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15 Attorneys for Plaintiff  
16 NAOMI WOLF

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

19 DONALD J. TRUMP, et al.,  
20 Plaintiffs,  
21 vs.  
22 TWITTER, INC., et al.,  
23 Defendants.

Case No. 3:21-cv-08378-JD  
Hon. James Donato

**SUPPLEMENTAL DECLARATION  
OF SCOTT J. STREET IN  
SUPPORT OF PLAINTIFF DR.  
NAOMI WOLF'S MOTION FOR  
INDICATIVE RULING UNDER  
FED. R. CIV. P. 60 BASED ON  
NEWLY DISCOVERED EVIDENCE**

Action Filed: July 7, 2021

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701 B STREET, SUITE 1725  
SAN DIEGO, CALIFORNIA 92101

**SUPPLEMENTAL DECLARATION OF SCOTT J. STREET**

I, Scott J. Street, declare as follows:

1. I am an attorney duly licensed to practice before all courts in the state of California and before this Court. I am of counsel with the law firm JW Howard/Attorneys, Ltd., counsel of record to Plaintiff Dr. Naomi Wolf in this matter. I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. On August 26, 2022, Dr. Wolf filed a motion for an indicative ruling, asking whether this Court would entertain Dr. Wolf’s motion for relief from the judgment of dismissal pursuant to Rule 60 of the Federal Rules of Civil Procedure based on newly discovered evidence. Some of the evidence that Dr. Wolf’s Rule 60 motion would be based on was included with the declaration I submitted with the motion for an indicative ruling. The evidence included an email that showed how the Centers for Disease Control flagged one of Dr. Wolf’s tweets as alleged “misinformation”; Twitter blocked the tweet shortly after receiving the CDC’s email. That email was attached as Exhibit A to my previous declaration.

3. Since filing the motion for an indicative ruling, I have obtained more evidence of the explicit coordination between Twitter and executive branch officials during the spring and summer of 2021, the key period for Dr. Wolf’s claims. This evidence was disclosed in a joint filing in the case *State of Missouri ex rel. Schmitt et al. v. Biden et al.*, U.S. District Court Case No. 3:22-cv-01213-TAD-KDM (the “State AG Case”), which is pending in the Western District of Louisiana. The evidence was disclosed publicly on August 31, 2022, and thus could not have been included in my first declaration.

4. Attached to this declaration as **Exhibit “A”** is a true and correct copy of an email exchange dated May 10-11, 2021, between employees of Twitter, the CDC, the Census Bureau and Reingold (an Alexandria-based public relations firm)

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1 regarding alleged Covid vaccine misinformation and which was filed in the State AG  
2 Case. The chart that appears on pages two through four of Exhibit A is the same chart  
3 that appears in the document that was attached to my original declaration, though for  
4 some reason the version produced in the State AG Case is cut off. The tweet in the  
5 chart that begins “Well hundreds of women on this page say they are having bleeding/  
6 clotting after vaccination ...” was written by Dr. Wolf.

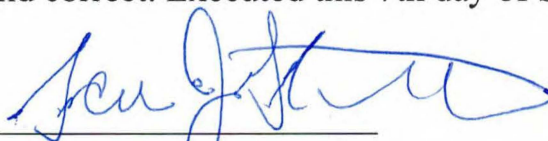
7 5. Attached to this declaration as **Exhibit “B”** is a true and correct copy of  
8 an email exchanged between May 10 and May 24, 2021, between the same  
9 CDC/Census/Twitter/Reingold employees regarding the same chart that included Dr.  
10 Wolf’s tweet, and which was produced in the State AG Case.

11 6. Attached to this declaration as **Exhibits “C”** and **“D”** are true and correct  
12 copies of discovery responses provided by executive branch officials in the State AG  
13 Case and which disclose meetings between Twitter and other technology companies  
14 and executive branch officials regarding information that the executive branch  
15 officials wanted removed from the tech platforms.

16 7. Attached to this declaration as **Exhibit “E”** is a true and correct copy of  
17 emails exchanged between CDC and Twitter employees during April 2021 which  
18 were produced in the State AG Case.

19 8. Attached to this declaration as **Exhibit “F”** is a true and correct copy of  
20 an April 16, 2021, email between White House officials about a meeting they had with  
21 Twitter officials about alleged Covid vaccine misinformation, and which was  
22 produced in the State AG Case.

23 Under penalty of perjury, under the laws of the United States of America, I  
24 declare that the foregoing is true and correct. Executed this 7th day of September 2022  
25 at Pasadena, California.



26  
27 Scott J. Street

**EXHIBIT "A"**



From: [redacted]@twitter.com]  
Sent: 5/11/2021 9:27:53 AM  
To: [redacted]@cdc.gov]  
Subject: Re: COVID Misinformation

Your account works fine. I'll proceed with processing your enrollment.  
On Tue, May 11, 2021 at 8:50 AM [redacted]@cdc.gov> wrote:  
Does it need to be the CDC account or my personal? If CDC, I'm going to have someone on staff enroll instead of me.

If personal is OK, it is: [redacted]

---

From: [redacted]@twitter.com>  
Sent: Monday, May 10, 2021 8:51 PM  
To: [redacted]@cdc.gov>  
Cc: [redacted]@reingold.com>; [redacted]@cdc.gov>; [redacted]@census.gov>; [redacted] (C)  
Subject: Re: COVID Misinformation

Hi [redacted]  
I'd be glad to enroll you in our Partner Support Portal, which allows you a special, expedited reporting flow in the Twitter Help Center. It worked very well with Census colleagues last year.

You need a Twitter account (and to be logged into that account) to access the Partner Support Portal. What account (or accounts) would you like me to enroll?

Best,

[redacted]

On Mon, May 10, 2021 at 5:05 PM [redacted]@cdc.gov> wrote:

[redacted] I don't think we have info on how to enroll but we'd be happy to get on if you can send some info.

Thanks.

