

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:20-cv-00865-BAS-AHG**

South Bay United Pentecostal Church et al v. Newsom et al
Assigned to: Judge Cynthia Bashant
Referred to: Magistrate Judge Allison H. Goddard
Related Case: 3:20-cv-00683-BAS-AHG
Case in other court: USCA, 20-55533
Cause: 42:1983cv Civil Rights Act – Civil Action for
Deprivation of Rights

Date Filed: 05/08/2020
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

South Bay United Pentecostal Church
a California nonprofit corporation

represented by **Charles S. LiMandri**
LiMandri & Jonna LLP
PO Box 9120
Rancho Santa Fe, CA 92067
(858)759-9948
Fax: (858)759-9938
Email: cslimandri@limandri.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Harmeet K. Dhillon
Dhillon & Smith LLP
177 Post Street
Suite 700
San Francisco, CA 94108
415-433-1700
Fax: 415-520-6593
Email: harmeet@dhillonlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey M. Trissell
Freedom of Conscience Defense Fund
PO Box 9520
Rancho Santa Fe, CA 92067
858-759-9948
Fax: 858-759-9938
Email: jtrissell@limandri.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Philip Meuser
Dhillon Law Group, Inc.
177 Post Street
Suite 700
San Francisco, CA 94108
415-433-1700
Email: MMeuser@dhillonlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Milan Louis Brandon , II
LiMandri & Jonna LLP
P.O. Box 9120
Rancho Santa Fe, CA 92067
858-395-5585
Email: mbrandon@limandri.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Michael Jonna
Law Offices of Charles S. LiMandri, APC
P.O. Box 9120
Rancho Santa Fe, CA 92067
858-759-9930
Fax: 858-759-9938
Email: pjonna@limandri.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Bishop Arthur Hodges III
an individual

represented by **Charles S. LiMandri**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Harmeet K. Dhillon
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey M. Trissell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Philip Meuser
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Milan Louis Brandon , II
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Michael Jonna
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Rabbi Mendel Polichenco
an individual
TERMINATED: 05/11/2020

represented by **Charles S. LiMandri**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Harmeet K. Dhillon
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Gavin Newsom
in his official capacity as the Governor of California

represented by **Attorney General**
State of California
Office of the Attorney General
600 West Broadway
Suite 1800
San Diego, CA 92101-3702

(619)645-2076
Fax: (619)645-2313
Email: docketingsdawt@doj.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lisa J. Plank
California Attorney General
455 Golden Gate Avenue
San Francisco, CA 94102
415-510-4445
Email: lisa.plank@doj.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Todd Grabarsky
California Attorney General's Office
300 South Spring Street
Suite 1702
Los Angeles, CA 90013
213-897-2112
Fax: 213-897-7604
Email: todd.grabarsky@doj.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Xavier Becerra
*in his official capacity as the Attorney
General of California*

represented by **Attorney General**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lisa J. Plank
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Todd Grabarsky
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sonia Angell
*in her official capacity as California
Public Health Officer*

represented by **Attorney General**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lisa J. Plank
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Todd Grabarsky
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Wilma J. Wooten
*in her official capacity as Public Health
Officer, County of San Diego*

represented by **Timothy M. White**
Office of County Counsel
1600 Pacific Highway, Rm 355
San Diego, CA 92101

6195314865
Fax: 6195316005
Email: timothy.white@sdcounty.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Helen Robbins–Meyer
*in her official capacity as Director of
Emergency Services*

represented by **Timothy M. White**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William D. Gore
*in his official capacity as Sheriff of the
County of San Diego*

represented by **Timothy M. White**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kevin Faulconer
*in his official capacity as Mayor of the
City of San Diego*
TERMINATED: 05/11/2020

