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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **SACRAMENTO DIVISION**
11

12
13 Dilevon Lo, Jerry Vang, Nathan Thao, Mao
Thao, Pao Lee, and Antonio Lee,

14 Plaintiffs,

15 v.

16 County of Siskiyou; Jeremiah LaRue and
Jesus Fernandez, in their official capacities as
17 members of the Siskiyou County Sheriff's
Department and in their individual capacities;
18 and Brandon Criss, Ed Valenzuela, Michael
N. Kobseff, Nancy Ogren, and Ray A. Haupt,
19 in their official capacities as members of the
Siskiyou County Board of Supervisors and in
20 their individual capacities; Edward Kiernan,
in his official capacity as County Counsel for
21 Siskiyou County and in his individual
capacity; and DOES 1-100,

22 Defendants.
23
24

Case No.:

**[PROPOSED] ORDER IN SUPPORT OF
PRELIMINARY INJUNCTION AND
OTHER EQUITABLE RELIEF**

25 Plaintiffs having filed their Complaint in this matter and having moved by an ex parte
26 application and motion for the issuance of a Temporary Restraining Order and Preliminary
27 Injunction, and this Court having considered the Complaint for Declaratory and Injunctive Relief
28 and Damages ("Complaint"), and the ex parte application and motion for a Temporary

1 Restraining Order and Preliminary Injunction, and Memorandum of Law in Support thereof finds
2 that:

- 3 1. The Court has jurisdiction over the subject matter of the case, and there is good cause to
4 believe it will have jurisdiction of all parties hereto.
- 5 2. There is good cause to believe that the venue lies properly with this Court.
- 6 3. There is good and probable cause to believe that the Plaintiffs will ultimately succeed in
7 establishing that the Defendants have engaged in and are likely to engage in acts or
8 practices that violate the Plaintiffs' core constitutional rights. Therefore, Plaintiffs are
9 likely to prevail on the merits of this action.
- 10 4. There is good cause to believe that immediate and irreparable damage to the Plaintiffs
11 will occur unless the Defendants are immediately restrained by Order of this Court.
- 12 5. Weighing the equities and considering Plaintiffs' likelihood of success on the merits, the
13 issuance of a Preliminary Injunction, providing for injunctive relief, is in the public
14 interest.

15 **[PROPOSED] ORDER**

16

17 Time and date of hearing for Motion for	
18 Preliminary Injunction:	
19 Date for filing responsive papers:	
20 Date and hour of TRO issuance:	

21

22 IT IS THEREFORE ORDERED that the DEFENDANTS COUNTY OF SISKIYOU and
23 its agents, officers, and employees and any person acting in consort with it; JEREMIAH LARUE
24 and JESUS FERNANDEZ (of the Siskiyou County Sheriff's Department) and their agents,
25 officers, and employees and anyone acting in consort with them; BRANDON CRISS, ED
26 VALENZUELA, MICHAEL N. KOBSEFF, NANCY OGREN, and RAY A. HAUPT (of the
27 Siskiyou County Board of Supervisors) and their agents, officers, and employees and anyone
28 acting in consort with them; and EDWARD KIERNAN (County Counsel for Siskiyou County)

1 and his agents, officers, and employees and anyone acting in consort with him, are hereby
2 restrained and enjoined from:

- 3 1. Enforcing an Ordinance passed by the Siskiyou County Board of Supervisors on
4 August 4, 2020, entitled “An Urgency Ordinance of the County of Siskiyou Finding
5 the Extraction and Discharge of Groundwater Within the County for Use in
6 Cultivating Cannabis in Violation of the County Code is an Unreasonable Use of, and
7 Waste of, the County’s Groundwater Resources and Prohibiting Same,” (Ordinance
8 No. 20-13).
- 9 2. Enforcing an Ordinance passed by the Siskiyou County Board of Supervisors on May
10 4, 2021, entitled “An Urgency Ordinance of the County of Siskiyou Adding Article
11 15 to Chapter 4 of Title 3 of the Siskiyou County Code Relating to Water Trucks”
12 (Ordinance No. 21-08).
- 13 3. Enforcing an Ordinance passed by the Siskiyou County Board of Supervisors on May
14 4, 2021, entitled "An Urgency Ordinance of the County of Siskiyou Adding Article
15 3.5 to Chapter 13e of title 3 of the Siskiyou County Code Regarding the
16 Administrative Permit Required for Use of Groundwater off the Parcel From Which it
17 was Extracted and Clarifying and Amending section 1-13.601 of said Chapter and
18 Title Related to Fines (Ordinance No. 21-07).
- 19 4. Enforcing a Resolution passed by the Siskiyou County Board of Supervisors on May
20 4, 2021, entitled “Resolution of the Board of Supervisors of the County of Siskiyou
21 Setting Forth Roads Included Within Siskiyou County Code Section 3-4.1501.”
- 22 5. Continuing to hold any water trucks or other vehicles seized from Plaintiffs or other
23 members of the Hmong community in the course of enforcing the three ordinances
24 and Resolution referenced above.
- 25 6. Harassing, intimidating, threatening, assaulting, or otherwise interfering with
26 Plaintiffs’ and other members of the Siskiyou County Hmong community’s right to
27 purchase and extract water and transport it into their community.
- 28

1 7. Initiating or pursuing civil or criminal litigation against well water providers based on
2 them providing water to community members.

3 Pursuant to E.D. Cal. L.R. 231 and FRCP 65(b), any affected parties may apply to the
4 court for modification/dissolution of this order on 2 days notice or such shorter notice as the
5 court may allow.

6 **BOND REQUIREMENT**

7 Pursuant to the provision for bond set forth in E.D. Cal. L.R. 230, 151, this Court sets
8 the bond amount as follows: _____.

9
10 **ATTORNEYS FEES AND COSTS**

11 IT IS FURTHER ORDERED that the Defendants will award the Plaintiffs reasonable
12 costs, including attorneys fees, incurred in conducting the preliminary investigation, preparing
13 and filing the Complaint, and bringing this motion requesting injunctive relief.

14
15 **IDENTIFICATION OF WITNESSES**

16 IT IS FURTHER ORDERED that if the Defendants intend to present the testimony of
17 any witnesses at the preliminary injunction hearing, they shall serve on the Plaintiffs a statement
18 disclosing the name, address, and telephone number of any such witness, and either a summary
19 of the witness' expected testimony or a declaration revealing the substance of such witness'
20 expected testimony, at least three (3) calendar days prior to the hearing date, by 3:00 p.m.,
21 Pacific Standard Time.

22
23 **IT IS SO ORDERED.**

24
25 This ____ day of _____, 2021.

26 _____
27 UNITED STATES DISTRICT JUDGE