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To: Board of Supervisors
From: Stacey Simon
Date: November 17, 2020
Re: Overview of COVID-19 Related Law and Litigation

The below overview of existing law and recent or pending litigation related to COVID-19 is provided for the purpose of informing the Board of Supervisors as to the current legal status the State of California's COVID-19 response, including various executive orders issued by Governor Newsom and guidelines and guidance issued by the California Department of Public Health. The following topics are addressed:

- (1) the legal relationship between counties and the State;
- (2) the legal authority for California's Blueprint for a Safer Economy; and
- (3) a summary of legal challenges to State orders and guidance, to date.

Many County Counsels' Offices around the State contributed to the below summary, including significantly, the Riverside County Counsel's Office and the Shasta County Counsel's Office.

I. LEGAL RELATIONSHIP BETWEEN COUNTIES AND THE STATE

The County may not refuse to comply with state law, absent a judicial determination that the law is unconstitutional, nor enact ordinances or regulations that conflict with the general laws of the state. In summary:

1. "The County is merely a political subdivision of state government, exercising only the powers of the state, granted by the state." *Pacific Gas & Electric Co. v. County of Stanislaus*, 16 Cal. 4th 1143 (1997).
3. Under California law, a local executive official does not have the authority to determine that a statute is unconstitutional in the absence of a judicial determination that the statute is unconstitutional. *Lockyer v. City & County of San Francisco*, 33 Cal. 4th 1055 (2004). "The oath to support and defend the Constitution requires a public official to act within the constraints of our constitutional system, not to disregard presumptively valid statutes and take action in violation of such statutes on the basis of the official's own determination of what the Constitution means." *Id.* at 1100-1101.

4. County officials may express their disagreement with state law, but compliance with such state law would not be excused, absent a judicial determination that the statute is itself unlawful. *Lockyer*, 33 Cal. 4th at 1119.
5. Counties do not have the authority to enact regulations that would conflict with the general laws of the state. A County may make and enforce within its limits “all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” Cal. Const. Art. XI, § 7. Any conflicting ordinance or regulation is preempted by state law and thus void. *Browne v. County of Tehama*, 213 Cal. App. 4th 704 (2013).

II. THE BLUEPRINT FOR A SAFER ECONOMY

The State’s Blueprint for a Safer Economy currently has the force and effect of law. A number of legal challenges have been brought questioning the authority of the Governor and the State to issue orders responding to COVID-19, those challenges are summarized in Section III below. To summarize current authority for California’s Blueprint:

1. On March 4, 2020, the Governor proclaimed a state of emergency for the entire State of California in relation to the COVID-19 pandemic. This proclamation was issued under the Governor’s authority in the California Emergency Services Act, found at Government Code section 8625.
2. The Governor’s proclamation of a state of emergency may be terminated by the Governor or the State Legislature. Government Code § 8629. It cannot be terminated by a county or city.
3. In responding to this proclaimed state of emergency, the Governor is authorized, under Government Code sections 8567 and 8627, to issue such orders and regulations as he deems necessary. Such orders and regulations have the force and effect of law, as stated in Government Code section 8567.
4. On March 19, 2020, the Governor issued Executive Order N-33-20 which, among other things, ordered all California residents to “immediately heed the current State public health directives.”
5. On May 4, 2020, the Governor issued Executive Order N-60-20, which stated that “All residents are directed to continue to obey State public health directives, as made available at <https://covid19.ca.gov/stay-home-except-for-essential-needs/> and elsewhere as the State Public Health Officer may provide.”

6. On August 28, 2020, the State Public Health Officer issued an order establishing the County Tier System, which is now referred to as the Blueprint for a Safer Economy. The State Public Health Officer Order states:
 - a. All local health jurisdictions may reopen specified sectors according to their respective County's Tier. However, a local health jurisdiction that moves to a Tier permitting further reopening must pause for 21 days, or a different period that the State Public Health Officer identifies, before reopening additional sectors.
 - b. Conversely, a local health jurisdiction must also close sectors according to their County's Tier consistent with the timeline and procedures set forth in the Blueprint for a Safer Economy.
7. The State Department of Public Health may advise all local health authorities and, when in its judgment the public health is menaced, it shall control and regulate their action. Health & Safety Code § 131080. The Department is further authorized to take any measures necessary to ascertain the cause and control the spread of an infectious, contagious or communicable disease. Health & Safety Code § 120140.
8. The Board of Supervisors has the authority to supervise the official conduct of all county officers, including the County Health Officer. Government Code § 25303. However, the Board of Supervisors does not have the power to perform a county officer's statutory duties for him or her, or direct the manner in which the duties are performed. *Dibb v. County of San Diego*, 8 Cal. 4th 1200 fn. 4 (1994); *People v. Langdon*, 54 Cal. App. 3d 384 (1976).