Defendant

David Nisleit
*in his official capacity as the Chief of
Police of the City of San Diego*
TERMINATED: 05/11/2020

| Date Filed | # | Docket Text |
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| 05/08/2020 | <u>1</u> | COMPLAINT With Jury Demand Against Gavin Newsom, Xavier Becerra, Sonia Angell, Wilma J. Wooten, Helen Robbins–Meyer, William D. Gore, Kevin Faulconer, David Nisleit, (Filing fee \$ 400 receipt number ACASDC–13846481.), filed by South Bay United Pentecostal Church, Bishop Arthur Hodges III, Rabbi Mendel Polichenco. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit) The new case number is 3:20–cv–865–AJB–MDD. Judge Anthony J. Battaglia and Magistrate Judge Mitchell D. Dembin are assigned to the case. (LiMandri, Charles)(jxv)(jrd) (Entered: 05/08/2020) |
| 05/08/2020 | <u>2</u> | Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (jxv)(jrd) (Entered: 05/08/2020) |
| 05/08/2020 | <u>3</u> | **Document Stricken per Order <u>8</u> ** Ex Parte MOTION for Temporary Restraining Order <i>and Order to Show Case re Preliminary Injunction</i> by Bishop Arthur Hodges III, Rabbi Mendel Polichenco, South Bay United Pentecostal Church. (Attachments: # 1 Memo of Points and Authorities, # 2 Decl. Art Hodges, # 3 Decl. Mendel Polichenco, # 4 Decl. George Delgado, # 5 Decl. Jeffrey Trissell & Exh. 1–1 to 3–1, # 6 Decl. Jeffrey Trissell & Exh. 3–2 to 3–3, # 7 proposed Order)(LiMandri, Charles) Modified to strike on 5/11/2020 (jrm). (Main Document 3 replaced on 5/11/2020) (jrm). (Entered: 05/08/2020) |
| 05/08/2020 | <u>4</u> | REQUEST FOR JUDICIAL NOTICE by Bishop Arthur Hodges III, Rabbi Mendel Polichenco, South Bay United Pentecostal Church re <u>3</u> Ex Parte MOTION for Temporary Restraining Order <i>and Order to Show Case re Preliminary Injunction Pursuant to Federal Rules of Evidence 201</i> (Attachments: # <u>1</u> Declaration of Jeffrey M Trissell, # <u>2</u> Proposed Order)(LiMandri, Charles)Attorney Charles S. LiMandri added to party Bishop Arthur Hodges III(pty:pla), Attorney Charles S. LiMandri added to |

