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5 *(Additional counsel are listed on a subsequent pages)*

6 Attorneys for Defendants  
7 ALBERTO CARVALHO, MEGAN K.  
REILLY; ILEANA DAVOLOS, GEORGE  
8 MCKENNA, MONICA GARCIA, SCOTT  
SCHMERELSON, NICK MELVOIN, JACKIE  
9 GOLDBERG, KELLY GONEZ AND TANYA  
ORTRIZ FRANKLIN

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11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

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15 HEALTH FREEDOM DEFENSE FUND,  
INC., a Wyoming Not-for-Profit  
16 Corporation; CALIFORNIA  
EDUCATORS FOR MEDICAL  
17 FREEDOM, an unincorporated  
association, MIGUEL SOTELO;  
18 JEFFREY FUENTES; SANDRA  
GARCIA; and HOVHANNES  
19 SAPONGHIAN; NORMA BRAMBILA,,

20 Plaintiffs,

21 v.

22 MEGAN K. REILLY, in her official  
capacity as Interim Superintendent of  
23 the Los Angeles Unified School  
District; ILEANA DAVALOS, in her  
24 official capacity as Chief Human  
Resources Officer for the Los  
25 Angeles Unified School District;  
GEORGE MCKENNA, MONICA  
26 GARCIA, SCOTT  
SCHMERELSON, NICK  
27 MELVOIN, JACKIE GOLDBERG,  
KELLY GONEZ, and TANYA  
28 ORTIZ FRANKLIN, in their official

Case No. 2:21-cv-08688 DSF-PVCx  
Hon. Dale S. Fischer

**DEFENDANTS’ NOTICE OF  
ERRATA REGARDING FILING  
OF NOTICE AND PROPOSED  
ORDER SUPPORTING ITS  
MOTION TO FOR ATTORNEYS’  
FEES AND SANCTIONS**

Date: February 27, 2023  
Time: 1:30 p.m.  
Courtroom: 7D

Trial Date: Off Calendar  
Complaint filed: November 3, 2021

1 capacities as members of the Los  
2 Angeles Unified School District  
governing board,

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4 Defendants.

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1 Additional Defense Counsel

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**TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that Defendants ALBERTO CARVALHO, MEGAN K. REILLY; ILEANA DAVOLOS, GEORGE MCKENNA, MONICA GARCIA, SCOTT SCHMERELSON, NICK MELVOIN, JACKIE GOLDBERG, KELLY GONEZ and TANYA ORTRIZ FRANKLIN (collectively, “Defendants”) hereby provide this Notice of Errata.

On January 19, 2022, Defendants filed their Memorandum of Points and Authorities, Declaration of Connie Michaels, and Joint Statement supporting their Motion for Attorneys’ Fees. [Dkt 93-95] The Notice of Motion and Motion and the Proposed Order were inadvertently failed to be included in the nearly 600 pages that were filed. They are attached hereto as Exhibits A and B, respectively.

Dated: January 25, 2023

LITTLER MENDELSON, P.C.

/s/ Connie L. Michaels  
Connie L. Michaels

Attorneys for Defendants

ALBERTO CARVALHO, MEGAN K. REILLY; ILEANA DAVOLOS, GEORGE MCKENNA, MONICA GARCIA, SCOTT SCHMERELSON, NICK MELVOIN, JACKIE GOLDBERG, KELLY GONEZ and TANYA ORTRIZ FRANKLIN

4891-0317-0381.1 / 050758-1054

# Exhibit A

1 Connie L. Michaels  
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5 *(Additional counsel are listed on a subsequent pages)*

6 Attorneys for Defendants  
7 ALBERTO CARVALHO, MEGAN K.  
REILLY; ILEANA DAVOLOS, GEORGE  
8 MCKENNA, MONICA GARCIA, SCOTT  
SCHMERELSON, NICK MELVOIN, JACKIE  
9 GOLDBERG, KELLY GONEZ AND TANYA  
ORTRIZ FRANKLIN

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA (WESTERN DIVISION)

13 HEALTH FREEDOM DEFENSE FUND,  
INC., a Wyoming Not-for-Profit  
14 Corporation; CALIFORNIA  
EDUCATORS FOR MEDICAL  
15 FREEDOM, an unincorporated  
association, MIGUEL SOTELO;  
16 JEFFREY FUENTES; SANDRA  
GARCIA; and HOVHANNES  
17 SAPONGHIAN; NORMA BRAMBILA,

18 Plaintiffs,

19 v.