III. LEGAL CHALLENGES TO STATE COVID ORDERS AND GUIDELINES

To date, six cases have been resolved in favor of the Governor's and State's authority to issue binding orders in response to COVID-19. Many other challenges are still pending in both state and federal courts. The below summarizes the litigation as of the date of this memo:

Brandy v. Villanueva et al

Filed: March 27, 2020

Forum: Federal Court

Description: Gun shop owners filed 2nd Amendment suit challenging Governor Newsom's executive orders insofar as they required closure of gun shops.

Status: TRO denied on April 6, 2020; Plaintiffs voluntarily dismissed the State defendants, including Governor Newsom, on July 8, 2020.

Gish et al v. Newsom et al

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Filed: March 27, 2020

Forum: Federal Court

Description: Plaintiffs argue that the Governor's orders violate church members' constitutionally protected freedoms of speech, religion, assembly and due process, and that they favor non-religious practices.

Status: Plaintiff's Temporary Restraining Order (TRO) was denied on April 23, 2020, and the denial was appealed to the 9th Circuit Court of Appeal. Defendants Gavin Newsom and Xavier Becerra have filed an unopposed motion to dismiss the case in the District Court, as well as a motion to dismiss the appeal which is pending judgment in the District Court.

Whitsitt v. Newsom

Filed: April 4, 2020

Forum: Federal Court

Description: Plaintiff filed petition for writ of mandamus arguing the Governor's orders are unconstitutional insofar as they require closure of churches.

Status: Defendants' motion to dismiss was granted on October 7, 2020. Plaintiff's complaint was dismissed without leave to amend.

Abiding Place Ministries v. Wooten et al

Filed: April 22, 2020

Forum: Federal Court

Description: Suit accuses the state and county orders of infringing on the constitutional right to freely exercise religion, and of an infringement on due process.

Status: Temporary Restraining Order (TRO) against the orders denied April 10, 2020; preliminary injunction (PI) denied June 4, 2020; joint motion to dismiss granted on September 3, 2020.

Benitez et al v. Newsom et al

Filed: April 22, 2020

Forum: State Court

Description: On April 15, Governor Newsom announced that the state would provide \$75 million in state revenue to undocumented immigrants in California who do not otherwise qualify for federal assistance during the pandemic. Plaintiffs petitioned the California Supreme Court, arguing that state and federal laws prohibit the state from funding nonprofits or undocumented immigrants without the Legislature's approval.

Status: Petition denied on May 6, 2020.

Cross Culture Christian Center et al v. Newsom et al

Filed: April 22, 2020

Forum: Federal Court

Description: Plaintiffs argue that the state orders violate constitutionally protected freedoms of speech, religious practice, assembly and due process, and that they represent unconstitutional "hostility toward religion."

Status: TRO denied on May 5, 2020, and appealed. Appeal was denied on May 29, 2020. A motion to dismiss filed by defendants was set for September 29, 2020, but was submitted without appearance and without oral argument pursuant to local rules. If the

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Court concludes oral argument is necessary a hearing will be set. Since then, the Court has allowed supplemental briefs to be filed. Most recently, the Governor and state defendants filed a notice of supplemental authority in support of the motion to dismiss on November 4, 2020.

Armstrong v. Newsom et al

Filed: April 23, 2020

Forum: Federal Court

Description: A Los Angeles County resident is suing the state on behalf of himself and “all others similarly situated.” He argues that the statewide shelter-in-place order violates the 14th Amendment of the U.S. Constitution which prohibits detention “without due process of law.”

