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17 **UNITED STATES DISTRICT COURT**
 18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 SOUTH BAY UNITED PENTECOSTAL
 CHURCH, a California non-profit
 20 corporation, and BISHOP ARTHUR
 21 HODGES III, an individual,

Plaintiffs,

23 v.

24 GAVIN NEWSOM, in his official capacity
 as the Governor of California, *et al.*,

Defendants.

Case No.: :20-cv-865-BAS

**Objections to Evidence
 Submitted in Support of
 California’s Opposition to
 Plaintiffs’ Renewed Application
 for Temporary Restraining Order
 / Preliminary Injunction; and
 [Proposed] Order**

Judge: Cynthia Bashant
 Courtroom: 4B

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EVIDENTIARY OBJECTIONS

Plaintiffs South Bay United Pentecostal Church and Bishop Arthur Hodges III (collectively “South Bay Pentecostal Church”) hereby submit these evidentiary objections to the evidence submitted by Plaintiffs Gavin Newsom, in his official capacity as the Governor of California, Xavier Becerra, in his official capacity as Attorney General of California, and Sandra Shewry, in her official capacity as Acting Director of the California Department of Public Health (collectively “California”) in support of their Opposition to Plaintiff’s Renewed Application for a Temporary Restraining Order / Preliminary Injunction.

OBJECTIONS TO DECLARATION OF TODD GRABARSKY

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
1.	Declaration of Todd Grabarsky in Support of The State Defendants’ Opposition to Plaintiffs’ Renewed Application for a Temporary Restraining Order (“Grabarsky Decl.”) at Exhibit 20.	<p><u>Fed. R. Evid. 401, 402, 403, 602, 802</u></p> <p>Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
2.	Grabarsky Decl. at Ex. 21.	<p><u>Fed. R. Evid. 401, 402, 403, 602, 802</u></p> <p>Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
3.	Grabarsky Decl. at Ex. 22.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
4.	Grabarsky Decl. at Ex. 23.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
5.	Grabarsky Decl. at Ex. 24.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
6.	Grabarsky Decl. at Ex. 25.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
7.	Grabarsky Decl. at Ex. 26.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
8.	Grabarsky Decl. at Ex. 27.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial	Sustained: _____ Overruled: _____

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		than Probative	
9.	Grabarsky Decl. at Ex. 28.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
10.	Grabarsky Decl. at Ex. 29.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
11.	Grabarsky Decl. at Ex. 30.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
12.	Grabarsky Decl. at Ex. 31.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
13.	Grabarsky Decl. at Ex. 32.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
14.	Grabarsky Decl. at Ex. 33.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation;	Sustained: _____ Overruled: _____

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		Irrelevant/More Prejudicial than Probative	
15.	Grabarsky Decl. at Ex. 34.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
16.	Grabarsky Decl. at Ex. 35.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
17.	Grabarsky Decl. at Ex. 36.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
18.	Grabarsky Decl. at Ex. 37.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
19.	Grabarsky Decl. at Ex. 38.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
20.	Grabarsky Decl. at Ex. 39.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
21.	Grabarsky Decl. at Ex. 40.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
22.	Grabarsky Decl. at Ex. 41.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
23.	Grabarsky Decl. at Ex. 42.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
24.	Grabarsky Decl. at Ex. 43.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____
25.	Grabarsky Decl. at Ex. 44.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial	Sustained: _____ Overruled: _____

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		than Probative	
26.	Grabarsky Decl. at Ex. 45.	<u>Fed. R. Evid. 401, 402, 403, 602, 802</u> Hearsay; Lacks Foundation; Irrelevant/More Prejudicial than Probative	Sustained: _____ Overruled: _____

OBJECTIONS TO DECLARATION OF JAMES WATT

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
27.	Declaration of James Watt, M.D., M.P.H. in Support of The State Defendants' Opposition to Plaintiffs' Renewed Application for a Temporary Restraining Order ("Watt Decl.") at 3:17-3:23.	<u>Fed. R. Evid. 401, 402, 403, 602, 702</u> The statements regarding CDPH's fundamental responsibilities and mission are irrelevant, speculative, and lack foundation. Dr. Watt's statements about the CDPH's mission and fundamental responsibilities are also improper subjects of expert testimony as such statements will not aid the trier of fact in understanding the evidence or determining a fact at issue.	Sustained: _____ Overruled: _____
28.	Watt Decl. at 3:24-4:2.	<u>Fed. R. Evid. 401, 402, 403, 602, 702</u> The statements regarding CDPH's fundamental responsibilities and mission are irrelevant, speculative, and lack foundation. Dr. Watt's	Sustained: _____ Overruled: _____

