EXHIBIT E

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Superior Court of California, County of San Francisco
09/14/2022
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

JOSHUA SIMON, DAVID BARBER, AND JOSUE BONILLA, individually and on behalf of all others similarly situated, DIANA BLOCK, an individual, and COMMUNITY RESOURCE INITIATIVE, an organization, Plaintiffs, v. CITY AND COUNTY OF SAN FRANCISCO, PAUL MIYAMOTO, IN HIS OFFICIAL CAPACITY AS SAN FRANCISCO SHERIFF, Defendants.	CASE NO.: CGC-22-601686 **PLAINTIFFS' *EX PARTE* APPLICATION FOR ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION** Date: September 29, 2022 Time: 11:00 a.m. Dept: 302 Before: Honorable Richard B. Ulmer, Jr.

TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

Plaintiffs Joshua Simon, David Barber, and Josue Bonilla (collectively, "Plaintiffs"), by and through their undersigned counsel, will and hereby do move *ex parte* to request the Court to issue an Order to Show Cause ("OSC") pursuant to Cal. Rules of Court, rule 3.1150, affording Defendants City and County of San Francisco and San Francisco Sheriff Paul Miyamoto (collectively, "Defendants") the opportunity to appear and show cause why a Preliminary Injunction should not issue restraining and enjoining the San Francisco Sheriff's Office's ("Sheriff" or "SFSO") from engaging in any of the following acts pending final resolution of Plaintiffs' claims for relief:

1. Imposing or enforcing San Francisco Sheriff's Electronic Monitoring Program Rule 5 for the remainder of this litigation.

2. Imposing or enforcing San Francisco Sheriff's Electronic Monitoring Program Rule 13 for the remainder of this litigation.

This Application is made upon the grounds that the conduct sought to be enjoined, if allowed to continue, will cause immediate and irreparable injury to Plaintiffs. (*See* Grounds for Injunction as set forth in Code Civ. Proc. § 526(a)). As discussed in detail in Plaintiffs' accompanying Memorandum of Points and Authorities, Program Rules 5 and 13 are not authorized by the Superior Court's order authorizing release on electronic monitoring ("EM"), create systematic intrusions on the privacy of individuals released pretrial on EM, and violate the rights of EM releasees under the State and Federal Constitutions. Plaintiffs are likely to succeed on the merits of their claims and will be irreparably harmed if the relief sought is not granted. Plaintiffs accordingly respectfully request that this Court issue an OSC.

This Application is based upon Code Civ. Proc. §§ 525 *et seq.* and Cal. Rules of Court, rule 3.1150 and Cal. Rules of Court, rules 3.1200 *et seq.*, upon the attached Memorandum of Points and Authorities, the Declaration of Avram Frey regarding notice under Cal. Rules of Court., rule 3.1204(b) based on personal knowledge, the Declarations of Sujung Kim, Hannah Kieschnick, Joshua Simon, David Barber and Josue Bonilla, submitted herewith, and such oral

argument as the Court may entertain. There has not been a previous application for such relief.

Dated: September 14, 2022

Respectfully submitted,

By: _____

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