20 MEGAN K. REILLY, in her official  
capacity as Interim Superintendent of  
the Los Angeles Unified School  
21 District; ILEANA DAVALOS, in her  
official capacity as Chief Human  
22 Resources Officer for the Los  
Angeles Unified School District;  
23 GEORGE MCKENNA, MONICA  
GARCIA, SCOTT  
24 SCHMERELSON, NICK  
MELVOIN, JACKIE GOLDBERG,  
25 KELLY GONEZ, and TANYA  
ORTIZ FRANKLIN, in their official  
26 capacities as members of the Los  
Angeles Unified School District  
27 governing board,

28 Defendants.

Case No. 2:21-cv-08688 DSF-PVCx

Hon. Dale S. Fischer

**DEFENDANTS' NOTICE OF  
MOTION AND MOTION FOR  
ATTORNEYS' FEES AND  
SANCTIONS**

Date: February 27, 2023

Time: 1:30 p.m.

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Additional Defense Counsel:

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**TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on February 27, 2023, at 1:30 p.m., or as soon thereafter as this matter may be heard by the Honorable Dale S. Fischer, of the United States District Court, Central District of California, in Department 7D, Defendants ALBERTO CARVALHO, MEGAN K. REILLY; ILEANA DAVOLOS, GEORGE MCKENNA, MONICA GARCIA, SCOTT SCHMERELSON, NICK MELVOIN, JACKIE GOLDBERG, KELLY GONEZ and TANYA ORTRIZ FRANKLIN (collectively, “Defendants”) will and hereby do move the Court to grant its motion seeking attorneys’ fees, nontaxable costs and sanctions (“Motion”) against Plaintiffs HEALTH FREEDOM DEFENSE FUND, INC., CALIFORNIA EDUCATORS FOR MEDICAL FREEDOM, JEFFREY FUENTES; SANDRA GARCIA, HOVHANNES SAPONGHIAN and NORMA BRAMBILA and their counsel of record (collectively, “Plaintiffs”)

This Motion is made following the conference of counsel pursuant to L.R. 7–3 which took place on October 27, 2022, November 4, 2022, November 15, 2022, November 18, 2022, December 8, 2022, December 20, 2022, and January 12, 2023. *See* Declaration of Connie Michaels filed in support of Defendants’ Motion for Attorneys’ Fees and Sanctions, ¶¶ 14-17, and Exhibits I-O.

This Motion is made pursuant to Federal Rule of Civil Procedure 54, the Hon. Dale S. Fischer’s 2021 Order Re Requirements For Fee Motions, 42 U.S. Code § 12101, *et seq.*, 42 U.S.C. § 12205 and 28 U.S.C. § 1927. The Motion is made on the grounds that Defendants’ Fed. R. Civ. P. 12(c) Motion to Dismiss [Dkt. Nos. 74 - 74-3] (“JOP Motion”) was granted without leave to amend as to six of the claims. On November 9, 2022, this Court entered judgment in favor of Defendants, dismissed the matter with prejudice, and ordered Defendants’ recover costs of suit pursuant to a bill of costs in accordance to 28 U.S.C. § 1920.<sup>1</sup> [Dkt. No. 89.] As such, Defendants are the prevailing

<sup>1</sup> Defendants filed a Bill of Costs for recovery of litigation costs under 28 U.S.C. section 1920. This Motion solely includes recoverable litigation costs, including attorneys’ fees.

1 parties.

2 Even a brief review of the clear and applicable law should have placed Plaintiffs  
3 on notice before filing the lawsuit that the third through seventh causes of action were  
4 entirely baseless. They certainly knew this by June 23, 2022, when Defendants sent a  
5 12-page letter spelling out why the claims could not be legally maintained. Plaintiffs’  
6 counsel indicated several times that they would voluntarily dismiss the third through  
7 seventh claims, apparently conceding their lack of merit. Nevertheless, Plaintiffs took  
8 no action to dismiss those claims, thus forcing Defendants to incur the costs of briefing  
9 in their JOP Motion the basis upon which they should be dismissed. It was not until  
10 Plaintiffs filed their opposition to the JOP Motion that they took any step to notify the  
11 Court that they would agree to dismiss these claims, and even then, indicated they would  
12 only do so without prejudice to their being refiled.

