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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  
14 Petitioner and Plaintiff,

15 vs.

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

24 Respondents and Defendants.

Case No.: 22STCP02772

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

Hearing Date: September 21, 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 This case is about the fundamental right to free speech. Alliance alleges that County of Los  
4 Angeles Department of Public Health, Muntu Davis, and Barbara Ferrer (“Defendants”) violated  
5 Alliance members’ constitutionally protected right to speak and receive information. Alliance seeks  
6 to enjoin a government agency from encouraging digital platforms to censor protected speech based  
7 on viewpoint, and from closing a public forum for a viewpoint discriminatory purpose.

8 Alliance served a deposition subpoena for production of business records on non-party X  
9 Corp., formerly known as Twitter (“X Corp.”) on May 12, 2023 (“Subpoena”). Motion to Seal,  
10 Declaration of Jonathan Hawk (“Hawk Decl.”), ¶ 2. Following months of meet and confer  
11 communications, X Corp. finally produced responsive documents on August 16, 2023, two days  
12 prior to Alliance’s deadline to oppose Defendants’ Motion for Summary Judgment (“MSJ”). Hawk  
13 Decl., ¶11.

14 While X Corp. claims the documents contain confidential trade secrets, X Corp. emailed  
15 these “confidential trade secrets” to government employees with whom X Corp. shares no  
16 confidential relationship, X Corp. did not mark or otherwise treat the emails confidential at the time  
17 they were exchanged, emails to County public health employees are disclosable public records  
18 under the California Public Records Act, and nine pages of the documents X Corp. seeks to seal  
19 have already been produced and filed by Defendants in this action. *See*, Alliance’s Compendium of  
20 Exhibits in support of Opposition to Defendants’ MSJ (“Compendium”), Exhibit 21.

21 **A. The Documents**

22 X Corp. seeks to seal the entirety of Exhibit 21 to the Compendium (“Exhibit 21”), a  
23 redacted copy of which was filed on August 17, 2023. Hamill Decl., ¶ 20. An unredacted copy was  
24 lodged with the Court on August 24, 2023. Hamill Decl., ¶ 24. Without revealing their specific  
25 contents, the documents contained in Exhibit 21 are as follows:

<b>Document 1</b>	<b>COMP.EXH.185:</b> Declaration of Custodian of Records for X Corp.
<b>Document 2</b>	<b>COMP.EXH. 186 – 191:</b> Email chain between County of Los Angeles Department of Public Health Communications Director Brett Morrow and X Corp., referred to as the “Twitter Exchange” in Alliance’s Opposition to

1		MSJ. It includes <i>additional</i> correspondence between the parties that was not produced by Defendants in discovery. See Exhibit 21, COMP.EXH.186-187. Pages COMP.EXH.188-191 are already in Alliance’s possession and have been publicly filed by Defendants as Exhibit A to their MSJ. Defendants’ MSJ, Exhibit A, pp. 7-13.
2	3	
4	<b>Document 3</b>	<b>COMP.EXH. 192:</b> Email from X Corp. to elespron@ph.lacounty.gov following up regarding suspension of the Alt Account by X Corp.
5	<b>Document 4</b>	<b>COMP.EXH. 193 – 199:</b> The email chain between County Communications Director Brett Morrow and X Corp. referred to as the “Twitter Exchange” in Alliance’s Opposition to MSJ. It includes <i>additional</i> correspondence between the parties that was not produced by Defendants in discovery (Exhibit 21, COMP.EXH. 193 - 194), and which is not included in COMP.EXH.186-187 above. Pages COMP.EXH.195-199 are already in Alliance’s possession and have been publicly filed by Defendants as Exhibit A to their MSJ. MSJ, Exhibit A, pp. 7-13.
6	7	
8	<b>Document 5</b>	<b>COMP.EXH. 200:</b> Impersonation report filed by Brett Morrow on behalf of Los Angeles County Department of Public Health.
9	<b>Document 6</b>	<b>COMP.EXH. 201-202:</b> Emails between X Corp. and United States Congressional staff.
10	<b>Document 7</b>	<b>COMP.EXH. 203–205:</b> Emails between X Corp. and United States Congressional staff.
11	<b>Document 8</b>	<b>COMP.EXH. 206–207:</b> Emails between X Corp. and United States Congressional staff.
12	<b>Document 9</b>	<b>COMP.EXH. 208-209:</b> Emails between X Corp. and United States Congressional staff.
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16 **B. The Agreement**

17 X Corp. grossly mischaracterizes the agreement between Alliance and X Corp. attorneys.  
18 Three days before Alliance’s filing deadline for its Opposition to MSJ, three months after being  
19 served with the Subpoena, after multiple update requests from Alliance, X Corp. sent a long email  
20 to counsel for Alliance explaining why X Corp. had not yet produced any documents. Toward the  
21 end of the email, X Corp. said:

22 “... Regarding the lack of a protective order, we’ll have documents marked “confidential.”  
23 Those should not be publicly disseminated, including not on your website. The only  
24 potentially valid use for the documents would be in direct connection with the litigation, i.e.,  
25 filing them with the court.

26 Can we agree that you would only potentially use those documents to file them with the  
27 court -- and that if you intend to file any of those documents, you first discuss with me as to  
28 whether X Corp. will agree to lift the “confidential” tag on those specified documents so  
they can be publicly filed or, if we will not agree to that, you will request to file them under  
seal?”

Alliance counsel responded: “Yes, agreed. Thanks.” Hawk Decl., Exh. A, pp. 1-2.

1 X Corp did not say “we’ll mark *all* documents confidential” or that X Corp would require  
2 counsel for Alliance to file a motion to seal X Corp.’s documents. When Alliance responded to X  
3 Corp, it believed X Corp. would act in good faith, and only mark *confidential* documents as  
4 “confidential.” Hamill Decl., ¶ 6. Alliance had not yet received the production, and did not know  
5 that X Corp. would label over 11,000 pages of documents—the entire production, which includes  
6 documents already in Alliance’s possession and publicly filed—confidential. Hamill Decl., ¶¶ 6, 8.  
7 Further, counsel for Alliance had not yet reviewed California Rules of Court, Rule 2.551 regarding  
8 the sealing of documents or Rule 2.550(d) regarding findings required for a court to order records  
9 sealed. Hamill Decl., ¶ 6.

10 On August 16, 2023, two days prior to Alliance’s deadline to file its Opposition to MSJ, X  
11 Corp. produced over 11,000 pages of documents in response to Alliance’s Subpoena. Every page  
12 was marked confidential. The production included **the same documents** Alliance already had in its  
13 possession, and documents that Defendants had already filed with the court in this action. *See, e.g.*,  
14 Defendants’ MSJ, Exhibit A, pp. 7-13; Compare with Exhibit 21, COMP.EXH.188-191, 195-199.

15 Alliance identified a small set of documents from X Corp.’s production it intended to file in  
16 support of Alliance’s Opposition to MSJ, and asked X Corp. what they needed from Alliance before  
17 filing them with the court, due to their confidential label.

18 X Corp. insisted that Alliance file the documents under seal. At that point, counsel for  
19 Alliance researched the procedures for filing documents under seal. California Rules of Court, Rule  
20 2.551(a), provides: “[a] record must not be filed under seal without a court order. The court must  
21 not permit a record to be filed under seal based solely on the agreement or stipulation of the  
22 parties.”

