

MICHELE BEAL BAGNERIS, City Attorney
State Bar No. 115423
ARNOLD F. LEE, Chief Assistant City Attorney
State Bar No. 278610
AMANDA CUSICK, Assistant City Attorney
State Bar No. 317813
100 North Garfield Avenue, Room N210
Pasadena, California 91101
(626) 744-4141 – Fax: (626) 744-4190
aflee@cityofpasadena.net
acusick@cityofpasadena.net

Attorneys for Defendants, MANUEL CARMONA,
in his official capacity as the Director of Public
Health for the Pasadena Public Health Department
and PASADENA PUBLIC HEALTH DEPARTMENT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ERICA JIMENEZ, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

vs.

DR. ERICA PAN, in her official
capacity as Director of the California
Department of Public Health; DR.
BARBARA FERRER, in her official
capacity as Director of the Los Angeles
County Department of Public Health;
MANUEL CARMONA, in his official
capacity as the Director of Public
Health for the Pasadena Public Health
Department; LOS ANGELES
COUNTY DEPARTMENT OF
PUBLIC HEALTH; and PASADENA
PUBLIC HEALTH DEPARTMENT,

Defendants.

Case No. 2:26-cv-03500-SPG-SP

Assigned to Hon. Sherilyn Peace Garnett

**DECLARATION OF AMANDA M.
CUSICK IN SUPPORT OF
DEFENDANTS' MOTIONS TO
DISMISS PURSUANT TO F.R.C.P.
RULE 12(B)(1)**

*[Notice of Joinder to Defendant Dr.
Erica Pan's Motion to Dismiss and
Notice of Joinder to Defendants Dr.
Barbara Ferrer and Los Angeles County
Department of Public Health's Motion to
Dismiss filed concurrently herewith]*

Hearing Date: September 30, 2026

Time: 1:30 p.m.

Ctrm: 5C

Complaint filed: April 2, 2026

Trial date: None

DECLARATION OF AMANDA M. CUSICK

I, Amanda M. Cusick, declare as follows:

1. I am an attorney at law, duly authorized to practice before this Court. I am an Assistant City Attorney with the Pasadena City Attorney's Office, attorneys of record for Defendants Manuel Carmona, in his official capacity as Director of Public Health for the Pasadena Public Health Department and the Pasadena Public Health Department ("PPHD") in the matter entitled *Erica Jimenez v. Dr. Erica Pan, et al.* in the United States District Court Central District of California, Case No. 2:26-CV-03500-SPG-SP. I have personal knowledge of the facts stated herein, except those stated upon information and belief and, to those matters, I believe them to be true. If called to testify to the matters herein, I could and would competently do so.

2. This declaration is made in support of Defendants Manuel Carmona, in his official capacity as Director of Public Health for the Pasadena Public Health Department, the Pasadena Public Health Department ("PPHD"), Dr. Erica Pan, California Department of Public Health, Dr. Barbara Ferrer, in her official capacity as Director of Los Angeles Department of Public Health, and Los Angeles County of Public Health's (collectively "Defendants") 12(b)(1) motions to dismiss in the action entitled *Erica Jimenez v. Dr. Erica Pan, et al.* in the United States District Court Central District of California, Case No. 2:26-CV-03500-SPG-SP.

3. On May 28, 2026, the Court heard Plaintiff's Motion for a Preliminary Injunction, where the Court asked Plaintiff whether she had applied for enrollment in the City's Black Infant Health ("BIH") program in light of defendants' statements that Plaintiff was not categorically ineligible due to her race.

4. Following the hearing and the Court's questions, Plaintiff still did not reach out to the City regarding enrollment in the BIH program.

5. On July 1, 2026, I participated on behalf of my clients in a meet and confer where all counsel for parties were present.

1 6. On July 8, 2026, I drafted and sent a letter to Andrew R. Quinio and
2 Samantha Romero-Drew, attorneys of record for Plaintiff Erica Jimenez, on behalf
3 of my clients to invite Ms. Jimenez to proceed with completing the additional steps
4 for enrollment in the Black Infant Health (“BIH”) program. Attached hereto as
5 Exhibit “A” is a true and correct copy of the letter I sent on July 8, 2026.