---

From: [redacted]@twitter.com>  
Sent: Monday, May 10, 2021 3:02 PM  
To: [redacted]@cdc.gov>  
Cc: [redacted]@reingold.com>; [redacted]@reingold.com>; [redacted]@census.gov>; [redacted]

[redacted] cdc.gov>

Subject: Re: COVID Misinformation

Hi [redacted]

Thanks for sharing this - agree these are important trends to note; a quick scan shows that at least some of these have been previously reviewed and actioned. I will now ask the team to review the others.

[redacted] remind me: did you have a chance to enroll in our Partner Support Portal? In the future, that's the best way to get a spreadsheet like this reviewed.

Best.

On Mon, May 10, 2021 at 1:50 PM [redacted] @cdc.gov> wrote:

We wanted to point out two issues that we are seeing a great deal of misinfo about – vaccine shedding and microchips. The below are just some example posts. We do plan to post something shortly to address vaccine shedding and I can send that link soon. Our census team copied here, has much more info on it if needed.

Also, we are standing up a BOLO COVID misinformation meeting and inviting all tech platforms. We are shooting for 12pm EST on Friday for our first meeting. I'll include you on the invite but if you'd like to propose an alternative approach or would like to me include others, just let me know.

Thanks!

**Post Text**

MAGNET STICKS TO AREA INJECTED BY THE VACCINE- ARE THE VACCINATED GETTING MICROCHIPPED? #justsayno

The ex VP of Pfizer came out predicting that there will be a human depopulation of the vaccinated people in 2 years. An even shorter lifespan after the booster. He believes it's eugenics. Many scientists are corroborating this.

I'll be alive!

⊙ Experimental vaccines!



THE BIG QUESTION IS WHY ARE THEY LYING...GOVERNMENTS SIGNED US AWAY TO NWO..DEPOPULATION..ALSO EXPERIMENTS IN AI..IN LAYMENS TERMS..TRYING TO TURN US INTO ROBOTS/ ANDROIDS....ALSO THEY WANT WORLD BANK OF OUR DNA .. VIA VAX

Agreed. But if the science is being followed, there's an awful lot of evidence that the vax crowd are shedding...maybe the non-vaxxed are safer this way...thoughts

@crislerwyo

?

COVID 'Vaccine Shedding', Evidence SARS-CoV-2 Spike Protein Can 'Alter Human Genes' & VAERS Truth

Thank Bill Gates for wanting depopulation. That's exactly what this vaccine ✖ is doing, and will continue to do over the next few years.

IM ALARMED BY THE AMOUNT OF WOMEN IN MY DM'S COMPLAINING ABOUT ABNORMAL BLEEDING AND MISCARRIAGES AFTER COMING IN CONTACT WITH SOMEONE WHOSE BEEN VACCINATED!!!!

Well hundreds of women on this page say they are having bleeding/ clotting after vaccination or that they bleed oddly being AROUND vaccinated women. Unconfirmed, needs more investigation. But lots of reports. COVID-19 Vaccine Side Effects

[Links to: <https://www.infowars.com/posts/vaccine-shedding-causing-miscarriages-and-blood-clots-in-unvaccinated-females/>]

So the #CDC now says that those who are "Fully Vax✖nated" can "Go outside & live freely" lol.. This is a joke

Quick questions for those who were experimented on I MEAN-Took the shot, what were the ingredients in it? You did ASK right? .. Also, do you know what SHEDDING is?

Here is the official Pfizer trail protocols  
Concerning shedding by the vaccinated  
Fertility (male and female)  
contraception to be compulsorily used because shedding  
Adverse events and serious adverse events reporting  
And much more  
Dangers ore known

[https://media.tghn.org/medialibrary/2020/11/C4591001\\_Clinical\\_Protocol\\_Nov2020\\_Pfizer\\_BioNTech.pdf](https://media.tghn.org/medialibrary/2020/11/C4591001_Clinical_Protocol_Nov2020_Pfizer_BioNTech.pdf)

For those of you who have questions about Spiked Protein SHEDDING: Pfizer admits in its own mRNA vaxx trial documentation that non-vaxxed people can be ENVIRONMENTALLY EXPOSED to the shot's spike proteins by INHALATION or SKIN CONTACT.

<https://themostrbeautifulworld.com/blog/skin-contact-covid>

Pfizer acknowledges the existence of "SHEDDING" in their mRNA vaccines, and is setting up this new trial to study these dangers.

(Shedding is where unvaccinated people experience serious health issues just by being near to vaccinated people).

[https://media.tghn.org/medialibrary/2020/11/C4591001\\_Clinical\\_Protocol\\_Nov2020\\_Pfizer\\_BioNTech.pdf#page67](https://media.tghn.org/medialibrary/2020/11/C4591001_Clinical_Protocol_Nov2020_Pfizer_BioNTech.pdf#page67)



**EXHIBIT "B"**



From: [REDACTED]@reingold.com]  
 Sent: 5/24/2021 2:28:00 PM  
 To: [REDACTED]@twitter.com  
 CC: [REDACTED]@cdc.gov]; [REDACTED]@reingold.com]; [REDACTED]  
 Subject: RE: COVID Misinformation

Hi [REDACTED],

I hope you had a good weekend. I'm following up about the partner support portal enrollment for CDC. Does the Twitter account need to be connected to a cdc.gov email or is any account fine? Also, would there be any issues or complications stemming from flagging COVID misinformation on the portal using the existing census.gov accounts that have access? We'll want to have at least some CDC accounts whitelisted, but that backup may be helpful in the short-term.

Let us know any next steps we can take to make sure CDC is all set with the portal.

Thanks,

[REDACTED]

Reingold

[REDACTED]

[reingold.com](http://reingold.com)

We're on a mission. **Yours.**

From: [REDACTED] (CDC/OD/OADC)  
 Sent: Tuesday, May 11, 2021 8:50 AM  
 To: [REDACTED]@twitter.com>  
 Subject: RE: COVID Misinformation

Does it need to be the CDC account or my personal? If CDC, I'm going to have someone on staff enroll instead of me.