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| | | party Rabbi Mendel Polichenco(pty:pla), Attorney Charles S. LiMandri added to party South Bay United Pentecostal Church(pty:pla) (jrm). (Entered: 05/08/2020) |
| 05/08/2020 | <u>5</u> | NOTICE OF RELATED CASE(S) by William D. Gore, Helen Robbins–Meyer, Wilma J. Wooten of case(s) 20cv00683 . (Attachments: # <u>1</u> Proof of Service)(White, Timothy) (jrm). (Entered: 05/08/2020) |
| 05/08/2020 | <u>6</u> | OBJECTION by Bishop Arthur Hodges III, Rabbi Mendel Polichenco, South Bay United Pentecostal Church re <u>5</u> Notice of Related Case <i>of the County Defendants'</i> . (LiMandri, Charles) (jrm). (Entered: 05/08/2020) |
| 05/09/2020 | <u>7</u> | REQUEST FOR JUDICIAL NOTICE by Bishop Arthur Hodges III, Rabbi Mendel Polichenco, South Bay United Pentecostal Church re <u>3</u> Ex Parte MOTION for Temporary Restraining Order <i>and Order to Show Cause re Preliminary Injunction of New Authority</i> (LiMandri, Charles) (jrm). (Entered: 05/09/2020) |
| 05/11/2020 | <u>8</u> | Notice of Document Discrepancies and Order Thereon by Judge Anthony J. Battaglia Rejecting re <u>3</u> Ex Parte MOTION for Temporary Restraining Order <i>and Order to Show Cause re Preliminary Injunction</i> , from Plaintiffs Bishop Arthur Hodges III, Rabbi Mendel Polichenco, South Bay United Pentecostal Church. Non–compliance with local rule(s), Pursuant to chambers rules section III: All ex parte motions will be accompanied by a declaration from counsel documenting : (1) efforts to contact opposing counsel; (2) counsels meet and confer efforts; and (3) opposing counsels position regarding the ex parte motion.. IT IS HEREBY ORDERED: The document is rejected. It is ordered that the Clerk STRIKE the document from the record, and serve a copy of this order on all parties. Signed by the Chambers Judge Anthony J. Battaglia.(jrm) (Additional attachment(s) added on 5/11/2020: # <u>1</u> Stricken Document 1, # <u>2</u> Stricken Document 1–1) (jrm). (Entered: 05/11/2020) |
| 05/11/2020 | <u>9</u> | NOTICE OF RELATED CASE(S) by William D. Gore, Helen Robbins–Meyer, Wilma J. Wooten of case(s) 20cv873 20cv683. (Attachments: # <u>1</u> Proof of Service)(Bunton, Thomas) (jrm). (Entered: 05/11/2020) |
