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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. 8:20-cv-00368-JLS-JDE

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

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**DECLARATION OF JASON S. DEMPSEY**

I, Jason S. Dempsey, declare:

1. I am the Emergency Services Manager for the City of Costa Mesa (hereinafter “the City”) and have been so employed since August 2018. I hold three certifications. I am a Certified Emergency Manager with the International Association of Emergency Managers, a Certified Business Continuity Professional with Disaster Recovery Institute, and I am certified by the state of California as an Emergency Management Specialist. I take close to a few hundred hours a year of training in emergency management related topics. I have two master’s degrees. One is in Public Administration from University of Southern California and the other one is in Homeland Security from Pennsylvania State University. As a retired Marine Corps Officer, I have extensive training in biological weapons obtained at exclusive facilities often requiring Top Secret, compartmentalized clearances. This training provided me a clear understanding of the considerations associated with biological and pandemic threats such as the challenges with properly and consistently using personal protective equipment, conducting thorough decontamination, cross contamination, quarantine, and testing. If called upon, I would and could competently testify to all of the facts contained within this declaration based upon my personal knowledge, except where stated upon information and belief.

2. In my role as the City’s Emergency Services Manager, I routinely coordinate with the County, State, and Federal authorities on issues relating to public safety and emergency management.

3. Even for routine events, such as sporting or cultural events that may draw large crowds, I work with County and State authorities on detailed plans to ensure close coordination, open lines of communication, a unified response in the

1 event of an emergency.

2 4. Attached to this declaration is a true and correct copy of the Event  
3 Action Plan I created and shared with my County and Regional counterparts for  
4 Costa Mesa's hosting of the Chargers' Training Camp. This 21-page document  
5 outlines our critical safety objectives, identifies the responsibilities of different  
6 parties and organizations, provides contact information for all involved, identifies  
7 critical resources, and explains efforts to mitigate risks. I would expect far more  
8 detailed information from State and Federal authorities than this Event Action Plan  
9 for something as significant as the isolation and treatment of a significant number  
10 of individuals with a highly communicable disease within the City. Such a plan  
11 should have significant information regarding contingency planning incorporated  
12 to address failures in the process. Instead, the email I received from Jim Acosta  
13 was the extent of the information provided to the City by Friday for a proposed  
14 transfer of infected people to Costa Mesa as early as Sunday night.

15 6. As of February 23, 2020, the City still has not received critical  
16 information we need to keep the public safe and to be an effective partner if needed  
17 in responding to any emergency arising from the use of FDC to isolate Coronavirus  
18 patients.

19 7. For example, the City still does not have the following broad categories of  
20 information:

- 21 • The identities of the lead agencies, their roles, and the incident  
22 commanders for each agency;
- 23 • Operational details of how FDC will be used: when it is  
24 expected to begin operations as an isolation location, how long  
25 it is expected to be used for this purpose, will the site be  
26 expanded, what is the maximum number of patients to be  
27 housed, whether the number of buildings used on site will

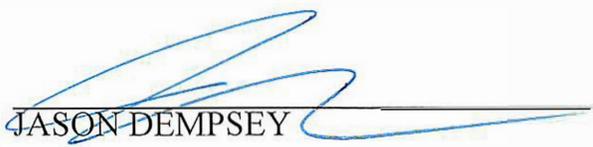
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change over time, have the state and federal agencies considered overflow sites;

- Information sharing: how information will be shared among the different levels of government, how requests for resources and mutual aid will be made, how media and public inquiries will be handled, how emergencies will be communicated;
- General safety information the City’s first responders need to be aware of: how far the Coronavirus can travel, whether it is airborne, whether there be physical barriers preventing access to FDC, how tall and secure those barriers will be, how far they will be from the buildings and publicly accessible areas, how the facility will be guarded;
- Conditions of the facilities and plans to maintain and repair them given the aging and obsolete infrastructure;
- Housing, feeding, and movement of FDC support personnel;
- When patients will be moved on and off the facility, testing procedures for patients, and protocols for removal to local hospitals, if necessary;

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 24 day of FEBRUARY at Costa Mesa, California.

  
JASON DEMPSEY