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20 *Application forthcoming

21 Attorneys for Plaintiffs

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Mark P. Meuser (SBN: 231335)
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gmichael@dhillonlaw.com

Attorneys for Plaintiffs

22 UNITED STATES DISTRICT COURT
23 SOUTHERN DISTRICT OF CALIFORNIA

24 SOUTH BAY UNITED
25 PENTECOSTAL CHURCH, a California
26 nonprofit corporation, and BISHOP
27 ARTHUR HODGES III, an individual,

28 Plaintiffs,

v.

GAVIN NEWSOM, in his official capacity
as the Governor of California, *et al.*,

Defendants.

Case No.: 3:20-cv-00865-AJB-MDD

***Ex Parte* Application to Modify
the Briefing Schedule on
Plaintiffs' Application for a
Temporary Restraining Order**

Judge: Anthony J. Battaglia
Courtroom: 4A

1 **TO: THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 PLEASE TAKE NOTICE that Plaintiffs South Bay United Pentecostal
4 Church and Bishop Arthur Hodges III, by and through counsel, will and hereby do
5 apply to this Court to set a modified briefing schedule on their Application for
6 Temporary Restraining Order, and Order to Show Cause re: Preliminary Injunction.

7 This Application is made on the grounds that the underlying application for a
8 temporary restraining order is quite complex, and as such, the proposed briefing
9 schedule would likely assist the Court.

10 Good cause exists to issue the requested Order because Plaintiffs only need
11 relief by the weekend of May 16–17, 2020, and so there is time to set a briefing
12 schedule. This Application is supported by the accompanying Memorandum of
13 Points and Authorities, by the declaration of Jeffrey M. Trissell, Esq., and all exhibits
14 attached thereto, and by such further argument and evidence that may be adduced at
15 any hearing on this matter.

16 Counsel for all parties participated in a conference call on May 11, 2020, in
17 which the relief sought by this *ex parte* application was discussed. The parties mostly
18 agreed, but had minor disagreements as to the briefing schedule. This Application
19 followed. All papers relating to this Application will be delivered by email to the
20 Defendants’ counsel immediately after they are filed.

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Dated: May 11, 2020

By:

LiMANDRI & JONNA LLP



Charles S. LiMandri
Paul M. Jonna
Jeffrey M. Trissell
Attorneys for Plaintiffs

1 **MEMORANDUM OF POINTS & AUTHORITIES**

2 This Court’s Chambers’ Rules provide that “[a]fter receipt, moving and
3 opposing *ex parte* papers will be reviewed and a decision will be made without a
4 hearing. If the Court requires a hearing, the parties will be contacted to set a date and
5 time.” Hon. Anthony J. Battaglia, U.S. District Judge, Civ. Case Proc., § III.2. (Oct.
6 1, 2017). “After service of the *ex parte* motion, opposing counsel will ordinarily be
7 given until 5:00 p.m. on the next business day to respond. If more time is needed,
8 opposing counsel must call the law clerk to modify the schedule.” *Id.*

9 “Parties requesting a . . . briefing schedule, or any other procedural change,
10 must meet and confer prior to contacting the Court.” *Id.* at § II.C. “If the parties are
11 unable to reach an agreement, the requesting party must file an *ex parte* motion
12 satisfying the applicable legal standard, with a particular focus on the diligence of the
13 party seeking delay and any prejudice that may result therefrom. In addition, the *ex*
14 *parte* motion must state: (1) the original date; (2) the number of previous
15 continuances and requests that have been made; (3) whether previous requests were
16 granted or denied; and (4) opposing counsel’s position with regard to their
17 opposition.” *Id.*

18 Here, on Monday, May 11, 2020, Plaintiffs filed an *ex parte* application for a
19 temporary restraining order, seeking relief by the weekend of May 16–17, 2020. Dkt.
20 12. On that same day, at 1:00 p.m., all counsel participated in a conference call to
21 discuss the relief sought by that *ex parte* application, and also to discuss the potential
22 of requesting a modified briefing schedule from the Court. The parties then also
23 exchanged several rounds of emails regarding that briefing schedule. (See Trissell
24 Decl., Exs. 1-3.)