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		statements about the CDPH Center for Infectious Disease’s mission and fundamental responsibilities are also improper subjects of expert testimony as such statements will not aid the trier of fact in understanding the evidence or determining a fact at issue.	
29.	Watt Decl. at 5:2–5:5.	<p><u>Fed. R. Evid. 401, 402, 403, 602, 702</u></p> <p>The statements are speculative and lack foundation.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
30.	Watt Decl. at 5:8–5:16.	<p><u>Fed. R. Evid. 401, 402, 403, 602, 701 702</u></p> <p>The statements are argumentative, speculative, lack foundation, and constitute improper opinion testimony. Dr. Watt’s statement that “the available scientific publications . . . have not yet completed the standard scientific peer-reviewed process required for validation” is more prejudicial than probative.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
31.	Watt Decl. at 5:17–5:23.	<p><u>Fed. R. Evid. 401, 402, 403, 602, 701 702</u></p> <p>The statements are argumentative, speculative, and lack foundation. Dr. Watt’s statement regarding guidance on the use of face coverings</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		constitutes improper legal opinion.	
32.	Watt Decl. at 6:2–6:21.	<p><u>Fed. R. Evid. 401, 402, 403, 602, 702</u></p> <p>The statements are argumentative, speculative, and lack foundation. Dr. Watt’s statement that “[s]ome data suggest that there may be serious lingering effects for some of those who recover from COVID-19, and that even those who are asymptomatic or have mild illness may suffer from lingering long-term effects” is speculative. Moreover, it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
33.	Exhibit 2 to Watt Decl.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The Mayo Clinic’s conclusion is speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
34.	Watt Decl. at 6:27-7:6.	<p><u>Fed. R. Evid. 401, 402, 403, 602, 801, 901</u></p> <p>Hearsay. The evidence is speculative as to whether “widespread consensus” exists. Lacks foundation. Statistics and hyperlinks are not properly authenticated.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
35.	Watt Decl. at 7:7-18	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence is speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission the cited studies have not been subject to a peer-review process for validation (see Watt Decl. at 5:13-16), it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
36.	Exhibit 3 to Watt Decl.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence is speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13-16), it is not based on</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		either sufficient facts or data or on reliable principles or methods.	
37.	Exhibit 4 to Watt Decl.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence is speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
38.	Watt Decl. at 7:19–26	<p><u>Fed. R. Evid. 401, 402, 403, 602, 801 901</u></p> <p>Hearsay. The evidence as to “consensus” on infection passing via respiratory droplets is speculative, lacks foundation, and is not properly authenticated.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
39.	Exhibit 5 to Watt Decl.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13-16), it is not based on either sufficient facts or data or on reliable principles or methods.	
40.	Watt Decl. at 7:27-8: 3	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence is speculative as to aerosol transmission, lacks foundation, and hyperlink is not properly authenticated.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
41.	Watt Decl. at 8:4-9	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence is speculative as to fomite transmission, lacks foundation, and hyperlink is not properly authenticated.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
42.	Watt Decl. at 8:10-14	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence is speculative as to infection prevention precautions, lacks foundation, and hyperlink is not properly authenticated.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
43.	Exhibit 6 to Watt Decl.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence is</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods.	
44.	Watt Decl. at 8:15–21	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence on secondary cases is speculative, lacks foundation, and the hyperlink not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
45.	Watt Decl. at 8:22–28	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence is speculative and lacks foundation. Moreover, it is not based on either sufficient facts or data or on reliable principles</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		or methods.	
46.	Exhibit 7 to Watt Decl.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence as to asymptomatic spread in nursing facilities is speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
47.	Watt Decl. at 9:1–9	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence is speculative and lacks foundation. Moreover, it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
48.	Exhibit 8 to Watt Decl.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence of presymptomatic spread is speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		subject to a peer-review process for validation (see Watt Decl. at 5:13-16), it is not based on either sufficient facts or data or on reliable principles or methods.	
49.	Exhibit 9 to Watt Decl.	<u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u> Hearsay. The evidence of presymptomatic spread is speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13-16), it is not based on either sufficient facts or data or on reliable principles or methods.	Sustained: _____ Overruled: _____
50.	Watt Decl. at 9:10-20	<u>Fed. R. Evid. 401, 402, 403, 702</u> The evidence as to asymptomatic spread is speculative and lacks foundation. Moreover, it is not based on either sufficient facts or data or on reliable methods.	Sustained: _____ Overruled: _____
51.	Watt Decl. at 9:25-28	<u>Fed. R. Evid. 401, 402, 403, 701, 702</u> Improper legal opinion; speculative as to time COVID-	Sustained: _____ Overruled: _____

