

1 Robert H. Tyler, Esq. CA Bar No. 179572
btyler@faith-freedom.com
2 Mariah Gondeiro, Esq. CA Bar No. 323683
mgondeiro@faith-freedom.com
3 ADVOCATES FOR FAITH & FREEDOM
4 25026 Las Brisas Road
Murrieta, California 92562
5 Telephone: (951) 600-2733
6 Facsimile: (951) 600-4996

7 Daniel R. Suhr (*Pro Hac Vice to be filed*)
dsuhr@libertyjusticecenter.org
8 Reilly Stephens (*Pro Hac Vice to be filed*)
rstephens@libertyjusticecenter.org
9 Liberty Justice Center
10 440 N. Wells Street, Suite 200
Chicago, Illinois 60604
11 Phone: 312-637-2280
Attorneys for Plaintiffs

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

Case No. 8:22-cv-01805-FWS (ADSx)

ERRATA

**DECLARATION OF MARK McDONALD,
M.D.**

1 Pursuant to 28 U.S.C. § 1746, Mark McDonald 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 psychiatrist licensed in the State of California and operate a psychiatry practice in
5 the Los Angeles area specializing in the treatment of children with mental health problems.

6 3. I am a graduate of the University of California, Berkley, and the Medical College of
7 Wisconsin.

8 4. After graduating from medical school in 2007, I completed a residency in adult psychiatry
9 at the University of Cincinnati and a fellowship in adolescent psychiatry at the University of California,
10 Los Angeles.

11 5. I am board certified in both adult and adolescent psychiatry.

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

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

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

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

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

25 11. I have also supported the use of medications such as ivermectin and hydroxychloroquine
26 as options to treat COVID-19, pre-existing drugs long approved as safe and effective by the Food and
27 Drug Administration. I have reviewed many studies on these drugs and find that the evidence supports
28 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. My advocacy on these issues has brought me under the scrutiny of the Medical Board of
7 California.

8 15. In December 2021, I received a letter from the Board informing me of a complaint filed
9 against me by “your patient, N/A.” According to the Board, the anonymous complainant alleged my
10 “posts on Twitter/Facebook about masks were flagged for spreading misinformation about Covid and
11 using derogatory terms for disabled people. Alleges [McDonald] spreading misinformation about Covid.”

12 16. I responded by letter that I had never treated a patient named “N/A,” and denied that I had
13 offered medical opinions to the public that included inaccurate information.

14 17. In my prior interactions with the Board, the fact that the complaint was not made by an
15 actual named patient of mine would have ended the matter, as the purpose of such complaints is to
16 protect patients personally subjected to unprofessional conduct. However, the Board did not close the
17 matter, instead responding in January, 2022 with a request for “[a] response to the allegation that you are
18 promoting the use of Ivermectin to cure COVID on Twitter.”

19 18. I again responded to this inquiry by letter, stating that it is my practice to advocate for
20 medical treatments that have the strongest empirical evidence to support their efficacy and safety. My
21 response then linked to a database of studies that supported the use of various medications to treat
22 COVID-19, including ivermectin, vitamin D, zinc, hydroxychloroquine, and aspirin.

23 19. Rather than closing the matter, the Board appears to be proceeding with an investigation
24 based on the anonymous complaint, with an investigator emailing me on August 30 requesting an
25 interview, which is expected to take place in the coming months.

26 20. Outside of this current investigation by the Board, I have never been disciplined by any
27 medical regulatory authority, had my medical license suspended, or had a complaint against me sustained
28 for unprofessional conduct.

Exhibit A



MEDICAL BOARD

STATE OF CALIFORNIA

Board of Medical Quality Assurance
1500 Franklin Street, Suite 100
Sacramento, CA 95811
Phone: (916) 227-3300
Fax: (916) 227-3301

Re: **[Redacted]**
[Redacted]

Order of Suspension

The Board of Medical Quality Assurance (the Board) has received information that [Redacted] is a physician who is currently licensed as a [Redacted] in the State of California. The Board has received information that [Redacted] has been found to be incompetent to practice medicine.

The Board has determined that [Redacted] is not qualified to practice medicine in the State of California. The Board has determined that [Redacted] is not qualified to practice medicine in the State of California. The Board has determined that [Redacted] is not qualified to practice medicine in the State of California.