25 On the call, all parties were in agreement that a deadline beyond Tuesday, May
26 12, 2020 at 5:00 p.m. would be preferable for the Defendants’ opposition briefs. On
27 the call, Plaintiffs proposed Wednesday, May 13, 2020 at 5:00 p.m., and counsel for
28 both the County and the State appeared to agree. As a result, that deadline was

1 included in the draft Joint Motion that Plaintiffs circulated. (See Trissell Decl.,
2 Ex. 1.) Following further meet and confer, counsel for the State confirmed in writing
3 that they agreed to a Wednesday deadline. Although, counsel for the County did not
4 confirm this in writing, Plaintiffs understand they are agreeable to a Wednesday
5 deadline based on the telephone call. No Defendant agreed to request leave for
6 Plaintiffs to file a reply, or to request oral argument. (Trissell Decl., Ex. 3.)

7 In any event, there is good cause to grant the present *ex parte* application. All
8 parties agree that the complexity of the legal issues in the underlying *ex parte*
9 application mean that the Court would benefit from the fuller and clearer briefing
10 that would result from permitting Defendants more time to prepare their opposition
11 briefs. As for a reply and a hearing, Plaintiffs respectfully propose that a short five-
12 page reply brief could help crystallize the issues in dispute in this complex
13 constitutional case. Plaintiffs would also request brief oral argument if the Court
14 thinks it would be helpful.

15 Pursuant to this Court's Chambers' Rules at Section II.C, Plaintiffs
16 specifically note that (1) the original date for Defendants' opposition briefs is May 12,
17 2020, at 5:00 p.m., and there is no original date for a reply brief or hearing; (2) there
18 have been no prior briefing schedule modifications, or requests for same; (3) as a
19 result, none have been granted or denied; and (4) opposing counsel's position is that
20 their briefs should be due on May 13, and that no reply brief or hearing should
21 forthcoming.

- 22 ○ Monday, May 11, 2020: Plaintiffs Filed their *Ex Parte* Application, seeking to
23 resume worship services on the weekend of May 16–17, 2020.
- 24 ○ Wednesday, May 13, 2020 by 5:00 p.m.: Defendants' opposition to *ex parte*
25 application is due.
- 26 ○ Thursday, May 14, 2020, by 3:00 p.m.: Plaintiffs' reply papers in support of *ex*
27 *parte* application are due (five pages or less).
- 28 ○ Friday, May 15, 2020: Telephonic hearing per the Court's calendar.

1 For the foregoing reasons, Plaintiffs respectfully request that this Court set a
2 modified briefing schedule on Plaintiffs' application for a temporary restraining
3 order, including—if helpful to the Court—a deadline for a reply brief and a time for a
4 telephonic hearing.

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Dated: May 11, 2020

LiMANDRI & JONNA LLP

By: _____
Charles S. LiMandri
Paul M. Jonna
Jeffrey M. Trissell
Attorneys for Plaintiffs

1 Charles S. LiMandri (SBN: 110841)
Paul M. Jonna (SBN: 265389)
2 Jeffrey M. Trissell (SBN: 292480)
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9 Peter Breen, *pro hac vice**
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11 Chicago, IL 60606
Telephone: (312) 782-1680
12 tbrejcha@thomasmoresociety.org
13 pbreen@thomasmoresociety.org
14 *Application forthcoming

Attorneys for Plaintiffs

15 Attorneys for Plaintiffs

17 UNITED STATES DISTRICT COURT
18 SOUTHERN DISTRICT OF CALIFORNIA

19 SOUTH BAY UNITED PENTECOSTAL
20 CHURCH, a California non-profit
21 corporation; and BISHOP ARTHUR
22 HODGES III, an individual,

23 Plaintiffs,

24 v.

25 GAVIN NEWSOM, in his official capacity
26 as the Governor of California, *et al.*,

27 Defendants.

Case No. 3:20-cv-00865-AJB-MDD

**Declaration of Jeffrey M.
Trissell, Esq. in Support of *Ex
Parte* Application to Modify the
Briefing Schedule on Plaintiffs’
Application for a Temporary
Restraining Order**

Judge: Anthony J. Battaglia
Courtroom: 4A

1 I, Jeffrey M. Trissell, Esq., declare and state as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California
3 and in the Southern District of California, and am counsel for Plaintiffs South Bay
4 United Pentecostal Church and Bishop Arthur Hodges III. As such, I have personal
5 knowledge of the matters set forth below and could and would testify thereto if called
6 upon to do so.

7 2. On Friday, May 8, 2020, Plaintiffs filed their complaint seeking
8 declaratory and injunctive relief for violations of their constitutional rights. (Dkt. 1.)
9 On the same day, Plaintiffs filed an *ex parte* application for a temporary restraining
10 order permitting them to hold worship services on the weekend of May 16–17, 2020.