23 Alliance immediately informed X Corp. that it could not seal records based on an agreement  
24 of the parties, and that X Corp. would need to either provide a declaration supporting the findings in  
25 California Rules of Court, Rule 2.550(d) or make a motion to seal. At no point did Alliance ever  
26 agree that it would file a motion to seal on behalf of X Corp., nor did Alliance possess the personal  
27 knowledge required to do so. Hamill Decl., ¶¶ 6, 15, 16.

1 Alliance did exactly what it said it would do. Alliance informed X Corp. which documents it  
2 planned to file, discussed with X Corp. removal of the confidential tag, and requested that the  
3 documents be filed under seal when X Corp. refused to remove the confidential tag. Hamill Decl., ¶  
4 9; Hawk Decl., Exh. E, pp. 8-9. Alliance complied with Rule 2.551 and X Corp.’s insistence that  
5 Alliance request to seal the documents. Hamill Decl., ¶¶22, 23. Alliance redacted all publicly filed  
6 documents and lodged an unredacted copy with the court, at great expense. Hamill Decl., ¶¶22, 23.  
7 Alliance contacted the court clerk prior to lodging unredacted documents under conditional seal to  
8 ensure that documents X Corp. marked confidential would not be inadvertently revealed. Hamill  
9 Decl., ¶ 23.

10 Alliance also provided multiple opportunities for X Corp. to submit a declaration in support  
11 of the facts necessary for the Court to make the Rule 2.550(d) findings to seal the documents as part  
12 of the Alliance’s Opposition to MSJ, and X Corp. declined to provide one. Hamill Decl., ¶¶ 12-16,  
13 18, 19; Hawk Decl., Exh. D, pp. 1,2, Exh. E, pp. 1-6. As stated in emails to X Corp., counsel for  
14 Alliance has no personal knowledge of such facts and would not be able to make such a declaration.  
15 Hamill Decl., ¶¶ 16, 18; Hawk Decl., Exh. D, pp. 1, 2, Exh. E. p. 1.

16 The personal attacks made by Mr. Hawk are irrelevant to whether the documents should be  
17 sealed, are unsupported by the email exchanges between Mr. Hawk and Ms. Hamill, and will not be  
18 dignified with a response here.

## 19 **II. LEGAL ARGUMENT**

### 20 **A. COURT RECORDS ARE PRESUMED TO BE OPEN**

21 The First Amendment “provides a right of access to ordinary civil trials and proceedings.”  
22 *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal. 4th 1178, 1212. The public's  
23 interest in “observing and assessing the performance of its public judicial system ... strongly  
24 supports a general right of access in ordinary civil cases.” *Id.* at 31 (emphasis added). Accordingly,  
25 there is a presumption that court records are open. *Id.* at 1217; Cal. Rules of Court, Rule 2.551(c).  
26 The presumption of openness may be overcome, and records sealed, only after trial court holds a  
27 hearing and expressly finds each of the following:

28 (1) There exists an overriding interest that overcomes the right of public access to the



1 record;

2 (2) The overriding interest supports sealing the record;

3 (3) A substantial probability exists that the overriding interest will be prejudiced if the  
4 record is not sealed;

5 (4) The proposed sealing is narrowly tailored; and

6 (5) No less restrictive means exist to achieve the overriding interest. Cal. Rules of Court,  
7 Rule 2.550(d).

8 For the reasons set forth below, X Corp. has failed to show that the presumption of openness  
9 should be overcome in this case with respect to the records specified in its motion.

10 **B. X CORP. FAILS TO ESTABLISH THAT THE PRESUMPTION OF OPENNESS**  
11 **SHOULD BE OVERCOME IN THIS CASE**

12 In order to determine whether or not records should be sealed, a court must weigh the  
13 “competing interests and concerns.” *H.B. Fuller Co. v. Doe* (2007) 151 Cal. App. 4th 879, 894. In  
14 order for the court to weigh these interests, X Corp. must, at a minimum, “come forward with a  
15 specific enumeration of the facts sought to be withheld and specific reasons for withholding them.”  
16 *Id.*

17 X Corp. requests that the entirety of Exhibit 21 be placed under seal. In support of this  
18 request, X Corp. argues that the documents reveal confidential business information (Motion to  
19 Seal, 3:19-28, 4:1-2), and that their use in this lawsuit will cause X Corp. competitive harm, which  
20 is an overriding interest in favor of sealing the record. Motion to Seal, 4:10-20. For the reasons  
21 argued below, these contentions are insufficient to overcome the public’s interest in access to this  
22 case and justify the sealing of the records at issue, under the test established by *NBC Subsidiary* and  
23 Cal. Rules of Court, Rule 2.550. Further, the compelling public interest here involves the right of  
24 the public to access documents that show censorship efforts by the government. *See, e.g.* Opposition  
25 to MSJ, 1:18-27, 3:3-27, 4:1-28, 5:1-27, 13:10-20:16.

26 ***1. There is no Overriding Interest That Overcomes the Right of Public Access to***  
27 ***the Record.***

28 In *NBC Subsidiary, Inc. v. Superior Court*, the California Supreme Court concluded that the  
civil litigants’ right to a fair trial “is, in the abstract, an overriding interest.” 20 Cal. 4th at 1222.  
Additionally, in a footnote, the Court provided the following list of interests that courts have  
recognized as potential overriding interests: the protection of minor victims of sex crimes from  
further trauma and embarrassment; privacy interests of a prospective juror during *voir dire*;

1 protection of witnesses from extreme embarrassment or intimidation; protection of trade secrets;  
2 protection of information within the attorney-client privilege; and enforcement of binding  
3 contractual obligations not to disclose. *Id.* at 1222, fn46 (internal citations omitted). *See also Huffly*  
4 *Corp. v. Superior Court* (2003) 112 Cal. App. 4th 97, 107–08 (a legitimate proprietary concern  
5 relating to the identity of sources of funds to settle lawsuits and a binding contractual agreement not  
6 to disclose are potential overriding interests).

7 In contrast, in *McNair v. National Collegiate Athletic Association* (2015) 234 Cal. App. 4th  
8 25, 34–35, the court concluded that the fact that the NCAA's internal bylaws required  
9 confidentiality with respect to certain documents did not amount to an overriding interest, where the  
10 confidentiality requirement in one bylaw lasted only until the case had been announced, and where  
11 the other bylaws at issue extended promises of confidentiality to third parties—and therefore did not  
12 cover the internal documents sought to be sealed. Additionally, the court concluded that a  
13 contractual agreement between the parties to treat cases as confidential did not amount to overriding  
14 interest, noting that “mere agreement of the parties alone is insufficient to constitute an overriding  
15 interest.” *Id.* at 36.

16 In *In re Providian Credit Card Cases* (2002) 96 Cal. App. 4th 292, the court explained that  
17 certain matters did not qualify as trade secrets because they had been disclosed to the public, or  
18 because the party had failed to make reasonable efforts to maintain the secrecy of the information at  
19 issue. (2002) 96 Cal. App. 4th 292, 304– 05. In the instant case, X Corp. disclosed the purported  
20 trade secrets to government employees, with whom it does not share a confidential relationship, and  
21 failed to make reasonable efforts—or any effort whatsoever—to maintain the secrecy of the  
22 information at the time it was disclosed to third parties.