Status: TRO was denied on May 13, 2020; Preliminary Injunction (PI) was denied on May 28, 2020. Motion by Governor Newsom to Dismiss Second Amended Complaint was granted; Third Amended Complaint was filed by Plaintiff on November 9, 2020.

Givens et al v. Newsom et al

Filed: April 27, 2020

Forum: Federal Court

Description: Two Sacramento residents applied for permits to protest at the state Capitol and were denied based on orders and guidance prohibiting gatherings. Both sued, arguing that state officials violated their rights to free speech, assembly, petition and due process.

Status: TRO was denied on May 8, 2020. Denial of TRO has been appealed to 9th Circuit and oral argument is calendared for November 17, 2020. Motion for injunction pending appeal was denied on July 14, 2020. Defendants filed an answer in the District Court on August 11, 2020. Defendants filed a Motion for Protective order on August 31, 2020, and a hearing on the motion is set for December 16, 2020.

Crest et al v. Newsom et al

Filed: April 29, 2020

Forum: State Court

Description: On April 15, Governor Newsom announced that the state would be providing \$75 million in state revenue to undocumented immigrants in California who do not otherwise qualify for federal assistance during the pandemic. Plaintiffs argue that federal laws prohibit the state from providing financial assistance to undocumented immigrants without Legislative approval.

Status: TRO was denied on May 5, 2020. The denial of the TRO was appealed and is still pending. The next hearing in the District Court is a trial setting conference set for December 30, 2020.

Muller v. Newsom

Filed: May 1, 2020

Forum: State Court

Description: Three city council members from different Orange County cities filed suit against Governor Newsom’s order closing Orange County beaches, calling the order “a clear abuse of discretion” and contending that access to the beach is protected by the California Constitution.

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Status: Petition for Writ of Mandate denied July 2, 2020.

Muldoon v. Newsom

Filed: May 4, 2020

Forum: Federal Court

Description: Newport Beach Councilman Kevin Muldoon sued, arguing that the beach closures violated residents' right to equal protection under the law, along with their right to travel and assemble.

Status: TRO denied as moot on May 8, 2020, because beaches had been reopened; Voluntarily dismissed by Plaintiff on June 23, 2020.

Gondola Adventures, Inc. et al v. Newsom et al

Filed: May 6, 2020

Forum: Federal Court

Description: A group of businesses sued, claiming the state invaded their property rights, unconstitutionally restricted their right to travel, and violated other civil rights guaranteed in both the state and U.S. constitutions.

Status: Voluntarily dismissed by Plaintiffs on May 18, 2020, after Governor Newsom announced easing of some restrictions.

Antoon v. Newsom et al

Filed: May 7, 2020

Forum: Federal Court

Description: A yoga studio owner argues that the prolonged shelter-in-place orders have deprived him of his constitutional right to assemble, to own private property and to due process, as well as his constitutional protection from unreasonable search and seizure, and cruel and unusual punishment.

Status: On September 21, 2020, the case was reassigned from a magistrate judge to a U.S. District Judge, with the magistrate issuing the recommendation that the case be dismissed based on plaintiff's failure to prosecute. Case was dismissed on October 13, 2020.

Six et al v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: A group of California residents sued the state for non-economic harms.

Status: TRO and Order to Show Cause why PI Should Not Issue was denied on May 22, 2020. Case voluntarily dismissed by Plaintiffs on June 5, 2020.

Michie v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: Landlord filed suit arguing that restrictions on evictions have violated landlords' constitutional right to private property, to due process and to enter into and honor contracts.

Status: Voluntarily dismissed by Plaintiff on July 21, 2020.

South Bay United Pentecostal Church et al v. Newsom et al

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Filed: May 8, 2020

Forum: Federal Court

Description: Two religious institutions in San Diego County argue that the Governor's orders restrict their congregations' rights to free exercise of religion, to assembly, speech and due process, and constitute "excessive government entanglement with religion."

Status: TRO denied on May 15, 2020, and appealed to Ninth Circuit; appeal denied on May 22, 2020; appeal to the U.S. Supreme Court denied on May 29, 2020. A renewed motion for TRO/PI was filed by Plaintiffs and denied on October 15, 2020. The District Court has granted a motion allowing Defendants to respond to the Second Amended Complaint.

