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12 *Attorneys for Defendants* **ERIC GARCETTI, MICHAEL N. FEUER,**
13 **MICHEL MOORE,** and the **CITY OF LOS ANGELES**

14 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF LOS ANGELES**

16 **TURNER’S OPERATIONS, INC. et al.,**

17 **Petitioners & Plaintiffs,**

18 **v.**

19 **ERIC GARCETTI et al.,**

20 **Respondents & Defendants.**

CASE NO: 20STCP01258

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEMURRER TO FIRST
AMENDED PETITION FOR WRIT OF
MANDATE AND/OR PROHIBITION OR
OTHER APPROPRIATE RELIEF;
COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Hearing Date: October 1, 2020

Hearing Time: 1:30 p.m.

Department: 82

FEE EXEMPT (GOV. CODE, § 6103)

1 **REQUEST FOR JUDICIAL NOTICE**

2 Pursuant to Evidence Code section 452, respondents hereby request that the Court take judicial
3 notice of the following exhibits.

4 Exhibit 1 is a true and correct copy of this Court's April 14, 2020 Order denying petitioners'
5 first ex parte application for a temporary restraining order.

6 Exhibit 2 is a true and correct copy of this Court's April 28, 2020 Order denying petitioners'
7 second ex parte application for a temporary restraining order.

8 Exhibit 3 is a true and correct copy of the May 7, 2020 revised Safer At Home Order.

9 Exhibit 4 is a true and correct copy of the May 20, 2020 revised Safer At Home Order.

10 Respectfully submitted,

11 Dated: May 22, 2020

12
13 **MICHAEL N. FEUER**, City Atty.
14 **JAMES P. CLARK**, Chief Deputy City Atty.
15 **KATHLEEN A. KENEALY**, Chief Asst. City Atty.
16 **SCOTT MARCUS**, Civil Litigation Branch Chief
17 **BLITHE S. BOCK**, Asst. City Atty.
18 **BENJAMIN F. CHAPMAN**, Deputy City Atty.
19 **JONATHAN H. EISENMAN**, Deputy City Atty.

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By: /s/ Jonathan H. Eisenman
JONATHAN H. EISENMAN, Deputy City Attorney

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 1

20STCP01258

April 14, 2020

TURNER'S OPERATIONS, INC., A CALIFORNIA CORPORATION, et al. vs ERIC GARCETTI, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE , et al.

1:30 PM

Judge: Honorable Mary H. Strobel

CSR: REPORTER PRO TEMPORE: Estrella Herman CSR# 13865

Judicial Assistant: N DiGiambattista

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

APPEARANCES:

For Petitioner(s): Sean A. Brady (Telephonic) (x)

For Respondent(s): Benjamin F Chapman (x) (Telephonic); Jonathan H Eisenman (x)

NATURE OF PROCEEDINGS: EX PARTE APPLICATION OF PETITIONERS, TURNER'S OPERATIONS, INC., TRADERS LOAN AND JEWELRY, INC., FFLGUARD, LLC, AND CALIFORNIA RIFLE & PISTOL ASSOCIATION, INC., TO STAY ENFORCEMENT OF LOS ANGELES ORDER REQUIRING LICENSED FIREARM DEALERS TO CLOSE OR, ALTERNATIVELY, FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

Matter, continued from April 13, 2020, is called for hearing in Department One and argued.

Pursuant to Government Code Sections 68086, 70044 and California Rules of Court Rule 2.956, Estrella Herman/ CSR 13865, is appointed as an official court reporter pro tempore in this proceeding and is ordered to comply with the terms of the court reporter agreement.

The court reads its tentative ruling to counsel.

After hearing oral argument, the court adopts its tentative ruling as the order of the court and is set forth in this minute order.

Petitioners seek an ex parte stay, or alternatively, a Temporary Restraining Order, prohibiting the enforcement of Mayor Garcetti's Safer at Home public order as it applies to temporarily halt the operation of gun stores. Petitioners present no authority that the court may stay this matter, as it is authorized to do for a final administrative order of a public agency under CCP section 1094.5(g) and (h). Those provisions do not apply to a challenge under CCP section 1085 seeking a writ of ordinary mandate. The court therefore considers the ex parte application as seeking a temporary restraining order and order to show cause re preliminary injunction.

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1:30 PM

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Herman CSR# 13865

Judicial Assistant: N DiGiambattista

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

As a result of the COVID-19 pandemic, both Mayor Garcetti and Governor Newsom declared a state of emergency. Pursuant to his authority under the Emergency Services Act, on March 19, 2020 Mayor Garcetti issued a public order, the “Safer at Home” order, requiring the citizens of Los Angeles to remain at home except for certain exempted activities and ordering most businesses to close except for certain exempted businesses. Operation of a gun shop was not one of the exempted activities or businesses.

At about the same time as Mayor Garcetti’s order, Governor Newsom issued Executive Order N-33-20 which required California citizens to comply with state public health directives developed by the Department of Public Health. Within the same order, the State Public Health Officer Order directed California citizens to remain at home except as needed to maintain continuity of operations of 16 federal critical infrastructure sectors as outlined at a specifically identified federal website. At the time of the Executive Order, the federal website listed 16 general categories of critical sectors, but did not specifically identify workers at gun and ammunition stores as falling within a critical sector.

Nine days later, on March 28, 2020 the director of CISA (federal cybersecurity and infrastructure security agency) issued an advisory memorandum on identification of essential critical infrastructure (“Advisory Memo.”) In that Memo, the director listed “workers supporting the operation of firearm or ammunition product manufacturers retailers, importers, distributors and shooting ranges” under one of the 16 critical sectors categories entitled “Law Enforcement, Public Safety, and Other First Responders.”

Petitioners claim the Safer at Home order cannot lawfully be applied to require gun shops to close during the state of emergency. The City disagrees. Petitioners do not directly challenge the authority of the City to adopt and enforce emergency orders under the current circumstances, or dispute the significant threat to public health and safety posed by the COVID-19 pandemic. Rather Petitioners argue that their ex parte application only presents the narrow question of whether city officials operating under emergency authority remain subject to state law. The court narrows the question further. Assuming the City’s emergency authority is restrained by state law, have Petitioners shown the City acted in excess of that authority.

Law applicable to issuance of a temporary restraining order.

In deciding whether to grant a temporary restraining order or preliminary injunction, the court

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looks to two factors: “(1) the likelihood that the plaintiff will prevail on the merits; and (2) the relative balance of harms that is likely to result from the granting or denial of interim injunctive relief.” (White v. Davis (2003) 30 Cal.4th 528, 553-54.) The factors are interrelated, with a greater showing on one permitting a lesser showing on the other. (Dodge, Warren & Peters Ins. Services, Inc. v. Riley (2003) 105 Cal.App.4th 1414, 1420.) However, the party seeking an injunction must demonstrate at least a reasonable probability of success on the merits. (IT Corp. v. County of Imperial (1983) 35 Cal.3d 63, 73-74.) The party seeking the injunction bears the burden of demonstrating both a likelihood of success on the merits and the occurrence of irreparable harm. (Savage v. Trammell Crow Co. (1990) 223 Cal.App.3d 1562, 1571.)