23 (a) *The Documents in Exhibit 21 are not Confidential Trade Secrets*

24 A trade secret has an intrinsic value which is based upon, or at least preserved by, being  
25 safeguarded from disclosure. *In re Providian Credit Card Cases* (2002) 96 Cal. App. 4th 292, 304  
26 (citing *Pillsbury, Madison & Sutro v. Schectman* (1997) 55 Cal. App. 4th 1279, 1287). Public  
27 disclosure, that is the absence of secrecy, is fatal to the existence of a trade secret. *In re Providian*  
28

1 *Credit Card Cases* (2002) 96 Cal. App. 4th 292, 304. **“If an individual discloses his trade secret**  
2 **to others who are under no obligation to protect the confidentiality of the information, or**  
3 **otherwise publicly discloses the secret, his property right is extinguished.”** *In re Providian*  
4 *Credit Card Cases* (2002) 96 Cal. App. 4th 292, 304 (citing *Ruckelshaus v. Monsanto Co.* (1984)  
5 467 U.S. 986, 1002; 1 Milgrim on Trade Secrets (2001) § 1.05[1], p. 1–197 (“**unprotected**  
6 **disclosure ... will terminate ... and, at least prospectively, forfeit the trade secret status**”).)  
7 (internal citations omitted) (emphasis added).

8 A person or entity claiming a trade secret is also required to make “efforts that are  
9 reasonable under the circumstances to maintain its secrecy.” *In re Providian Credit Card Cases*  
10 (2002) 96 Cal. App. 4th 292, 304 (citing Civ. Code, § 3426.1, subd. (d)(2).) A leading treatise has  
11 collected the cases of successful and unsuccessful claims of secrecy protection; among the factors  
12 repeatedly noted are restricting access and physical segregation of the information, confidentiality  
13 agreements with employees, and marking documents with warnings or reminders of confidentiality.  
14 *In re Providian Credit Card Cases* (2002) 96 Cal. App. 4th 292, 304 (citing Trade Secrets Practice  
15 in Cal. (Cont.Ed.Bar 2d ed.1999) §§ 4.9–4.10, pp. 79–86.)

16 In the instant case, X Corp. cannot plausibly contend that any of the documents in Exhibit  
17 21 are confidential trade secrets. X Corp. has submitted no evidence of a confidential relationship or  
18 efforts to maintain confidentiality of communications between it and government employees.

19 **Document 1** is the Declaration of Custodian of Records for X Corp., and is not marked  
20 confidential.

21 **Document 2 and Document 4** are email chains between County of Los Angeles  
22 Department of Public Health Communications Director Brett Morrow and X Corp., referred to as  
23 the “Twitter Exchange” in Alliance’s Opposition to MSJ on file in this action. *See* Alliance  
24 Opposition to MSJ, pp. 3:3-10, 4:2-10, 20-27. **Document 2 and Document 4** include *additional*  
25 relevant correspondence between the Defendants and X Corp. that was not produced by Defendants  
26 in discovery. *See* Exhibit 21, COMP.EXH. pp. 186-187 and COMP.EXH. 193 – 194, respectively;  
27 Hamill Decl., ¶ 24. Pages from Exhibit 21 marked COMP.EXH. 188-191 of **Document 2** and  
28

1 COMP.EXH. 195-199 of **Document 4** are already in Alliance’s possession and were publicly filed  
2 by Defendants as Exhibit A to their MSJ. Defendants’ MSJ, Exhibit A, pp. 7-13. **Document 3** is an  
3 email from X Corp. to elespron@ph.lacounty.gov confirming the suspension of the account known  
4 as @ALT\_lacph—created by an Alliance member and referred to in this litigation as the “Alt  
5 Account” (see First Amended Petition, ¶147; Opposition to MSJ, 1:22-25)—by X Corp. See Exhibit  
6 21, COMP.EXH. 192. This document was also not provided by Defendants in discovery responses.  
7 Hamill Decl., ¶ 26.

8 If any information contained in **Documents 2, 3 or 4** was confidential, that confidentiality  
9 was waived when X Corp. emailed it to employees of the County of Los Angeles Department of  
10 Public Health, with whom X Corp. does not share a confidential relationship, at their public Los  
11 Angeles County email addresses. See *In re Providian Credit Card Cases* (2002) 96 Cal. App. 4th  
12 292, 304. The emails were not marked “confidential” at the time they were exchanged. Defendants’  
13 MSJ, Exhibit A, pp. 7-13. There was no effort made at the time the emails were exchanged to  
14 protect their content from disclosure. See Defendants’ MSJ, Exhibit A, pp. 7-13. Further, even if the  
15 emails had been marked confidential at the time of exchange, and even if Defendants and X Corp.  
16 enjoyed a confidential relationship (neither is true), the filing of the pages in Exhibit 21 marked  
17 COMP.EXH 188-191 and 195-199, and production of these communications to Alliance by  
18 Defendants would negate any confidentiality they may have had. See Defendants’ MSJ, Exhibit A,  
19 pp. 7-13. Finally, X Corp. exchanged these emails with government employees at their public email  
20 addresses—Bmorrow@ph.lacounty.gov and elespron@ph.lacounty.gov. As public employees, Mr.  
21 Morrow’s and Ms. Lespron’s emails are subject to the California Public Records Act (“PRA”). The  
22 PRA expressly provides that “**access to information concerning the conduct of the people’s**  
23 **business is a fundamental and necessary right of every person in this state.**” Gov. Code, §  
24 7921.000 (emphasis added). The purpose is to give the public access to information that enables  
25 them to monitor the functioning of their government. *CBS, Inc. v. Block* (1986) 42 Cal. 3d 646, 651;  
26 *Times Mirror Co. v. Superior Court* (1991) 53 Cal. 3d 1325, 1350.

27 **Document 5** is an impersonation report filed by Brett Morrow against an account on behalf  
28

1 of the Los Angeles County Department of Public Health. Exhibit 21, COMP.EXH.200. It was filed  
2 after Mr. Morrow succeeded in having the Alt Account suspended from X Corp. based on a separate  
3 impersonation report. Hamill Decl., ¶ 26. This document was not produced by Defendants in their  
4 discovery responses. Hamill Decl., ¶ 26. **Document 5** is a publicly available form on X Corp.’s  
5 website, and the material provided by Mr. Morrow therein did not originate at X Corp., does not  
6 contain any confidential information from X Corp., and cannot be considered an X Corp. trade  
7 secret. *See*, Exhibit 21 COMP.EXH.200.

8 **Documents 6-9** are email exchanges between United States congressional staff and X Corp.  
9 *See* Exhibit 21, COMP.EXH.201-209. If any information contained in **Documents 6-9** was  
10 confidential, that confidentiality was waived when X Corp. emailed it to employees of the United  
11 States government, with whom X Corp. does not share a confidential relationship, at their United  
12 States House of Representatives email addresses. *See In re Providian Credit Card Cases* (2002) 96  
13 Cal. App. 4th 292, 304. The emails were not marked “confidential” at the time they were  
14 exchanged. *See* Exhibit 21, COMP.EXH.201-209. There was no effort made at the time the emails  
15 were exchanged to protect the content in the emails from disclosure. *Id.*

16 Because X Corp. disclosed its alleged “trade secrets” to government employees who are  
17 under no obligation to protect the confidentiality of the information *before* producing the same  
18 documents in response to Alliance’s Subpoena, any trade secret protection is extinguished. *In re*  
19 *Providian Credit Card Cases* (2002) 96 Cal .App. 4th 292, 304. Unprotected disclosure by X Corp.  
20 to government employees terminates and forfeits any trade secret status. *Id.*

21 ***2. The Proposed Sealing is Not Narrowly Tailored and There are Less Restrictive***  
22 ***Means to Achieve the Alleged Overriding Interest.***

23 California Rules of Court, Rule 2.550(e)(1)(B), governs the scope of an order sealing the  
24 record, providing that such orders must “[d]irect the sealing of only those documents and pages, or,  
25 if reasonably practicable, portions of those documents and pages, that contain the material that  
26 needs to be placed under seal. All other portions of each document or page must be included in the  
27 public file.” Sanctions may be imposed for overbroad requests to seal. *Overstock.Com, Inc. v.*  
28 *Goldman Sachs Group, Inc.* (2014) 231 Cal. App. 4th 471, 500 (trial court should view “overly

1 inclusive sealing efforts with a jaundiced eye, and impose sanctions as appropriate”).

