity. Those are very different arguments.

5 Defendants' motion appears to be either a backwards attempt at a discovery motion or a  
6 motion for judgment on the pleadings in disguise, improperly relying on extrinsic evidence outside  
7 the face of the pleadings. Under Cal. Code Civ. Proc. § 438(d), grounds for a motion for judgment  
8 on the pleadings "shall appear on the face of the challenged pleading or from any matter of which  
9 the court is required to take judicial notice. Where the motion is based on a matter of which the  
10 court may take judicial notice pursuant to Section 452 or 453 of the Evidence Code, the matter shall  
11 be specified in the notice of motion, or in the supporting points and authorities, except as the court  
12 may otherwise permit."

13 **B. Bifurcation will not Preserve Judicial Economy**

14 The cases cited by Defendants in support of the idea that bifurcation will preserve judicial  
15 economy say nothing about bifurcation. *Boorstein v. CBS Interactive, Inc.* is an appeal of a dismissal  
16 entered after a trial court sustained a demurrer. (2013) 222 Cal.App.4th 456. Defendants cite *Taylor v.*  
17 *Superior Court* for the assertion that "[p]reliminary issues of standing and capacity to sue are most  
18 efficiently resolved at the outset of a lawsuit." In that case, the court explained that the demurrer  
19 improperly rested on lack of capacity when it should have rested on a defect of misjoinder of  
20 parties. *Taylor v. Superior Court* (1990) 218 Cal.App.3d 1185, 1190. Regardless, the outset of this  
21 lawsuit was over one year ago. Neither case is relevant to Defendants' motion.

22 Judicial economy would not be served by bifurcation here because the same witnesses who  
23 will testify for the Alliance on issues of standing will also testify on issues of liability and harm.  
24 (Declaration of Julie A. Hamill, ("Hamill Decl."), ¶2). As described in this opposition, members of  
25 the Alliance came together to pursue action against the government due to the serious harm caused  
26 to their families by oppressive government acts, including the County's mandates and censorship of  
27 speech. The issues cannot and should not be divided.

1           **C. The *Founding Members* Case Cited by Defendants did not Find there was no**  
2           **Standing, and the Alliance Functions as a Group under a Common Name**

3           Contrary to Defendants’ assertion, the court in *Founding Members v. Newport Beach* did not  
4 find that there was no standing. (2003) 109 Cal.App.4th 944. In fact, the paragraph immediately  
5 following the passage quoted by Defendants in their motion says:

6           "However, whether or not the Class A Founding Members were, as of October 1999, an  
7           unincorporated association capable of suing and being sued (as in *Barr v. United*  
8           *Methodist Church, supra*, 90 Cal. App. 3d 259) is not, however, the issue. The issue is  
9           whether the Class A Founding Members came within the definition of  
10           an organization as required by the governing regulations to exercise the Right of First  
11           Offer. Although, as of October 1999, there were persons who were Class  
12           A Founding Members of the Club, there was no organization of such Class  
13           A Founding Members as referred to in the governing regulations.” *Founding Members v.*  
14           *Newport Beach* (2003) 109 Cal.App.4<sup>th</sup> at 963.

15           Either way, the Alliance functions as a group under a common name. This lawsuit is  
16 evidence of that. Filing a lawsuit against a government entity to petition for redress of grievances is  
17 a lawful purpose, and members of the Alliance are united by mutual consent, in part, for pursuit of  
18 that objective.

19           **D. The Alliance is an Unincorporated Group of Two or More Persons Joined by**  
20           **Mutual Consent for a Common Lawful Purpose—an Unincorporated Association**  
21           **Under California Corporations Code Section 18035(a)**

22           Defendants complain that Alliance does not exist because it hasn’t filed any paperwork with  
23 the Secretary of State (which is permitted, but not required, under Cal Corp. Code section 18200),  
24 because it objected to identifying all of its members (which it has a constitutionally protected right  
25 to do), because its lawyer’s school board campaign website references her involvement in founding  
26 the group (which is completely irrelevant to the existence of the Alliance), among other complaints.  
27 None of those things are required to establish an unincorporated association under California law.  
28 Further, Defendants grossly misrepresent the facts.

          The California Corporations Code provides statutory requirements for a variety of entities,  
including corporations, partnerships, limited liability companies, and unincorporated associations.  
Out of the various corporate forms, unincorporated associations provide the most flexible and least  
formal structure. *See, generally*, Cal. Corp. Code sections 18000 – 24001.5. Due to the informal  
manner in which many unincorporated associations are created, it is sometimes difficult to pinpoint

1 the exact moment that an unincorporated association begins its existence. 5 Cal. Transactions  
2 Forms--Bus. Entities § 25:20.