Likelihood of success.

Petitioners raise two primary challenges to the Safer at Home Order; preemption and due process.

Preemption.

“A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” (Cal. Const., art. XI, § 7.) Local legislation that conflicts with general law is preempted and void. (citations omitted[.] “ A conflict exists if the local legislation ‘ ‘duplicates, contradicts, or enters an area fully occupied by general law, either expressly or by legislative implication.’ ” Garcia v. Four Points Sheraton LAX, (2010) 188 Cal. App. 4th 364, 373.

There is no direct conflict with state law. Petitioner argues that Executive Order N-33-20 which references the 16 critical sectors exempt from the statewide stay at home order preempts any contrary order by the City of Los Angeles. Petitioners reason that the Advisory Memo specifically listing gun shop operations as exempt is part of Newsom’s Executive Order N-33-20. The court disagrees. Executive Order N-33-20 referenced the 16 critical sectors as outlined at the CISA website. At the time, the website did not reference gun stores as exempt. The subsequent Advisory Memo did not operate to retroactively amend the Executive Order. The Executive Order could have specifically stated it would adopt by reference subsequent modifications or interpretations made by CISA to its categories. It did not do so. 1

The court in Gonzalez v. City of Norwalk, (2018) 17 Cal. App. 5th 1295, rejected a similar claim. In that case, a city ordinance imposed a tax on certain telephone service providers, but

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ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

exempted businesses exempted under a specific federal Internal Revenue Code provision. A few years after adoption of the ordinance, courts interpreted the IRC provision more broadly than its previous interpretation. The court found the interpretation at the time of adoption of the ordinance to be operative.

“It is a well established principle of statutory law that, where a statute adopts by specific reference the provisions of another statute, regulation, or ordinance, such provisions are incorporated in the form in which they exist at the time of the reference and not as subsequently modified, and that the repeal of the provisions referred to does not affect the adopting statute, in the absence of a clearly expressed intention to the contrary.” (citations omitted.) Thus, because the Norwalk Municipal Code specifically referenced IRC section 4251, it incorporated that section’s exemptions as they were understood to exist when the voters passed Measure A in 2003.” Id. at 1311.

The state has not occupied the field. Petitioners also argue that City may not apply the Safer at Home order to gun shops, because the state has occupied the field of gun regulation. The court disagrees. Case law specifically recognizes that state regulation does not preempt all local legislation related to firearms, but only specific types of regulation. “The Legislature has never expressed an intent to preempt the entire field of firearm regulation to the exclusion of local control. The Legislature, instead, has chosen to preempt “discrete areas of gun regulation.” (citations omitted).) “That state law tends to concentrate on specific areas, leaving unregulated other substantial areas relating to the control of firearms, indicates an intent to permit local governments to tailor firearms legislation to the particular needs of their communities. [citations omitted.]” *Fiscal v. City and County of San Francisco*, (2008) 158 Cal. App. 4th 895, 905

The state and federal government have adopted extensive legislation related to possession, purchase, registration and sale of firearms. For example, a local governmental agency may not require an individual to obtain a local permit to purchase a firearm if that person is not otherwise prohibited by state law from possessing a firearm. However, the Safer at Home order does not impose any permitting requirements on possession, sale or purchase of firearms. Rather it is a temporary order of general application prohibiting the operation of a vast array of businesses in the City while the state of emergency related to the COVID-19 pandemic remains in place. Petitioners’ characterization of the order as a complete and permanent ban on gun sales within the City is unpersuasive. 2

Due Process.

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Judicial Assistant: N DiGiambattista

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

Petitioners argue that the Safer at Home order violates California due process requirements. (Ex parte 15-17.) “The concept of ‘due process of law’ guarantees both procedural and substantive rights.” (Bottini v. City of San Diego (2018) 27 Cal.App.5th 281, 315; see Cal. Const. Art. I, § 7(a).)

Procedural due process “require[s] reasonable notice and opportunity to be heard before governmental deprivation of a significant property interest.” (Horn v. County of Ventura (1979) 24 Cal.3d 605, 612.) However, procedural due process principles only apply to government decisions which are “adjudicative” in nature, not those that are “legislative.” (Ibid.) An adjudicatory decision is one where “the government’s action affecting an individual was determined by facts peculiar to the individual case.” A legislative decision establishes “a broad, generally applicable rule of conduct on the basis of a general public policy.” (San Diego Bldg. Contractors Assn. v. City Council (1974) 13 Cal.3d 205, 212-213.) “Legislative action generally is not governed by ... procedural due process requirements because it is not practical that everyone should have a direct voice in legislative decisions; elections provide the check there.” (Calvert v. County of Yuba (2006) 145 Cal.App.4th 613, 622-623; see Bi-Metallic Co. v. Colorado (1915) 239 U.S. 441, 445.)

The Safer at Home order has the character of a legislative decision. The order imposes broad restrictions across massive sectors of the City’s economy to slow the spread of the novel coronavirus in the City of Los Angeles. Although the order exempts “certain essential activities” and business categories, Petitioners have not argued or shown that the order was based on a determination of facts peculiar to specific persons or businesses. Petitioners do not show a reasonable probability of success on a procedural due process claim.

“Substantive due process protects against ‘arbitrary legislative action, ...’ [Citation.] To satisfy substantive due process concerns, ‘the law must not be unreasonable, arbitrary or capricious but must have a real and substantial relation to the object sought to be attained.’” (Bottini, supra, 27 Cal.App.5th at 315.)

In the ex parte, Petitioners argue that the Safer at Home order is the “epitome of arbitrariness” because it targets gun sales “as a consumer activity that people should not engage in during the COVID-19 crisis” but exempts other consumer activities, such as fully automated or self-service car washes. Petitioners also argue that the order is arbitrary because it allows Traders to remain open to service clients, but not Turner’s. The court disagrees with Petitioners’ characterization of the Safer at Home order, which imposes broad restrictions on many business sectors and does not

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ERM: None

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Deputy Sheriff: None

“target” gun sales. Moreover, Petitioners acknowledge that “preventing the spread of COVID-19 is undeniably a critical and urgent matter.” The medical evidence supports that “any measure that discourages interpersonal contact helps to slow” the spread of COVID-19 and “action to enforce social distancing is imperative and will save lives.” (Simon Decl. ¶ 9.) Petitioners do not dispute that gun dealers require interpersonal contact to perform their business functions. To address the public health imperative of social distancing, while maintaining critical infrastructure, the Mayor could reasonably differentiate between gun dealers (and other non-exempt businesses) and the permitted “essential activities.” Because financial institutions are deemed essential, the Mayor could also reasonably differentiate between pawnbrokers, such as Traders, that perform a financial lending function and other gun dealers that do not. 3 Petitioners do not show a reasonable probability of prevailing on a substantive due process claim.

Balance of Harms

The balance of harms tips in favor of the Respondents. The City has shown that the City is acting to stem the spread of the COVID-19 virus by reducing the opportunities for it to be spread from one person to another. The gravity of the spread of the virus is documented in the states of emergency declared by the federal, state and local government. Petitioners recognize that “preventing the spread of COVID-19 is undeniably a critical and urgent matter.”

