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21 Attorneys for Plaintiffs

22 **UNITED STATES DISTRICT COURT**

23 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

24 ADAM BRANDY, an individual, et al.,

25 Plaintiffs,

26 vs.

27 ALEX VILLANUEVA, in his official
28 capacity as Sheriff of Los Angeles
County, California, and in his capacity as

Case No. 2:20-cv-02874

**DECLARATION OF GEORGE M. LEE
IN SUPPORT OF PLAINTIFFS’
APPLICATION FOR TEMPORARY
RESTRAINING ORDER, AND ISSUANCE
OF PRELIMINARY INJUNCTION**

[FRCP 65; C.D. L.R. 65-1]

Date: TBD

1 the Director of Emergency Operations, et
2 al.,
3
4 Defendants.

Time: TBD
Courtroom 7B
Judge: Hon. André Birotte Jr.

5
6 **DECLARATION OF GEORGE M. LEE**

7 I, George M. Lee, declare as follows:

8
9 1. I am an attorney at law, in good standing, duly licensed to practice law
10 in this State and appear before its courts. I am admitted to the Central District of
11 California in good standing. I am counsel of record for plaintiffs Adam Brandy, et
12 al. I have personal knowledge of the facts stated herein, and if called as a witness,
13 could competently testify thereto.
14

15
16 2. This declaration is made in support of Plaintiffs’ Application for a
17 Temporary Restraining Order, and OSC re Preliminary Injunction. I have
18 personally verified the documents described below and used the factual
19 information within each document in the drafting of the Points and Authorities in
20 Support of Plaintiffs’ Application.
21

22
23 3. Attached hereto as **Exhibit 1** is a true and correct copy of the State of
24 California, Executive Department, Executive Order N-33-20 signed by Governor
25 Gavin Newsom on March 19, 2020.
26

27 4. Attached hereto as **Exhibit 2** is a true and correct copy of the County
28 of Los Angeles Department of Public Health Order of the Health Officer, “Safer at

1 Home Order For Control of COVID-19” issued on March 19, 2020. Later, that
2 order was revised, and a true and correct copy of the Revised Order Issued March
3
4 21, 2020 is attached hereto as **Exhibit 3**.

5 5. Attached hereto as **Exhibit 4** is a true and correct copy of a screen
6
7 shot of the Twitter post on Sheriff Alex Villanueva’s Twitter account of a press
8
9 interview stating that gun shops were not essential businesses dated March 24,
10 2020.

11 6. Attached hereto as **Exhibit 5** is a true and correct copy of Alex
12
13 Villanueva’s Twitter post dated March 25, 2020 stating Los Angeles Sheriff’s
14
15 Department Enforcement efforts to close non-essential businesses have been
16 suspended.

17 7. Attached hereto as **Exhibit 6** is a true and correct copy of the NBC 7
18
19 San Diego article, “Sheriff Will Not Close San Diego County Gun Stores” located
20
21 at [https://www.nbcsandiego.com/news/investigations/sheriff-will-not-close-san-
diego-county-gun-stores/2292399/](https://www.nbcsandiego.com/news/investigations/sheriff-will-not-close-san-diego-county-gun-stores/2292399/).

22 I declare under penalty of perjury that the foregoing is true and correct.

23
24 Executed March 30, 2020.


George M. Lee

SEILER EPSTEIN LLP
Attorneys for Plaintiffs

EXHIBIT 1

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-33-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT 2

SAFER AT HOME ORDER FOR CONTROL OF COVID-19

Temporary Prohibition of Events and Gatherings of 10 Persons or More

Closure of Non-Essential Businesses and Areas

Date Order Issued: March 19, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295; Los Angeles County Code § 11.02.080.)

SUMMARY OF THE ORDER: This Health Officer Order amends and supplements the Order of the County of Los Angeles Health Officer (Health Officer) issued on March 16, 2020, to control the spread of the Novel Coronavirus (COVID-19) within the County of Los Angeles. The purpose of this Order is to further restrict and limit the gathering of persons and require the closure of malls, shopping centers, children's playgrounds, and non-essential retail businesses in an effort to stem or slow the spread of COVID-19 within the greater Los Angeles community.

Because of the continued rapid spread of COVID-19 and the need to protect the most vulnerable members of our community, this Order prohibits all indoor public and private gatherings and all outdoor public and private events within a confined space, where at least 10 people are expected to be in attendance at the same time. This Order applies within the County of Los Angeles Public Health Jurisdiction, beginning at 11:59 p.m. on March 19, 2020 and continues through April 19, 2020, subject to the terms and conditions more particularly set forth below.

For all gatherings that are not prohibited and for all Essential Businesses, the Health Officer orders those persons attending an event or gathering and the venues holding the event or gathering implement the following infection control precautions: (1) practice social distancing within the confined space by requiring attendees to be separated by six (6) feet, to the extent feasible; (2) provide access to hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol; (3) post a sign in a conspicuous place at the public entry to the venue instructing members of the public to not attend if they are experiencing symptoms of respiratory illness, including fever or cough; and (4) adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health. As a point of clarity, this Order does not prohibit any individual or family from outdoor activities such as hiking, walking, shopping at Essential Businesses, including grocery stores and restaurants offering delivery, drive thru or carry out service, so long as all persons practice social distancing to the extent practicable.

Further, this Health Officer Order, requires all indoor malls, shopping centers, playgrounds and non-essential businesses to close. This Order applies to all cities in Los Angeles County except the cities of Pasadena and Long Beach. This Order does not supersede any stricter limitation imposed by a local public entity.

The County Health Officer will continue to monitor the rate of COVID-19 disease spread, State and CDC recommendations, and the impact of the required measures, and as needed, may revisit, extend, expand, or otherwise modify this Order to protect the public's health.

UNDER THE AUTHORITY OF THE CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:

1. Effective 11:59 p.m. on March 19, 2020 and continuing through April 19, 2020, all public and private group events and gatherings, as defined below, of 10 or more people are prohibited anywhere within the Los Angeles County Public Health Jurisdiction.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH
ORDER OF THE HEALTH OFFICER



2. For public and private gatherings attended by between 2-9 persons, held in a confined or enclosed space, and not prohibited by this Order, the organizer or the owner, manager, or operator of the venue holding the gathering shall:
 - a. Enforce social distancing measures by requiring attendees who remain at the event or gathering for over 5 minutes to be separated by at least six (6) feet from other attendees during the entirety of the event or gathering. Persons who attend the event or gathering as a group, e.g., a group of family members or household contacts, may sit or remain together, but groups of attendees must be separated by a distance of at least six (6) feet.
 - b. Provide access to hand washing facilities with soap and water or with hand sanitizer that contains at least 60 percent alcohol.
 - c. Post a sign in a conspicuous place at all public entries to the venue that instructs members of the public to not enter or attend if they are experiencing symptoms of respiratory illness, including fever or cough.
 - d. Adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health, including guidance for cleaning and disinfecting the site. See guidance posted at www.publichealth.lacounty.gov/media/Coronavirus/.
3. The Health Officer orders the immediate closure of the following types of commercial properties and businesses:
 - a. Non-Essential Retail Businesses.
 - b. Indoor Malls and Indoor Shopping Centers, including all stores therein regardless whether they are Essential or Non-Essential Retail Businesses. As an exception, Essential Businesses that are part of an Indoor Mall or Indoor Shopping Center, that are accessible to the public from the exterior of the Indoor Mall or Shopping Center may remain open. The interior of the Indoor Mall or Indoor Shopping Center shall remain closed to the public.
 - c. Owners and operators of Outdoor Malls and Shopping Centers shall enforce social distancing measures among their visitors as provided in Section 2 a-d.
 - d. Indoor or Outdoor Playgrounds for Children, except for those located within childcare centers.
4. This Order does not supersede any stricter limitation imposed by a local public entity within the Los Angeles County Public Health Jurisdiction.
5. This Order shall be exempt, for a 24-hour period following the effective date above, to allow employees and business owners to access to their workplaces to gather belongings, so long as social distancing requirements are followed. Such workplaces shall remain closed to the public in accordance with this Order.

REASONS FOR THE ORDER

6. This Order is based upon scientific evidence and best practices, as currently known and available, to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19, as well as to protect the healthcare system from a surge of cases into its emergency rooms and hospitals. The Order supports the CDC's efforts to institute more stringent and necessary social distancing measures to reduce community transmission of COVID-19.
7. Existing community transmission of COVID-19 in Los Angeles County presents a substantial and significant risk of harm to the health of residents. Currently, there is no vaccine available to protect against and no specific treatment for COVID-19. As of March 19, 2020, there have been at least 231 cases of COVID-19 and 2 deaths reported in Los Angeles County. There remains a

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strong likelihood of a significant and increasing number of suspected cases of community transmission.

8. The virus that causes COVID-19 can be spread easily through person-to-person contact. This risk of transmission is increased when people are in close proximity. All gatherings pose an increased risk for community transmission of COVID-19 and thus, are a substantial risk to public health. As such, places where people gather, such as Indoor and Outdoor Malls, Shopping Centers, Children's Playgrounds, and Non-Essential Retail Businesses, provide significant opportunities for patrons or groups of patrons to have close contact with each other. Thus, the reasons that persons gathering at these locations are likely to exacerbate the spread of COVID-19 include, without limitation: (a) that these gatherings and businesses will attract people from throughout the county when there is widespread COVID-19 community transmission, (b) the prolonged time period during which many people are in close proximity at these locations, (c) the difficulty in tracing and controlling additional exposures when large numbers of people visit a Mall, Shopping Center, Playground or Non-Essential Retail Business, and (d) the visitor may be unknowingly infected with COVID-19 and may not follow adequate hygienic and social distancing practices.
9. In the absence of a specific immunization or treatment for COVID-19, social distancing is the only and most readily available tool to prevent this disease. Increasing social distancing and limiting events and gatherings slow transmission of communicable diseases. Accordingly, to reduce the community transmission of COVID-19, the Health Officer has ordered the temporary prohibition of all Events and Gatherings, as defined in Section 10, the closure of Indoor Malls and Shopping Centers as defined in Section 11, and is also requiring the closure of certain businesses, as described in Section 12.

DEFINITIONS

10. For purposes of this Order, Events and Gatherings are any gathering, assembly, event, or convening that brings together or is likely to bring together 10 or more persons at the same time in an indoor or outdoor confined or enclosed space for greater than 5 minutes, for any purpose including a business, cultural, athletic, entertainment, social, or other special event.
11. For purposes of this Order, Indoor Malls and Shopping Centers are defined for as either:
 - A building with seven (7) or more "sales or retail establishments" or
 - A series of buildings on a common site, either under common ownership or common control or developed together, with seven (7) or more "sales or retail establishments."
12. Non-Essential Retail Businesses are retail establishments that provide goods or services to the public that do not come within the definition of Essential Businesses set forth in Paragraph 13 of this Order.
13. For purposes of this Order, Essential Businesses are defined as the following:
 - (a) Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, pet supply, water, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning or personal care products). This includes stores that sell groceries and sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - (b) Food cultivation, including farming, livestock, and fishing;

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- (c) **Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;**
- (d) **Newspapers, television, radio, magazine, podcast and other media services;**
- (e) **Gas stations, and auto-supply, auto-repair, car dealerships and related facilities;**
- (f) **Banks, credit unions, and related financial institutions;**
- (g) **Hardware stores, nurseries; building supplies;**
- (h) **Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, vegetation services, tree maintenance, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses;**
- (i) **Businesses providing mailing and shipping services, including post office boxes;**
- (j) **Educational institutions (including public and private K-12 schools, colleges, and universities) for purposes of facilitating distance learning or performing essential functions, provided that social distancing of 6-feet per person is maintaining to the greatest extent possible;**
- (k) **Laundromats, dry cleaners, laundry service providers, personal grooming services;**
- (l) **Restaurants and other food facilities that prepare and serve food, but only for delivery, drive thru or carry out;**
- (m) **Businesses that supply office or computer products needed by people who work from home;**
- (n) **Businesses that supply other Essential Businesses with the support or supplies necessary to operate;**
- (o) **Businesses that ship, truck, provide logistical support or deliver groceries, food, goods or services directly to residences, Essential Businesses, Healthcare Operations, Essential Infrastructure;**
- (p) **Airlines, taxis, and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized in this Order;**
- (q) **Businesses that provide parts and service for Essential Infrastructure;**
- (r) **Home-based care for seniors, adults, disabled persons, or children;**
- (s) **Residential facilities and shelters for seniors, adults, disabled persons, and children;**
- (t) **Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities, and the permitting, inspection, construction, transfer and recording of ownership, of housing and anything incidental thereto;**
- (u) **Military/Defense Contractors/FFRDC (Federally Funded Research and Development Centers). For purposes of this Order, essential personnel may leave their residence to provide any service or perform any work deemed essential for national security including, but not limited to defense, intelligence and aerospace development and manufacturing for the Department of Defense, the Intelligence Community, and NASA and other federal government, and or United States Government departments and agencies. Essential**

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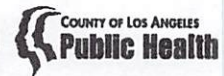
personnel include prime, sub-primes, and supplier contractor employees, at both the prime contract level and any supplier levels at any tier, working on federal United States Government contracts such as contracts rated under the Defense Priorities and Allocations System (DPAS) and contracts for national intelligence and national security requirements.;

- (v) Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions: (1) Childcare must be carried out in stable groups of 12 or fewer ("stable" means the same 12 or fewer children are in the same group each day); (2) Children shall not change from one group to another; (3) If more than one group of children is cared for at once facility, each group shall be in a separate room. Groups shall not mix with each other; (4) Childcare providers shall remain solely with one group of children.

- (w) Hotels, motels, shared rental units and similar facilities.

14. This Order is intended to deter the spread of COVID-19 by preventing people from being in unnecessary close contact. Certain activities are essential to the functioning of the County and the well-being of our residents and must continue.
15. The limitations on events and gatherings contained in this Order do not apply to the following sites or situations where residents must obtain or participate in governmental or other essential services (those that meet basic human needs): (a) attendance at regular school classes, work at Essential Businesses, and essential governmental services, such as access to court, social and administrative services; (b) places where people are in transit or waiting for transit including airports or bus or train stations or terminals; (c) congregate living situations, including dormitories; or (d) hospitals and healthcare facilities.
 - a. This Order does not prohibit use of enclosed spaces where 10 or more people may be present at different times during the day, as long as 10 or more people are not present in the space at the same time.
 - b. This Order does not apply to the following essential infrastructure or operations:
 - i. Healthcare Operations (hospitals, clinics, laboratories, dentists, pharmacies, pharmaceutical and biotechnology companies, other licensed healthcare facilities, healthcare suppliers, home healthcare service providers, mental health providers, cannabis dispensaries with a medicinal cannabis license, medical or scientific research companies, or any related and/or ancillary healthcare services, manufacturers, distributors and servicers of medical devices, diagnostics, and equipment, veterinary care, and all healthcare provided to animals. This exemption shall be broadly construed to avoid any impact to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar exercise or training facilities.
 - ii. Essential Infrastructure, including but not limited to, public health, public works construction, construction of housing (in particular affordable housing or housing for individuals experience homelessness), airport operations, port operations, water, sewer, gas, electrical, oil refining, road and highways, public transportation, solid waste collection and removal, internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services), and manufacturing and distribution companies deemed essential as part of the Essential Infrastructure supply chain, provided that they carry out those services or that work in compliance with social distancing requirements, to the extent practicable.

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ADDITIONAL TERMS

16. This Order does not, in any way, restrict: (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.
17. The entities subject to this Order that are not required to close may otherwise remain open for business and perform essential functions and operations during the duration of this Order.
18. The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles Department of Public Health's website (www.publichealth.lacounty.gov), (b) posting it at the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, CA 90012, (c) providing it to any member of the public requesting a copy, (d) issuing a press release to publicize the Order throughout the county, and (e) by serving via email on large facilities known to the County's Health Officer that are likely to be subject to this Order (but service via email is not required for compliance).
 - a. The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.
 - b. Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Los Angeles County Department of Public Health's website (www.publichealth.lacounty.gov) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.
19. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
20. This Order incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively, and as they may be supplemented.
21. To protect the public's health, the Health Officer may take additional action(s) for failure to comply with this Order. Violation of this Order is a misdemeanor punishable by imprisonment, fine or both under California Health and Section Code Section 120295 *et seq.* Further, pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and the Chiefs of Police in all cities located in the Los Angeles County Public Health Jurisdiction ensure compliance with and enforcement of this Order.

IT IS SO ORDERED:

Muntu Davis, MD, MPH

Health Officer, County of Los Angeles

Date: MARCH 19, 2020

EXHIBIT 3

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH
ORDER OF THE HEALTH OFFICER



SAFER AT HOME ORDER FOR CONTROL OF COVID-19

Temporary Prohibition of All Events and Gatherings

Closure of Non-Essential Businesses and Areas

Revised Order Issued: March 21, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295; Los Angeles County Code § 11.02.080.)

SUMMARY OF THE ORDER: This County of Los Angeles Health Officer Order (Order) amends and supersedes the Orders of the County of Los Angeles Health Officer (Health Officer) issued on March 16, and 19, 2020. This Revised Order is issued to comply with Executive Order N-33-20 issued by Governor Gavin Newsom, wherein the State Public Health Officer ordered all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of the federal critical infrastructure sectors. Further, this Order extends the closure of certain businesses required by the Health Officer's March 16, 2020 Order to April 19, 2020.

Due to the continued rapid spread of the Novel Coronavirus (COVID-19) and the need to protect the most vulnerable members of our community, this Order prohibits all indoor and outdoor public and private gatherings and events. The Order specifically requires all businesses to cease in-person operations and close to the public, unless the business is defined as an Essential Business by this Order. This Order is effective immediately within the County of Los Angeles Public Health Jurisdiction, defined as all unincorporated areas and cities within the County of Los Angeles, with the exception of the cities of Long Beach and Pasadena, on March 21, 2020 and continuing through April 19, 2020, subject to the terms and conditions set forth below.

For all Essential Businesses, the Health Officer orders those businesses to take the following infection control precautions: (1) practice social distancing by requiring patrons, visitors, and employees to be separated by six (6) feet, to the extent feasible; (2) provide access to hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol; (3) post a sign in a conspicuous place at the public entry to the venue instructing members of the public to not enter if they are experiencing symptoms of respiratory illness, including fever or cough; and (4) adhere to communicable disease control recommendations provided by the County of Los Angeles Department of Public Health.

This Order does not prohibit any individual or family from engaging in outdoor activities, as an individual, or family, such as hiking, walking, biking, or shopping at Essential Businesses, including grocery stores and restaurants offering delivery, drive thru or carry out service, so long as all persons practice social distancing to the extent practicable.

Further, this Health Officer Order requires all indoor malls and shopping centers, all swap meets and flea markets, all indoor and outdoor playgrounds and all non-essential businesses to close. This Order does not supersede any stricter limitation imposed by a local public entity.

The County Health Officer will continue to monitor the rate of COVID-19 disease spread, the severity of the resulting illnesses and deaths caused, California Department of Public Health (CDPH) and Centers for Disease Control and Prevention (CDC) recommendations, and the effect of this Order. If needed, this Order may be extended, expanded, or otherwise modified to protect the public's health.

**COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH
ORDER OF THE HEALTH OFFICER**



UNDER THE AUTHORITY OF THE CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:

1. Effective immediately on March 21, 2020 and continuing through April 19, 2020, all public and private group events and gatherings are prohibited anywhere within the Los Angeles County Public Health Jurisdiction. All persons are to remain in their homes or at their place of residence, except to travel to and from Essential Businesses, to work at or provide service to a Healthcare Operation or Essential Infrastructure, to engage in Essential Activities, or to participate in an individual or family outdoor activity, while practicing social distancing.
2. For Essential Businesses not prohibited by this Order, the owner, manager, or operator of the Essential Business shall:
 - (a) Enforce social distancing measures by requiring members of the public to be separated by at least six (6) feet from others, to the extent feasible. Persons who are family members or household contacts, may stand or move together, but must be separated from others by a distance of at least six (6) feet.
 - (b) Provide access to hand washing facilities with soap and water or to hand sanitizer that contains at least 60 percent alcohol.
 - (c) Post a sign in a conspicuous place at all public entries that instructs members of the public to not enter if they are experiencing symptoms of respiratory illness, including fever or cough.
 - (d) Adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health, including guidance for cleaning and disinfecting the site. See guidance posted at www.publichealth.lacounty.gov/media/Coronavirus/.
3. The Health Officer orders the immediate closure of the following types of commercial properties and businesses:
 - (a) Non-Essential Retail Businesses.
 - (b) Indoor Malls and Indoor Shopping Centers, including all stores and vendors therein regardless whether they are an Essential or Non-Essential Retail Business. As an exception, permanent Essential Businesses that are part of an Indoor Mall or Indoor Shopping Center, but that are accessible by the public from the exterior of the Indoor Mall or Shopping Center may remain open. The interior of the Indoor Mall or Indoor Shopping Center shall remain closed to the public.
 - (c) This Order does not require closure of Essential Businesses in Outdoor Malls and Shopping Centers. However, owners and operators of Outdoor Malls and Shopping Centers shall enforce social distancing measures among their visitors as provided in Section 2 (a)-(d).
 - (d) Indoor and Outdoor Playgrounds for Children, except for those located within childcare centers.
 - (e) Indoor and Outdoor Flea Markets and Swap Meets.
 - (f) Additional types of commercial properties and businesses: (i) Bars and Nightclubs that do not serve food; (ii) Gyms and fitness centers; (iii) Movie Theaters, Drive-In Theaters, Live Performance Theaters, Concert Halls, Arenas and Stadiums; (iv) Bowling Alleys and Arcades; and (v) Wineries, Breweries and Tap Rooms that provide tastings.

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4. This Order does not supersede any stricter limitation imposed by a local public entity within the Los Angeles County Public Health Jurisdiction.
5. This Order does not apply to employees of government agencies working in the course and scope of their public service employment.

REASONS FOR THE ORDER

6. This Order is based upon scientific evidence and best practices, as currently known and available, to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19, as well as to protect the healthcare system from a surge of cases into emergency rooms and hospitals. The Order supports the CDC's efforts to institute more stringent and necessary social distancing measures to reduce community transmission of COVID-19.
7. Existing community transmission of COVID-19 in Los Angeles County presents a substantial and significant risk of harm to the health of residents. Currently, there is no vaccine available to protect against and no specific treatment for COVID-19. As of March 20, 2020, there have been at least 351 cases of COVID-19 and 4 deaths reported in Los Angeles County. There remains a strong likelihood of a significant and increasing number of cases of community transmission.
8. The virus that causes COVID-19 can be spread easily through person-to-person contact. This risk of transmission is increased when people are in close proximity. All gatherings pose an increased risk for community transmission of COVID-19 and thus, are a substantial risk to public health. As such, places where people gather, such as Indoor Malls and Shopping Centers, Swap Meets and Flea Markets, Children's Playgrounds, and Non-Essential Retail Businesses, provide significant opportunities for patrons or groups of patrons to have close contact with each other. Characteristics of these gatherings that are likely to exacerbate the spread of COVID-19 include, without limitation: (a) that these gatherings and businesses will attract people from throughout the county when there is widespread COVID-19 community transmission, (b) the prolonged time period during which many people are in close proximity at these locations, (c) the difficulty in tracing and controlling additional exposures when large numbers of people visit these places, and (d) visitors may be unknowingly infected with COVID-19 and may not follow adequate hygienic and social distancing practices.
9. In the absence of a specific immunization or treatment for COVID-19, social distancing is essential to preventing this disease. Increasing social distancing and prohibiting events and gatherings is intended to slow transmission of COVID-19. Accordingly, to reduce the community transmission of COVID-19, the Health Officer has ordered the temporary prohibition of all events and gatherings, the closure of Indoor Malls and Shopping Centers as defined in Section 11, and the closure of certain businesses, as described in Section 12.

DEFINITIONS

10. For purposes of this Order, Essential Activities, are defined as travel for purposes of: (a) visiting a health or veterinary care professional; (b) obtaining medical supplies or medication; (c) obtaining grocery items for one's household or for delivery to others; (d) legally mandated governmental purposes, such as access to court, social and administrative services; (e) providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons; and (f) complying with an order of law enforcement or court.

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11. For purposes of this Order, Indoor Malls and Shopping Centers are defined as:
A building with seven (7) or more "sales or retail establishments" with adjoining indoor space.
For purposes of this Order, Outdoor Malls and Shopping Centers are defined as:
A series of buildings on a common site, either under common ownership or common control or developed together, with seven (7) or more "sales or retail establishments."
12. Non-Essential Retail Businesses are establishments that provide goods or services to the public that do not come within the definition of Essential Businesses set forth in Paragraph 13 of this Order.
13. For purposes of this Order, Essential Businesses are defined as the following:
 - (a) Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, warehouse stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, pet supply, water, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning or personal care products). This includes stores that sell groceries and sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - (b) Food processors, confectioners, food packagers, food testing labs that are not open to the public, and food cultivation, including farming, livestock, and fishing;
 - (c) Organizations and Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless service agencies);
 - (d) Newspapers, television, radio, magazine, podcast and journalism activities;
 - (e) Gas stations, auto-supply, mobile auto repair operations, auto repair shops (including, without limitation, auto repair shops adjacent to or otherwise in connection with a retail or used auto dealership), and bicycle repair shops and related facilities;
 - (f) Banks, credit unions, financial institutions and insurance companies;
 - (g) Hardware stores, nurseries; building supply stores;
 - (h) Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, vegetation services, tree maintenance, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses;
 - (i) Businesses providing mailing and shipping services, including post office boxes;
 - (j) Educational institutions (including public and private K-12 schools, colleges, and universities) for purposes of facilitating distance learning, providing meals for pick-up, or performing essential functions, provided that social distancing is practiced;
 - (k) Laundromats, dry cleaners, laundry service providers;
 - (l) Restaurants and other food facilities that prepare and serve food, but only for delivery, drive thru or carry out. Indoor and outdoor table dining is not permitted. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or other licensed health care facilities may provide dine-in service, as long as social distancing is practiced pursuant to Section 2(a)-(d).

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- (m) Businesses that supply office or computer products needed by people who work from home;
 - (n) Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
 - (o) Businesses that ship, truck, provide logistical support or deliver groceries, food, goods or services directly to residences, Essential Businesses, Healthcare Operations, and Essential Infrastructure;
 - (p) Airlines, taxis, ride sharing services and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized in this Order;
 - (q) Businesses that manufacture parts and provide service for Essential Infrastructure;
 - (r) Home-based care for seniors, adults, disabled persons, or children;
 - (s) Residential facilities and shelters for homeless residents, disabled persons, seniors, adults, children and animals;
 - (t) Professional services, such as legal, payroll or accounting services, when necessary to assist in compliance with legally mandated activities, and the permitting, inspection, construction, transfer and recording of ownership of housing, including residential and commercial real estate and anything incidental thereto;
 - (u) Military/Defense Contractors/FFRDC (Federally Funded Research and Development Centers). For purposes of this Order, essential personnel may leave their residence to provide any service or perform any work deemed essential for national security including, but not limited to defense, intelligence and aerospace development and manufacturing for the Department of Defense, the Intelligence Community, and NASA and other federal government, and or United States Government departments and agencies. Essential personnel include prime, sub-primes, and supplier contractor employees, at both the prime contract level and any supplier levels at any tier, working on federal United States Government contracts such as contracts rated under the Defense Priorities and Allocations System (DPAS) and contracts for national intelligence and national security requirements;
 - (v) Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions: (1) Childcare must be carried out in stable groups of 12 or fewer ("stable" means the same twelve (12) or fewer children are in the same group each day); (2) Children shall not change from one group to another; (3) If more than one (1) group of children is cared for at once facility, each group shall be in a separate room. Groups shall not mix with each other; (4) Childcare providers shall remain solely with one group of children.
 - (w) Hotels, motels, shared rental units and similar facilities.
 - (x) Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction).
14. This Order is intended to deter the spread of COVID-19 by preventing people from being in unnecessary close contact. Certain activities are essential to the functioning of the County and the well-being of our residents and must continue.
15. This Order does not prohibit persons from leaving their residences to perform any work necessary or provide any services to or obtain services from the following Essential Infrastructure and Healthcare Operations:

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- (a) Healthcare Operations (hospitals, clinics, laboratories, dentists, pharmacies, physical therapists and chiropractors, pharmaceutical and biotechnology companies, other licensed healthcare facilities, healthcare suppliers, home healthcare service providers, mental or behavioral health providers, alcohol and drug treatment providers, cannabis dispensaries with a medicinal cannabis license and all other required state and local licenses, medical or scientific research companies, or any related and/or ancillary healthcare services, manufacturers, distributors and servicers of medical devices, diagnostics, and equipment, veterinary care, and all healthcare provided to animals. This exemption shall be construed to avoid any impact to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar exercise or training facilities.
- (b) Essential Infrastructure, including but not limited to, public health, public works construction, construction of commercial, office and institutional buildings, construction of housing, airport operations, port operations, food supply, water, sewer, gas, electrical, oil extraction and refining, road and highways, public transportation, solid waste collection and removal, flood control and watershed protection, internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services), and manufacturing and distribution companies deemed essential as part of the Essential Infrastructure supply chain, provided that they carry out those services or that work in compliance with social distancing requirements, to the extent practicable.

ADDITIONAL TERMS

- 16. This Order does not, in any way, restrict: (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.
- 17. The entities subject to this Order that are not required to close may otherwise remain open for business and perform essential functions and operations during the duration of this Order.
- 18. The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles Department of Public Health's website (www.publichealth.lacounty.gov), (b) posting it at the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, CA 90012, (c) providing it to any member of the public requesting a copy, (d) issuing a press release to publicize the Order throughout the county, and (e) by serving via email on large facilities known to the County's Health Officer that are likely to be subject to this Order (but service via email is not required for compliance).
 - (a) The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.
 - (b) Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Los Angeles County Department of Public Health's website (www.publichealth.lacounty.gov) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.
- 19. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

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20. This Order incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively, and as they may be supplemented.
21. To protect the public's health, the Health Officer may take additional action(s) for failure to comply with this Order. Violation of this Order is a misdemeanor punishable by imprisonment, fine or both under California Health and Section Code Section 120295 *et seq.* Further, pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and the Chiefs of Police in all cities located in the Los Angeles County Public Health Jurisdiction ensure compliance with and enforcement of this Order.

IT IS SO ORDERED:

Handwritten signature of Muntu Davis, MD, MPH.

Muntu Davis, MD, MPH
Health Officer, County of Los Angeles

Date: March 21, 2020

EXHIBIT 4



Alex Villanueva Retweeted

NBC Los Angeles @NBCLA · Mar 24

Watch Live: LA County Sheriff discusses coronavirus response.

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NBC Los Angeles @NBCLA

Watch Live: LA County Sheriff discusses coronavirus response.

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EXHIBIT 5



Alex Villanueva ✓
@LACoSheriff



LA County Sheriff's Dept. Enforcement efforts to close non-essential businesses have been suspended. CA Gov. Gavin Newsom to determine what qualifies as a non-essential business. Please click to view story



Sheriff Villanueva suspends efforts to close Gun stores in L...
LA County Sheriff: Enforcement efforts to close non-essential businesses have been suspended. CA Governor Newsom to...
[facebook.com](https://www.facebook.com)

EXHIBIT 6

CONTINUING COVERAGE

Coronavirus Pandemic



64°

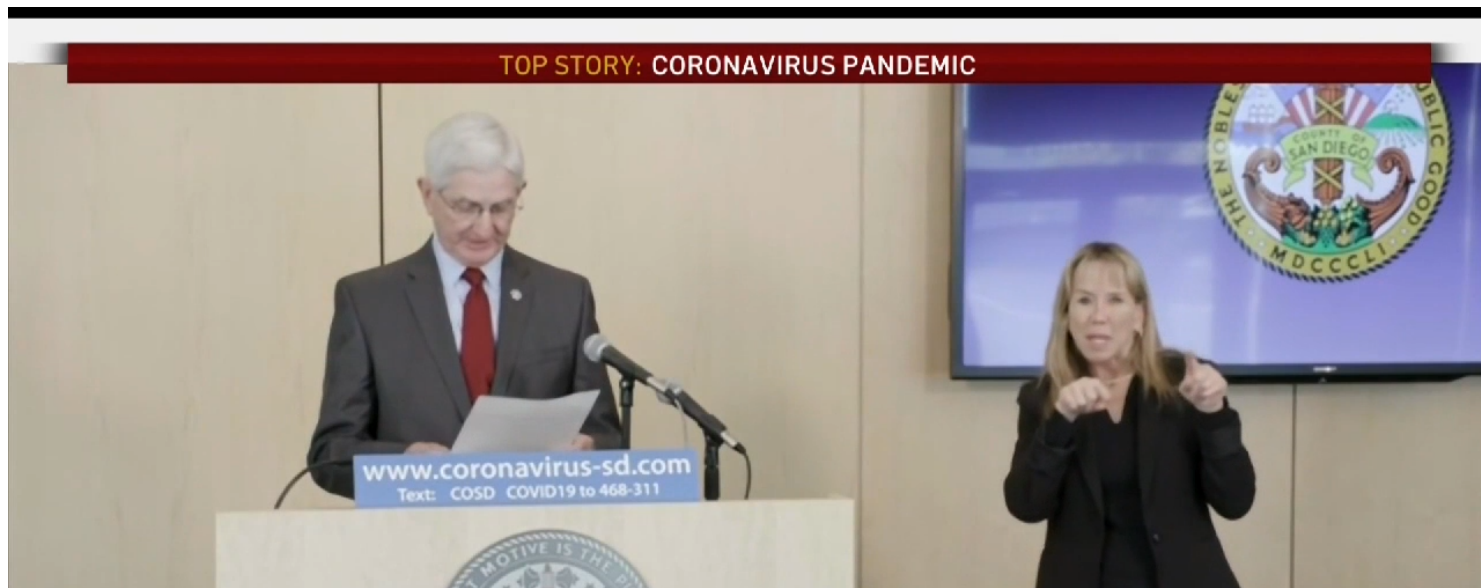
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SAN DIEGO SHERIFF

Sheriff Will Not Close San Diego County Gun Stores

Sheriff Bill Gore says gun shops provide a "valuable public service" by preventing black market sales, but he urges gun store owners to sell by mail or appointment and require social distancing by customers

By **Mari Payton, Paul Krueger** and **Tom Jones** • Published March 24, 2020 • Updated on March 24, 2020 at 7:32 pm



0:22 / 2:42

The debate over whether gun stores are essential... **Read more**

Sheriff Bill Gore said gun shops provide a “valuable public service” during the coronavirus pandemic and will be allowed to remain open, even though they are not included in the state government’s list of “essential businesses.”

Speaking at a county news conference Tuesday afternoon, and in a [released statement](#), Gore said county residents have a legitimate right to buy and possess guns.

The sheriff said licensed gun stores help maintain public safety by ensuring that buyers submit to a ten-day waiting period and pass a state license check. He warned that gun buyers could turn to the “black market” for illegal weapons if they can’t buy them legally at licensed stores.

But Gore said the situation is fluid, and indicated he could change his mind after talking with the state’s top law enforcement officials. He expects to have that conversation late Tuesday.

2:52

County Sheriff Keeps Gun Stores Open in Fear of ‘Black Market’

San Diego County Bill Gore responded to questions about keeping gun stores open even though Gov. Gavin...

Read more

Gore’s decision to allow gun stores to stay open contrasts with his counterpart in Los Angeles County, who on Tuesday said gun stores are nonessential businesses and warned store owners to close or risk losing their business licenses.

“Gun shops, strip clubs, night clubs are non-essential businesses,” Sheriff Alex Villanueva [told the Los Angeles Times](#). “If they don’t close their doors, they will be cited.”

An informal survey of local gun stores by NBC 7 Investigates found at least two stores that have remained open despite the governor’s order for the closure of all non-essential businesses. Those stores are PWG Range in Poway and The Gun Range San Diego in Kearny Mesa.

At least two other stores were closed for sales of guns and ammo, and were only delivering those items to buyers who had purchased them before the state-ordered closure. All gun stores contacted in the survey said they have closed their shooting ranges.

Local gun stores have seen a marked increase in weapon and ammo sales during the coronavirus outbreak. In interviews with NBC 7 Investigates, store owners and their customers insist they have a constitutional right to buy and possess guns and ammo, especially in what they describe as a time of increasing social unrest.

NBC 7 Investigates



MAR 24

More Ventilators Ready to Be Deployed Across San Diego County



MAR 19

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“It’s all about what’s going on right now,” said gun owner Drew Hilliard, as he waited outside the PWG Range to buy more ammunition. “So, this is for home defense”

First-time gun buyer Zane Dashty said, “One day people might start looting and stuff, from being out of a job. You just really, really don’t know, and I just want to make sure I’m protected.”

San Diego County Supervisors Nathan Fletcher and Greg Cox have said they do not believe that gun stores are essential businesses, and have indicated that the stores should be closed. They did not respond to Gore's comments at Tuesday's county news conference.

But Poway Mayor Steve Vaus supports the gun stores. Vaus, a candidate for county supervisor, sent a letter Monday to President Trump, asking him to help ensure that California gun stores remain open during the pandemic.

Danielle Jaymes, director of sales at PWG Range agreed. Jaymes said she had no intention of closing the Poway store.

"We have the constitution saying that law-abiding citizens have the right to keep and bear arms," Jaymes says. "And in order to do that, we have to be open."

Gore did ask gun store owners to follow the state's social distancing mandate, by keeping customers properly spaced inside their stores, and in line outside. He also asked owners to do as much business as possible by mail and appointment, to reduce traffic and human contact at their stores.

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