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8 Attorneys for Defendants Summerkids, Inc., and
9 Cara DiMassa in her capacity as Director of
Summerkids, Inc.

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES
12 CENTRAL DISTRICT

13 KIM JOHNSON, DIRECTOR OF THE
14 DEPARTMENT OF SOCIAL SERVICES,

15 Plaintiff,

16 vs.

17 SUMMERKIDS, INC., DBA ANGELUS
18 MOUNTAIN CENTER; SUMMERKIDS,
19 INC., DBA SUMMERKIDS; CARA
20 DIMASSA, IN HER CAPACITY AS DIRECTOR OF
SUMMERKIDS, INC.; DOES 1 THROUGH 20,
INCLUSIVE,

21 Defendants.

CASE NO. 20STCV06374

**Declaration of Cara DiMassa in Support of
Defendants' Opposition to Plaintiff's
Motion for Preliminary Injunction**

Date: February 22, 2021
Time: 2:00 pm

Judge: Hon. Stuart M. Rice
Dept.: 49

Unlimited Civil Case
Reservation ID: 895205089767

22
23 DECLARATION OF CARA DIMASSA

24 I, Cara DiMassa, declare as follows:

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26 1. I am a defendant in this action. I make this declaration of personal, firsthand
27 knowledge, and if called and sworn as a witness, I could and would testify competently thereto.
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1 2. I am the Director of Summerkids Camp. I have served as a Director of
2 Summerkids, a family-owned and -operated business, since 2010. Before that, I assisted with the
3 family business part-time, in a variety of capacities, including business operations, website
4 maintenance, and activity scheduling. I worked as a camp counselor at Summerkids in the late
5 1980s and early 1990s as well. In total, I have been involved in the camping industry for more
6 than 30 years.

7 3. Were the state’s motion for preliminary injunction granted, it would cause
8 irreparable harm to both Summerkids’ business and its reputation. The balance of harm would be
9 squarely on Summerkids’ side. Most California day camps, including Summerkids, take in the
10 bulk of their registrations and income in the months of March, April and May, before the camp
11 season begins. Should Summerkids be prohibited from operating, even temporarily, Summerkids
12 would be unable to recover the registrations—and thus income—that come in during those
13 months. The camp is already on perilous financial footing after having to decide last May to close
14 the camp because of COVID-19. The state of California did not issue guidelines for operation for
15 day camps until early June, which made planning a safe and effective program in a timely manner
16 impossible for Summerkids. Thus, Summerkids returned all tuition money to camp families for
17 2020, and the camp has made almost no money since then; instead relying on loans to keep afloat.
18 All of Summerkids’ three full-time employees (including myself) have been on furlough since last
19 May. As Summerkids plans for this summer, Summerkids has begun taking applications for
20 summer employment. And Summerkids has already made substantial financial investments in
21 preparation for the summer, including paying insurance, state compensation, and other significant
22 costs, many of which were due at the beginning of this year. In addition, Summerkids has had to
23 buy special materials and supplies to protect staff and campers against COVID-19. Were
24 Summerkids not able to accept applications between now and June or were Summerkids not able
25 to run this summer, I do not believe that the camp could continue operating. Summerkids would
26 be without income for a second year in a row. At the very least, Summerkids would have to lay
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1 off its full-time employees, and the camp counselors who had been expecting to work for
2 Summerkids this summer would be without jobs.

3 4. For more than 40 years of operation, Summerkids has been a classic example of a
4 traditional summer day camp. Summerkids is not a day care or child care—nor has it ever been.
5 Summerkids runs a seasonal, recreational program, one that is focused on the outdoor experience
6 and the philosophy that camp should be a place for campers to enjoy activities and pursuits that
7 they do not get in the rest of their daily lives. Summerkids is the rare day camp program in
8 Southern California that operates on a permanent, private campground site, rather than at a school
9 or in a public park, as most day camps in the state do. The campground was founded as a Camp
10 Fire Girls camp in 1945, and Summerkids has been operating the program—which my parents
11 originally started in their Pasadena backyard—since 1980 there. The more-than-55-acre property,
12 which includes a lodge, yurts, hiking trails, archery ranges, a nature center, wide-open fields, and
13 even a garden and chicken coop, sits just above a residential neighborhood, with a good chunk of
14 the land inside the Angeles National Forest. Summerkids is a camp where children who are often
15 tightly programmed during the school year can play, imagine, be silly, get a little dirty, and, most
16 of all, grow and recreate. Choice is at the heart of all that Summerkids does, and campers decide
17 what activities they want to do while at camp from a wide spectrum of activities. It is wonderful to
18 see campers jubilant over their choices as they grow and mature. For more than 40 years,
19 Summerkids’ program has run in the same manner, with campers choosing an activity multiple
20 times a day. Camp activities are mixed age and mixed gender and include many of what I would
21 call the “classic” camp activities: hiking, archery, games like Gaga Ball and Capture the Flag,
22 crafts like friendship bracelets, tie dye and hama beads, and other activities like slack lining,
23 gardening, cooking, and sports. Up until Summer 2019, Summerkids had a mobile rock wall visit
24 the camp multiple times each summer; they closed their business last summer.

