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8 *Attorneys for Defendants* **ERIC GARCETTI, MICHAEL N. FEUER,**
9 **MICHEL MOORE, and the CITY OF LOS ANGELES**

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 **TURNER’S OPERATIONS, INC. et al.,**

13 **Petitioners & Plaintiffs,**

14 **v.**

15 **ERIC GARCETTI et al.,**

16 **Respondents & Defendants.**

CASE NO: 20STCP01258

**DECLARATION OF PAUL SIMON,
M.D., M.P.H. IN OPPOSITION TO
PLAINTIFFS’ EX PARTE
APPLICATION FOR A STAY OR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE**

Hearing Date: April 13, 2020
Hearing Time: 8:30 a.m.
Department: 1

DECLARATION OF PAUL SIMON, M.D., M.P.H.

Paul Simon declares:

1. I am the Chief Science Officer of the Los Angeles County Department of Public Health. I have been assigned as a medical advisor to the City of Los Angeles to assist in its response to the ongoing COVID-19 pandemic. I could testify truthfully to the following facts, of which I have personal knowledge.

2. COVID-19 is a dangerous illness caused by SARS-CoV-2 (or, in lay terms, the novel coronavirus). SARS-CoV-2 spreads like the common cold: An infected person coughs, sneezes, or otherwise expels aerosolized droplets containing the virus. Those droplets are either inhaled by a non-infected person nearby, or deposited on a surface that a non-infected person touches before touching his or her face. The data suggest that, in the absence of social distancing measures and other infection control interventions, each person sick with COVID-19 will on average infect between ~~two~~ five and ~~three~~ six other people. The data also suggest that people who exhibit no symptoms of COVID-19 can nevertheless spread SARS-CoV-2.

3. On March 17, 2020, the Los Angeles County Department of Public Health identified 100 cases of COVID-19 in the City of Los Angeles. The total number of identified cases increased as follows: March 18 – 112; March 19 – 137; March 20 – 182; March 21 – 207; March 22 – 258; March 23 – 318; March 24 – 386; March 25 – 545; March 26 – 652; March 27 – 839; March 28 – 1,020; March 29 – 1,171; March 30 – 1,386; March 31 – 1,580; April 1 – 1,787; April 2 – 2,047; April 3 – 2,361; April 4 – 2,659; April 5 – 2,851; April 6 – 3,130; April 7 – 3,360; April 8 – 3,587.

4. Below is a graph that depicts this 36-fold increase in *identified* cases over the 22 days between March 17 and April 8. It is worth noting that the number of identified cases is necessarily lower than the number of actual cases.



5. At the end of the day on April 9—that is, at midnight on April 10—the number of identified cases in the City was 3,787.

6. Of the cases identified in the County as of April 8, 24.5 percent required hospitalization, of which 19.5 percent required admission to an intensive care unit and support on a ventilator.

7. The resources available to care for COVID-19 patients are allocated County-wide. As of April 8, there were 5,536 available hospital beds in the County, including 1,222 telemetry beds, 3,059 medical/surgical beds, and 526 beds on the USNS Mercy, which is presently at the Port of Los Angeles. That number also includes 729 available ICU beds—of which 73 are on the USNS Mercy—and 1,880 ventilators.

8. It is important to note that the beds on the USNS Mercy are not for COVID-19 patients, but having them available for other patients will free beds elsewhere for COVID-19 patients.

(Continued on next page.)

9. Because SARS-CoV-2 spreads among people in close proximity to one another, any measure that discourages interpersonal contact helps to slow its spread—which in turn increases the amount of time before the County’s hospital capacity is overwhelmed. In short, action to enforce social distancing is imperative and will save lives.

I swear under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 10, 2020 at Los Angeles, California.

Paul Li

Paul Simon, M.D., M.P.H.

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PROOF OF SERVICE

Turner Operations, Inc. et al. v. Eric Garcetti, et al.
LASC Case No. 20STCP01258

I, Ava Smith, the undersigned, say: I am over the age of 18 years and not a party to the within action or proceeding. My business address is 200 North Main Street, City Hall East, 6th Floor, Los Angeles, California 90012.

On April 12, 2020, I served the foregoing documents described as: **DECLARATION OF PAUL SIMON, M.D., M.P.H. IN OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR A STAY OR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE** on the interested parties:

C.D. Michel
Sean A. Brady
Matthew D. Cubeiro
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☐ **BY MAIL** – I am readily familiar with the practice of the Los Angeles City Attorney's Office for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is placed for collection and mailing. On the date referenced above, I placed a true copy of the above document(s) in a sealed envelope and placed it for collection in the proper place in our office at Los Angeles, California.

☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address ava.smith@lacity.org to the persons at the email addresses listed in the Service List

☐ **BY PERSONAL SERVICE:** I placed a true copy of the above document(s) in a sealed envelope for delivery via messenger by Los Angeles City Attorney's Document Services, 200 No. Main Street, 8th Floor, City Hall East, Los Angeles, CA 90012.

☐ **BY OVERNIGHT DELIVERY:** I served the documents by placing them in an envelope or package addressed to the persons listed above and providing them to UPS Courier for delivery.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: April 12, 2020

_____/s/ Ava Smith