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Attorneys for Plaintiffs

18 **UNITED STATES DISTRICT COURT FOR**
19 **THE CENTRAL DISTRICT OF CALIFORNIA**

20 **MATTHEW BRACH, et al.**

21 Plaintiffs,

22 v.

23 **GAVIN NEWSOM, et al.**

24 Defendants.

Case No.: 2:20-cv-06472 SVW (AFMx)

**APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND FOR
ORDER TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE;
MEMORANDUM OF POINTS AND
AUTHORITIES**

Judge: Hon. Stephen V. Wilson



1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiffs Matthew Brach, Jesse Petrilla, Lacey
3 Beaulieu, Erica Sephton, Kenneth Fleming, John Ziegler, Alison Walsh, Robert
4 Hackett, Christine Ruiz, Z.R., Marianna Bema, Ashley Ramirez, Tiffany Mitrowke,
5 Ade Onibokun, and Brian Hawkins, by and through counsel, will and hereby do apply
6 to this Court pursuant to Fed. R. Civ. P. 65(b) and Local Rule 65-1 for a temporary
7 restraining order against Defendants Gavin Newsom, in his official capacity as
8 Governor of California; Xavier Becerra, in his official capacity as Attorney General of
9 California; Sonia Y. Angell, in her official capacity as the State Public Health Officer
10 and Department of Public Health Director; and Tony Thurmond, in his official capacity
11 as State Superintendent of Public Instruction and Director of Education (“Defendants”),
12 and for the issuance of an order to show cause why a preliminary injunction should not
13 issue, as follows:

14 1. Defendants, as well as their agents, employees, and successors in office,
15 shall be restrained and enjoined from enforcing, attempting to enforce, threatening to
16 enforce, or otherwise requiring compliance with any portion of the California
17 Department of Public Health COVID-19 and Reopening In-Person Learning
18 Framework for K-12 Schools in California, 2020-2021 School Year, issued July 17,
19 2020, to the extent it prevents any school district, charter school, or private school from
20 immediately resuming in-person education.

21 2. Defendants shall show cause, at a time and place to be directed by the
22 Court, why a preliminary injunction should not issue requiring Defendants to act as
23 described in above; the temporary restraining order shall remain effective until such
24 time as the Court has ruled on whether a preliminary injunction should issue.

25 This Application is made on the grounds that Plaintiffs are likely to succeed on
26 the merits of this case, they will suffer irreparable harm without injunctive relief, the
27 balance of equities tips sharply in their favor, and the relief sought is in the public
28 interest.

1 Good cause exists to issue the requested Order to preserve Plaintiffs’ rights under
2 the Constitution of the United States and to avoid irreparable harm to those rights. This
3 Application is supported by the accompanying Memorandum of Points and Authorities,
4 by the declarations of 20 expert witnesses, Plaintiffs, and their counsel, Harmeet K.
5 Dhillon, and all exhibits attached thereto, and by such further argument and evidence
6 that may be adduced at any hearing on this matter or of which the Court may take
7 judicial notice.

8 The First Amended Complaint in this action was filed on July 29, 2020; this
9 Application followed. All papers relating to this Application will be delivered by email
10 to the Defendants’ counsel shortly after they are filed.

11
12 Respectfully submitted,

13 Date: August 2, 2020

DHILLON LAW GROUP INC.

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15 By: /s/ Harmeet K. Dhillon

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