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*Attorneys for All Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

DONALD WELCH, ANTHONY DUK,	)	Case No.: 2:12-02484
AARON BITZER,	)	
	)	<b>NOTICE OF MOTION AND</b>
Plaintiffs,	)	<b>MOTION OF PLAINTIFFS FOR</b>
	)	<b>PRELIMINARY INJUNCTION</b>
v.	)	
	)	<b>Date:</b> December 3, 2012
EDMUND G. BROWN, JR., Governor	)	<b>Time:</b> 2:00 p.m.
of the State of California, In His Official	)	<b>Judge:</b> Hon. William B. Shubb
Capacity, ANNA M. CABALLERO,	)	<b>Ctrm:</b> 5
Secretary of California State and	)	
Consumer Services Agency, In Her	)	
Official Capacity, DENISE BROWN,	)	Filed concurrently herewith:
Director of Consumer Affairs, In Her	)	(1) Memorandum of Points and
Official Capacity, CHRISTINE	)	Authorities
WIETLISBACH, PATRICIA LOCK-	)	(2) Request for Judicial Notice;
DAWSON, SAMARA ASHLEY,	)	(3) Declaration Of Donald Welch;
HARRY DOUGLAS, JULIA	)	(4) Declaration Of Anthony Duk;

1 JOHNSON, SARITA KOHLI, RENEE ) (5) Declaration Of Aaron Bitzer;  
2 LONNER, KAREN PINES, ) (6) Request for Waiver of Bond  
3 CHRISTINA WONG, In Their Official ) (7) [Proposed] Order  
4 Capacities as Members of the California )  
5 Board of Behavioral Sciences, )  
6 SHARON LEVINE, MICHAEL )  
7 BISHOP, SILVIA DIEGO, DEV )  
8 GNANADEV, REGINALD LOW, )  
9 DENISE PINES, JANET )  
10 SALOMONSON, GERRIE SCHIPSKE, )  
11 DAVID SERRANO SEWELL, )  
12 BARBARA YAROSLAYSKY, )  
13 In Their Official Capacities as Members )  
14 of the Medical Board of California, )  
15 )  
16 Defendants. )

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17 TO DEFENDANTS EDMUND G. BROWN, JR., ANNA M.  
18 CABALLERO, DENISE BROWN, CHRISTINE WIETLISBACH,  
19 PATRICIA LOCK-DAWSON, SAMARA ASHLEY, HARRY DOUGLAS,  
20 JULIA JOHNSON, SARITA KOHLI, RENEE LONNER, KAREN PINES,  
21 CHRISTINA WONG, SHARON LEVINE, MICHAEL BISHOP, SILVIA  
22 DIEGO, DEV GNANADEV, REGINALD LOW, DENISE PINES, JANET  
23 SALOMONSON, GERRIE SCHIPSKE, DAVID SERRANO SEWELL,  
24 BARBARA YAROSLAYSKY, IN THEIR OFFICIAL CAPACITIES  
25 (“DEFENDANTS”), AND THEIR ATTORNEY(S) OF RECORD:  
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1 PLEASE TAKE NOTICE THAT on December 3, 2012, at 2:00 p.m., in  
2 Courtroom 5 of the United States District Court for the Eastern District of  
3 California, located at 501 I Street, Sacramento, CA 95814, Plaintiffs  
4 DONALD WELCH, ANTHONY DUK, and AARON BITZER, will and  
5 hereby does move for a Preliminary Injunction pursuant to Rule 65 of the  
6 Federal Rules of Civil Procedure and Civil Local Rules 65-2.  
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9 This Motion asks the Court to restrain and preliminarily enjoin  
10 Defendants, and each of them, from implementing sweeping new restrictions  
11 on communication between mental health professionals and their patients  
12 pursuant to Cal. Bus. & Prof. Code Sections 865, 865.1 and 865.2, known in  
13 the legislative process as Senate Bill (SB) 1172.  
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16 Furthermore, this Motion is made on the grounds that Plaintiffs are  
17 likely to succeed on the merits and irreparable injury will result to the  
18 Plaintiffs, and the patients they serve, if the restrictions to their speech and  
19 the practice of their religion are allowed to take effect. In addition, the  
20 balance of hardships weighs sharply in the Plaintiffs' favor, and it is in the  
21 public interest that preliminary injunction be issued.  
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1 This Application is based on this Notice of Motion; the accompanying  
2 Memorandum of Points and Authorities; the Declarations of DONALD  
3 WELCH, ANTHONY DUK, and AARON BITZER; Request for Judicial  
4 Notice; the Complaint filed in this matter; and on such further evidence and  
5 argument as may be presented at the hearing. Attorneys for Plaintiffs do not  
6 request testimony.  
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9 Dated: October 25, 2012

PACIFIC JUSTICE INSTITUTE

11 /s/ Michael J. Pepper

12 Kevin T. Snider

13 Michael J. Pepper

14 Matthew B. McReynolds

15 Attorneys for Plaintiffs  
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