2 If X Corp.’s contentions are true, and Exhibit 21 reflects X Corp.’s internal business  
3 workings, is proprietary and confidential, and should be sealed (*see* Motion to Seal at 4:26-27),  
4 which Alliance disputes, then a more appropriate solution would be to redact only the statements  
5 made by X Corp. within Exhibit 21. Requests from elected officials and their staff cannot be  
6 considered confidential or trade secret information because they originated from third parties that  
7 share no confidential relationship with X Corp.

8 X Corp. contends:

9 “unintended recipients could misunderstand (or fail to have full visibility into) the nuances  
10 of the particular content that is reported, the circumstances surrounding the content at that  
11 time, and the application of then-effective rules. That could, in turn, lead to misguided  
12 criticisms by those unintended recipients that are directed at X Corp., based on those  
13 individuals’ comparisons to separate, incongruous pieces of content, that they mistakenly  
14 believe should receive the same treatment as the content being discussed in the X Corp.  
15 Emails. *Id.* This cascade of events – all of which could stem from disclosure of the non-  
16 public X Corp. Emails -- risks causing competitive harm to X Corp., as misguided criticisms  
17 of online platforms in the context of content moderation decisions can cause serious  
18 competitive harm to a platform provider.” Motion to Seal, p. 5:3-15.

19 If this is true, and the Court agrees that it constitutes an overriding interest, then the Court  
20 could order X Corp.’s responses redacted while keeping the requests from congressional staffers in  
21 **Documents 6-9**. X Corp.’s contentions here do not apply to **Documents 1-5** because most of the  
22 communications in **Documents 2 and 4** have already been produced, **Document 1** is not marked  
23 confidential, **Document 3** is an automated response, and **Document 5** is a standard, publicly  
24 available X Corp. form filled out by a County of Los Angeles employee. See, Exhibit 21,  
25 COMP.EXH.186-200. Those documents should not be redacted or sealed.

### 26 **III. CONCLUSION**

27 Based on the foregoing, Alliance respectfully requests this Court deny X Corp.’s Motion to  
28 Seal court records, or in the alternative, order the statements made by X Corp. in **Documents 5-9**  
redacted.

////

1 Dated: September 8, 2023

Hamill Law & Consulting

2 By: /s/ Julie A. Hamill

3 Julie A. Hamill

4 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. On June 26, 2023, I sent a letter to X Corp. regarding the subpoena served by Alliance on May 12, 2023, with a production date of June 1, 2023 (“Subpoena”). My letter summarized our discussions to date, reminded X Corp. of Alliance’s August 18, 2023 deadline for filing Alliance’s Opposition to Defendants’ Motion for Summary Judgment (“Opposition to MSJ”) and stated that **time is of the essence**. I stated that if X Corp. did not produce documents prior to July 10, 2023, Alliance would have to move to compel production. A true and correct copy of the letter is attached hereto as **Exhibit 1**.

3. I included copies of communications between X Corp. and the County of Los Angeles in the possession of Alliance in my June 26, 2023 letter to X Corp. *See Exhibit 1*, pp. 6-11. Those same documents were filed by Defendants in support of Defendants’ Motion for Summary Judgment (“MSJ”), Exhibit A, pp. 7-13. Those same documents are contained in Exhibit 21 to Alliance’s Compendium of Exhibits in support of Opposition to MSJ (“Exhibit 21”) (COMP.EXH. 187-191, 195-199), which X Corp. seeks to seal with this motion.

4. On August 14, 2023, I emailed counsel for X Corp., formerly known as Twitter (“X Corp.”) to inquire about the status of X Corp.’s production of documents responsive to the Subpoena I served three months earlier. I reminded him of Alliance’s August 18, 2023 deadline for filing the Opposition to MSJ, and explained that I would have to notify the court and request an extension to file the Opposition to MSJ until X Corp. provided the documents. A true and correct copy of that email is included in X Corp.’s Motion to Seal, Declaration of Jonathan Hawk (“Hawk Decl.”), Exhibit A, p. 2.

5. The following day, August 15, 2023, Mr. Hawk sent me the following message:



1 “Julie, we should be ready to produce today. It’s taken some time to finalize the  
2 production with our review / production tool. You have not been strung along. Our  
3 correspondence shows that, including that we even had to devise and propose search  
4 terms.

5 Regarding the lack of a protective order, we’ll have documents marked “confidential.” Those  
6 should not be publicly disseminated, including not on your website. The only potentially  
7 valid use for the documents would be in direct connection with the litigation, i.e., filing them  
8 with the court.

9 Can we agree that you would only potentially use those documents to file them with the court  
10 -- and that if you intend to file any of those documents, you first discuss with me as to  
11 whether X Corp. will agree to lift the “confidential” tag on those specified documents so they  
12 can be publicly filed or, if we will not agree to that, you will request to file them under seal?

13 Jon”

14 6. I believed X Corp. would, in good faith, only mark confidential documents as  
15 “confidential.” I did not interpret this message to mean that X Corp. would mark their entire  
16 production as confidential, or that I was agreeing to file a motion to seal on behalf of X Corp. My  
17 understanding at that time was there would be some confidential documents included in X Corp.’s  
18 production, and that if I intended to use them in this litigation I would have to discuss it with Mr.  
19 Hawk first. I understood that if X Corp. would not agree to lift the confidential tag on certain  
20 documents I would request to have them filed under seal. I had not seen X Corp.’s production yet,  
21 and did not know what would be produced. I did not review California Rules of Court, Rule 2.550  
22 or 2.551 before responding. I responded “Yes, agreed. Thanks.”

23 7. X Corp. did not produce any documents on August 15, 2023.

24 8. On August 16, 2023, two days prior to Alliance’s filing deadline, X Corp. produced  
25 over 11,000 pages of documents in response to Alliance’s Subpoena. Every page was marked  
26 confidential. The production included documents I already had in my possession, and documents  
27 that Defendants had already filed with the court in this action. *See, e.g.*, Defendants’ Motion for  
28 Summary Judgment (“MSJ”), Exhibit A, pp. 7-13; *compare with* Opposition to MSJ Exhibit 21  
29 (“Exhibit 21”), COMP.EXH.188-191, 195-199.

30 9. On August 16, 2023, I identified a small set of documents from X Corp.’s production  
31 I intended to file in support of Alliance’s Opposition to MSJ, and asked Mr. Hawk if he needed me

1 to do anything before filing them with the court due to their confidential label. A true and correct  
2 copy of this email is included in Hawk Decl., Exh. E, pp. 8-9.

3 10. Mr. Hawk responded that I should “seek to file any documents marked ‘confidential’  
4 under seal so they are not publicly viewable.” A true and correct copy of Mr. Hawk’s email is  
5 included in Hawk Decl., Exh. E, p. 8.

6 11. At that point, I conducted research into the procedures for filing documents under  
7 seal. I reviewed California Rules of Court, Rule 2.551(a), which says: “[a] record must not be filed  
8 under seal without a court order. **The court must not permit a record to be filed under seal**  
9 **based solely on the agreement or stipulation of the parties.**” (emphasis added).