If personal is OK, it is: @ [REDACTED]

From: [REDACTED]@twitter.com>  
 Sent: Monday, May 10, 2021 8:51 PM  
 To: [REDACTED]@cdc.gov>  
 Cc: [REDACTED]@reingold.com>; [REDACTED]@reingold.com>; [REDACTED]  
 [REDACTED]@census.gov>; [REDACTED]@cdc.gov>  
 Subject: Re: COVID Misinformation

Hi [REDACTED]-

I'd be glad to enroll you in our Partner Support Portal, which allows you a special, expedited reporting flow in the Twitter Help Center. It worked very well with Census colleagues last year.



You need a Twitter account (and to be logged into that account) to access the Partner Support Portal. What account (or accounts) would you like me to enroll?

Best,

On Mon, May 10, 2021 at 5:05 PM [REDACTED]@cdc.gov> wrote:

[REDACTED] - I don't think we have info on how to enroll but we'd be happy to get on if you can send some info.

Thanks.

From: [REDACTED]@twitter.com>

Sent: Monday, May 10, 2021 3:02 PM

To: [REDACTED]@cdc.gov>

Cc: [REDACTED]@reingold.com>; [REDACTED]@reingold.com> [REDACTED]

[REDACTED]@census.gov>; [REDACTED]@cdc.gov>

Subject: Re: COVID Misinformation

H [REDACTED]

Thanks for sharing this - agree these are important trends to note; a quick scan shows that at least some of these have been previously reviewed and actioned. I will now ask the team to review the others.

[REDACTED] remind me: did you have a chance to enroll in our Partner Support Portal? In the future, that's the best way to get a spreadsheet like this reviewed.

Best.

On Mon, May 10, 2021 at 1:50 PM [REDACTED]@cdc.gov> wrote:

We wanted to point out two issues that we are seeing a great deal of misinfo about - vaccine shedding and microchips. The below are just some example posts. We do plan to post something shortly to address vaccine shedding and I can send that link soon. Our census team copied here, has much more info on it if needed.

Also, we are standing up a BOLO COVID misinformation meeting and inviting all tech platforms. We are shooting for 12pm EST on Friday for our first meeting. I'll include you on the invite but if you'd like to propose an alternative approach or would like to me include others, just let me know.

Thanks!

Post Text	Link
MAGNET STICKS TO AREA INJECTED BY THE VACCINE- ARE THE VACCINATED GETTING MICROCHIPPED? #justsayno	<a href="https://t">https://t</a>
<p>The ex VP of Pfizer came out predicting that there will be a human depopulation of the vaccinated people in 2 years. An even shorter lifespan after the booster. He believes it's eugenics. Many scientists are corroborating this.</p> <p> </p> <p>I'll be alive!</p> <p> </p> <p>🚫 Experimental vaccines!</p>	<a href="https://t">https://t</a>
THE BIG QUESTION IS WHY ARE THEY LYING...GOVERNMENTS SIGNED US AWAY TO NWO..DEPOPULATION..ALSO EXPERIMENTS IN AI..IN LAYMENS TERMS..TRYING TO TURN US INTO ROBOTS/ ANDROIDS....ALSO THEY WANT WORLD BANK OF OUR DNA .. VIA VAX	<a href="https://t">https://t</a>
<p>Agreed. But if the science is being followed, there's an awful lot of evidence that the vax crowd are shedding...maybe the non-vaxxed are safer this way...thoughts</p> <p>@crislerwyo</p> <p>?</p>	<a href="https://t">https://t</a>
COVID 'Vaccine Shedding', Evidence SARS-CoV-2 Spike Protein Can 'Alter Human Genes' & VAERS Truth	<a href="https://t">https://t</a>
Thank Bill Gates for wanting depopulation. That's exactly what this vaccine 🚫 is doing, and will continue to do over the next few years.	<a href="https://t">https://t</a>
IM ALARMED BY THE AMOUNT OF WOMEN IN MY DM'S COMPLAINING ABOUT ABNORMAL BLEEDING AND MISCARRIAGES AFTER COMING IN CONTACT WITH SOMEONE WHOSE BEEN VACCINATED!!!!	<a href="https://t">https://t</a>
Well hundreds of women on this page say they are having bleeding/ clotting after vaccination or that they bleed oddly being AROUND vaccinated women. Unconfirmed, needs more investigation. But lots of reports. COVID-19 Vaccine Side Effects	<a href="https://t">https://t</a>
[Links to: <a href="https://www.infowars.com/posts/vaccine-shedding-causing-miscarriages-and-blood-clots-in-unvaccinated-females/">https://www.infowars.com/posts/vaccine-shedding-causing-miscarriages-and-blood-clots-in-unvaccinated-females/</a> ]	<a href="https://t">https://t</a>
<p>So the #CDC now says that those who are "Fully Vax 🚫 nated" can "Go outside &amp; live freely" lol.. This is a joke</p> <p>Quick questions for those who were experimented on I MEAN -Took the shot, what were the ingredients in it? You did ASK right? .. Also, do you know what SHEDDING is?</p>	<a href="https://t">https://t</a>
<p>Here is the official Pfizer trail protocols</p> <p>Concerning shedding by the vaccinated</p> <p>Fertility (male and female)</p> <p>contraception to be compulsorily used because shedding</p> <p>Adverse events and serious adverse events reporting</p> <p>And much more</p> <p>Dangers ore known</p>	<a href="https://t">https://t</a>



[https://media.tghn.org/medialibrary/2020/11/C4591001\\_Clinical\\_Protocol\\_Nov2020\\_Pfizer\\_BioNTech.pdf](https://media.tghn.org/medialibrary/2020/11/C4591001_Clinical_Protocol_Nov2020_Pfizer_BioNTech.pdf)

For those of you who have questions about Spiked Protein SHEDDING: Pfizer admits in its own mRNA vaxx trial documentation that non-vaxxed people can be ENVIRONMENTALLY EXPOSED to the shot's spike proteins by INHALATION or SKIN CONTACT.

<https://t>

<https://themostrbeautifulworld.com/blog/skin-contact-covid>

Pfizer acknowledges the existence of "SHEDDING" in their #mRNA vaccines, and is setting up this new trial to study these dangers.

<https://t>

(Shedding is where unvaccinated people experience serious health issues just by being near to vaccinated people).

