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JOHN PARRETT, THE GUARDIAN OF  
THE CANINE COMPANION AUDI,

Plaintiff,

v.

CITY OF ELK GROVE, BOBBIE  
SINGH-ALLEN MAYOR OF ELK  
GROVE AND DOES 1-10,

Defendants.

No. 2:24-cv-02582-JAM-AC

**ORDER GRANTING EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO  
SHOW CAUSE RE PRELIMINARY  
INJUNCTION**

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This is a lawsuit to preserve the life of a dog who has a Notice of Destruction pending upon him. The Court held a telephonic hearing with the parties on Plaintiff, John Parrett's Application for a Temporary Restraining Order on September 25, 2024. At the conclusion of this hearing, the Court made the following findings and orders:

1. On September 5, 2024 Sacramento County Superior Court Judge Richard Miadich issued an Order in a contempt proceeding denying Defendants' request to allow the City of Elk Grove to euthanize Audi, the dog who is the subject of this action, as a contempt sanction.

1           2.    On September 11, 2024, the City of Elk Grove e-mailed  
2 to Christine Kelly, counsel for Plaintiff, a Notice of  
3 Destruction of Vicious Animal, City Case No. 24-000924  
4 ("Destruction Notice"), with regard to Audi. Defendants did not  
5 provide any formal or informal notice to Ms. Kelly prior to  
6 sending her the Destruction Notice.

7           3.    Defendants did not provide any interested party with a  
8 Notice of Hearing and no administrative hearing took place prior  
9 to Defendants' Destruction Notice being issued.

10          4.    The Destruction Notice was an administrative decision  
11 and finding made without due process, i.e., Defendant City of Elk  
12 Grove rendered a unilateral decision to destroy Audi.

13          5.    Defendant City of Elk Grove served the three (3)  
14 previously known owners of Audi with this Destruction Notice on  
15 September 13, September 14 and September 18, 2024, respectively.

16          6.    The Destruction Notice states that each owner must file  
17 their request for an appeal within 15 days of being served with  
18 such Notice.

19          7.    On September 24, 2024, Plaintiff herein filed an  
20 emergency ex parte stay of execution with Complaint against  
21 Defendants in this Court.

22          8.    Plaintiff, John Parrett, is the guardian of Audi and  
23 the Court is informed that he will take possession of Audi upon  
24 the dog's release.

25          9.    Plaintiff is a dog trainer and lives in Oregon.

26          10.   Jonathan Hobbs, counsel for Defendants opposed the  
27 request for a TRO on behalf of Defendants.

28    ///

1           The Court, having reviewed and considered the moving papers,  
2 the parties' oppositions thereto, and the arguments of counsel at  
3 the hearing on this matter, orders as follows:

4           1. Plaintiff's request to stay the execution of Audi is  
5 GRANTED and Defendants shall not euthanize, kill or otherwise  
6 harm Audi absent further Order of this Court.

7           2. Audi shall be released from Defendants' custody to  
8 Plaintiff forthwith. Plaintiff is ordered to take Audi to  
9 Plaintiff's residence in Oregon. Audi may not return to  
10 California absent further order of this Court.

11           3. A further hearing on Plaintiff's motion for preliminary  
12 injunction shall be held with the following expedited briefing  
13 schedule:

14                   (a) Plaintiff's motion for preliminary injunction is  
15 due on or before October 1, 2024.

16                   (b) Defendants' opposition to preliminary injunction  
17 is due on or before October 8, 2024.

18                   (c) Plaintiff's reply to Defendants' opposition is due  
19 on or before October 15, 2024.

20                   (d) The hearing on this preliminary injunction motion  
21 shall take place on Tuesday, October 22, 2024 in Courtroom 6 at  
22 1:00 p.m.

23           4. Plaintiff shall not be required to post a bond and  
24 shall pay all boarding fees incurred by Defendant City of Elk  
25 Grove.


26           5. Defendants have been notified that they can apply to  
27 the court for modification/dissolution of this TRO on 2 days'  
28 notice or such shorter notice as the Court may allow. See Local

1 Rule 231 and FRCP 65(b).

2 6. The deadline for the administrative request for an  
3 appeal to be filed is stayed until the resolution of this case in  
4 this Court.

5 IT IS SO ORDERED.

6 Dated: September 25, 2024

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9 JOHN A. MENDEZ  
10 SENIOR UNITED STATES DISTRICT JUDGE  
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