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12  
13 **UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 MARK McDONALD AND JEFF BARKE,  
15  
16 **Plaintiff,**

17 v.

18 KRISTINA D. LAWSON, *in her official capacity as*  
*President of the Medical Board of California;*  
19 RANDY W. HAWKINS, *in his official capacity as*  
*Vice President of the Medical Board of California;*  
20 LAURIE ROSE LUBIANO, *in her official capacity as*  
*Secretary of the Medical Board of California;*  
21 MICHELLE ANNE BHOLAT, DAVID E. RYU, RYAN  
22 BROOKS, JAMES M. HEALZER, ASIF MAHMOOD,  
23 NICOLE A. JEONG, RICHARD E. THORP, VELING  
24 TSAI, and ESERICK WATKINS, *in their official*  
*capacities as members of the Medical Board of*  
*California;* and ROBERT BONTA, *in his official*  
*capacity at Attorney General of California,*

25 **Defendants.**  
26  
27  
28

Case No. \_\_\_\_\_

**DECLARATION OF JEFF BARKE, M.D.**

1 Pursuant to 28 U.S.C. § 1746, Jeff Barke declares as follows:

2 1. I am over 18 years of age, am a Plaintiff in this lawsuit, and have personal knowledge of  
3 the facts described herein.

4 2. I am a physician licensed in the State of California and operate a concierge medicine  
5 practice in the Newport Beach.

6 3. I am a graduate of the University of Southern California, and University of California,  
7 Irvine, Medical School.

8 4. After graduating from medical school in 1990, I completed a residency in family practice,  
9 also at UC Irvine.

10 5. I am board certified in family practice.

11 6. Over the course of the COVID-19 pandemic, I became increasingly concerned about the  
12 public health response to COVID-19, and feared official public health guidance held the potential to  
13 cause harm.

14 7. These concerns caused me to become outspoken, as both a citizen and a medical  
15 professional, about the flaws I see in the public health response to the COVID-19 pandemic.

16 8. In particular, my expertise in family medicine caused me to be concerned about the  
17 potential harm to children that school closures and mandatory mask-wearing policies could have on  
18 young people.

19 9. I objected that isolating children, and requiring them to wear masks, was not justified by  
20 the available scientific evidence, particularly since it is widely agreed that otherwise healthy children  
21 were at very low risk of either contracting or spreading COVID-19.

22 10. I likewise objected to the broader use of mandatory masking for the adult population,  
23 pointing out the lack of evidence that otherwise-healthy adults would benefit from such face coverings.

24 11. I have also supported the use of medications such as ivermectin and hydroxychloroquine  
25 as options to treat COVID-19, pre-existing drugs long approved as safe and effective by the Food and  
26 Drug Administration. I have reviewed many studies on these drugs and find that the evidence supports  
27 their use to treat the disease.

1 12. I have also raised concerns about the new vaccines developed to combat COVID-19,  
2 given the lack of evidence that these brand-new drugs had been proven sufficiently safe and effective to  
3 be recommended, and in many cases mandated, for essentially the entire American public.

4 13. I have advocated publicly about these and other objections to federal and state COVID-19  
5 policies, including on social media, in various media interviews, and in my own published writing.

6 14. I have never been disciplined by any medical regulatory authority, had my medical license  
7 suspended, or had a complaint against me sustained for unprofessional conduct.

8 15. I believe that AB 2098 intrudes into the privacy of the doctor-patient relationship,  
9 replacing the medical judgment of the government for that of licensed professionals like myself, and  
10 chilling the speech of those who dissent from the official view.

11 16. I believe that AB 2098's codification of an official "scientific consensus," is at odds with  
12 the progress of science itself, which requires that conventional views be challenged by new theories, and  
13 that dissenters air their views for comment and criticism.

14 17. I believe AB 2098 is also at odds with the responsible practice of medicine, which  
15 requires that doctors employ individualized professional judgment as to the best course of treatment for  
16 each individual patient, rather than following official guidance to the letter in all cases.

17 18. I believe the goal of AB 2098 is to chill speech—in particular the speech of doctors like  
18 me who make a different assessment of the available evidence than the State of California.

19 19. As a medical professional, I feel it is my professional duty to continue to provide my  
20 patients with medically sound advice in my counseling sessions, but if subject to AB 2098 I will be  
21 forced to choose between providing my best medical judgment and censoring that judgment to comply  
22 with the law, because of my well-founded fear that the Board will use this new authority to threaten my  
23 medical license.

24  
25 I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

26 Executed on October <sup>10/2/2022</sup> \_\_, 2022.

DocuSigned by:  
  
#17827030000400

27  
28 Dr. Jeff Barke, M.D.