

May 1, 2023

VIA E-MAIL AND U.S. MAIL (julie@juliehamill-law.com)

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Re: Meet and Confer re Plaintiff's Deficient Responses to LACDPH's Form Interrogatories, Document Demands, and Special Interrogatories and Failure to Produce Documents

Dear Julie,

I apologize in advance for the length of this letter, but your responses to the County of Los Angeles Department of Health's ("LACDPH") document demands and form and special interrogatories are woefully inadequate and improper. Let's meet and confer on these issues following Wednesday's deposition of Dr. Ferrer and see what we can do to avoid having to involve the Court in resolving this for us.

A. PLAINTIFF HAS PROVIDED UNTIMELY, DEFECTIVE VERIFICATIONS.

CAL. CIV. PROC. CODE §§ 2030.250(a) and 2031.250(a) state that responses to document demands and special and form interrogatory must be signed under oath. Sections 2030.250(b) and 2031.250(b) state that if the responding party is an association, "one of its **officers** or **agents** shall sign the response under oath on behalf of that party." (Emphasis added.) Here, Margaret Orenstein signed three verifications. Each purported verification is deficient:

- (1) Ms. Orenstein does not state that she is an "officer" or "agent" of Plaintiff. All she states is that she allegedly is "a founding member" of Plaintiffs. That is insufficient.
- (2) Ms. Orenstein only verifies on "information and belief". She verifies nothing on personal knowledge. That is improper. Verifications on information and belief are insufficient because interrogatory responses must contain the responding party's **personal** knowledge or state **an inability to provide such information** despite a reasonable and good faith effort to obtain it. CAL. CODE CIV. PROC. §§ 2030.220, 2030.240(a), 2031.220, 2031.230, and 2031.240(a).
- (3) Ms. Orenstein only purports to verify what has been "allege[d]" in the responses. A verification is not properly used to verify **allegations**; it must verify all **factual assertions** that are made.

- (4) Because Plaintiff failed to timely serve proper verifications, all objections have been waived. If Ms. Orenstein has no personal knowledge of the facts stated in Plaintiff's response, then Plaintiff's invalid verification fails to substantially comply with the CODE OF CIVIL PROCEDURE, and Plaintiff's objections are waived. See *Appleton v. Superior Court* (1988) 206 Cal.App.3d 632, 636 ("Unsworn responses are tantamount to no response at all.").

On April 11, 2023, we pointed out these same defects in the purported verification Ms. Orenstein provided for Plaintiff's responses to LACDPH's form interrogatories. But you failed to do anything to fix those defects. Instead, you provided the same deficient purported verifications from her for your April 28, 2023 responses to LACDPH's document demands and special interrogatories. Having once been placed on notice of these defects, we now can only assume that you are intentionally refusing to supply proper verifications for some perceived litigation advantage. Please immediately cure this and submit proper verifications for all three responses to LACDPH's written discovery.

B. PLAINTIFF'S INADEQUATE APRIL 28, 2023 RESPONSES TO LACDPH'S DOCUMENT DEMANDS.

1. Plaintiff Failed To Produce Documents.

Plaintiff failed to produce a single document by the demanded time, and still has not produced a single document. See CAL. CIV. PROC. CODE § 2031.280(b) ("The documents ***shall be produced on the date specified*** in the demand pursuant to paragraph (2) of subdivision (c) of Section 2031.030, unless an objection has been made to that date.") (emphasis added). Plaintiff made no objection to that date of production mandated by LACDPH's document demands – "by no later than 5:00 p.m. on Friday, April 28, 2023."

2. Plaintiff Has Not Properly Identified The Propounding Party.

CAL. CIV. PROC. CODE § 2031.210(b) requires that Plaintiff state, in the first paragraph of the response immediately below the title of the case, "the identity of the demanding party". Plaintiff misstates the demanding party. LACDPH propounded the demands; "County of Los Angeles et al [*sic*]" did not.

3. Plaintiff Failed To Provide The Responses Mandated By The CALIFORNIA CODE OF CIVIL PROCEDURE.

Plaintiff is allowed only three alternative responses to a document demand:

"(1) A statement that the party will comply with the particular demand for inspection, copying . . . by the date set for the inspection, copying . . . and any related activities.

(2) A representation that the party lacks the ability to comply with the demand for inspection, copying . . . of a particular item or category of item.

(3) An objection to the particular demand for inspection, copying”

See CAL. CIV. PROC. CODE § 2031.210(a). If Plaintiff is unable to produce the demanded documents because they do not exist or cannot be found, Plaintiff must provide the statements required by Section 2031.230:

“A representation of inability to comply with the particular demand for inspection, copying, testing, or sampling [1] **shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand.** This statement [2] **shall also specify whether the inability to comply is because the particular item or category has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party.** The statement [3] **shall set forth the name and address of any natural person or organization known or believed by that party to have possession, custody, or control of that item or category of item.**”

(Emphasis added.) If Plaintiff only objects to part of a demand, Plaintiff must provide the statements required by CAL. CIV. PROC. CODE § 2031.240:

- “(a) If only part of an item or category of item in a demand for inspection, copying . . . is objectionable, the response **shall contain a statement of compliance, or a representation of inability to comply with respect to the remainder** of that item or category.
- (b) If the responding party objects to the demand for inspection, copying . . . of an item or category of item, **the response shall do both** of the following:
- (1) **Identify with particularity** any document . . . or electronically stored information falling within any category of item in the demand to which an objection is being made.
 - (2) Set forth clearly **the extent of**, and the **specific ground for**, the objection. If an objection is based on a claim of privilege, the particular privilege invoked shall be stated. If an objection is based on a claim that the information sought is protected work product . . . , that claim shall be expressly asserted.
- (c)
- (1) If an objection is based on a claim of privilege or a claim that the information sought is protected work product, the response **shall provide sufficient factual information for other parties to evaluate the merits of that claim, including, if necessary, a privilege log.**
 - (2) It is the intent of the Legislature to codify the concept of a privilege log as that term is used in California case law. Nothing in this subdivision shall be construed to constitute a substantive change in case law.”

(Emphasis added.)

Plaintiff met none of those mandated standards:

- (a) It provided no responses meeting the requirements of CAL. CIV. PROC. CODE §§ 2031.210(a)(1) and (2). It largely just asserted objections.
- (b) It provided no response meeting the three requirements of CAL. CIV. PROC. CODE § 2031.230.
- (c) It provided no statement of compliance or representation of an ability to comply with any part of a demand, failed to identify with particularity any document falling within the scope of an objection, provided no complete statement of the extent of and specific ground for its objections, and provided no privilege log for its asserted privilege and work product claims, as required by CAL. CIV. PROC. CODE §§ 2031.240(a), (b), and (c).

Plaintiff must amend its response to fully comply with the Code.

4. Plaintiff's Improper Boilerplate Objections.

Plaintiff's repeated boilerplate objections fall far short of what the CALIFORNIA CODE OF CIVIL PROCEDURE requires.

a. In response to DFP Nos. 5-10, 12-17, 25-30, and 32-58, Plaintiff states: "Objection: Responding Party objects to this **interrogatory** on the following grounds". (Emphasis added). That is an improper response to **document demands**.

b. In response to DFP Nos. 1-10, 12-18, 25-30, 32-44, 46-48, 50-51, 53, and 55-58, Plaintiff states: "Overbroad, (*Romero v. Hern* (1969) 276 Cal.App.2d 787, 794.)". That purely conclusory statement is improper when no statement of exactly how it is overbroad is supplied. See *Smith v. Superior Court* (1961) 189 Cal.App.2d 6, 13 (holding that "[g]eneral objections to [discovery] such as were interposed are insufficient")..

c. In response to DFP Nos. 1-10, 12-17, 25-30, 32-44, 50-51, 53, and 55-58, Plaintiff states: "Unwarranted annoyance, embarrassment, oppression, and undue burden and expense (Code Civ. Proc., § 2023.010(c))". In response to DFP Nos. 45 and 52-54, Plaintiff states: "Unwarranted annoyance, embarrassment, oppression (Code Civ. Proc., § 2023.010(c))". Such purely conclusory statements are improper when no statement of exactly how the demands cause unwarranted annoyance, embarrassment, oppression, undue burden, and expense is supplied. See *W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417 ("to support an objection of oppression there must be some showing either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought.")..

d. In response to DFP Nos. 1-10, 12-30, 32-44, 50-51, 53, and 55-58, Plaintiff states: "Unreasonably cumulative and undue burden (See Code Civ. Proc., §§ 2017.020(a), 2019.030(a)(1)-(2), 2023.010(c), 2030.090(b))". First, the reference to CAL. CIV. PROC. CODE § 2030.090 is inapposite as these are document demands, not interrogatories.

Second, as stated above, such purely conclusory statements are improper when no statement of exactly how the demands are cumulative or cause undue burden is supplied. See *W. Pico Furniture Co.*, *supra*, 56 Cal.2d at 417 (“the objection based upon burden must be sustained by evidence showing the quantum of work required”).

e. In response to DFP Nos. 1-9, 12-17, 25-30, 33-44, 47, 50, 53, and 55-58, Plaintiff states: “Compound”. The demands are not compound; each addresses a single category for production. This is an improper objection. See *Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1291 (“Questions regarding the same subject should be allowed although they include an 'and' or 'or.'”).

f. In response to DFP Nos. 1-4, 27-30, 38-43, 45-46, and 48-54, Plaintiff states: “Attorney-client privilege and work product”. Plaintiff has provided no privilege log for its asserted privilege and work product claims, as required by CAL. CIV. PROC. CODE § 2031.240(c).

g. In response to DFP No. 18, Plaintiff states: “The discovery sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. (Code Civ. Proc., § 2019.030(a)(1).)”. In response to DFP Nos. 19-24 and 28-31, Plaintiff states: “The discovery sought is obtainable from Propounding Party, that is more convenient, less burdensome, and less expensive. (Code Civ. Proc., § 2019.030(a)(1).)”. In response to DFP Nos. 18-24 and 28-31, Plaintiff states: “Unduly burdensome as this information [*sic*] equally available to both parties.” In response to DFP No. 31, Plaintiff states: “This seeks the same information sought in No. 21, which Propounding Party is better positioned to provide.” The fact that someone else might have the requested documents is not a proper objection if Plaintiff has the requested documents. See *Caldecott v. Superior Court (Newport-Mesa Unified School District)* (2015) 243 Cal.App.4th 212, 220 (holding that the propounding party’s possession of documents “is not a basis to withhold the Documents”). LACDPH is entitled to see what Plaintiff has in *its* possession, custody, or control as evidence supporting its claims, not what someone else might have in his, her, or its possession, custody, or control. If Plaintiff has nothing supporting its claims, then it must so state.

h. In response to DFP Nos. 1-10, 12-17, 25-30, 32-44, 51, and 56-58, Plaintiff states: “Responding Party identified **sufficient** witnesses for Propounding Party to ascertain standing in its Response to County’s Form Interrogatories, Set One.” (Emphasis added.) This is an improper objection. It is not up to Plaintiff to decide who it believes might be the most appropriate, or “sufficient”, witnesses for LACDPH in preparing its defense against Plaintiff’s free speech claim. LACDPH is entitled to know who **all** potential witnesses associated with Plaintiff might be and then determine who it intends to examine further. Such discovery is well within the scope of permissible discovery:

“Unless otherwise limited by order of the court in accordance with this title, any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may relate to the claim or defense of the party seeking discovery or of

any other party to the action. Discovery may be obtained of **the identity and location of persons having knowledge of any discoverable matter**, as well as of the existence, description, nature, custody, condition, and location of any document, electronically stored information, tangible thing, or land or other property.”