11 3. On Monday, May 11, 2020, Plaintiffs decided to file a First Amended
12 Complaint omitting Mayor Faulconer and Police Chief Nisleit, and including the
13 County of San Diego’s May 10, 2020, health order. (Dkt. 11.) As a result, the only
14 remaining Defendants are those affiliated with the County of San Diego and the State
15 of California—not the City of San Diego. That same day, Plaintiffs filed an amended
16 *ex parte* application for a temporary restraining order permitting them to hold worship
17 services on the weekend of May 16–17, 2020. (Dkt. 12.)

18 4. On Monday, May 11, 2020, at 1:00 p.m., counsel for Plaintiffs held a
19 meet and confer conference call with counsel for the County-affiliated Defendants
20 (Timothy White) and counsel for the State-affiliated Defendants (Lisa Plank and
21 Todd Grabarsky). On the call, the parties discussed the possibility of a stipulated
22 briefing schedule for the TRO application. Those discussions continued in several
23 rounds of emails. Those emails are attached hereto as **Exhibits 1, 2, and 3**.

24 5. On the call, all parties were in agreement that a deadline beyond
25 Tuesday, May 12, 2020 at 5:00 p.m. would be preferable for the Defendants’
26 opposition briefs. On the call, Plaintiffs proposed Wednesday, May 13, 2020 at 5:00
27 p.m., and counsel for both the County and the State appeared to agree. As a result,
28 that deadline was included in the draft Joint Motion that Plaintiffs circulated. (Ex. 1.)

1 Following further meet and confer, counsel for the State confirmed in writing that
2 they agreed to a Wednesday deadline. Although, counsel for the County did not
3 confirm this in writing, Plaintiffs understand they are agreeable to a Wednesday
4 deadline based on the telephone call. No Defendant agreed to request leave for
5 Plaintiffs to file a reply, or to request oral argument. (Ex. 3.)

6 6. In any event, there is good cause to grant the present *ex parte*
7 application. All parties agree that the complexity of the legal issues in the underlying
8 *ex parte* application mean that the Court would benefit from the fuller and clearer
9 briefing that would result from permitting Defendants more time to prepare their
10 opposition briefs. As for a reply and a hearing, Plaintiffs respectfully propose that a
11 short five-page reply brief could help crystallize the issues in dispute in this complex
12 constitutional case. Plaintiffs would also request brief oral argument if the Court
13 thinks it would be helpful.

14 7. Pursuant to this Court's Chambers' Rules at Section II.C, Plaintiffs
15 specifically note that (1) the original date for Defendants' opposition briefs is May 12,
16 2020, at 5:00 p.m., and there is no original date for a reply brief or hearing; (2) there
17 have been no prior briefing schedule modifications, or requests for same; (3) as a
18 result, none have been granted or denied; and (4) opposing counsel's position is that
19 their briefs should be due on May 13, and that no reply brief or hearing should
20 forthcoming.

21 8. Plaintiffs respectfully propose the following schedule:

- 22 □ Monday, May 11, 2020: Plaintiffs Filed their *Ex Parte* Application,
23 seeking to resume worship services on the weekend of May 16-
24 17, 2020.
- 25 □ Wednesday, May 13, 2020 by 5:00 p.m.: Defendants' opposition
26 to *ex parte* application is due.
- 27 □ Thursday, May 14, 2020, by 3:00 p.m.: Plaintiffs' reply papers in
28 support of *ex parte* application are due (five pages or less).

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□ Friday, May 15, 2020: Telephonic hearing per the Court's calendar.

I declare until penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed on May 11, 2020.



Jeffrey M. Trissell, Esq.

EXHIBIT 1

From: [Jeff Trissell](#)
To: ["White, Timothy"](#); ["Todd Grabarsky"](#); ["Lisa Plank"](#)
Cc: cslimandri@limandri.com; ["Paul Jonna"](#); ["Kathy Denworth"](#); ["Milan Brandon"](#); ["Daniel Piedra"](#); ["Thomas Brejcha"](#); ["Peter Breen"](#); ["Harmeet K. Dhillon \(DhillonLaw\)"](#); ["Mark Meuser \(Dhillon Law\)"](#); ["Gregory Michael \(DhillonLaw\)"](#)
Subject: RE: South Bay United Pentecostal Church v. Newsom
Date: Monday, May 11, 2020 3:16:47 PM
Attachments: [Stipulated Briefing Schedule.002.pdf](#)
[Stipulated Briefing Schedule Order.002.pdf](#)
[Stipulated Briefing Schedule.002.doc](#)
[Stipulated Briefing Schedule Order.002.doc](#)

Tim, Lisa, and Todd,

Attached is a draft Joint Motion to Set a Briefing Schedule. If this is acceptable, please sign and return. If not, please make any changes in track changes.