3 An unincorporated association is “an unincorporated group of two or more persons joined by  
4 mutual consent for a common lawful purpose, whether organized for profit or not.” Cal. Corp. Code  
5 § 18035(a). *See also People ex rel. Reisig v. Acuna* (2017) 214 Cal.Rptr.3d 781 (Assuming that a  
6 permanent injunction against individual gang members required proof that membership in the gang  
7 was by “mutual consent” between the gang and the members, the gang satisfied that requirement,  
8 since the gang's members shared a common purpose and function under a common name under  
9 circumstances where fairness required the group be recognized as a legal entity); *People ex rel.*  
10 *Totten v. Colonia Chiques* (2007) 156 Cal.App.4th 31, *review denied* (Criminal street gang was  
11 jural entity capable of being sued as unincorporated association by district attorney seeking  
12 permanent injunction against certain activities of gang to abate a public nuisance in designated  
13 “safety zone” in county, notwithstanding statute defining “unincorporated association” as group  
14 joined for “common lawful purpose.”). Criteria applied to determine whether an entity is capable of  
15 being sued as an unincorporated association are no more complicated than a group whose members  
16 share a common purpose, and who function under a common name under circumstances where  
17 fairness requires group to be recognized as legal entity. *People ex rel. Totten v. Colonia Chiques*  
18 (2007) 156 Cal.App.4th 31 citing Cal. Code Civ. Proc. § 369.5(a).

19 In *People ex rel. Reisig v. Acuna*, appellants made an argument similar to Defendants here;  
20 that a street gang could not be considered a jural entity capable of being sued because there was no  
21 evidence of formal acceptance into the gang, or that members must share property or affirmatively  
22 ratify crimes. The court rejected that argument and noted the absence of *any* authority imposing  
23 specific requirements as the *sine qua non* of an unincorporated association. *People ex rel. Reisig v.*  
24 *Acuna* (2017) 9 Cal.App.5th 1, 41, as modified (Mar. 10, 2017).

25 ***1. Alliance Identified Four Founding Members, Objected to Identification of all***  
26 ***Members on Privacy Grounds, and Entered an Agreement with Defendants to***  
27 ***Handle the Discovery Dispute following the Summary Judgment Hearing.***

28 Defendants omit from their motion the agreement made between the parties regarding  
Alliance’s privacy objections to identification of all of its members. (Hamill Decl., ¶¶ 3-7, Exhs. 1-

1 3; Defendants' Exhibit D, pp. 30 – 58, Responses #1 -18). Since at least April 2023, Alliance has  
2 repeatedly told Defendants that no members, aside from the four founding members named in  
3 written discovery, would be identified unless compelled by the Court, and any such identification  
4 would be made under a protective order. Defendants acknowledged Alliance's position well in  
5 advance of their motion to dismiss, and both parties agreed that disputed discovery issues would be  
6 handled via informal discovery conference following disposition of the summary judgment motion.  
7 (Hamill Decl., ¶¶ 4-6, Exhs. 1, 2).

8 On May 12, 2023, counsel for Alliance participated in a meet and confer discussion with  
9 Defendants' attorney Valerie Alter regarding discovery disputes. (Hamill Decl., ¶¶4-5, Exh. 1).  
10 During the call, counsel for Alliance explained its members' privacy concerns and that Alliance  
11 would not provide the names of any members beyond the four founding members already identified.  
12 (Hamill Decl., ¶¶4-5, Exh. 1). Following the call, Ms. Alter sent an email confirming the discussion.  
13 (Hamill Decl., ¶¶4-5, Exh. 1). Ms. Alter and Ms. Hamill continued to discuss discovery disputes  
14 and held another meet and confer on May 26, 2023. (Hamill Decl., ¶6, Exh. 2). At no point did Ms.  
15 Hamill ever represent that the identities of additional members would be provided absent a court  
16 order, or that Alliance would withdraw or waive its privacy objections. (Hamill Decl., ¶6, Exh. 2).

17 Despite this agreement, Mr. Raygor persisted in his attempts to force Ms. Hoge to identify  
18 additional members over repeated objections from counsel. (Hamill Decl., ¶9, Exh. 4).

19 Further, contrary to Raygor's arguments in opposition to Alliance's motion for sanctions,  
20 Ms. Hamill and Ms. Alter discussed the "witnesses" identified in the responses to form  
21 interrogatories as members of the Alliance. (Hamill Decl., ¶4). Following denial of the motion for  
22 sanctions, Ms. Hamill supplemented Alliance's special interrogatories responses to ensure there was  
23 no room for confusion or doubt that the identified "witnesses" are founding members of the  
24 Alliance. (Hamill Decl., ¶ 21, Exh. 6).

25 **2. Additional Identification of Members by Alliance in Pleadings and**  
26 **Discovery Responses**

27 In addition to the identification of members described above, Alliance (1) identified and  
28 described the harms suffered by Alliance members L.M., G.K., and E.S. in declarations attached to



1 the First Amended Petition, (2) identified Margaret Orenstein as a member in every verification  
2 executed in this lawsuit, beginning with original writ petition filed in July 2022, (3) explicitly  
3 identified members Margaret Orenstein in Alliance Responses to Special Interrogatory 18 (Hamill  
4 Decl., ¶ 23; Defendants’ Exhibit D, pp. 58 at lines 26-27) and Cynthia Rojas in Alliance Responses  
5 to Special Interrogatory 20 (Hamill Decl., ¶ 23; Defendants’ Exhibit D p. 59 at line 19) on April 28,  
6 2023, and (4) explicitly identified Roxanne Hoge as a member in Alliance’s Supplemental  
7 Responses to Demands for Production on May 19, 2023. (Hamill Decl., ¶ 24, Exh. 7).