CAL. CIV. PROC. CODE § 2017.010.

i. In response to DFP Nos. 38-43 and 50-51, Plaintiff states:

“To the extent Propounding Party seeks fee bills and engagement agreements, those documents are protected from disclosure under the attorney-client privilege. If Propounding Party is willing to provide its engagement agreement with Sheppard Mullin, Petitioner will provide its engagement agreement with Hamill Law & Consulting.”

Only Plaintiff is asserting a claim for attorneys’ fees in this action; LACDPH is not. As a result, there is no *quid pro quo* gambit to be played here. Plaintiff will be required to show its fee statements in support of that claim, or it will be required to drop that claim. LACDPH is not looking for Plaintiff’s engagement letter, but it is entitled to see what evidence Plaintiff expects to proffer in support of its claim for recovery of attorneys’ fees.

j. In response to DFP Nos. 46-49, Plaintiff states: “vague and ambiguous”. That purely conclusory statement is improper when no statement of exactly how it is “vague and ambiguous” is supplied. See *Smith, supra*, 189 Cal.App.2d at 13..

k. In response to DFP Nos. 45 and 52-55, Plaintiff states: “The request is not reasonably calculated to lead to the discovery of relevant, admissible evidence.” Again, that purely conclusory statement is improper when no statement of exactly how it is not reasonably calculated to lead to the discovery of relevant, admissible evidence is supplied. See *Williams v. Superior Court of L.A. Cnty.* (2017) 3 Cal.5th 531, 549 (“the party opposing discovery has an obligation to supply the basis for this determination.”). CAL. CIV. PROC. CODE § 2017.010 sets forth the proper scope of discovery:

“Unless otherwise limited by order of the court in accordance with this title, any party may obtain discovery regarding any matter, not privileged, that is **relevant to the subject matter involved in the pending action** or to the determination of any motion made in that action, if the matter **either** is itself admissible in evidence **or** appears reasonably calculated to lead to the discovery of admissible evidence. **Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action.** Discovery may be obtained of the identity and location of persons having knowledge of any discoverable matter, as well as of the existence, description, nature, custody, condition, and location of any document, electronically stored information, tangible thing, or land or other property.”

(Emphasis added.) LACDPH’s document demands go to the subject matter of the free speech claims expressly being asserted by Plaintiff in this action, or the defenses being asserted thereto by LACDPH, including, but not limited to, Plaintiff’s lack of standing to assert these claims—the latter of which was expressly addressed by the Court with you in the hearing held on March 27, 2023. LACDPH is entitled to full discovery concerning those claims and its defenses thereto.

5. Plaintiff’s Responses (Omitting The Asserted Objections) To LACDPH’s Demands For Production – Disputed By LACDPH.

	Demand	Response
1	[Quotes <i>FAP</i> ¶ 18] ¹ Produce all DOCUMENTS and tangible things sufficient to show the identity and contact information of each parent who is or has been a member of Alliance of Los Angeles County Parents since June 1, 2022.	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. You may contact witnesses via counsel for Petitioner.”</p> <p><u>LACDPH’s Response:</u></p> <p>As you will recall, at the March 27, 2023 hearing Judge Fahey was most interested about the standing of Plaintiff and its members to pursue this remaining free speech claim. So is LACDPH. If all members of Plaintiff are asserting that their personal free speech rights were violated by the Defendants’ activities, then Defendants are entitled to know that and to then</p>

¹ The following is the language from Paragraph 18 of Plaintiffs’ *First Amended Petition (“FAP”)* that is quoted in LACDPH’s Demand for Production Nos. 1-17 and Special Interrogatory Nos. 1-17:

“Petitioner and Plaintiff ALLIANCE OF LOS ANGELES COUNTY PARENTS (‘Petitioner’ or ‘Alliance’) is an unincorporated association composed of and supported by parents of children in Los Angeles County who attend childcare programs, K-12 schools, and/or play youth sports in the County. Petitioner Alliance is a community group that was organized for the purpose of representing the interests of Los Angeles County children subjected to harsh and restrictive mandates by local education agencies, the County of Los Angeles (‘County’), and the State of California (‘State’). One of its goals is to advocate for fair, humane, and equal treatment of all children within the County and to remove all unnecessary, harmful, and unjustified restrictions against children and provide children with a full return to normalcy. Members of Alliance reside within the County, own real property within the County, have children who attend childcare or K-12 schools in the County, and/or play youth sports in the County.”

		<p>know the identity, residence address, and phone and e-mail contact information for each such member so it can determine if it needs to pursue discovery against each such member or from some such members. If only some members of Plaintiff are asserting a free speech claim against Defendants, then, for the same reasons, Defendants are entitled to learn exactly who they are. That is a basic due process right. The bottom line is that Defendants are entitled to know whose free speech rights have been violated, and how, and how that member allegedly was injured as a result.</p> <p>It is Plaintiff who expressly pled in this action that it is composed of parents of children who attend childcare programs, K-12 schools, and/or play youth sports in Los Angeles County, was organized for the purpose of representing the interests of Los Angeles County children, and its members reside in, own real property in, have children who attend childcare or schools in and/or play sports in the County. [See footnote 1, <i>supra</i>.] In fact, Plaintiff has pled that each of its member’s individual free speech rights allegedly has been violated:</p> <ul style="list-style-type: none"> ▪ “DPH’s censorship of public comment ‘violates Petitioners’ rights to free expression under California Constitution, Art. I, § 2. [FAP, Prayer for Relief, ¶ 149 (emphasis added).]” ▪ “For a declaratory judgment pursuant to Code Civ. Proc. § 1010, declaring that DPH’s blocking public comment on its social media pages violates Petitioner members’ right to free speech guaranteed under California Constitution Article I, Section 2.” [FAP, Prayer for Relief, ¶ 7 (emphasis added).]” <p>Plaintiff cannot now refuse to fully identify all of its members with the information requested in the demand.</p>
2	<p>[Quotes FAP ¶ 18] Produce all DOCUMENTS and tangible things sufficient to show the date (day, month, and year) that each parent who is or has been a member of Alliance of Los Angeles County Parents since June 1, 2022 first became such a member and, if applicable, the date (day, month, and</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. You may contact witnesses via counsel for Petitioner. To the extent any information demanded here is</p>

	<p>year) he or she ceased being such a member.</p>	<p>necessary for the purpose of showing standing, Petitioner is willing to provide such necessary information under protective order.” <u>LACDPH’s Response:</u> For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whose free speech rights have been violated, and how, and how that member allegedly was injured as a result. The dates that such members became members and ceased being members are important in order to determine if they have any standing to assert the claimed free speech violations.</p>
<p>3</p>	<p>[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things sufficient to show the identity and contact information of each child whose parent is a member of Alliance of Los Angeles County Parents and who attends or has attended “childcare programs . . . in the County” or “K-12 schools . . . in the County” or plays or has played “youth sports in the County” at any time since June 1, 2022.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. You may contact witnesses via counsel for Petitioner. To the extent any information demanded here is necessary for the purpose of showing standing, Petitioner is willing to provide such necessary information under protective order.” <u>LACDPH’s Response:</u> For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whether a purported member of Plaintiff indeed has standing to assert the claimed free speech violations, and whether any child of such a member is asserting free speech injury in this action.</p>
<p>4</p>	<p>[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things sufficient to describe and show the identity and contact information of all “childcare programs . . . in the County”, “K-12 schools . . . in the</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The</p>

	<p>County”, and “youth sports in the County” that each child whose parent who is a member of Alliance of Los Angeles County Parents has attended or played at any time since June 1, 2022.</p>	<p>identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. You may contact witnesses via counsel for Petitioner. To the extent any information demanded here is necessary for the purpose of showing standing, Petitioner is willing to provide such necessary information under protective order.”</p> <p><u>LACDPH’s Response:</u></p> <p>For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whether a purported member of Plaintiff indeed has standing to assert the claimed free speech violations.</p>
<p>5</p>	<p>[Quotes <i>FAP ¶ 18</i>] Produce all DOCUMENTS and tangible things sufficient to show all social media handles that each parent who is a member of Alliance of Los Angeles County Parents has used to post any commentary, question, or content on any social media platform (including, but not limited to, Facebook, Twitter, Instagram, YouTube, Twitter, Pinterest, Snapchat, and LinkedIn) at any time since June 1, 2022.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative, as Propounding Party’s constitutional violation would exist regardless of whether a member commented.”</p> <p><u>LACDPH’s Response:</u></p> <p>For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whether a purported member of Plaintiff has standing to assert the claimed free speech violations. If such member never intended to post anything on LACDPH’s social media feeds or was never precluded from making its comments known through alternative channels or does not even use social media to post public commentary, then, again, that would impact standing to assert the claimed free speech violations.</p>
<p>6</p>	<p>[Quotes <i>FAP ¶ 18</i>] Produce all DOCUMENTS and tangible things that constitute, concern,</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first</p>

	<p>reflect, or show all commentary, questions, and content that each parent who is a member of Alliance of Los Angeles County Parents intended to post on any social media platform (including, but not limited to, Facebook, Twitter, Instagram, YouTube, Twitter, Pinterest, Snapchat, and LinkedIn) but was precluded from doing so by the actions of defendant County of Los Angeles Department of Public Health.</p>	<p>and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented.”</p> <p><u>LACDPH’s Response:</u></p> <p>For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whether a purported member of Plaintiff has standing assert the claimed free speech violations or suffered any actual injury as a result of Defendants’ actions in closing off public commentary on its social media feeds. This interrogatory is directed at determining if there is any causal link between what Defendants did and what any member of Plaintiff was precluded from doing.</p>
<p>7</p>	<p>[Quotes <i>FAP ¶ 18</i>] Produce all DOCUMENTS and tangible things that constitute, concern, reflect, or show all commentary, questions, and content that each parent who is a member of Alliance of Los Angeles County Parents intended to post on any social media platform (including, but not limited to, Facebook, Twitter, Instagram, YouTube, Twitter, Pinterest, Snapchat, and LinkedIn) but was</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented.”</p>

