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ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NO.: 319011	FOR COURT USE ONLY
NAME: Hannah Kieschnick		
FIRM NAME: Office of the County Counsel		
STREET ADDRESS: 70 West Hedding Street,	East Wing, 9th Floor	
CITY: San Jose	STATE: CA ZIP CODE: 95110	
TELEPHONE NO.: 408-299-5900	FAX NO.: 408-292-7240	
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ATTORNEY FOR (name): Defendants County o	f Santa Clara et al.	
SUPERIOR COURT OF CALIFORNIA, COU	NTY OF SANTA CLARA	7
STREET ADDRESS: 161 North First Street		
MAILING ADDRESS: 161 North First Street		
CITY AND ZIP CODE: San Jose, California 951	113	
BRANCH NAME: Old Courthouse		CASE NUMBER:
PLAINTIFF/PETITIONER: Lokev Fire	arms, et al.	20CV365840
DEFENDANT/RESPONDENT: County of S		
	Santa Ciara, et al.	JUDICIAL OFFICER:
OTHER:		Judge Peter H. Kirwan
PROPOSED ORDER (COVER SHEET)		DEPT:
TROPOSEDO	NOLN (COVER SHEET)	19

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

Name of the party submitting the proposed order:
 Defendants County of Santa Clara, Dr. Cody, Sheriff Smith, District Attorney Rosen

2. Title of the proposed order:

Order Denying Plaintiffs' Request for a Preliminary Injunction

- 3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Hearing on the Order to Show Cause why a preliminary injunction should not issue
 - b. Date and time: May 19, 2020 at 10:00 A.M.
 - c. Place: Department 19
- 4. The proposed order was served on the other parties in the case.

Hannah Kieschnick
(TYPE OR PRINT NAME)

Docusigned by:

Hannah Kieschnick

D(SIGNATURE PARTY OR ATTORNEY)

Page 1 of 2

CASE NAME:	CASE NUMBER:
Lokey Firearms, et al. v. County of Santa Clara, et al.	20CV365840

PROOF OF ELECTRONIC SERVICE

PROPOSED ORDER			
1.	I am at least 18 years old and not a party to this action.		
	 a. My residence or business address is (specify): 70 West Hedding Street, East Wing, 9th Floor, San Jose, California 95110 		
	b. My electronic service address is (specify): lilahiov.vap@cco.sccqov.org		
2.	I electronically served the <i>Proposed Order (Cover Sheet)</i> with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:		
	a. On (name of person served) (If the person served is an attorney, the party or parties represented should also be stated.): Sean A. Brady and Laura Palmerin		
	 b. To (electronic service address of person served): sbradv@michellawvers.com: lpalmerin@michellawvers.com c. On (date): May 19, 2020 		
×	Electronic service of the <i>Proposed Order (Cover Sheet)</i> with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.		
	eclare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. ate: May 19, 2020		
Lil	ah Joy Yap (TYPE OR PRINT NAME OF DECLARANT) Docusigned by: July Doy Yap 51E1ABAE4E1A4B7 (SIGNATURE OF DECLARANT)		

EFS-020 [Rev. February 1, 2017]

PROPOSED ORDER (COVER SHEET) (Electronic Filing)

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8	IN THE SUPERIOR COURT OF CALIFORNIA			
9	FOR THE COUNTY OF SANTA CLARA			
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12	LOKEY FIREARMS, a sole proprietorship;	No. 20CV365840		
13	FFLGUARD, LLC, a Delaware limited liability company, and CALIFORNIA RIFLE & PISTOL	[PROPOSED] ORDER DENYING		
14	ASSOCIATION, INCORPORATED, a California corporation,	PLAINTIFFS' REQUEST FOR A PRELIMINARY INJUNCTION		
15	Plaintiffs,			
16	v.			
17	COUNTY OF SANTA CLARA; SARA H.			
18	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			
19	County of Santa Clara; JEFF ROSEN, in his official capacity as District Attorney for the			
20	County of Santa Clara; and DOES 1-25,			
21	Defendants.			
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1	The above-captioned matter came on for hearing before the Honorable Peter H. Kirwan on		
2	May 19, 2020, at 10:00 a.m. in Department 19. The matter having been submitted, the Court orders		
3	as follows:		
4	Plaintiffs move for a preliminary injunction enjoining Defendants from enforcing the Santa		
5	Clara County Health Officer's March 30, 2020 Order against Plaintiff Lokey Firearms.		
6	"[T]rial courts should evaluate two interrelated factors when deciding whether or not to issue		
7	a preliminary injunction. The first is the likelihood that the plaintiff will prevail on the merits at		
8	trial." (IT Corp. v. County of Imperial (1983) 35 Cal.3d 63, 69.) It must be "reasonably probable		
9	that the moving party will prevail on the merits." (San Francisco Newspaper Co. v. Sup. Ct. (1985)		
10	170 Cal.App.3d 438, 442.) "The second is the interim harm that the plaintiff is likely to sustain if		
11	the injunction were denied as compared to the harm that the defendant is likely to suffer if		
12	the preliminary injunction were issued." (IT Corp., supra, at pp. 69-70.) An application for a		
13	preliminary injunction must be based upon sufficient evidence. (CCP § 527, subd. (a).) The party		
14	seeking the injunction bears the burden of proof. (O'Connell v. Sup. Ct. of Alameda County		
15	(Valenzuala) (2006) 141 Cal.App.4th 1452, 1481.)		
16	The Court finds that the Plaintiffs have not met their burden of showing that they are likely to		
17	suffer irreparable harm or that the balance of harms weighs in favor of injunctive relief.		
18	Plaintiffs' request for a preliminary injunction is therefore DENIED.		
19	IT IS SO ORDERED.		
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21	Dated:		
22	JUDGE PETER H. KIRWAN		
23	Judge of the Superior Court		
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