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		19 was spreading through community; lacks foundation as to statement that COVID-19 was spreading in “most California counties for several months.”	
52.	Watt Decl. at 10:7-21	<u>Fed. R. Evid. 401, 402, 403, 702</u> The evidence as to transmission speculative and lacks foundation. Moreover, it is not based on either sufficient facts or data or on reliable methods.	Sustained: _____ Overruled: _____
53.	Watt Decl. at 10:22-25	<u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u> Hearsay. The evidence is speculative as to infection prevention precautions, lacks foundation, and hyperlink is not properly authenticated.	Sustained: _____ Overruled: _____
54.	Watt Decl. at 10:26-11:4	<u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u> Hearsay. The evidence is speculative and lacks foundation. Moreover, it is not based on either sufficient facts or data or on reliable principles or methods.	Sustained: _____ Overruled: _____
55.	Exhibit 10 to Watt Decl.	<u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u> Hearsay. The evidence of spread at social gatherings is	Sustained: _____ Overruled: _____

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		speculative, lacks foundation, and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods.	
56.	Watt Decl. at 11:5–21	<u>Fed. R. Evid. 401, 402, 403, 702</u> The evidence as to transmission at gatherings is speculative and lacks foundation. Moreover, it is not based on either sufficient facts or data or on reliable methods.	Sustained: _____ Overruled: _____
57.	Watt Decl. at 11:27–12:8 and Exhibit 11.	<u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u> Hearsay. The evidence of spread in closed environments lacks foundation and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16 and 11:27), it is not based on either sufficient facts or data or on reliable principles or methods.	Sustained: _____ Overruled: _____

