

[Exempt From Filing Fee
Government Code § 6103]

1 RODRIGO A. CASTRO-SILVA (SBN 185251)
Acting County Counsel
2 JUDY WHITEHURST (SBN 182855)
Senior Assistant County Counsel
3 EDWARD MORRISSEY (SBN 192280)
Assistant County Counsel
4 NATASHA MOSLEY (SBN 246352)
Deputy County Counsel
5 500 West Temple Street, Suite 468
Los Angeles, California 90012
6 Tel.: (213) 974-1866 | Fax: (213) 680-2165
Email: emorrissey@counsel.lacounty.gov

7 AMNON Z. SIEGEL (SBN 234981)
8 JASON H. TOKORO (SBN 252345)
MINH-VAN T. DO (SBN 314201)
9 MILLER BARONDESS, LLP
1999 Avenue of the Stars, Suite 1000
10 Los Angeles, California 90067
Tel.: (310) 552-4400 | Fax: (310) 552-8400
11 Email: jtokoro@millerbarondess.com

12 Attorneys for Defendants and Respondents

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

15 CALIFORNIA RESTAURANT
ASSOCIATION, INC., a California
16 Corporation,
17 Petitioner,
18 v.
19 COUNTY OF LOS ANGELES,
DEPARTMENT OF PUBLIC HEALTH, a
20 governmental entity; DR. BARBARA
FERRER, in her official capacity as Director
21 of Public Health, County of Los Angeles;
DOES 1 through 100, inclusive,
22 Respondents.

CASE NO. 20STCP03881
NOTICE OF DECEMBER 18, 2020
CALIFORNIA COURT OF APPEAL,
SECOND APPELLATE DISTRICT,
ORDER TO SHOW CAUSE;
TEMPORARY STAY ORDER

Assigned for All Purposes to:
Hon. James C. Chalfant, Dept. 85

Action Filed: November 24, 2020
Trial Date: None Set

MILLER BARONDESS, LLP
ATTORNEYS AT LAW
1999 AVENUE OF THE STARS, SUITE 1000 LOS ANGELES, CALIFORNIA 90067
TEL: (310) 552-4400 FAX: (310) 552-8400

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MARK'S ENGINE COMPANY NO. 28
RESTAURANT, LLC, a limited liability
company,

Plaintiff,

v.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC HEALTH, a
public entity; MUNTU DAVIS, M.D., M.P.H.,
in his official capacity as Health Officer for
County of Los Angeles,

Defendants.

CASE NO. 20STCV45134

Assigned for All Purposes to:
Hon. Stephanie M. Bowick, Dept. 19

Action Filed: November 24, 2020
Trial Date: None Set

1 **TO THE COURT AND ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on December 18, 2020, the Court of Appeal of the State
4 of California, Second Appellate District, Division Four (“Court of Appeal”), the Honorable P.J.
5 Maella, J. Willhite and J. Currey presiding, considered the Petition for Writ of Mandate,
6 Prohibition or Other Appropriate Relief and Request for Immediate Stay filed by the County of
7 Los Angeles, Department of Public Health, Dr. Barbara Ferrer, and Muntu Davis, M.D., MP.H.
8 (“Petitioners”) on December 17, 2020.

9 The Court found good cause and issued a temporary stay of the December 15, 2020
10 Preliminary Injunction Order issued by this Court in the above-referenced matters.

11 The Court of Appeal also issued an order to show cause why a preemptory writ of mandate
12 should not issue ordering the Court to vacate the Preliminary Injunction Order which is set for
13 February 10, 2021, at 9:00 a.m. at 300 South Spring Street, Los Angeles, California.

14 The Court of Appeal ordered that the written return shall be filed and served on or before
15 January 4, 2021. Petitioners may file a reply on or before January 18, 2021.

16 A true and correct copy of the Court of Appeals’ Order is attached hereto as **Exhibit A**.
17 Petitioners were ordered to give notice.

18
19 DATED: December 18, 2020

MILLER BARONDESS, LLP



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21 By: _____

JASON H. TOKORO
Attorneys for Respondents

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EXHIBIT A

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

COURT OF APPEAL – SECOND DIST.

DIVISION FOUR

FILED

Dec 18, 2020

DANIEL P. POTTER, Clerk

S. Veverka Deputy Clerk

COUNTY OF LOS ANGELES,
DEPARTMENT OF PUBLIC
HEALTH, et al.,

Petitioners,

v.

SUPERIOR COURT OF LOS
ANGELES COUNTY,

Respondent;

CALIFORNIA RESTAURANT
ASSOCIATION, INC., et al.,

Real Parties in Interest.

