

Jennifer L. Keller, SBN 84412
jkeller@kelleranderle.com
Nahal Kazemi, SBN 322026
nkazemi@kelleranderle.com
18300 Von Karman Avenue, Suite 930
Irvine, CA 92612
T: (949) 476-8700
F: (949) 476-0900

Attorneys for Plaintiff,
CITY OF COSTA MESA and KATRINA FOLEY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

CITY OF COSTA MESA, and
KATRINA FOLEY,

Plaintiff,

vs.

UNITED STATES OF AMERICA,
THE DEPARTMENT OF HEALTH
AND HUMAN SERVICES, THE
UNITED STATES DEPARTMENT OF
DEFENSE, THE UNITED STATES
AIR FORCE, THE CENTERS FOR
DISEASE CONTROL AND
PREVENTION, THE STATE OF
CALIFORNIA, FAIRVIEW
DEVELOPMENTAL CENTER
(FAIRVIEW), THE CALIFORNIA
GOVERNOR’S OFFICE OF
EMERGENCY SERVICES, and THE
CALIFORNIA DEPARTMENT OF
GENERAL SERVICES,

Defendants.

Case No.

**FURTHER DECLARATION OF
NAHAL KAZEMI IN SUPPORT
OF *EX PARTE* APPLICATION
FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE
ISSUANCE OF PRELIMINARY
INJUNCTION**

1 I, Nahal Kazemi, declare as follows:

2 1. I am senior counsel at Keller/Anderle LLP, counsel of record for
3 Plaintiffs City of Costa Mesa and Katrina Foley *in City of Costa Mesa and*
4 *Katrina Foley vs. United States, et al.* I have personal knowledge of the
5 information stated below and could testify to it under oath.

6 2. Attached as **Exhibit A** is a true and correct copy of an article entitled
7 “Sen. Shelby & Gov. Ivey: Trump says Alabama coronavirus quarantine plan will
8 not happen,” *ABC News*, February 23, 2020, downloaded from
9 [https://abc3340.com/news/local/sen-shelby-gov-ivey-trump-says-alabama-](https://abc3340.com/news/local/sen-shelby-gov-ivey-trump-says-alabama-coronavirus-quarantine-plan-will-not-happen)
10 [coronavirus-quarantine-plan-will-not-happen.](https://abc3340.com/news/local/sen-shelby-gov-ivey-trump-says-alabama-coronavirus-quarantine-plan-will-not-happen)

11 3. Attached as **Exhibit B** is a true and correct copy of a Jan. 31, 2020
12 article entitled “Persistence of coronavirus on inanimate surfaces and their
13 inactivation with biocidal agents,” *Journal of Hospital Infection*.

14 4. Attached as **Exhibit C** is a true and correct copy of a February 21,
15 2020 article entitled “Without Symptoms or Clear Test Results, Woman May
16 Have Still Spread Coronavirus,” *U.S. News and World Report*, , downloaded
17 from: [https://www.usnews.com/news/health-news/articles/2020-02-21/without-](https://www.usnews.com/news/health-news/articles/2020-02-21/without-symptoms-or-clear-test-results-woman-may-have-still-spread-coronavirus/)
18 [symptoms-or-clear-test-results-woman-may-have-still-spread-coronavirus/.](https://www.usnews.com/news/health-news/articles/2020-02-21/without-symptoms-or-clear-test-results-woman-may-have-still-spread-coronavirus/)

19 5. Attached as **Exhibit D** is a true and correct copy of a February 10,
20 2020 article, entitled “CDC mistakenly removes San Diego’s first positive
21 coronavirus case from hospital,” *San Diego Union-Tribune*, downloaded from:
22 [https://www.sandiegouniontribune.com/news/health/story/2020-02-10/san-diego-](https://www.sandiegouniontribune.com/news/health/story/2020-02-10/san-diego-county-has-firt)
23 [county-has-firt.](https://www.sandiegouniontribune.com/news/health/story/2020-02-10/san-diego-county-has-firt)

24 6. Attached as **Exhibit E** is a true and correct copy of a February 22,
25 2020 article, entitled “We’re in a Petri Dish: How a Coronavirus Ravaged a Cruise
26 Ship,” *New York Times*, downloaded from:
27 [https://www.nytimes.com/2020/02/22/world/asia/coronavirus-japan-cruise-](https://www.nytimes.com/2020/02/22/world/asia/coronavirus-japan-cruise-ship.html)
28 [ship.html.](https://www.nytimes.com/2020/02/22/world/asia/coronavirus-japan-cruise-ship.html)

1 7. Attached as **Exhibit F** is a true and correct copy of a February 22,
2 2020 Press Release from the Orange County Health Agency entitled “Statement of
3 Support for City of Costa Mesa’s Legal Action to Temporarily Halt Use of
4 Fairview Developmental Center as COVID-19 Quarantine Facility” downloaded
5 from: <http://www.ochealthinfo.com/about/admin/pubs/press>.

