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**FILED**

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Clerk of the Court  
Superior Court of California, County of Santa Clara  
BY R. Burciaga DEPUTY  
R. Burciaga

Exempt from Filing Fees Pursuant  
to Govt. Code § 6103

10 Attorneys for Plaintiffs  
THE PEOPLE OF THE STATE OF  
11 CALIFORNIA, COUNTY OF SANTA CLARA,  
AND SARA H. CODY, M.D., IN HER OFFICIAL  
12 CAPACITY AS HEALTH OFFICER FOR THE  
COUNTY OF SANTA CLARA

14 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

16 THE PEOPLE OF THE STATE OF  
CALIFORNIA, COUNTY OF SANTA CLARA,  
17 and SARA H. CODY, M.D., in her official  
capacity as Health Officer for the County of  
18 Santa Clara,

19 Plaintiffs,

20 v.

21 CALVARY CHAPEL SAN JOSE; MIKE  
MCCLURE, and DOES 1-50,

23 Defendants.

No. 20CV372285

**[PROPOSED] ORDER GRANTING  
TEMPORARY RESTRAINING ORDER  
AND ORDER TO SHOW CAUSE  
REGARDING PRELIMINARY  
INJUNCTION**

25 The application of Plaintiffs, the People of the State of California, County of Santa Clara  
26 (“County”), and Sara H. Cody, M.D., in her official capacity as Health Officer for the County of  
27 Santa Clara (collectively, “Plaintiffs”), for a temporary restraining order and order to show cause  
28 regarding issuance of a preliminary injunction against Defendants Mike McClure, Calvary Chapel

1 San Jose, and Does 1-50 (collectively, "Defendants"), came on for *ex parte* hearing on October 29,  
2 2020, at 8:15 a.m., in Department 19 of the above-entitled court, located at 191 North 1<sup>st</sup> Street, San  
3 José, California 95113. Appearances were as stated in the record.

4 Based upon the papers submitted and argument of counsel, the Court finds that there is an  
5 immediate threat to public health and safety due to the SARS-CoV-2 novel coronavirus pandemic  
6 and that the conduct of Defendants violates the State and/or County public health orders aimed at  
7 abating the pandemic. In particular, Defendants have repeatedly ignored the earlier prohibitions and  
8 current limitations on indoor gatherings; failed to ensure those attending gatherings wear face  
9 coverings; failed to prevent those attending indoor gatherings from singing; and failed to submit and  
10 implement a Social Distancing Protocol. Based upon the papers submitted and argument of counsel,  
11 the Court finds these violations heighten the risk of transmission and community spread of COVID-  
12 19 and present a grave risk and immediate threat to public health, including the risk of serious illness  
13 and death. Defendants' repeated violations and pattern of defiance magnifies that threat and  
14 endangers not just those who attend Defendants' indoor gatherings, but also their families and  
15 friends and the public at large.

16 The Court further finds that Plaintiffs are likely to prevail on the merits of their Complaint  
17 and that the harm to the general public, including all residents of Santa Clara County, from the non-  
18 issuance of a restraining order outweighs the harm to Defendants from the issuance of a restraining  
19 order. Accordingly, the application is GRANTED as follows:

20 **TEMPORARY RESTRAINING ORDER**

21 **IT IS HEREBY ORDERED** that Defendants Mike McClure, Calvary Chapel San Jose, and  
22 Does 1-50, and each of them, and their agents, employees, representatives, members, and volunteers,  
23 and all persons acting under, in concert with or for them, are hereby enjoined and prohibited from:

- 24 1. Conducting any gathering that does not fully comply with both the State and County  
25 public health orders, including but not limited to: holding gatherings indoors in excess of 100 people  
26 or 25% of capacity, whichever is less; holding outdoor gatherings in excess of 200 people; allowing  
27 participants to attend gatherings without wearing face coverings; allowing participants to attend  
28 gatherings without maintaining adequate social distance; and allowing singing at indoor gatherings;

1 2. Operating, whether indoors or outdoors, without the prior submission and  
2 implementation of a Social Distancing Protocol.

3 **IT IS FURTHER HEREBY ORDERED** that the County and its personnel, including  
4 employees of the Sheriff's Office, Department of Environmental Health, Planning Department, or  
5 any other Enforcement Officer recognized under County Urgency Ordinance No. NS-9.921, are  
6 hereby authorized to enter onto 1175 Hillsdale Avenue, San José, California 95118 (the "Subject  
7 Property") to post notice of this Order in visible locations on the Subject Property, including, but not  
8 limited to, on exterior fences, gates, structures, doors, or any other structure thereupon, and to  
9 distribute this Order to Defendants and/or any other persons present on the Subject Property.

10 **IT IS FURTHER HEREBY ORDERED** that the County and its personnel, including  
11 employees of the Sheriff's Office, Department of Environmental Health, Planning Department, or  
12 any other Enforcement Officer recognized under County Urgency Ordinance No. NS-9.921, are  
13 hereby authorized to enter onto the Subject Property to monitor and ensure compliance with this  
14 Order any time between the hours of 8:00 a.m. and 8:00 p.m., any day of the week, or any other time  
15 that services or gatherings are held on the Subject Property while this Order is in effect.

16 **ORDER TO SHOW CAUSE**

*Dae. 1*

17 **IT IS HEREBY ORDERED** that Defendants are to appear on ~~November~~ *Dec. 1*, 2020, at  
18 *9* a.m., in Department *19* of the above-entitled court, located at 191 North 1<sup>st</sup> Street, San  
19 José, California 95113, to show cause why a preliminary injunction should not issue, prohibiting,  
20 restraining, and enjoining Defendants, and each of them, and their agents, employees,  
21 representatives, members, and volunteers, and all persons acting under, in concert with, or for them,  
22 from:

23 1. Conducting any gathering that does not fully comply with State and County public  
24 health orders;

25 2. Holding indoor gatherings in excess of 100 people or 25% of capacity, whichever is  
26 less;

27 3. Holding outdoor gatherings in excess of 200 people;

28 ///

1 4. Allowing participants to attend indoor or outdoor gatherings without wearing face  
2 coverings;

3 5. Allowing participants to attend indoor or outdoor gatherings without maintaining  
4 adequate social distance;

5 6. Allowing singing at indoor gatherings; and *that is not in compliance*  
*with the County Health orders*

6 7. Operating, whether indoors or outdoors, without the prior submission and  
7 implementation of a Social Distancing Protocol. (PK)

8 This Order Granting Temporary Restraining Order and Order to Show Cause re Issuance of  
9 Preliminary Injunction shall be served on Defendants no later than ~~October~~ *Nov. 6*, 2020, by personal  
10 service, overnight courier, facsimile, or electronic mail. Proof of service shall be filed no later than  
11 *Nov. 13* ~~October~~, 2020. (PK)

12 Any opposition papers to the Order to Show Cause shall be filed and served on Plaintiffs by  
13 personal service, overnight courier, facsimile, or electronic mail no later than November 20, 2020  
14 at 4:00 PM.

15 The Temporary Restraining Order granted herein shall expire on December 1, 2020

16 **IT IS SO ORDERED.**

17  
18 Dated: 11 / 2 / 2020

By: *[Signature]*  
Judge of the Superior Court

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