



**BREAKING NEWS from
LIBERTY JUSTICE CENTER**

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DOCTORS FILE FEDERAL LAWSUIT TO STOP CALIFORNIA MEDICAL CENSORSHIP LAW

New law violates free speech and threatens doctors with license revocation for sharing medical advice contrary to public health “consensus”

LOS ANGELES (Oct. 4, 2022) — Two doctors have filed the first federal lawsuit to stop a new California law that shuts down doctors’ free speech rights by restricting the medical advice they can give patients regarding COVID-19. The law, signed on Friday by Governor Gavin Newsom, authorizes the Medical Board of California to pursue professional sanctions and even license revocation against doctors who share information about COVID-19 that challenges the “scientific consensus.”

Mark McDonald, MD, a Los Angeles psychiatrist, and Jeff Barke, MD, an Orange County primary care physician, are represented by the Liberty Justice Center, a national nonprofit law firm dedicated to protecting Americans’ constitutional rights. The case was filed in the U.S. District Court for the Central District of California against the Medical Board of California and Attorney General of California. The plaintiffs also filed papers seeking a preliminary injunction to protect their free speech rights as the case unfolds.

Daniel Suhr, managing attorney at the Liberty Justice Center, said, “We rely on our doctors to give us their best medical advice, yet the State of California is stopping doctors from doing just that. That’s not just wrong, it’s unconstitutional. Doctors enjoy the same free speech rights as other Americans. The State of California cannot define a so-called scientific consensus on an issue and then punish anyone who dares challenge it.”

Under the terms of the new law, Assembly Bill 2098, the Medical Board is authorized to punish doctors who share “misinformation” with their patients, and then defines “misinformation” as anything that “is contradicted by contemporary scientific consensus.” Of course, throughout the COVID-19 pandemic, the Centers for Disease Control and other public health authorities have constantly shifted their public presentation of the scientific data. Governor Newsom himself closed schools and even outdoor spaces—policies now widely acknowledged as unscientific and harmful.

Dr. Mark McDonald, a plaintiff and doctor in Los Angeles, said, “If this period has taught us anything, it is that the scientific and medical environments are constantly evolving, as new information and studies confirm or reject prior policies. Doctors need the freedom to explore alternatives and share opinions that challenge the scientific consensus—that is inherent in the nature of the scientific enterprise. California cannot insert itself into the physician-patient relationship to impose its views on doctors and end all debate on these important questions.”

The lawsuit, *McDonald v. Lawson*, was filed October 3, 2022, in the U.S. District Court for the Central District of California. The Motion for Preliminary Injunction was filed the same day. Case filings are available here: <https://libertyjusticecenter.org/media/ab-2098>

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The Liberty Justice Center is a nonprofit, public-interest litigation center that fights to protect Americans' fundamental constitutional rights. Its team of expert constitutional attorneys fight to protect workers' rights and free speech, combat cancel culture and government overreach, and improve the lives of everyday Americans. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://libertyjusticecenter.org).