[https://media.tghn.org/medialibrary/2020/11/C4591001\\_Clinical\\_Protocol\\_Nov2020\\_Pfizer\\_BioNTech.pdf#page67](https://media.tghn.org/medialibrary/2020/11/C4591001_Clinical_Protocol_Nov2020_Pfizer_BioNTech.pdf#page67)



**CAUTION:** This message originated externally. Please use caution when clicking on links or opening attachments.

**EXHIBIT "C"**

internal inquiry, are known to have communicated with employees of the Social-Media Platforms, and (ii) contain one or more reasonable search terms calculated to identify which of the communications identified in (i) relate to Misinformation. Those Requests for Production provide a more expeditious and significantly less burdensome method for Plaintiffs to obtain the information sought, considering the expedited nature of the discovery here and the broad scope of this Interrogatory.

**RESPONSE:** Subject to and without waiving the above objections, the agency Defendants, HHS, NIAID, CDC, DHS, and CISA, respond and refer Plaintiffs to the documents being produced in response to Plaintiffs' First Requests For Production to Defendants.

**Common Interrogatory No. 4:**

**Identify all meetings with any Social-Media Platform relating to Content Modulation and/or Misinformation.**

**OBJECTIONS:** Defendants incorporate by reference the above objections. Defendants further object that the Interrogatory is vague and ambiguous, including through the term "relating to . . . Misinformation." Defendants further object to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of this case. This Interrogatory calls for a response based on "meetings" by any Defendant or any employee or subordinate of any Defendant, with any and all Social-Media Platforms, even if those platforms are not at issue in the Complaint (or in the Amended Complaint), and including each platform's "officers, agents, employees, contractors, or any other person employed by or acting on behalf of [such] Social-Media Platform." Defendants cannot conduct an exhaustive search to uncover all possible responsive information under the current, abbreviated expedited discovery schedule. Such expedited discovery is especially burdensome given that Defendants' motion to dismiss the Amended Complaint for lack

of subject-matter jurisdiction and other deficiencies is forthcoming. Defendants also object to this Interrogatory to the extent it seeks information protected by the deliberative process privilege, attorney-client privilege, law enforcement privilege, a statutory national security privilege, presidential communications privilege, or any other applicable privilege. Additionally, challenges to administrative agency action are ordinarily not subject outside the administrative record. *Lorion*, 470 U.S. at 743-44. Moreover, this Interrogatory is overbroad, unduly burdensome, and disproportional to the needs of the case, insofar as it purports to require a response from each agency concerning components of the agency or concerning governmental entities outside the agency whose actions are not challenged in the Complaint or Amended Complaint and whose information is not reasonably available to the agency or agency component whose alleged conduct is challenged in the Complaint or Amended Complaint.

Further, Defendants object to this Interrogatory on the ground that any discovery on the White House at this stage of the litigation is unduly burdensome and disproportional to the needs of the case. Plaintiffs have not exhausted all other avenues of discovery before seeking discovery on the White House. *See, e.g.*, Order, *Centro Presente*, No. 1:18-cv-10340 (D. Mass. May 15, 2019); *Karnoski v. Trump*, 926 F.3d 1180, 1207 (9th Cir. 2019); *Cheney*, 542 U.S. at 390. Additionally, discovery propounded on White House officials would create an undue burden, distract them from their critical executive responsibilities, and violate the separation of powers. *See Cheney*, 542 U.S. at 385. That burden is especially undue at this stage of the litigation given that Defendants' motion to dismiss the Amended Complaint for lack of subject-matter jurisdiction and other deficiencies is forthcoming. Additionally, Defendants object to this Interrogatory to the extent a response requires review of information protected by the presidential communications privilege or other executive privileges. *See Nixon*, 418 U.S. at 708. Because Plaintiffs are not



entitled to such information, the request imposes a burden on Defendant disproportionate to the minimal benefit (if any) that Plaintiffs might derive from the possibility of responsive, non-privileged information. *See Cheney*, 542 U.S. at 389.

Defendants further object to this Interrogatory as unreasonably cumulative and duplicative of Plaintiffs' Requests for Production 2, 3, and 4, in response to which Defendants are producing non-privileged e-mail communications between Defendants and employees of the Social-Media Platforms concerning Misinformation located within a review population consisting of e-mail files that (i) are collected from custodians who, having been identified through Defendants' internal inquiry, are known to have communicated with employees of the Social-Media Platforms, and (ii) contain one or more reasonable search terms calculated to identify which of the communications identified in (i) relate to Misinformation. Those Requests for Production provide a more expeditious and significantly less burdensome method for Plaintiffs to obtain the information sought, considering the expedited nature of the discovery here and the broad scope of this Interrogatory.

**RESPONSE:** Subject to and without waiving the above objections, Defendants provide the following responses by the agency Defendants, HHS, NIAID, CDC, DHS, and CISA:

**HHS.** Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, HHS has identified OSG, NIAID, and CDC as available sources of information that is potentially responsive to Plaintiffs' discovery requests. HHS directs Plaintiffs to those agencies' responses.

**OSG.** Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, OSG responds that the following meetings took place with the Social-Media Platforms relating to

Misinformation:

- On July 12, 2021, from 3:00 pm to 3:30 pm ET, [OSG 3] from OSG met remotely with [Twitter 1] and [Twitter 2] from Twitter. [OSG 7] from U.S. Digital Response was invited and may have also attended. The meeting provided notice of the upcoming OSG Advisory and a high-level view of what issues OSG would be prioritizing in the Advisory.
- On July 14, 2021, from 3:00 pm to 3:30 pm ET, [OSG 3] from OSG met remotely with [YouTube 1] from YouTube, [Google 1] from Google, and [YouTube 2] from YouTube. The meeting provided notice of the upcoming OSG Advisory and a high-level view of what issues OSG would be prioritizing in the Advisory.
- On July 16, 2021, from 3:00 pm to 3:30 pm ET, [OSG 3] from OSG and [OSG 7] from U.S. Digital Response met remotely with [Facebook 1] and [Facebook 2] from Facebook. [Facebook 3] and [Facebook 4] from Facebook were invited and may have also attended. The meeting discussed the newly issued OSG Advisory.
- On July 23, 2021, from 1:30 pm to 2:00 pm ET, [OSG 1] and [OSG 3] from OSG, and [OSG 8] (who OSG understands to be a then part-time consultant supporting the Office of Science Technology and Policy) met remotely with [Facebook 5] and (very likely) [Facebook 4] from Facebook. The meeting discussed a recent e-mail from [Facebook 5] to [OSG 1] concerning recent public comments by the Administration about Facebook.
- On July 30, 2021, from 2:00 pm to 2:30 pm ET, [OSG 3] from OSG met with [YouTube 1] from YouTube, [Google 2] from Google, and [Google 1] from Google. The topics discussed included YouTube/Google following up on the announcement of the

OSG Advisory to share more of the work it was doing around health mis- and disinformation.