	<p>precluded from doing so by the actions of defendant Muntu Davis, M.D.</p>	<p><u>LACDPH’s Response:</u> See response to No. 6, above.</p>
<p>8</p>	<p>[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things that constitute, concern, reflect, or show all commentary, questions, and content that each parent who is a member of Alliance of Los Angeles County Parents intended to post on any social media platform (including, but not limited to, Facebook, Twitter, Instagram, YouTube, Twitter, Pinterest, Snapchat, and LinkedIn) but was precluded from doing so by the actions of defendant Barbara Ferrer, PhD.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented.”</p> <p><u>LACDPH’s Response:</u> See response to No. 6, above.</p>
<p>9</p>	<p>[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things sufficient to show the identity and contact information of each parent who is a member of Alliance of Los Angeles County Parents and is claiming in this action that his or her free speech rights were violated by the actions of defendant County of Los Angeles</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably</p>

	<p>Department of Public Health.</p>	<p>cumulative. Without waiving the above-stated objections, the members identified in Responding Party’s Response to County’s Form Interrogatories.” <u>LACDPH’s Response:</u> See responses to Nos. 1, 2 and 6, above.</p>
<p>10</p>	<p>[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things sufficient to show the identity and contact information of each parent who is a member of Alliance of Los Angeles County Parents and is claiming in this action that his or her free speech rights were violated by the actions of defendant Muntu Davis, M.D.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. Without waiving the above-stated objections, the members identified in Responding Party’s Response to County’s Form Interrogatories. Witnesses can be reached through counsel for Petitioner.” <u>LACDPH’s Response:</u> See responses to Nos. 1, 2, 6 and 7, above.</p>
<p>11</p>	<p>[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things sufficient to show the identity and contact information of each parent who is a member of Alliance of Los Angeles County Parents and is claiming in this action that his or her free speech rights were violated by the actions</p>	<p>[No response.] <u>LACDPH’s Response:</u> All objections to this demand are waived because Plaintiff failed to timely respond. CAL. CIV. PROC. CODE § 2031.300(a). Please produce all requested documents immediately.</p>

	of defendant Barbara Ferrer, PhD.	
12	[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things that concern, reflect, show, or relate to each and every injury suffered by each parent who is a member of Alliance of Los Angeles County Parents and is claiming in this action that his or her free speech rights were violated by the actions of defendant County of Los Angeles Department of Public Health.	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
13	[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things that concern, reflect, show, or relate to each and every injury suffered by each	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not</p>

	<p>parent who is a member of Alliance of Los Angeles County Parents and is claiming in this action that his or her free speech rights were violated by the actions of defendant Muntu Davis, M.D.</p>	<p>individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>14</p>	<p>[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things that concern, reflect, show, or relate to each and every injury suffered by each parent who is a member of Alliance of Los Angeles County Parents and is claiming in this action that his or her free speech rights were violated by the actions of defendant Barbara Ferrer.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would</p>

		<p>have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>15</p>	<p>[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things that concern, reflect, show, or relate to each and every injury suffered by each child whose parent is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant County of Los Angeles Department of Public Health.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical</p>

		<p>or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
16	<p>[Quotes <i>FAP</i> ¶ 18] Produce all DOCUMENTS and tangible things that concern, reflect, show, or relate to each and every injury suffered by each child whose parent is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant Muntu Davis, M.D.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
17	<p>[Quotes <i>FAP</i> ¶ 18] Produce all</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech</p>

	<p>DOCUMENTS and tangible things that concern, reflect, show, or relate to each and every injury suffered by each child whose parent is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant Barbara Ferrer, PhD.</p>	<p>rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.”</p> <p><u>LACDPH’s Response:</u> LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>18</p>	<p>[Quotes <i>FAP ¶ 140</i>] Produce all DOCUMENTS and tangible things that constitute, reflect, or show everything stated and presented at that media briefing.</p>	<p>“Without waiving the above stated objections: https://twitter.com/MarlaTellez/status/1555400582961147905?s=20”</p> <p><u>LACDPH’s Response:</u> Plaintiff must state that <i>all</i> responsive documents in Plaintiff’s possession, custody, or control have been produced by your reference to that tweet, or otherwise state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>
<p>19</p>	<p>[Quotes <i>FAP ¶ 141</i>] Produce all DOCUMENTS and</p>	<p>“Without waiving the above stated objections: See counsel for Petitioner’s email to counsel for Propounding Party dated Fri, Aug 5, 2022 at 1:55 PM.”</p>

	tangible things that constitute, concern, reflect, show, or relate to that demand and threat.	<p><u>LACDPH’s Response:</u> Plaintiff must state that <i>all</i> responsive documents in Plaintiff’s possession, custody, or control have been produced by your reference to that tweet, or otherwise state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>
20	[Quotes <i>FAP</i> ¶ 142] Produce all DOCUMENTS and tangible things that constitute, reflect, or show that response.	<p>“Without waiving the above stated objections: See https://twitter.com/lapublichealth/status/1561419235238195201?s=20”</p> <p><u>LACDPH’s Response:</u> Plaintiff must state that <i>all</i> responsive documents in Plaintiff’s possession, custody, or control have been produced by your reference to that tweet, or otherwise state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>
21	[Quotes <i>FAP</i> ¶ 143] Produce all DOCUMENTS and tangible things that reflect or show that the County of Los Angeles Department of Public Health “has forgotten to shut off public comments” since August 21, 2022	<p>[Plaintiff only asserted objections.]</p> <p><u>LACDPH’s Response:</u> Your objections are improper. Plaintiff must state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240. Plaintiff made this affirmative representation in its <i>FAP</i>. If it has evidence supporting such a representation, it needs to produce it or withdraw this allegation.</p>
22	[Quotes <i>FAP</i> ¶ 143] Produce all DOCUMENTS and tangible things that reflect or show that such “comments have sporadically been allowed on various posts” since August 21, 2022.	<p>“This demand seeks the same information as No. 21.” [Plaintiff only asserted objections.]</p> <p><u>LACDPH’s Response:</u> Your objections are improper. Plaintiff must state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240. Plaintiff made this affirmative representation in its <i>FAP</i>. If it has evidence supporting such a representation, it needs to produce it or withdraw this allegation.</p>
23	[Quotes <i>FAP</i> ¶ 143] Produce all DOCUMENTS and tangible things that reflect or show that “Users may also still retweet, quote tweet, ‘like,’ and register non-verbal reactions to DPH posts.”	<p>[Plaintiff only asserted objections.]</p> <p><u>LACDPH’s Response:</u> Your objections are improper. Plaintiff must state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240. Plaintiff made this affirmative representation in its <i>FAP</i>. If it has evidence supporting such a representation, it needs to produce it or withdraw this allegation.</p>

24	[Quotes <i>FAP</i> ¶ 143] Produce all DOCUMENTS and tangible things that reflect or show that “Anyone tagged in a post by DPH may comment.”	[Plaintiff only asserted objections.] <u>LACDPH’s Response:</u> Your objections are improper. Plaintiff must state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240. Plaintiff made this affirmative representation in its <i>FAP</i> . If it has evidence supporting such a representation, it needs to produce it or withdraw this allegation.
25	[Quotes <i>FAP</i> ¶ 145] Produce all DOCUMENTS and tangible things that constitute, reflect, or show all such private messages sent to the County of Los Angeles Department of Public Health by members of Alliance of Los Angeles County Parents.	“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. Identifying and producing all messages from all members of Responding Party is accordingly irrelevant, unwarranted, and unduly burdensome.” <u>LACDPH’s Response:</u> Your objections are improper. Plaintiff must state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240. Plaintiff made this affirmative representation in its <i>FAP</i> that LACDPH is not leaving open alternative channels for the communication of information. If Plaintiff has evidence showing that its members were able to send private messages to LACDPH, or were precluded from doing so, it needs to produce that evidence so LACDPH can test the validity of this allegation, or withdraw this allegation.
26	[Quotes <i>FAP</i> ¶ 147] Produce all DOCUMENTS and tangible things sufficient to show the identity and contact information of that “Petitioner member” of	“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not

	<p>Alliance of Los Angeles County Parents.</p>	<p>individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>Without waiving the above stated objections, Ms. Rojas can be reached through counsel for Petitioner.”</p> <p><u>LACDPH’s Response:</u></p> <p>Plaintiff must provide documents showing Ms. Rojas’ contact information as required by this demand. There is no valid basis for refusing to do so.</p> <p>LACDPH will forego seeking that information if you and Ms. Rojas confirm, in writing, that any discovery or subpoenas it directs at her can be delivered to you and such delivery will be deemed sufficient service as if delivered directly to Ms. Rojas.</p>
<p>27</p>	<p>[Quotes <i>FAP</i> ¶ 147] Produce all DOCUMENTS and tangible things that concern, reflect, show, or relate to the creation of that informational Twitter account.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>Without waiving the above-stated objections, Petitioner will provide any non-privileged responsive documents.”</p> <p><u>LACDPH’s Response:</u></p> <p>Plaintiff must state that <i>all</i> responsive documents in its possession, custody, or control have been produced by your reference to that tweet, or otherwise state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>

<p>28</p>	<p>[Quotes <i>FAP ¶ 147</i>] Produce all DOCUMENTS and tangible things that reflect, show, or concern that “the account was repeatedly reported”.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>Without waiving the above-stated objections, Petitioner will provide any responsive documents.”</p> <p><u>LACDPH’s Response:</u></p> <p>Plaintiff must state that <i>all</i> responsive documents in its possession, custody, or control have been produced by your reference to that tweet, or otherwise state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>
<p>29</p>	<p>[Quotes <i>FAP ¶ 147</i>] Produce all DOCUMENTS and tangible things that support Alliance of Los Angeles County Parents’ allegation that it is so “informed” and so “believes”.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>Without waiving the above-stated objections, Petitioner will provide any responsive documents.”</p>