13 By knowingly filing and continuously litigating meritless state law and ADA  
14 claims, Plaintiffs’ forced Defendants to litigate these claims through motion practice  
15 and discovery exchanges, all the while incurring costs and fees. Defendants respectfully  
16 request that the Court order Plaintiffs and/or their counsel pay their reasonable  
17 attorneys’ fees, non-taxable costs and expenses, and expert fees incurred in defending  
18 against their meritless lawsuit.

19 Whether in the form of sanctions, this Court’s inherent power, or the statutes  
20 referenced above, Defendants seek to recover against Plaintiffs and/or their attorneys:

- 21 • \$203,410.90 in attorneys’ fees.
- 22 • \$6,927.80 in expert fees.
- 23 • \$3,190.30 in non-taxable depositions costs.

24 This Motion will be based upon this Notice of Motion and Motion, the  
25 Memorandum of Points and Authorities in support thereof, the Declaration of Connie  
26 Michaels and exhibits attached thereto, the Joint Statement, the papers and pleadings  
27 on file in this case, and any oral argument that may be heard on the motion.

28

1 Dated: January 25, 2023

LITTLER MENDELSON, P.C.

2  
3  
4 /s/ Connie L. Michaels  
5 Connie L. Michaels

6 Attorneys for Defendants

7 ALBERTO CARVALHO, MEGAN K.  
8 REILLY; ILEANA DAVOLOS,  
9 GEORGE MCKENNA, MONICA  
10 GARCIA, SCOTT SCHMERELSON,  
11 NICK MELVOIN, JACKIE  
12 GOLDBERG, KELLY GONEZ and  
13 TANYA ORTRIZ FRANKLIN

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# Exhibit B

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

HEALTH FREEDOM DEFENSE FUND, INC., a Wyoming Not-for-Profit Corporation; CALIFORNIA EDUCATORS FOR MEDICAL FREEDOM, an unincorporated association; MIGUEL SOTELO; MARIEL HOWSEPIANRODRIGUEZ; JEFFREY FUENTES; SANDRA GARCIA; and HOVHANNES SAPONGHIAN; NORMA BRAMBILA,

Plaintiffs,

v.

MEGAN K. REILLY, in her official capacity as Interim Superintendent of the Los Angeles Unified School District; ILEANA DAVALOS, in her official capacity as Chief Human Resources Officer for the Los Angeles Unified School District; GEORGE MCKENNA, MONICA GARCIA, SCOTT SCHMERELSON, NICK MELVOIN, JACKIE GOLDBERG, KELLY GONEZ, and TANYA ORTIZ FRANKLIN, in their official capacities as members of the Los Angeles Unified School District governing board,

Defendants.

Case No. 2:21-cv-08688 DSF-PVCx

Hon. Dale S. Fischer

**[PROPOSED] ORDER  
GRANTING DEFENDANT'S  
MOTION FOR ATTORNEYS'  
FEES AND SANCTIONS**

Date: February 27, 2023  
Time: 1:30 p.m.  
Courtroom: 7D

Trial Date: Off Calendar  
Complaint filed: November 3, 2021

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

Defendants ALBERTO CARVALHO, MEGAN K. REILLY; ILEANA DAVOLOS, GEORGE MCKENNA, MONICA GARCIA, SCOTT SCHMERELSON, NICK MELVOIN, JACKIE GOLDBERG, KELLY GONEZ and TANYA ORTRIZ FRANKLIN (“Defendants”) Motion for Attorneys’ Fees and Sanctions (“Motion”) came on regularly for hearing on \_\_\_\_\_, 2023, in Department 7D of the above-captioned Court, the Honorable Dale S. Fischer presiding.

The Court, having considered the moving, opposing and reply pleadings, the argument of counsel, and good cause appearing therefore, hereby ORDERS, as follows:

1. Defendants’ Motion is GRANTED and Plaintiffs shall pay them
  - a. Attorneys’ Fees: \$ \_\_\_\_\_
  - b. Expert Fees: \$ \_\_\_\_\_
  - c. Non-taxable deposition costs: \$ \_\_\_\_\_

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2023

Respectfully submitted,

\_\_\_\_\_  
HONORABLE DALE S. FISCHER  
UNITED STATES DISTRICT JUDGE

4860-2199-4829.1 / 050758-1054  
01/25/23