Harm to Petitioners is less weighty. Especially where Petitioners seek to enjoin the operation of an emergency order adopted to protect health and safety, Petitioners bear a heavy burden to show the balance of harms tips in their favor. Petitioners have not met this burden. Petitioner Turners operates 28 retail gun stores, only one of which is affected by the Safer at Home Order. Turners has not shown its retail operation are irreparably harmed by a temporary shut down of one of its retail stores. Petitioner Traders Loan and Jewelry has also not shown irreparable harm. Traders admits its pawn broker operations may continue. Its statement that should the temporary shut down “continue” it might at some point have to lay off staff or shut down entirely is unspecific and conclusory. Further the City takes the position that Traders may continue to sell firearms because it is otherwise exempt as a financial institution (pawn shop).

Finally, Petitioner California Rifle & Pistol Association has not shown that the interests of its members are irreparably harmed by the Order. Members may continue to purchase firearms from outlets outside the City of Los Angeles. Slight geographic inconvenience is not irreparable harm. CRPA has not shown that those unidentified members who have been approved for a purchase of

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

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Judicial Assistant: N DiGiambattista

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

a firearm but will be unable to complete the purchase during the period of the Order will be irreparably harmed by having to wait to obtain their firearm or reinitiate sales at another outlet outside the City.

Conclusion

Petitioners showing of likelihood of success on the merits is not strong. The balance of harms tips heavily in favor of the Respondents. The application for a temporary restraining order is DENIED.

FOOTNOTES:

1- Here, Petitioners argument is further attenuated by the fact the Memo by its own terms is stated to be advisory in nature and not be considered a federal directive or standard.

2- In fact, in its opposition, the City takes the position that guns sales may continue in Traders Loan & Jewelry, because it also operates as a pawn shop, exempted under the "financial institutions" exception in the Safer at Home order.

3- On April 13, 2020, Petitioners submitted a supplemental declaration of Bill Ortiz, who states that "Turner's Reseda location ... holds the same secondhand dealer's license as Trader's Loan ..." and that Turner's Reseda location also services the fishing industry and law enforcement personnel. (Suppl. Ortiz Decl. ¶¶ 4-5.) It is unclear if Turner's has raised these issues with City. This is not the subject matter of the current request for TRO.

Counsel for respondent City is to give notice.

A copy of this minute order is mailed via U.S. Mail to counsel of record.

Certificate of Mailing is attached.

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 1

20STCP01258

April 28, 2020

**TURNER'S OPERATIONS, INC., A CALIFORNIA
CORPORATION, et al. vs ERIC GARCETTI, IN HIS
OFFICIAL CAPACITY AS MAYOR OF THE , et al.**

8:30 AM

Judge: Honorable Mary H. Strobel

CSR: PRO TEMPORE: Gail Peeples CSR
11458 (BY COURT CALL)

Judicial Assistant: N DiGiambattista

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

APPEARANCES:

For Petitioner(s): Sean A. Brady (Telephonic) (x)

For Respondent(s): Benjamin F Chapman (x) (Telephonic); Jonathan H Eisenman (x)

(Telephonic)

Other Appearance Notes:

NATURE OF PROCEEDINGS: EX PARTE APPLICATION OF PETITIONERS, TURNER'S OPERATIONS, INC., ET AL, FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

Pursuant to stipulation, Gail Peeples certified court reporter #11458, is appointed as reporter pro tempore for this matter.

Matter comes on for hearing in Department One and argued.

The ex parte application is denied.

The court notes that this is the second ex parte application in which Petitioners seeks to enjoin the City of Los Angeles from enforcing the Safer at Home Order. The previous application which the court denied sought to enjoin enforcement of the Order as to all gun shops. This application seeks to enjoin enforcement of the Order only as to Turner's Operations based on the argument that the business qualifies under one of the exemptions in the Order.

As to most of the items Turner's states it is selling such as first aid kits, dry goods, safes, and lockboxes, Turner's has not shown incidental sales of these products qualify as providing essential services under the order.

Turner's also argues that its sale of firearms and ammunition to law enforcement officers qualifies under the exemption for performing work providing essential products and services or to otherwise carry out activities specifically exempted (Order para. 5 (iv)), or as a business that

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April 28, 2020

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OFFICIAL CAPACITY AS MAYOR OF THE , et al.**

8:30 AM

Judge: Honorable Mary H. Strobel

CSR: PRO TEMPORE: Gail Peeples CSR
11458 (BY COURT CALL)

Judicial Assistant: N DiGiambattista

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

supplies other essential businesses with the support, service or supplies necessary to operate. (Order para. 5(vii)(o)). However, Turner's provides no evidence it sells directly to law enforcement agencies as opposed to individual officers. Respondents provide a declaration from LAPD attesting that it supplies its officers with necessary firearms and ammunition. Turner's argues that it sells large capacity magazines which can only be sold to law enforcement. Turner's has not shown such sales are necessary to carry out the exempted activity of law enforcement.

For the reasons stated orally at the hearing, the court also finds unpersuasive Turner's arguments of exemption based on its shipping of firearms, populating the firearm data base, receiving guns from those persons no longer qualified to possess them, or acting under its secondhand dealer permit.

Finally, Turner's argues it supplies fishing equipment for commercial and recreational fishing, and fishing is an exempt activity. While Turner's has provided some evidence on this issue, the Ortiz declaration is conclusory. It does not identify any particular commercial fishing enterprise that purchases equipment from the Turner's retail store at issue or quantify sales of fishing equipment at that retail store. Counsel for Petitioners argued at the hearing that the sale of fishing supplies is a significant portion of Turner's business. However, Petitioners provided no evidence to support that assertion, or information regarding sale of fishing equipment at the Turner's store at issue. Turner's has had ample opportunity to provide this evidence, as the Order went into effect in March, Turner's store was order closed on April 2, 2020, and Turner's previous ex parte application for a TRO was denied on April 14, 2020, two weeks ago. Thus while Turner's has shown some likelihood of success on the merits as to this argument, the showing is not particularly strong.

The balance of harms continues to tip sharply in favor of Respondents. The City has shown that it is acting to stem the spread of the COVID-19 virus by reducing the opportunities for it to be spread from one person to another. The gravity of the spread of the virus is documented in the states of emergency declared by the federal, state and local governments.

Petitioners recognize that "preventing the spread of COVID-19 is undeniably a critical and urgent matter." Harm to Petitioners is less weighty. Especially where Petitioners seek to enjoin the operation of an emergency order adopted to protect health and safety, Petitioners bear a heavy burden to show the balance of harms tips in their favor. Petitioners have not met this burden. Petitioner Turners operates 28 retail gun stores, only one of which is affected by the

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8:30 AM

Judge: Honorable Mary H. Strobel

CSR: PRO TEMPORE: Gail Peoples CSR
11458 (BY COURT CALL)

Judicial Assistant: N DiGiambattista

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

Safer at Home Order. Turners has not shown its retail operation are irreparably harmed by a temporary shut down of one of its retail stores.

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The ex parte application is denied.

