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ALLIANCE OF LOS ANGELES COUNTY PARENTS
6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES**

9 ALLIANCE OF LOS ANGELES COUNTY
10 PARENTS, an unincorporated association

11 Petitioner and Plaintiff,

12 vs.

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

20 Respondents and Defendants.
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Case No.: 22STCP02772

**CLOSING BRIEF OF THE ALLIANCE OF
LOS ANGELES COUNTY PARENTS**

**[NOTICE OF SUPPLEMENTAL
AUTHORITY AND REQUEST FOR
JUDICIAL NOTICE FILED HEREWITH]**

Hearing Date: December 1, 2023
Time: 10:00 a.m.
Dept.: 69
Judge: William F. Fahey

COMPLAINT FILED: July 26, 2022
TRIAL DATE: October 16, 2023

1 Since March 2020, we may have experienced the greatest intrusions on civil liberties in the
2 peacetime history of this country. (*Arizona v. Mayorkas* (2023) ___ U.S. ___ [143 S.Ct. 1312, 1314].)
3 (statement by Gorsuch, J.) Executive officials across the country issued emergency decrees on a
4 breathtaking scale. (*Id.*) While issuing emergency health orders, Defendant Los Angeles County
5 Department of Public Health (“LACDPH”) Director Barbara Ferrer, who oversees 10.3 million
6 residents and a two-billion-dollar budget (Vol. 1, 44:15-18; Vol. 3, 449:14-15), demonstrated
7 hypersensitivity to criticism and casual disregard for constitutional rights. (Exh. 36B pp. 3, 4, Exh.
8 49B, Exh. 55, p. 1, Exh. 262 p. 1, Exh. 273, p. 1, Exh. 315; Vol. 1 121:22-25, 123:1-10, 123:11-21,
9 175:3-28, 176:1-3, Vol. 3 527:16-28, 528:1-3.)

10 Recent litigation revealed widespread campaigns by government agencies to suppress
11 expression of disfavored views on private digital platforms like Twitter, Facebook, and Instagram.
12 (See, e.g., *Murthy v. Missouri* (2023) 601 U.S. ____ (dis. opn. of Alito, J.). In *Missouri v. Biden*, the
13 Fifth Circuit Court of Appeals found unrelenting pressure from government officials likely had the
14 intended result of suppressing millions of protected free speech postings by Americans. (*Missouri v.*
15 *Biden* (“*Biden*”) (5th Cir. Oct. 3, 2023) ___ F. 4th ___, ___, 2023 WL 6425697 at p. 62¹.)

16 Defendants here engaged in a similar censorship campaign, albeit on a much smaller scale.
17 Like the federal agencies involved in *Biden*, Defendants justify their actions as “protecting the
18 public from misinformation,” but evidence shows “misinformation” is subjective. (Vol. 1, 83:24-26,
19 Vol. 2 222:10-18, 223:1, Vol. 3 470:5-16.) LACDPH’s true objective—establishing an orthodoxy
20 on an issue of public concern by quashing dissident speech—is constitutionally impermissible.
21 (E.g., *W. Va. State Bd. of Educ. v. Barnette* (1943) 319 U.S. 624.) LACDPH wants to be the single
22 source of truth. (Vol. 1, 87:20-28, 88:1.)

23 As part of its censorship campaign, LACDPH disabled public comments on their social
24 media sites, though they were sporadically left open. (Exh. 55, p. 1, 188:19-28, 189:1; Stip. Facts
25

26 _____
27 ¹ The Fifth Circuit granted Plaintiffs and Appellees’ petition for panel rehearing, withdrew the September 8, 2023
28 opinion and substituted the October 3, 2023 opinion in its place. Upon rehearing, the Fifth Circuit determined that
“CISA also likely violated the First Amendment” and added CISA to the injunction. (p. 59). On October 20, 2023, the
United States Supreme Court granted Respondents’ application for stay and petition for certiorari. Copies of the October
3, 2023 opinion and Supreme Court Order on Application for Stay are attached to the Notice of Supplemental Authority
filed herewith.

