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11 TODD NIELSEN, THE CALGUNS FOUNDATION,
FIREARMS POLICY COALITION,
12 FIREARMS POLICY FOUNDATION,
and SECOND AMENDMENT FOUNDATION

13 UNITED STATES DISTRICT COURT

14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 WILLIAM WIESE, et al.,

16 Plaintiffs,

17 vs.

18 XAVIER BECERRA, in his official capacity as
19 Attorney General of California, et al.,

20 Defendants.

Case No. 2:17-cv-00903-WBS-KJN

**[PROPOSED] ORDER GRANTING
TEMPORARY RESTRAINING ORDER, AND
SETTING HEARING ON MOTION FOR
PRELIMINARY INJUNCTION**

[FRCP 65; E.D. L.R. 231]

Judge: Hon. William B. Shubb

21 **ORDER GRANTING TEMPORARY RESTRAINING ORDER**

22 Having considered Plaintiffs' Request for a Temporary Restraining Order, submitted on
23 June 12, 2017, the Court finds that Plaintiffs have demonstrated the need for temporary
24 preliminary injunctive relief, enjoining the implementation and enforcement of California Penal

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1 Code section 32310(c) and (d) pending a trial and adjudication of the merits of Plaintiffs’ claims.
2 Specifically, Plaintiffs have shown that (1) they would suffer irreparable harm in the absence of
3 such relief, (2) an injunction is in the public interest, and (3) either there is a strong likelihood
4 they would succeed on the merits or there are ““serious questions going to the merits”” and “the
5 balance of hardships ‘tips sharply’ in [their] favor.”” *County of Santa Clara v. Trump*, 2017 U.S.
6 Dist. LEXIS 62871 at *28-29 (quoting *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127,
7 1131-35 (9th Cir. 2011)). The Court makes these preliminary findings pending full briefing and a
8 hearing on Plaintiffs’ motion for Preliminary Injunctive Relief, on the schedule set forth below.

9 Accordingly, it is hereby ORDERED that a temporary restraining order is granted,
10 pending trial and adjudication of the merits, and thus Defendants and all their respective officers,
11 agents, servants, employees, attorneys, and persons acting in concert or participation with them
12 are enjoined and restrained from taking either of the following actions:

- 13 1. Enforcing or applying subdivision (c) of Penal Code section 32310 against
14 anyone in this state who, on or after July 1, 2017, “possesses any large-
15 capacity magazine, regardless of the date the magazine was acquired . . .”
- 16 2. Enforcing or applying subdivision (d) of Penal Code section 32310 against
17 anyone who, pursuant to subdivision (c) of section 32310, “may not lawfully
18 possess a large-capacity magazine commencing July 1, 2017 . . .”

19 The amount of the security bond for this restraining order, if any, shall be \$1.

20 This order shall take effect immediately and apply throughout the State of California.

21 Defendants are notified that they have the right to apply to the Court for modification or
22 dissolution of this order on two (2) days’ notice or such other notice as the Court may allow.

23
24 **ORDER SCHEDULING HEARING ON PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

25 The following shall apply to the proceedings on Plaintiffs’ Motion for a Preliminary
26 Injunction:

27 A hearing on Plaintiffs’ Motion for Preliminary Injunction shall be held on

28 _____, 2017 at _____ a.m./p.m., in Courtroom 5, 14th Floor of the Robert T.

1 Matsui United States Courthouse, 501 I Street, Sacramento, CA 95814, Hon. William B. Shubb
2 presiding.

3 Defendants shall file any opposition to the Plaintiffs' motion by _____,
4 with courtesy copies of opposition papers to be delivered to this court the following day.

5 Plaintiffs' shall file any reply to the Defendants' opposition, if any, by
6 _____, with courtesy copies of opposition papers to be delivered to this court
7 the following day.

8 IT IS SO ORDERED.

9 Dated: _____

10 WILLIAM B. SHUBB
11 Senior United States District Judge

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13 //
14 //

15 Submitted to the Court on June 12, 2017 by:

17 /s/ George M. Lee _____
18 George M. Lee

19 SEILER EPSTEIN ZIEGLER & APPLGATE LLP
20 Attorneys for Plaintiffs

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