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
58.	Watt Decl. at 12:9-15 and Exhibit 12.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence of spread in closed environments lacks foundation and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13-16 and 12:9), it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
59.	Watt Decl. at 12:17-27	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence is speculative as to whether vocalization presents a high risk of the spread of COVID-19. Lacks foundation. Statistics and hyperlinks are not properly authenticated.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
60.	Watt Decl. at 13:1-5	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence is speculative. Lacks foundation. The statement that “there have been multiple reports of significant spread of COVID-19 resulting from gatherings involving such activities, including among others, choir</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		practices and services in houses of worship” is more prejudicial than probative.	
61.	Watt Decl. at 13:6–14 and Exhibit 13.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence of spread in churches lacks foundation and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods. Moreover, the findings regarding the Skagit, County church are more prejudicial than probative.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
62.	Watt Decl. at 12:15–24 and Exhibit 14.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence of spread in churches lacks foundation and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods. Moreover, the</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		findings regarding the Arkansas church are more prejudicial than probative.	
63.	Watt Decl. at 12:25–12:22 and Exhibits 15 and 16.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence of spread in churches lacks foundation and is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods. Moreover, the findings regarding the South Korean church are more prejudicial than probative.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
64.	Watt Decl. at 14:15–23 and Exhibit 17.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence of “consensus among public health officials” is speculative. Lacks foundation.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
65.	Watt Decl. at 14:24–15:2 and Exhibit 18	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence of “consensus among public health officials” is speculative. Lacks foundation. Hyperlink is not properly authenticated.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		<p>Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods.</p>	
66.	Watt Decl. at 15:15–20	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence of “consensus among public health officials” is speculative. Lacks foundation.</p>	<p>Sustained: _____ Overruled: _____</p>
67.	Watt Decl. at 15:21–16:8	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence is speculative as to whether vocalization presents a high risk of the spread of COVID-19. Lacks foundation. Statistics and hyperlinks are not properly authenticated. Moreover, since by Dr. Watt’s own admission such studies have not been subject to a peer-review process for validation (see Watt Decl. at 5:13–16), it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____ Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
68.	Watt Decl. at 16:17-16:24	<p><u>Fed R. Evid. 401, 402, 403, 801, 901</u></p> <p>Hearsay, lacks foundation, speculation. Not based on sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
69.	Watt Decl. at 16:26-17:5 and Exhibit 22.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence of “widespread consensus” is speculative. Lacks foundation. Hyperlink is not properly authenticated. Moreover, since by Dr. Watt’s own admission such a study has not been subject to a peer-review process for validation (see Watt Decl. at 5:13-16), it is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
70.	Watt Decl. at 17:7-17.15	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence of “widespread consensus” is speculative. Lacks foundation. Not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
71.	Watt Decl. at 17:18-18:2	<p><u>Fed. R. Evid. 701, 702</u></p> <p>Improper legal opinion as to purpose of state’s public health</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		measures; speculative as to efficacy of regulations to “protect all people from infection;” lacks foundation.	
72.	Watt Decl. at 18:3-17	<p><u>Fed. R. Evid. 701, 702</u></p> <p>Improper legal opinion as to purpose and design of state’s public health measures; lacks foundation.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
73.	Watt Decl. at 18:19–28	<p><u>Fed. R. Evid. 701, 702</u></p> <p>Improper legal opinion as to purpose and design of governor’s executive orders; lacks foundation.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
74.	Watt Decl. at 19:1–21:3	<p><u>Fed. R. Evid. 701, 702</u></p> <p>Improper legal opinion as to purpose and design of governor’s executive orders; lacks foundation.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
75.	Watt Decl. at 21:4–21:7	<p><u>Fed. R. Evid. 701, 702</u></p> <p>Improper legal opinion as to restriction on in-person worship services and cultural events; lacks foundation.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
76.	Watt Decl. at 21:8–22:23	<p><u>Fed. R. Evid. 701, 702</u></p> <p>Improper legal opinion as to face covering requirement; lacks foundation; CDPH hyperlink is not properly</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		authenticated.	
77.	Watt Decl. at 22:24–25:1	<u>Fed. R. Evid. 701, 702</u> Improper legal opinion as to July 1 guidance and its application to businesses.	Sustained: _____ Overruled: _____
78.	Watt Decl. at 25:2–26:4	<u>Fed. R. Evid. 701, 702</u> Improper legal opinion as to July 13 guidance and its application to churches	Sustained: _____ Overruled: _____
79.	Watt Decl. at 26:5–27:11 and Exhibits 27, 28, and 29.	<u>Fed. R. Evid. 401, 402, 403, 701, 702</u> Improper legal opinion as to guidance for schools and places of worship; speculative as to what events produce an “elevated risk of COVID-19 virus spread.”	Sustained: _____ Overruled: _____
80.	Watt Decl. at 29:12–17	<u>Fed. R. Evid. 401, 402, 403, 701, 702</u> Speculative as to “11 deaths” being “a large number of deaths.” Lacks foundation. Not based on sufficient facts or procedures.	Sustained: _____ Overruled: _____
81.	Watt Decl. at 29:18–25	<u>Fed. R. Evid. 401, 402, 403, 701, 702</u> Speculative as to “11 deaths” being “a large number of deaths.” Lacks foundation. Not based on either sufficient facts	Sustained: _____ Overruled: _____

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		or data or on reliable principles or methods.	
82.	Watt Decl. at 29:26–30:25	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702</u></p> <p>Improper legal opinion as to application of CAL/OSHA guidelines; Speculation as comparison between factory work and church attendance; Not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO DECLARATION OF GEORGE RUTHERFORD

