

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 86

20STCV30695

August 20, 2020

COUNTY OF LOS ANGELES, et al. vs GRACE COMMUNITY

3:00 PM

CHURCH OF THE VALLEY, et al.

Judge: Honorable Mitchell L. Beckloff

CSR: None

Judicial Assistant: F. Becerra

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order Re Submitted Matters-Discovery and Continuance Ruling

The Court, having previously taken the matter under submission on 08/20/2020 now issues its ruling, as follows:

At the hearing on Defendants' ex parte application, the court considered Defendants' request for (1) expedited discovery and (2) a 45-day continuance of the order to show cause re preliminary injunction. Plaintiffs' counsel indicated the papers supporting its request for a preliminary injunction had been filed and served on Defendants in connection with Plaintiffs' request for a temporary restraining order. Plaintiffs have not supplemented the papers. That is, the entirety of Plaintiffs' moving documents are now before the court and have been served on Defendants.

After Plaintiffs' counsel made the representation about its moving papers, Defendants' counsel indicated Defendants may be able to proceed without discovery. If that is true, the discovery and continuance request are perhaps now moot.

Defendants' ex parte application suggests—consistent with the Court of Appeal's order—Defendants bear the burden of overcoming “the presumption that the Health Order’s ‘indoor religious services’ provision is valid” (Page 3.) “The County’s Health Order is presumed to be constitutional unless its ‘unconstitutionality clearly, positively and unmistakably appears.’ [Citations.]” (Page 3.)

As discussed during the hearing, the necessity for expedited discovery (and a continuance of the order to show cause hearing) is unclear to the court. While Defendants' counsel provided an explanation, discovery—even with the burden set forth by the Court of Appeal—appears unnecessary for the hearing on a preliminary injunction. That Defendants seek the discovery “to meet their burden of proof” is overly general and insufficient to justify expedited discovery and a

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continuance. (Application 2:6-7.)

Absent further explanation/justification for particularized discovery, Defendants request for “expedited preliminary injunction discovery” and a continuance of the hearing is denied. This denial is without prejudice.

Certificate of Mailing is attached.