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FILED BY FAX

**FILED**

MAR 23 2020

Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY \_\_\_\_\_ DEPUTY



**S. VERA**

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA CLARA

LOKEY FIREARMS, a sole proprietorship;  
FFLGUARD, LLC, a Delaware limited  
liability company; and CALIFORNIA RIFLE  
& PISTOL ASSOCIATION,  
INCORPORATED, a California corporation,

Petitioners-Plaintiffs,

v.

COUNTY OF SANTA CLARA; SARA H.  
CODY, M.D., in her official capacity as  
Health Officer of the County of Santa Clara;  
LAURIE SMITH, in her official capacity as  
Sheriff of the County of Santa Clara; JEFF  
ROSEN, in his official capacity as District  
Attorney for the County of Santa Clara; and  
DOES 1-25,

Respondents-Defendants.

Case No.: 20CV365840

~~[PROPOSED]~~ ORDER GRANTING EX  
PARTE APPLICATION TO STAY  
ENFORCEMENT OF SANTA CLARA  
ORDER REQUIRING LICENSED  
FIREARM DEALERS TO CLOSE OR  
ALTERNATIVELY, FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO  
SHOW CAUSE

1 **TO ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 The ex parte application of Petitioners-Plaintiffs Lokey Firearms, FFLGuard, LLC,  
3 and the California Rifle & Pistol Association, Incorporated, for an Order to stay enforcement  
4 of the Santa Clara Order requiring licensed firearm dealers and/or licensed ammunition  
5 vendors to close or alternatively, for temporary restraining order and order to show cause  
6 came on for hearing.

7 Having read the *ex parte* application, the memoranda and the declarations filed by the  
8 parties, having heard argument of counsel, and good cause shown the Court hereby ORDERS  
9 as follows:

10  Petitioners-Plaintiffs' *ex parte* application to stay enforcement of the Santa  
11 Clara Order requiring licensed firearm dealers to close is ~~GRANTED~~ DENIED. (PK)

12  Petitioners-Plaintiffs' *ex parte* application for a temporary restraining order  
13 enjoining enforcement of the Santa Clara Order requiring licensed firearm dealers to close is  
14 ~~GRANTED~~ DENIED.

15 (PK) **ORDER TO SHOW CAUSE**

16 To Respondents-Defendants County of Santa Clara, Sara H. Cody, M.D., in her official  
17 capacity as Health Officer of the County of Santa Clara, Laurie Smith, in her official capacity as  
18 Sheriff of the County of Santa Clara, and Jeff Rosen, in his official capacity as District Attorney  
19 for the County of Santa Clara:

20 Based upon the Petition for Writ of Mandate and/or Prohibition or Other Appropriate  
21 Relief; Complaint for Declaratory and Injunctive Relief filed in this action, you are ordered to  
22 appear on 5/19/2020 (date), at 10 a.m. (time) in Department 19 of this Court located at  
23 191 North First Street, San Jose, California 95113, to show cause why a preliminary injunction  
24 should not be ordered prohibiting you, your employees, agents, or any persons acting with you or  
25 on your behalf, from enforcing the Santa Clara Order requiring licensed firearm dealers to close,  
26 during the pendency of this action.

27 This Order to Show Cause and supporting papers shall be served on Respondents-  
28 Defendants no later than 4/29, 2020, by electronic mail (manner of service). Proof of

1 such service shall be filed and delivered to the court hearing the Order to Show Cause no later  
2 than 5/1, 2020. Any reply papers shall be filed and served by Respondents-  
3 Defendants ~~on~~ by electronic mail (manner of service), no later than 5/8/2020.  
4 ~~2020~~ (time) on (6)

~~TEMPORARY RESTRAINING ORDER~~

6 Pending hearing on the above Order to Show Cause, Respondents-Defendants, their  
7 employees, agents, and/or any other persons acting with them or on their behalf, are restrained  
8 and enjoined from enforcing the Santa Clara Order requiring licensed firearm dealers to close  
9 until this Court hears and rules upon the Order to Show Cause.

10 The Court reserves jurisdiction to modify or dissolve this Order as may be required  
11 by the interests of justice.

12 IT IS SO ORDERED.

14 Dated: \_\_\_\_\_  
15 \_\_\_\_\_  
16 Judge of the Superior Court

17 *Parties are instructed to submit*  
18 *their briefs for e-filing and also*  
19 *submit a courtesy copy by email*  
20 *to SNHernandez@sccourt.org.*  
21 *Depending upon the status of the*  
22 *current public health crisis, the*  
23 *court may order that the parties*  
24 *appear telephonically on May 19th.*

25  
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27  
28 *4/23/20* *Pat H. K...*

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA  
3 COUNTY OF SANTA CLARA

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County,  
5 California. I am over the age eighteen (18) years and am not a party to the within action. My  
6 business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On April 20, 2020, I served the foregoing document(s) described as

8 **[PROPOSED] ORDER GRANTING EX PARTE APPLICATION TO STAY  
9 ENFORCEMENT OF SANTA CLARA ORDER REQUIRING LICENSED FIREARM  
10 DEALERS TO CLOSE OR ALTERNATIVELY, FOR TEMPORARY RESTRAINING  
11 ORDER AND ORDER TO SHOW CAUSE**

12 on the interested parties in this action by placing

13  the original  
14  a true and correct copy

15 thereof by the following means, addressed as follows:

16 James R. Williams  
17 Office of the County Counsel  
18 County of Santa Clara  
19 70 West Hedding Street  
20 East Wing, 9th Floor  
21 San Jose, CA 95110  
22 Email: [county.counsel@cco.sccgov.org](mailto:county.counsel@cco.sccgov.org)  
23 Email: [james.williams@cco.sccgov.org](mailto:james.williams@cco.sccgov.org)

24 Jeff Rosen  
25 District Attorney  
26 Office of the District Attorney  
27 County of Santa Clara  
28 17275 Butterfield Blvd., Ste A  
Morgan Hill, CA 95037  
Email: [jrosen@dao.sccgov.org](mailto:jrosen@dao.sccgov.org)

Adam J. Flores  
Deputy District Attorney  
Office of the District Attorney  
County of Santa Clara  
17275 Butterfield Blvd., Ste A  
Morgan Hill, CA 95037  
Email: [aflores@dao.sccgov.org](mailto:aflores@dao.sccgov.org)

Douglas M. Press  
Melissa Kinyalocets  
Jason Bussey  
70 West Hedding Street  
East Wing, 9th Floor  
San Jose, CA 95110  
Email: [douglas.press@cco.sccgov.org](mailto:douglas.press@cco.sccgov.org)  
Email: [melissa.kinyalocets@cco.sccgov.org](mailto:melissa.kinyalocets@cco.sccgov.org)  
Email: [jason.bussey@cco.sccgov.org](mailto:jason.bussey@cco.sccgov.org)

X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic  
transmission to the emails shown above. Said transmission was reported and completed  
without error.

X (STATE) I declare under penalty of perjury under the laws of the State of California that  
the foregoing is true and correct.

Executed on April 20, 2020, at Long Beach, California.



Laura Palmerin