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15 **UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 JUSTIN HART,
19 Plaintiff,

Case No. 3:22-cv-00737-CRB

20 v.

21 META PLATFORMS, INC., f/k/a Facebook,
22 Inc.; TWITTER, INC.; VIVEK MURTHY in
23 his official capacity as United States Surgeon
24 General; and JOSEPH R. BIDEN, JR. in his
25 official capacity as President of the United
26 States,

**NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF
PLAINTIFF'S MOTION TO AMEND
COMPLAINT PURSUANT TO RULE 15**

Judge: Hon. Charles C. Breyer
Date: December 16, 2022
Time: 10:00 AM
Ctrm: Courtroom 6

26 Defendants.

Action Filed: August 31, 2021
Trial Date: None

1 Plaintiff, Justin Hart, respectfully submits this Notice of Supplemental Authority in
2 support of his Rule 15 motion to amend his complaint filed on October 20, 2022 (“Motion”).
3 ECF No. 98. Plaintiff’s Motion included his proposed First Amended Complaint (ECF No.
4 98-1) and supporting exhibits (ECF No. 98-2). Plaintiff’s First Amended Complaint is based
5 on information obtained in response to his FOIA requests and claim in this case, as well as
6 publicly available information and contemporaneous FOIA responses in other similar
7 pending cases (the “New Information”). *See* ECF No. 98, p. 3.

8 One of these other similar cases is *State of Missouri v. Biden*, Case No. 3:22-cv-01213-
9 TAD-KDM, in the United States District Court for the Western District of Louisiana,
10 Monroe Division. On October 21, 2022, one day after Plaintiff filed his Motion in this case, ,
11 that court issued a 28-page Memorandum Order Regarding Witness Depositions (“Order”).
12 A copy of the Order and Supplemental Authority is attached as ***Exhibit 1***.

13 In the Order, District Judge Terry A. Doughty explained that plaintiffs’ claims involve
14 allegations of collusion between the federal government and private social media
15 companies to suppress disfavored views and content on social media platforms by labeling
16 such content “dis-information,” “mis-information,” and “mal-information.” ***Exhibit 1***, p. 1.
17 The court further determined that expedited discovery and depositions were appropriate
18 for 10 witnesses. Three of the witnesses to be deposed as set forth in the Order are either
19 parties in this case or play a prominent role in the New Information and other factual
20 evidence put forth by Plaintiff in his Motion and First Amended Complaint. *See generally*
21 ***Exhibit 1***.

22 The three individuals and witnesses relevant to this case with Judge Doughty’s analysis
23 as to why they should submit to depositions and expedited discovery in *State of Missouri v.*
24 *Biden* are as follows:

25 **1. Jennifer Psaki – Former White House Press Secretary**

26 The court noted that Psaki had made a series of public statements at press conferences
27 in her former role as Press Secretary. Judge Doughty found that Psaki had publicly spoken
28 of pressuring social media companies to censor disfavored views related to COVID-19

1 misinformation. In ordering her to submit to a deposition, the Court found that “Psaki has
2 made a number of statements that are relevant to the Government’s involvement in a
3 number of social-media platforms’ efforts to censor its users across the board for sharing
4 information related to COVID-19.” *Exhibit 1*, p. 18. Psaki’s involvement in Defendants’
5 violation of Plaintiff’s First Amendment rights in this case is discussed in paragraphs 57-
6 61 and 79 of the proposed Amended Complaint, ECF No. 98-1.

7 **2. Dr. Vivek Murthy – Surgeon General**

8 The court found that Dr. Murthy, a named defendant in this case, had publicly
9 criticized “tech companies” by asserting that they are responsible for COVID-19 deaths due
10 to their failure to censor “misinformation.” And that Dr. Murthy also engaged in
11 communications with high-level Facebook executives about the “demand” for greater
12 censorship of COVID-19 “misinformation.” Judge Doughty determined that Dr. Murthy’s
13 actions went beyond the scope of his rank as Surgeon General. In ordering his deposition,
14 the court found that “Dr. Murthy made public statements about how the [social] media
15 companies’ failure to censor its users related in COVID-19 deaths.” *Exhibit 1*, p. 22-24.

16 **3. Carol Y. Crawford – CDC’s Chief of the Digital Media Branch**

17 The court addressed Crawford’s organization of “Be on the Lookout” (“BOLO”) meetings,
18 which were essentially meetings that attempted to “quell the spread of misinformation”
19 related to COVID-19. In ordering her deposition, the court found that “Crawford organized
20 meetings and engaged in a number of communications with social-media officials, and the
21 contents of those meetings and communications are highly important for the issues
22 presented by this case.” *Exhibit 1*, p. 24-25. Crawford’s involvement in Defendants’
23 violation of Plaintiff’s First Amendment rights is discussed in paragraphs 34-37, 41, 46,
24 and 71 of the proposed Amended Complaint, ECF No. 98-1, and Exhibits 1, 2, 4, 7, and 10
25 thereto (ECF No. 98-2).

1
2 Dated: October 28, 2022

Respectfully submitted,

3 s/ Daniel Suhr

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