8 ***3. Alliance Members’ Privacy Concerns and Defendants’ Pattern of Harassment***

9 United States courts recognize “that compelled disclosure of private associational  
10 affiliations...will inevitably deter many individuals from exercising their constitutional right of  
11 association.” *Britt v. Superior Court*, 20 Cal.3d 844; *see also Americans For Prosperity*  
12 *Foundation v. Bonta* 594 U. S. \_\_\_\_ (2021).

13 Publicly speaking out against the government is fraught with risk, as Alliance has repeatedly  
14 stated in its objections to identifying more than four members. People who speak up against covid  
15 orthodoxy do so at great personal risk, facing threats of “cancellation,” loss of employment, and  
16 rejection by their communities. Defendants’ motion demonstrates some of the reasons for Alliance’s  
17 protection of its members’ identities. Defendants’ personal attacks demonstrate Alliance members’  
18 fears of intimidation, abuse and harassment are well-founded.

19 In each of its responses to Defendants’ discovery requests to identify all members of the  
20 Alliance, Alliance stated:

21 “The only remaining cause of action in this case is a challenge to Propounding Party’s  
22 violation of Petitioner’s free speech rights. Identification of all members of Petitioner  
23 association is unnecessary and overly burdensome. Many members submitted information  
24 about harm to their children using first and last initials in order to protect privacy and avoid  
25 retaliation by employers, government agencies, labor unions, and social networks, which is  
26 one of the reasons the association and not individual petitioners brought this action in the  
27 first place. Petitioners are not seeking any damages – they simply seek injunctive relief to  
28 rectify constitutional violations. Further, Responding Party identified sufficient witnesses  
for Propounding Party to ascertain standing in its Response to County’s Form  
Interrogatories, Set One. To be clear, those identified witnesses, Roxanne Hoge, Cynthia  
Rojas, Sarah Beth Burwick, and Margaret Orenstein, are founding members of the Alliance.  
The identification of all members of Responding Party association is accordingly irrelevant,  
unwarranted, and unreasonably cumulative.” (Hamill Decl., ¶ 21, Exh. 6).

1 Attorneys for Defendants have harassed three of the four identified members, as well as  
2 counsel for the Alliance. Despite counsel for Alliance instructing Defendants to reach identified  
3 Alliance members through her office in written discovery responses (Hamill Decl., ¶ 11;  
4 Defendants' Exhibit B, page 16, lines 21-24), Defendants sent a process server to Ms. Orenstein's  
5 home late at night while her young children were sleeping to serve her with a deposition subpoena.  
6 (Hamill Decl., ¶ 11). After counsel for Alliance contacted Mr. Raygor to request professional  
7 courtesy in scheduling a deposition at a mutually agreeable time and to stop harassing Ms.  
8 Orenstein's children, he dispatched *yet another process server* to Ms. Orenstein's home. (Hamill  
9 Decl., ¶¶ 11-12, Exh. 5).

10 Mr. Raygor's harassment of Alliance member Ms. Burwick is well-documented in  
11 Alliance's motion for sanctions, on file in this case. Defendants have refused to accept service of  
12 subpoenas for the declarants in support of Mr. Raygor's opposition to the motion for sanctions, and  
13 their declarations are belied by the transcript, written communications, and video evidence. The  
14 false labeling of Ms. Burwick as a "security risk" as a pretext to lock her out of the deposition of  
15 Barbara Ferrer has caused her serious emotional harm. (Hamill Decl., ¶ 13).

16 Mr. Raygor brought Alliance member Ms. Hoge to tears during her deposition by repeatedly  
17 stating her home address and the names of her children on the record. (Hamill Decl., ¶¶ 14, 15, Exh.  
18 4).

19 **Mr. Raygor then introduced photographs of Alliance's attorney's children into the**  
20 **deposition record.** (Hamill Decl., ¶ 17, Exh. 4) **Over Alliance's objections, after agreeing to**  
21 **exclude all photographs of Ms. Hamill's children and only use one page from the school board**  
22 **website, and after Ms. Hamill deleted all photos of her children from her school board**  
23 **website, Defendants filed a photograph of Alliance's lawyer's minor son into Defendants'**  
24 **Exhibit J.** (Hamill Decl. ¶¶ 17-19, Exh. 4; Defendants' Exhibit J, pp. 238-245). Defendants'  
25 attorneys have repeatedly attempted to introduce Ms. Hamill's school board campaign website and  
26 personal information into the record, and following the frightening use by Mr. Raygor of  
27 photographs of her children during the deposition of Ms. Hoge, Ms. Hamill deleted all photos of her  
28

1 children from the school board website. (Hamill Decl., ¶¶17-19). Thanks to Mr. Raygor’s mafia-  
2 style intimidation tactics, however, Ms. Hamill’s child is now part of the court’s record. (Hamill  
3 Decl., ¶¶17-19). Ms. Hamill filed this lawsuit on behalf of the Alliance to enforce a critical  
4 constitutional right, and has been put on trial by Defendants as a consequence for doing so.