1 27.) Closing down the public comments cut off the public’s ability to share critical information.²
2 For example, Phil Kerpen’s Tweets sharing the LAC+USC video link were prominently featured in
3 the replies to LACDPH tweets. (Exh. 61 pp. 4-7, 11, 13-15, 17, Exh. 62, pp. 3, 17, 18, 39, Exh. 67
4 pp. 4, 9, 10.) If a person knows what they are searching for, they can find the link just like Lespron
5 did via Google search. (Vol. 4 593:26-28, 594:1-28, 595:1-4.) A person going to LACDPH to find
6 information about the pandemic and public health guidance, however, will not see the LAC+USC
7 videos because LACDPH’s comments are closed and the posts from July 2022 are no longer visible
8 on LACDPH’s timeline. (Vol. 2 297:27-28, 298:1-4.)

9 Defendants’ social media sites are centralized locations where, prior to July 30, 2022, people
10 with a variety of viewpoints shared information about public health and civil liberties. (Vol. 3,
11 354:24-28, 355:1-28, 356:1-11.) Alliance created an alternative account to quote Tweet LACDPH
12 posts with comments open to allow discussion (“Alt Account”), and Defendants had it suspended.
13 (Stip. Facts 15 -24, Exh. 5, p. 1; Vol. 2 310:7-25, 312:22-28.) Alliance members tweeting
14 disfavored viewpoints regarding public health matters have also had their accounts suspended. (Vol.
15 3 397:20-28, 398:1-19, 408:24-28, 411:14-15.)

16 Defendants’ justifications for censorship defy written evidence and prior testimony, and do
17 not excuse constitutional violations. Defendants gave several reasons for disabling comments,
18 including concerns about threats, bullying, harassment, and misinformation. (Exh. 37 p. 1; Vol. 1
19 151:21-24, Vol. 2 220:24-28, 221:1-9, 27-28, 222:1-9.) What LACDPH calls “threats,” “bullying,”
20 and “harassment,” however, is legitimate criticism of the government, and “misinformation” and
21 “falsehoods” are simply information that conflicts with Defendants’ statements. (E.g., Exhs. 61, 62,
22 63, 65, 67; Vol. 1 66:6-13, 68:10-18, 92:12-18, Vol. 2 222:10-28, 223:1, Vol. 3 470:5-16, Vol. 4
23 559:16-23, 556:18-28.) Defendants closed a public forum to quash criticism of the government and
24 speech that conflicts with Defendants’ statements. (Vol. 3 369:22-28, 370:1-2.)

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28 ² While Alliance members can still post on their own accounts, they do not have the same audience as the LACDPH
accounts, which includes hundreds of thousands of followers and members of the media. (Vol. 1, 123:22-27; Vol. 3,
357:4-14, 387:4, 393:22-28, 394:1-9, 412:18-28, 413:14-15.)

1 **I. Defendants Engaged in Viewpoint Discrimination by Disabling Comments to Suppress**
2 **Disfavored Views.**

3 Until July 2022, LACDPH social media pages and posts served as a designated public
4 forum. (Joint Statement of Stipulated Facts for Trial (“Stip. Facts”), Fact 28.) Defendants contend
5 that by disabling comments, they converted designated public fora to limited public fora.³ The
6 evidence shows, however, Defendants disabled comments to quiet the barrage of dissenting
7 opinions and criticism of LACDPH. (E.g., Exhs. 61, 62, 63, 65, 67.) Defendants closed comments
8 to suppress expression because LACDPH opposed the speakers’ viewpoints, in violation of the
9 constitutionally protected right to free speech. (See *Perry Educ. Ass’n v. Perry Local Educators’*
10 *Ass’n* (1983) 460 U.S. 37, 46 [“[T]he state may reserve the forum for its intended purposes,
11 communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to
12 suppress expression merely because public officials oppose the speaker’s view.”].) Evidence of
13 viewpoint discrimination and LACDPH efforts to be the single source of truth on Covid includes
14 the following:

15 **1. Announcement of a Mask Mandate Ignites Criticism.** On July 7, 2022, Ferrer
16 announced a likely return to an indoor mask mandate. (Vol. 1 14:30 – 14:41; Exh. 34.) As a result,
17 in July 2022, LACDPH social media sites were flooded with comments from people upset about the
18 possibility of another mandate. (Vol. 1 124:14-28, 125:1; Exhs. 61, 62, 63, 65, 67.)