6 8. Attached as **Exhibit G** is a true and correct copy of an email I
7 received on February 23, 2020 from Costa Mesa City Manager, forwarding a letter
8 from Frank Kim, the Orange County Executive Officer.

9 9. Attached as **Exhibit H** is a true and correct copy of a February 23,
10 Coronavirus Disease 2019 (COVID-19) Situation Summary published by the
11 Centers for Disease Control and Prevention, downloaded from:
12 <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>.

13 10. Attached as **Exhibit I** is a true and correct copy of the 2018-2019
14 Travel Costa Mesa Annual Report, downloaded from:
15 [http://ftp.costamesaca.gov/costamesaca/council/agenda/2019/2019-05-07/CC-8-
16 Attach-1.pdf](http://ftp.costamesaca.gov/costamesaca/council/agenda/2019/2019-05-07/CC-8-Attach-1.pdf).

17 11. Attached as **Exhibit K** is a true and correct copy of a February 23,
18 2020 article entitled “Coronavirus strikes Italy: Austria blocks ALL trains crossing
19 the border after THREE people die and more than 150 fall ill in outbreak - as
20 Venice carnival is cancelled and Armani fashion show is axed, with 12 towns put
21 into lockdown,” *The Daily Mail*, downloaded from:
22 [https://www.dailymail.co.uk/news/article-8034547/Giorgio-Armani-cancels-
23 Milan-fashion-coronavirus-killed-two-people-near-city.html](https://www.dailymail.co.uk/news/article-8034547/Giorgio-Armani-cancels-Milan-fashion-coronavirus-killed-two-people-near-city.html)

24 12. Attached as **Exhibit L** is a true and correct copy of a February 24,
25 2020 article entitled “Shipping lines face troubled waters as oil tankers, container
26 carriers and cruise lines stop calling on China for fear of catching the coronavirus”
27 downloaded from:
28

1 [https://www.scmp.com/business/companies/article/3051784/shipping-lines-face-](https://www.scmp.com/business/companies/article/3051784/shipping-lines-face-troubled-waters-oil-tankers-container)
2 [troubled-waters-oil-tankers-container](https://www.scmp.com/business/companies/article/3051784/shipping-lines-face-troubled-waters-oil-tankers-container)

3 13. Attached as **Exhibit M** is a true and correct copy of the Transcript for
4 CDC Telebriefing: Update on COVID-19, dated February 21, 2020, downloaded
5 from: [https://www.cdc.gov/media/releases/2020/t0221-cdc-telebriefing-covid-](https://www.cdc.gov/media/releases/2020/t0221-cdc-telebriefing-covid-19.html)
6 [19.html](https://www.cdc.gov/media/releases/2020/t0221-cdc-telebriefing-covid-19.html)

7 14. Attached as **Exhibit N** is a true and correct copy of Natsuko Imai, et
8 al. Report 3: Transmissibility of 2019-nCoV (Jan. 2020), downloaded from:
9 [https://www.imperial.ac.uk/media/imperial-college/medicine/sph/ide/gida-](https://www.imperial.ac.uk/media/imperial-college/medicine/sph/ide/gida-fellowships/Imperial-2019-nCoV-transmissibility.pdf)
10 [fellowships/Imperial-2019-nCoV-transmissibility.pdf](https://www.imperial.ac.uk/media/imperial-college/medicine/sph/ide/gida-fellowships/Imperial-2019-nCoV-transmissibility.pdf)

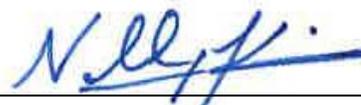
11 15. Attached as **Exhibit O** is a true and correct copy of a LIVESCIENCE
12 article titled How long can the new coronavirus last on surfaces?, dated February
13 18, 2020, downloaded from: [https://www.livescience.com/how-long-coronavirus-](https://www.livescience.com/how-long-coronavirus-last-surfaces.html)
14 [last-surfaces.html](https://www.livescience.com/how-long-coronavirus-last-surfaces.html)

15 16. Attached as **Exhibit P** is a true and correct copy of a Science Daily
16 article titled, *Spread of coronavirus underestimated, review finds*, dated February
17 14, 2020, downloaded from:
18 <https://www.sciencedaily.com/releases/2020/02/200214111519.htm>

19 17. Attached as **Exhibit Q** is a true and correct copy of a CNBC news
20 article titled, France has seen a 30% to 40% fall in tourists following the
21 coronavirus outbreak: Finance minister, dated February 23, 2020, downloaded
22 from [https://www.cnbc.com/2020/02/23/coronavirus-impact-france-sees-tourism-](https://www.cnbc.com/2020/02/23/coronavirus-impact-france-sees-tourism-numbers-fall-by-30percent-to-40percent.html)
23 [numbers-fall-by-30percent-to-40percent.html](https://www.cnbc.com/2020/02/23/coronavirus-impact-france-sees-tourism-numbers-fall-by-30percent-to-40percent.html)

24 I declare under penalty of perjury that the foregoing is true and correct to the
25 best of knowledge and recollection.

26 Executed on February 24, 2020.

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Nahal Kazemi