5 Given that Alliance need only show two or more members to demonstrate the existence of  
6 an unincorporated association, and given the pattern of harassment and privacy concerns by the  
7 membership, Alliance continues to maintain that identification of its full membership is private  
8 information.

9 ***4. Identified and Anonymous Members are Joined by Mutual Consent for a  
Common Lawful Purpose***

10 Defendants mischaracterize, editorialize, and intentionally omit statements by Ms. Hoge and  
11 objections of counsel in their retelling of the Hoge Deposition.

12 Ms. Hoge explained, in part, the common lawful purpose that unites members of the  
13 Alliance, stating:

14 “All I know is that at the time that we decided to go forward with this [creation of  
15 Alliance of Los Angeles County Parents]-- we are moms. Our children were  
16 suffering, and we did not have the time or the wherewithal to think -- and also, we  
17 don't want to be an organization that lasts. We just wanted to get fucking masks off  
18 our kids so they could learn. That's it. That's all we ever wanted. We don't want  
damages. We don't want money. We just want a public square with free speech and  
kids who can breathe. Sorry for the expletive. I'm so sorry.” (Hamill Decl., ¶ 8, Exh.  
4, ALL.OPP. 46:14-24).

19 When discussing the decision to file this lawsuit, Ms. Hoge stated:

20 “I’ll just make it easier by saying that we exhausted every avenue to engage in our  
21 rights as citizens to petition for a redress of grievances and to communicate and  
22 we're stymied at every turn and ended up filing a lawsuit after we saw that VIPs can  
flout with impunity the rules that were being enforced on toddlers and children.”  
(Hamill Decl., ¶ 8, Exh. 4, ALL.OPP 53:4-10).

23 Ms. Hoge also discussed how she knows whether a person is a member of the Alliance,  
24 demonstrating mutual consent for a common lawful purpose:

25 Q. Ms. Hoge, how do you know who is and is not a member of Alliance?

26 MS. HAMILL: Objection. Calls for speculation. Calls for legal reasoning or legal  
27 conclusion. Objection to the extent this information is protected by the attorney-  
28 client privilege or attorney work product.

1 THE WITNESS: I would say that people who live in the county of Los Angeles  
2 who are parents or guardians of children who were in K through 12 schools at  
3 the time were discussing the relevant time period who agree with us and we  
4 agree with them, and, you know, there's no dues, like I said. That's how.

5 BY MR. RAYGOR: So every parent of a child in K to 12 in Los Angeles County is a  
6 member?

7 MS. HAMILL: Objection. Objection to the extent it calls for attorney-client privilege  
8 information or anything protected by the attorney work product doctrine. Calls for  
9 legal reasoning or a legal conclusion.

10 THE WITNESS: I didn't say that. I would say that -- I know that we have to  
11 agree. You know, it's like a fraternity. You don't have to like kill someone or be  
12 jumped in, but you have to be part of the Alliance to be a member of the  
13 Alliance.

14 BY MR. RAYGOR: Q. How do you become part of Alliance then so you can  
15 become a member?

16 MS. HAMILL: Same objections.

17 THE WITNESS: I would say the first and foremost thing is that you have to agree  
18 with our objectives, which are to unmask our children and let them have  
19 normal lives with even -- well, my objective was to open in-person school. I  
20 think we just all had that. So whether or not you actually had given birth to a child,  
21 we certainly could have, you know, allies like doctors and people, child  
22 psychologists who saw the danger and disruption and wanted to help right it.

23 BY MR. RAYGOR: Q. So if somebody is a parent of a K to 12 child in Los  
24 Angeles County and agrees with your objectives and philosophies, are they  
25 automatically a member?

26 MS. HAMILL: Objection. Same objections.

27 THE WITNESS: I don't think so. I know there's -- again, this isn't a money-making  
28 group. We're not trying to sort of like get a logo and sell T-shirts and do anything.  
But I know that if they went to the website and we agreed -- I mean if someone  
was like, "Hi, I'm Barbara Ferrer and I want to join," probably not.

BY MR. RAYGOR:

Q. Because she doesn't have children in K to 12?

MS. HAMILL: Objection. Same objections.

THE WITNESS: Because she's really committed to muzzling them and aggrandizing  
the rights of union and labor people over children. So that would be a [no].

Q. Okay. I'll make it easier. How do you know my niece, who has a child in Los  
Angeles County in K to 12 is not a member?

MS. HAMILL: Objection. Same objections, and calls for speculation.

THE WITNESS: I don't know your niece's name, and if I did know it, I would  
not reveal it.

BY MR. RAYGOR: Q. Is there a way, if you knew her name, that you could check  
to see whether or not she is a member?

MS. HAMILL: Objection. Same objections. Calls for information protected by the  
attorney work product doctrine, attorney-client privilege, privacy. Asked and  
answered.

THE WITNESS: What she said.

BY MR. RAYGOR: Q. Well, that was an objection. So if you knew her name, is  
there a way you could check to see whether she's a member?

