

1 JOSEPH H. HUNT
 Assistant Attorney General
 2 Civil Division
 MCGREGOR SCOTT
 3 United States Attorney
 BRINTON LUCAS
 4 Counsel to the Assistant Attorney General
 JAMES J. GILLIGAN
 5 Acting Director, Federal Programs Branch
 JACQUELINE COLEMAN SNEAD
 6 Assistant Branch Director, Federal Programs Branch
 DAVID SHELEDY
 7 Civil Chief, Assistant United States Attorney
 JOSEPH BORSON (Va. Bar No. 85519)
 8 KEVIN SNELL (NY Bar)
 Trial Attorneys
 9 U.S. Department of Justice
 10 Civil Division, Federal Programs Branch
 11 1100 L St. NW
 12 Washington, DC 20530
 13 Telephone: (202) 305-0924
 14 Fax: (202) 616-8460
 E-mail: Kevin.Snell@usdoj.gov

15 *Attorneys for the United States*

16 **UNITED STATES DISTRICT COURT**
 17 **EASTERN DISTRICT OF CALIFORNIA**

18 THE UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 THE STATE OF CALIFORNIA;
 22 EDMUND GERALD BROWN JR.,
 23 Governor of California, in his Official
 24 Capacity, and XAVIER BECERRA,
 25 Attorney General of California, in his
 Official Capacity,

26 Defendants.

Case No.

27 **NOTICE OF MOTION AND MOTION**
 28 **FOR PRELIMINARY INJUNCTION**

NOTICE

1 Notice is hereby given that the United States of America makes the following motion,
2 which it proposes to notice for a hearing on a date 28 days from the date of service or as soon
3 thereafter as the matter can be heard at a yet to be determined courtroom.
4

MOTION

5
6 The United States hereby moves for a preliminary injunction enjoining enforcement of
7 certain provisions of the California Internet Consumer Protection and Net Neutrality Act of
8 2018, Cal. Civ. Code §§ 3100-3104, enacted through Senate Bill 822. As detailed in the
9 accompanying proposed order, the United States respectfully requests that this Court preliminary
10 enjoin Section 3100(j), (r), (t) and Section 3101(a)(1)-(a)(7), (a)(9) of the California Civil Code.
11 The United States also respectfully requests that this Court preliminarily enjoin the application of
12 those provisions through Section 3101(b) of the California Civil Code. Further, the United
13 States respectfully requests that this Court preliminarily enjoin Section 3102(a), (b) of the
14 California Civil Code.

15 This motion is based on the memorandum filed herewith, and the pleadings on file.
16

17 Dated: September 30, 2018

Respectfully submitted,

18
19 JOSEPH H. HUNT
Assistant Attorney General
Civil Division

20
21 McGREGOR SCOTT
United States Attorney

22
23 BRINTON LUCAS
Counsel to the Assistant Attorney General

24
25 JAMES J. GILLIGAN
Acting Director, Federal Programs Branch

26
27 JACQUELINE COLEMAN SNEAD
Assistant Branch Director, Federal Programs Branch

28 DAVID SHELLDY

Civil Chief, Assistant United States Attorney

/s/ Kevin Snell

JOSEPH BORSON (Va. Bar No. 85519)

KEVIN SNELL (NY Bar)

Trial Attorneys

U.S. Department of Justice

Civil Division, Federal Programs Branch

1100 L St. NW

Washington, DC 20530

Telephone: (202) 305-0924

Fax: (202) 616-8460

E-mail: Kevin.Snell@usdoj.gov

Attorneys for the United States

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28