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
83.	Declaration of Dr. George Rutherford in Support of The State Defendants’ Opposition to Plaintiffs’ Renewed Application for a Temporary Restraining Order (“Rutherford Decl.”) at 5:13–5:23.	<p><u>Fed. R. Evid. 401, 402, 403, 702</u></p> <p>The statements regarding the origin of the COVID-19 disease are speculative and lack foundation. Dr. Rutherford’s statements are also not based either on sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
84.	Rutherford Decl. at 5:25–6:24.	<p><u>Fed. R. Evid. 401, 402, 403, 702</u></p> <p>The statements regarding the symptoms and effects of COVID-19 disease are</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		speculative and lack foundation. Dr. Rutherford’s statements are not based on any apparent facts or data, or with apparent reliance on reliable principles or methods.	
85.	Rutherford Decl. at Exhibit 2	<u>Fed. R. Evid. 401, 402, 403, 702, 801</u> Hearsay. Irrelevant. Discussion of “alarmingly high rate of myocarditis” is more prejudicial than probative. News article is not peer-reviewed.	Sustained: _____ Overruled: _____
86.	Rutherford Decl. at 6:25–7:14.	<u>Fed. R. Evid. 401, 402, 403, 701 702</u> The statements regarding statistics reporting the number of individuals contracting and killed by COVID-19 are speculative and lack foundation. Dr. Rutherford’s statements are not based on any apparent facts or data, or with apparent reliance on reliable principles or methods.	Sustained: _____ Overruled: _____
87.	Rutherford Decl. at 7:15–8:2.	<u>Fed. R. Evid. 401, 402, 403, 701, 702</u> The statements regarding transmission of COVID-19 are speculative and lack foundation. Dr. Rutherford’s statements are not based on any apparent facts	Sustained: _____ Overruled: _____

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		or data, or with apparent reliance on reliable principles or methods.	
88.	Rutherford Decl. at Exhibit 3	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801</u></p> <p>Hearsay. Irrelevant. Discussion of singular instances of “aerosol transmission” are more prejudicial than probative.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
89.	Rutherford Decl. at 8:13–20 and Exhibit 4	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence of contagion is speculative. Lacks foundation. Moreover, conclusion is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
90.	Rutherford Decl. at 8:21–28 and Exhibit 5	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence of contagion is speculative. Lacks foundation. Moreover, conclusion is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
91.	Rutherford Decl. at 9:1–7 and Exhibit 6	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801 901</u></p> <p>Hearsay. The evidence of viral load is speculative. Lacks</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		foundation. Moreover, conclusion is not based on either sufficient facts or data or on reliable principles or methods.	
92.	Rutherford Decl. at 9:8-17 and Exhibit 7	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence of superspreading events is speculative. Lacks foundation. Moreover, conclusion is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
93.	Rutherford Decl. at 9:18 - 25	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. The evidence of “super-spreaders” is speculative. Lacks foundation.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
94.	Rutherford Decl. at 10:12-13	<p><u>Fed. R. Evid. 401, 402, 403, 702, 901</u></p> <p>Improper legal conclusion; speculation; lacks foundation.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
95.	Rutherford Decl. at 10:20-11:9	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. Speculation as to “consensus among public health experts,” lacks foundation. Moreover, conclusion is not based on either sufficient facts or data or</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		on reliable principles or methods.	
96.	Rutherford Decl. at 11:10-16	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. Speculation as to asymptomatic cases; lacks foundation. Moreover, conclusion is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
97.	Rutherford Decl. at 11:17-23	<p><u>Fed. R. Evid. 401, 402, 403, 602, 702, 801, 901</u></p> <p>Hearsay. Speculation as to assertion that “herd immunity” will be unsuccessful; lacks foundation. Moreover, conclusion is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
98.	Rutherford Decl. at 11:24-12:3 and Exhibit 8	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. Speculation as to assertion that “reinfection” occurring; lacks foundation. Moreover, conclusion is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
99.	Rutherford Decl. at 12:4-12	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay; lacks foundation. Moreover, conclusion about San Quentin Outbreak is not based on either sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
100.	Rutherford Decl. at 12:13-19	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay; speculation; lacks foundation as to statements about Sweden death and illness rate, as well as economic data.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
101.	Rutherford Decl. at 12:20-13:2	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay; speculation; lacks foundation as to statements about Sweden herd immunity, which are also not based on either apparent sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
102.	Rutherford Decl. at 13:4-19	<p><u>Fed. R. Evid. 401, 402, 403, 702, 901</u></p> <p>Speculation as to risk factors and risk of transmission from indoor gatherings; lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		reliable principles or methods.	
103.	Rutherford Decl. at 13:20–14:4 and Exhibit 11.	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. Hyperlink to ASHRAE readiness is not properly authenticated. Lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
104.	Rutherford Decl. at 14:21–15:7 and Exhibit 14	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. Speculation as to “consensus among public health officials” regarding singing. Moreover, the findings regarding the Skagit, County church are more prejudicial than probative. Lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
105.	Rutherford Decl. at 15:8–15:19 and Exhibit 15	<p><u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u></p> <p>Hearsay. Speculation as to “other factors” that singing, chanting, and speaking loudly present to increase risk of transmission. Moreover, the findings regarding the Arkansas church are more prejudicial than probative. Lacks</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.	
106.	Rutherford Decl. at 15:20–16:4 and Exhibits 16 and 17	<u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u> Hearsay. Speculation as to “heightened risk of transmitting COVID-19 when an individual sings.” Lacks foundation. Irrelevant as to exhibits presenting information on influence transmission.	Sustained: _____ Overruled: _____
107.	Rutherford Decl. at 16:6–24	<u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u> Speculation as to “worship services generally last a minimum of an hour” and “buildings . . . are older and are not equipped with adequate methods of ventilation.” Lacks foundation.	Sustained: _____ Overruled: _____
108.	Rutherford Decl. at 16:25–17:3	<u>Fed. R. Evid. 701, 702</u> Improper legal conclusion as to OSHA standards.	Sustained: _____ Overruled: _____
109.	Rutherford Decl. at 17:4–17:12	<u>Fed. R. Evid. 401, 402, 403, 702, 801, 901</u> Hearsay. Speculation as to “other superspreading incidents.” Moreover, the findings regarding the Skagit	Sustained: _____ Overruled: _____