**NIAID.** Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, NIAID responds that no meetings took place with the Social-Media Platforms relating to Misinformation. NIAID has identified two possible meetings to discuss the potential participation by the NIAID director in U.S. Government efforts to publicize health information and provide COVID-19 and vaccine education via social media, which are not responsive to the Interrogatory, but are identified in the documents being produced in response to Plaintiffs' First Requests For Production to Defendants:

- Facebook approached NIAID in March 2020 to discuss public service announcements and ads, Facebook's CV19 hub, and an interview between **NIAID 1** and **Facebook 6**; NIAID scheduled the interview between **NIAID 1** and **Facebook 6** (which aired on Facebook Live)
- NIAID was invited to, but did not attend, a meeting scheduled for March 4, 2021, to discuss possible Facebook Live interviews with celebrities/influencers related to COVID-19 vaccines

**CDC.** Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, CDC responds that the following meetings took place with the Social-Media Platforms relating to Misinformation:

- On May 14, 2021, and May 28, 2021, there were virtual "Be on the Lookout" meetings concerning certain items of developing and prevalent COVID-19 misinformation on



- social media. The invitees included: **Twitter 2** from Twitter; **Google 3**, **Google 1**, and **YouTube 1** from Google; **Facebook 1**, **Facebook 7**, **Facebook 8**, and **Facebook 9** from Facebook; **Reingold 1** from Reingold; **Census 1**, **Census 2**, and **Census 3** from the United States Census Bureau (“Census”); and **CDC 13**, **CDC 1**, and **CDC 3** from CDC.
- On February 4, 2021 and February 25, 2021 there were virtual or telephonic meetings during which it is likely that misinformation was discussed among other topics. The invitees included: **Facebook 1**, **Facebook 10**, **Facebook 11**, **Facebook 12**, **Facebook 13**, **Facebook 7**, **Facebook 3**, and **Facebook 9** from Facebook; and **CDC 8**, **CDC 2**, and **CDC 1** from CDC.
  - On March 18, 2021, there was a virtual or telephonic meeting during which it is likely that misinformation was discussed among other topics. The invitees included: **Facebook 1**, **Facebook 10**, **Facebook 11**, **Facebook 12**, **Facebook 13**, **Facebook 7**, **Facebook 3**, and **Facebook 9** from Facebook; **HHS 1** and **HHS 2** from the Office of the Assistant Secretary of Public Affairs within HHS; and **CDC 8**, **CDC 2**, and **CDC 1** from CDC.
  - On March 25, 2021, there was a virtual or telephonic meeting to discuss misinformation. The invitees included **Facebook 1**, **Facebook 14**, **Facebook 10**, **Facebook 11**, **Facebook 2**, **Facebook 15**, **Facebook 16**, **Facebook 12**, **Facebook 17**, **Facebook 13**, **Facebook 18**, **Facebook 7**, **Facebook 19**, **Facebook 3**, and **Facebook 9** from Facebook; and **CDC 8**, **CDC 2**, and **CDC 1** from CDC.
  - On May 13, 2021, there was a virtual or telephonic meeting during which it is likely

- that misinformation was discussed among other topics. The invitees included: Facebook 1, Facebook 10, Facebook 11, Facebook 20, Facebook 12, Facebook 13, Facebook 7, Facebook 3, and Facebook 9 from Facebook; and CDC 8, CDC 2, and CDC 1 from CDC.
- On May 19, 2021, there was a virtual meeting to provided training on Facebook’s channel for reporting misinformation. The invitees included: CDC 8, CDC 1, CDC 13, CDC 3, CDC 17, and CDC 2 from CDC; Census 1, Reingold 1, and Reingold 2 from Reingold; Facebook 9 from Facebook; and Census 3, Census 4, and Census 2 from Census.
  - On May 20, 2021, there was a virtual or telephonic meeting during which it is likely that misinformation was discussed among other topics. The invitees included: Facebook 1, Facebook 10, Facebook 11, Facebook 21, Facebook 12, Facebook 13, Facebook 7, Facebook 3, and Facebook 9 from Facebook; CDC 8, CDC 2, CDC 5, and CDC 1 from CDC; and Reingold 1 from Reingold.
  - On August 31, 2021, there was a virtual meeting to discuss misinformation, including misinformation related to the Vaccine Adverse Event Reporting System (VAERS). The invitees included: CDC 18, CDC 19, CDC 9, CDC 12, CDC 20, CDC 21, CDC 22, CDC 11, CDC 13, CDC 23, CDC 6, and CDC 1 from CDC; and Facebook 9 from Facebook.
  - On March 24, 2021, there was a virtual meeting to discuss misinformation with Google/YouTube. The invitees included: Google 3, Google 1,



- Google 4**, **YouTube 1**, and **Google 5** from Google; **Census 5** and **Census 3** from Census; **Census 1** and **Reingold 1** from Reingold; and **CDC 1**, **CDC 13**, **CDC 3**, **CDC 7**, and **CDC 24** from CDC.
- On March 29, 2022, there was a virtual meeting with Google during which it is likely that misinformation was discussed among other topics. The invitees included: **Google 3** and **Google 1** from Google; and **CDC 25** and **CDC 1** from CDC.
  - On March 31, 2021, there was a virtual meeting with Twitter to discuss COVID-19 misinformation. The invitees included: **Census 5** and **Census 3**, from Census; **Census 1** and **Reingold 1** from Reingold; **CDC 13**, **CDC 3**, **CDC 26**, **CDC 7**, **CDC 24**, and **CDC 1** from CDC; and **Twitter 2** and **Twitter 3** from Twitter.
  - On November 18, 2021, there was a meeting with Twitter to discuss VAERS as it related to misinformation. The invitees included: **Twitter 2**, **Twitter 4**, **Twitter 5**, and **Twitter 6** from Twitter; and **CDC 1**, **CDC 20**, **CDC 23**, **CDC 27**, **CDC 28**, **CDC 12**, **CDC 11**, and **CDC 29** from CDC.

