

1 George M. Lee (SBN 172982)  
2 [gml@seilerepstein.com](mailto:gml@seilerepstein.com)  
3 **SEILER EPSTEIN LLP**  
4 275 Battery Street, Suite 1600  
5 San Francisco, California 94111  
6 Phone: (415) 979-0500  
7 Fax: (415) 979-0511

8 Raymond M. DiGuseppe (SBN 228457)  
9 [law.rmd@gmail.com](mailto:law.rmd@gmail.com)  
10 **THE DIGUISEPPE LAW FIRM, P.C.**  
11 4320 Southport-Supply Road, Suite 300  
12 Southport, North Carolina 28461  
13 Phone: 910-713-8804  
14 Fax: 910-672-7705

15 Adam Kraut, Esq. (Admitted *pro hac vice*)  
16 [akraut@fpclaw.org](mailto:akraut@fpclaw.org)  
17 **FIREARMS POLICY COALITION**  
18 1215 K Street, 17th Floor  
19 Sacramento, CA 95814  
20 (916) 476-2342

21 Attorneys for Plaintiffs

22 **UNITED STATES DISTRICT COURT**  
23 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

24 JANICE ALTMAN, an individual, et al.

25 Plaintiffs,

26 vs.

27 COUNTY OF SANTA CLARA,  
28 CALIFORNIA, et al.

Defendants.

Case No. 4:20-cv-02180-JST

**PLAINTIFFS' APPLICATION FOR TEMPORARY  
RESTRAINING ORDER, AND/OR IN THE  
ALTERNATIVE, MOTION FOR ISSUANCE OF A  
PRELIMINARY INJUNCTION**

Date: TBA  
Time: TBA  
Location: TBA  
Judge: Hon. Jon S. Tigar

First Amended Complaint Filed Apr. 10, 2020

1                    **PLAINTIFFS’ APPLICATION FOR TEMPORARY RESTRAINING ORDER**

2                    Plaintiffs Janice Altman, Ryan Goodrich, Albert Lee Swann, Roman Kaplan, Yan  
3 Traytel, Dmitri Danilevsky, Greg David, Scott Chalmers, City Arms East LLC, City Arms LLC,  
4 Cuckoo Collectibles LLC d.b.a. Eddy’s Shooting Sports, Second Amendment Foundation,  
5 California Gun Rights Foundation, National Rifle Association of America, California  
6 Association of Federal Firearms Licensees, Inc., and Firearms Policy Coalition, Inc.  
7 (“Plaintiffs”), by and through counsel undersigned, and pursuant to Fed. Rule of Civ. Pro. 65,  
8 and Northern District Civ. Local Rule 65-1, hereby and respectfully apply to this Court for the  
9 issuance of a Temporary Restraining Order.  
10

11                    By and through this Application, Plaintiffs seek an order that would temporarily enjoin  
12 Defendants County of Santa Clara, Laurie Smith (sued in her Capacity as Sheriff of the County  
13 of Santa Clara), Jeffrey Rosen (sued in his official capacity as Santa Clara County District  
14 Attorney), Sara Cody (sued in her official capacity as Santa Clara County Health Officer), City  
15 of San Jose, California, Sam Liccardo (sued in his official capacity as Mayor of San Jose),  
16 Edgardo Garcia (sued in his official capacity as Chief of Police for the City of San Jose), City of  
17 Mountain View, California, Max Bosel (sued in his official capacity as the Chief of Police for the  
18 City of Mountain View), County of Alameda, California, Gregory Ahern (sued in his capacity as  
19 Sheriff of the County of Alameda), Erica Pan (sued in her capacity as Health Officer of the  
20 County of Alameda), County of San Mateo, California, Carlos Bolanos (sued in his capacity as  
21 Sheriff of the County of San Mateo), Scott Morrow (sued in his capacity as San Mateo County  
22 Health Officer), City of Pacifica, California, Dan Steidle (sued in his official capacity as the  
23 Chief of Police for the City of Pacifica), County of Contra Costa, California, David Livingston  
24 (sued in his capacity as Sheriff of the County of Contra Costa), Chris Farnitano (sued in his  
25 capacity as Health Officer of Contra Costa County), City of Pleasant Hill, California, and Bryan  
26  
27  
28

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 ammunition businesses on the grounds they are “non-essential businesses” under: the “ORDER OF  
5 THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA DIRECTING ALL INDIVIDUALS LIVING IN  
6 THE COUNTY TO SHELTER AT THEIR PLACE OF RESIDENCE,” etc., issued on March 16, 2020 and as  
7 revised on March 31, 2020 (“Santa Clara County Orders”); the “ORDER OF THE HEALTH OFFICER  
8 OF THE COUNTY OF ALAMEDA DIRECTING ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER  
9 AT THEIR PLACE OF RESIDENCE,” etc., issued on March 16, 2020 and as revised on March 31,  
10 2020 (“Alameda County Orders”); the ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN  
11 MATEO DIRECTING ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR PLACE OF  
12 RESIDENCE,” etc., issued March 16, 2020 and as revised on March 31, 2020 (“San Mateo County  
13 Orders”); the “ORDER OF THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA DIRECTING  
14 ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR PLACE OF RESIDENCE,” etc.,  
15 issued on March 16, 2020 and as revised on March 31, 2020 (“Contra Costa County Orders”);  
16 and the orders, polices, practices and customs of the Santa Clara County Sheriff’s Department,  
17 the Santa Clara County District Attorney’s Office, the San Jose Police Department, the Mountain  
18 View Police Department, the Alameda County Sheriff’s Department, the San Mateo County  
19 Sheriff’s Department, Pacifica Police Department, the Contra Costa County Sheriff’s  
20 Department, and the Pleasant Hill Police Department.

21 By and through this Application, and pursuant to N.D. Local Rule 65-1, Plaintiffs further  
22 request that this Court issue an Order to Show Cause fixing the time for hearing a motion for  
23 preliminary injunction, why it otherwise should not issue, and which would grant Plaintiffs  
24 preliminary injunctive relief as sought herein.



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 and ability to travel to and from, and operate, firearm and ammunition product manufacturers,  
6 retailers, importers, distributors, shooting ranges, and FSC test providers so that individuals can  
7 acquire, take possession of, and practice proficiency with constitutionally protected items.  
8

9 Dated: April 10, 2020

**SEILER EPSTEIN LLP**

*/s/ George M. Lee* \_\_\_\_\_

George M. Lee

Attorney for Plaintiffs

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28