

From: McGowan, Dan <dan.mcgowan@globe.com>
Sent: Thursday, December 28, 2023 5:10 PM
To: gregory@splawri.com
Subject: Mask settlement

Hey Greg,

I hope you had a great Christmas. Do you have a copy of the mask settlement that you can send me?

Dan

Dan McGowan
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On Fri, Dec 29, 2023 at 8:47 AM <gregory@splawri.com> wrote:

Dan, thank you for your interest in the case. Not sure how much background about the lawsuit you have researched, since there has been little coverage in the local legacy media about it. For context I have attached the original complaint we filed, along with the press release we put out after reaching our settlement on December 12. There has been a lot of legal wrangling over the past two plus years, including the preliminary injunction hearing, cross-appeals to the Supreme Court, motions to dismiss as moot which we have defeated, and endless discovery disputes. When the final dismissal stipulation, which will outline the agreement we reached, is filed, I will get that to you. By my count 7 different attorneys for the AG and RIDOH have been involved in this case and then quit, so it's been a slow slog to the finish. If there is any other information about the case you would like to discuss, please let me know.

Gregory P. Piccirilli, Esq.
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On Dec 29, 2023, at 8:52 AM, McGowan, Dan <dan.mcgowan@globe.com> wrote:

Thanks for this. Can you send me the actual settlement, not the press release?

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From: Gregory Piccirilli <gregory@splawri.com>
Sent: Friday, December 29, 2023 9:02 AM
To: McGowan, Dan <dan.mcgowan@globe.com>
Subject: Re: Mask settlement

The dismissal stip when filed will be the settlement. There is no written settlement agreement as I state in the release it was agreed to before the Judge on December 12.

Sent from my iPhone

From: McGowan, Dan <dan.mcgowan@globe.com>
Sent: Friday, December 29, 2023 9:20 AM
To: Gregory Piccirilli <gregory@splawri.com>
Subject: Re: Mask settlement

It seems like the most significant part of this will be the cost benefit analysis. But if DOH is the one doing it, I can't imagine that your expectations are particularly high, right?

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From: gregory@splawri.com <gregory@splawri.com>
Sent: Friday, December 29, 2023 9:40 AM
To: 'McGowan, Dan' <dan.mcgowan@globe.com>
Subject: RE: Mask settlement

We are confident that the science supports us. See the presentation of our expert Dr. Andrew Bostom, which was fully validated by the Cochrane Review. <https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD006207.pub6/full>

Even Dr. Anthony Fauci finally admitted that mask mandates were a broad spectrum failure: "From a broad public health standpoint, at the population level, masks work at the margins - maybe 10%." <https://www.nytimes.com/interactive/2023/04/24/magazine/dr-fauci-pandemic.html>

It was the CDC who has refused to consider studying masking children in schools because there was "no longer equipoise". <https://www.sciencedirect.com/science/article/pii/S2666535223000745> We have forced RIDOH to now consider these studies before ever inflicting this on children again. They cannot hide behind emergency regulations with no public debate. And it continues as you know since hospitals in RI are now requiring masking not just for COVID but for all respiratory viruses, with a complete lack of evidence.

On Fri, Dec 29, 2023 at 2:18 PM <gregory@splawri.com> wrote:

Dan, I have been informed that you were a staunch advocate for school mask mandates, and in fact for mask mandates in general. I am curious if you have had any change of mind given the lack of evidence in RCT studies as to the efficacy of mask mandates. Do you have any regrets simply regurgitating the unscientific edicts of public health officials who were pushing this narrative?

On Dec 29, 2023, at 2:23 PM, McGowan, Dan <dan.mcgowan@globe.com> wrote:

Staunch is probably overstating it. Like most people, I had no problem wearing a mask. But I have no problem with you guys fighting for whatever you believe in either.

Have a safe and happy new year!

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On Fri, Dec 29, 2023 at 2:34 PM Gregory Piccirilli <gregory@splawri.com> wrote:

Dan you are being to modest. Your wrote in August of 2021

It stinks for McKee that he's the lone holdout of the likely candidates for governor next year when it comes to calling for a statewide mask mandate. But he's also the only one who actually has the power to execute this kind of requirement. No one is going to remember who was first.