6 7. As of the date of this declaration, I have not received any follow up
7 correspondence or communications from Plaintiff or her counsel in response to the
8 July 8, 2026 letter. Further, I am informed and believe that no PPHD staff has
9 received any follow up correspondence or communications from Plaintiff in
10 response to the July 8, 2026 letter.

11 8. Furthermore, neither Plaintiff nor her counsel have reached out to my
12 office or to the PPHD staff regarding her pursuit of enrollment in the BIH program.

13 9. Plaintiff also has not enrolled, or attempted to enroll, in any other
14 programs offered by the City for infants and mothers.

15
16 I declare under penalty of perjury under the laws of the State of California
17 and the United States of America that the foregoing is true and correct.

18
19 Executed August 24, 2026, at Pasadena, California.

20
21 

22 AMANDA M. CUSICK
23
24
25
26
27
28

EXHIBIT “A”



OFFICE OF THE CITY ATTORNEY/CITY PROSECUTOR
CIVIL DIVISION

July 8, 2026

VIA EMAIL ONLY

Andrew R. Quinio, Esq.
AQuinio@pacificlegal.org
Samantha Romero-Drew
SRomero@pacificlegal.org
Pacific Legal Foundation
555 Capitol Mall, Suite 1290
Sacramento, CA 95814

Re: *Erica Jimenez v. Dr. Erica Pan, et al.*
USDC Case No. 2:26-cv-03500-SPG-SP

Counsel:

The City of Pasadena writes to follow up on Plaintiff Erica Jimenez's prospective enrollment to the Black Infant Health (BIH) program.

Since the February 27, 2026 informational call referenced in Ms. Jimenez's declaration in support of her preliminary injunction in the above-referenced matter, Ms. Jimenez has not, to the City's knowledge, reached out to pursue enrollment in the BIH program. As the City and its co-Defendants have explained in the course of this litigation, including by their oppositions to the preliminary injunction motion and at hearing, if Ms. Jimenez wishes to enroll in the BIH program, she may simply express her intent to apply for the program and proceed with completing the additional requirements for enrollment. This would entail scheduling an appointment for her to complete an assessment with the mental health professional from the Pasadena Public Health Department (PPHD), and to discuss with the professional the services available to her under the BIH, along with the logistics of participation.

If Ms. Jimenez wishes to participate in the BIH program, we invite her to complete the next steps in the enrollment process. In furtherance of this invitation, the City proposes the following dates and times for Ms. Jimenez to meet with a PPHD mental health professional for her initial assessment:

Pacific Legal Foundation

Re: *Erica Jimenez v. Dr. Erica Pan, et al.*

July 8, 2026

Page 2

- Monday, July 13th: 10:00am -11:00am
- Wednesday, July 15th: 11:00am -12:00pm
- Tuesday, July 21st: 10:00am -11:00am (Virtual)
- Thursday, July 23rd: 10:00am -11:00am (Virtual)

Please advise which of the proposed times work for Ms. Jimenez for her intake evaluation and an in-person appointment lasting approximately one hour will be scheduled. If none of the proposed times are available for Ms. Jimenez, please promptly advise us of alternative dates and times when she would be available to meet with the mental health professional.

Very truly yours,

MICHELE BEAL BAGNERIS
City Attorney



AMANDA M. CUSICK
Assistant City Attorney

AMC:lm
XC67PM2Y0D27FE

cc: Jennifer Bunshoft, Esq., Office of the Attorney General
Jennifer.Bunshoft@doj.ca.gov (via email only)
Jennifer Perkell, Esq., Office of the Attorney General
Jennifer.Perkell@doj.ca.gov (via email only)
Amnon G. Siegel, Esq. Miller Barondess, LLP
asiegel@Millerbarondess.com (via email only)
Steven Williamson, Esq. Miller Barondess, LLP
swilliamson@millerbarondess.com (via email only)