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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

CHRISTOPHER KOHLS,

Plaintiff,

v.

ROB BONTA, in his official capacity as
Attorney General of the State of California,
and SHIRLEY N. WEBER, in her official
capacity as California Secretary of State,

Defendants.

Case No. 2:24-cv-02527-JAM-CKD

**MOTION FOR PRELIMINARY
INJUNCTION**

DATE: September 30, 2024

TIME: TBD

JUDGE: Hon. John A. Mendez

1 As Federal Rule of Civil Procedure 65 permits, Plaintiff Christopher Kohls moves this
 2 Court for a preliminary injunction enjoining enforcement of California's recently passed
 3 AB 2839, codified at Cal. Elec. Code § 20012, *et seq.*

4 AB 2839 was enacted on September 17, 2024, when California Governor Gavin
 5 Newsom signed the amended version of the bill (along with two others) passed by the
 6 Legislature. It is in effect today. For the reasons explained in the attached Memorandum in
 7 Support of Plaintiff's Motion for a Temporary Restraining Order, it violates Kohls's First
 8 Amendment rights to free speech, the Fourteenth Amendment's due process guarantees, and
 9 the California Constitution's free speech protections. Further, as demonstrated in the Verified
 10 Complaint, the accompanying Affidavit, and the Memorandum in Support, AB 2839 causes
 11 irreparable injury to Kohls and other citizens of this state. Because Kohls demonstrates
 12 likelihood of success on the merits of his constitutional claims, he is irreparably harmed by
 13 AB 2839, and the balance of the equities and the public interest weigh in favor of enjoining
 14 enforcement of the law, Plaintiff specifically requests:

15 A. A temporary restraining order prohibiting Defendant Weber, her office, and any
 16 person acting in concert with her from enforcing AB 2839: (a) facially, against any
 17 speaker, *see Netchoice v. Bonta*, No. __F.4th__, 2024 U.S. App. LEXIS 20755 (9th
 18 Cir. Aug. 16, 2024) (affirming the appropriateness of facial relief in the First
 19 Amendment context); and (b) as applied to the constitutionally protected
 20 activities of Kohls.

21 B. A waiver of the bond requirement in Federal Rule of Civil Procedure 65(c),
 22 because Kohls has a high probability of success on the merits, *People ex rel. van de*
 23 *Kamp v. Tahoe Regional Plan*, 766 F.2d 1319, 1326 (9th Cir. 1985), the costs and
 24 damages from granting a TRO are insignificant, *U.S. v. State of Or.*, 675 F. Supp.
 25 1249, 1253 (D. Or. 1987), and—most importantly—because Kohls brings this
 26 claim to protect his constitutional rights. *See, e.g., Smith v. Board of Election Comm'rs*,
 27 591 F. Supp. 70, 72 (N.D. Ill. 1984) (constitutional rights at stake).

1 Dated: September 18, 2024

Respectfully submitted,

2 /s/ Theodore H. Frank

3 Theodore H. Frank (SBN 196332)

4 Adam E. Schulman (*pro hac vice* pending)

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8 *Attorneys for Christopher Kobls*

PROOF OF SERVICE

I hereby certify that I filed a true and accurate copy of the foregoing document with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to all attorneys of record. I also emailed this document to Kristin A. Liska, Deputy Attorney General, who has agreed to waive service but has not yet appeared, because her office will represent both defendants.

DATED this 18th day of September, 2024.

/s/ Theodore H. Frank
Theodore H. Frank