1 MS. HAMILL: Same objections.

2 THE WITNESS: I can't answer that.

3 ...

4 BY MR. RAYGOR: Q. So if I gave you the name of any person and asked you  
5 whether or not that person is a member of Alliance, you have no way of being able to  
6 tell?

7 MS. HAMILL: Objection. It mischaracterizes testimony, and I'm going to restate the  
8 same objection and again instruct Ms. Hoge not to answer to the extent it would  
9 reveal any privileged attorney-client communications.

10 THE WITNESS: I'm not a lawyer, but I have played one on TV, and it seems to me  
11 that **if you want a list of Alliance members, the court will have to order it and**  
12 **our attorney, Julie Hamill will provide it.** (Hamill Decl., ¶ 8, Exh. 4, ALL.OPP.  
13 47-52).

14 As stated on the Alliance website, the Alliance is

15 “a community group organized for the purpose of representing the interests of Los Angeles  
16 County children subjected to harmful and restrictive mandates by local education agencies,  
17 the County of Los Angeles, and the State of California. The Alliance advocates for fair,  
18 humane, and equal treatment of all children within Los Angeles County, for removal of all  
19 unnecessary, harmful, and unjustified restrictions against children, and for providing  
20 children with a full return to normalcy.” (Defendants’ Motion to Dismiss, Exhibit J, pp. 246-  
21 247).

22 As explained by Ms. Hoge, and as stated in the First Amended Petition and on Alliance’s  
23 website, Alliance members are united for a common lawful purpose (representing the interests of  
24 Los Angeles County children subjected to harsh and restrictive mandates, to advocate for fair,  
25 humane, and equal treatment of all children within the County and to remove all unnecessary,  
26 harmful, and unjustified restrictions against children and provide children with a full return to  
27 normalcy) by mutual consent (people in the specified categories are not automatically members –  
28 they must seek to join and be acknowledged as a member). *See* FAP ¶ 18. Due to the sensitive  
nature of the Alliance’s work – which involves pushing back against the government – and the need  
for confidentiality explained above, counsel for Alliance handles intake of new members. (Hamill  
Decl., ¶ 30).

In order to achieve these goals, the Alliance engages in public advocacy and litigation. Most  
of this advocacy and litigation is done through counsel for Alliance. (Hamill Decl., ¶ 30). While  
Defendants persistently point out that counsel for Alliance identifies herself as a founder of the  
Alliance on her school board campaign webpage, it is a true statement, inasmuch as Ms. Hamill

1 worked with a group of parents in her capacity as an attorney to create the Alliance, and helped  
2 launch its advocacy and litigation campaigns, *pro bono*. (Hamill Decl., ¶ 31). Alliance is unaware of  
3 any legal prohibition this.

4 ***5. Alliance Offered Ms. Orenstein’s and Mr. Rojas’ Deposition Availability for  
PMQ, and Defendants have Refused to Depose Them***

5 Defendants waited until July 2023, one year after the filing of this lawsuit, to begin taking  
6 depositions of Alliance members. Without attempting to discuss mutually agreeable dates,  
7 Defendants subpoenaed Margaret Orenstein, a founding member who has executed each  
8 verification on behalf of Alliance in this lawsuit. (*See, e.g.* FAP, verification; Hamill Decl., ¶ 11)  
9 Ms. Orenstein was out of the country on the date selected by Defendants in their subpoena. Alliance  
10 provided availability for Ms. Orenstein’s and Ms. Rojas’ depositions, but Defendants insisted that  
11 Alliance produce *another* witness to be deposed *in advance* of Alliance’s briefing of the summary  
12 judgment motion. (Hamill Decl., ¶ 27, Exh. 8) Alliance agreed to produce Ms. Hoge for deposition,  
13 and noted that Defendants would need to speak to other witnesses to obtain the most qualified  
14 testimony on certain issues. (Hamill Decl., ¶ 28, Exhs. 5, 8). This was repeated on the record during  
15 deposition as well. (Hamill Decl., ¶ 28, Exh. 4). Defendants have still not attempted to schedule the  
16 depositions of Ms. Burwick, Ms. Rojas, or Ms. Orenstein. (Hamill Decl., ¶ 29).

17 Whatever additional facts this court may need to determine that Alliance is a lawful  
18 organization with standing to bring this action will be provided at trial.

19 ***6. An Unincorporated Association can act as Representative of its Members in  
a Challenge to Governmental Action***

20 Unincorporated associations have a right to sue to challenge governmental action. *Vosburg*  
21 *v. County of Fresno* (2020) 54 Cal.App.5th 439, 454 (finding an unincorporated association has  
22 standing to appear in an election contest *as a representative* of its members if (1) its members live  
23 in the area affected by the outcome of the election, (2) its members would suffer injury from an  
24 adverse outcome in the election contest, and (3) the questions involved were of a public nature.  
25 (citations omitted).) Courts look to the *public nature* of the question involved, noting that the right  
26 to sue is greatly relaxed where the question is of public interest.” *Id.* (citing *Residents of Beverly*  
27 *Glen, Inc. v. City of Los Angeles* (1973) 34 Cal.App.3d 117, 109 Cal.Rptr. 724, and *Tenants Assn. of*  
28

1 *Park Santa Anita v. Southers* (1990) 222 Cal.App.3d at pp. 1299–1300.) Since a matter of public  
2 right is at stake, Alliance need not show any legal or special interest, as Alliance is “interested as a  
3 citizen in having the laws executed and the duty in question enforced.” *Save the Plastic Bag*  
4 *Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166. This public right exception  
5 “promotes the policy of guaranteeing citizens the opportunity to ensure that no governmental body  
6 impairs or defeats the purpose of legislation establishing a public right.” *Green v. Obledo*, (1981) 29  
7 Cal.3d 126, 145.