		<p><u>LACDPH’s Response:</u> Plaintiff must state that <i>all</i> responsive documents in its Plaintiff’s possession, custody, or control have been produced by your reference to that tweet, or otherwise state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>
30	<p>[Quotes <i>FAP</i> ¶ 147] Produce all DOCUMENTS and tangible things that constitute, reflect, show, or concern the content of and commentary on that account, @ALT_lacph.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, labor unions, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. Since the account was suspended in August 2022, a record of the tweet history is unavailable to Petitioner.” <u>LACDPH’s Response:</u> If Plaintiff is stating that neither Plaintiff nor Ms. Rojas can obtain an archive of that content from Twitter, then Plaintiff must so state using one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>
31	<p>[Quotes <i>FAP</i> ¶ 148] Produce all DOCUMENTS and tangible things that support Alliance of Los Angeles County Parents’ allegation that the County of Los Angeles Department of Public Health allows only people and entities with whom or which it is ideologically aligned</p>	<p>“This seeks the same information sought in No. 21, which Propounding Party is better positioned to provide.” [Plaintiff only asserted objections.] <u>LACDPH’s Response:</u> <i>First</i>, this demand is <i>not</i> the same as No. 21. <i>Second</i>, your objections are improper. Plaintiff must state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240. Plaintiff made this affirmative representation in its <i>FAP</i>. If it has evidence supporting such a representation, it needs to produce it or withdraw this allegation.</p>

	and tags in its posts to comment.	
32	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 9] Produce all DOCUMENTS and tangible things that show, for each individual member of Alliance of Los Angeles County Parents, the damages suffered by that member as a result of the actions of defendant County of Los Angeles Department of Public Health in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.”</p> <p><u>LACDPH’s Response:</u> LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
33	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 9] Produce all DOCUMENTS and tangible things that show, for each individual member of Alliance of Los Angeles County Parents, the damages suffered by that member as a result of the actions of defendant Muntu Davis, M.D. in “blocking all public comment on its Twitter, Facebook,</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.”</p> <p><u>LACDPH’s Response:</u> LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical</p>

	<p>and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>34</p>	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 9] Produce all DOCUMENTS and tangible things that show, for each individual member of Alliance of Los Angeles County Parents, the damages suffered by that member as a result of the actions of defendant Barbara Ferrer, PhD in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>35</p>	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 9] For each member of Alliance of Los Angeles County Parents, produce all DOCUMENTS and tangible things from which defendant County of Los Angeles Department of Public Health can</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members</p>

	<p>calculate the amount of damages suffered by that member as a result of the actions of defendant County of Los Angeles Department of Public Health in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>36</p>	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 9] For each member of Alliance of Los Angeles County Parents, produce all DOCUMENTS and tangible things from which defendant Muntu Davis, M.D. can calculate the amount of damages suffered by that member as a result of the actions of defendant County of Los Angeles Department of Public Health in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>37</p>	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 9] For each member of Alliance of Los Angeles County</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first</p>

	<p>Parents, produce all DOCUMENTS and tangible things from which defendant Barbara Ferrer, PhD can calculate the amount of damages suffered by that member as a result of the actions of defendant County of Los Angeles Department of Public Health in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>38</p>	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 10] Produce all DOCUMENTS and tangible things that show, for each individual member of Alliance of Los Angeles County Parents, the attorneys’ fees incurred by that member as a result of the actions of defendant County of Los Angeles Department of Public Health in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>To the extent Propounding Party seeks fee bills and engagement agreements, those documents are protected from disclosure under the attorney-client privilege. If Propounding Party is willing to provide its engagement agreement with Sheppard Mullin, Petitioner will provide its engagement agreement with Hamill Law & Consulting.”</p> <p><u>LACDPH’s Response:</u></p> <p>Only Plaintiff is asserting a claim for attorneys’ fees in this action; LACDPH is not. As a result, there is no <i>quid pro quo</i> gambit to be played here. Plaintiff will be required to show its fee statements in support of that claim, or will be required to drop that claim. LACDPH is not looking for Plaintiff’s</p>

		<p>engagement letter, but is entitled to see what evidence Plaintiff expects to proffer in support of its claim for recovery of attorneys’ fees.</p> <p>LACDPH will drop seeking a further response to this demand as to fees incurred by individual members of Plaintiff if you confirm, in writing, that no member of Plaintiff has incurred any attorneys’ fees as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
39	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 10] Produce all DOCUMENTS and tangible things that show, for each individual member of Alliance of Los Angeles County Parents, the attorneys’ fees incurred by that member as a result of the actions of defendant Muntu Davis, M.D. in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. To the extent Propounding Party seeks fee bills and engagement agreements, those documents are protected from disclosure under the attorney-client privilege. If Propounding Party is willing to provide its engagement agreement with Sheppard Mullin, Petitioner will provide its engagement agreement with Hamill Law & Consulting.”</p> <p><u>LACDPH’s Response:</u></p> <p>Only Plaintiff is asserting a claim for attorneys’ fees in this action; LACDPH is not. As a result, there is no <i>quid pro quo</i> gambit to be played here. Plaintiff will be required to show its fee statements in support of that claim, or will be required to drop that claim. LACDPH is not looking for Plaintiff’s engagement letter, but is entitled to see what evidence Plaintiff expects to proffer in support of its claim for recovery of attorneys’ fees.</p> <p>LACDPH will drop seeking a further response to this demand as to fees incurred by individual members of Plaintiff if you confirm, in writing, that no member of Plaintiff has incurred any attorneys’ fees as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
40	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 10] Produce all</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is</p>

	<p>DOCUMENTS and tangible things that show, for each individual member of Alliance of Los Angeles County Parents, the attorneys’ fees incurred by that member as a result of the actions of defendant Barbara Ferrer, PhD in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>To the extent Propounding Party seeks fee bills and engagement agreements, those documents are protected from disclosure under the attorney-client privilege. If Propounding Party is willing to provide its engagement agreement with Sheppard Mullin, Petitioner will provide its engagement agreement with Hamill Law & Consulting.”</p> <p><u>LACDPH’s Response:</u></p> <p>Only Plaintiff is asserting a claim for attorneys’ fees in this action; LACDPH is not. As a result, there is no <i>quid pro quo</i> gambit to be played here. Plaintiff will be required to show its fee statements in support of that claim, or will be required to drop that claim. LACDPH is not looking for Plaintiff’s engagement letter, but is entitled to see what evidence Plaintiff expects to proffer in support of its claim for recovery of attorneys’ fees.</p> <p>LACDPH will drop seeking a further response to this demand as to fees incurred by individual members of Plaintiff if you confirm, in writing, that no member of Plaintiff has incurred any attorneys’ fees as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>41</p>	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 10] For each member of Alliance of Los Angeles County Parents, produce all DOCUMENTS and tangible things from which defendant County of Los Angeles Department of Public Health can calculate the attorneys’ fees incurred by that</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>To the extent Propounding Party seeks fee bills and engagement agreements, those documents are protected from</p>

	<p>member as a result of the actions of defendant County of Los Angeles Department of Public Health in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>disclosure under the attorney-client privilege. If Propounding Party is willing to provide its engagement agreement with Sheppard Mullin, Petitioner will provide its engagement agreement with Hamill Law & Consulting.”</p> <p><u>LACDPH’s Response:</u></p> <p>Only Plaintiff is asserting a claim for attorneys’ fees in this action; LACDPH is not. As a result, there is no <i>quid pro quo</i> gambit to be played here. Plaintiff will be required to show its fee statements in support of that claim, or will be required to drop that claim. LACDPH is not looking for Plaintiff’s engagement letter, but is entitled to see what evidence Plaintiff expects to proffer in support of its claim for recovery of attorneys’ fees.</p> <p>LACDPH will drop seeking a further response to this demand as to fees incurred by individual members of Plaintiff if you confirm, in writing, that no member of Plaintiff has incurred any attorneys’ fees as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>42</p>	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 10] For each member of Alliance of Los Angeles County Parents, produce all DOCUMENTS and tangible things from which defendant Muntu Davis, M.D. can calculate the attorneys’ fees incurred by that member as a result of the actions of defendant County of Los Angeles Department of Public Health in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>To the extent Propounding Party seeks fee bills and engagement agreements, those documents are protected from disclosure under the attorney-client privilege. If Propounding Party is willing to provide its engagement agreement with Sheppard Mullin, Petitioner will provide its engagement agreement with Hamill Law & Consulting.”</p> <p><u>LACDPH’s Response:</u></p> <p>Only Plaintiff is asserting a claim for attorneys’ fees in this action; LACDPH is not. As a result, there is no <i>quid pro quo</i> gambit to be played here. Plaintiff will be required to show its fee statements in support of that claim, or will be required to drop that claim. LACDPH is not looking for Plaintiff’s engagement letter, but is entitled to see what evidence Plaintiff</p>

		<p>expects to proffer in support of its claim for recovery of attorneys’ fees.</p> <p>LACDPH will drop seeking a further response to this demand as to fees incurred by individual members of Plaintiff if you confirm, in writing, that no member of Plaintiff has incurred any attorneys’ fees as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
43	<p>[Quotes <i>FAP</i> Prayer for Relief ¶ 10] For each member of Alliance of Los Angeles County Parents, produce all DOCUMENTS and tangible things from which defendant Barbara Ferrer, PhD can calculate the attorneys’ fees incurred by that member as a result of the actions of defendant County of Los Angeles Department of Public Health in “blocking all public comment on its Twitter, Facebook, and Instagram posts” (as that phrase is used in Paragraph 140 of Plaintiffs’ First Amended Petition).</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>To the extent Propounding Party seeks fee bills and engagement agreements, those documents are protected from disclosure under the attorney-client privilege. If Propounding Party is willing to provide its engagement agreement with Sheppard Mullin, Petitioner will provide its engagement agreement with Hamill Law & Consulting.”</p> <p><u>LACDPH’s Response:</u></p> <p>Only Plaintiff is asserting a claim for attorneys’ fees in this action; LACDPH is not. As a result, there is no <i>quid pro quo</i> gambit to be played here. Plaintiff will be required to show its fee statements in support of that claim, or will be required to drop that claim. LACDPH is not looking for Plaintiff’s engagement letter, but is entitled to see what evidence Plaintiff expects to proffer in support of its claim for recovery of attorneys’ fees.</p> <p>LACDPH will drop seeking a further response to this demand as to fees incurred by individual members of Plaintiff if you confirm, in writing, that no member of Plaintiff has incurred any attorneys’ fees as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
44	<p>State the full name of each member of Alliance of Los Angeles County</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members</p>