Thank you,

Jeff

Jeffrey M. Trissell | Associate
LIMANDRI & JONNA LLP | P.O. Box 9120 | Rancho Santa Fe, CA 92067
Tel: [\(858\) 759-9930](tel:(858)759-9930) | Fax: [\(858\) 759-9938](tel:(858)759-9938)
jtrissell@limandri.com | www.limandri.com



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From: Jeff Trissell <jtrissell@limandri.com>
Sent: Monday, May 11, 2020 11:11 AM
To: 'White, Timothy' <Timothy.White@sdcounty.ca.gov>; 'Todd Grabarsky' <Todd.Grabarsky@doj.ca.gov>; 'Phelps, M. Travis' <MPhelps@sandiego.gov>; 'SDAT City Attorney' <CityAttorney@sandiego.gov>; 'Lisa Plank' <Lisa.Plank@doj.ca.gov>
Cc: cslimandri@limandri.com; 'Paul Jonna' <pjonna@limandri.com>; 'Kathy Denworth' <kdenworth@limandri.com>; 'Milan Brandon' <mbrandon@limandri.com>; 'Daniel Piedra' <dpiedra@fcdfllegal.org>; 'Thomas Brejcha' <tbrejcha@thomasmoresociety.org>; 'Peter Breen' <pbreen@thomasmoresociety.org>; 'Harmeet K. Dhillon (DhillonLaw)' <harmeet@dhillonlaw.com>;

'Mark Meuser (Dhillon Law)' <mmeuser@dhillonlaw.com>; 'Gregory Michael (DhillonLaw)' <GMichael@dhillonlaw.com>

Subject: RE: South Bay United Pentecostal Church v. Newsom

Thank you all for responding. Here is the dial-in information for our call today at 1:00pm.

Call In: (800) 617-7801
Code: 5589670

Sincerely,

Jeff

Jeffrey M. Trissell | Associate
LIMANDRI & JONNA LLP | P.O. Box 9120 | Rancho Santa Fe, CA 92067
Tel: (858) 759-9930 | Fax: (858) 759-9938
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From: White, Timothy <Timothy.White@sdcounty.ca.gov>

Sent: Monday, May 11, 2020 10:22 AM

To: Todd Grabarsky <Todd.Grabarsky@doj.ca.gov>; Phelps, M. Travis <MPhelps@sandiego.gov>; Jeff Trissell <jtrissell@limandri.com>; SDAT City Attorney <CityAttorney@sandiego.gov>; Lisa Plank <Lisa.Plank@doj.ca.gov>

Cc: cslimandri@limandri.com; 'Paul Jonna' <pjonna@limandri.com>; 'Kathy Denworth' <kdenworth@limandri.com>; 'Milan Brandon' <mbrandon@limandri.com>; 'Daniel Piedra' <dpiedra@fcdflegal.org>; 'Thomas Brejcha' <tbrejcha@thomasmoresociety.org>; 'Peter Breen' <pbreen@thomasmoresociety.org>; 'Harmeet K. Dhillon (DhillonLaw)' <harmmeet@dhillonlaw.com>; 'Mark Meuser (Dhillon Law)' <mmeuser@dhillonlaw.com>; 'Gregory Michael (DhillonLaw)' <GMichael@dhillonlaw.com>

Subject: RE: South Bay United Pentecostal Church v. Newsom

1pm works for me as well, if you can please circulate a conference call dial in number/instructions.
Thanks.
Tim

P.S. Just as an fyi, I have been working from home since mid-March due to pandemic, and unfortunately my work number does not forward to my cell #. So the fastest way to reach me or set up a call is by email. Thanks a lot.