DHS Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, DHS responds that meetings taking place with the Social-Media Platforms relating to Misinformation include, but are not limited to:



- A recurring meeting usually entitled USG – Industry meeting, which has generally had a monthly cadence, and is between government agencies and private industry. Government participants have included CISA’s Election Security and Resilience team, DHS’s Office of Intelligence and Analysis, the FBI’s foreign influence task force, the Justice Department’s national security division, and the Office of the Director of National Intelligence. Industry participants have included Google, Facebook, Twitter, Reddit, Microsoft, Verizon Media, Pinterest, LinkedIn and the Wikimedia Foundation. The topics discussed include, but are not limited to: information sharing around elections risk, briefs from industry, threat updates, and highlights and upcoming watch outs.
- CISA Cybersecurity Advisory Committee (CSAC) Meetings on December 10, 2021; March 31, 2022; and June 22, 2022. The meeting agendas and summaries, including participants, are available on CISA’s website, <https://www.cisa.gov/cisa-cybersecurity-advisory-committee-meeting-resources>.
- Additional meetings identified in documents, include, but are not limited to:

<b>Date</b>	<b>Title</b>
7/20/20	ASD-HKS Tech Policy Paper Series: Levers in the Online Ad Ecosystem
1/18/22	Google + Digital Forum
3/16/22	DHS/Microsoft Disinformation Follow Up
2/1/22	Meta/DHS/DOJ Engagement re: Human Trafficking

**CISA:** Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, CISA responds that meetings taking place with the Social-Media Platforms relating to Misinformation include, but are not limited to:

- A recurring meeting usually entitled USG – Industry meeting, which has generally had a

monthly cadence, and is between government agencies and private industry. Government participants have included CISA's Election Security and Resilience subdivision, DHS's Office of Intelligence and Analysis, the FBI's foreign influence task force, the Justice Department's national security division, and the Office of the Director of National Intelligence. Industry participants generally include Google, Facebook, Twitter, Reddit, Microsoft but, have also included Verizon Media, Pinterest, LinkedIn, and the Wikimedia Foundation as well. The topics discussed include, but are not limited to: information sharing around elections risk, briefs from industry, threat updates, and highlights and upcoming watch outs.

- A recurring meeting to prepare for and set the agenda for the USG – Industry meeting, and participants have generally included CISA and Facebook.
- CISA Cybersecurity Advisory Committee (CSAC) Meetings on December 10, 2021; March 31, 2022; and June 22, 2022. The meeting agendas and summaries, including participants, are available on CISA's website, <https://www.cisa.gov/cisa-cybersecurity-advisory-committee-meeting-resources>.
- CISA CSAC, Protecting Critical Infrastructure from Misinformation and Disinformation Subcommittee meetings. The Subcommittee was established for the purpose of evaluating and providing recommendations on potentially effective critical infrastructure related counter-MDM efforts that fit within CISA's unique capabilities and mission. Details about the Subcommittee, including membership, are available on CISA's website, [https://www.cisa.gov/sites/default/files/publications/CSAC\\_Subcommittee\\_Fact\\_Sheet\\_05192022\\_508c.pdf](https://www.cisa.gov/sites/default/files/publications/CSAC_Subcommittee_Fact_Sheet_05192022_508c.pdf).
- Meetings convened by the Election Infrastructure Subsector Government Coordinating

Council (EIS-GCC) and Election Infrastructure Subsector Coordinating Council (EI-SCC) Joint MDM Working Group. The Joint MDM Working Group was launched after the 2020 election by the EIS-GCC and EI-SCC and provides a forum through which the subsector can identify challenges in countering MDM and produce resources for addressing such challenges. The Joint MDM Working Group has convened meetings on, or about May 5, 2021; June 7, 2021; September 14, 2021; November 19, 2021, June 30, 2022, and August 4, 2022.

**Common Interrogatory No. 5:**

**Identify all Communications with any Social-Media Platform that contain any of the Search Term(s).**

**OBJECTIONS:** Defendants incorporate by reference the above objections. Defendants further object to this Interrogatory as unduly burdensome, overbroad, and not proportional to the needs of this case. This Interrogatory calls for a response based on any and all specified documents from any Defendant or any employee or subordinate of any Defendant. Defendants cannot conduct an exhaustive search to uncover all possible responsive information under the current, abbreviated expedited discovery schedule. Such expedited discovery is especially burdensome given that Defendants' motion to dismiss the Amended Complaint for lack of subject-matter jurisdiction and other deficiencies is forthcoming. Furthermore, this Interrogatory covers documents that are not relevant to Plaintiffs' claims and that do not fall within scope of discovery authorized by the Court. The Court authorized the service of discovery requests concerning "the identity of federal officials who have been and are communicating with social-media platforms about [misinformation and] any censorship or suppression of speech on social media, including the nature and content of those communications." ECF No. 34 at 13. This Interrogatory, however, seeks information that contains

**EXHIBIT "D"**

## OBJECTIONS AND RESPONSES TO SPECIFIC INTERROGATORIES

### Common Interrogatory No. 1:

**“Identify every officer, official, employee, staff member, personnel, contractor, or agent of” recipient Defendant “or any other federal official or agency who has communicated or is communicating with any Social-Media Platform regarding Content Modulation and/or Misinformation”**