	<p>Parents who has the authority to legally bind all members of Alliance of Los Angeles County Parents by contract or agreement, verified answers to written discovery requests, and testimony in this lawsuit by deposition, by declaration or at trial.</p>	<p>submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. Without waiving the above stated objections, Margaret Orenstein.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that only Ms. Orenstein has the authority as Plaintiff’s authorized agent to legally bind all members of Alliance of Los Angeles County Parents by contract or agreement, verified answers to written discovery requests, and testimony in this lawsuit by deposition, whether by declaration or at trial. If she is not the only member with that authority as an agent, then Plaintiff needs identify all members with such authority.</p>
<p>45</p>	<p>All DOCUMENTS and tangible things that concern, reflect, show, or relate to Julie A. Hamill being a member of Alliance of Los Angeles County Parents at any time.</p>	<p>“Julie A. Hamill is counsel for Petitioner. Responding Party is unable to conceive of any legitimate purpose for this demand beyond harassment, annoyance, and intimidation by Propounding Party.”</p> <p><u>LACDPH’s Response:</u></p> <p>Your response is not responsive. We know you are counsel to Plaintiff. If you, as you have represented in writing (see below), founded Plaintiff, then Plaintiff must produce documents in responses to this demand. The fact that you sometimes wear a counsel hat does not preclude you from also wearing a member of Plaintiff hat. As stated in CAL. CIV. PROC. CODE § 2017.010, LACDPH is entitled to learn <i>the identity and location of persons having knowledge of any discoverable matter.</i></p> <p>In addition, note that in my 9:28 am April 11, 2023 e-mail to you, I pointed out that in Plaintiff’s response to Form Interrogatory No. 1.1, Plaintiff stated that “My attorneys” were the only persons who prepared or assisted in the preparation of the responses, and that response was insufficient as it implied that no member of Plaintiff actually prepared or assisted in the responses. You then amended that response on April 17, 2023 to expressly state that only you prepared or assisted in the preparation of the responses. As a result, either you are a</p>

		member of Plaintiff, or no one from Plaintiff answered the interrogatories or assisted in answering them. If the latter, then all objections have been waived as no proper responses were provided. If the former, then Plaintiff must produce the requested documents.
46	All DOCUMENTS and tangible things that concern, reflect, show, or relate to the formation or creation of Alliance of Los Angeles County Parents.	<p>“To the extent this demand seeks registration or formation documents filed with the Secretary of State, none exist.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH did not limit this request to just documents filed with the Secretary of State. If Plaintiff is in possession, custody, or control of any documents reflecting its formation (including, but not limited to, fictitious business name statements, bylaws, mission statements, member rosters, letters, e-mails, solicitations, Plaintiff’s website, announcements, governance rules, delegations of authority to persons with the power to govern, bind, or act on behalf of Plaintiff, membership lists, e-mailing lists, group chat lists, <i>etc.</i>), then Plaintiff must produce them or respond using one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>
47	All DOCUMENTS and tangible things that concern, reflect, show, or relate to the filing of any documents by Alliance of Los Angeles County Parents with the California Secretary of State or any other governmental entity or agency.	<p>“To the extent this demand seeks registration or formation documents filed with the Secretary of State, none exist.”</p> <p><u>LACDPH’s Response:</u></p> <p>Plaintiff must respond using one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>
48	All DOCUMENTS and tangible things that concern, reflect, show, or relate to the structure and organization of Alliance of Los Angeles County Parents.	<p>“To the extent this demand seeks an organization chart or formal filing, no such documents exist.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH did not limit its demand to just “organization charts” or formal filings”. LACDPH is entitled to all documents showing how Plaintiff is structured or organized. If Plaintiff is in possession, custody, or control of any documents reflecting its structure or organization (including, but not limited to, fictitious business name statements, bylaws, mission statements, member rosters, letters, e-mails, solicitations, its website, announcements, governance rules, delegations of authority to persons with the power to govern, bind, or act on behalf of Plaintiff, membership lists, e-mailing lists, group chat lists, <i>etc.</i>), then Plaintiff must produce them or respond using one of the</p>

		alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.
49	All DOCUMENTS and tangible things sufficient to show the identity and contact information of all officers and directors of Alliance of Los Angeles County Parents.	<p>“Without waiving the foregoing objections, Petitioner responds as follows: Petitioner does not have ‘officers’ or ‘directors.’”</p> <p><u>LACDPH’s Response:</u> Plaintiff must respond using one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p>
50	All DOCUMENTS and tangible things that constitute, concern, reflect, show, or relate to authorization by Alliance of Los Angeles County Parents to file this lawsuit.	<p>“To the extent this demand seeks a copy of the engagement letter between Petitioner and counsel, that document is protected by attorney-client privilege. If Propounding Party is willing to provide its engagement agreement with Sheppard Mullin, Petitioner will provide its engagement agreement with Hamill Law & Consulting.”</p> <p><u>LACDPH’s Response:</u> LACDPH did not limit this demand to just an engagement letter, nor did it seek such a document. If Plaintiff has authorized the filing of this lawsuit, whether in an engagement letter (which can be redacted, if needed, to remove any privileged material), an e-mail, orally, by text, by tweet, by direct message, or any other means, then any documents reflecting that must be produced.</p> <p>Only Plaintiff is asserting a claim for attorneys’ fees in this action; LACDPH is not. As a result, there is no <i>quid pro quo</i> gambit to be played here. LACDPH is not looking for Plaintiff’s engagement letter, but is entitled to see what evidence Plaintiff expects to proffer showing it authorized this filing of this suit. If Plaintiff never authorized the filing of this suit, then it has no standing to appear before the Court and you then must dismiss the suit or risk the appropriate penalties under CAL. CIV. PROC. CODE § 128.7.</p>
51	All DOCUMENTS and tangible things that constitute, concern, reflect, show, or relate to the authorization to file this lawsuit by each member of Alliance of Los Angeles County Parents who so authorized.	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek</p>

		<p>injunctive relief to rectify constitutional violations. . . . The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.</p> <p>To the extent this demand seeks fee bills or the engagement agreement, such documents are protected by the attorney-client privilege. If Propounding Party is willing to provide its engagement agreement with Sheppard Mullin, Petitioner will provide its engagement agreement with Hamill Law & Consulting.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH did not limit this demand to just an engagement letter, nor did it seek such a document. If any member or more than one member of Plaintiff has authorized the filing of this lawsuit, whether in an engagement letter (which can be redacted, if needed, to remove any privileged material), an e-mail, orally, by text, by tweet, by direct message, or any other means, then any documents reflecting that must be produced.</p> <p>Only Plaintiff is asserting a claim for attorneys’ fees in this action; LACDPH is not. As a result, there is no <i>quid pro quo</i> gambit to be played here. LACDPH is not looking for Plaintiff’s engagement letter, but is entitled to see what evidence Plaintiff expects to proffer showing Plaintiff’s members, if any, authorized the filing of this suit. If Plaintiff’s members never authorized the filing of this suit, then Plaintiff has no standing to appear before the Court and you then must dismiss the suit or risk the appropriate penalties under CAL. CIV. PROC. CODE § 128.7.</p>
52	<p>All DOCUMENTS and tangible things that constitute or reflect any and all communications (whether written, oral or electronic) between Julie A. Hamill, on the one hand, and any journalist or member of the press, on the other hand, concerning the free speech claim in this lawsuit.</p>	<p>“Julie A. Hamill is counsel for Petitioner. Responding Party is unable to conceive of any legitimate purpose for this demand beyond harassment, annoyance, and intimidation by Propounding Party.”</p> <p><u>LACDPH’s Response:</u></p> <p>You have represented that you founded Plaintiff. See below. You have been litigating this matter in the press and on social media, and have been making representations to the press concerning the claims asserted in this matter. Such actions and communications by you, as the founding member of Plaintiff, constitute evidence showing LACDPH what the nature and scope of Plaintiff’s claims asserted herein are and how Plaintiff and its members have been injured as a result of Defendants’ actions concerning the closing of public commentary on its social media accounts. Defendants are entitled to such public statements in order to defend themselves against Plaintiff’s claims.</p>

53	All DOCUMENTS and tangible things that constitute or reflect any and all communications (whether written, oral or electronic) between any member of Alliance of Los Angeles County Parents, on the one hand, and any journalist or member of the press, on the other hand, concerning the free speech claim in this lawsuit.	<p>[Plaintiff only asserted objections.]</p> <p><u>LACDPH's Response:</u></p> <p>Your objections are improper. Plaintiff must state one of the alternatives mandated by CAL. CIV. PROC. CODE §§ 2031.210(a), 2031.230, and 2031.240.</p> <p>Plaintiffs' members have been litigating this matter in the press and on social media, and have been making representations to the press concerning the claims asserted in this matter. Such actions and communications constitute evidence showing LACDPH what the nature and scope of Plaintiff's claims asserted herein are and how Plaintiff and its members have been injured as a result of Defendants' actions concerning the closing of public commentary on its social media accounts. Defendants are entitled to such public statements in order to defend themselves against Plaintiff's claims.</p>
54	All DOCUMENTS and tangible things that constitute or reflect any and all posts by Julie A. Hamill on any social media platform (including, but not limited to, Facebook, Twitter, Instagram, YouTube, Twitter, Pinterest, Snapchat, and LinkedIn) concerning the free speech claim in this lawsuit.	<p>"Julie A. Hamill is counsel for Petitioner. Responding Party is unable to conceive of any legitimate purpose for this demand beyond harassment, annoyance, and intimidation by Propounding Party."</p> <p><u>LACDPH's Response:</u></p> <p>You have represented that you founded Plaintiff. See below. You have been litigating this matter in the press and on social media, and have been making representations to the press concerning the claims asserted in this matter. Such actions and communications by you, as the founding member of Plaintiff, constitute evidence showing LACDPH what the nature and scope of Plaintiff's claims asserted herein are and how Plaintiff and its members have been injured as a result of Defendants' actions concerning the closing of public commentary on its social media accounts. Defendants are entitled to such public statements in order to defend themselves against Plaintiff's claims.</p>
55	All DOCUMENTS and tangible things that constitute or reflect any and all posts by any member of Alliance of Los Angeles County Parents concerning the free speech claim in this lawsuit.	<p>[Plaintiff only asserted objections.]</p> <p><u>LACDPH's Response:</u></p> <p>Plaintiffs' members have been litigating this matter in the press and on social media, and have been making representations to the press concerning the claims asserted in this matter. Such actions and communications constitute evidence showing LACDPH what the nature and scope of Plaintiff's claims asserted herein are and how Plaintiff and its members have been injured as a result of Defendants' actions concerning the closing of public commentary on its social media</p>

		accounts. Defendants are entitled to such public statements in order to defend themselves against Plaintiff's claims.
56	All DOCUMENTS and tangible things from which defendant County of Los Angeles Department of Public Health can calculate or assess the amount, nature, scope, and extent of the injury or damage (including, but not limited to, the amount of any monetary damages or injuries suffered, and, if emotional distress was suffered, the nature and severity of such distress) suffered by each parent who is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant County of Los Angeles Department of Public Health.	<p>"The only remaining cause of action in this case is a challenge to Propounding Party's violation of Petitioner's free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative."</p> <p><u>LACDPH's Response:</u></p> <p>LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff's free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities of any of such Defendants that form the basis of Plaintiff's free speech claims asserted in this action.</p>
57	All DOCUMENTS and tangible things from which defendant Muntu Davis, M.D. can calculate or assess the amount, nature, scope, and extent of the injury or damage (including, but not limited to, the amount of any monetary damages or	<p>"The only remaining cause of action in this case is a challenge to Propounding Party's violation of Petitioner's free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members</p>

	<p>injuries suffered, and, if emotional distress was suffered, the nature and severity of such distress) suffered by each parent who is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant Muntu Davis, M.D.</p>	<p>of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.” <u>LACDPH’s Response:</u> LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities of any of such Defendants that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>58</p>	<p>All DOCUMENTS and tangible things from which defendant Barbara Ferrer, PhD can calculate or assess the amount, nature, scope, and extent of the injury or damage (including, but not limited to, the amount of any monetary damages or injuries suffered, and, if emotional distress was suffered, the nature and severity of such distress) suffered by each parent who is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant Barbara Ferrer, PhD.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative.” <u>LACDPH’s Response:</u> LACDPH will drop seeking a further response to this demand if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities of any of such Defendants that form the basis of Plaintiff’s free speech claims asserted in this action.</p>

C. PLAINTIFF'S INADEQUATE APRIL 28, 2023 RESPONSES (OMITTING THE ASSERTED OBJECTIONS) TO LACDPH'S SPECIAL INTERROGATORIES.