19 **2. County Physicians Question Virus Severity and Need for Mask Mandate.**
20 Commenters posted links to a July 13, 2022 Los Angeles County + University of Southern
21 California Medical Center (“LAC+USC”) recorded town hall meeting, wherein physicians
22 employed by the County of Los Angeles discussed a decrease in severity of the virus, which
23 conflicted with Ferrer’s representations. (Exh. 35, Exh. 35B; Exh 61 pp. 4-7, 11, 13-15, 17; Exh. 62
24 pp. 3, 16-18, 39; Exh 67 pp. 4, 9,10.) The physicians said, “public health is scared” and “certainly
25

26 _____
27 ³ Defendants failed to create a “limited public forum” because they have not exercised clear and consistent control over
28 the interactive portions of the social media pages. (*Garnier v. O’Connor-Ratcliff* (9th Cir. 2022) 41 F.4th 1158, 1178,
cert. granted 143 S. Ct. 1779; Vol. 2, 294:2, Exhs. 47, 283, 286, 287 p. 2, 289, 297, 300, 303, 306, 312, 324.) This
lawsuit prompted Defendants to attempt to comply with stated policy, but evidence shows consistent failure. (Exh. 32,
Exh. 37, Exh. 229, Vol. 2, 225:22-27, 238:1-28, 239:1-18, 240:20-28, 241:1-6, 242:2-6, Vol. 4, 588:17-28, 589:1-3.)

1 there is no reason from a hospitalization due to COVID perspective, to be worried at this point.”
2 (Exh. 35B.)

3 **3. Ferrer Deems Physician Statements Inaccurate.** Ferrer referred to the LAC+USC
4 physician statements that conflicted with her own opinions in July 2022 briefings, as “not accurate.”
5 (E.g., Vol. 1 66:6-13, 68:10-18.)

6 **4. Attempts to Control Physician Speech; Morrow Laments “Anti-Maskers” and**
7 **“Right Wing Echo Chamber.”** The sharing of the LAC+USC video challenged LACDPH’s
8 orthodoxy on Covid, with Health Services Director of Communications Coral Itzcalli referring to it
9 as “her headache” in a July 18, 2022 text to LACDPH Communications Director Brett Morrow.
10 (Exh. 27, Vol. 1, 138:10-16.) In response to the public release of the video, Health Services issued a
11 statement emphasizing the severity of the pandemic, which Itzcalli sent to Morrow. (Exh. 209, Vol.
12 1, 140:7-26.) Itzcalli asked Morrow if he had any key points he wanted addressed. (Exh. 27; Vol. 1,
13 140:27-28, 141:1.) Morrow lamented “anti-maskers” finding his Twitter account and Fox News
14 reporters tweeting at him, while dismissing concerned citizens as a “right wing echo chamber.”
15 (Exh. 27.) Morrow thanked Itzcalli for asking the physicians to “take a moment during town hall
16 and set the record straight and emphasize our stance (content from our statement).” (Exh. 27, Exh.
17 209.) Itzcalli sent Morrow the link to monitor the next town hall. (Exh. 27.)

18 **5. Morrow and Itzcalli have Physician Delete Critical Tweet.** Later that afternoon,
19 Morrow forwarded to Itzcalli a Retweet by LAC+USC Dr. Brad Spellberg of a Phil Kerpen Tweet.
20 (Exh. 23.) The Phil Kerpen Tweet referred to the LAC+USC statement as “embarrassing nonsense.”
21 (Exh. 23, p. 2, Exh. 209.) Itzcalli asked Dr. Spellberg to delete the Tweet. (Exh. 23.)

22 **6. Morrow taps Schiff Colleague to Handle “Anti-Maskers” on Twitter.** On July 20,
23 2022, Morrow asked Congressman Schiff staffer Patrick Boland for a contact at Twitter to deal with
24 “getting threats over masks.” (Exh. 26.) Boland gave Morrow contact information for Lauren
25 Culbertson, head of U.S. Public Policy at Twitter. (Exh. 26, Exh. 59 p. 7, Vol. 1, 147:27-28, 148:1-
26 9, 149:16-28, 150:1-2, Vol. 4 612:10-28.) Boland sent Morrow a Tweet stating “@AdamSchiff
27 staffer is the spokesman for LA County Public Health official.... The Russian collusion, Hunter
28 Biden laptop Schiff team.” Boland referred to the poster as “the asshole who drove me off twitter,”

1 and told Morrow “Adam [Schiff] says ignore the bastard.” (Exh. 26.) Boland told Morrow, “If
2 [Culbertson] doesn’t respond let me and I can escalate in the DC office.” (Exh. 26.)