Maybe he can get away with his “let the locals decide” approach if every school committee in the state begins to show a little common sense.

Or maybe he should learn what every editor has ever told a journalist upset over being scooped by a competitor.

It's much more important to be right than to be first.

Would you agree with me that it is important now to be right and look back and admit who made mistakes by mandating masks?

Sent from my iPhone

From: McGowan, Dan <dan.mcgowan@globe.com>

Sent: Friday, December 29, 2023 2:49 PM

To: Gregory Piccirilli <gregory@splawri.com>

Subject: Re: Mask settlement

No, I wouldn't agree with you. I don't agree that it was a mistake to have mask mandates because I don't think it was actually that big of a deal, but I also don't look down on anyone who disagrees. I think I'm a fairly reasonable person in that respect.

Getting back to your lawsuit, I'm a little confused at the state's position - which is that it's premature to comment before everything is finalized.

I'm not a lawyer, so forgive me for being naive here. Are you saying there won't be a written settlement at all? If so, how will you hold DOH accountable to its end of the agreement?

For example, will you have any actual say in what lands in the final report?

When you say they're going to inform school districts that there isn't a mask mandate, do they basically just have to send an email to superintendents? And are the school districts required to inform parents?

Dan

Dan McGowan

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From: gregory@splawri.com <gregory@splawri.com>

Sent: Friday, December 29, 2023 3:19 PM

To: 'McGowan, Dan' <dan.mcgowan@globe.com>

Subject: RE: Mask settlement

Dan, two points. First, you say it was no big deal to forcibly mask young kids for up to 8 hours a day, while there was no evidence that it worked to stop the spread of COVID and no studies were done on the potential harm. Easy for you to say I imagine, but pretty heartless for these kids who struggled. Read the stories of what they endured. Remember, the Judge agreed that these kids and their parents were suffering irreparable harm. As for looking down at people, my clients, Andy and I were viciously attacked, called baby and grandma killers, people were afraid to sign on to the suit for fear of retaliation. You and your colleagues were some of the worst attackers. When we pointed out that NO ONE under the age of 25 died of COVID in RI we were defamed as liars. I even caught Dr. McDonald trying to push that lie under oath in Court, which he had to retract. So spare me the “it was no big deal.”

As for the settlement, we all agreed to the terms before the Judge. No one is going to change that. And as I said, the dismissal stipulation will set forth that in exchange for our dropping the lawsuit, RIDOH will promulgate a regulation and allow for public comment. We already have the regulation that they will issue. It

appears you contacted them and they are refusing to comment. Pretty soon we file the dismissal stip with the terms of settlement, hopefully by early next week since we have a Court date on Jan 4 if we don't file. Maybe RIDOH will comment then.

As for the school issue, in August of this year RIDOH sent an email to all school administrators in which they made it appear as if there was still some sort of mandate. We were furious, and the RIDOH attorney I was dealing with at the time was also angry that he didn't know about it. It almost scuttled the deal. So as part of our settlement RIDOH agrees to send a follow-up memo which is already written, making it clear to school officials that there is no state mandate. This is particularly important now that various places seem to be wanting to start with mask mandates again.

I understand that everyone is bored with this now and just wants to move on. But there is a bigger issue here, and that is blind obedience to public health officials and politicians who do not always act in best faith. Andy and I have tried to debate people like Dr. McDonald and Scott and were ridiculed and told the science is settled. We would be happy to debate you or anyone else about the science, and what actually happened to these kids in schools, but have never been allowed that forum. Instead, the media had on people like Dr. McDonald and Chan who are allowed to say whatever they want with no countervailing viewpoint. We will now have our forum to make our case.

McGowan, Dan
Dec 29, 2023, 5:25 PM
to me, gregory

Your opinion is noted.

Greg, if you can let me know when the settlement is final and the regulation can be read, I'd appreciate it.

Happy New Year.

Dan.
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