



FOR IMMEDIATE RELEASE

Media Inquiries: [Judy Pino](#), 202-869-5218

Watch: A Physician with a Gag Order Is Not a Physician You Can Trust, NCLA Releases Case Video Challenging California’s AB 2098

Tracy Høeg, M.D., Ram Duriseti, M.D., Aaron Kheriaty, M.D., Pete Mazolewski, M.D. and Azadeh Khatibi, M.D. v. Gavin Newsom, Governor of California, in his official capacity; Kristina Lawson, Randy Hawkins, Laurie Rose Lubiano, Michelle Anne Bholat, David E. Ryu, Ryan Brooks, James M. Healzer, Asif Mahmood, Nicole A. Jeong, Richard E. Thorp, Veling Tsai, and Eserick Watkins, in their various official capacities as officers and members of the Medical Board of California; and Rob Bonta, Attorney General of California, in his official capacity.



Photo: Azadeh Khatibi, M.D., Plaintiff, Høeg, et al. v. Newsom, et al.

Washington, DC (June 8, 2023) – The government declared the pandemic officially over on May 11th, but a [video](#) released today by the New Civil Liberties Alliance explains how California Assembly Bill 2098 (AB 2098) subjects physicians to discipline for disseminating “misinformation” about Covid-19 to patients. The vague and controversial law renders the State the arbiter of truth and endows those who seek to prevent dissenters from voicing their medical opinions with the legal authority to censor doctors.

The New Civil Liberties Alliance represents five California physicians in [Høeg, et al. v. Newsom, et al.](#), who argue AB 2098 violates the core First Amendment values of the venerable doctor-patient relationship. It does not allow physicians to provide patients with their honest opinions on covid-related matters, and their patients can no longer be assured that they are receiving their physicians’ learned, individualized advice, as opposed to state-approved mantras.

On January 25, 2023, Senior Judge William B. Shubb of the U.S. District Court for the Eastern District of California [granted](#) NCLA’s motion for preliminary injunction in *Høeg, et al. v. Newsom, et al.* Patients want to know that if they ask their physician a question, including a question about Covid-19, they will get the doctor’s honest opinion.

Excerpts from the video:

“The law in California threatens doctors for giving their honest opinion, threatens them with loss of their license that they worked so hard for.”

— **Greg Dolin, M.D., Senior Litigation Counsel, NCLA**

“Because AB 2098 is difficult to interpret for physicians, physicians are going to just err on the side of just reading from a script written by the California Department of Public Health.”

— **Aaron Kheriaty, M.D., Plaintiff, *Høeg, et al. v. Newsom, et al.***

“This is abnormal. This is wrong. I’m going to do everything in my power to fight this type of injustice against doctors and patients. I’m just getting started”

— **Azadeh Khatibi, M.D., Plaintiff, *Høeg, et al. v. Newsom, et al.***

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

###