3 **7. LACDPH Tries to Eliminate Dissident Opinions from Twitter.** On July 20, 2022,
4 Morrow contacted Culbertson, stating, “I was referred to you by my friend Patrick Boland, who I
5 used to work with in Congressman Schiff’s office.” (Exh. 59 pp. 6, 7.) Morrow included Boland’s
6 name in all capital letters in the subject line and copied Boland on the email. (Exh. 59 p. 6.) Morrow
7 asked Culbertson for help with “harassment” from “anti-maskers” as the County was “likely going
8 to bring back indoor masking.” (Exh. 59, pp. 6, 7.) This led to an exchange of at least 15 messages
9 between Morrow and Twitter (“Twitter Exchange”). (Exh. 21 pp. 1-15, Exh. 59.)

10 **8. Comments About Conflict of Interest Jeopardize Ferrer’s Credibility.** Discussion of a
11 conflict of interest involving a study authored by Ferrer’s daughter arose during public health
12 briefings and in comments on LACDPH social media sites. (Vol. 1 89:28, 90:1-23, 125:2-7; Exh.
13 36, Exh. 36B pp. 1-4.) LACDPH was concerned about maintaining Ferrer’s credibility. (Vol. 1,
14 125:8-14.)

15 **9. Morrow Attempts to “Kill” Opinion Piece Opposing Mask Mandate.** On July 22,
16 2022, Morrow emailed Southern California News Group editor Sal Rodriguez regarding an opinion
17 piece entitled “Bringing back a mask mandate in Los Angeles County is unjustified,” (“Opinion”).
18 (Exh. 25, Vol. 2 215:6-25.) Morrow said “[t]he new op-ed that was published has a glaring
19 falsehood that needs to be corrected or the piece needs to be removed.” (Exh. 25 p. 3.) After
20 Rodriguez updated the piece, Morrow sent four additional emails, one text message, and had one
21 phone call with Rodriguez regarding the Opinion. (Exh. 28.) According to Morrow, he merely
22 wanted to chat with Rodriguez. (Vol. 4 529:22-28, 530:1-8.) The Opinion headline and content
23 were disfavored speech that LACDPH sought to eliminate. Morrow, who describes “killing a story”
24 as an “attempt to persuade a writer that the story isn’t valid or that it’s wrong or that there’s no
25 benefit to the story” (Vol. 1 122:2-12), failed in his attempt to kill the Opinion.

26 **10. Morrow Seeks “Urgent Action” to Handle “Misinformation” from “Opponents” on**
27 **Twitter.** On July 26, 2022, in another Twitter Exchange email, Morrow alerted Twitter to matters
28 “requiring urgent action.” (Exh. 59 p. 4.) Morrow complained about “misinformation going around

1 LA County and upcoming mask requirements,” adding “[o]pponents are spreading the following
2 misinformation... Dr. Barbara Ferrer is ‘a fake doctor’... LA County is lying about hospitalization
3 numbers” (Exh. 59, pp. 4, 5, Stip. Fact 13.) Morrow said he “reported a few [Tweets] but have
4 not heard back if action was taken.” (Exh. 59, p. 5, Stip. Fact 14.) Morrow continued, “[i]s it
5 possible I can send links or misleading info to expedite? Any other options?” (Exh. 59, p. 5, Stip.
6 Fact 14.)

7 **11. LACDPH Disables Public Comments.** On July 30, 2022, Morrow disabled public
8 comments on the Social Media Accounts, stating, “[l]et’s do it for all posts. I’m over people rn. lol.”
9 (Exh. 55, p. 1.) This decision closed a forum that had enabled Alliance members to find each other
10 and share valuable information about the public health response to Covid. (Vol. 2, 310:2-4, Vol. 3
11 354:28, 355:1-28, 356:1-11.) Morrow’s attempts to have the Opinion piece removed, to have
12 opponent speech censored by Twitter, and to control disfavored speech by LAC+USC physicians
13 failed, and the next best option to quash disfavored speech was to eliminate public comments from
14 LACDPH social media sites.