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Counsel for respondent is to give notice.

EXHIBIT 3



ERIC GARCETTI
MAYOR

Public Order Under City of Los Angeles Emergency Authority

Issue Date: March 19, 2020 (Revised May 7, 2020)

Subject: SAFER AT HOME

The novel coronavirus pandemic is a global emergency that is unprecedented in modern history. Profoundly impacting our daily lives, it has inspired Angelenos to respond with courage, compassion, wisdom and resolve to overcome this crisis and help each other.

In a short period of time and at an unprecedented scale, residents in every community have embraced urgent social distancing best practices and aggressive hygienic precaution, not just to protect themselves, but to protect others. Angelenos understand with exceptional clarity that there is only one way to get through this difficult moment: together.

The City's recent emergency orders — curtailing large public gatherings; temporarily closing many government facilities; closing theaters, bars and entertainment venues; prohibiting restaurants from serving to dine-in customers while permitting take-out, delivery and drive-thru; and a ban on evictions of residential and commercial tenants who cannot pay rent due to financial impacts caused by COVID-19 — have been followed with a willing and generous spirit.

While we have previously taken strong action, now the City must adopt additional emergency measures to further limit the spread of COVID-19.

With this virus, we are safer at home.

Wherever feasible, City residents must isolate themselves in their residences, subject to certain exceptions provided below. This Order is given because, among other reasons, the COVID-19 virus can spread easily from person to person and it is physically causing property loss or damage due to its tendency to attach to surfaces for prolonged periods of time.

Under the provisions of Section 231(i) of the Los Angeles City Charter and Chapter 3, Section 8.27 of the Los Angeles Administrative Code, I hereby declare the following orders to be necessary for the protection of life and property in the City of Los Angeles, effective on Friday, April, 10, 2020 at 11:59 PM:

1. Subject only to the exceptions outlined in this Paragraph and Paragraph 5 below, all persons living within the City of Los Angeles are hereby ordered to remain in their homes. Residents of the City of Los Angeles who are experiencing homelessness are exempt from this requirement. The City is working, along with partner government agencies and non-governmental organizations, to make more emergency shelters available for the unhoused residents of our City. City of Los Angeles officials and contracted partners responsible for homelessness outreach shall make every reasonable effort to persuade such residents to accept, if offered, temporary housing or shelter, as the Health Officer of the County of Los Angeles recommends that sheltering individuals will assist in reducing the spread of the virus and will protect the individual from potential exposure by allowing the individual access to sanitation tools. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

2. Subject only to the exceptions outlined in this Paragraph and Paragraph 5 below, all businesses within the City of Los Angeles are ordered to cease operations that require in-person attendance by workers at a workplace (including, without limitation, indoor malls and indoor shopping centers, including all stores except for those stores considered essential activities or infrastructure under this Order which are directly accessible to the public from the exterior of the mall or shopping center - the interior of the indoor mall or indoor shopping center shall remain closed to the public). To the extent that business operations may be maintained by telecommuting or other remote means, while allowing all individuals to maintain shelter in their residences, this Order shall not apply to limit such business activities. A business that fails to cease operation despite not meeting an exception in this Paragraph or Paragraph 5 may be subject to having its water and power services shut off by the Department of Water and Power for not being in compliance with the Order. The Deputy Mayor of Public Safety, or his written designee, may, after engagement with and a written warning issued to a noncompliant business, refer that business in writing to the Department of Water and Power to shut off water and power services pursuant to this order. Upon receiving such a written referral, the Department of Water & Power is authorized to shut off water and power services to the noncompliant business operating in violation of the Order

3. All public and private gatherings of any number of people occurring outside a residence are prohibited, except as to those exempted activities described in this Paragraph and Paragraph 5. This provision does not apply to gatherings within a single household or living unit.

4. All travel, including, without limitation, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is prohibited, subject to the exceptions in Paragraph 5.

5. Exceptions. People may lawfully leave their residence while this Order is in effect only to engage in the following activities:

~~(i) First 24 hour allowance. This Order shall not apply, for a 24-hour period following the effective date above, to allow employees and business owners to access to their workplaces to gather belongings or address other administrative needs, so long as social distancing requirements are followed. Such workplaces shall remain closed to the public in accordance with this Order.~~

(ii) Essential Activities. To engage in certain essential activities, including, without limitation, visiting a health or veterinary care professional, obtaining medical supplies or medication, obtaining grocery items (including, without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh or frozen meats, fish, and poultry, any other household consumer products and products necessary to maintain the safety and sanitation of residences and other buildings) for their household or to deliver to others, or for legally mandated government purposes. In addition, any travel related to (a) providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons; (b) returning to one's place of residence from outside the City; (c) travelling to one's place of residence located outside the City; (d) compliance with an order of law enforcement or court shall be exempt from this Order; (e) legally mandated government purposes; or (f) attend a funeral with no more than 10 individuals present or manage after-death arrangements and burial. Persons engaging in these essential activities are required to maintain reasonable social distancing practices. This includes maintaining a distance of at least six-feet away from others, frequently washing hands with soap and water for at least twenty seconds or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

(iii) Outdoor Activities. Travel for purposes of or to engage in passive outdoor activity and recreation, provided that the individuals comply with social distancing requirements, including, without limitation, walking, running, cycling; use of scooters, roller skates, skateboards, or other personal mobility devices; or travel in a vehicle with household members to a location where it is possible to walk, run or ride a bike, horseback ride or operate personal mobility devices, while maintaining social distancing practices. Golf is permitted; public and private courses (not including pro-shops or dine-in restaurants) may operate upon implementing the Los Angeles County Department of Public Health Reopening Protocol for Golf Courses; and all course employees, visitors, and golfers must use cloth face coverings at all times when in contact with or near other people. Indoor and outdoor playgrounds for children, except those located within childcare centers, shall be closed for all purposes. The City of Los Angeles, following the recommendations and directives of the County Department of Public Health, shall cancel its recreational and cultural programming and close its beaches, public beach parking lots, beach access points, piers, ~~park trails, trail heads,~~ and park facilities. Parks shall remain open for recreational activities while practicing social distancing; additionally visitors at trails and trailheads must wear face coverings. "Recreation and cultural programming" refers to recreational and cultural activities, indoor and outdoor

sports leagues, aquatics classes, instructional courses, and group sessions on City-owned and operated park land. "Park facilities," which shall be closed to the public, refers to the City's Department of Recreation and Parks facilities, including: skate parks, basketball courts, tennis courts, volleyball courts, baseball fields, Venice Boardwalk (except as necessary to travel to an essential business), Runyon Canyon, Griffith Observatory, Travel Town, Griffith Park train rides and pony rides, the Cabrillo Marine Museum, Sherman Oaks Castle, EXPO Center, and aquatics facilities. Census Centers located at Recreation and Parks facilities may remain open, provided strict adherence to social distancing practices.

(iv) Work in Support of Essential Activities. To perform work providing essential products and services or to otherwise carry out activities specifically permitted in this Order.

(v) To care for or support a friend, family member, or pet in another household.