Timothy M. White, Esq.
Senior Deputy County Counsel
Office of County Counsel
County of San Diego
1600 Pacific Highway, Room 355
San Diego, CA 92101

Ph: 619-531-4865
Timothy.White@sdcounty.ca.gov

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From: Todd Grabarsky <Todd.Grabarsky@doj.ca.gov>
Sent: Monday, May 11, 2020 10:14 AM
To: Phelps, M. Travis <MPhelps@sandiego.gov>; Jeff Trissell <jtrissell@limandri.com>; White, Timothy <Timothy.White@sdcounty.ca.gov>; SDAT City Attorney <CityAttorney@sandiego.gov>; Lisa Plank <Lisa.Plank@doj.ca.gov>
Cc: cslimandri@limandri.com; 'Paul Jonna' <pjonna@limandri.com>; 'Kathy Denworth' <kdenworth@limandri.com>; 'Milan Brandon' <mbrandon@limandri.com>; 'Daniel Piedra' <dpiedra@fcdfllegal.org>; 'Thomas Brejcha' <tbrejcha@thomasmoresociety.org>; 'Peter Breen' <pbreen@thomasmoresociety.org>; 'Harmeet K. Dhillon (DhillonLaw)' <harmeet@dhillonlaw.com>; 'Mark Meuser (Dhillon Law)' <mmeuser@dhillonlaw.com>; 'Gregory Michael (DhillonLaw)' <GMichael@dhillonlaw.com>
Subject: Re: South Bay United Pentecostal Church v. Newsom

1 p.m. works for the AG's Office.

Todd Grabarsky
Deputy Attorney General

California Department of Justice
Office of the Attorney General
300 S. Spring St., Ste. 1700
Los Angeles, CA 90013
(213) 269-6044

From: Phelps, M. Travis <MPhelps@sandiego.gov>
Sent: Monday, May 11, 2020 10:08:47 AM
To: Jeff Trissell; Todd Grabarsky; Timothy.White@sdcounty.Ca.Gov; SDAT City Attorney
Cc: cslimandri@limandri.com; 'Paul Jonna'; 'Kathy Denworth'; 'Milan Brandon'; 'Daniel Piedra';
'Thomas Brejcha'; 'Peter Breen'; 'Harmeet K. Dhillon (DhillonLaw)'; 'Mark Meuser (Dhillon Law)';
'Gregory Michael (DhillonLaw)'
Subject: RE: South Bay United Pentecostal Church v. Newsom

Jeff:

I can be available for a call at 1pm today.

M. Travis Phelps

Chief Deputy City Attorney
Office of the San Diego City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101

Phone (619) 533-6370
Fax (619) 533-5856
mphelps@sandiego.gov

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From: Jeff Trissell [<mailto:jtrissell@limandri.com>]
Sent: Monday, May 11, 2020 9:25 AM
To: Todd.Grabarsky@doj.ca.gov; Timothy.White@sdcounty.Ca.Gov; SDAT City Attorney
<CityAttorney@sandiego.gov>; Phelps, M. Travis <MPhelps@sandiego.gov>
Cc: cslimandri@limandri.com; 'Paul Jonna' <pjonna@limandri.com>; 'Kathy Denworth'
<kdenworth@limandri.com>; 'Milan Brandon' <mbrandon@limandri.com>; 'Daniel Piedra'
<dpiedra@fcdfllegal.org>; 'Thomas Brejcha' <tbrejcha@thomasmoresociety.org>; 'Peter Breen'
<pbreen@thomasmoresociety.org>; 'Harmeet K. Dhillon (DhillonLaw)' <harmeet@dhillonlaw.com>;
'Mark Meuser (Dhillon Law)' <mmeuser@dhillonlaw.com>; 'Gregory Michael (DhillonLaw)'
<GMichael@dhillonlaw.com>
Subject: RE: South Bay United Pentecostal Church v. Newsom

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Counsel,

Pursuant to Judge Battaglia's Chambers Rules, we are seeking to hold a meet and confer call with all counsel this afternoon at 12:00 or 1:00 p.m. concerning the relief sought by our ex parte application for a temporary restraining order, which you received. In light of the County's and State's positions in previous cases, we believed such efforts would be fruitless. However, this morning we called Mr. Grabarsky for the State, and he requested a meet and confer call with all counsel. We also called Mr. White for the County, who has already filed a document in this case, and left a voicemail. For the City, as indicated below, we sent the documents via email to the general mailbox, and to Chief Deputy City Attorney Travis Phelps. Hopefully someone from the City will be able to join the call.