| 05/11/2020 | <u>10</u> | NOTICE of Voluntary Dismissal by Bishop Arthur Hodges III, Rabbi Mendel Polichenco, South Bay United Pentecostal Church <i>of Certain Defendants Without Prejudice Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i)</i> (LiMandri, Charles) (Entered: 05/11/2020) |
| 05/11/2020 | <u>11</u> | AMENDED COMPLAINT with Jury Demand against Sonia Angell, Xavier Becerra, William D. Gore, Gavin Newsom, Helen Robbins–Meyer, Wilma J. Wooten, filed by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Attachments: # <u>1</u> Amended Civil Cover Sheet, # <u>2</u> Amended Summons – Newsom, # <u>3</u> Amended Summons – Becerra, # <u>4</u> Amended Summons – Angell, # <u>5</u> Amended Summons – Wooten, # <u>6</u> Amended Summons – Robbins–Meyer, # <u>7</u> Amended Summons – gore)New Summons Requested. (LiMandri, Charles) (Entered: 05/11/2020) |
| 05/11/2020 | <u>12</u> | Ex Parte MOTION for Temporary Restraining Order <i>and Order to Show Cause re: Preliminary Injunction</i> by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration Bishop Art Hodges, # <u>3</u> Declaration Dr. George Delgado, # <u>4</u> Declaration Jeffrey M Trissell, # <u>5</u> [Proposed] Order)(LiMandri, Charles) (Entered: 05/11/2020) |
| 05/11/2020 | <u>13</u> | REQUEST FOR JUDICIAL NOTICE by Bishop Arthur Hodges III, South Bay United Pentecostal Church re <u>12</u> Ex Parte MOTION for Temporary Restraining Order <i>and Order to Show Cause re: Preliminary Injunction Pursuant to Federal Rules of Evidence 201</i> (Attachments: # <u>1</u> Declaration of Jeffrey M Trissell, # <u>2</u> [Proposed] Order)(LiMandri, Charles) (Entered: 05/11/2020) |
| 05/11/2020 | <u>14</u> | OBJECTION by Bishop Arthur Hodges III, South Bay United Pentecostal Church re <u>9</u> Notice of Related Case <i>to the County Defendants Second Notice of Related Cases</i> . (LiMandri, Charles) (Entered: 05/11/2020) |
| 05/11/2020 | <u>15</u> | Ex Parte MOTION re <u>12</u> Ex Parte MOTION for Temporary Restraining Order <i>and Order to Show Cause re: Preliminary Injunction to Modify the Briefing Schedule on Plaintiffs Application for a Temporary Restraining Order</i> by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Attachments: # <u>1</u> Declaration of Jeffrey M Trissell, # <u>2</u> [Proposed] Order)(LiMandri, Charles) (Entered: 05/11/2020) |