(vi) Emergency Personnel. All first responders, gang and crisis intervention workers, public health workers, emergency management personnel, emergency dispatchers, law enforcement personnel, and related contractors and others working for emergency services providers are categorically exempt from this Order.

(vii) Essential Activities Exempt. Certain business operations and activities are exempt from the provisions of this Order, on the grounds that they provide services that are recognized to be critical to the health and well-being of the City. These include:

(a) All healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, medical and scientific research, laboratories, healthcare suppliers, home healthcare services providers, veterinary care and pet day care providers (excluding pet grooming and training), mental and behavioral health providers, substance use providers, physical therapists and chiropractors, cannabis dispensaries, or any related and/or ancillary healthcare services, manufacturers and suppliers. Healthcare operations does not include fitness and exercise gyms and similar facilities.

(b) Grocery stores, water retailers, farm and produce stands, supermarkets, convenience stores, warehouse stores, food banks, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet food and medication supply (but not grooming or training), fresh or frozen meats, fish, and poultry, and other household consumer products necessary to maintain the safety, sanitation and essential operation of residences. This includes stores that sell beer, wine, and liquor. However, the portions of liquor stores, wineries, breweries and tap rooms that provide tastings to the public are closed. Certified farmers markets may operate only if they are able to obtain written approval from the Bureau of Street Services (BSS) and only according to the guidelines and set forth by BSS.

(c) Agricultural and horticultural cultivation, including farming, livestock, and fishing.

(d) 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 services agencies).

(e) Newspapers, television news, radio, magazine, podcast and journalism.

(f) Gas service stations, auto part supply, mobile auto repair operations, auto repair shops (including, without limitation, auto repair shops that operate adjacent to or otherwise in connection with an used or retail auto dealership), bicycle repair shops and related facilities. Auto dealerships may open to the public, under the conditions required by and upon implementation of the Los Angeles County Department of Public Health Reopening Protocol for Car Dealerships. Fully automated car washes or self-service car washes that require no personnel (other than to receive payment or help guide the driver to enter or leave the car wash) are permitted to operate.

(g) Banks, credit unions, financial institutions and insurance companies, and pawn shops.

(h) Hardware and building supply stores, day labor centers, nurseries and horticulture wholesale distributors.

(i) Plumbers, electricians, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, day laborers, landscapers, gardeners, exterminators, property managers and leasing agents, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other essential activities discussed in this subsection.

(j) Businesses providing mailing and shipping services, boxes and packaging, and post office boxes.

(k) 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 six-feet per person is maintained.

(l) Laundromats, dry cleaners, and laundry service providers.

(m) Restaurants and retail food facilities that prepare and offer food to customers, but only via delivery service, to be picked up, or drive-thru. For those establishments offering food pick-up options, proprietors are directed to establish social distancing practices for those patrons in the queue for pick-up. This includes maintaining a distance of at least six-feet away from others. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and carry out basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or any other gathering site. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities are also exempt from this Order. Social distancing shall be maintained at a distance of at least six-feet away from others.

(n) Businesses that supply or provide storage for products needed for people to work from home.

(o) Businesses that supply other essential businesses with the support, services, or supplies necessary to operate, provided that strict social distancing is maintained. This section includes, without limitation, utility companies.

(p) Individuals and businesses that ship, truck, transport, or provide logistical support to deliver groceries, food, goods, or services directly to residences, or businesses engaged in essential activities or essential infrastructure.

(q) Airlines, taxis, ride sharing services, car rental companies, and other private transportation services providing transportation services necessary for essential activities and other purposes expressly authorized in this Order.

(r) Home-based care for disabled persons, seniors, adults, or children.

(s) Residential facilities and shelters for homeless residents, disabled persons, seniors, adults, children and animals.

(t) Professional services, such as legal, leasing and real estate transactions, payroll or accounting services, when necessary to assist in the permitting, inspection, construction, transfer and recording of ownership of housing, and when necessary to achieve compliance with legally mandated activities. Housing units and real property may be shown, provided that appointments and other residential viewings occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit. However, such in-person visits are not permitted when a tenant occupant is still residing in the residence, unless the owner first obtains the tenant's written consent.

(u) 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 that 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 one 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.

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

(w) 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, without limitation, 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-prime, and supplier contractor employees, at both the prime contract level and any supplier level at any tier, working on federal United States Government contracts, such as contracts for national intelligence and national security requirements.

(x) Businesses that manufacture or sell personal protective equipment or cloth or fabric face coverings, and businesses that sell materials for purposes of

assembling such face coverings, subject to the following conditions: for manufacturers, at least 50% of daily production must consist of personal protective equipment, cloth or fabric face covering or other essential products; for retail businesses, their products may be available to purchasers by delivery or pick-up but may not be open to the public. Nothing in this subsection shall be construed to allow otherwise non-essential businesses to render themselves essential for purposes of this Order by adopting similar sales protocols.

(y) Bookstores; Florists; Clothing and Shoe stores; Sporting Goods stores; Toy stores; and Music stores may operate for delivery and/or curbside pick up only. Businesses operating under this subsection may only permit employees to enter their stores; customers must remain outside the premises at all times. These businesses must also adopt the County of Los Angeles Protocols for Retail Establishments Opening for Curbside Pickup on Friday, May 8, 2020.

(viii) Government Employees. This Order does not apply to employees of government agencies working within the course and scope of their public service employment. Employees of the City of Los Angeles shall follow any current or future directives issued by the Mayor.

(ix) Essential Infrastructure. Individuals may leave their residences to provide any services or goods or perform any work necessary to to build, operate, maintain or manufacture essential infrastructure, including without limitation construction of public health operations, commercial, office and institutional buildings, residential buildings and housing; airport operations, food supply, concessions, and construction; port operations and construction; water, sewer, gas, electrical, oil extraction and refining; roads and highways, public transportation and rail; solid waste collection, removal, and recycling; flood control and watershed protection; internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, phone retail sales and servicing, and web-based services); and manufacturing and distribution companies deemed essential to the supply chains of the industries referenced in this Paragraph, provided that they carry out those services and that work in compliance with social distancing practices as prescribed by the Centers for Disease Control and Prevention and the Los Angeles County Department of Public Health, to the extent possible.

(x) Non-Essential Businesses. Businesses regarded under this Order as “non-essential” may be permitted to conduct minimum basic operations including inventory, security, custodial services, payroll and employee benefits processing, and any reasonable activity designed to maximize the ability for its employees to work remotely from their homes. Any Non-Essential Businesses conducting minimum basic operations, as allowed for in the paragraph, shall keep its doors closed and locked to the public at all times and shall post a sign on its main entrances stating that the business is closed to the public.

6. Public Notice of Social Distancing Protocols for Certain Public-Facing Essential Businesses. The owner, manager, or operator of any business described in Paragraph

1 of the April 7, 2020 Worker Protection Order (Revised April 15, 2020) , shall prepare and post by no later than 11:59 p.m. on April 15, 2020, a Social Distancing Protocol for each of their facilities within the City of Los Angeles. The Social Distancing Protocol must be (i) substantially in the form attached to this Order as Appendix A; (ii) posted at or near the entrance to the facility so that it is easily viewable by the public and employees; and (iii) provided to each employee performing work at the facility. All such businesses shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand.

