

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
5 JAMES J. GILLIGAN
Acting Director, Federal Programs Branch
6 JACQUELINE COLEMAN SNEAD
Assistant Branch Director, Federal Programs Branch
7 DAVID SHELEDY
Civil Chief, Assistant United States Attorney
8 JOSEPH BORSON (Va. Bar No. 85519)
9 KEVIN SNELL (NY Bar)
Trial Attorneys
10 U.S. Department of Justice
U.S. Department of Justice
11 Civil Division, Federal Programs Branch
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.

**[Proposed] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

1 This matter is before the Court on Plaintiff the United States' Motion for a Preliminary
2 Injunction. Having considered the motion, including Plaintiff's Memorandum of Law and
3 Defendants' opposition thereto, and having further considered: (1) the likelihood that the United
4 States will succeed on the merits of its claims; (2) the likelihood that the United States will suffer
5 irreparable injury absent an injunction; (3) whether injunctive relief would substantially harm
6 Defendants; and (4) whether the public interest would be furthered by an injunction, this Court
7 concludes that Plaintiff is entitled to preliminary injunctive relief. THEREFORE pursuant to
8 Federal Rule of Civil Procedure 65, Plaintiff's Motion is GRANTED.

9 The Court FINDS that Plaintiff is likely to succeed on its claims that Section 3100(j), (r),
10 (t), Section 3101(a)(1)-(a)(7), (a)(9) of the California Civil Code, the application of those
11 provisions through Section 3101(b) of the California Civil Code, and Section 3102(a), (b) of the
12 California Civil Code, all violate the Supremacy Clause of the United States Constitution, U.S.
13 Const. art. VI, cl. 2, and are therefore invalid.

14 The Court also FINDS that Plaintiff has made a strong showing that it suffers and will
15 continue to suffer irreparable harm caused by these provisions of the California Civil Code, and
16 that the balance of harms and the public interest favor an injunction.

17 Accordingly, Defendants are HEREBY ENJOINED: from enforcing Section 3100(j), (r),
18 (t), Section 3101(a)(1)-(a)(7), (a)(9) of the California Civil Code; from enforcing those
19 provisions through Section 3101(b) of the California Civil Code; and from enforcing Section
20 3102(a), (b) of the California Civil Code, until such time as the Court enters judgment on the
21 United States' claims for relief.

22 DONE AND ORDERED this __ day of _____, 2018,
23
24

25 _____
26 Hon. _____

27 UNITED STATES DISTRICT JUDGE
28