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22 **UNITED STATES DISTRICT COURT**
23 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

24 ADAM BRANDY, an individual; et al.,

25 Plaintiffs,

26 vs.

27 ALEX VILLANUEVA, in his official
28 capacity as Sheriff of Los Angeles
County, California, and in his capacity as
the Director of Emergency Operations, et
al.,

Defendants.

Case No. 2:20-cv-02874-AB-SK

**PLAINTIFFS' APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD
NOT ISSUE**

[FRCP 65; C.D. L.R. 65-1]

Date: TBD

Time: TBD

Courtroom 7B
Judge: Hon. André Birotte Jr.

**APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND OSC RE PRELIMINARY INJUNCTION**

Plaintiffs Adam Brandy, Jonah Martinez, Daemion Garro, DG2A Enterprises Inc., d.b.a. Gun World, Jason Montes, Weyland-Yutani LLC d.b.a. Match Grade Gunsmiths, Alan Kushner, The Target Range, Tom Watt, A Place To Shoot, Second Amendment Foundation, California Gun Rights Foundation; National Rifle Association of America, and Firearms Policy Coalition, Inc. (“Plaintiffs”), by and through counsel undersigned, and pursuant to Fed. Rule of Civ. Pro. 65, and Central District Civ. Local Rule 65-1, hereby and respectfully apply to this Court, ex parte, for the issuance of a Temporary Restraining Order.

By and through this Application, Plaintiffs seek an order that would temporarily enjoin Defendants Alex Villanueva (sued in his official capacity as Sheriff of Los Angeles County, California, and in his capacity as the Director of Emergency Operations), Gavin Newsom (sued in his official capacity as Governor and Commander in Chief of the State of California), Sonia Y. Angell (sued in her official capacity as California Public Health Officer), Barbara Ferrer (sued in her official capacity as Director of Los Angeles County Department of Public Health), the County of Los Angeles, Eric Garcetti (sued in his official capacity as Mayor of the City of Los Angeles), and the City of Los Angeles (“Defendants”), and each of their respective employees, officers, agents, representatives, and those acting in concert or participation with them, from closing or compelling the closure of retail firearm and ammunition businesses on the grounds they are “non-essential businesses” under Executive Order N-33-20, the “Safer at Home Order for Control of COVID-19,” and Orders issued by Los Angeles County Sheriff Alex

1 Villanueva.

2 By and through this Application, Plaintiffs further request that this Court
3 issue an Order to Show Cause why a preliminary injunction should not issue,
4 granting Plaintiffs preliminary and permanent injunctive relief as sought herein.

5 As set forth in the memorandum of points and authorities supporting
6 Plaintiffs' Application for Temporary Restraining Order and OSC re Preliminary
7 injunction, filed herewith, Plaintiffs' Application is made on the following
8 grounds:

9 1. That Executive Order N-33-20 and the state's policies, practices, and
10 customs that individually and/or collectively violate the Second and Fourteenth
11 Amendments;

12 2. That the County Defendants' Safer at Home Order For Control of
13 COVID-19, the Los Angeles County Sheriff's March 26, 2020 Order, and
14 Defendants' policies practices, and customs individually and/or collectively violate
15 the Second and Fourteenth Amendments; and

16 3. That all of the Defendants' orders, policies and practices which
17 amount to a prohibition on the acquisition, selling, transferring, and purchase of
18 firearms and ammunition during declared states of emergency violates the Second
19 and Fourteenth Amendments.

20 WHEREFORE, temporary, preliminary and permanent injunction should
21 issue restraining all Defendants and their officers, agents, servants, employees, and
22 all persons in concert or participation with them who receive notice of the
23 injunction, from enforcing Executive Order N-33-20, Los Angeles County Safer at
24 Home Order For Control of COVID-19, the Los Angeles County Sheriff's March
25 26, 2020 Order, and Defendants' policies, practices, and customs that individually
26 and/or collectively prohibit the purchase and sale of firearms and ammunition, and
27
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1 to cease and desist enacting or enforcing any Order or policy that firearm and
2 ammunition retailers are not an essential business, or, in the alternative, an
3 injunction preventing Defendants from enforcing their laws, policies, practices,
4 and customs that prevent individuals from buying and selling arms in accordance
5 with State and federal laws.

6 Dated: March 30, 2020

SEILER EPSTEIN LLP

8 /s/ George M. Lee
9 George M. Lee

Attorney for Plaintiffs

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