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ACCO,TRO,(Ex),APPEAL,CLOSED,DISCOVERY,MANADR

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:20-cv-05859-DMG-E**

Joseph Kishore et al v. Gavin Newsom et al
Assigned to: Judge Dolly M. Gee
Referred to: Magistrate Judge Charles F. Eick
Case in other court: Ninth CCA, 20-55748
Cause: 42:1983 Civil Rights Act

Date Filed: 06/30/2020
Date Terminated: 08/07/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff

Joseph Kishore
*Socialist Equality Party candidate for U.S.
President*

represented by **Thomas Carter Seabaugh**
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Plaintiff

Norissa Santa Cruz
*Socialist Equality Party candidate for U.S.
Vice President*

represented by **Donald G Norris**
(See above for address)
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Thomas Carter Seabaugh
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Gavin Newsom
Governor of California, official capacity

represented by **Peter H Chang**
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ATTORNEY TO BE NOTICED

Defendant

Alex Padilla

Secretary of State of California, official capacity

represented by **Peter H Chang**
 (See above for address)
LEAD ATTORNEY
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Amie L Medley
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/30/2020	1 R	COMPLAINT Receipt No: ACACDC-27015103 - Fee: \$400, filed by Plaintiffs Joseph Kishore, Norissa Santa Cruz. (Attachments: # 1 Civil Cover Sheet) (Attorney Thomas Carter Seabaugh added to party Joseph Kishore(pty:pla), Attorney Thomas Carter Seabaugh added to party Norissa Santa Cruz(pty:pla))(Seabaugh, Thomas) (Entered: 06/30/2020)
06/30/2020	2	Request for Clerk to Issue Subpoena filed by Plaintiffs Joseph Kishore, Norissa Santa Cruz. (Seabaugh, Thomas) (Entered: 06/30/2020)
06/30/2020	3	NOTICE of Interested Parties filed by Plaintiffs Joseph Kishore, Norissa Santa Cruz, (Seabaugh, Thomas) (Entered: 06/30/2020)
06/30/2020	4	APPLICATION for Temporary Restraining Order , APPLICATION for Preliminary Injunction re Ballot Access Restrictions filed by Plaintiffs Joseph Kishore, Norissa Santa Cruz. (Attachments: # 1 Memorandum of Points and Authorities, # 2 Declaration of Plaintiff Joseph Kishore and Exhibits, # 3 Declaration of Plaintiff Norissa Santa Cruz and Exhibit, # 4 Declaration of Nora Kimie Kuzay, # 5 Declaration of Sebastian Ayala, # 6 Declaration of Elizabeth Castillo, # 7 Declaration of Amy Ellevold, # 8 Declaration of Richard Winger and Exhibit, # 9 Declaration of Thomas C. Seabaugh, # 10 Proposed Temporary Restraining Order, # 11 Proposed Order to Show Cause Regarding Preliminary Injunction) (Seabaugh, Thomas) (Entered: 06/30/2020)
06/30/2020	5	NOTICE OF ASSIGNMENT to District Judge Dolly M. Gee and Magistrate Judge Charles F. Eick. (lh) (Entered: 06/30/2020)
06/30/2020	6	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (lh) (Entered: 06/30/2020)