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| 05/12/2020 | <u>16</u> | AMENDED DOCUMENT by Bishop Arthur Hodges III, South Bay United Pentecostal Church. Amendment to <u>15</u> Ex Parte MOTION re <u>12</u> Ex Parte MOTION for Temporary Restraining Order <i>and Order to Show Cause re: Preliminary Injunction to Modify the Briefing Schedule on Plaintiffs Application for a Temporary Restraining Order – Notice of Filing Amended Exhibit 3 in Support of Ex Parte Application to Modify the Briefing Schedule on Plaintiffs</i> . (LiMandri, Charles) (jmo). (Entered: 05/12/2020) |
| 05/12/2020 | <u>17</u> | Amended Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (jrm) (Entered: 05/12/2020) |
| 05/12/2020 | <u>18</u> | ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge Cynthia Bashant and Magistrate Judge Allison H. Goddard for all further proceedings. Judge Anthony J. Battaglia, Magistrate Judge Mitchell D. Dembin no longer assigned to case. Create association to 3:20-cv-00683-BAS-AHG. The new case number is 3:20-cv-00865-BAS-AHG. Signed by Judge Anthony J. Battaglia on 5/12/2020. Signed by Judge Cynthia Bashant on 5/11/2020.(jrm) (Entered: 05/12/2020) |
| 05/12/2020 | <u>19</u> | ORDER Setting Telephonic Oral Argument (ECF No. <u>12</u>). The Court sets atelephonic oral argument for the motion on 5/15/20 at 10:30 a.m. Accordingly, the Court TERMINATES AS MOOT Plaintiffs' ex parte application for a modified briefing schedule. (ECF No. <u>15</u>) Signed by Judge Cynthia Bashant on 5/12/20.(jmo) (Entered: 05/12/2020) |
| 05/12/2020 | <u>20</u> | NOTICE <i>Supplement to Notice of Related Cases</i> by William D. Gore, Helen Robbins-Meyer, Wilma J. Wooten re <u>9</u> Notice of Related Case (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proof of Service)(Bunton, Thomas) (jmo). (Entered: 05/12/2020) |
| 05/12/2020 | <u>21</u> | Ex Parte MOTION for Leave to File <i>Application for Leave To File Request for Judicial Notice Pursuant to Federal Rule of Evidence 201</i> by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Attachments: # <u>1</u> Declaration Charles LiMandri)(LiMandri, Charles) (jmo). (Entered: 05/12/2020) |
| 05/14/2020 | <u>22</u> | RESPONSE in Opposition re <u>12</u> Ex Parte MOTION for Temporary Restraining Order <i>and Order to Show Cause re: Preliminary Injunction</i> filed by William D. Gore, Helen Robbins-Meyer, Wilma J. Wooten. (Attachments: # <u>1</u> Request for Judicial Notice, # <u>2</u> Proof of Service)(White, Timothy) (jmo). (Entered: 05/14/2020) |
| 05/14/2020 | <u>23</u> | RESPONSE in Opposition re: ECF <u>12</u> Ex Parte MOTION for Temporary Restraining Order and Order to Show Cause re: Preliminary Injunction, filed by Sonia Angell, Xavier Becerra, Gavin Newsom. (Attachments: # <u>1</u> Declaration of Plank, # <u>2</u> Declaration of Watt)(Plank, Lisa) Modified on 5/14/2020 to correct link and regenerate NEF (jmo). (jmo). (Entered: 05/14/2020) |
| 05/14/2020 | <u>24</u> | NOTICE of Appearance by Mark Philip Meuser on behalf of Bishop Arthur Hodges III, South Bay United Pentecostal Church (Meuser, Mark)Attorney Mark Philip Meuser added to party Bishop Arthur Hodges III(pty:pla), Attorney Mark Philip Meuser added to party South Bay United Pentecostal Church(pty:pla) (jmo). (Entered: 05/14/2020) |
| 05/14/2020 | <u>25</u> | NOTICE of Appearance by Paul Michael Jonna on behalf of Bishop Arthur Hodges III, South Bay United Pentecostal Church (Jonna, Paul)Attorney Paul Michael Jonna added to party Bishop Arthur Hodges III(pty:pla), Attorney Paul Michael Jonna added to party South Bay United Pentecostal Church(pty:pla) (jmo). (Entered: 05/14/2020) |
| 05/14/2020 | <u>26</u> | OBJECTION by Bishop Arthur Hodges III, South Bay United Pentecostal Church re <u>23</u> Response in Opposition to Motion, <u>22</u> Response in Opposition to Motion, <i>to Untimely Opposition to Plaintiffs Ex Parte Application for a Temporary Restraining</i> . (LiMandri, Charles) (jmo). (Entered: 05/14/2020) |
| 05/14/2020 | <u>27</u> | NOTICE of Appearance by Todd Grabarsky on behalf of Sonia Angell, Xavier Becerra, Gavin Newsom (Attachments: # <u>1</u> Proof of Service)(Grabarsky, Todd)Attorney Todd Grabarsky added to party Sonia Angell(pty:dft), Attorney Todd Grabarsky added to party Xavier Becerra(pty:dft), Attorney Todd Grabarsky added to party Gavin Newsom(pty:dft) (jmo). (Entered: 05/14/2020) |