25 5. These activities are closely supervised by college-age (and older) counselors, who
26 have gone through counselor training before the summer begins. In between activity periods,
27 campers and counselors gather at a group of logs called “campfire” where they sing songs, play
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1 games and do skits together. About 90% of the activities in a normal year are done outside, on
2 Summerkids’ fields, its trails, or at picnic tables under the pine and oak trees that cover the
3 property. Campers can enroll at camp in a variety of different programs, but for a minimum of 10
4 days. The majority attend between three and six weeks. During a typical summer, Summerkids is
5 open for 10 weeks; in 2021, the camp intends to be open for only eight weeks, broken into four
6 two-week sessions, because of COVID-19 restrictions. Campers come from many different
7 schools and cities around the area; many of them have “camp friends” that they look forward to
8 seeing each summer. Many campers return to Summerkids year after year, moving through the
9 different programs, and the majority of the most recent group of counselors had, themselves, been
10 campers at Summerkids. These examples of long-term relationships with the campers and
11 families that Summerkids serves are hallmarks of camps like Summerkids across the country.

12 6. Again, Summerkids is neither a Day Care facility nor a Child Care facility—nor
13 would it be able to ever be one. Although the State paints licensure as an easy process, certain
14 elements of the process would be insurmountable hurdles. For example, I, with decades of
15 experience in the camping industry and a BSFS from Georgetown University, would not be able to
16 direct such a facility because my degree was not in Early Childhood Education. Summerkids’
17 counselors—college students—would not be able to work at the facility, because the Child Care
18 rules dictate that all of them would need a degree in Early Childhood Education as well as several
19 years’ experience under their belts before they could work for Summerkids.

20 7. In addition, Summerkids’ space—which is more than 50 acres—does not have
21 enough indoor square footage to accommodate the guidelines as I understand them for the number
22 of campers Summerkids serves. In fact, the entire concept of a children’s recreational, organized
23 day camp, with a youthful but responsible staff, plentiful outdoor space and things like archery
24 ranges or hiking trails, could not exist under the Child Care rules. In my mind, that is why the law
25 provides an exception to the rule for camps like Summerkids.

26 8. Summerkids is not an outlier. There are hundreds of day camps in California that
27 operate as Summerkids does. These include “traditional” day camps, like Summerkids, as well as
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1 those that fall under a much broader definition of camps. There are singularly-focused camps run
2 by: academic groups (“science camp,” “robotics camp,” “writers camp”); martial arts programs
3 (“karate camp”); art studios (“art camp”); theaters (“summer acting camp,” “performing arts
4 camp”); sports clubs (“soccer camp,” “baseball camp”); local gardens (“nature camp”); equestrian
5 centers (“horse camp”); and even “surf camp” and “circus camp.” My own children have attended
6 several of these. Indeed, the American Camp Association membership includes examples of all of
7 those in its membership. Unlike those, Summerkids offers more than a single, highly localized
8 activity. The beauty of the program is in its breadth, and I believe that is what defines
9 Summerkids as a camp. To say that these other programs, but not Summerkids, function as
10 exempt from child care licensing but Summerkids’ somehow does not would be disingenuous. In
11 addition, this school year, as many schools in the state have struggled for a way to bring children
12 back to school, several have begun functioning as camps, citing the fact that camps are exempt
13 from licensing and have been allowed to open with different standards by the State of California.

14 9. Summerkids has much more in common with the other recreational camp programs
15 that state law lists as specifically exempt from child care licensing than it does with any child day
16 care facility as defined in the state law. Summerkids’ philosophy, activities, enrollment practices,
17 and safety measures are all closely aligned with other traditional day camp programs including the
18 YMCA, Boy Scouts, Girl Scouts, and Camp Fire.

19 10. Indeed, take, as one example, Camp Mariposa, the Girl Scout camp that is less than
20 two miles away from Summerkids, also in Altadena, California, and which operates as a day camp
21 during the summer months. They, like Summerkids, were closed in 2020. Attached hereto as
22 **Exhibit A** is a true and correct copy of a brochure from the Greater Girl Scouts of Los Angeles
23 outlining Camp Mariposa’s program, as it appeared on February 2, 2021. The Camp Mariposa
24 property, which is significantly smaller than the property on which Summerkids operates, also
25 includes picnic tables, water fountains, a campfire ring and amphitheater, a large grassy field and a
26 Gaga Court. According to a camp brochure, “Camp activities include arts and crafts, singing
27 songs, team building, low ropes elements, a gaga court, a kids’ kitchen, and water play for those
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1 warm days.” They do *not* have a swimming pool, garden, archery range, or other amenities
2 available as part of Summerkids’ program. Their program includes both a regular 9 a.m. to 4 p.m.
3 camp day and morning and afternoon “Extended Day” period that parents must sign up for (as
4 Summerkids functions as well). Snack is offered twice daily. This is just one example, but I
5 believe it illustrates what those who wrote the state law intended when they defined the
6 exemptions to the child care licensing.

