UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 18-0155-DOC (KESx)

Date: February 6, 2018

Title: ORANGE COUNTY CATHOLIC WORKER ET AL. V. ORANGE COUNTY ET

AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Deborah Lewman
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR DEFENDANT: None Present

PROCEEDINGS (IN CHAMBERS): ORDER GRANTING TEMPORARY
RESTRAINING ORDER [16] RE
EMERGENCY STAY REQUEST [52]

Before the Court is Plaintiffs' Emergency Stay Request ("Request") (Dkt. 52). Attached to the Request is an email from Senior Assistant Orange County Counsel, indicating that beginning tomorrow morning, Orange County Sheriff's Department personnel will advise people on the Riverbed to leave, and then cite and arrest for trespassing any person who continues to remain. Request Ex. A. Having reviewed the Request, and the underlying briefing in this case, the Court hereby GRANTS a Temporary Restraining Order against Defendants, pending the hearing set for February 13, 2018.

The Court ENJOINS Defendants from enforcement of any infraction or misdemeanor anti-loitering, trespassing, or camping ordinances or statutes at the Riverbed, in light of these laws not having been enforced for the last year. The Court will allow police presence and will allow arrests for any probation or parole violations and any felonious conduct, to protect the homeless and the residents in the area. The Court will not allow haphazard, hurried enforcement action in an effort to clear the population, in contravention of the fundamental issues that the Court raised in its February 4, 2018

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Order, when the Court asked the parties to address—at a preliminary injunction hearing on February 13, 2018—the Court's concerns "that persons who leave or are evicted from the Riverbed may subsequently be cited by Defendant Cities under those Cities' anticamping or anti-loitering laws, even though those persons may not be able to find a shelter or other place to sleep." Order Setting Injunction Hearing (Dkt. 50). In that Order, the Court also welcomed the presentation of evidence at the hearing regarding the circumstances faced by Plaintiffs and those living on the Riverbed, details about Defendant Orange County's process for clearing the Riverbed, information about the number and background of homeless persons in Orange County and on the Riverbed specifically, and how much and what kind of shelter space is currently available. *Id.* In addition, the Court welcomed input at the hearing and written briefing from any amicus groups, which may include veterans' organizations, service providers, abused womens' protection and housing organizations, and other cities affected by the homelessness crisis in Orange County that are not named as Defendants in this case. *Id.*

To preserve the ability to hold a hearing on these fundamental issues and to determine whether any further relief is appropriate, the Court issues this emergency relief.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11 CIVIL-GEN Initials of Deputy Clerk: dil