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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CV 12 - 05547

PA

SPX

ELISE BROWN,

Plaintiff,

v.

DEBRA BOWEN, California
Secretary of State

Defendant.

CASE No.

[PROPOSED][LODGED] ORDER ON
MOTION FOR PRELIMINARY
INJUNCTION

FOR GOOD CAUSE HAVING BEEN SHOWN, IT IS SO ORDERED:

(1) A preliminary injunction is issued ordering the Secretary of State to delay the preparation and issuance of the certificates of nomination on July 13, 2012, and any and all other such steps required to advance the Top Two Primary Vote getters from advancing to the general election for Congressional seat no. 8, so that the court can first decide if California's Proposition 14 entitled the "Top Two Primaries Act [which took effect April 19, 2011] that modified Article II, Section 5 of the California Constitution and Section 6 of Article II of the California Constitution, violates the 1982 Reauthorization of the Federal Voting Rights Act by eliminating from the November 2012 general election the top vote getting democratic candidate;

(2) [Alternatively to No. (1)] a preliminary injunction is issued to delay the preparation of the Secretary of State's scheduled preparation of the certificates of nomination on July 13, 2012 and any and all other such steps required to advance the Top Two Primary Vote getters from advancing to the general election for Congressional seat no. 8, so that the court can decide if California's Proposition 14 entitled the "Top Two Primaries Act [which took effect April 19, 2011] that modified Article II, Section 5 of the California Constitution and Section 6 of Article II of the California Constitution, violates the 1982 Reauthorization of the Federal Voting Rights Act, by abolishing 160 years of voting rights for ALL Californians that they be able to vote in a general election for a candidate from the party they are members of, is unlawful;

(3) A preliminary injunction is issued barring the Secretary of State from issuing nomination papers to more than one person from the same party in the same Congressional race until such time a full trial on the merits of Proposition 14 entitled the "Top Two Primaries Act [which took effect April 19, 2011] that modified Article II, Section 5 of the California Constitution and Section 6 of Article II of the California Constitution ;

(4) [Alternatively] a preliminary injunction is issued vacating the issued certificates of nomination in the 8th Congressional race and the Secretary is directed to advance the top vote getter from each party.

(5) To retain jurisdiction of this action and grant to Plaintiff(s) any further relief which may, in the discretion of this Court, be necessary and proper, including the awarding of attorney fees and cost as may be appropriate under 42 USC 1988 & 42 USC 1973.

(6) Set for trial all remaining issues on or before: _____

Date: _____

United States District Court Judge