**OBJECTIONS:** Defendants incorporate by reference the above objections. Defendants further object to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of this case. This Interrogatory calls for identifying “personnel” or “contractor[s]” of any Defendant or any employee or subordinate of any Defendant who have communicated with any and all “Social-Media Platform[s],” even if those platforms are not at issue in the Complaint (or in the Amended Complaint), and including each platform’s “officers, agents, employees, contractors, or any other person employed by or acting on behalf of [such] Social-Media Platform.” Defendants cannot conduct an exhaustive search to uncover all possible responsive information under the current, abbreviated expedited discovery schedule. Such expedited discovery is especially burdensome given that Defendants’ motion to dismiss the Amended Complaint for lack of subject-matter jurisdiction and other deficiencies is forthcoming. Defendants also object to the Interrogatory to the extent a response requires review of internal, deliberative documents discussing such communications, attorney client documents, or other privileged materials relating to agency communications. Defendants also object to this Interrogatory to the extent it seeks information protected by the deliberative process privilege, attorney-client privilege, law enforcement privilege, a statutory national security privilege, presidential communications privilege or any other applicable privilege. Additionally, challenges to administrative agency action are ordinarily not subject to discovery outside the administrative record. *Lorion*, 470 U.S. at 743-44. Moreover, this Interrogatory is overbroad, unduly burdensome, and disproportional to

the needs of the case, insofar as it purports to require a response from each agency concerning components of the agency or concerning governmental entities outside the agency whose actions are not challenged in the Complaint or Amended Complaint and whose information is not reasonably available to the agency or agency component whose alleged conduct is challenged in the Complaint or Amended Complaint.

Further, Defendants object to this Interrogatory on the ground that any discovery on the White House at this stage of the litigation is unduly burdensome and disproportional to the needs of the case. Plaintiffs have not exhausted all other avenues of discovery before seeking discovery on the White House. *See, e.g.,* Order, *Centro Presente*, No. 1:18-cv-10340 (D. Mass. May 15, 2019); *Karnoski v. Trump*, 926 F.3d 1180, 1207 (9th Cir. 2019); *Cheney*, 542 U.S. at 390. Additionally, discovery propounded on White House officials would create an undue burden, distract them from their critical executive responsibilities, and violate the separation of powers. *See Cheney*, 542 U.S. at 385. That burden is especially undue at this stage of the litigation given that Defendants' motion to dismiss the Amended Complaint for lack of subject-matter jurisdiction and other deficiencies is forthcoming. Additionally, Defendants object to this Interrogatory to the extent a response requires review of information protected by the presidential communications privilege or other executive privileges. *See Nixon*, 418 U.S. at 708. Additionally, Defendants object to this Interrogatory to the extent it is directed to information protected by the presidential communications privilege or other executive privileges. *See Nixon*, 418 U.S. at 708. Because Plaintiffs are not entitled to such information, the request imposes a burden on Defendant disproportionate to the minimal benefit (if any) that Plaintiffs might derive from the possibility of responsive, non-privileged information. *See Cheney*, 542 U.S. at 389.

Defendants further object to this Interrogatory as unreasonably cumulative and duplicative



of Plaintiffs' Requests for Production 2 and 3, in response to which Defendants are producing non-privileged e-mail communications between Defendants and employees of the "Social-Media Platforms" concerning Misinformation located within a review population consisting of e-mail files that (i) are collected from custodians who, having been identified through Defendants' internal inquiry, are known to have communicated with employees of the Social-Media Platforms, and (ii) contain one or more reasonable search terms calculated to identify which of the communications identified in (i) relate to Misinformation. Those Requests for Production provide a more expeditious and significantly less burdensome method for Plaintiffs to obtain the information sought, considering the expedited nature of the discovery here and the broad scope of this Interrogatory.

Additionally, Defendants object to this Interrogatory as overbroad and disproportional to the needs of the case, particularly in light of the expedited nature of the discovery, to the extent "communication" is meant to cover anything beyond e-mail exchanges. Defendants also object to the Interrogatory as overbroad and disproportional to the needs of the case to the extent it requests that responding agencies identify every individual who may have been included on any e-mail exchange, whether as sender or recipient or simply copied on the e-mail, between any Defendant and a social media company.

**RESPONSE:** Subject to and without waiving the above objections, Defendants provide the following responses by the agency Defendants, HHS, NIAID, CDC, DHS, and CISA.

**HHS:**

**OSG:** Subject to and without waiving the above objections, OSG refers to the documents being produced in response to Requests For Production 2 and 3, and states further that the custodians whose e-mails were collected include the following current and former OSG personnel:

- [REDACTED] OSG 1, U.S. Surgeon General
- [REDACTED] OSG 2, Chief of Staff
- [REDACTED] OSG 3, Chief Engagement Officer for the U.S. Surgeon General
- [REDACTED] OSG 4, Associate Director of Science and Policy
- [REDACTED] OSG 5, Senior Advisor
- [REDACTED] OSG 6, Chief Innovation and Design Officer
- [REDACTED] OSG 7, Senior Advisor

**NIAID:** Subject to and without waiving the above objections, NIAID refers to the documents being produced in response to Requests For Production 2 and 3, and states further that the custodians whose e-mails were collected include the following current NIAID personnel:

- [REDACTED] NIAID 1, M.D., Director, NIAID
- [REDACTED] NIAID 2, Director, Office of Communications and Government Relations, NIAID
- [REDACTED] NIAID 3, Scientific Communications Editor, News and Science Writing Branch, Office of Communications and Government Relations, NIAID
- [REDACTED] NIAID 4, Chief, News and Science Writing Branch, Office of Communications and Government Relations, NIAID

**CDC:** Subject to and without waiving the above objections, CDC refers to the documents being produced in response to Requests For Production 2 and 3, and states further that the custodians whose e-mails were collected include the following current and former CDC personnel:

- [REDACTED] CDC 1, Health Communications Specialist/Chief, Digital Media Branch
- [REDACTED] CDC 2, Health Communications Specialist
- [REDACTED] CDC 3, Associate Deputy Director
- [REDACTED] CDC 4, Public Health Analyst