8 Here, Alliance seeks to restore rights to free speech under the California Constitution,  
9 seeking to reopen the comment section of Defendants’ social media pages and to enjoin Defendants  
10 from continuing to encourage private digital platforms to censor speech based on the speaker’s  
11 viewpoint. These are questions of public interest, and a resolution of this case in favor of the  
12 Alliance would provide significant benefit to the public. The information revealed in discovery  
13 already has. (Hamill Decl., ¶ 32, Exh. 9).

14 At the time of filing the First Amended Petition, all Alliance members were Los Angeles  
15 County residents who resided within the County, owned real property within the County, had  
16 children who attended childcare or K-12 schools in the County, and/or played youth sports in the  
17 County. (*See*, FAP ¶18). More than a year later, some members’ children have graduated from K-12  
18 schools, like Ms. Hoge’s. (Hamill Decl. ¶ 8, Exh. 4, ALL.OPP. 40:19-21). That does not negate the  
19 existence of the Alliance.

20 Further, while this lawsuit does not involve an elections issue, a similar analysis can be  
21 applied to the Alliance as was used in *Vosburg v. County of Fresno*: (1) Alliance members live in  
22 the area affected by the County’s mandates and censorship, (2) its members suffered injury from  
23 mandates and censorship, and (3) the questions involved are of a public nature. *See* (2020) 54  
24 Cal.App.5th 439, 454. The issues in this case are unquestionably of a *public nature*, and therefore  
25 the right to sue is greatly relaxed. *Id.*

26  
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1 **III. CONCLUSION**

2 For the reasons stated above, Alliance respectfully requests this Court deny Defendants'  
3 procedurally improper motion to dismiss and motion to bifurcate.

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Dated: September 5, 2023

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



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**DECLARATION OF JULIE A. HAMILL**

I, Julie A. Hamill, declare as follows:

1. I am a sole practitioner with Hamill Law & Consulting, attorney of record for Plaintiff and Petitioner Alliance of Los Angeles County Parents (“Alliance”) in this action. If called as a witness, I could and would competently testify to all facts stated herein.

2. The same witnesses who will testify at trial on behalf of the Alliance regarding formation and existence of the Alliance will also testify regarding liability and harm. The witnesses are Alliance members whose children suffered significant harm as a result of mandates issued by County of Los Angeles County Department Of Public Health, Muntu Davis, and Barbara Ferrer (“Defendants”) and the silencing of dissent on social media platforms.

3. In all written discovery responses, on behalf of the Alliance, I objected to the identification of all members of the Alliance on privacy grounds. For example, see Defendants’ Exhibit D in support of its motion to dismiss, pp. 30 – 58, Responses #1 -18.

4. On May 12, 2023, I participated in a meet and confer discussion with Defendants’ attorney Valerie Alter regarding discovery disputes. During the call, I explained Alliance’s members’ privacy concerns and that Alliance would not provide the names of any members beyond the four founding members already identified.

5. Following the call, Ms. Alter sent an email confirming the discussion. A true and correct copy of that email is attached as **Exhibit 1** (ALL.OPP. pp. 2-3).

6. I continued to discuss discovery disputes with Ms. Alter, and we engaged in another meet and confer on May 26, 2023. At no point did I ever represent that the identities of additional members would be provided absent a court order, or that Alliance would withdraw or waive its privacy objections. A true and correct copy of Ms. Alter’s email summarizing our May 26 discussion is attached as **Exhibit 2** (ALL.OPP. p 5).

7. Prior to the deposition of Ms. Hoge, I served written objections to the Notice of Deposition of Alliance’s PMQ, which included privacy objections to the identification of additional

1 members. A true and correct copy of the objections are attached here as **Exhibit 3**. Privacy  
2 objections are located at ALL.OPP. pp. 21:19-26, 22:1-5.

3 8. A true and correct copy of excerpts from the Deposition of Roxanne Hoge, which I  
4 defended, is attached as **Exhibit 4** (ALL.OPP. 36-57).

5 9. Despite the agreement between Defendants and Alliance regarding resolving  
6 discovery disputes after the summary judgment hearing, and over my privacy objections, Mr.  
7 Raygor repeatedly sought the identities of additional members during his deposition of Ms. Hoge.  
8 **See Exh. 4**, pp. ALL.OPP. 44:5-19, 46:10-19.

9 10. Attorneys for Defendants have harassed me and three of the four identified Alliance  
10 members during the course of this litigation.

