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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 | |
| E-MAIL ADDRESS: hannah.kieschnick@cco.sccgov.org | | |
| ATTORNEY FOR (name): Defendants County of Santa Clara et al. | | |
| SUPERIOR COURT OF CALIFORNIA, COU STREET ADDRESS: 161 North First Street | NTY OF SANTA CLARA | |
| MAILING ADDRESS: 161 North First Street | | |
| CITY AND ZIP CODE: San Jose, California 95' BRANCH NAME: Old Courthouse | 113 | |
| | | CASE NUMBER: |
| PLAINTIFF/PETITIONER: Lokev Fire | arms, et al. | 20CV365840 |
| DEFENDANT/RESPONDENT: County of Santa Clara, et al. | | JUDICIAL OFFICER: |
| OTHER: | | Judge Peter H. Kirwan |
| PROPOSED ORDER (COVER SHEET) | | DEPT: 19 |
| PROPOSED O | KDER (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 | Bocusigned by: Hannah Kieschnick | |
|----------------------|-------------------------------------|--|
| (TYPE OR PRINT NAME) | DISSEDATION PARTY OR ATTORNEY) | |

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 *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
- x 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)

Lilah Joy Yap 1E1ABAE4E1A4B7

(SIGNATURE OF DECLARANT)

EFS-020 [Rev. February 1, 2017]

PROPOSED ORDER (COVER SHEET) (Electronic Filing) Page 2 of 2

For your protection and privacy, please press the Clear This Form button after you have printed the form

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| 1 2 3 4 | | Filed June 10, 2020 Clerk of the Court Superior Court of CA County of Santa Clara 20CV365840 By: Inguyen | | | |
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| 8 | IN THE SUPERIOR COURT OF CALIFORNIA | | | | |
| 9 | FOR THE COUNTY OF SANTA CLARA | | | | |
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| 11 | | | | | |
| 12 | LOKEY FIREARMS, a sole proprietorship; FFLGUARD, LLC, a Delaware limited liability | No. 20CV365840 | | | |
| 13 14 | company, and CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED, a California corporation, | [PROROSED] ORDER DENYING 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 | | | | |
| 19 | SMITH, in her official capacity as Sheriff of the 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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The above-captioned matter came on for hearing before the Honorable Peter H. Kirwan on
 May 19, 2020, at 10:00 a.m. in Department 19. The matter having been submitted, the Court orders
 as follows:

Plaintiffs move for a preliminary injunction enjoining Defendants from enforcing the Santa
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 that the moving party will prevail on the merits." (San Francisco Newspaper Co. v. Sup. Ct. (1985) 9 170 Cal.App.3d 438, 442.) "The second is the interim harm that the plaintiff is likely to sustain if 10 the injunction were denied as compared to the harm that the defendant is likely to suffer if 11 the preliminary injunction were issued." (IT Corp., supra, at pp. 69-70.) An application for a 12 preliminary injunction must be based upon sufficient evidence. (CCP § 527, subd. (a).) The party 13 seeking the injunction bears the burden of proof. (O'Connell v. Sup. Ct. of Alameda County 14 (Valenzuala) (2006) 141 Cal.App.4th 1452, 1481.) 15

The Court finds that the Plaintiffs have not met their burden of showing that they are likely to
suffer irreparable harm or that the balance of harms weighs in favor of injunctive relief.

Plaintiffs' request for a preliminary injunction is therefore DENIED.

IT IS SO ORDERED.

Signed: 5/20/2020 11:56 AM

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Dated:

Det H. K. ruch

JUDGE PETER H. KIRWAN Judge of the Superior Court

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