Bols v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: A San Diego landlord whose tenants include hair salons and churches filed suit, arguing that the shelter-in-place orders impinge on his constitutional rights to due process, equal protection under the law and private property.

Status: TRO denied on June 30, 2020. A Motion to Dismiss First Complaint is set for November 23, 2020.

Best Supplement Guide, LLC et al v. Newsom et al

Filed: May 12, 2020

Forum: Federal Court

Description: The operator of a small chain of gyms in Sacramento and Lodi argue that his rights to free speech, assembly, private property, due process, equal protection under the law and the ability to satisfy business contracts have been unconstitutionally impaired under public health orders. Plaintiffs sought a preliminary injunction (PI) and temporary restraining order (TRO) to prevent enforcement of the State orders.

Status: TRO and Order to Show Cause Why PI Should Not Issue were denied on May 22, 2020. A motion to dismiss filed by defendants was granted on October 27, 2020, and leave to file an amended complaint was denied.

Professional Beauty Federation of California et al v. Newsom et al

Filed: May 12, 2020

Forum: Federal Court

Description: Plaintiffs sued Governor Newsom and various state regulators for refusing to designate "barbering and cosmetology" services as essential, which would exempt them from the shelter-in-place order.

Status: TRO/PI denied June 8, 2020; Voluntarily dismissed by Plaintiffs on July 27, 2020.

Bryant et al v. Newsom et al

Filed: May 13, 2020

Forum: Federal Court

Description: Plaintiffs run a Christian nonprofit. They allege that the public health orders violate their constitutional rights to assemble, private property, due process and their

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“unspoken right to earn a lawful living,” as well as their constitutional protection from unreasonable search and seizure and cruel and unusual punishment.

Status: TRO denied on May 19, 2020. A motion by defendants to dismiss complaint was granted on September 8, 2020. Plaintiff’s filed an Amended Complaint on September 29, 2020, but then voluntarily dismissed all defendants in October, and the case was terminated on October 29, 2020.

Tresner v. Newsom et al

Filed: May 18, 2020

Forum: Federal Court

Description: Gym owner argues that the “strong-arm and forced closure” of his gym has cost \$100,000 and violated his rights to free speech, assembly, private property, due process, equal protection under the law and that his ability to satisfy business contracts has been unconstitutionally impaired.

Status: Pending; a related case order was filed on May 20, 2020, and there have been no new developments in the case to date. The related case *Best Supplement Guide, LLC et al v. Newsom et al* was dismissed.

Mountain Christian Fellowship et al v. Newsom et al

Filed: May 21, 2020

Forum: Federal Court

Description: Plaintiffs argue that churches and their congregants are having their constitutional right to religious expression, speech, assembly and equal protection under the law violated.

Status: Voluntarily dismissed by Plaintiffs on June 26, 2020.

Issa et al v. Newsom et al

Filed: May 21, 2020

Forum: Federal Court

Description: Congressional candidate and group of voters sued over executive order requiring issuance of mail-in ballots, claiming legislature has sole responsibility for setting election rules.

Status: Voluntarily dismissed by Plaintiffs on July 9, 2020, after Governor Newsom signed AB 860, a bill that largely mirrored the executive order.

Republican National Committee et al v. Newsom et al

Filed: May 24, 2020

Forum: Federal Court

Description: Plaintiffs sued over executive order requiring issuance of mail-in ballots, claiming legislature has sole responsibility for setting election rules.

Status: Voluntarily dismissed by Plaintiffs on July 9, 2020, after Governor Newsom signed AB 860, a bill that largely mirrored the executive order.

Stanislaus Funding, Inc. dba Patioworld v. Newsom et al

Filed: May 26, 2020

Forum: Federal Court

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Description: Owners of furniture outlet sued, arguing that the state and county orders violate their constitutional right to equal protection under the law, due process, interstate commerce and private property, while also saddling the business with “excessive fines.”

Status: Voluntarily dismissed by Plaintiffs on June 29, 2020.

Caymus Vineyards v. Newsom et al

Filed: May 28, 2020

Forum: Federal Court

Description: This suit contends that the state deprived the vineyard of its right to equal protection under the law, to due process and to private property.

Status: Voluntarily dismissed by Plaintiffs on June 10, 2020.