11 11. Despite my instructing Defendants to reach identified Alliance members through my  
12 office in written discovery responses (*See Defendants' Exhibit B*, page 16, lines 21-24), on July 14,  
13 2023, Defendants sent a process server to Ms. Orenstein's home late at night while her young  
14 children were sleeping to serve her with a deposition subpoena. On July 15, 2023, I emailed Mr.  
15 Raygor to remind him that he may reach Alliance members through counsel, and that this behavior  
16 is abusive, harassing, and unethical. A true and correct copy of that email is in **Exhibit 5** at  
17 ALL.OPP 59-60.

18 12. Mr. Raygor did not respond to my email. Instead, he *dispatched yet another process*  
19 *server* to Ms. Orenstein's home on July 16, 2023. I emailed Mr. Raygor again on July 17, 2023,  
20 asking him to display professional courtesy and human decency and stop harassing a represented  
21 party's young children at her home. I explained that if there was something he wished to serve on  
22 my client, he may provide a copy to me electronically and I would provide it to her. I asked that if  
23 he was trying to depose members of the association, to please work with me to coordinate schedules  
24 instead of unilaterally selecting deposition dates. I asked him to stop using taxpayer dollars to  
25 harass and abuse mothers who are simply seeking to enforce their constitutional rights. A true and  
26 correct copy of this email is in **Exhibit 5** at ALL.OPP 59.



1 **agreed to strike all photos of my family and only use the portion of my school board website**  
2 **that refers to the Alliance. (Exh. 4, ALL.OPP 93:12-16).**

3 18. Defendants' attorneys have repeatedly attempted to introduce my school board  
4 campaign website and personal information into the record. As a result of Defendants' lawyers'  
5 incessant harassment, immediately after the Deposition of Ms. Hoge and prior to Defendants' filing  
6 of this "motion to dismiss," **I deleted all photos of my children from my school board website.**

7 19. In support of Defendants' "motion to dismiss," in violation of the promise made by  
8 Mr. Raygor during the deposition of Ms. Hoge, **Mr. Raygor submitted eight pages from my**  
9 **school board website, and included a photograph of my son in the filing.** (See Defendants'  
10 Exhibit J, pp. 238-245). For privacy reasons I will not identify the page on which my son's face  
11 appears, but I will do so if necessary before the Court.

12 20. There is no valid reason beyond harassment and intimidation for Mr. Raygor to have  
13 filed these documents with the court, especially over my objections and his promise to only use the  
14 page of the school board website that mentions the Alliance.

15 21. While Mr. Raygor desires to rehash arguments made in opposition to Alliance's  
16 motion for sanctions, the facts have not changed. I identified four founding members of Alliance,  
17 discussed them with Ms. Alter, and after Alliance's motion for sanctions was denied on the basis  
18 that I allegedly failed to identify Ms. Burwick as a member, on July 21, 2023 I served Second  
19 Supplemental responses to Defendants' Special Interrogatories wherein I stated: "[t]o be clear, those  
20 identified witnesses, Roxanne Hoge, Cynthia Rojas, Sarah Beth Burwick, and Margaret Orenstein,  
21 are founding members of the Alliance" in response to Special Interrogatories 1-18. A true and  
22 correct copy of those responses is attached here as **Exhibit 6** (ALL.OPP. 63-98).

23 22. Margaret Orenstein was identified as a member in every verification executed in this  
24 lawsuit, beginning with original writ petition filed in July 2022. See, FAP verification.

25 23. I explicitly identified members Margaret Orenstein in Alliance Responses to Special  
26 Interrogatory 18 and Cynthia Rojas in Alliance Responses to Special Interrogatory 20 on April 28,  
27 2023. (See Defendants' Exhibit D, pp. 58 at lines 26-27 and p. 59 at line 19.)

1           24.       On May 19, 2023, I explicitly identified Roxanne Hoge as a member in Alliance's  
2 Supplemental Responses to Demands for Production, attached hereto as **Exhibit 7**, at  
3 ALL.OPP.104:22-24.

4           25.       Standing for an unincorporated association requires identification of two members.  
5 *See* Corporations Code Section 18035(a). At no point in time did I ever represent to Defendants that  
6 Alliance would identify more than the four members identified in written discovery and discussed at  
7 length over the phone with counsel for Defendants. At no point did I ever represent that the  
8 identities of additional members would be provided absent a court order, or that Alliance would  
9 withdraw or waive its privacy objections.

10          26.       Ms. Orenstein was out of the country on the date selected by Defendants in their  
11 subpoena. Upon my request, Mr. Raygor provided additional dates upon which Alliance was  
12 unavailable. I provided a range of available dates for Ms. Orenstein's deposition and told Mr.  
13 Raygor that Alliance would be willing to extend discovery deadlines as a result of the  
14 unavailability. A true and correct copy of my email to Mr. Raygor is attached as **Exhibit 8**  
15 (**ALL.OPP.117-118**).

16          27.       Alliance provided availability for Ms. Orenstein's and Ms. Rojas' depositions and  
17 noted that they would be the persons most qualified to testify on behalf of Alliance, but Defendants  
18 insisted that Alliance produce *another* witness to be deposed *in advance* of Alliance's briefing of  
19 the summary judgment motion. *See* **Exhibit 8**, ALL.OPP. 117.