The City of Los Angeles has adopted the County of Los Angeles Department of Public Health Social Distancing Protocol, available for download at <http://coronavirus.lacity.org/socialdistancingprotocol>

Social Distancing Protocols must observe the following safety guidelines:

- a) limit the number of people who may enter into the facility at any one time to ensure that people in the facility can easily maintain, at all times, a minimum six (6) foot distance from others;
- b) designate where lines may form at a facility, marking six (6) foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
- c) provide hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees;
- d) 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, and to maintain social distancing from one another;
- e) regularly disinfect high-touch surfaces, including, without limitation all payment portals, pens, and styluses after each use. Businesses engaged in essential activities and essential infrastructure are encouraged to offer touch-less payment mechanisms, if feasible;
- f) provide employees and contracted workers whose duties require close contact (within 6 feet for 10 minutes or more) with other employees and/or the public with cloth face coverings;
- g) require that members of the public who enter the facility wear a face covering during their time in the facility; and
- h) 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/.

7. To the extent that this Order is in conflict with earlier Orders, this Order shall supersede the others.

8. Failure to comply with this Order shall constitute a misdemeanor subject to fines and imprisonment. I hereby urge the Los Angeles Police Department and the City Attorney to vigorously enforce this Order via Sections 8.77 and 8.78 of the Los Angeles Administrative Code.

9. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.

This order shall be in place until May 15, 2020, and it may be extended prior to that time.

Eric Garcetti, MAYOR

Dated: May 7, 2020 at Los Angeles, California
Time: 9:00pm

Filed with the City Clerk

Date: _____

Time: _____

By: _____

EXHIBIT 4



ERIC GARCETTI
MAYOR

Public Order Under City of Los Angeles Emergency Authority

Issue Date: March 19, 2020 (Revised May 20, 2020)

Subject: SAFER AT HOME

The novel coronavirus pandemic is a global emergency that is unprecedented in modern history. Profoundly impacting our daily lives, it has inspired Angelenos to respond with courage, compassion, wisdom and resolve to overcome this crisis and help each other.

In a short period of time and at an unprecedented scale, residents in every community have embraced urgent social distancing best practices and aggressive hygienic precaution, not just to protect themselves, but to protect others. Angelenos understand with exceptional clarity that there is only one way to get through this difficult moment: together.

The City's recent emergency orders — curtailing large public gatherings; temporarily closing many government facilities; closing theaters, bars and entertainment venues; prohibiting restaurants from serving to dine-in customers while permitting take-out, delivery and drive-thru; and a ban on evictions of residential and commercial tenants who cannot pay rent due to financial impacts caused by COVID-19 — have been followed with a willing and generous spirit.

While we have previously taken strong action, now the City must adopt additional emergency measures to further limit the spread of COVID-19.

With this virus, we are safer at home.

Wherever feasible, City residents must isolate themselves in their residences, subject to certain exceptions provided below. This Order is given because, among other reasons, the COVID-19 virus can spread easily from person to person and it is physically causing property loss or damage due to its tendency to attach to surfaces for prolonged periods of time.

Under the provisions of Section 231(i) of the Los Angeles City Charter and Chapter 3, Section 8.27 of the Los Angeles Administrative Code, I hereby declare the following orders to be necessary for the protection of life and property in the City of Los Angeles, effective on Friday, April, 10, 2020 at 11:59 PM:

1. Subject only to the exceptions outlined in this Paragraph and Paragraph 5 below, all persons living within the City of Los Angeles are hereby ordered to remain in their homes. Residents of the City of Los Angeles who are experiencing homelessness are exempt from this requirement. The City is working, along with partner government agencies and non-governmental organizations, to make more emergency shelters available for the unhoused residents of our City. City of Los Angeles officials and contracted partners responsible for homelessness outreach shall make every reasonable effort to persuade such residents to accept, if offered, temporary housing or shelter, as the Health Officer of the County of Los Angeles recommends that sheltering individuals will assist in reducing the spread of the virus and will protect the individual from potential exposure by allowing the individual access to sanitation tools. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

2. Subject only to the exceptions outlined in this Paragraph and Paragraph 5 below, all businesses within the City of Los Angeles are ordered to cease operations that require in-person attendance by workers at a workplace (including, without limitation, indoor malls and indoor shopping centers, including all stores except for those stores considered essential activities or infrastructure under this Order which are directly accessible to the public from the exterior of the mall or shopping center - the interior of the indoor mall or indoor shopping center shall remain closed to the public). To the extent that business operations may be maintained by telecommuting or other remote means, while allowing all individuals to maintain shelter in their residences, this Order shall not apply to limit such business activities. A business that fails to cease operation despite not meeting an exception in this Paragraph or Paragraph 5 may be subject to having its water and power services shut off by the Department of Water and Power for not being in compliance with the Order. The Deputy Mayor of Public Safety, or his written designee, may, after engagement with and a written warning issued to a noncompliant business, refer that business in writing to the Department of Water and Power to shut off water and power services pursuant to this order. Upon receiving such a written referral, the Department of Water & Power is authorized to shut off water and power services to the noncompliant business operating in violation of the Order

3. All public and private gatherings of any number of people occurring outside a residence are prohibited, except as to those exempted activities described in this Paragraph and Paragraph 5. This provision does not apply to gatherings within a single household or living unit.

4. All travel, including, without limitation, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is prohibited, subject to the exceptions in Paragraph 5.

5. Exceptions. People may lawfully leave their residence while this Order is in effect only to engage in the following activities:

~~_____ (i) First 24 hour allowance. This Order shall not apply, for a 24-hour period following the effective date above, to allow employees and business owners to access to their workplaces to gather belongings or address other administrative needs, so long as social distancing requirements are followed. Such workplaces shall remain closed to the public in accordance with this Order.~~

(ii) Essential Activities. To engage in certain essential activities, including, without limitation, visiting a health or veterinary care professional, obtaining medical supplies or medication, obtaining grocery items (including, without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh or frozen meats, fish, and poultry, any other household consumer products and products necessary to maintain the safety and sanitation of residences and other buildings) for their household or to deliver to others, or for legally mandated government purposes. In addition, any travel related to (a) providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons; (b) returning to one's place of residence from outside the City; (c) travelling to one's place of residence located outside the City; (d) compliance with an order of law enforcement or court shall be exempt from this Order; (e) legally mandated government purposes; or (f) attend a funeral with no more than 10 individuals present or manage after-death arrangements and burial. Persons engaging in these essential activities are required to maintain reasonable social distancing practices. This includes maintaining a distance of at least six-feet away from others, frequently washing hands with soap and water for at least twenty seconds or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, not shaking hands and wearing a cloth face covering whenever there is or can be contact with others who are non-household members in both public and private places. Young children who are at risk of suffocation and people with certain disabilities are not required to wear a face covering.