06/30/2020	7	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 R as to Defendants Gavin Newsom, Alex Padilla. (lh) (Entered: 06/30/2020)
06/30/2020	8	INITIAL STANDING ORDER upon filing of the complaint by Judge Dolly M. Gee. (kti) (Entered: 06/30/2020)
06/30/2020	9	MINUTES OF IN CHAMBERS - ORDER DENYING WITHOUT PREJUDICE PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER by Judge Dolly M. Gee: The Court DENIES Plaintiffs' TRO Application 4 , without prejudice to Plaintiffs refileing it along with a showing that they have effected proper service on Defendants. Along with their renewed TRO Application, Plaintiffs must submit proof of proper service and a declaration that they have informed Defendants of the Court's requirement that parties opposing ex parte applications must respond within 24 hours of receiving proper service. Unless otherwise ordered, Defendants must then file their Opposition within one court day of receiving proper service. Court Reporter: Not Reported. (gk) (Entered: 06/30/2020)
07/01/2020	10 R	OPPOSITION to APPLICATION for Temporary Restraining Order APPLICATION for Preliminary Injunction re Ballot Access Restrictions 4 and Request for Briefing Schedule filed by Defendants Gavin Newsom, Alex Padilla. (Attachments: # 1 Proposed Order)(Attorney Amie L Medley added to party Gavin Newsom(pty:dft), Attorney Amie L Medley added to party Alex Padilla(pty:dft))(Medley, Amie) (Entered: 07/01/2020)
07/01/2020	11	Renewed APPLICATION for Temporary Restraining Order as to Ballot Access Restrictions , APPLICATION for Preliminary Injunction re Ballot Access Restrictions filed by Plaintiffs Joseph Kishore, Norissa Santa Cruz. (Attachments: # 1 Memorandum of Points and Authorities, # 2 Declaration of Plaintiff Joseph Kishore and Exhibits, # 3 Declaration of Plaintiff Norissa Santa Cruz and Exhibit, # 4 Declaration of Nora Kimie Kuzay, # 5 Declaration of Sebastian Ayala, # 6 Declaration of Elizabeth Castillo, # 7 Declaration of Amy Ellevold, # 8 Declaration of Richard Winger and Exhibit, # 9 Proposed TRO, # 10 Proposed OSC re Preliminary Injunction, # 11 Declaration of Thomas C. Sebaugh Regarding Service and Exhibits) (Sebaugh, Thomas) (Entered: 07/01/2020)
07/04/2020	12	REPLY in support of Renewed APPLICATION for Temporary Restraining Order as to Ballot Access Restrictions APPLICATION for Preliminary Injunction re Ballot Access Restrictions 11 filed by Plaintiffs Joseph Kishore, Norissa Santa Cruz. (Sebaugh, Thomas) (Entered: 07/04/2020)
07/06/2020	13	MINUTES OF IN CHAMBERS - ORDER RE PLAINTIFFS' RENEWED APPLICATION FOR TEMPORARY RESTRAINING ORDER by Judge Dolly M. Gee: The Court construes Plaintiff's Renewed Application for Temporary Restraining Order 11 as a Motion for Preliminary Injunction ("MPI") and sets the following expedited briefing and hearing schedule: Defendants Opposition to the MPI is due no later than 7/10/2020; Plaintiffs Reply in support of the MPI is due no later than 7/15/2020; the Court shall hold a videoconference hearing on this matter on 7/21/2020 at 02:00 PM before Judge Dolly M. Gee. The parties shall meet and confer prior to the hearing in an effort to resolve the issues raised in this action. Court Reporter: Not Reported. (gk) (Entered: 07/06/2020)
07/07/2020	14 R	STIPULATION to Reset filed by Defendants Gavin Newsom, Alex Padilla. (Attachments: # 1 Proposed Order)(Attorney Peter H Chang added to party Gavin Newsom(pty:dft), Attorney Peter H Chang added to party Alex Padilla(pty:dft))(Chang, Peter) (Entered: 07/07/2020)
07/08/2020	15 R	ORDER RESETTING HEARING ON PRELIMINARY INJUNCTION by Judge Dolly

		M. Gee: Upon Stipulation 14 R , the Court hereby continues the hearing on Plaintiffs' motion for preliminary injunction 11 to 7/20/2020 at 02:00 PM before Judge Dolly M. Gee. (gk) (Entered: 07/08/2020)
07/10/2020	16	MEMORANDUM in Opposition to Renewed APPLICATION for Temporary Restraining Order as to Ballot Access Restrictions APPLICATION for Preliminary Injunction re Ballot Access Restrictions 11 filed by Defendants Gavin Newsom, Alex Padilla. (Chang, Peter) (Entered: 07/10/2020)
07/10/2020	17	DECLARATION of Peter H. Chang in Opposition to Renewed APPLICATION for Temporary Restraining Order as to Ballot Access Restrictions APPLICATION for Preliminary Injunction re Ballot Access Restrictions 11 filed by Defendants Gavin Newsom, Alex Padilla. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5)(Chang, Peter) (Entered: 07/10/2020)
07/10/2020	18	DECLARATION of Angelica Quirarte in Opposition to Renewed APPLICATION for Temporary Restraining Order as to Ballot Access Restrictions APPLICATION for Preliminary Injunction re Ballot Access Restrictions 11 filed by Defendants Gavin Newsom, Alex Padilla. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3) (Chang, Peter) (Entered: 07/10/2020)
07/10/2020	19	DECLARATION of Rachelle Delucchi in Opposition to Renewed APPLICATION for Temporary Restraining Order as to Ballot Access Restrictions APPLICATION for Preliminary Injunction re Ballot Access Restrictions 11 filed by Defendants Gavin Newsom, Alex Padilla. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7)(Chang, Peter) (Entered: 07/10/2020)
07/15/2020	20	REPLY in support of Renewed APPLICATION for Temporary Restraining Order as to Ballot Access Restrictions APPLICATION for Preliminary Injunction re Ballot Access Restrictions 11 filed by Plaintiffs Joseph Kishore, Norissa Santa Cruz. (Attachments: # 1 Supplemental Kishore Decl, # 2 Supplemental Santa Cruz Decl, # 3 Supplemental Winger Decl)(Seabaugh, Thomas) (Entered: 07/15/2020)
07/20/2020	21	MINUTES OF Hearing re Plaintiffs' Renewed Application by Plaintiffs for Temporary Restraining Order and Preliminary Injunction 11 held before Judge Dolly M. Gee: The hearing is held via videoconference. The Court invites counsel to respond to the tentative ruling. Following oral argument, the Court advises counsel that the motion shall be taken under submission and a written order will issue. Court Reporter: Miriam Baird. (gk) (Entered: 07/21/2020)
07/20/2020	22 R	MINUTES OF IN CHAMBERS - ORDER RE PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION by Judge Dolly M. Gee: The Court construed Plaintiff's Second Application for Temporary Restraining Order 11 as a Motion for Preliminary Injunction ("MPI"). Plaintiffs' MPI is DENIED. The current pandemic has made nearly every aspect of normal life more difficult and dangerous. Participation in the democratic process is no exception. In a case where a candidate can demonstrate the necessary diligence in pursuing ballot access, the pandemic and a state's response to it may operate to make that state's ballot-access regime unconstitutional as applied. But, under the law that the Court must apply, this is not such a case. It is nonetheless incumbent on public officials to avoid forcing citizens who wish to exercise their right to participate in democracy to choose between their well-being and their constitutional rights. The pandemic has not relieved local, state, and federal elections officials of their obligation to foster free debate, recognize citizens and candidates of diverse views, and ensure that the people have the opportunity to cast their vote of choice. Moving forward, Defendants should strive to prepare for the upcoming November elections, with its unprecedented challenges, in the most proactive and transparent way possible,

