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Attorneys for Plaintiff
LINDSAY OKONOWSKY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

LINDSAY OKONOWSKY, an individual,

Plaintiff,

vs.

MERRICK GARLAND,
ATTORNEY GENERAL UNITED STATES DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS,

Defendants.

Case No.: 2:21-cv-07581-VAP-ASx
Judge: Hon. Virginia A. Phillips

SUPPLEMENTAL DECLARATION OF LINDSAY L. BOWDEN IN SUPPORT OF PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT FOLLOWING THE GRANT OF PLAINTIFF’S REQUEST TO FILE THE CEASE AND DESIST LETTER NORMALLY AND WITHOUT ANY SEAL PROCEDURE

[Plaintiff’s Notice of Opposition and Opposition to Defendant’s Motion for Summary Judgment; Plaintiff’s Opposition to Defendant’s Statement of Undisputed Facts and Conclusions of Law; Declaration of Lindsay Okonowsky; Plaintiff’s Written Objections to Defendant’s Evidence; and [Proposed] Order re: Plaintiff’s Written Objections to Defendant’s Evidence.]

Hearing: April 3, 2023

Time: 2:00 pm

Courtroom: 6A

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DECLARATION OF LINDSAY L. BOWDEN

I, Lindsay L. Bowden, do hereby declare as follows:

1. I am an attorney duly licensed to practice before all courts of the State of California and the Central District of California, and am an associate at Brock & Gonzales, LLP, the attorneys of record for Plaintiff LINDSAY OKONOWSKY (“Plaintiff” or “Ms. Okonowsky”) herein. I am familiar with the issues and discovery conducted by all parties in this case. If called as a witness, I could and would testify competently to the matters set forth herein as they are based upon my personal knowledge and belief. This Supplemental Declaration is submitted in support of Plaintiff’s Notice Of Opposition And Opposition To Defendant’s Motion For Summary Judgment and submitted based on the Court granting Plaintiff’s Application for Leave to File Under Seal; or Permission to File Normally Without Any Seal Procedure.

2. I previously submitted a Declaration in support of Plaintiff’s Opposition To Defendant’s Motion For Summary Judgment. (Dk. 42.) In that Declaration, I indicated that Plaintiff had filed an Application for Leave pursuant to Local Rule 79-5.1 to File Exhibit D to my declaration which was the Cease and Desist Order issued to Lieutenant Steven Hellman on April 16, 2020 [USA00000296].

3. Plaintiff filed an Application for Leave to File Under Seal or Permission to File Normally Without Any Seal Procedure. (Dk. 48-49.)

4. The Court GRANTED Plaintiff’s Request for Permission to File Normally Without Any Seal Procedure. (Dk. 50.)

5. Pursuant to the Court’s Order, attached hereto as Exhibit D is a true and correct copy of the Cease and Desist Order issued to Lieutenant Steven Hellman on April 16, 2020 [USA00000296] that was initially produced by Defendant pursuant to the Parties’ Stipulated Protective Order. (Dk. 41.) That Stipulated

1 Protective Order indicates this document is an April 16, 2020 cease and desist order
2 that was “issued to a non-party employee of the Federal Bureau of Prisons.” (Id.)

3 6. The Declaration of James Engleman submitted by Defendant in
4 support of its Motion for Summary Judgement also indicates that on April 16, 2020,
5 the Page’s creator was issues a Cease and Desist Order. (Dk. 38-5, Engleman Decl.
6 ¶ 18.)

7 I declare under the penalty of perjury under the laws of the State of California
8 and the United States of America that the foregoing is true and correct and that this
9 declaration was executed on March 23, 2023 in Los Angeles, California.

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12 _____
13 Lindsay L. Bowden, Esq.
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PROOF OF SERVICE
UNITED STATES DISTRICT COURT

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 6701 Center Drive West, Ste. 610, Los Angeles, CA 90045.

On March 23, 2023, I served the foregoing document described as **SUPPLEMENTAL DECLARATION OF LINDSAY L. BOWDEN IN SUPPORT OF PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT** on the interested parties in this action, addressed as follows:

Zak Varshovi
UNITED STATES ATTORNEY’S OFFICE
Federal Building, Suite 7516
300 North Los Angeles Street
Los Angeles, California 90012
Zakariya.varshovi@usdoj.gov
Attorneys for Defendants, MERRICK B. GARLAND, ATTORNEY GENERAL, UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF PRISONS

By E-Mail, I transmitted the document to the e-mail address of the addressee(s).

By CM/ECF Notice of Electronic Filing by causing such document(s) listed above to be served through this Court’s electronic transmission facilities via the Notice of Electronic Filing (NEF) and hyperlink, to the parties and/or counsel who are determined this date to be registered CM/ECF Users set forth in the service list obtained from this Court on the Electronic Mail Notice List.

(Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on March 23, 2023, at Los Angeles, California.



Jessica Sanchez

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EXHIBIT D

CONFIDENTIAL



U.S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Complex
3901 Klein Blvd
Lompoc, California 93436

April 16, 2020

MEMORANDUM FOR STEVE HELLMAN, LIEUTENANT

FROM:

B. Grady, Associate Warden

*Employee refuses
to sign. BGY*

SUBJECT:

Cease and Desist Order

4-20-20

I am issuing you this memorandum because it has come to my attention that you have posted memes/information on social media that appear to violate Agency policy, including Program Statement 3420.11, Standards of Employee Conduct, and Program Statement 3713.26, Bureau of Prisons Anti-Harassment Policy.

I remind you that as a supervisor and law enforcement officer, you are held to a high standard of conduct, and expected to comply with Agency policy both on and off-duty. Per the Standards of Employee Conduct, "the Bureau expects its employees to conduct themselves in such a manner that their activities both on and off duty do not discredit the agency." Employees must "conduct themselves in a manner that fosters respect for the Bureau of Prisons, the Department of Justice, and the U.S. Government," and "in a manner that contributes to the orderly running of Bureau facilities." Additionally, the Bureau of Prisons Anti-Harassment Policy prohibits bullying conduct, defined as "unwanted actions by an individual ... towards an employee ... which are intended to intimidate, degrade, humiliate, or undermine the employee..."

You are hereby ordered to cease and desist posting on social media any memes/information which violate Agency policy, including but not limited to posting information directed at any Agency employee which could reasonably be deemed harassing or bullying, and any information which discredits the Bureau of Prisons. Failure to comply with this order will not be tolerated, and could result in disciplinary action, up to and including removal.