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		County church are more prejudicial than probative. Lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.	
110.	Rutherford Decl. at 17:13-18:7	<u>Fed. R. Evid. 401, 402, 403, 702, 901</u> Speculation as to comparison between grocery shopping and worship services. Lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.	Sustained: _____ Overruled: _____
111	Rutherford Decl. at 18:8-23	<u>Fed. R. Evid. 401, 402, 403, 702, 901</u> Speculation as to comparison between restaurant dining and worship services. Lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.	Sustained: _____ Overruled: _____
112.	Rutherford Decl. at 18:24-19:20	<u>Fed. R. Evid. 401, 402, 403, 702, 901</u> Speculation as to comparison between factories and worship services. Lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods. Improper legal	Sustained: _____ Overruled: _____

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		conclusion as to application of Cal. Labor Code.	
113.	Rutherford Decl. at 19:21-26	<p><u>Fed. R. Evid. 401, 402, 403, 702, 901</u></p> <p>Speculation as to comparison between outdoor protests and worship services. Lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
114.	Rutherford Decl. at 20:1-8	<p><u>Fed. R. Evid. 401, 402, 403, 702, 901</u></p> <p>Speculation as to “broad consensus among public health professionals.” Lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
115.	Rutherford Decl. at 20:9-21:8	<p><u>Fed. R. Evid. 401, 402, 403, 702, 901</u></p> <p>Speculation as to “widespread consensus among public health officials.” Lacks foundation as to statement that “California’s stay at home orders slowed the rate of infections in California.” Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
116.	Rutherford Decl. at 21:9-20	<p><u>Fed. R. Evid. 401, 402, 403, 702, 901</u></p> <p>Lacks foundation as to statement that “restrictions the State has imposed on indoor house of worship services . . . are appropriate.” Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods. Improper legal conclusion as to statement that restrictions are “justified public health measures.”</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
117.	Rutherford Decl. at 21:21-22:2	<p><u>Fed. R. Evid. 401, 402, 403, 702, 901</u></p> <p>Speculation as to “consensus among most public health officials.” Lacks foundation. Conclusions are not based on either apparent sufficient facts or data or on reliable principles or methods.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
118.	Rutherford Decl. at 22:23-23:20	<p><u>Fed. R. Evid. 401, 402, 403, 702, 901</u></p> <p>Lacks foundation; improper legal conclusion as to appropriateness of county re-opening criteria.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
119.	Rutherford Decl. at 23:21-26:10	<p><u>Fed. R. Evid. 401, 402, 403, 702, 901</u></p> <p>Irrelevant; lacks foundation;</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		mischaracterizes prior report of Dr. Delgado; document speaks for itself.	