1. Plaintiff Has Not Properly Identified The Propounding Party.

CAL. CIV. PROC. CODE § 2030.210(b) requires that Plaintiff state, in the first paragraph of the response immediately below the title of the case, "the identity of the propounding party". Plaintiff misstates the propounding party. LACDPH propounded the interrogatories; "County of Los Angeles et al [sic]" did not.

2. Plaintiff Fails To Provide The Responses Required By The CALIFORNIA CODE OF CIVIL PROCEDURE.

CAL. CIV. PROC. CODE § 2030.210(a) requires one of three statements in response to an interrogatory:

- "(1) An answer containing the information sought to be discovered.
- (2) An exercise of the party's option to produce writings.
- (3) An objection to the particular interrogatory."

A responding party can invoke an option to specify responsive documents, under certain conditions:

"If the answer to an interrogatory would necessitate the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed, and if the burden or expense of preparing or making it would be substantially the same for the party propounding the interrogatory as for the responding party, it is a sufficient answer to that interrogatory to refer to this section and to **specify the writings from which the answer may be derived or ascertained**. This specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained. The responding party shall then afford to the propounding party a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them."

CAL. CIV. PROC. CODE § 2030.230 (emphasis added.) Plaintiff, however, never invoked that option in its responses.

If Plaintiff only objects to part of an interrogatory, then Plaintiff must provide the statements required by CAL. CIV. PROC. CODE § 2030.240:

- "(a) If only a part of an interrogatory is objectionable, **the remainder of the interrogatory shall be answered**.
- (b) If an objection is made to an interrogatory or to a part of an interrogatory, **the specific ground for the objection shall be set forth clearly in the response**."

(Emphasis added.)

Plaintiff has not met the standards imposed by CAL. CIV. PROC. CODE §§ 2030.210(a)(1) and 2030.240. It largely just asserted objections and then partial, incomplete, or non-responsive answers. Plaintiff must amend its responses to fully comply with its obligations under the Code.

3. Plaintiff's Improper Boilerplate Objections.

Plaintiff asserts numerous boilerplate objections that fall far short of what the CALIFORNIA CODE OF CIVIL PROCEDURE requires.

a. In response to Interrogatory Nos. 1-18, Plaintiff states: "Overbroad, (*Romero v. Hern* (1969) 276 Cal.App.2d 787, 794.)". That purely conclusory statement is improper when no statement of exactly how it is overbroad is supplied. See *Smith, supra*, 189 Cal.App.2d at 13.

b. In response to Interrogatory Nos. 1-19, Plaintiff states: "Unwarranted annoyance, embarrassment, oppression, and undue burden and expense (Code Civ. Proc., § 2023.010(c))". Such purely conclusory statements are improper when no statement of exactly how the interrogatories cause unwarranted annoyance, embarrassment, oppression, undue burden, and expense is supplied. See *Smith, supra*, 189 Cal.App.2d at 13.

c. In response to Interrogatory No. 19, Plaintiff states: "Calls for a legal conclusion". *First*, the question seek facts – the names of members of Plaintiff who can bind Plaintiff. *Second*, even if it did seek, in part, a legal conclusion, interrogatories asking for legal conclusions are entirely proper. See *Burke v. Superior Court* (1969) 71 Cal.2d 276, 283 ("The . . . objection that these interrogatories ask for a 'legal opinion' is plainly without merit.")

d. In response to Interrogatory Nos. 1-19, Plaintiff states: "Unreasonably cumulative and undue burden (See Code Civ. Proc., §§ 2017.020(a), 2019.030(a)(1)-(2), 2023.010(c), 2030.090(b))". As stated above, such purely conclusory statements are improper when no statement of exactly how the demands are cumulative or cause undue burden is supplied. See *Smith, supra*, 189 Cal.App.2d at 13.

e. In response to Interrogatory Nos. 1-9 and 11-19, Plaintiff states: "Compound". The interrogatories are not compound; each addresses a single subject requiring the production of information needed to fully answer that subject. This is an improper objection. See *Clement, supra*, 177 Cal.App.4th at 1291.

f. In response to Interrogatory Nos. 1-18, Plaintiff states: "Responding Party identified sufficient witnesses for Propounding Party to ascertain standing in its Response to County's Form Interrogatories, Set One." This is an improper objection. It is not up to Plaintiff to decide who might be the most appropriate, or "sufficient", witnesses for LACDPH in preparing its defense against Plaintiff's free speech claim. LACDPH is entitled to know who ***all***

potential witnesses associated with Plaintiff might be. Such discovery is well within the scope of permissible discovery:

“Unless otherwise limited by order of the court in accordance with this title, any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action. Discovery may be obtained of ***the identity and location of persons having knowledge of any discoverable matter***, as well as of the existence, description, nature, custody, condition, and location of any document, electronically stored information, tangible thing, or land or other property.”

CAL. CIV. PROC. CODE § 2017.010.

4. Plaintiff’s Responses (Omitting The Asserted Objections) To LACDPH’s Special Interrogatories – Disputed By LACDPH.

	Interrogatory	Response
1	[Quotes <i>FAP ¶ 18</i>] Identify each parent who is a member of Alliance of Los Angeles County Parents, by stating, for each such member, his or her full name, residence address (a street address, not a P.O. box), e-mail address, and telephone number.	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers and government agencies, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. You may contact witnesses via counsel for Petitioner.”</p> <p><u>LACDPH’s Response:</u></p> <p>As you will recall, at the March 27, 2023 hearing Judge Fahey was most interested about the standing of Plaintiff and its members to pursue this remaining free speech claim. So is LACDPH. If <i>all</i> members of Plaintiff are asserting that their personal free speech rights were violated by the Defendants’ activities, then Defendants are entitled to know that and to then know the identity, residence address, and phone and e-mail contact</p>

		<p>information for each such member so it can determine if it needs to pursue discovery against each such member or from some such members. If only some members of Plaintiff are asserting a free speech claim against Defendants, then, for the same reasons, Defendants are entitled to learn exactly who they are. That is a basic due process right. The bottom line is that Defendants are entitled to know whose free speech rights have been violated, and how, and how that member allegedly was injured as a result.</p> <p>It is Plaintiff who expressly pled in this action that it is composed of parents of children who attend childcare programs, K-12 schools, and/or play youth sports in Los Angeles County, was organized for the purpose of representing the interests of Los Angeles County children, and its members reside in, own real property in, have children who attend childcare or schools in and/or play sports in the County. [See footnote 1, <i>supra</i>.] In fact, Plaintiff has pled that each of its member’s individual free speech rights allegedly has been violated:</p> <ul style="list-style-type: none"> ▪ “DPH’s censorship of public comment violates Petitioners’ rights to free expression under California Constitution, Art. I, § 2. [FAP, Prayer for Relief, ¶ 149 (emphasis added).] ▪ “For a declaratory judgment pursuant to Code Civ. Proc. § 1010, declaring that DPH’s blocking public comment on its social media pages violates Petitioner members’ right to free speech guaranteed under California Constitution Article I, Section 2.” [FAP, Prayer for Relief, ¶ 7 (emphasis added).] <p>Plaintiff cannot now refuse to fully identify all of its members with the information requested in the interrogatory.</p>
2	<p>[Quotes FAP ¶ 18] For each parent who is a member of Alliance of Los Angeles County Parents, state the date (day, month, and year) that he or she first became such a member and, if applicable, the date (day, month, and year) that he or she ceased being such a member.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all</p>

		<p>members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. Without waiving the above-stated objections, the members identified in Response to County’s Form Interrogatories, Set One, became members on or about February 7, 2022, and remain members through the time of this writing.”</p> <p><u>LACDPH’s Response:</u></p> <p>For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whose free speech rights have been violated, and how, and how that member allegedly was injured as a result. The dates that such members became members and ceased being members are important in order to determine if they have any standing to assert the claimed free speech violations.</p>
3	<p>[Quotes <i>FAP ¶ 18</i>] Identify each child of each parent who is a member of Alliance of Los Angeles County Parents and who attends or has attended “childcare programs . . . in the County” or “K-12 schools . . . in the County” or plays or has played “youth sports in the County”, by stating, for each such child, his or her full name, residence address (a street address, not a P.O. box), e-mail address, telephone number, and date of birth.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. Without waiving the above-stated objections, the members identified in Response to County’s Form Interrogatories, Set One are available through counsel. Counsel will not provide their personal identifying information absent a protective order.”</p> <p><u>LACDPH’s Response:</u></p> <p>For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whether a purported member of Plaintiff indeed has standing to assert the claimed free speech violations, and whether any child of such a member is asserting free speech injury in this action.</p>
4	<p>[Quotes <i>FAP ¶ 18</i>] For each child of a parent who is a member of Alliance of Los</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of</p>

	<p>Angeles County Parents, identify, after the name of each such child, all “childcare programs . . . in the County”, “K12 schools . . . in the County”, and “youth sports in the County” he or she has attended or played, by stating, for each such childcare program and K-12 school, its full name, location, address (a street address, not a P.O. box), e-mail address, and telephone number and for each such sport the name of the sport and where the child played it.</p>	<p>Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. Without waiving the above-stated objections, the members identified in Response to County’s Form Interrogatories, Set One are available through counsel. Counsel will not provide their personal identifying information absent a protective order.”</p> <p><u>LACDPH’s Response:</u></p> <p>For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whether a purported member of Plaintiff indeed has standing to assert the claimed free speech violations.</p>
<p>5</p>	<p>[Quotes <i>FAP</i> ¶ 18] For each parent who is a member of Alliance of Los Angeles County Parents, state, after the name of each such parent, all handles he or she has used to post any commentary, question, or content on any social media platform (including, but not limited to, Facebook, Twitter, Instagram, YouTube, Twitter, Pinterest, Snapchat, and LinkedIn).</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative, as Propounding Party’s constitutional violation would exist regardless of whether a member commented.”</p> <p><u>LACDPH’s Response:</u></p>

