

1 MICHAEL WALKER, State Bar No. 150554
County Counsel, County of Ventura
2 EMILY T. GARDNER, State Bar No. 246980
Assistant County Counsel
3 800 South Victoria Avenue, L/C #1830
Ventura, California 93009
4 Telephone: (805) 654-2573
Facsimile: (805) 654-2185
5 E-mail: emily.gardner@ventura.org

6 Attorneys, specially appearing for Defendants
County of Ventura and Ventura County
7 Sheriff Bill Ayub

8
9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 PATRICK ALLEN CANNAVAN,) No. 2:20 cv-10012 FMO(PVCx)
13)
14 Plaintiffs,) DEFENDANTS' OPPOSITION TO
15 vs.) EX PARTE APPLICATION FOR
16) TEMPORARY RESTRAINING
COUNTY OF VENTURA,) ORDER
17 VENTURA COUNTY SHERIFF)
18 BILL AYUB, AND DOES 1-10,)
inclusive,)
19 Defendants.)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Trial: Not Set
Complaint Filed: October 30, 2020

I**OPPOSITION**

The County of Ventura (“County”) and Sheriff Bill Ayub (together, “Defendants”) were not properly served with the complaint in this matter or the application for a temporary restraining order (“TRO”). In addition, in the application for a TRO, plaintiff’s counsel represent that they “will advise County Counsel of this complaint and request for a TRO.” (Ex parte application, p. 3, ll. 1-3.) Plaintiff’s counsel provided no notice to County Counsel. Nonetheless, the Defendants, via special appearance, oppose the issuance of the TRO on the grounds that there is no legal or factual basis for the relief requested.

Plaintiff Patrick Cannavan requests that the court order the County to (1) obtain absentee ballots for Plaintiff and all eligible voters in Sheriff’s Office custody immediately; (2) notify all inmates in Sheriff’s Office custody who have requested an absentee ballot or are eligible to vote that they can vote in the November 3rd election; (3) deliver an absentee ballot to Plaintiff and any inmates in Sheriff’s Office custody who have requested a ballot by November 2, 2020; and (4) and deliver Plaintiff’s and other inmates’ ballots to the registrar of voters by no later than 5 p.m. on November 3rd.

The relief Plaintiff has requested is neither authorized by law nor, as set forth in the attached declarations of Patricia Salas and Cecil Argue, necessary in light of the fact that the Ventura County Sheriff’s Office already has processes and procedures in place to facilitate all inmate requests to register to vote and to receive absentee ballots and the fact that the Sheriff’s Office has actively assisted Plaintiff Cannavan in obtaining a ballot.

As set forth in the declaration of Cecil Argue, for months, the Sheriff’s Office has facilitated inmate requests to register to vote and to receive ballots. The Sheriff’s Office also facilitates the inmate’s ability to fill in his or her ballot and

1 then returns the ballots to a ballot drop-off location.

2 The Sheriff's Office is not obligated to engage in voter outreach with its
3 inmate population and does not have to make efforts to register voters or request
4 ballots for inmates who make no such request. Moreover, if an inmate has not yet
5 requested to register to vote or receive an absentee ballot, it is too late to do so
6 under state election law. The deadline to register to vote was October 19, 2020,
7 and the deadline to request an absentee ballot was October 27, 2020. The Sheriff's
8 Office cannot change those deadlines.

9 With respect to Plaintiff Cannavan, who was already registered to vote, as
10 set forth in the Declaration of Patricia Salas, the Sheriff's Office has actively
11 assisted him in getting a ballot delivered to the jail after it had been sent to his
12 home address that the County Elections Division had on file.

13 Because the relief plaintiff seeks is both inappropriate and unnecessary,
14 plaintiff's request for a temporary restraining order must be denied.

15 II.

16 **Defendants' Evidentiary Objections to Declarations Submitted by Plaintiff**

17 Defendants object to and move to strike the following portions of the
18 following declarations on the grounds stated:

19 *Declaration of Patrick Cannavan:*

20 Paragraph 8, first sentence: Hearsay.

21 *Declaration of David S. McLane:*

22 Paragraph 2: Hearsay.

23 *Declaration of Brian A. Vogel:*

24 Paragraph 2: Hearsay.

**III
CONCLUSION**

Based on the foregoing, Defendants respectfully request that the Court deny the request for a TRO.

MICHAEL WALKER
County Counsel, County of Ventura

Dated: October 31, 2020

By /s/
EMILY T. GARDNER
Assistant County Counsel

Attorneys, specially appearing for Defendants
County of Ventura and Ventura County
Sheriff Bill Ayub