Sincerely,

Jeff

Jeffrey M. Trissell | Associate
LiMANDRI & JONNA LLP | P.O. Box 9120 | Rancho Santa Fe, CA 92067
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From: Jeff Trissell <jtrissell@limandri.com>
Sent: Friday, May 8, 2020 3:24 PM
To: Todd.Grabarsky@doj.ca.gov; Timothy.White@sdcounty.Ca.Gov; cityattorney@sandiego.gov; 'M. Travis' <MPhelps@sandiego.gov>
Cc: cslimandri@limandri.com; 'Paul Jonna' <pjonna@limandri.com>; 'Kathy Denworth' <kdenworth@limandri.com>; 'Milan Brandon' <mbrandon@limandri.com>; 'Daniel Piedra' <dpiedra@fcdfllegal.org>; 'Thomas Brejcha' <tbrejcha@thomasmoresociety.org>; 'Peter Breen' <pbreen@thomasmoresociety.org>; 'Harmeet K. Dhillon (DhillonLaw)' <harmeet@dhillonlaw.com>; 'Mark Meuser (Dhillon Law)' <mmeuser@dhillonlaw.com>; 'Gregory Michael (DhillonLaw)'

<GMichael@dhillonlaw.com>

Subject: RE: South Bay United Pentecostal Church v. Newsom

Counsel,

Our temporary restraining order papers are available at the below hyperlink:

<https://drive.google.com/open?id=1arNiA2MoiJgnwmCDjAKSgOOq0yabulfx>

Sincerely,

Jeff

Jeffrey M. Trissell | Associate

LiMANDRI & JONNA LLP | P.O. Box 9120 | Rancho Santa Fe, CA 92067

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From: Jeff Trissell <jtrissell@limandri.com>

Sent: Friday, May 8, 2020 12:40 PM

To: Todd.Grabarsky@doj.ca.gov; Timothy.White@sdcounty.Ca.Gov; cityattorney@sandiego.gov; 'M. Travis' <MPhelps@sandiego.gov>

Cc: cslimandri@limandri.com; 'Paul Jonna' <pjonna@limandri.com>; 'Kathy Denworth' <kdenworth@limandri.com>; 'Milan Brandon' <mbrandon@limandri.com>; 'Daniel Piedra' <dpiedra@fcdlegal.org>; 'Thomas Brejcha' <tbrejcha@thomasmoresociety.org>; 'Peter Breen' <pbreen@thomasmoresociety.org>; 'Harmeet K. Dhillon (DhillonLaw)' <harmeet@dhillonlaw.com>; 'Mark Meuser (Dhillon Law)' <mmeuser@dhillonlaw.com>; 'Gregory Michael (DhillonLaw)' <GMichael@dhillonlaw.com>

Subject: South Bay United Pentecostal Church v. Newsom

Counsel,

Please be advised that today my office has filed in the Southern District of California a complaint and

a request for a temporary restraining order. The complaint alleges that the State of California's, the County of San Diego, and the City of San Diego's COVID-19 related executive orders and restrictions infringe on my clients' constitutional rights.

We are seeking a temporary restraining order permitting my clients to resume their worship services during the weekend of May 16-17, 2020, so long as they adhere to the County of San Diego's Social Distancing and Sanitation Protocol.

For Defendants Newsom, Becerra, and Angell, I am sending this email to Deputy A.G. Todd Grabarsky because I understand that he is handling the *Gish* and *Cross Culture* cases.

For Defendants Wooten and Robbins-Meyer, I am sending this email to County Counsel Timothy White because I understand that he is handling the *Abiding Place* case.

For Defendants Gore, Faulconer, and Nisleit, I am sending this email to the address listed online (cityattorney@sandiego.gov), as well as Chief Deputy City Attorney Travis Phelps,

The ex parte papers will follow today in another email.

Sincerely,

Jeff

Jeffrey M. Trissell | Associate
LiMANDRI & JONNA LLP | P.O. Box 9120 | Rancho Santa Fe, CA 92067
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EXHIBIT 2

From: [Paul Jonna](#)
To: [White, Timothy](#); [Lisa Plank](#); [Charles Limandri](#)
Cc: [Jeffrey Trissell](#)
Subject: RE: South Bay Pentecostal Church v. Newsom, et al.; Plaintiffs' amended filings
Date: Monday, May 11, 2020 3:58:35 PM
Attachments: [Stipulated Briefing Schedule Order.002.pdf](#)
[Stipulated Briefing Schedule.002.doc](#)
[Stipulated Briefing Schedule Order.002.doc](#)

Tim and Lisa – did you receive the proposed joint motion Jeff sent earlier (attached)?