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| 05/14/2020 | <u>28</u> | NOTICE of Appearance by Milan Louis Brandon, II on behalf of Bishop Arthur Hodges III, South Bay United Pentecostal Church (Brandon, Milan)Attorney Milan Louis Brandon, II added to party Bishop Arthur Hodges III(pty:pla), Attorney Milan Louis Brandon, II added to party South Bay United Pentecostal Church(pty:pla) (jmo). (Entered: 05/14/2020) |
| 05/14/2020 | <u>29</u> | Ex Parte MOTION for Leave to File <i>Supplemental Authority in Support of Plaintiffs Application for a Temporary Restraining Order</i> by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Attachments: # <u>1</u> Declaration of Jeffrey M Trissell, # <u>2</u> [Proposed] Order)(LiMandri, Charles) (jmo). (Entered: 05/14/2020) |
| 05/15/2020 | <u>30</u> | DECLARATION re <u>26</u> Objection, <i>Declaration of Timothy M. White in Response to Plaintiffs' Objection to Purportedly "Untimely" Opposition to Plaintiffs' TRO Application [ECF 26]</i> by Defendants William D. Gore, Helen Robbins–Meyer, Wilma J. Wooten. (Attachments: # <u>1</u> Proof of Service)(White, Timothy) (jmo). (Entered: 05/15/2020) |
| 05/15/2020 | <u>31</u> | RESPONSE re <u>26</u> Objection, <i>State Defendants Opposition to Plaintiffs' Objection (ECF No. 26)</i> filed by Sonia Angell, Xavier Becerra, Gavin Newsom. (Plank, Lisa) (jmo). (Entered: 05/15/2020) |
| 05/15/2020 | <u>32</u> | Minute Order for proceedings held before Judge Cynthia Bashant: Motion Hearing (telephonic) held on 5/15/2020. For the reasons stated in the hearing, the Court grants <u>29</u> Ex Parte MOTION for Leave to File Supplemental Authority in Support of Plaintiffs Application for a Temporary Restraining Order filed by South Bay United Pentecostal Church, Bishop Arthur Hodges III; denies <u>12</u> Ex Parte MOTION for Temporary Restraining Order and Order to Show Cause re: Preliminary Injunction filed by South Bay United Pentecostal Church, Bishop Arthur Hodges III; and denies <u>21</u> Ex Parte MOTION for Leave to File Application for Leave To File Request for Judicial Notice Pursuant to Federal Rule of Evidence 201 filed by South Bay United Pentecostal Church, Bishop Arthur Hodges III (Court Reporter/ECR Dana Peabody). (Plaintiff Attorney Paul Jonna, Charles LiMandri, Jeffrey Trissell, and Mark Meuser).(Defendant Attorney Todd Grabarsky, Lisa Plank, and Timothy White). (no document attached) (sxm) Modified on 5/15/2020 to correct attorney name(sxm). (Entered: 05/15/2020) |
| 05/15/2020 | <u>33</u> | NOTICE of Appearance by Lisa J. Plank on behalf of Sonia Angell, Xavier Becerra, Gavin Newsom (Attachments: # <u>1</u> Proof of Service)(Plank, Lisa)Attorney Lisa J. Plank added to party Sonia Angell(pty:dft), Attorney Lisa J. Plank added to party Xavier Becerra(pty:dft), Attorney Lisa J. Plank added to party Gavin Newsom(pty:dft) (jmo). (Entered: 05/15/2020) |
| 05/15/2020 | <u>34</u> | WAIVER OF SERVICE Returned Executed by Bishop Arthur Hodges III, South Bay United Pentecostal Church, as to Sonia Angell, Xavier Becerra, William D. Gore, Gavin Newsom, Helen Robbins–Meyer, Wilma J. Wooten. (Attachments: # <u>1</u> Waiver of Service – Xavier Becerra, # <u>2</u> Waiver of Service – Sonia Angell, # <u>3</u> Waiver of Service – Wilma J. Wooten, # <u>4</u> Waiver of Service – Helen Robins–Meyer, # <u>5</u> Waiver of Service – William D. Gore, Sheriff)(LiMandri, Charles) (jmo). (Entered: 05/15/2020) |
| 05/15/2020 | <u>35</u> | NOTICE OF APPEAL to the 9th Circuit as to <u>32</u> Order denying Motion for a Temporary Restraining Order and denying Motion for an OSC re Preliminary Injunction by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Filing fee \$ 505 receipt number ACASDC–13878564.) (Notice of Appeal electronically transmitted to the US Court of Appeals.) (Attachments: # <u>1</u> Representation Statement)(LiMandri, Charles). (Modified on 5/15/2020: Edited docket text re linked Order.) (akr). (Entered: 05/15/2020) |
| 05/15/2020 | <u>36</u> | Ex Parte MOTION for Order <i>Granting Injunction Pending Appeal</i> by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Attachments: # <u>1</u> Declaration Jeffrey M Trissell)(LiMandri, Charles) (jmo). (Entered: 05/15/2020) |
| 05/16/2020 | <u>37</u> | USCA Case Number 20–55533 for <u>35</u> Notice of Appeal to the 9th Circuit filed by South Bay United Pentecostal Church, Bishop Arthur Hodges III. (akr) (Entered: 05/16/2020) |