Forbes v. Macchione, Fache et al

Filed: May 31, 2020

Forum: Federal Court

Description: An individual sued the County of San Diego and Governor Newsom challenging, among other things, mask-wearing guidance/orders. Plaintiff argues that masks are unnecessary and ineffective and a violation of plaintiff’s constitutional rights.

Status: Motion to Dismiss Second Amended Complaint as to Gavin Newsom was filed on July 21, 2020. There has been additional briefing on the motion, there is no ruling yet nor hearing scheduled.

PCG-SP Venture I LLC dba V Palm Springs Hotel v. Newsom et al

Filed: June 2, 2020

Forum: Federal Court

Description: Plaintiff accused the state of violating its right to engage in commerce, to due process and equal protection under the law and to private property.

Status: TRO denied on June 23, 2020; stipulated dismissal on July 29, 2020.

Gallagher et al v. Newsom

Filed: June 11, 2020

Forum: State Court

Description: Assemblymen James Gallagher and Kevin Kiley challenge Governor Newsom’s executive order establishing special procedures for the conduct of the November 3 election in response to COVID. They argue that because election procedures are set by the Legislature, Governor Newsom’s order violates the separation of powers. Plaintiffs sought a TRO to prevent enforcement of the order.

Status: TRO was granted by the Superior Court on June 12, 2020, but overturned by the court of appeal on July 21, 2020. The Superior Court then issued a ruling on the underlying merits on November 13, 2020, finding that while the Emergency Services Act is constitutional, the Governor exceeded the authority granted to him under that Act by altering existing legislation through executive order. The ruling “enjoin[s] the Governor from exercising power under the California Emergency Services Act which amends, alters, or changes statutory law or makes new statutory or legislative policy.” The State has appealed this ruling.

Z Golf Food & Beverages Services, LLC et al v. Newsom et al

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Filed: June 17, 2020

Forum: Federal Court

Description: Three plaintiffs engaged in wedding-related businesses argue they are “no different from the permitted businesses of entertainment venues, dine-in restaurants, outdoor businesses, and religious services.” They argue that the state has violated their constitutional rights to equal treatment under the law and to due process.

Status: An amended complaint was filed on September 25, 2020. Voluntarily dismissed by plaintiffs on October 26, 2020.

Baber et al v. Newsom

Filed: July 5, 2020

Forum: Federal Court

Description: Plaintiffs argued that COVID-19 is not a new disease and that it is a funding scheme by the NIH.

Status: Voluntarily dismissed by Plaintiffs on August 14, 2020.

Calvary Chapel of Ukiah et al v. Newsom et al

Filed: July 5, 2020

Forum: Federal Court

Description: Three churches argue that the state restriction on indoor singing violates their constitutional rights to free exercise of religion and speech, and singles out church goers for special treatment compared to those who participate in secular activities, such as protests.

Status: Oral argument was held on November 8, 2020, regarding a pending motion for PI. The Court granted plaintiffs’ leave to file a sur-reply, which they did on November 9, 2020. The matter is taken under submission with a written order to be issued.

Harvest Rock Church, Inc. et al v. Newsom et al

Filed: July 17, 2020

Forum: Federal Court

Description: The lawsuit argues that governor’s restrictions violate the church’s constitutionally protected rights to religious expression, assembly, speech, equal protection under the law and the right to a “republican form of government.”

Status: TRO denied July 20, 2020; PI denied August 12, 2020; denial of PI appealed to Ninth Circuit and was denied. There is a petition for rehearing en banc pending from plaintiffs.

Brach et al v. Newsom et al

Filed: July 21, 2020

Forum: Federal Court

Description: Nine parents of students filed suit to challenge school closures, alleging the order violates the constitutional rights of students to equal protection under the law and to due process.

Status: A September 1, 2020 hearing on PI was vacated and the court has ordered the parties to submit briefing on summary judgment. Briefing has been submitted and is under consideration. On September 29, 2020, the time for Defendants to file responsive

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pleading was ordered extended until 30 days after the Court rules on sua sponte consideration of summary judgment.

Samuel A. Fryer Yavneh Academy et al v. Newsom et al

Filed: August 18, 2020

Forum: Federal Court

Description: Group of religious schools, parents and teachers argues that the governor's order singles out religious institutions because it "does not apply to equivalent operations such as childcare facilities and camps," that it interferes with each students' implied right to an education and on "parents' rights to direct the religious upbringing and education of their children."