B309416

(Los Angeles County
Super. Ct. Nos. 20STCP03881,
20STCV45134)
(James C. Chalfant, J.)

ORDER TO SHOW CAUSE;
TEMPORARY STAY ORDER

TO THE SUPERIOR COURT OF LOS ANGELES COUNTY:

The petition for writ of mandate, prohibition or other appropriate relief and request for an immediate stay filed on December 17, 2020, has been read and considered.

GOOD CAUSE appearing, you are hereby ordered to:

SHOW CAUSE before this court in its courtroom at 300 South Spring Street, Los Angeles, California, on February 10, 2021, at 9:00 a.m., why a preemptory writ of mandate should not issue ordering you to vacate the order of December 15, 2020, in Los Angeles Superior Court (LASC) Case No. 20STCP03881, *California Restaurant Association, Inc., v. County of Los*

Angeles Department of Public Health, et al., and LASC Case No. 20STCV45134, Mark's Engine Co. No. 28, et al., v. County of Los Angeles, et al., issuing a preliminary injunction enjoining petitioners from enforcing the November 25, 2020, Reopening Safer at Work and in the Community for Control of COVID-19, Blueprint for a Safer Economy – Tier 1 Surge Response, or the December 6, 2020 Revised Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19; Tier 1 Substantial Surge Updated Response to the extent either order seeks to prohibit outdoor dining, etc., (Preliminary Injunction Order).

Petitioner shall serve this order to show cause upon respondent and real parties in interest in both cases.

The written return shall be served and filed on or before January 4, 2021.

Petitioner may file a reply on or before January 18, 2021.

TEMPORAY STAY ORDER

The Preliminary Injunction Order is stayed until further order of this court.


* MANELLA, P.J.


WILLHITE, J.


CURREY, J.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 1999 Avenue of the Stars, Suite 1000, Los Angeles, CA 90067.

On December 18, 2020, I served true copies of the following document(s) described as:

NOTICE OF DECEMBER 18, 2020 CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT, ORDER TO SHOW CAUSE; TEMPORARY STAY ORDER

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LISTS

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address tjohnson@millerbarondess.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY ELECTRONIC SERVICE: I served the document(s) on the person listed in the Service List by submitting an electronic version of the document(s) to One Legal, LLC, through the user interface at www.onelegal.com.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 18, 2020, at Los Angeles, California.



Tisarai S. Johnson

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SERVICE LIST

California Restaurant Association, Inc. et al. v. County of Los Angeles, et al
LASC Case No. 20STCP03881 – Central District (Stanley Mosk Courthouse)
Assigned for All Purposes to Hon. James C. Chalfant, Dept. 85

Dennis S. Ellis
Katherine F. Murray
Nancy C. Morgan
Ryan Q. Keech
BROWNE GEORGE ROSS O'BRIEN
ANNAGUEY & ELLIS LLP
2121 Avenue of the Stars, Suite 2800
Los Angeles, CA 90067

Attorneys for Petitioner and Plaintiff
CALIFORNIA RESTAURANT ASSOCIATION

Tel.: (310) 274-7100
Fax: (310) 275-5697
Email: dellis@bgrfirm.com
kmurray@bgrfirm.com
nmorgan@bgrfirm.com
rkeech@bgrfirm.com

Carl Alan Roth
Noah S. Helpern
Richard A. Schwartz
BROWNE GEORGE ROSS O'BRIEN
ANNAGUEY & ELLIS LLP
801 S. Figueroa Street, Suite 2000
Los Angeles, CA 90017

Co-Counsel for Petitioner and Plaintiff
CALIFORNIA RESTAURANT ASSOCIATION

Tel.: (213) 725-9800
Fax: (213) 725-9808
Email: croth@bgrfirm.com
nhelpern@bgrfirm.com
rschwartz@bgrfirm.com

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SERVICE LIST

Mark's Engine Company No. 28 Restaurant, LLC, et al. v. County of Los Angeles, et al.
LASC Case No. 20STCV45134 – Central District (Stanley Mosk Courthouse)
Assigned for All Purposes to Hon. Stephanie M. Bowick, Dept. 19

Mark J. Geragos
Matthew M. Hoesly
GERAGOS & GERAGOS
Historic Engine Co. No. 28
644 S. Figueroa Street
Los Angeles, CA 90071-3411

Attorneys for Plaintiff
**MARK'S ENGINE COMPANY NO. 28
RESTAURANT, LLC**

Tel.: (213) 625-3900
Fax: (213) 232-3255
Email: mark@geragos.com
geragos@geragos.com