(iii) Outdoor Activities. To engage in passive outdoor activity and recreation, provided that the individuals comply with social distancing requirements, including, without limitation, walking, running, cycling; use of scooters, roller skates, skateboards, or other personal mobility devices. All individuals engaging in outdoor activities must wear a cloth face covering whenever there is or can be contact with others who are non-household members. Young children who are at risk of suffocation, people with certain disabilities, and individuals engaging in water activities and certain sports specified in Los Angeles County Department of Public Health Protocols (such as tennis, pickleball and solo horseback riding) are not required to wear a face covering. Golf is permitted; public and private courses may operate upon implementing the Los Angeles County Department of Public Health Reopening Protocol for Golf Courses. Golf and tennis clubhouses, course restaurants and pro shops remain closed to public entry; pro shops may operate but can only conduct sales outside the storefront, and course restaurants can operate for take-out or delivery and cannot serve dine-in customers. Indoor and outdoor playgrounds for children, except those located within childcare centers, shall be closed for all purposes. The City of Los Angeles, following the recommendations and directives of the County Department of Public Health, shall cancel its recreational and cultural programming and close ~~its beaches, public beach parking lots, beach access points, piers, park trails, trail heads,~~ and park facilities. Beaches are open for active recreation, including swimming, surfing, running and walking; however, sunbathing, sitting, gatherings, youth camps, group sports and athletic competitions are not allowed.

Visitors to beaches shall follow the Los Angeles County Department of Public Health Reopening Protocol for use of Public Beaches. Parks shall remain open for recreational activities while practicing social distancing and shall follow the Los Angeles County Department of Public Health Reopening Protocol for Use of Public Trails. "Recreation and cultural programming" refers to recreational and cultural activities, indoor and outdoor sports leagues, aquatics classes, instructional courses, and group sessions on City-owned and operated park land. "Park facilities," which shall be closed to the public, refers to the City's Department of Recreation and Parks facilities, including: skate parks, basketball courts, ~~tennis courts~~, volleyball courts, baseball fields, Venice Boardwalk (except as necessary to travel to an essential business), Runyon Canyon, Griffith Observatory, Travel Town, Griffith Park train rides and pony rides, the Cabrillo Marine Museum, Sherman Oaks Castle, EXPO Center, and aquatics facilities. Tennis and pickle ball courts, shooting and archery ranges, equestrian centers, model airplane areas, community gardens, and bike parks may operate upon implementing the required Los Angeles County Department of Public Health protocols found on paragraph 6. Census Centers located at Recreation and Parks facilities may remain open, provided strict adherence to social distancing practices.

(iv) Work in Support of Essential Activities. To perform work providing essential products and services or to otherwise carry out activities specifically permitted in this Order.

(v) To care for or support a friend, family member, or pet in another household.

(vi) Emergency Personnel. All first responders, gang and crisis intervention workers, public health workers, emergency management personnel, emergency dispatchers, law enforcement personnel, and related contractors and others working for emergency services providers are categorically exempt from this Order.

(vii) Essential Activities Exempt. Certain business operations and activities are exempt from the provisions of this Order, on the grounds that they provide services that are recognized to be critical to the health and well-being of the City. These include:

(a) All healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, medical and scientific research, laboratories, healthcare suppliers, home healthcare services providers, veterinary care and pet day care providers (~~excluding pet grooming and training~~), mental and behavioral health providers and support groups, substance use providers and support groups, physical therapists and chiropractors, cannabis dispensaries, or any related and/or ancillary healthcare services, manufacturers and suppliers. Behavioral health or substance use disorder support group meetings must implement the Los Angeles County Department of Public Health's Reopening Protocol for Substance Use Disorder and Mental Health Support Groups. Healthcare operations does not include fitness and exercise gyms and similar facilities.

(b) Grocery stores, water retailers, farm and produce stands, supermarkets, convenience stores, warehouse stores, food banks, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet food and medication supply (but not grooming or training), fresh or frozen meats, fish, and poultry, and other household consumer products necessary to maintain the safety, sanitation and essential operation of residences. This includes

stores that sell beer, wine, and liquor. However, the portions of liquor stores, wineries, breweries and tap rooms that provide tastings to the public are closed. Certified farmers markets may operate only if they are able to obtain written approval from the Bureau of Street Services (BSS) and only according to the guidelines and set forth by BSS.

(c) Agricultural and horticultural cultivation, including farming, livestock, and fishing.

(d) 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 services agencies).

(e) Newspapers, television news, radio, magazine, podcast and journalism.

(f) Gas service stations, auto/motorcycle part supply, mobile auto/motorcycle repair operations, auto/motorcycle repair shops (including, without limitation, auto repair shops that operate adjacent to or otherwise in connection with an used or retail auto dealership), bicycle repair shops and related facilities. Auto dealerships and motorcycle dealerships may open to the public, under the conditions required by and upon implementation of the Los Angeles County Department of Public Health Reopening Protocol for Car Dealerships. Car washes are permitted to operate upon implementing the Los Angeles County Department of Public Health Retail Establishment Protocols.

(g) Banks, credit unions, financial institutions and insurance companies, and pawn shops.

(h) Hardware and building supply stores, day labor centers, nurseries and horticulture wholesale distributors.

(i) Plumbers, electricians, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, day laborers, landscapers, gardeners, exterminators, property managers and leasing agents, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other essential activities discussed in this subsection.

(j) Businesses providing mailing and shipping services, boxes and packaging, and post office boxes.

(k) 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 six-feet per person is maintained.

(l) Laundromats, dry cleaners, and laundry service providers.

(m) Restaurants and retail food facilities that prepare and offer food to customers, but only via delivery service, to be picked up, or drive-thru. For those establishments offering food pick-up options, proprietors are directed to establish social distancing practices for those patrons in the queue for pick-up. This includes maintaining a distance of at least six-feet away from others. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and carry out basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or any other gathering site. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar

facilities are also exempt from this Order. Social distancing shall be maintained at a distance of at least six-feet away from others.

(n) Businesses that supply or provide storage for retail goods and products needed for people to work from home.

(o) Businesses that supply other essential businesses with the support, services, or supplies necessary to operate, provided that strict social distancing is maintained. This section includes, without limitation, utility companies.

(p) Individuals and businesses that ship, truck, transport, or provide logistical support to deliver groceries, food, goods, or services directly to residences, or businesses engaged in essential activities or essential infrastructure.

(q) Airlines, taxis, ride sharing services, car rental companies, and other private transportation services providing transportation services necessary for essential activities and other purposes expressly authorized in this Order.

(r) Home-based care for disabled persons, seniors, adults, or children.

(s) Residential facilities and shelters for homeless residents, disabled persons, seniors, adults, children and animals.

(t) Professional services, such as legal, leasing and real estate transactions, payroll or accounting services, when necessary to assist in the permitting, inspection, construction, transfer and recording of ownership of housing, and when necessary to achieve compliance with legally mandated activities. Housing units and real property may be shown, provided that appointments and other residential viewings occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit. However, such in-person visits are not permitted when a tenant occupant is still residing in the residence, unless the owner first obtains the tenant's written consent.

(u) 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 10 or fewer ("stable" means that 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 one 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.

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

(w) 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, without limitation, 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-prime, and supplier contractor employees, at both the prime contract level and any supplier level at any tier, working on federal United States Government contracts, such as contracts for national intelligence and national security requirements.