Paul M. Jonna | Partner
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From: White, Timothy <Timothy.White@sdcounty.ca.gov>
Sent: Monday, May 11, 2020 3:55 PM
To: Lisa Plank <Lisa.Plank@doj.ca.gov>; Charles Limandri <climandri@limandri.com>
Cc: Paul Jonna <pjonna@limandri.com>; Jeffrey Trissell <jtrissell@limandri.com>
Subject: RE: South Bay Pentecostal Church v. Newsom, et al.; Plaintiffs' amended filings

Lisa – I would be agreeable to that briefing schedule. All, I would note that Judge Battaglia's procedures for civil cases does not appear to contemplate or permit reply briefs for ex parte motions.

Timothy M. White, Esq.
Senior Deputy County Counsel
Office of County Counsel
County of San Diego
1600 Pacific Highway, Room 355
San Diego, CA 92101

Ph: 619-531-4865
Timothy.White@sdcounty.ca.gov

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transmission shall not constitute waiver of the attorney-client or any other privilege.

From: Lisa Plank <Lisa.Plank@doj.ca.gov>

Sent: Monday, May 11, 2020 3:52 PM

To: cslimandri@limandri.com

Cc: pjonna@limandri.com; jtrissell@limandri.com; White, Timothy <Timothy.White@sdcountry.ca.gov>

Subject: South Bay Pentecostal Church v. Newsom, et al.; Plaintiffs' amended filings

Good afternoon,

I'm writing to follow up on our call this afternoon in which a potential agreement to a TRO briefing schedule was proposed. While we know Plaintiffs are in the process of preparing amended papers for filing in this matter, it would be very helpful if the parties could nail down at this time an agreed briefing schedule (providing a reasonable amount of time for Defendants' briefing) that we could suggest to the Court, while knowing the briefing schedule is in the court's discretion. Based on your representation that your amended papers will be filed late today or early tomorrow, we would propose a Thursday 5/14 deadline for our Opposition papers. Please let us know if you would be amenable to us suggesting such a proposed schedule to the court. Your professional courtesy in this matter would be appreciated.

Thank you,

Lisa

Lisa J. Plank

Deputy Attorney General
Government Law Section
California Department of Justice
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102
Tel: 415-510-4445

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EXHIBIT 3

From: [Lisa Plank](#)
To: [Jeff Trissell](#); "Paul Jonna"
Cc: ["Charles Limandri"](#); ["White, Timothy"](#)
Subject: RE: South Bay Pentecostal Church v. Newsom, et al.; Plaintiffs' amended filings
Date: Monday, May 11, 2020 8:35:47 PM

Thanks Jeff. That's fine with me if it works for Tim.

Thank you,

Lisa

From: Jeff Trissell <jtrissell@limandri.com>
Sent: Monday, May 11, 2020 6:45 PM
To: Lisa Plank <Lisa.Plank@doj.ca.gov>; 'Paul Jonna' <pjonna@limandri.com>
Cc: 'Charles Limandri' <climandri@limandri.com>; 'White, Timothy' <Timothy.White@sdcounty.ca.gov>
Subject: RE: South Bay Pentecostal Church v. Newsom, et al.; Plaintiffs' amended filings

Lisa and Tim,

I have prepared an ex parte application. I think the best course would be to simply include the below email, letting the Court know that an extension from Tuesday to Wednesday is agreed upon by all, and that a reply and a hearing is solely requested by Plaintiffs. Tim, do you agree to a Wednesday deadline?

Jeff

From: Lisa Plank <Lisa.Plank@doj.ca.gov>
Sent: Monday, May 11, 2020 6:25 PM
To: Paul Jonna <pjonna@limandri.com>
Cc: Charles Limandri <climandri@limandri.com>; Jeffrey Trissell <jtrissell@limandri.com>; White, Timothy <Timothy.White@sdcounty.ca.gov>
Subject: RE: South Bay Pentecostal Church v. Newsom, et al.; Plaintiffs' amended filings

Thank you Paul. Please know that my intention was not to be contrary. We'll agree to your proposed due date of Wed. at 5:00 p.m. for Defendants' Opposition. We think the Court will want to make the call on the other subjects. Please let me know how Plaintiffs will proceed.