15 **12. LACDPH Limits Public Access.** At the time LACDPH disabled comments, County
16 meetings were still closed to the public. (Vol. 2, 231:2-8.) LACDPH held sporadic telebriefings, but
17 participants had to be invited, and no media was allowed. (Vol. 1, 115:2-13, Vol. 3 359:21-28,
18 360:1-10.) During town halls, LACDPH selected presenters and curated questions. (Vol. 1, 43:12-
19 21, Vol. 3, 467:7-22.) Alliance members’ attempts to contact the County were almost always
20 fruitless. (Vol. 3, 357:19-25, 359:5-10, 398:20-28, 399:1, 401:25-28, 402:1-3, 403:4-16.)

21 **13. LACDPH Shuts Down Alt Account Created to Quote Tweet LACDPH with**
22 **Comments Open for Discussion.** Five days after disabling comments, on August 5, 2022, Morrow
23 contacted Twitter to suspend the Alt Account, which an Alliance member created to “quote Tweet”
24 LACDPH posts with open comments. (Stip. Facts 15 -24, Exh. 5, p. 1; Vol. 2 310:7-25, 312:22-28.)
25 The Alt Account allowed members of the public to continue discussing public health issues in a
26 centralized open forum. (Exhs. 15 and 16, Vol. 2 308:2-12; 308:16-28, 309:1-3, 309:18-24, Vol. 3
27 357:4-14, 371:8-18, 387:4, 393:22-28, 394:1-9, 400:6-14, 413:1-15, 412:18-28.) LACDPH’s goal of
28 quashing disfavored speech was threatened by this new forum, and LACDPH aggressively followed

1 up with Twitter until the account was permanently suspended. (Exh. 59, pp. 1-3, Exh 21 pp. 3,4, 8.)

2 **II. LACDPH Significantly Encouraged or Coerced Twitter to Suspend the Alt Account**

3 With respect to suspension of Alliance’s Alt Account, this Court determined in its October
4 3, 2023 summary judgment ruling that *Biden* is well reasoned, highly persuasive and should be
5 applied here. The *Biden* case holds that government actors violate the First Amendment when they
6 significantly encourage or coerce social media platforms to take adverse action against parties who
7 express disfavored viewpoints. The Fifth Circuit described two separate and distinct ways to satisfy
8 the “close nexus” test: 1) significant encouragement or 2) coercion. (*Biden* at pp. 33, 34.)

9 **A. Coercion**

10 The Fifth Circuit endorsed the "four factor test" to determine whether coercion is present—
11 the same test relied upon by the Second and Ninth Circuit Courts of Appeal. In applying those
12 factors to the evidence in *Biden*, the Fifth Circuit concluded that defendant government agencies
13 coerced social media platforms to take adverse actions against plaintiffs. Coercion is more subtle
14 than encouragement, not black and white, and difficult to parse out from persuasion. (*Biden* at pp.
15 34, 36.) Evidence of coercion in this case includes the following:

16 1. *Word choice and tone.* Morrow was professional but persistent in his communications to
17 Twitter. (Stip. Facts 6, 15-24, Exh. 21, Exh. 59.) Morrow, who publicly boasts about his
18 relationship with Congressman Schiff (Exh. 52, p. 4, Vol. 2, 168:10-28, 169:15-23, Vol. 4 519:23-
19 28), emphasized his connection to Congressman Schiff and staffer Boland, copying Boland on his
20 email to Twitter. (Exh. 21, p. 14.) At the time of the Twitter Exchange, Congressman Schiff was
21 Chair of the House Permanent Select Committee on Intelligence (“HPSCI”). (Vol. 4, 611:16-28,
22 612:1-9.) As HPSCI Chairman, Schiff had independent authority to commence investigations and
23 authorize congressional subpoenas. (See U.S. Congress, House Committee on Rules, Rules Adopted
24 by the Committees of the House of Representatives, committee print, 117th Cong., 1st sess., RCP
25 117-24 (Washington: GPO, 2022) p. 282, Rules 9(a), 10(a) (“HPSCI Rules”; Request for Judicial
26 Notice (“RJN”) Exh. A.)