10 12. I emailed Mr. Hawk to explain California Rules of Court, Rule 2.551, and I provided  
11 him with the five findings required under Rule 2.550(d) for a court to order a record filed under  
12 seal. I told Mr. Hawk that based on my review of the documents I intended to file in support of  
13 Alliance’s Opposition to MSJ, I did not see any legal justification for sealing them. I told Mr. Hawk  
14 I wanted to give X Corp. an opportunity to file a motion to seal if he felt it was necessary. A true  
15 and correct copy of this email is included in Hawk Decl., Exh. E, p. 7.

16 13. Mr. Hawk became upset, and insisted that I file under seal, and if I didn’t, that I was  
17 breaching our agreement. I responded to Mr. Hawk that California Rules of Court do not allow me  
18 to file anything under seal solely pursuant to an agreement of the parties, and that he needed to  
19 provide justification for filing under seal pursuant to California Rules of Court, Rule 2.550(d) so I  
20 could provide it to the court. A true and correct copy of this exchange is included in Hawk Decl.,  
21 Exh. E, p. 6.

22 14. Mr. Hawk then stated a reservation of rights against me and my client, and insisted  
23 once again that I file the documents under seal pursuant to our agreement. I again reminded him that  
24 the California Rules of Court, Rule 2.551 **prohibits** an order to seal based solely on agreement of  
25 the parties, that I did not see any legal justification for filing these particular documents under seal,  
26 that I already had many of X Corp.’s “confidential” documents in my possession, that many of the  
27 documents were public newsletters, that our agreement cannot supersede California Rules of Court,  
28

1 and I asked him again to provide the legal justification required for sealing the documents. A true  
2 and correct copy of this exchange is included in Hawk Decl., Exh. E, pp. 4-5.

3 15. Mr. Hawk again insisted that I file the documents under seal, continuing to disregard  
4 the California Rules of Court. I responded that I would make a request and file our email exchange  
5 with the court. I explained that I had to file “today” (August 17, 2023), and needed a declaration  
6 from him within three hours so that I could timely compile and file the Opposition to MSJ. I  
7 explained that I never agreed to file a motion to seal on his behalf. A true and correct copy of this  
8 exchange is included in Hawk Decl., Exh. E, pp. 3-4.

9 16. Mr. Hawk responded with his rationale for filing the documents under seal. I asked if  
10 he was planning on providing a declaration regarding the facts as to why these documents should be  
11 sealed in compliance with California Rules of Court that I could include in Alliance’s Opposition to  
12 MSJ filing with the Court. I restated Cal. R. Ct. 2.550(d). I explained that I had left a place for his  
13 declaration in my filing, and that I would not be submitting my own declaration of facts to seal the  
14 documents because I did not see how the documents satisfy the findings required for an order to seal  
15 with the California Rules of Court. I also do not have any personal knowledge of how X Corp.’s  
16 documents might be confidential. Finally, I suggested removing the confidential stamp on the  
17 documents. A true and correct copy of this exchange is included in Hawk Decl., Exh. E, p. 1.

18 17. Mr. Hawk then accused me of failing to give him any notice, despite the fact that he  
19 waited until three days before my filing deadline to ask about a protective order, and only produced  
20 documents two days prior to my filing deadline. The production date on the Subpoena was June 1,  
21 2023, but Mr. Hawk delayed production until mere hours before Alliance’s filing deadline, which  
22 he had known about since at least June 26, 2023. *See Exhibit 1*, pp. 3, 4. A true and correct copy of  
23 Mr. Hawk’s email is included in Hawk Decl., Exh. E, p. 1.

24 18. I responded that the timing issue was his, not mine, and that I wanted to provide Mr.  
25 Hawk with the opportunity to move to seal the documents. I told Mr. Hawk that I would not make  
26 any misrepresentations to the court on X Corp.’s behalf. I asked one final time if Mr. Hawk would  
27  
28

1 be providing a declaration, because I reserved a space in Alliance’s Compendium of Exhibits for it.  
2 A true and correct copy of this exchange is included in Hawk Decl., Exh. D, pp. 1, 2.

3 19. Mr. Hawk did not provide a declaration.

4 20. Because I was traveling with my family from Michigan to California on the filing  
5 deadline of August 18, 2023, I had to complete Alliance’s filing the night before. I finalized and  
6 filed the documents in support of Opposition to MSJ via One Legal at 12:33 a.m. EDT on August  
7 18, 2023, which was 9:33 p.m. on August 17, 2023 PDT. The date discrepancies described by Mr.  
8 Hawk are due to the time difference and my filing after midnight from a different time zone.

9 21. My automated e-mail response message regarding my August 21 return to office,  
10 which is included in Hawk Decl., Exh. C, was live from August 1 through August 21. My  
11 automated response message went to every person who emailed me during that time period,  
12 including Mr. Hawk.

13 22. Included in Alliance’s documents filed in support of the Opposition to MSJ were  
14 Alliance’s Separate Statement of Undisputed Facts in Opposition, Request for Judicial Notice, and  
15 Compendium of Exhibits in support thereof. I redacted from this filing all references to the  
16 documents in Exhibit 21, which contains the documents X Corp. claims are confidential. Alliance’s  
17 Request for Judicial Notice did not include any references to X Corp.’s “confidential” documents  
18 and contained no redactions.

19 23. On August 24, 2023, I lodged unredacted copies of the filed Opposition to MSJ  
20 documents with the Court and marked them as “CONDITIONALLY UNDER SEAL.” Prior to  
21 lodging the documents, I contacted the court clerk and consulted with my One Legal representative  
22 to ensure that documents X Corp. marked confidential would not be inadvertently revealed.

23 24. The documents marked as COMP.EXH. pp. 186-187 and COMP.EXH. 193 – 194 in  
24 Exhibit 21 are an extension of an email thread already produced and filed by Defendants. *See*  
25 Defendants’ MSJ, Exhibit A, pp. 7-13. They include *additional* relevant correspondence between  
26 the Defendants and X Corp. that was not produced by Defendants in discovery.



# EXHIBIT 1

# HAMILL LAW & CONSULTING

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June 26, 2023

**VIA Email**

Jonathan Hawk  
White & Case  
Counsel for X Corp., FKA Twitter, Inc.

*Re: Subpoena - Alliance of Los Angeles County Parents v. County of Los Angeles Department of Public Health, Case No. 22STCP02772*

Mr. Hawk:

My office represents the Alliance of Los Angeles County Parents (“Alliance”) in the above-referenced matter. This letter follows the subpoena served on X Corp., formerly known as Twitter, Inc. on May 12, 2023, with a production date of June 1, 2023.

We sent a follow-up letter to your office on May 30, 2023 regarding limiting the scope of Request Number 5 and clarifying that we do not seek any privileged communications.

We spoke via telephone June 1, 2023 to discuss the scope and necessity of documents in the subpoena, and agreed to an extension of two weeks to produce. We received your objections and refusal to produce any documents on June 14, 2023.

We provided you with a copy of the Defendants’ motion for summary judgment in the above-referenced action, and notified you of the October 16, 2023 trial date via email on June 22, 2023.

During our phone call on June 26, 2023, we discussed limiting the scope of requests in order to aid in the search and production of documents by your client. I reiterated the time-sensitive nature of the requests due to the Alliance’s summary judgment opposition deadline of August 18, 2023.

