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16	UNITED STATES	DISTRICT COURT
17	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
18		
	JANICE ALTMAN, an individual, et al.	Case No. 4:20-cv-02180-JST
19	Plaintiffs,	PLAINTIFFS' APPLICATION FOR TEMPORARY
20	vs.	RESTRAINING ORDER, AND/OR IN THE
21	COUNTY OF SANTA CLARA,	ALTERNATIVE, MOTION FOR ISSUANCE OF A PRELIMINARY INJUNCTION
22	CALIFORNIA, et al.	TREEMWART INSCIPETION
		Date: TBA
23	Defendants.	Time: TBA Location: TBA
24		Judge: Hon. Jon S. Tigar
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26		First Amended Complaint Filed Apr. 10, 2020
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PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs Janice Altman, Ryan Goodrich, Albert Lee Swann, Roman Kaplan, Yan Traytel, Dmitri Danilevsky, Greg David, Scott Chalmers, City Arms East LLC, City Arms LLC, Cuckoo Collectibles LLC d.b.a. Eddy's Shooting Sports, Second Amendment Foundation, California Gun Rights Foundation, National Rifle Association of America, California Association of Federal Firearms Licensees, Inc., and Firearms Policy Coalition, Inc. ("Plaintiffs"), by and through counsel undersigned, and pursuant to Fed. Rule of Civ. Pro. 65, and Northern District Civ. Local Rule 65-1, hereby and respectfully apply to this Court for the issuance of a Temporary Restraining Order.

By and through this Application, Plaintiffs seek an order that would temporarily enjoin Defendants County of Santa Clara, Laurie Smith (sued in her Capacity as Sheriff of the County of Santa Clara), Jeffrey Rosen (sued in his official capacity as Santa Clara County District Attorney), Sara Cody (sued in her official capacity as Santa Clara County Health Officer), City of San Jose, California, Sam Liccardo (sued in his official capacity as Mayor of San Jose), Edgardo Garcia (sued in his official capacity as Chief of Police for the City of San Jose), City of Mountain View, California, Max Bosel (sued in his official capacity as the Chief of Police for the City of Mountain View), County of Alameda, California, Gregory Ahern (sued in his capacity as Sheriff of the County of Alameda), Erica Pan (sued in her capacity as Health Officer of the County of Alameda), County of San Mateo, California, Carlos Bolanos (sued in his capacity as Sheriff of the County of San Mateo), Scott Morrow (sued in his capacity as San Mateo County Health Officer), City of Pacifica, California, Dan Steidle (sued in his official capacity as the Chief of Police for the City of Pacifica), County of Contra Costa, California, David Livingston (sued in his capacity as Sheriff of the County of Contra Costa), Chris Farnitano (sued in his capacity as Health Officer of Contra Costa County), City of Pleasant Hill, California, and Bryan

1	Hill (sued in his official capacity as Chief of Police for the City of Pleasant Hill) ("Defendants"),	
2	and each of their respective employees, officers, agents, representatives, and those acting in	
3	concert or participation with them, from closing or compelling the closure of retail firearm and	
4 5	ammunition businesses on the grounds they are "non-essential businesses" under: the "ORDER OF	
6	THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA DIRECTING ALL INDIVIDUALS LIVING IN	
7	THE COUNTY TO SHELTER AT THEIR PLACE OF RESIDENCE," etc., issued on March 16, 2020 and as	
8	revised on March 31, 2020 ("Santa Clara County Orders"); the "ORDER OF THE HEALTH OFFICER	
9	OF THE COUNTY OF ALAMEDA DIRECTING ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER	
10	AT THEIR PLACE OF RESIDENCE," etc., issued on March 16, 2020 and as revised on March 31,	
11 12	2020 ("Alameda County Orders"); the ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN	
13	MATEO DIRECTING ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR PLACE OF	
14	RESIDENCE," etc., issued March 16, 2020 and as revised on March 31, 2020 ("San Mateo County	
15	Orders"); the "Order of the Health Officer of the County of Contra Costa Directing	
16	ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR PLACE OF RESIDENCE," etc.,	
17 18	issued on March 16, 2020 and as revised on March 31, 2020 ("Contra Costa County Orders");	
19	and the orders, polices, practices and customs of the Santa Clara County Sheriff's Department,	
20	the Santa Clara County District Attorney's Office, the San Jose Police Department, the Mountain	
21	View Police Department, the Alameda County Sheriff's Department, the San Mateo County	
22	Sheriff's Department, Pacifica Police Department, the Contra Costa County Sheriff's	
23	Department, and the Pleasant Hill Police Department.	
2425	By and through this Application, and pursuant to N.D. Local Rule 65-1, Plaintiffs further	
26	request that this Court issue an Order to Show Cause fixing the time for hearing a motion for	
27	preliminary injunction, why it otherwise should not issue, and which would grant Plaintiffs	
28	preliminary injunctive relief as sought herein.	

ALTERNATIVE RELIEF REQUESTED: MOTION FOR PRELIMINARY INJUNCTION

As an alternative form of relief, pursuant to Northern District Civ. Local Rule 65, Plaintiffs respectfully request that the court set and schedule a hearing and further briefing thereon, on their above-stated Application, made as a Motion for Preliminary Injunction pursuant to FRCP 65, and the standards set forth in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 129 S.Ct. 365 (2008), and *Alliance for Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

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As set forth in the memorandum of points and authorities supporting Plaintiffs' Application and/or Motion, filed herewith, Plaintiffs' Application and alternative Motion are made on the following grounds:

- 1. That the Santa Clara County Orders, the Alameda County Orders, the San Mateo County Orders, and the Contra Costa County Orders, and Defendants' policies, practices, and customs individually and/or collectively violate the Second and Fourteenth Amendments; and
- 2. That all of the Defendants' orders, policies and practices which amount to a prohibition on the acquisition, selling, transferring, and purchase of firearms and ammunition during declared states of emergency violate the Second and Fourteenth Amendments.

WHEREFORE, temporary, preliminary and permanent injunction should issue restraining and enjoining all Defendants and their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of the injunction, from enforcing the Santa Clara County Orders, the Alameda County Orders, the San Mateo County Orders, and the Contra Costa County Orders, and Defendants' policies, practices, and customs, that individually and collectively would otherwise: (1) prohibit the operation of firearm and ammunition product

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1	manufacturers, retailers, importers, distributors, shooting ranges, and FSC test providers; (2)		
2	deny individuals the right and ability to travel to and from, access, and use firearm and		
3	ammunition product retailers, FSC test providers, and shooting ranges to acquire, take possession		
4	of, and practice proficiency with constitutionally protected items; (3) deny individuals the right		
5			
6	and ability to travel to and from, and operate, firearm and ammunition product manufacturers,		
7	retailers, importers, distributors, shooting ranges, and FSC test providers so that individuals can		
8	acquire, take possession of, and practice proficiency with constitutionally protected items.		
9	Dated: April 10, 2020	SEILER EPSTEIN LLP	
10		/s/ George M. Lee	
11		George M. Lee	
12		Attorney for Plaintiffs	
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