27 Morrow included Boland’s name in all capital letters in the subject line throughout the
28 Twitter Exchange. (Exh. 21, pp. 1-14; Exh. 59.) By naming Schiff and Boland in his emails,

1 Morrow conveyed an implicit threat of regulatory retaliation to Twitter Head of U.S. Public Policy
2 Lauren Culbertson. As described in *Biden*, social media companies, including Twitter, censored
3 posts and accounts because they feared regulatory consequences.⁴ (See *Biden* at p. 52.) It is
4 reasonable to assume that, as Head of U.S. Public Policy, Culbertson was aware of potential
5 regulatory consequences from Congressman Schiff. Boland told Morrow he would escalate in the
6 DC office if Morrow didn't receive a response from Twitter. (Exh. 26.) Further, like in *Biden* and
7 *Bantam*, Morrow's requests to remove "misinformation" were "urgent." (*Biden*, pp. 43, 45; Exh. 59
8 p. 4, 5.)

9 2. *Speech likely to be perceived as a threat.* The use of Schiff and Boland's names in
10 Morrow's emails was likely perceived as a threat by Twitter, who sent Morrow to the
11 gov@twitter.com private backchannel for expediting government requests. (Exh. 21, p. 13.) Further,
12 despite the obviously unofficial, unaffiliated nature of the Alt Account, Twitter's government
13 expediting team suspended the account three times and denied four appeals. (Exh. 5, pp. 1-4; 310:7-
14 25, 312:22-28.) It was reasonable to perceive inclusion of Boland and reference to Schiff as a threat
15 given the subpoena and investigative powers held by Congressman Schiff. (See RJN Exh. A,
16 HPSCI Rules 9(a), 10(a).)

17 3. *Existence of regulatory authority.* While the lack of regulatory authority is not dispositive
18 (*Biden* at p. 48), Congressman Schiff's office had regulatory authority over Twitter. (RJN Exh. A,
19 HPSCI Rules 9(a), 10(a).) It was reasonable for Twitter to assume that lack of action would be
20 followed by pressure from Congressman Schiff's office. In fact, Boland told Morrow he would
21 escalate things in DC if Morrow did not receive a response from Twitter. (Exh. 26.)

22 4. *Whether adverse consequences mentioned.* "If a reasonable person would construe a
23 government's message as alluding to some form of punishment, then there are threats of adverse
24 consequences, even if those are not verbalized and never materialize ... That of course is informed
25 by context (e.g., persistent pressure, perceived or actual ability to make good on a threat)." (*Biden* at
26 p. 71.) Here, while adverse consequences were not explicit, there was persistent pressure coupled
27

28 ⁴ In *Biden*, government defendants threatened social media companies with "adverse government action like increased regulation, antitrust enforcement, and changes to Section 230." (*Biden* at p. 42.)

1 with perceived and actual ability from Congressman Schiff—at Morrow’s request—to commence
2 an investigation, issue a subpoena, or propose regulatory changes that could negatively impact
3 Twitter.

4 **B. Significant Encouragement**

5 To constitute “significant encouragement,” there must be such a “close nexus” between the
6 parties that the government is practically “responsible” for the challenged decision. (*Biden* at p. 30.)
7 There must be some exercise of active, meaningful control on the part of the government over the
8 private party’s challenged decision. (*Biden* at p. 31.) The Fifth Circuit’s reading of what
9 encouragement means under the close nexus test tracks with the Ninth Circuit’s test. (*Biden* at p. 33,
10 citing *O’Handley v. Weber*, 62 F. 4th 1145, 1158 (9th Cir. 2023), *cert. pending*, No 22-1199 (filed
11 on June 8, 2023) (“*O’Handley*”).) Evidence of significant encouragement here includes:

12 *1. Active meaningful control over the private party’s decision* (*Biden* p. 30). Here, there
13 were 15 emails, and suspension by Twitter of the Alt Account. (Exh. 21, pp. 1-16; Exh. 59.) When
14 Morrow and Lespron’s impersonation reports succeeded in permanently suspending the Alt
15 Account, Morrow reported more plainly satirical accounts and tweets containing disfavored speech
16 to be suspended for impersonation. (Exh. 21, pp. 9, 10, 16.) Morrow did not just use the standard
17 reporting feature in the application – he used a private backchannel to Twitter expeditors for
18 government requests. (Exh. 21, p. 13, Vol. 1, 150:28, 151:1-3.)