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| 05/18/2020 | <u>38</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT (Motion Hearing) held on 5/15/2020 before Judge Cynthia Bashant. Court Reporter/Transcriber: Dana Peabody. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or the Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E-File the Notice of Intent to Request Redaction. The following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 6/8/2020. Redacted Transcript Deadline set for 6/18/2020. Release of Transcript Restriction set for 8/17/2020. (akr) (Entered: 05/18/2020) |
| 05/18/2020 | <u>39</u> | ORDER Denying Plaintiffs' Ex Parte Motion for an Injunction Pending Appeal (ECF No. <u>36</u>). Signed by Judge Cynthia Bashant on 5/18/20. (jmo) (Entered: 05/18/2020) |
| 05/19/2020 | <u>40</u> | NOTICE of Appearance by Jeffrey M. Trissell on behalf of Bishop Arthur Hodges III, South Bay United Pentecostal Church (Trissell, Jeffrey) Attorney Jeffrey M. Trissell added to party Bishop Arthur Hodges III(pty:pla), Attorney Jeffrey M. Trissell added to party South Bay United Pentecostal Church(pty:pla) (jmo). (Entered: 05/19/2020) |
| 05/22/2020 | <u>41</u> | ORDER of USCA as to <u>35</u> Notice of Appeal to the 9th Circuit filed by South Bay United Pentecostal Church, Bishop Arthur Hodges III. The motion of Americans United for Separation of Church and State for leave to file an amicus curiae brief in opposition to appellant's emergency motion for an injunction pending appeal is granted. The Clerk shall file the amicus brief submitted on May 16, 2020. Appellants' request to expedite this appeal is granted in part. Briefing schedule issued. No streamlined extensions of time will be approved. No written motions for extensions of time under Ninth Circuit Rule 31-2.2(b) will be granted absent extraordinary and compelling circumstances. (akr) (Entered: 05/22/2020) |
| 05/22/2020 | <u>42</u> | ORDER of USCA as to <u>35</u> Notice of Appeal to the 9th Circuit filed by South Bay United Pentecostal Church, Bishop Arthur Hodges III. This appeal challenges the USDC's denial of appellants' motion for a temporary restraining order and order to show cause why a preliminary injunction should not issue in appellants' challenge to the application of the State of California and County of San Diego's stay-at-home orders to in-person religious services. Appellants have filed an emergency motion seeking injunctive relief permitting them to hold in-person religious services during the pendency of this appeal. We have jurisdiction to review the denial of a temporary restraining order where, as here, "the circumstances render the denial tantamount to the denial of a preliminary injunction." Accordingly, the motion to dismiss for lack of jurisdiction is denied. The request to take judicial notice is granted. In evaluating a motion for an injunction pending appeal, we consider whether the moving party has demonstrated that they are likely to succeed on the merits, that they are likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in their favor, and that an injunction is in the public interest. We conclude that appellants have not demonstrated a sufficient likelihood of success on appeal. Where state action does not "infringe upon or restrict practices because of their religious motivation" and does not "in a selective manner impose burdens only on conduct motivated by religious belief," it does not violate the First Amendment. We're dealing here with a highly contagious and often fatal disease for which there presently is no known cure. In the words of Justice Robert Jackson, if a "[c]ourt does not temper its doctrinaire logic with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact." The remaining factors do not counsel in favor of injunctive relief. We therefore deny the emergency motion for injunctive relief pending appeal. (See Order for full text.) (akr) (Entered: 05/22/2020) |
| 07/09/2020 | <u>43</u> | Joint MOTION for Leave to File <i>for Plaintiffs to File a Second Amended Complaint; and to Extend Time for Defendants Responses</i> by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (LiMandri, Charles) (dlg). (Entered: 07/09/2020) |
| 07/10/2020 | <u>44</u> | ORDER Granting Joint Motion (ECF No. <u>43</u>). Deadline for Defendants to respond to first amended complaint is extended to 7/24/20, but is expected to be mooted by Plaintiff's filing of second amended complaint. Plaintiffs second amended complaint due no later than 7/17/20 at 5:00 PM. Defendants response to second amended complaint is extended 28 days after it is filed. Signed by Judge Cynthia Bashant on 7/10/20. (jmo) (Entered: 07/10/2020) |