OBJECTIONS TO DECLARATION OF PETER B. IMREY

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
120.	Declaration of Peter B. Imrey, Ph.D. in Support of the State Defendants’ Opposition to Plaintiffs’ Renewed Application for a Temporary Restraining Order (“Imrey Decl.”) at 5:16–19.	<u>Fed. R. Evid. 401, 402, 403, 702</u> The statement asking the Court to recognize that the “foci of all [of Dr. Delgado’s] areas [of expertise]” are not “the transmission and prevention of contagious infectious disease.” Lacks foundation. Improper expert opinion.	Sustained: _____ Overruled: _____
121	Imrey Decl. at 5:25–6:27.	<u>Fed. R. Evid. 401, 402, 403, 702, 801</u> Hearsay. Lacks foundation. Improper expert opinion, Irrelevant.	Sustained: _____ Overruled: _____
122.	Imrey Decl. at 5:8–11	<u>Fed. R. Evid. 401, 402, 403, 702</u> Speculation as to statement that Dr. Delgado’s training “would not be expected to confer . . . knowledge of the principles and research methods of [public health] disciplines.” Lacks foundation. Mischaracterizes	Sustained: _____ Overruled: _____

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		Dr. Delgado’s Supplemental Declaration.	
123.	Imrey Decl. at 6:23–7:4	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702</u></p> <p>Speculation as to lack of “relevant background qualifications.” Lacks foundation. Irrelevant and more prejudicial than probative as to description of “Steno Institute” and its alleged affiliation with “pro-life topics.”</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
124.	Imrey Decl. at 7:5–7:12.	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702</u></p> <p>Speculation as to alleged lack of “prior background or training in modeling contagious infectious disease spread.” Lacks foundation. Irrelevant.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
125.	Imrey Decl. at 9:12–14	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702</u></p> <p>Lacks foundation. Mischaracterizes Dr. Delgado’s Supplemental Declaration. Document speaks for itself.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
126.	Imrey Decl. at 10:24–26	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702, 901</u></p> <p>Lacks foundation. CDC chart not properly authenticated.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		Document speaks for itself.	
127.	Imrey Decl. at 12:22-27	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702</u></p> <p>Lacks foundation. Mischaracterizes Dr. Delgado’s Supplemental declaration. Document speaks for itself.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
128.	Imrey Decl. at 16:15-17:12	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702</u></p> <p>Speculation as to alternative weights of variables. Lacks foundation. Mischaracterizes Dr. Delgado’s Supplemental Declaration. Document speaks for itself.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
129.	Imrey Decl. at 19:23-20:7	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702, 801, 901</u></p> <p>Hearsay. Lacks foundation. Irrelevant. Mischaracterizes Dr. Bhattacharya’s studies. Documents speaks for themselves. Improper authentication</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
130.	Imrey Decl. at 20:19-21:2	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702, 801, 901</u></p> <p>Hearsay. Lacks foundation. Irrelevant. Mischaracterizes Dr. Bhattacharya’s studies. Documents speaks for themselves. Improper authentication</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
131.	Imrey Decl. at 21:7-9	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702, 801</u></p> <p>Hearsay. Lacks foundation. Irrelevant as to email of Dr. Bhattacharya’s wife. Documents speak for themselves.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
132.	Imrey Decl. at 22:10-12	<p><u>Fed. R. Evid. 401, 402, 403, 701, 702, 801</u></p> <p>Hearsay. Speculation as to alleged “tendency for overconfidence” with regard to Dr. Bhattacharya. Irrelevant as to accuracy of Dr. Bhattacharya report. Lacks foundation.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO DECLARATION OF PETER B. IMREY

