

1 Ronda Baldwin-Kennedy, Esq. (SB #302813)  
2 Jerome A. Clay, Esq. (SB #327175)  
3 **LAW OFFICE OF RONDA BALDWIN-KENNEDY**  
4 5627 Kanan Rd. #614  
5 Agoura Hills, CA 91301  
6 Phone: (951) 268-8977  
7 Fax: (702) 974-0147  
8 Email: ronda@lorbk.com

9 Raymond M. DiGuiseppe (SB #228457)  
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 Email: law.rmd@gmail.com

16 Attorneys for Plaintiffs

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

19 DONALD MCDOUGALL, *et al.*,

20 Plaintiffs,

21 v.

22 COUNTY OF VENTURA,  
23 CALIFORNIA, *et al.*,

24 Defendants.

Case No. 2:20-cv-02927-CBM (ASX)

**PLAINTIFFS' APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND ISSUANCE OF  
ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

Judge: Hon. Consuelo B. Marshall

Date: TBA

Time: TBA

Courtroom: 8B

First Amended Complaint Filed Apr. 14, 2020

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**PLAINTIFFS’ APPLICATION FOR TEMPORARY RESTRAINING  
ORDER AND ISSUANCE OF ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

Plaintiffs Donald McDougall, Juliana Garcia, Second Amendment Foundation, California Gun Rights Foundation, and Firearms Policy Coalition, Inc. (collectively, “Plaintiffs”), by and through counsel undersigned, and pursuant to Fed. Rule of Civ. Pro. 65, and Local Rule 65-1, hereby and respectfully apply to this Court for the issuance of a Temporary Restraining Order, in light of the Court’s order scheduling a hearing on Plaintiffs’ Motion for Preliminary Injunction for July 28, 2020 (*see* ECF Doc. 25). Counsel for Plaintiffs has advised counsel for Defendants of the Date a substance of this application by email on April 24, 2020. Defendants’ counsel has informed Plaintiffs’ counsel that Defendants oppose Plaintiffs’ motion.

The Plaintiffs, and those similarly situated, have been and continue to be deprived of a fundamental constitutional right that requires Court intervention. Their request for preliminary injunctive relief must be heard and decided as soon as possible to preserve their opportunity to obtain meaningful and effective redress of the significant, ongoing constitutional injury.

By and through this Application, Plaintiffs seek an order that would temporarily enjoin Defendants County of Ventura, California, William Ayub,

1 William T. Foley, Robert Levin, and the Ventura County Public Health Agency  
2 (collectively, “Defendants”), and each of their respective employees, officers,  
3 agents, representatives, and those acting in concert or participation with them, from  
4 closing or compelling the closure of retail firearm and ammunition businesses on  
5 the grounds they are “non-essential businesses” and preventing individuals from  
6 traveling to obtain firearms and ammunition under the “ORDER OF THE VENTURA  
7 COUNTY HEALTH OFFICER ORDER DIRECTING PERSONS LIVING IN THE COUNTY OF  
8 VENTURA TO STAY AT THEIR PLACES OF RESIDENCE AND RESTRICTING NON-  
9 ESSENTIAL ACTIVITIES IN RESPONSE TO COVID-19,” etc., issued on March 20, 2020  
10 and as revised on March 31, 2020, April 9, 2020, and April 20, 2020 (“Ventura  
11 County Orders”).

12 By and through this Application, and pursuant to Local Rule 65-1, Plaintiffs  
13 further request that this Court issue an Order to Show Cause fixing the time for an  
14 expedited hearing on Plaintiffs’ application for a temporary restraining order and  
15 motion for preliminary injunction and why it otherwise should not issue, which  
16 would grant Plaintiffs preliminary injunctive relief as sought herein.

17 As set forth in the memorandum of points and authorities supporting  
18 Plaintiffs’ Application for Temporary Restraining Order and OSC re Preliminary  
19 injunction, filed herewith, Plaintiffs’ Application is made on the following  
20 grounds:  
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1           1.       That the Ventura County Orders and Defendants’ policies, practices,  
2 and customs individually and/or collectively violate the Second and Fourteenth  
3 Amendments;  
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5           2.       That all of the Defendants’ orders, policies and practices which  
6 amount to a prohibition on the acquisition, selling, transferring, and purchase of  
7 firearms and ammunition during declared states of emergency violate the Second  
8 and Fourteenth Amendments; and  
9

10           3.       That the Ventura County Orders and Defendants’ policies, practices,  
11 and customs individually and/or collectively violate Article IV, Section 2 and the  
12 Fifth and Fourteenth Amendments to the United States Constitution.  
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14           **WHEREFORE**, temporary, preliminary and permanent injunction should  
15 issue restraining all Defendants and their officers, agents, servants, employees, and  
16 all persons in concert or participation with them who receive notice of the  
17 injunction, from enforcing the Ventura County Orders and Defendants’ policies,  
18 practices, and customs, that individually and/or collectively prohibit the purchase  
19 and sale of firearms and ammunition and ban on travel in order to purchase  
20 firearms and ammunition, and to cease and desist enacting or enforcing any order  
21 or policy that firearm and ammunition retailers are not an essential business or any  
22 order or policy that prevents individuals from traveling to obtain firearms and  
23 ammunition or, in the alternative, an injunction preventing Defendants from  
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1 enforcing their laws, policies, practices, and customs that prevent individuals from  
2 buying and selling arms in accordance with State and federal laws.

3  
4 In compliance with Local Rule 7-19 the Counsel for Opposing Parties, are as  
5 follows:

6 Lee Roy Smith, County Counsel  
7 Charmaine H. Buehner, Assistant County Counsel  
8 800 S. Victoria Ave. L/C 1830  
9 Ventura, CA 93003  
10 P: 805-654-2588.  
11 Email: leroy.smith@ventura.org  
12 Email:chamaine.buehner@ventura.org

13 Dated: April 24, 2020

LAW OFFICE OF RONDA BALDWIN-KENNEDY

14 /s/ Ronda Baldwin-Kennedy  
15 Ronda Baldwin-Kennedy

16 /s/ Raymond DiGuiseppe  
17 Raymond DiGuiseppe

18 Attorneys for Plaintiffs  
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