		so that voters and candidates alike can be sure that they have all the information and means necessary to fully participate in the electoral process in the safest and most responsible way possible. See document for further details. Court Reporter: Not Reported. (gk) (Entered: 07/21/2020)
07/22/2020	23	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Plaintiffs Joseph Kishore, Norissa Santa Cruz. Appeal of Order on Motion for Preliminary Injunction,,,,,, 22 R . (Appeal Fee - \$505 Fee Paid, Receipt No. BCACDC-27320555.) (Attachments: # 1 Representation Statement, # 2 Order Appealed From)(Seabaugh, Thomas) (Entered: 07/22/2020)
07/23/2020	25	NOTIFICATION from Ninth Circuit Court of Appeals of case number assigned and briefing schedule. Appeal Docket No. 20-55748 assigned to Notice of Appeal to 9th Circuit Court of Appeals 23 as to Plaintiffs Joseph Kishore, Norissa Santa Cruz. (gk) (Entered: 07/24/2020)
07/24/2020	24	APPLICATION for Refund of Fees Paid Re: Notice of Appeal to 9th Circuit Court of Appeals, 23 filed by Plaintiffs Joseph Kishore, Norissa Santa Cruz. (Seabaugh, Thomas) (Entered: 07/24/2020)
07/27/2020	26	ORDER from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals 23 filed by Joseph Kishore, Norissa Santa Cruz. CCA # 20-55748. The motion to expedite is denied. See document for further details. (gk) (Entered: 07/28/2020)
07/29/2020	27	TRANSCRIPT for proceedings held on 7/20/2020 2:00 P.M.. Court Reporter/Electronic Court Recorder: miriam baird, phone number mvb11893@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 8/19/2020. Redacted Transcript Deadline set for 8/31/2020. Release of Transcript Restriction set for 10/27/2020. (Baird, Miriam) (Entered: 07/29/2020)
07/29/2020	28	NOTICE OF FILING TRANSCRIPT filed for proceedings 7/20/2020 re Transcript 27 THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Baird, Miriam) TEXT ONLY ENTRY (Entered: 07/29/2020)
08/05/2020	29	ORDER from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals 23 filed by Joseph Kishore, Norissa Santa Cruz. CCA # 20-55748. Appellants' motion for reconsideration is denied. The previously established briefing schedule remains in effect. (gk) (Entered: 08/06/2020)
08/07/2020	30	NOTICE of Voluntary Dismissal filed by plaintiffs Joseph Kishore, Norissa Santa Cruz. Dismissal is without prejudice. (Seabaugh, Thomas) (Entered: 08/07/2020)
08/19/2020	31	REFUND OF 505.00 made payable on 08/19/2020 to Thomas C Seabaugh for payment made on 07/22/2020 Re: APPLICATION for Refund of Fees Paid Re: Notice of Appeal to 9th Circuit Court of Appeals, 23 24 . (rdj) (Entered: 08/19/2020)