

**In The
Supreme Court of the United States**

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SOUTH BAY UNITED PENTECOSTAL CHURCH, AND
BISHOP ARTHUR HODGES III,

Petitioners,

v.

GAVIN NEWSOM, in his official capacity as the Governor of California; XAVIER BECERRA, in his official capacity as the Attorney General of California, SONIA ANGELL, in her official capacity as California Public Health Officer, WILMA J. WOOTEN, in her official capacity as Public Health Officer, County of San Diego, HELEN ROBBINS-MEYER, in her official capacity as Director of Emergency Services, County of San Diego, and WILLIAM D. GORE, in his official capacity as Sheriff, County of San Diego

Respondents

—◆—
ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

—◆—
**SAN DIEGO COUNTY DEFENDANTS’
RESPONSE JOINING STATE OF
CALIFORNIA’S BRIEF IN OPPOSITION**

—◆—
COUNTY OF SAN DIEGO
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Counsel for Respondents Wilma J. Wooten, in her official Capacity as Public Health Officer, County of San Diego, Helen Robbins-Meyer, in her official capacity as Director of Emergency Services, County of San Diego, and William D. Gore, in his official capacity as Sheriff, County of San Diego

REASONS FOR DENYING PETITION

The County Defendants—County Public Health Officer, Dr. Wilma J. Wooten; San Diego County Sheriff William D. Gore; and County Emergency Services Director Helen Robbins-Meyer, all sued in their official capacities (the “County Defendants”)—hereby join the Brief in Opposition filed by the State Defendants.¹ The County Defendants agree that the Petition for Writ of Certiorari should be denied for all the reasons stated therein.

Respectfully submitted,

COUNTY OF SAN DIEGO

/s/ Jeffrey P. Michalowski

JEFFREY P. MICHALOWSKI
Senior Deputy

¹ The County’s Public Health Order incorporates the state’s guidance without modification, and does not separately address religious services. *See* 2 ER 339 ¶ 10(c). Plaintiffs argue that the County’s orders, at unspecified times, were more restrictive than the state’s guidance, but cite only a ban on drive-in worship services that dates to the earliest days of the pandemic (*see* Petition p. 7), that has long since expired, and that was not challenged or addressed in the district court or Ninth Circuit below. Since May 2020, the County’s Orders have conformed to the State’s guidance, nothing more.