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
133.	<p>Declaration of California Highway Patrol Captain Douglas Lyons in Support of the State Defendants’ Opposition to Plaintiffs’ Renewed Application for a Temporary Restraining Order (“Lyons Decl.”) at 1:23-2:2</p>	<p><u>Fed. R. Evid. 401, 402, 403, 802, 1002</u></p> <p>The description of the NAACP application violates the best evidence rule, and a description of it is hearsay, irrelevant, and more prejudicial than probative.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
134.	Lyons Decl. at 2:7-13.	<p><u>Fed. R. Evid. 401, 402, 403, 802, 1002</u></p> <p>The description of the other applications violates the best evidence rule, and a description of it is hearsay, irrelevant, and more prejudicial than probative.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
135.	Lyons Decl. at 2:14-18	<p><u>Fed. R. Evid. 401, 402, 403</u></p> <p>The description of the other protests is irrelevant, and more prejudicial than probative.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO DECLARATION OF KIM JAMES

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
136.	Declaration of Kim James in Support of the State Defendants’ Opposition to Plaintiffs’ Renewed Application for a Temporary Restraining Order (“James Decl.”) at 1:12-24 and Exhibit A.	<p><u>Fed. R. Evid. 401, 402, 403, 802</u></p> <p>The description of Dr. Delgado’s prior relationship with UCSD is irrelevant, and more prejudicial than probative; and the attachment is hearsay.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
137.	James Decl. at 1:25-2:2 and Exhibit B.	<p><u>Fed. R. Evid. 401, 402, 403, 602, 802</u></p> <p>The description of Dr. Delgado’s prior relationship</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
		with UCSD is irrelevant, and more prejudicial than probative, and Ms. James has no personal knowledge of it. Further, the attachment is hearsay.	
138.	James Decl. at 2:3-8 and Exhibit C.	<p><u>Fed. R. Evid. 401, 402, 403, 602, 802</u></p> <p>The description of Dr. Delgado’s prior relationship with UCSD is irrelevant, and more prejudicial than probative, and Ms. James has no personal knowledge of it. Further, the attachment is hearsay.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO DECLARATION OF BRENT JORDAN

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
139.	Declaration of Brent Jordan in Support of the County Defendants’ Opposition to Plaintiffs’ Renewed Application for a Temporary Restraining Order / Preliminary Injunction (“Jordan Decl.”) at 1:10-21 and Exhibit A.	<p><u>Fed. R. Evid. 401, 402, 403, 802, 1002</u></p> <p>The description of the other citations issued, and the “summary description entered for each citation,” violates the best evidence rule, and is hearsay, irrelevant, and more prejudicial than probative.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO DECLARATION OF GARY JOHNSTON

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
140.	Declaration of Gary Johnson in Support of the County Defendants' Opposition to Plaintiffs' Renewed Application for a Temporary Restraining Order / Preliminary Injunction ("Johnston Decl.") at 3:13-16.	<u>Fed. R. Evid. 602, 702</u> The description of the seriousness of COVID-19 is an improper expert opinion that lacks foundation.	Sustained: _____ Overruled: _____
141.	Johnston Decl. at 3:17-21.	<u>Fed. R. Evid. 401, 402, 403, 602, 702</u> The description of the County's targeting lacks foundation, is conclusory, is improper opinion, and is more prejudicial than probative.	Sustained: _____ Overruled: _____
142.	Johnston Decl. at 3:26-4:10, and Exhibit A.	<u>Fed. R. Evid. 401, 402, 403</u> The description of the County's opening of parks is irrelevant.	Sustained: _____ Overruled: _____

IT IS SO ORDERED.

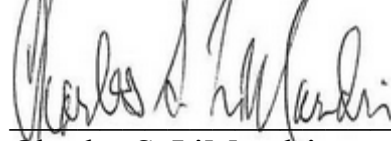
Dated: _____

HON. CYNTHIA BASHANT
U.S. DISTRICT JUDGE.

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Respectfully submitted,

LiMANDRI & JONNA LLP



Dated: September 8, 2020

By:

Charles S. LiMandri
Paul M. Jonna
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