



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

CASE NUMBER:  
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*): lillahiov.vap@cco.sccgov.org
2. I electronically served the *Proposed Order (Cover Sheet)* 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 *Proposed Order (Cover Sheet)* 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.

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

Date: May 19, 2020

Lilah Joy Yap

(TYPE OR PRINT NAME OF DECLARANT)

DocuSigned by:  
  
51E1ABAE4E1A4B7  
(SIGNATURE OF DECLARANT)

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IN THE SUPERIOR COURT 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,

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,

Defendants.

No. 20CV365840

**[PROPOSED] ORDER DENYING  
PLAINTIFFS' REQUEST FOR A  
PRELIMINARY INJUNCTION**

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 (*Valenzuela*) (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.**

20  
21 Dated: \_\_\_\_\_

22 \_\_\_\_\_  
23 JUDGE PETER H. KIRWAN  
24 Judge of the Superior Court