A summary of our discussion and narrowed scope of requests follows:

- With respect to General Objection No. 4, the Alliance served defendants with a copy of the subpoena on May 12, 2023 via email. A copy of that email is attached hereto.
- With respect to General Objection No. 8, the Alliance does not seek any information that exceeds the scope of basic subscriber information that Twitter may permissibly produce under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510 et seq., including the Stored Communications Act, 18 U.S.C. §§ 2701 et seq. (“SCA”).
- With respect to General Objection Nos. 9 and 10, the Alliance is not attempting to unmask an anonymous speaker. The person who created the @ALT\_lacph account, Cynthia Rojas, is a member of the Alliance. She cannot access the account archive

**904 SILVER SPUR ROAD, #287, ROLLING HILLS ESTATES, CA 90274  
(424)265-0529 | JULIE@JULIEHAMILL-LAW.COM**

because the account was permanently suspended by Twitter. A copy of her notes regarding the suspension is attached.

- With respect to General Objection No. 11, regarding relevance to claims in our lawsuit, the remaining cause of action in the case is a violation of the Free Speech clause of the California Constitution. We contend that the disabling of public comments by LA County Department of Public Health and censorship of dissenting accounts violates the California Constitution. The communications director from the Los Angeles County Department of Public Health directly contacted an executive at the highest levels of Twitter – Lauren Culbertson – and referenced the chief of staff to Congressman Adam Schiff in his requests to remove and censor dissenting accounts. Twitter subsequently permanently suspended the @Alt\_LACPH account. If you need further information, you can review all case documents at [www.laparents.org](http://www.laparents.org).
- We agreed to limit the scope to the extent possible for all requests, as follows (changes in bold and italics):

1. All *email* Communications between You and Brett Morrow ([Bmorrow@ph.lacounty.gov](mailto:Bmorrow@ph.lacounty.gov)) from March 1, 2020 through the date of production ***regarding Los Angeles County public health, “misinformation,” suspension of accounts, removal of posts, and/or limiting visibility of posts.***

2. All *email* Communications between You and any person using an email address ending in @ph.lacounty.gov from March 1, 2020 through the date of production ***regarding Los Angeles County public health, “misinformation,” suspension of accounts, removal of posts, and/or limiting visibility of posts.***

3. All *email* Communications between You and any person using an email address ending in @bos.lacounty.gov from March 1, 2020 through the date of production ***regarding Los Angeles County public health, “misinformation,” suspension of accounts, removal of posts, and/or limiting visibility of posts.***

4. All Communications between Lauren Culbertson (lculbertson@twitter.com) and any other person regarding the Los Angeles County Department of Public Health from March 1, 2020 through the date of production ***discussing Los Angeles County public health, “misinformation,” suspension of accounts, removal of posts, and/or limiting visibility of posts.***

5. All Communications between Lauren Culbertson (lculbertson@twitter.com) and Brett Morrow (Bmorrow@ph.lacounty.gov) from March 1, 2020 through the date of production ***regarding Los Angeles County public health, “misinformation,” suspension of accounts, removal of posts, and/or limiting visibility of posts.***

6. All Communications between You and any other person using an email address ending in @sheppardmullin.com from March 1, 2020 through the date of production ***regarding Los Angeles County public health, “misinformation,” suspension of accounts, removal of posts, and/or limiting visibility of posts. We do not seek any privileged communications. If there are attorney/client privileged communications responsive to this particular item, we request a privilege log.***



7. All Communications between You and any other person using an email address ending in @frasercommunications.com from March 1, 2020 through the date of production **regarding Los Angeles County public health, “misinformation,” suspension of accounts, removal of posts, and/or limiting visibility of posts.**

8. All Communications **discussing** Brett Morrow’s **requests for suspension of accounts, removal of posts, and/or limiting visibility of posts** from March 1, 2020 through the date of production.

9. All Communications **discussing requests for suspension of accounts, removal of posts, and/or limiting visibility of posts** from the Twitter account known as @lapublichealth from March 1, 2020 through the date of production.

10. All Communications regarding the Twitter account known as @alt\_lacph from March 1, 2020 through the date of production. **To be clear, we seek information regarding why this account was suspended, what sort of expedited process was used to suspend the account, and any internal discussions at Twitter regarding the decision to suspend the account. The account creator, Alliance member Cynthia Rojas, cannot download the archived account data because the account has been permanently suspended.**

11. All Communications **discussing** Barbara Ferrer’s **requests for suspension of accounts, removal of posts, and/or limiting visibility of posts** from March 1, 2020 through the date of production.

12. All Communications between You and Patrick Boland (boland@mail.house.gov) from March 1, 2020 through the date of production **regarding Los Angeles County public health, “misinformation,” suspension of accounts, removal of posts, and/or limiting visibility of posts.**

13. All Documents pertaining to the suspension of the Twitter account known as @alt\_lacph. **To be clear, we seek information regarding why this account was suspended, what sort of expedited process was used to suspend the account, and any internal discussions at Twitter regarding the decision to suspend the account. The account creator, Cynthia Rojas, cannot download the archived account data because the account has been permanently suspended.**

14. All Documents pertaining to any ~~deboosting, throttling, or any other adverse actions taken by You against the Twitter account known as @johnnydontlike.~~ **We are removing this request.**

15. All Documents regarding Twitter Case Number 0282691988. **This is the Case Number assigned by Twitter to the suspension of the @alt\_lacph account as referenced in email communications between Brett Morrow and [gov@twitter.com](mailto:gov@twitter.com). See attached email.**

Time is of the essence, given the August 18, 2023 opposition filing deadline and the original service date of May 12, 2023. **Accordingly, if by July 10, 2023, we do not receive the requested documents, or a statement that a search for such documents has been conducted**

**and such documents do not exist, then we will have to file a motion to compel production on an *ex parte* basis.**

Please feel free to contact me with any questions.

Sincerely,

Julie Hamill

Enclosures:

May 12, 2023 Email to Sheppard Mullin containing subpoenas.  
@Alt\_LACPH suspension timeline  
8/10/22 email thread between Brett Morrow and gov@twitter.com

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## Alliance of LA County Parents v. County of LA DPH - Subpoenas to X Corp. and Meta Platforms

---

Julie Hamill <julie@juliehamill-law.com>

Fri, May 12, 2023 at 3:10 PM

To: Valerie Alter <VAlter@sheppardmullin.com>, Kent Raygor <KRaygor@sheppardmullin.com>, Zachary Golda <zgolda@sheppardmullin.com>, Lily Chu <LChu@sheppardmullin.com>

Please see attached.

Best regards,

Julie Hamill  
Hamill Law & Consulting  
[julie@juliehamill-law.com](mailto:julie@juliehamill-law.com)  
(424) 265-0529  
[www.juliehamill-law.com](http://www.juliehamill-law.com)

The information contained in this e-mail and any attachments to it may be legally privileged and include confidential information. If you have received this e-mail in error, please notify the sender immediately of that fact by return e-mail and permanently delete the e-mail and any attachments. Thank you.

---

### 2 attachments



**Meta Subpoena.pdf**

210K



**X Corp Subpoena.pdf**

203K

Message

**From:** Twitter Government & Politics [gov@twitter.com]  
**Sent:** 8/10/2022 3:34:40 PM  
**To:** Brett Morrow [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aacf98b2bb5c476bbdaf5bc0225d4bb-Brett Morro]  
**Subject:** [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: REFERRAL FROM PATRICK BOLAND: LA County Department of Public Health/Staff Harassment on Twitter

**CAUTION:** External Email. Proceed Responsibly.

Yes, thank you for the case number, we will now move for further review.