7 11. Summerkids follows industry standards for Health and Safety, Counselor Training,
8 and other operational matters. As members of the American Camp Association (“ACA”),
9 Summerkids frequently avails itself of ACA resources, both written and in-person/online, to
10 inform its own practices and procedures. Summerkids’ Employee Handbook and Counselor
11 Guides contain detailed procedures on all aspects of the camp experience, from hiking to sports,
12 swimming to archery. In addition, Summerkids has a comprehensive written Emergency Plan,
13 which it shares with all employees and which it trains on before camp begins. Summerkids makes
14 regular contact with the local Los Angeles County Sheriff’s Department, and each year, the
15 campground is visited by an inspector from the Los Angeles County Public Health Department for
16 the site’s swimming pool. All staff members are background checked and must go through a
17 training process that includes supervision of campers, health and safety and emergency plans and
18 procedures. All Counselors and staff must possess a current First Aid/CPR/AED certification.
19 Summerkids uses an online database software called “CampBrain” to process and maintain all of
20 its records, another industry practice. When parents sign their campers up for the summer through
21 the CampBrain portal—including the parents who have written declarations in this case—
22 Summerkids’ forms refer to children enrolling in its programs as “campers” and the program as a
23 “camp.” They sign an agreement that among other things gives permission for their camper to
24 “take part in all camp activities.” In fact, the Summerkids Policies agreed to and signed in 2019
25 by Shimica Gaskins, Xuan Jiang, Elena Matyas, and Carla Wells include the word “camp” 33
26 times and the word “camper” 23 times. The phrases “day care” and “child care” are never
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1 mentioned. In short, the parents who sign their children up for Summerkids' program know they
2 are signing campers up for camp, as did the parents in 2019 who signed declarations in this case.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed on this 3rd day of February, 2021.

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7 /s/ Cara DiMassa

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9 Cara DiMassa
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EXHIBIT A



CAMP PHILOSOPHY

GSGLA camps focus on the Girl Scout Leadership Experience—a model that engages girls in **discovering** themselves, **connecting** with others, and **taking action** to make the world a better place.

This model is more inclusive and empowering of girls because the experiences are girl-led. Activities encourage experiential and cooperative learning. Each week is a new adventure as girls explore interactive themes that keep them engaged and learning.

SIGN ME UP FOR CAMP!

To register for camps, visit www.girlscoutsla.org.

SPECIALTY CAMPS & RENTALS

In addition to hosting summer day camp, Mariposa offers year-round, staff-hosted weekend specialty camps for troops and families. Visit our program calendar at www.girlscoutsla.org for our specialty weekends.

Girl Scouts and the public may also rent the property for events and programs.

Facility accommodations include:

- Full kitchen
- Large meeting space
- Large tent camping area
- Campfire ring and amphitheater
- Bridge and BBQ's available

For information on renting properties and pricing, please contact us at propertyreservations@girlscoutsla.org.

MARIPOSA DAY CAMP

615 E Mariposa St., Altadena, CA 91001
E: mariposacamp@girlscoutsla.org P: (626) 677-2303
WWW.GIRLSCOUTSLA.ORG

girl scouts
greater los angeles



MARIPOSA

ALTADENA, CA





MISSION OF CAMP

At Girl Scouts of Greater Los Angeles, our goal is to provide an enriching atmosphere that fosters growth and development in our campers as they participate in carefully designed, dynamic activities.

Our day camps encourage and support girls in:

- Developing a strong sense of self
- Nurturing positive values
- Building practical life skills
- Cultivating healthy relationships
- Promoting cooperation and team building
- Appreciating diversity in a multicultural world
- Becoming resourceful problem solvers



SUMMER DAY CAMP OVERVIEW

Mariposa is a hidden oasis, where the stresses of urban city life are long forgotten. Located in the foothills of Altadena, this park-like atmosphere includes a small pond, campfire ring, and the Singing Steps Amphitheater. Camp activities include arts and crafts, singing songs, team building, low ropes elements, a gaga court, a kids' kitchen, and water play for those warm days.

- Open to all girls in grades K–6
- Program Aide (PA) Leadership Experience for grades 7–12
- Camp runs June–August, 9 a.m.–4 p.m.
- Five days of programming per session
- Morning and evening extended care available at an additional cost
- First Aid/CPR certified camp staff
- Safe, all-girl environment



WHAT'S INCLUDED AT DAY CAMP

- Fun new themes each week
- Two daily snacks
- Special commemorative item such as a water bottle, bag, or hat
- Camp group photo
- Badges earned during the week
- Camp patch

Day camp sessions average about \$35–40 per day. Financial aid is available. For a full listing of camp programs and their costs, view the GSGLA Summer Camp Guide at www.girlscoutsla.org, available starting in February of each year.

"This summer both of my daughters have found a peaceful and empowered place in themselves. I think being at Camp Mariposa has allowed them to do this." – Jennifer, Girl Scout mom