

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 05/27/2022

TIME: 01:30:00 PM

DEPT: C-69

JUDICIAL OFFICER PRESIDING: Katherine Bacal

CLERK: Calvin Beutler

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: J. Lemke

CASE NO: **37-2022-00003676-CU-CR-CTL** CASE INIT.DATE: 01/28/2022

CASE TITLE: **Brandeis vs Bonta [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Civil Rights

EVENT TYPE: Motion Hearing (Civil)

EVENT TYPE: Status Conference (Civil)

APPEARANCES

Stephen Duvernay, counsel, present for Plaintiff(s) via remote video conference.

Nelson R. Richards, counsel, present for Defendant(s) via remote video conference.

The Court CONFIRMS AS MODIFIED the tentative ruling as follows:

The Court continues the hearing on plaintiffs' motion for preliminary injunction in order to receive supplemental briefing as set forth below. The Court intends to discuss the timing of this briefing, as well as the date for the continued hearing.

Preliminary Matters

The Court grants what appears to be an unopposed request (see ROA # 65) to amend the complaint to substitute a true name for "Doe Brandeis." Within **ten** court days of this ruling, plaintiffs are directed to file and serve the amended pleading. Defendant's demurrer is deemed to be a demurrer to the complaint as amended.

Motion for Preliminary Injunction

As plaintiffs acknowledge in their notice of related case (ROA # 54), there is a case pending in federal court, *Jane Doe et al v. Rob Bonta*, 22-cv-010-LAB-DEB, which, like this case, seeks to invalidate Assembly Bill 173. Plaintiffs previously requested judicial notice of a declaration filed in the federal case. See ROA # 11. It appears a copy of this declaration was attached as Exhibit 17 to plaintiff's compendium in support of their motion for a preliminary injunction. See ROA # 10. However, it is not

clear whether the declaration was submitted in support of a *motion* in the federal case. Did the plaintiffs in the federal case also file a motion for preliminary injunction? If so, did that motion seek the same or similar relief as the motion before this Court? If the federal court has ruled on such a motion, what was the result?

The Court requests plaintiffs to provide supplemental briefing, not to exceed three pages, to answer these three questions. Defendants may, but are not required to, file their own brief with the same parameters. To the extent a motion for preliminary injunction was filed in the federal case, the Court also requests plaintiffs to lodge a copy of the motion, supporting and opposing memoranda, as well as any ruling by the Court.

Motion for Preliminary Injunction is continued pursuant to Court's motion to 07/29/2022 at 01:30PM before Judge Katherine Bacal.

Simultaneous briefing due 7/15/22. Simultaneous reply due 7/22/22.

The Court continues the demurrer and case management conference concurrent with the motion for preliminary injunction.

Demurrer is continued pursuant to Court's motion to 07/29/2022 at 01:30PM before Judge Katherine Bacal.

Civil Case Management Conference is continued pursuant to Court's motion to 07/29/2022 at 01:30PM before Judge Katherine Bacal.

Parties waive notice.



Judge Katherine Bacal