		<p>For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whether a purported member of Plaintiff has standing to assert the claimed free speech violations. If such member never intended to post anything on LACDPH’s social media feeds or was never precluded from making its comments known through alternative channels or does not even use social media to post public commentary, then, again, that would impact standing to pursue the free speech claims asserted herein.</p>
<p>6</p>	<p>[Quotes <i>FAP</i> ¶ 18] For each parent who is a member of Alliance of Los Angeles County Parents, identify, after the name of each such parent, all commentary, questions, and content that he or she intended to post on any social media platform (including, but not limited to, Facebook, Twitter, Instagram, YouTube, Twitter, Pinterest, Snapchat, and LinkedIn) but was precluded from doing so by the actions of defendant County of Los Angeles Department of Public Health, by stating, for each such commentary, question and content, the entirety of what was intended to be posted, the name of the platform on which it was intended to be posted, and the date it was intended to be posted.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented.”</p> <p><u>LACDPH’s Response:</u></p> <p>For the same reasons stated in response to No. 1, above, this information is needed so Defendants can determine whether a purported member of Plaintiff has standing to assert the claimed free speech violations or suffered any actual injury as a result of Defendants’ actions in closing off public commentary on its social media feeds. This interrogatory is directed at determining if there is any causal link between what Defendants did and what any member of Plaintiff was precluded from doing.</p>

<p>7</p>	<p>[Quotes <i>FAP</i> ¶ 18] For each parent who is a member of Alliance of Los Angeles County Parents, identify, after the name of each such parent, all commentary, questions, and content that he or she intended to post on any social media platform (including, but not limited to, Facebook, Twitter, Instagram, YouTube, Twitter, Pinterest, Snapchat, and LinkedIn) but was precluded from doing so by the actions of defendant Muntu Davis, M.D., by stating, for each such commentary, question and content, the entirety of what was intended to be posted, the name of the platform on which it was intended to be posted, and the date it was intended to be posted.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented.”</p> <p><u>LACDPH’s Response:</u> See response to No. 6, above.</p>
<p>8</p>	<p>[Quotes <i>FAP</i> ¶ 18] For each parent who is a member of Alliance of Los Angeles County Parents, identify, after the name of each such parent, all commentary, questions, and content that he or she intended to post on any social media platform (including, but not limited to, Facebook, Twitter, Instagram, YouTube, Twitter, Pinterest, Snapchat, and LinkedIn) but was precluded from doing so by the actions of defendant Barbara Ferrer, PhD, by stating, for each such commentary, question and content, the entirety of what was intended to be posted,</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as</p>

	<p>the name of the platform on which it was intended to be posted, and the date it was intended to be posted.</p>	<p>Propounding Party’s constitutional violation would exist regardless of whether a member commented.” <u>LACDPH’s Response:</u> See response to No. 6, above.</p>
<p>9</p>	<p>[Quotes <i>FAP ¶ 18</i>] State the full name of each parent who is a member of Alliance of Los Angeles County Parents who is claiming in this action that his or her free speech rights were violated by the actions of defendant County of Los Angeles Department of Public Health.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. Without waiving the above-stated objections, the members identified in Responding Party’s Response to County’s Form Interrogatories.” <u>LACDPH’s Response:</u> See responses to Nos. 1, 2 and 6, above.</p>
<p>10</p>	<p>[Quotes <i>FAP ¶ 18</i>] State the full name of each parent who is a member of Alliance of Los Angeles County Parents who is claiming in this action that his or her free speech rights were violated by the actions of defendant Muntu Davis, M.D.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive</p>

		<p>relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members' social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party's constitutional violation would exist regardless of whether a member commented. Without waiving the above-stated objections, the members identified in Responding Party's Response to County's Form Interrogatories."</p> <p><u>LACDPH's Response:</u> See responses to Nos. 1, 2, 6 and 7, above.</p>
11	<p>[Quotes <i>FAP ¶ 18</i>] State the full name of each parent who is a member of Alliance of Los Angeles County Parents who is claiming in this action that his or her free speech rights were violated by the actions of defendant Barbara Ferrer, PhD.</p>	<p>"The only remaining cause of action in this case is a challenge to Propounding Party's violation of Petitioner's free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members' social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party's constitutional violation would exist regardless of whether a member commented. Without waiving the above-stated objections, the members identified in Responding Party's Response to County's Form Interrogatories."</p> <p><u>LACDPH's Response:</u> See responses to Nos. 1, 2, 6 and 8, above.</p>
12	<p>[Quotes <i>FAP ¶ 18</i>] Describe in full detail each and every injury suffered by each parent who is a member of</p>	<p>"The only remaining cause of action in this case is a challenge to Propounding Party's violation of Petitioner's free speech rights. Identification of all members of Petitioner association is unnecessary and overly</p>

	<p>Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant County of Los Angeles Department of Public Health, by stating, following the name of each such parent, the full nature, scope and extent of each such injury, including, but not limited to, the date or dates such injury was first suffered and, if appropriate, when such injury ceased being suffered, the amount of any monetary damages or injuries suffered, whether any emotional distress was suffered and, if so, the nature and severity of such distress, and how such injury has physically or emotionally manifested.</p>	<p>burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this interrogatory if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities of any of such Defendants that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
13	<p>[Quotes <i>FAP</i> ¶ 18] Describe in full detail each and every injury suffered by each parent who is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the</p>

	<p>of defendant Muntu Davis, M.D., by stating, following the name of each such parent, the full nature, scope and extent of each such injury, including, but not limited to, the date or dates such injury was first suffered and, if appropriate, when such injury ceased being suffered, the amount of any monetary damages or injuries suffered, whether any emotional distress was suffered and, if so, the nature and severity of such distress, and how such injury has physically or emotionally manifested.</p>	<p>association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this interrogatory if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities of any of such Defendants that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>14</p>	<p>[Quotes <i>FAP ¶ 18</i>] Describe in full detail each and every injury suffered by each parent who is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant Barbara Ferrer, PhD, by stating, following the name of each such parent, the full nature, scope and extent of each such</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply</p>

	<p>injury, including, but not limited to, the date or dates such injury was first suffered and, if appropriate, when such injury ceased being suffered, the amount of any monetary damages or injuries suffered, whether any emotional distress was suffered and, if so, the nature and severity of such distress, and how such injury has physically or emotionally manifested.</p>	<p>seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members' social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party's constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party's actions are not relevant due to the absence of a claim for damages."</p> <p><u>LACDPH's Response:</u></p> <p>LACDPH will drop seeking a further response to this interrogatory if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff's free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities of any of such Defendants that form the basis of Plaintiff's free speech claims asserted in this action.</p>
<p>15</p>	<p>[Quotes <i>FAP</i> ¶ 18] Describe in full detail each and every injury suffered by each child of a parent who is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant County of Los Angeles Department of Public Health, by stating, following the name of each such child, the full nature, scope and extent of each such injury, including, but not limited to, the date or dates such injury was first suffered and, if appropriate,</p>	<p>"The only remaining cause of action in this case is a challenge to Propounding Party's violation of Petitioner's free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members' social media handles is similarly irrelevant, unwarranted,</p>

	<p>when such injury ceased being suffered, the amount of any monetary damages or injuries suffered, whether any emotional distress was suffered and, if so, the nature and severity of such distress, and how such injury has physically or emotionally manifested.</p>	<p>and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.”</p> <p><u>LACDPH’s Response:</u></p> <p>LACDPH will drop seeking a further response to this interrogatory if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities of any of such Defendants that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>16</p>	<p>[Quotes <i>FAP</i> ¶ 18] Describe in full detail each and every injury suffered by each child of a parent who is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant Muntu Davis, M.D., by stating, following the name of each such child, the full nature, scope and extent of each such injury, including, but not limited to, the date or dates such injury was first suffered and, if appropriate, when such injury ceased being suffered, the amount of any monetary damages or injuries suffered, whether any emotional distress was suffered and, if so, the</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members</p>

	<p>nature and severity of such distress, and how such injury has physically or emotionally manifested.</p>	<p>by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.” <u>LACDPH’s Response:</u> LACDPH will drop seeking a further response to this interrogatory if you confirm, in writing, that neither Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff’s free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities of any of such Defendants that form the basis of Plaintiff’s free speech claims asserted in this action.</p>
<p>17</p>	<p>[Quotes <i>FAP</i> ¶ 18] Describe in full detail each and every injury suffered by each child of a parent who is a member of Alliance of Los Angeles County Parents and who is claiming in this action that his or her free speech rights were violated by the actions of defendant Barbara Ferrer, PhD, by stating, following the name of each such child, the full nature, scope and extent of each such injury, including, but not limited to, the date or dates such injury was first suffered and, if appropriate, when such injury ceased being suffered, the amount of any monetary damages or injuries suffered, whether any emotional distress was suffered and, if so, the nature and severity of such distress, and how such injury has physically or emotionally manifested.</p>	<p>“The only remaining cause of action in this case is a challenge to Propounding Party’s violation of Petitioner’s free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members’ social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. The specific commentary that members would have posted is irrelevant, as Propounding Party’s constitutional violation would exist regardless of whether a member commented. The full nature, scope and extent of the harm caused to members by the Propounding Party’s actions are not relevant due to the absence of a claim for damages.” <u>LACDPH’s Response:</u> LACDPH will drop seeking a further response to this interrogatory if you confirm, in writing, that neither</p>