--

**Twitter Government & Elections**

[gov@twitter.com](mailto:gov@twitter.com) | follow us: [@TwitterGov](https://twitter.com/TwitterGov)

On Tue, Aug 9, 2022 at 4:47 PM Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)> wrote:

Please see below. Does this work?

-

**Subject:** [SOCIAL NETWORK] We're on it 0282691988 [ref:00DA000000K0A8.5004w00002TMfWa:ref]

**CAUTION:** External Email. Proceed Responsibly.



Hello,

We've received your report regarding a deceptive identity on Twitter, as well as your documentation we requested. Our team will review and be in touch with more information as soon as possible.

If we find any violations of the [Twitter Rules](#), specifically our policies regarding [misleading & deceptive identities](#), we will take the appropriate next steps.

Please note that accounts in compliance with our [parody, commentary, and fan accounts policy](#) are not considered to be in violation of our rules for misleading & deceptive identities.

Thank you,  
Twitter

**Brett Morrow**

*he/him/his*

Chief Communications Officer

Los Angeles County Department of Public Health

213-288-8759 Office

323-715-7977 Mobile

[bmorrow@ph.lacounty.gov](mailto:bmorrow@ph.lacounty.gov)

---

**From:** Twitter Government & Politics <[gov@twitter.com](mailto:gov@twitter.com)>

**Sent:** Tuesday, August 9, 2022 9:16 AM

**To:** Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)>

**Subject:** [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: REFERRAL FROM PATRICK BOLAND: LA County Department of Public Health/Staff Harassment on Twitter

**CAUTION:** External Email. Proceed Responsibly.

Hi Brett,

Thank you for flagging this! When you have a chance, could you file an impersonation report at <https://help.twitter.com/forms/impersonation?>

After completing the form, you'll receive a confirmation email with a Case# in the subject line.

Please send us that number and we will expedite the case!

--  
**Twitter Government & Elections**  
[gov@twitter.com](mailto:gov@twitter.com) | follow us: [@TwitterGov](https://twitter.com/ATwitterGov)

On Fri, Aug 5, 2022 at 5:58 PM Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)> wrote:  
Hello,

Please see this newly set up account that may confuse people. Can this be shut down?

[https://twitter.com/ALT\\_lacph](https://twitter.com/ALT_lacph)

**Brett Morrow**

*he/him/his*

Chief Communications Officer  
Los Angeles County Department of Public Health  
213-288-8759 Office  
323-715-7977 Mobile  
[bmorrow@ph.lacounty.gov](mailto:bmorrow@ph.lacounty.gov)

---

**From:** Twitter Government & Politics <[gov@twitter.com](mailto:gov@twitter.com)>  
**Sent:** Wednesday, July 27, 2022 10:14 AM  
**To:** Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)>  
**Subject:** [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: REFERRAL FROM PATRICK BOLAND: LA County Department of Public Health/Staff Harassment on Twitter

**CAUTION:** External Email. Proceed Responsibly.

Hello Brett,

At this time there is not a designated rep.

--

**Twitter Government & Elections**

[gov@twitter.com](mailto:gov@twitter.com) | follow us: [@TwitterGov](https://twitter.com/TwitterGov)

On Tue, Jul 26, 2022 at 4:40 PM Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)> wrote:

Thank you! Also, is there a rep specifically for either county public health departments or for the So Cal region I can speak with about a few other govt related matters?

**Brett Morrow**

*he/him/his*

Chief Communications Officer

Los Angeles County Department of Public Health

213-288-8759 Office

323-715-7977 Mobile

[bmorrow@ph.lacounty.gov](mailto:bmorrow@ph.lacounty.gov)

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**From:** Twitter Government & Politics <[gov@twitter.com](mailto:gov@twitter.com)>

**Sent:** Tuesday, July 26, 2022 1:36 PM

**To:** Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)>

**Subject:** [SOCIAL NETWORK] Re: [SOCIAL NETWORK] Re: REFERRAL FROM PATRICK BOLAND: LA County Department of Public Health/Staff Harassment on Twitter

**CAUTION:** External Email. Proceed Responsibly.

Hello Brett,

Thank you for reaching out here. Please file an abuse report here

<https://help.twitter.com/forms/abusiveuser> and send us the case # you receive so we can escalate it.

If you consider this to be a serious threat we recommend contacting the authorities. They could request further information following our [guidelines for law enforcement](#).

Best,

--

**Twitter Government & Elections**

[gov@twitter.com](mailto:gov@twitter.com) | follow us: [@TwitterGov](https://twitter.com/TwitterGov)

On Tue, Jul 26, 2022 at 2:54 PM Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)> wrote:

Thank you so much. A few other items have come up that require urgent action. There is a lot of misinformation going around LA County and upcoming mask requirements. Opponents are spreading the following misinformation:

- Dr. Barbara Ferrer is "a fake doctor".
- LA County is lying about hospitalization numbers



- CDC is not recommending masks (for example: <https://twitter.com/Johnnydontlike/status/1551991450912452608>, which is false based on the CDC info here: [https://covid.cdc.gov/covid-data-tracker/#county-view?list\\_select\\_state=California&data-type=CommunityLevels&null=CommunityLevels&list\\_select\\_map\\_data\\_metro=metro&list\\_select\\_county=6037](https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=California&data-type=CommunityLevels&null=CommunityLevels&list_select_map_data_metro=metro&list_select_county=6037). The user is using an old article from March and trying to pass it off as current.
- Masks are not effective for adults or children.

There are many more. I have reported a few but have not heard back if action was taken. Is it possible I can send links or misleading info to expedite? Any other options?

## Brett Morrow

*he/him/his*

Chief Communications Officer  
Los Angeles County Department of Public Health  
213-288-8759 Office  
323-715-7977 Mobile  
[bmorrow@ph.lacounty.gov](mailto:bmorrow@ph.lacounty.gov)

---

**From:** Twitter Government & Politics <[gov@twitter.com](mailto:gov@twitter.com)>

**Sent:** Tuesday, July 26, 2022 11:43 AM

**To:** Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)>

**Cc:** Lauren Culbertson <[lculbertson@twitter.com](mailto:lculbertson@twitter.com)>

**Subject:** [SOCIAL NETWORK] Re: REFERRAL FROM PATRICK BOLAND: LA County Department of Public Health/Staff Harassment on Twitter

**CAUTION:** External Email. Proceed Responsibly.

Hi Brett,

Thank you for reaching out! When you have a chance, could you file a private information report at [https://help.twitter.com/forms/private\\_information](https://help.twitter.com/forms/private_information)?

After completing the form, please forward the ticket you are issued to us –[gov@twitter.com](mailto:gov@twitter.com).

We will expedite it from there!

--

**Twitter Government & Elections**

[gov@twitter.com](mailto:gov@twitter.com) | follow us: [@TwitterGov](https://twitter.com/TwitterGov)

On Mon, Jul 25, 2022 at 11:20 AM Lauren Culbertson <[lculbertson@twitter.com](mailto:lculbertson@twitter.com)> wrote:  
Can you please respond to him per standard process? Thanks!

----- Forwarded message -----

From: **Brett Morrow** <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)>

Date: Fri, Jul 22, 2022 at 2:55 PM

Subject: Re: REFERRAL FROM PATRICK BOLAND: LA County Department of Public Health/Staff Harassment on Twitter

To: [lculbertson@twitter.com](mailto:lculbertson@twitter.com) <[lculbertson@twitter.com](mailto:lculbertson@twitter.com)>

Cc: [boland@mail.house.gov](mailto:boland@mail.house.gov) <[boland@mail.house.gov](mailto:boland@mail.house.gov)>

Hi Lauren,

Just wanted to follow up on this. Appreciate your assistance.