(x) Businesses that manufacture retail goods. These businesses must also implement the County of Los Angeles Reopening Protocol for Warehousing, Manufacturing and Logistic Establishments.

(y) Retail stores may operate for delivery and/or curbside pick up only. Businesses operating under this subsection may only permit employees to enter their stores; customers must remain outside the premises at all times; and inventory may not be stored or displayed outside of the store. These businesses must also adopt the County of Los Angeles Protocols for Retail Establishments Opening for Curbside Pickup.

(viii) Government Employees. This Order does not apply to employees of government agencies working within the course and scope of their public service employment. Employees of the City of Los Angeles shall follow any current or future directives issued by the Mayor.

(ix) Essential Infrastructure. Individuals may leave their residences to provide any services or goods or perform any work necessary to to build, operate, maintain or manufacture essential infrastructure, including without limitation construction of public health operations, commercial, office and institutional buildings, residential buildings and housing; airport operations, food supply, concessions, and construction; port operations and construction; water, sewer, gas, electrical, oil extraction and refining; roads and highways, public transportation and rail; solid waste collection, removal, and recycling; flood control and watershed protection; internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, phone retail sales and servicing, and web-based services); and manufacturing and distribution companies deemed essential to the supply chains of the industries referenced in this Paragraph, provided that they carry out those services and that work in compliance with social distancing practices as prescribed by the Centers for Disease Control and Prevention and the Los Angeles County Department of Public Health, to the extent possible.

(x) Non-Essential Businesses. Businesses regarded under this Order as “non-essential” may be permitted to conduct minimum basic operations including inventory, security, custodial services, payroll and employee benefits processing, and any reasonable activity designed to maximize the ability for its employees to work remotely from their homes. Any Non-Essential Businesses conducting minimum basic operations, as allowed for in the paragraph, shall keep its doors closed and locked to the public at all times and shall post a sign on its main entrances stating that the business is closed to the public.

6. Public Notice of Social Distancing Protocols for Certain Public-Facing Essential Businesses. The City of Los Angeles has adopted all safety protocols developed by the County of Los Angeles Department of Public Health. All individuals, except young children at risk of suffocation and people with certain disabilities, engaging in the permitted activities described below must wear face coverings and adopt social distancing requirements. All businesses described below must require workers and customers to wear face coverings and adopt the County Public Health protocols, which are available for download at <https://www.lamayor.org/COVID19Orders>. For relevant businesses, (i) the protocols notice must be posted at or near the entrance to the facility

so that it is easily viewable by the public and employees; and (ii) copies of the protocols must be provided to each employee performing work at the facility; and (iii) the business must provide evidence of its implementation of the protocols to any authority enforcing this Order upon demand. The required protocols include:

a) The owner, manager, or operator of any business described in Paragraph 1 of the April 7, 2020 Worker Protection Order (Revised May 7, 2020), shall prepare and post by no later than 11:59 p.m. on April 15, 2020, a the County's Social Distancing Protocol for each of their facilities within the City of Los Angeles.

b) The owner, manager, or operator of any permitted retail business described in Paragraph 5 (vii)(y) of this Order must implement the County's Retail Establishment Protocols.

c) The owner, manager, or operator of any permitted auto dealer described in Paragraph 5 (vii)(f) of this Order must implement the County's Car Dealership Protocols.

d) The owner, manager, or operator of any permitted public and private golf courses described in Paragraph 5 (iii) of this Order must implement the County's Golf Courses Protocols.

e) All hikers and visitors of trails described in Paragraph 5 (iii) of this Order must adopt the County's Trail Use Protocols.

f) All visitors to beaches described in Paragraph 5 (iii) of this Order must adopt the County's Beach Protocols.

g) All visitors to bike parks described in Paragraph 5 (iii) of this Order must adopt the County's Bike Park Protocols.

h) All visitors to community gardens described in Paragraph 5 (iii) of this Order must adopt the County's Community Gardens Protocols.

i) All visitors to equestrian centers described in Paragraph 5 (iii) of this Order must adopt the County's Equestrian Centers Protocols.

j) All visitors to model airplane areas described in Paragraph 5 (iii) of this Order must adopt the County's Model Airplane Protocols.

k) All visitors to tennis and pickleball courts described in Paragraph 5 (iii) of this Order must adopt the County's Tennis Pickleball Courts Protocols.

l) All operators and participants of substance use disorder and mental health support groups described in Paragraph 5(vii)(a) and (d) must adopt the County's Substance Use Disorder and Mental Health Support Groups Protocols.

m) All outdoor shooting facilities described in Paragraph 5 (iii) of this Order must adopt the County's Outdoor Shooting Facility Protocols.

n) The owner, manager, or operator of any permitted warehouse business described in Paragraph 5 (vii)(n), or any permitted logistics business described in Paragraph 5 (vii)(p), or any permitted manufacturing business described in Paragraph 5 (vii)(y) must adopt the County's Reopening Protocol for Warehousing, Manufacturing and Logistic Establishments

7. To the extent that this Order is in conflict with earlier Orders, this Order shall supersede the others.

8. Failure to comply with this Order shall constitute a misdemeanor subject to fines and imprisonment. I hereby urge the Los Angeles Police Department and the City Attorney to vigorously enforce this Order via Sections 8.77 and 8.78 of the Los Angeles Administrative Code.

9. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.

This order shall be in place during the local emergency period, and it may be amended or rescinded as warranted according to local public health conditions.

Eric Garcetti, MAYOR

Dated: May 20, 2020 at Los Angeles, California
Time: 8:00p.m.

Filed with the City Clerk
Date: _____
Time: _____
By: _____

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PROOF OF SERVICE

Turner Operations, Inc. et al. v. Eric Garcetti, et al.

LASC Case No. 20STCP01258

I, Maria Cruz, the undersigned, say: I am over the age of 18 years and not a party to the within action or proceeding. My business address is 200 North Main Street, City Hall East, 7th Floor, Los Angeles, California 90012.

On May 22, 2020, I served the foregoing documents described as:

REQUEST FOR JUDICIAL NOTICE

on the interested parties:

C.D. Michel
Sean A. Brady
Matthew D. Cubeiro
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802
Email: cmichel@michellawyers.com
Email: sbrady@michellawyers.com

BY MAIL – I am readily familiar with the practice of the Los Angeles City Attorney’s Office for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is placed for collection and mailing. On the date referenced above, I placed a true copy of the above document(s) in a sealed envelope and placed it for collection in the proper place in our office at Los Angeles, California.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address maria.cruz@lacity.org to the persons at the email addresses listed in the Service List

BY PERSONAL SERVICE: I placed a true copy of the above document(s) in a sealed envelope for delivery via messenger by Los Angeles City Attorney’s Document Services, 200 No. Main Street, 8th Floor, City Hall East, Los Angeles, CA 90012.

BY OVERNIGHT DELIVERY: I served the documents by placing them in an envelope or package addressed to the persons listed above and providing them to UPS Courier for delivery.

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

Dated: May 22, 2020

/s/ Maria Cruz