- **CDC 5**, Associate Director for Health Communications Science
- **CDC 6**, Health Communications Specialist
- **CDC 7**, Health Communications Specialist
- **CDC 8**, Health Communications Specialist
- **CDC 9**, Public Affairs Specialist
- **CDC 10**, Supervisory Health Communications Specialist
- **CDC 11**, Health Communications Specialist
- **CDC 12**, Health Communications Specialist
- **CDC 13**, Health Communications Specialist
- **CDC 14**, Deputy Chief Operating Officer
- **CDC 15**, Behavioral Scientist
- **CDC 16**, Health Communications Specialist

**DHS:** Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, DHS refers to the documents being produced in response to Requests For Production 2 and 3, and states further that the custodians whose e-mails were collected include the following current and former DHS personnel:

- **DHS 1**, former Executive Director of the DHS Disinformation Governance Board
- **DHS 2**, Under Secretary of Homeland Security for Strategy, Policy, and Plans
- **DHS 3**, Acting Assistant Secretary of Homeland Security for Counterterrorism and Threat Prevention
- **DHS 4**, former Assistant Secretary of Homeland Security for Counterterrorism



and Threat Prevention

- **DHS 5**, Director, Private Sector Engagement, Office of Intelligence and Analysis
- **DHS 6**, Associate Director for Strategic Engagement, DHS Center for Prevention Programs and Partnerships
- **DHS 7**, Acting Assistant Secretary of Homeland Security for Cyber, Infrastructure, Risk and Resilience
- **DHS 8**, former Acting Assistant Secretary of Homeland Security for Counterterrorism and Threat Prevention

**CISA:** CISA has identified the following custodians as having relevant communications, as produced in response to Requests For Production 2 and 3:

- **CISA 1**, Director, CISA
- **CISA 2**, former Director, CISA
- **CISA 3**, former Senior Election Lead, CISA
- **CISA 4**, Lead, Election Security and Resilience (ESR), National Risk Management Center (NRMC), CISA
- **CISA 5**, Chief, Mis-, Dis-, and Malinformation (MDM) Team, NRMC, CISA
- **CISA 6**, Engagements Lead, MDM Team, NRMC, CISA

In addition to the custodians identified above, CISA has identified the following current and former agency personnel as appearing in the communications produced in response to Plaintiffs' Requests For Production:

- **CISA 7**, Resilience Lead, MDM Team, NRMC, CISA
- **CISA 8**, Analysis and Response Lead, MDM Team, NRMC, CISA
- **CISA 9**, Analyst, MDM Team, NRMC, CISA
- **CISA 10**, former Analyst, Countering Foreign Influence Task Force (CFITF) (which was the predecessor to the MDM team), NRMC, CISA



**EXHIBIT "E"**

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**From:** [REDACTED]@twitter.com]  
**Sent:** 4/16/2021 8:35:22 AM  
**To:** [REDACTED]@cdc.gov]  
**Subject:** Re: Request for problem accounts

Hi [REDACTED]  
Thank you so much for this; we actioned (by labeling or removing) the Tweets in violation of our Rules.  
Warmest,  
[REDACTED]

On Wed, Apr 14, 2021 at 3:16 PM [REDACTED]@cdc.gov> wrote:

The Census team put this spreadsheet together with four example areas. Is this what you had in mind?

- Vaccines aren't FDA approved
- Fraudulent cures
- VAERS data taken out of context
- Infertility

---

**From:** [REDACTED]@twitter.com>  
**Sent:** Thursday, April 8, 2021 8:27 PM  
**To:** [REDACTED]@cdc.gov>  
**Subject:** Request for problem accounts

Hi [REDACTED]  
I'm looking forward to setting up regular chats; my team has asked for examples of problematic content so we can examine trends. All examples of misinformation are helpful, but in particular, if you have any examples of fraud - such as fraudulent covid cures, fraudulent vaccine cards, etc, that would be very helpful.

Thanks in advance,  
[REDACTED]

**CAUTION:** This message originated externally. Please use caution when clicking on links or opening attachments.

---

**From:** [REDACTED] (CDC/OD/OADC) [REDACTED]  
[REDACTED]  
**Sent:** 4/9/2021 2:14:25 PM  
**To:** [REDACTED] [twitter.com]  
**Subject:** RE: Request for problem accounts

Yes, we'll get that to you early next week. Thanks for checking in.

**From:** [REDACTED] [twitter.com]>  
**Sent:** Thursday, April 8, 2021 8:28 PM  
**To:** [REDACTED] [REDACTED]@cdc.gov>  
**Subject:** Request for problem accounts

Hi [REDACTED]  
I'm looking forward to setting up regular chats; my team has asked for examples of problematic content so we can examine trends. All examples of misinformation are helpful, but in particular, if you have any examples of fraud - such as fraudulent covid cures, fraudulent vaccine cards, etc, that would be very helpful.

Thanks in advance,  
[REDACTED]


**EXHIBIT "F"**



**From:** Flaherty, Rob EOP/WHO [redacted]@who.eop.gov]  
**Sent:** 4/16/2021 4:25:15 PM  
**To:** Flaherty, Rob EOP/WHO [redacted]@who.eop.gov]; Slavitt, Andrew M. EOP/WHO [redacted]@who.eop.gov]; [redacted]@twitter.com]; [redacted]@twitter.com]; [redacted]@twitter.com]; [redacted]@twitter.com]  
**CC:** Fitzpatrick, Kelsey V. EOP/WHO [redacted]@who.eop.gov]; [redacted] (HHS/OASH) [redacted]@hhs.gov]  
**Subject:** Twitter Vaccine Misinfo Briefing  
**Location:** [redacted]  
**Start:** 4/21/2021 2:00:00 PM  
**End:** 4/21/2021 3:00:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

White House Staff will be briefed by Twitter on vaccine misinfo. Twitter to cover trends seen generally around vaccine misinformation, the tangible effects seen from recent policy changes, what interventions are currently being implemented in addition to previous policy changes, and ways the White House (and our COVID experts) can partner in product work.

 The linked im...

Hi there,

[redacted] is inviting you to a scheduled ZoomGov meeting.

### [Join Zoom Meeting](#)

Phone US: [redacted] or

one-tap: [redacted]

Meeting [redacted]

URL: Meeting [redacted]

ID: [redacted]

Passcode: [redacted]

### Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: [redacted]