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| 07/10/2020 | <u>45</u> | MOTION for an Indicative Ruling Pursuant to Fed. R. Civ. P. re 32 Order on Motion for Leave to File Document,,,,, Order on Motion for TRO,,,,,, Motion Hearing,,,,, by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration of Bishop Hodges, # <u>3</u> Declaration of Charles LiMandri, # <u>4</u> Request for Judicial Notice, # <u>5</u> Proof of Service)(LiMandri, Charles) (jmo). (Entered: 07/10/2020) |
| 07/14/2020 | <u>46</u> | ORDER Granting Motion for Indicative Ruling (ECF No. <u>45</u>). Signed by Judge Cynthia Bashant on 7/14/20. (jmo) (Entered: 07/14/2020) |
| 07/17/2020 | <u>47</u> | AMENDED COMPLAINT with Jury Demand , <i>Second Amended</i> , against Sonia Angell, Xavier Becerra, Kevin Faulconer, William D. Gore, Gavin Newsom, David Nisleit, Helen Robbins–Meyer, Wilma J. Wooten, filed by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Proof of Service) (LiMandri, Charles) (jmo). (Entered: 07/17/2020) |
| 07/20/2020 | <u>48</u> | DEMAND for Trial by Jury by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (LiMandri, Charles) (jmo). (Entered: 07/20/2020) |
| 07/29/2020 | <u>49</u> | ORDER of USCA as to <u>35</u> Notice of Appeal to the 9th Circuit filed by South Bay United Pentecostal Church, Bishop Arthur Hodges III. On July 10, 2020, Plaintiffs–Appellants filed a motion for a limited remand to the USDC for it to reconsider whether to enjoin California's orders regarding the COVID–19 pandemic, in light of changes to those orders and other developments since Plaintiffs filed the present appeal on May 15, 2020. The specific developments relevant to Plaintiffs' request are outlined in Plaintiffs' Motion for Indicative Ruling and the Second Amended Complaint filed with the USDC. The panel construes Plaintiffs' request as a renewed application for a temporary restraining order and an order to show cause re: preliminary injunction. The USDC presently lacks jurisdiction to consider this request, <i>G & M, Inc. v. Newbern</i> , 488 F.2d 742, 746 (9th Cir. 1973), but the USDC has issued an indicative ruling stating that the request raises a substantial issue. Accordingly, the panel grants Plaintiffs' motion for limited remand pursuant to Federal Rule of Appellate Procedure 12.1. The panel retains jurisdiction of the case and remands it for the limited purpose of permitting the USDC to consider Plaintiffs' request in light of the events and case law that have developed since May 15, 2020. On remand, the USDC may order supplemental briefing as necessary to address Plaintiffs' request. The oral argument set for August 12, 2020, is vacated, and this appeal is stayed pending the results of the limited remand ordered herein. The parties shall notify the Clerk of Court when the USDC has decided the motion on remand. (akr) (Entered: 07/29/2020) |
| 07/29/2020 | <u>50</u> | ORDER Setting Briefing Schedule. Plaintiffs are to file their motion for temporary restraining order on or before 8/10/20. Any response by Defendants must be filed within 21 days of Plaintiffs' filing of the motion and any reply by Plaintiffs must be filed within 7 days of Defendants' filing of the opposition. Signed by Judge Cynthia Bashant on 7/29/20.(jmo) (Entered: 07/29/2020) |
| 07/30/2020 | <u>51</u> | Joint MOTION for Extension of Time to File <i>Responses to Second Amended Complaint</i> by Sonia Angell, Xavier Becerra, Gavin Newsom. (Attachments: # <u>1</u> Proposed Order)(Grabarsky, Todd) (jmo). (Entered: 07/30/2020) |
| 07/30/2020 | <u>52</u> | ORDER Granting Joint Motion for Extension of Time (ECF No. <u>51</u>). The deadline for Defendants to respond to the Second Amended Complaint is extended until twenty–one (21) days after the Court issues its ruling on Plaintiffs' intended motion for temporary restraining order. Signed by Judge Cynthia Bashant on 7/30/20. (jmo) (Entered: 07/30/2020) |
| 08/10/2020 | <u>53</u> | MOTION for Temporary Restraining Order / <i>Preliminary Injunction – Renewed</i> by Bishop Arthur Hodges III, South Bay United Pentecostal Church. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Second Suppl. Declaration of Bishop Hodges, # <u>3</u> Suppl. Declaration of Jeffrey Trissell, # <u>4</u> Declaration of Dr. Delgado, # <u>5</u> Declaration of Charles Cicchetti, # <u>6</u> Declaration of Sean Kaufman, # <u>7</u> Declaration of James Lyons–Weiller, # <u>8</u> Declaration of Dr. Bhattacharya, # <u>9</u> Proof of Service)(LiMandri, Charles) (jpp). (Entered: 08/10/2020) |
| 08/14/2020 | <u>54</u> | DECLARATION re <u>53</u> MOTION for Temporary Restraining Order / <i>Preliminary Injunction – Renewed of Dr. Jayanta Bhattacharya</i> by Plaintiffs Bishop Arthur |

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