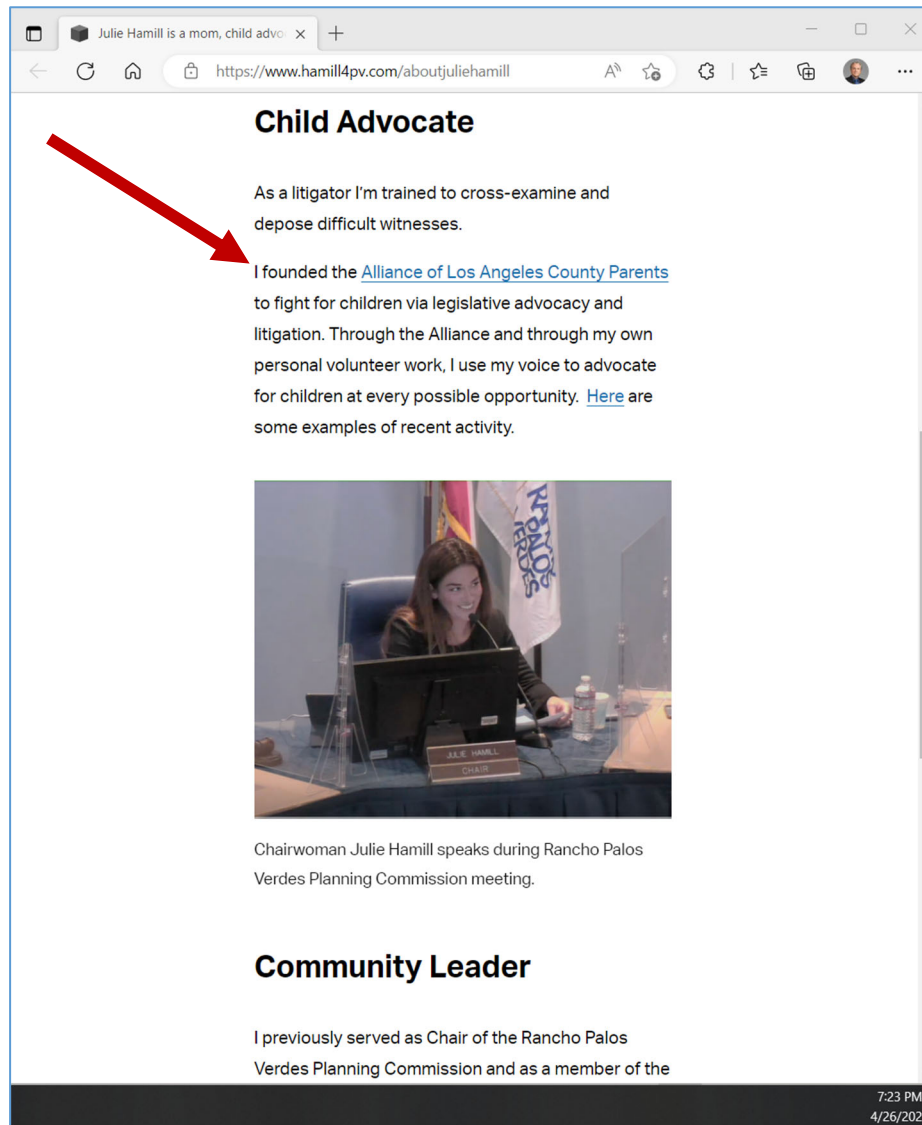
		<p>Plaintiff, nor any member of Plaintiff, nor any child of any member of Plaintiff: (a) has suffered any monetary damages or any emotional, physical or mental injury as a result of the conduct or activities of any of the Defendants in this action that form the basis of Plaintiff's free speech claims asserted therein; or (b) is asserting or will assert any claim for monetary, compensatory or consequential damages or for emotional, physical or mental distress against any of the Defendants in this action as a result of the conduct or activities of any of such Defendants that form the basis of Plaintiff's free speech claims asserted in this action.</p>
<p>18</p>	<p>State the full name of each member of Alliance of Los Angeles County Parents who has the authority to legally bind all members of Alliance of Los Angeles County Parents by contract or agreement, verified answers to written discovery requests, and testimony in this lawsuit by deposition, by declaration or at trial.</p>	<p>"The only remaining cause of action in this case is a challenge to Propounding Party's violation of Petitioner's free speech rights. Identification of all members of Petitioner association is unnecessary and overly burdensome. Many members submitted information about harm to their children using first and last initials in order to protect privacy and avoid retaliation by employers, government agencies, labor unions, and social networks, which is one of the reasons the association and not individual petitioners brought this action in the first place. Many members use alias handles on social media to avoid retaliation by employers, government agencies, friends and family. Petitioners are not seeking any damages – they simply seek injunctive relief to rectify constitutional violations The identification of all members of Responding Party association is accordingly irrelevant, unwarranted, and unreasonably cumulative. The identification of members' social media handles is similarly irrelevant, unwarranted, and unreasonably cumulative. Without waiving the above stated objections, Margaret Orenstein."</p> <p><u>LACDPH's Response:</u></p> <p>If it is your and Ms. Orenstein's position that she has the legal authority as an agent to legally bind every member of Plaintiff by contract or agreement, verified answers to written discovery requests, and testimony in this lawsuit by deposition, by declaration and at trial, Plaintiff is going to have to provide the legal documentation to that effect reflecting such authorization from each member, as requested in LACDPH's document demands. Please confirm you will provide that.</p> <p>LACDPH will drop seeking a further response to this interrogatory if you confirm, in writing, that only Ms.</p>

		<p>Orenstein has the authority as Plaintiff’s authorized agent to legally bind all members of Alliance of Los Angeles County Parents by contract or agreement, verified answers to written discovery requests, and testimony in this lawsuit by deposition, whether by declaration or at trial. If she is not the only member with that authority as an agent, then Plaintiff needs identify all members with such authority.</p>
<p>19</p>	<p>If Julie A. Hamill has ever been a member of Alliance of Los Angeles County Parents, state the date she first became a member and the date, if applicable, she ceased being a member.</p>	<p>“Julie A. Hamill is counsel to the Alliance.” <u>LACDPH’s Response:</u> Your response is not responsive. We know you are counsel to Plaintiff. If you, as you have represented in writing (see below), founded Plaintiff, then Plaintiff must answer this interrogatory. The fact that you sometimes wear a counsel hat does not preclude you from also wearing a member of Plaintiff hat. As stated in CAL. CIV. PROC. CODE § 2017.010, LACDPH is entitled to learn <i>the identity and location of persons having knowledge of any discoverable matter.</i> In addition, note that in my 9:28 am April 11, 2023 e-mail to you, I pointed out that in Plaintiff’s response to Form Interrogatory No. 1.1, Plaintiff stated that “My attorneys” were the only persons who prepared or assisted in the preparation of the responses, and that response was insufficient as it implied that no member of Plaintiff actually prepared or assisted in the responses. You then amended that response on April 17, 2023 to expressly state that only you prepared or assisted in the preparation of the responses. As a result, either you are a member of Plaintiff, or no one from Plaintiff answered the interrogatories or assisted in answering them. If the latter, then all objections have been waived as no proper responses were provided. If the former, then Plaintiff must answer this Special Interrogatory No. 19.</p>
<p>20</p>	<p>[Quotes <i>FAP ¶</i> 147] Identify that member Alliance of Los Angeles County Parents, by stating his or her full name, residence address (a street address, not a P.O. box), business address, e-mail address, and telephone number.</p>	<p>“Cynthia Rojas. Ms. Rojas can be reached through counsel for Petitioner.” <u>LACDPH’s Response:</u> Plaintiff must provide Ms. Rojas’ residence address, business address, e-mail address, and telephone number as required by this interrogatory. There is no valid basis for refusing to do so. LACDPH will forego seeking that information if you and Ms. Rojas confirm, in writing, that any discovery or subpoenas it directs at her can be delivered to you and such delivery will be deemed sufficient service as if delivered directly to Ms. Rojas.</p>

D. PLAINTIFF’S INADEQUATE APRIL 17, 2023 AMENDED RESPONSES TO LACDPH’S FORM INTERROGATORIES.

Form Interrogatory 12.1	Amended Response (Omitting Asserted Objections)
<p>State the name, ADDRESS, and telephone number of each individual: (a) who witnessed the INCIDENT or the events occurring immediately before or after the INCIDENT</p> <p>[“INCIDENT” is defined in Section 4(a)(2) as: “The circumstances and events giving rise to the free speech claim asserted by Plaintiff in the <i>First Amended Petition</i> in: (a) Paragraphs 17 and 138-149; (b) the free speech portion of Paragraph 157; and (c) Paragraphs 7-10 of the Prayer for Relief.”</p>	<p>“Without waiving any objections, the witnesses with the most direct knowledge of incidents involving the @ALT_lacph Twitter account are: Cynthia Rojas, Sarah Beth Burwick, Roxanne Hoge, and Margaret Orenstein. Each witness can be reached through counsel for Petitioner/Plaintiff: Julie A. Hamill, Counsel for Plaintiff and Petitioner 904 Silver Spur Road, #287 Rolling Hills Estates, CA 90274</p> <p>With respect to witnesses with knowledge of Defendant/Respondent’s disabling public comments on social media, the same witnesses identified above have such knowledge.</p> <p>With respect to witnesses with knowledge of Defendant/Respondent’s creation and use of social media as a public forum prior to its disabling public comments, the same witnesses identified above have such knowledge.</p> <p>With respect to witnesses with knowledge of Defendant/Respondent’s deletion of its entire Twitter history prior to September 2022 during the course of this litigation and refusal to reinstate or provide an archive of the deleted history, the same witnesses identified above have such knowledge.”</p>

As stated in my 9:28 am April 11, 2023 e-mail to you, LACDPH needs to know the names, addresses, and telephone numbers of Plaintiff’s witnesses with knowledge concerning Plaintiff’s free speech claim. Witnesses would be any member of Plaintiff who has any knowledge of the circumstances and events giving rise to the free speech claim asserted by Plaintiff and its members in the *FAP*. LACDPH is entitled to that information so it can decide from whom it needs additional discovery, who it might want to depose, and who might appear for Plaintiff at trial. If Ms. Rojas, Ms. Burwick, Ms. Hoge, and Ms. Orenstein are the only members of Plaintiff with any such knowledge, then please state so in a further amended response and we can put this to rest. But if there are additional witnesses who are members of Plaintiff with such knowledge, then Plaintiff must fully identify all of them. And of course, that would include you, as the person who founded Plaintiff. See:



(Please do not delete, and instead maintain and preserve, that evidence from your website and other, similar statements and materials on your website and social media accounts indicating that you founded, are a member of, and act in other than a legal capacity for Alliance.) Such discovery into the identity and location of witnesses is well within the scope of permissible discovery:

“Unless otherwise limited by order of the court in accordance with this title, any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence.

Julie A. Hamill, Esq.
May 1, 2023
Page 58

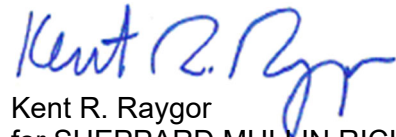
Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action. Discovery may be obtained of ***the identity and location of persons having knowledge of any discoverable matter***, as well as of the existence, description, nature, custody, condition, and location of any document, electronically stored information, tangible thing, or land or other property.”

CAL. CIV. PROC. CODE § 2017.010.

E. MEET AND CONFER.

As indicated above, please be prepared to meet and confer with me over each of the points raised in this letter in person ***at the conclusion of Dr. Ferrer’s deposition on Wednesday, May 3, 2023.***

Very truly yours,



Kent R. Raygor
for SHEPPARD MULLIN RICHTER & HAMPTON LLP