19 *2. Consistent and consequential interaction with platforms.* Morrow was persistent, so much
20 so that he apologized for “all the requests.” (Exh. 21, p. 9.) Like in *Biden*, Morrow was monitoring
21 Twitter’s content moderation activities, and had consistent and consequential interaction with
22 Twitter. (*Biden* at p. 52; Exh. 21, Exh. 59, pp. 1-3, Vol. 4, 590:6-28, 591:10-28, 592:1-27.)

23 *3. More than regulation of an industry, passive approval by regulatory entity of decision by*
24 *regulated business, and uninvolved oversight from the government* (*Biden* at pp. 30, 31). Here,
25 Morrow directly involved himself with Twitter’s process via incessant emails to Twitter. Every time
26 the Alt Account complied with Twitter directives, Morrow immediately followed up until the
27 account was permanently suspended. (Stip. Facts 6-9, 15-24, Exh. 5, pp. 1-4; Exh. 59, p. 1.) Then,
28 Morrow went after other critical accounts for impersonation. (Exh. 21, pp. 9, 10, 16.)

1 4. *Overwhelms private party’s choice* (*Biden* at p. 33, citing *O’Handley*). In *O’Handley*,
2 defendants flagged plaintiff’s tweet once with no follow-up. (*O’Handley*, 62 F. 4th 1145, 1157-58.)
3 Here, LACDPH followed up with Twitter multiple times. Morrow reported accounts without
4 success, and then escalated to the private government backchannel using Schiff’s connections. (Vol.
5 1, 150:17-21, Vol. 2 224:1-16, Exh. 21, pp. 5, 13.) Absent his persistence and invocation of Schiff’s
6 name, the Alt Account would not have been suspended.

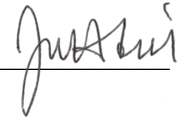
7 In *O’Handley* there was no indication—whether via tone, content, or otherwise—that the
8 state would retaliate against inaction given the insubstantial relationship. (*Biden* p. 51.) Here,
9 however, we have a text from Boland saying that if he doesn’t receive a response Boland will
10 escalate in the DC office—meaning with Congressman Schiff. (Exh. 26.)

11 **III. Conclusion**

12 Loss of the constitutional right to free speech, for even minimal periods of time,
13 unquestionably constitutes irreparable injury. (*Biden*, p. 63.) “If there is any fixed star in our
14 constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox
15 in politics, nationalism, religion, or other matters of opinion...” (*W. Va. State Bd of Educ. v.*
16 *Barnette, supra*, 319 U.S. at p. 642.) Defendants in this case violated Alliance members’ right to
17 speak and receive information by engaging in viewpoint discrimination, closing a public forum for
18 viewpoint discriminatory reasons, and significantly encouraging or coercing Twitter to suspend the
19 Alt Account.

20
21 Dated: November 16, 2023

Hamill Law & Consulting

22
23 By: /s/ Julie A. Hamill 
24 Julie A. Hamill
25 Attorney for Petitioner
26 Alliance of Los Angeles County Parents
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PROOF OF SERVICE

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

On November 16, 2023 I served the foregoing document: **ALLIANCE OF LOS ANGELES COUNTY PARENTS CLOSING BRIEF** on the interested parties in this action.

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

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

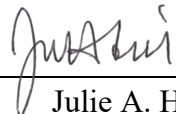
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County of Los Angeles Department of Public Health
Barbara Ferrer, Muntu Davis

(VIA ELECTRONIC SERVICE): I uploaded the document without error to <https://platform.onelegal.com/> selecting the proper functions to electronically serve the person(s) listed via the Court's E-File System.

(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.

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

Executed on November 16, 2023 at Rancho Palos Verdes, California.

/s/ 

Julie A. Hamill