**Brett Morrow**

*he/him/his*

Chief Communications Officer

Los Angeles County Department of Public Health

213-288-8759 Office

323-715-7977 Mobile

[bmorrow@ph.lacounty.gov](mailto:bmorrow@ph.lacounty.gov)

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**From:** Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)>

**Sent:** Wednesday, July 20, 2022 2:11 PM

**To:** [lculbertson@twitter.com](mailto:lculbertson@twitter.com) <[lculbertson@twitter.com](mailto:lculbertson@twitter.com)>

**Cc:** [boland@mail.house.gov](mailto:boland@mail.house.gov) <[boland@mail.house.gov](mailto:boland@mail.house.gov)>

**Subject:** Re: REFERRAL FROM PATRICK BOLAND: LA County Department of Public Health/Staff Harassment on Twitter

I will also add that my wife's pregnancy has never been mentioned on Twitter and both of our other social media accounts, such as Instagram, are private.

**Brett Morrow**

*he/him/his*

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**From:** Brett Morrow <[BMorrow@ph.lacounty.gov](mailto:BMorrow@ph.lacounty.gov)>

**Sent:** Wednesday, July 20, 2022 1:50 PM

**To:** [lculbertson@twitter.com](mailto:lculbertson@twitter.com) <[lculbertson@twitter.com](mailto:lculbertson@twitter.com)>

**Cc:** [boland@mail.house.gov](mailto:boland@mail.house.gov) <[boland@mail.house.gov](mailto:boland@mail.house.gov)>

**Subject:** REFERRAL FROM PATRICK BOLAND: LA County Department of Public Health/Staff Harassment on Twitter

Hi Lauren,

I was referred to you by my friend Patrick Boland, who I used to work with in Congressman Schiff's office. I am wondering if you can point me in the right direction. I am the Chief Communications Officer for the LA County Department of Public Health and we are likely going to bring back indoor masking. Unfortunately, this has led to constant harassment and tweets from several anti-maskers who are targeting our [Public Health account](#) and [my personal Twitter account](#), with account flooding me with dozens of hashtags and even using intimidating language by making references to my pregnant wife (<https://twitter.com/BritchesFuzzy/status/1549822954858430465>).

Any assistance would be appreciated, or if you can put me in contact with your CA team, I would appreciate it.



**Brett Morrow**

*he/him/his*

Chief Communications Officer

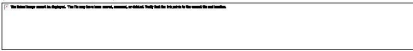
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[bmorrow@ph.lacounty.gov](mailto:bmorrow@ph.lacounty.gov)

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**Lauren Culbertson**

Head of U.S. Public Policy

Follow me @[lculbs](#)

**Aug 5, 2022**

created @ALT\_lacph account to QT every @lapublichealth tweet. The only text in the QT was a tag to @lapublichealth. The account only followed @lapublichealth and never commented on or liked any tweets.

**Aug 10, 2022**

account locked.

"Violating our rules against impersonation."

"Modify the content that violates our Rules - 1 profile name".

Changed name from "ALT LA Public Health Account" to "ALT LA Public Health Account - Commentary"

Account unlocked.

## Your account has been locked.



**ALT LA Public Health Account**  
@ALT\_lacph

### What happened?

We have determined that this account violated the [Twitter Rules](#). Specifically, for:

#### 1. Violating our rules against [impersonation](#).

The account name (note: this is separate from the username, or @handle) should clearly indicate that the user is not affiliated with the subject of the account. Non-affiliation can be indicated by incorporating, for example, words such as (but not limited to) "parody," "fake," "fan," or "commentary." Non-affiliation should be stated in a way that can be understood by the intended audience.

As a result, we have locked your account.

### What you can do:

To unlock your account, you must do the following:

- Modify the content that violates our Rules
  - 1 profile name

**Start**

**Aug 22, 2022**

wayback shows

name: ALT LA Public Health Account - Commentary

bio: Unofficial ALT account created for @lapublichealth that allows public debate. We will RT all LA Public Health dept content with comments turned on.

1 Following

214 Followers



**ALT LA Public Health Account - Commentary**

@ALT\_Jacph

Unofficial ALT account created for @lapublichealth that allows public debate. We will RT all LA Public Health dept content with comments turned on.

Los Angeles Joined August 2022

1 Following 214 Followers

Tweets

Tweets & replies

 ALT LA Public Health Account - Commentary @ALT\_Jacph · 2h  
@lapublichealth

**Aug 23, 2022**

account locked.

"Violating our rules against impersonation."

"Modify the content that violates our Rules - 1 profile bio"

3:15pm Changed bio from "Unofficial ALT account created for @lapublichealth that allows public debate. We will RT all LA Public Health dept content with comments turned on." to Commentary ALT account created for @lapublichealth that allows public debate. We will RT all LA Public Health dept content with comments turned on.



Account unlocked

3:17pm Account suspended

3:22 email received "Your account has been suspended for violation(s) of Twitter's rules, specifically our policy regarding parody, newsfeed, commentary, and fan accounts."

**Aug 24, 2022**

Appeal denied

Case# 0284464413: Your account is suspended or locked [ ref:\_00DA0K0A8.\_5004w2U3RaC:ref ] Inbox x  

 **Twitter Support** <support@twitter.com>  
to me 

Wed, Aug 24, 5:07 AM  



Hello,

We've reviewed your appeal, and determined that your account will remain suspended for violation(s) of our parody, newsfeed, commentary, and fan account [policy](#).

Thanks,

Twitter

Additional appeals were denied on Oct 27, Dec 10, and Dec 12

# Summary

@alt\_LACPH account was locked for violating rules against impersonation when it was not in violation. Both name and bio clearly explained the account was not an official account.

name: ALT LA Public Health Account - Commentary

bio: Unofficial ALT account created for @lapublichealth that allows public debate. We will RT all LA Public Health dept content with comments turned on.

In contrast @alt\_CDC has been on Twitter since 2017 and is not been suspended.

Name: Alternative CDC

Bio: Unofficial unaffiliated resistance account by concerned scientists for humanity.



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  
Hills Estates, California 90274. My e-service address is julie@juliehamill-law.com..

4 On September 8, 2023 I served the foregoing document: **ALLIANCE OF LOS ANGELES**  
5 **COUNTY PARENTS’ OPPOSITION TO X CORP.’S MOTION TO SEAL; DECLARATION**  
6 **OF JULIE A. HAMILL IN SUPPORT THEREOF** on the interested parties in this action.

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

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

9 Valerie Alter, VAlter@sheppardmullin.com  
10 Kent Raygor, KRaygor@sheppardmullin.com  
11 Zachary Golda, zgolda@sheppardmullin.com  
12 Sheppard Mullin  
13 1901 Avenue of the Stars, Suite 1600  
14 Los Angeles, California 90067-6055  
15 Attorneys for Respondents and Defendants  
16 County of Los Angeles Department of Public Health  
17 Barbara Ferrer  
Muntu Davis  
  
Jonathan Hawk, [jhawk@whitecase.com](mailto:jhawk@whitecase.com)  
White & Case LLP  
555 South Flower Street, Suite 2700  
Los Angeles, CA 90071-2433  
Attorneys for non-party X Corp.

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

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

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

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

24  (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.

25 Executed on September 8, 2023 at Rancho Palos Verdes, California.

26 /s/

27 \_\_\_\_\_  
Julie A. Hamill