20          28.       At Defendants' insistence, Alliance agreed to produce Ms. Hoge for a remote  
21 deposition, and noted that Defendants would need to speak to other witnesses to obtain the most  
22 qualified testimony on certain issues. *See* **Exhibits 5, 8**. This was repeated on the record during  
23 deposition. **Exh. 4**, ALL.OPP. 41:1-9, 24-25; 42:1-25, 43:1-13.

24          29.       Defendants have still not attempted to schedule the depositions of Ms. Burwick, Ms.  
25 Rojas, or Ms. Orenstein.

26          30.       Due to the risks associated with publicly challenging the government in the extreme  
27 political climate in which we live, including cancellation, retaliation, abuse and harassment, I  
28

1 handle intake of new members for the Alliance through my firm in a confidential manner. I also  
2 handle the majority of the advocacy and litigation on behalf of Alliance. Individual members  
3 engage in advocacy on their own from time to time on the same issues, but the coordinated actions  
4 by Alliance are executed through my law firm.

5 31. I have been involved in the Alliance as its attorney from the beginning, having  
6 helped to create Alliance and launch its advocacy and litigation campaigns, *pro bono*.

7 32. There has been significant public interest in this case from the start. Multiple media  
8 outlets have written about the litigation and the contents of discovery. For example, *See, e.g.,*  
9 Swaim, Will, *Barbara Ferrer and Adam Schiff vs. freedom of speech in Los Angeles County*, The  
10 Orange County Register, August 6, 2023, available at:  
11 [https://www.ocregister.com/2023/08/06/barbara-ferrer-and-adam-schiff-vs-freedom-of-speech-in-](https://www.ocregister.com/2023/08/06/barbara-ferrer-and-adam-schiff-vs-freedom-of-speech-in-los-angeles-county/)  
12 [los-angeles-county/](https://www.ocregister.com/2023/08/06/barbara-ferrer-and-adam-schiff-vs-freedom-of-speech-in-los-angeles-county/), a true and correct copy of which is attached here as **Exhibit 9** (ALL.OPP. 120-  
13 122.

14  
15 I declare under penalty of perjury under the laws of the State of California that the forgoing  
16 is true and correct.

17 Executed on September 5, 2023, at Rancho Palos Verdes, California

18 \_\_\_\_\_/S/\_\_\_\_\_  
19 Julie A. Hamill

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1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California, I am over the age of  
3 18 and not a party to the within action. My business address is 904 Silver Spur Road, #287, Rolling  
4 Hills Estates, California 90274. My e-service address is julie@juliehamill-law.com..

5 On September 5, 2023 I served the foregoing document: **ALLIANCE OF LOS ANGELES  
6 COUNTY PARENTS’ OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS** on the  
7 interested parties in this action.

8  By placing a true copy thereof enclosed in a sealed envelope addressed as follows:

9  By attaching a true copy via electronic transmission addressed as follows:

10 Valerie Alter, VAlter@sheppardmullin.com  
11 Kent Raygor, KRaygor@sheppardmullin.com  
12 Zachary Golda, zgolda@sheppardmullin.com  
13 Sheppard Mullin  
14 1901 Avenue of the Stars, Suite 1600  
15 Los Angeles, California 90067-6055  
16 Attorneys for Respondents and Defendants  
17 County of Los Angeles Department of Public Health  
18 Barbara Ferrer  
19 Muntu Davis

20  **ONLY BY ELECTRONIC TRANSMISSION.** Only by emailing the document(s) to the  
21 persons at the e-mail address(es). This is necessitated during the declared National Emergency due  
22 to the Coronavirus (COVID-19) pandemic because this office will be working remotely, not able to  
23 send physical mail as usual, and is therefore using only electronic mail. No electronic message or  
24 other indication that the transmission was unsuccessful was received within a reasonable time after  
25 the transmission. We will provide a physical copy, upon request only, when we return to the office at  
26 the conclusion of the national emergency.

27  **BY ELECTRONIC MAIL:** I caused said document to be delivered by electronic mail to the  
28 e-mail address(es) as listed on the attached service list.

**By FACSIMILE TRANSMISSION:** I caused all pages of the above-entitled document to be  
sent to the recipients by facsimile at the respective telephone numbers as indicated.

**(BY MAIL)** As follows: I am “readily familiar” with the firm’s practice of collection and  
processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal  
service on that same day with postage thereon fully prepaid at Rancho Palos Verdes, California in the  
ordinary course of business. I am aware that on motion of the party served, service is presumed invalid  
if postal cancellation date or postage meter date is more than one day after the date of deposit for  
mailing in affidavit.

**(BY OVERNIGHT DELIVERY)** By: Federal Express, to be delivered on next business day.

**(BY PERSONAL SERVICE)** I delivered such envelope by hand to the office of the  
addressee(s).

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

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

Executed on September 5, 2023 at Rancho Palos Verdes, California.

/s/  
\_\_\_\_\_  
Julie A. Hamill