Thank you,

Lisa

Lisa J. Plank
Deputy Attorney General
Government Law Section
California Department of Justice
455 Golden Gate Ave., Ste. 11000

San Francisco, CA 94102

Tel: 415-510-4445

From: Paul Jonna <pjonna@limandri.com>

Sent: Monday, May 11, 2020 4:45 PM

To: Lisa Plank <Lisa.Plank@doj.ca.gov>

Cc: Charles Limandri <climandri@limandri.com>; Jeffrey Trissell <jtrissell@limandri.com>; White, Timothy <Timothy.White@sdcounty.ca.gov>

Subject: RE: South Bay Pentecostal Church v. Newsom, et al.; Plaintiffs' amended filings

Thanks Lisa. My understanding from our call was that you would not agree to the joint motion. Thus, we're preparing a separate application to the Court with our proposed briefing schedule. However, it would be great to agree on the briefing schedule. Our proposal gives you an extra day for the opposition, and I think the Court would appreciate a short reply brief given the complexity of the issues, as well as brief oral argument.

Paul M. Jonna | Partner

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From: Lisa Plank <Lisa.Plank@doj.ca.gov>

Sent: Monday, May 11, 2020 4:40 PM

To: Paul Jonna <pjonna@limandri.com>

Cc: Charles Limandri <climandri@limandri.com>; Jeffrey Trissell <jtrissell@limandri.com>; White, Timothy <Timothy.White@sdcounty.ca.gov>

Subject: FW: South Bay Pentecostal Church v. Newsom, et al.; Plaintiffs' amended filings

Hi Paul,

Thank you for your call responding to my email. To follow up, I'll discuss Plaintiffs' proposal with my colleagues and get back to you.

Thanks,

Lisa

From: Lisa Plank

Sent: Monday, May 11, 2020 3:52 PM

To: 'cslimandri@limandri.com' <cslimandri@limandri.com>

Cc: 'pjonna@limandri.com' <pjonna@limandri.com>; 'jtrissell@limandri.com' <jtrissell@limandri.com>; 'White, Timothy' <Timothy.White@sdcounty.ca.gov>

Subject: South Bay Pentecostal Church v. Newsom, et al.; Plaintiffs' amended filings

Good afternoon,

I'm writing to follow up on our call this afternoon in which a potential agreement to a TRO briefing schedule was proposed. While we know Plaintiffs are in the process of preparing amended papers for filing in this matter, it would be very helpful if the parties could nail down at this time an agreed briefing schedule (providing a reasonable amount of time for Defendants' briefing) that we could suggest to the Court, while knowing the briefing schedule is in the court's discretion. Based on your representation that your amended papers will be filed late today or early tomorrow, we would propose a Thursday 5/14 deadline for our Opposition papers. Please let us know if you would be amenable to us suggesting such a proposed schedule to the court. Your professional courtesy in this matter would be appreciated.

Thank you,

Lisa

Lisa J. Plank

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16 Chicago, IL 60606
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18 tbrejcha@thomasmoresociety.org
19 pbreen@thomasmorsociety.org
20 *Application forthcoming

21 Attorneys for Plaintiffs

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gmichael@dhillonlaw.com

Attorneys for Plaintiffs

22 UNITED STATES DISTRICT COURT
23 SOUTHERN DISTRICT OF CALIFORNIA

24 SOUTH BAY UNITED
25 PENTECOSTAL CHURCH, a California
26 nonprofit corporation, and BISHOP
27 ARTHUR HODGES III, an individual,

28 Plaintiffs,

v.

GAVIN NEWSOM, in his official capacity
as the Governor of California, et al.,

Defendants.

Case No.: 3:20-cv-00865-AJB-MDD

**[PROPOSED] ORDER
REGARDING BRIEFING
SCHEDULE**

1 Having reviewed Plaintiffs South Bay United Pentecostal Church and Bishop
2 Arthur Hodges III's *Ex Parte* Application to Modify the Briefing Schedule on
3 Plaintiffs' Application for a Temporary Restraining Order, and good cause appearing,
4 the application is hereby **GRANTED**.

5 Below is the briefing schedule on said Application:

- 6 ○ Monday, May 11, 2020: Plaintiffs Filed their Ex Parte Application, seeking to
7 resume worship services on the weekend of May 16-17, 2020.
- 8 ○ Wednesday, May 13, 2020 by 5:00 p.m.: Defendants' opposition to ex parte
9 application is due.
- 10 ○ Thursday, May 14, 2020, by 3:00 p.m.: Plaintiffs' reply papers in support of
11 ex parte application are due (five pages or less).
- 12 ○ Friday, May 15, 2020: The Court will hold a telephonic hearing on Friday,
13 May 15, 2020, at _____.

14
15 IT IS SO ORDERED.

16 Dated: _____

17 Hon. Anthony J. Battaglia
18 United States District Judge
19
20
21
22
23
24
25
26
27
28