Therefore, the Board has ordered the suspension of the license of [Redacted] effective [Redacted]. The Board has ordered the suspension of the license of [Redacted] effective [Redacted]. The Board has ordered the suspension of the license of [Redacted] effective [Redacted].

Order of Revocation

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Mark McDonald, M.D.

11500 W Olympic Blvd Suite 426 Los Angeles, CA 90064

310-954-9565 p 310-807-4360 f

Medical Board of California

Attention Jackie Byrnes

Staff Services Analyst

jackie.byrnes@mbc.ca.gov

December 29, 2021

Regarding control number 8002021080098

I do not have any patient record for a patient with name of "N/A."

I deny having offered medical opinions to the public that have included any inaccurate information regarding the Wuhan virus, the use of masks, or handicapped people.

Sincerely,

A handwritten signature in black ink that reads "McDonald". The signature is written in a cursive, flowing style.

Mark McDonald, M.D.



MEDICAL BOARD OF CALIFORNIA

STATE OF CALIFORNIA

DEPARTMENT OF PROFESSIONAL REGULATION AND LICENSING

Medical Board of California
1501 Clay Street, Suite 100
Oakland, CA 94612
Phone: (415) 399-6000
Fax: (415) 399-6001
www.mbc.ca.gov

Case No. 2022-00000
Date of Decision: 10/07/22

Respondent: [Name Redacted]

Allegation: [Text Redacted]

Findings: [Text Redacted]

Order: [Text Redacted]

Mark McDonald, M.D.

11500 W Olympic Blvd Suite 426 Los Angeles, CA 90064

310-954-9565 p 310-807-4360 f

Medical Board of California

Attention Jackie Byrnes

Staff Services Analyst

jackie.byrnes@mbc.ca.gov

January 31, 2022

Regarding control number 8002021080098

In response to your letter dated January 20, 2022 requesting further information, it is my practice when advocating treatments for medical illness that I first recommend those which have the strongest empirical evidence of support for efficacy and safety. As this robust database compilation of 1,366 studies shows (<https://c19early.com>), the most effective (and safe) early treatment options for the Wuhan virus include quercetin, ivermectin, povidone-iodine, vitamin D, zinc, fluvoxamine, hydroxychloroquine, N-acetylcysteine, and aspirin. Therefore, based on both safety and efficacy (as well as cost and availability), I recommend all those medications and supplements for the early treatment of infection from the Wuhan virus.

Sincerely,

A handwritten signature in black ink that reads "McDonald". The signature is written in a cursive, flowing style.

Mark McDonald, M.D.



MEDICAL BOARD OF CALIFORNIA

REGISTRATION
RENEWAL
STATEMENT

REGISTRATION RENEWAL STATEMENT

Registration of [Name] is set to expire on [Date].

Registration renewal is required for all active license holders. Renewal fees are \$[Amount].

For more information, please visit the Medical Board of California website at www.mbc.ca.gov.

Thank you for your service to the public.

The Medical Board of California is committed to protecting the public health and safety of the people of California. We are dedicated to ensuring that all medical professionals are qualified and competent to practice their profession. We encourage you to continue to provide the highest quality of care to your patients.

Thank you for your service to the public.

Medical Board of California
1501 Franklin Street, Suite 100
Sacramento, CA 95811
Phone: (916) 227-2300
Fax: (916) 227-2301
www.mbc.ca.gov

Reilly Stephens

From: Mark McDonald <mcmarm@earthlink.net>
Sent: Tuesday, September 27, 2022 2:45 PM
To: Kristen Williamson; Reilly Stephens
Subject: Fwd: Medical Board of California Investigation 800-2021-080098

Begin forwarded message:

From: "Lopez, Jesse@MBC" <Jesse.Lopez@mbc.ca.gov>
Subject: Medical Board of California Investigation 800-2021-080098
Date: August 30, 2022 at 11:43:04 AM PDT
To: "MCMARK@EARTHLINK.NET" <MCMARK@EARTHLINK.NET>

Good morning Dr. McDonald:

I have been actively investigating a complaint brought forth against you on behalf of the Medical Board of California. I am at the point where I would like to interview you to address the complaint. I will be sending over some date options for you. Please let me know if you have any questions.

Best regards,

Jesse Lopez

Investigator #265

Department of Consumer Affairs

Division of Investigation-Health Quality Investigation Unit

P: 909-421-5836 C: 626-826-8376



***** Confidentiality Notice:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ***