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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
the Director of Emergency Operations, et
al.,

Defendants.

Case No. 2:20-cv-02874-AB-SK

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD
NOT ISSUE**

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

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

**TEMPORARY RESTRAINING ORDER
AND OSC RE PRELIMINARY INJUNCTION**

The Court has considered the application of Plaintiffs Adam Brandy, Jonah Martinez, Daemion Garro, DG2A Enterprises Inc., d.b.a. Gun World, Jason Montes, Weyland-Yutani LLC d.b.a. Match Grade Gunsmiths, Alan Kushner, The Target Range, Tom Watt, A Place To Shoot, Second Amendment Foundation, California Gun Rights Foundation; National Rifle Association of America, and Firearms Policy Coalition, Inc. (“Plaintiffs”), for the issuance of a Temporary Restraining Order (TRO) and Order to Show Cause (OSC) why a Preliminary Injunction Should Not Issue, filed on March 30, 2020 (“Application”). Plaintiffs’ Application was made pursuant to Fed. Rule of Civ. Pro. 65, and Central District Civ. Local Rule 65-1. [Defendants have opposed/stated their intention to oppose the Application]. The Court has considered all papers submitted in support of [and in opposition to] the Plaintiffs’ Application, and good cause appearing, hereby ORDERS as follows:

Plaintiffs’ Application for the issuance of a TRO is hereby GRANTED. Defendants Alex Villanueva (sued in his official capacity as Sheriff of Los Angeles County, California, and in his capacity as the Director of Emergency Operations), Gavin Newsom (sued in his official capacity as Governor and Commander in Chief of the State of California), Sonia Y. Angell (sued in her official capacity as California Public Health Officer), Barbara Ferrer (sued in her official capacity as Director of Los Angeles County Department of Public Health), the County of Los Angeles, Eric Garcetti (sued in his official capacity as Mayor of

1 the City of Los Angeles), and the City of Los Angeles (“Defendants”), and each of
2 their respective employees, officers, agents, representatives, and those acting in
3 concert or participation with them, are hereby RESTRAINED and temporarily
4 enjoined from forcing or compelling the closure of retail firearm and ammunition
5 businesses on the grounds they are “non-essential businesses” under Executive
6 Order N-33-20, the “Safer at Home Order for Control of COVID-19,” and Orders
7 issued by Los Angeles County Sheriff Alex Villanueva.

8 The Court finds that Plaintiffs have demonstrated a likelihood of success on
9 the merits, a likelihood of irreparable harm absent relief, that the balance of
10 equities favor the issuance of a TRO, and that the temporary injunction promotes
11 the public interest in the constitutional questions presented by the Application.

12 It is further ORDERED that pending time to allow appropriate discovery, if
13 any, and a hearing, this Court shall issue an Order to Show Cause Why a
14 Preliminary Injunction Should Not Issue, to provide Plaintiffs with preliminary
15 injunctive relief, pending the resolution of the merits of their claims, that would
16 enjoin Defendants and their respective agents, officers, employees, and
17 representatives, and those acting in concert or participation with them, from
18 implementing or enforcing any order, mandate, policy, proclamation, rule, or
19 regulation related to State of California Executive Order N-33-20, the Los Angeles
20 County “Safer at Home Order For Control of COVID-19” and Los Angeles County
21 Sheriff’s March 26, 2020 Order to the extent that such orders, policies and
22 practices would force or compel the closure of retail firearm and ammunition
23 businesses on the grounds they are “non-essential businesses” during the COVID-
24 19 pandemic.

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26 The parties are hereby ORDERED to appear on _____, 2020,
27 at ____ a.m./p.m. in Courtroom 7B of this Court, Hon. André Birotte Jr. presiding,
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1 for hearing on the foregoing Order to Show Cause. Defendants' opposition, if any,
2 to the Order to Show Cause shall be filed no later than 5:00 p.m. on
3 _____, 2020, and Plaintiffs' reply memorandum, if any, shall be filed
4 no later than 5:00 p.m. on _____, 2020.

5 Plaintiffs shall not be required to post a bond.

6 SO ORDERED.

7 Dated: _____

8 Hon. André Birotte Jr.
9 UNITED STATES DISTRICT JUDGE

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