Status: PI hearing was held September 28, 2020. The court took the matter under submission, but the case was dismissed pursuant to a stipulated order for dismissal on October 28, 2020.

Immanuel Schools et al v. Newsom

Filed: August 21, 2020

Forum: State Court

Description: Plaintiffs petitioned the California Supreme Court, arguing that the Governor's July executive order that placed new restrictions on when counties can start holding in-person school instruction violates the rights of both students to equal protection under the law and of parents who entered into private contracts with the schools.

Status: Petition denied on September 9, 2020.

Orange County Board of Education v. Newsom

Filed: August 21, 2020

Forum: State Court

Description: Plaintiff petitioned the California Supreme Court, arguing that the Governor's July executive order that placed new restrictions on when counties can start holding in-person school instruction violates the rights of students to equal protection under the law and the order places an unconstitutional burden on both students of color and those who experience disabilities.

Status: Petition denied on September 9, 2020.

Looney et al v. Newsom et al

Filed: September 11, 2020

Forum: State Court

Description: Plaintiffs are Shasta County residents with school age children who argue the Governor's public health orders violate their children's fundamental rights to quality education.

Status: First Amended Complaint filed October 28, 2020.

California Fitness Alliance et al v. Newsom et al

Filed: September 14, 2020

Forum: State Court

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Description: Group of gym owners argue that restrictions under Governor Newsom's orders were not applied narrowly enough and are not justified by the statewide death toll.
Status: Complaint was filed September 14, 2020. Next scheduled hearings are a hearing on motion for protective order on November 13, 2020, and a hearing on demurrer on January 22, 2021.

Culinary Studios, Inc. et al v. Newsom et al

Filed: September 21, 2020

Forum: Federal Court

Description: Plaintiffs are a group of mainly restaurant and hospitality businesses which argue the Governor's public health orders which prohibit indoor operations of their businesses violate their constitutional rights and amounts to a taking without just compensation under the Fifth Amendment.

Status: First Amended Complaint was filed on October 19, 2020.

Mitchell et al v. Newsom et al

Filed: September 22, 2020

Forum: Federal Court

Description: Tattoo artists challenge governor's order requiring them to close. Artists allege order deprives them of protected expression and because hair salons and other businesses of equal or greater health risk may reopen, order lacks content neutrality and narrow tailoring.

Status: Stipulated order staying action was entered on November 9, 2020. Parties are ordered to file additional status report or request for dismissal by December 4, 2020.

Reyes et al v. Newsom et al

Filed: September 24, 2020

Forum: State Court

Description: Three charter schools that operate exclusively online and 12 students and their families sued over new school funding rules implemented to deal with decreasing public school enrollment and increased charter school enrollment during the pandemic. Plaintiffs argue the new rules violate the state constitution, infringe on contracts between charter schools and the state, and deprive the schools and families of due process.

Status: Verified Petition for Writ of Mandate and Verified Class Action Complaint for Declaratory and Injunctive Relief filed September 24, 2020.

Midway Ventures LLC et al v. County of San Diego et al

Filed: October 21, 2020

Forum: State Court

Description: Plaintiffs, who operate two strip clubs in San Diego, argue the County's enforcement of the Governor's orders will significantly harm their businesses by prohibiting live entertainment, and that the County's enforcement efforts have singled out Plaintiff's businesses while not taking action against other live entertainment business.

Status: TRO granted on November 6, 2020, enjoining County and State from enforcing cease and desist orders prohibiting plaintiffs from providing live entertainment. OSC re Preliminary Injunction calendared for November 30, 2020.

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Excel Fitness Fair Oaks, LLC, et al v. Newsom et al.

Filed: October 27, 2020

Forum: Federal Court

Description: Plaintiffs argue that the state orders caused a total or partial regulatory taking of plaintiffs' property (when deemed non-essential) without just compensation and is seeking equitable and injunctive relief to enjoin enforcement of Defendants' orders, declaratory relief that Defendants' orders violate Plaintiffs' Fifth and Fourteenth Amendment rights, and California Constitutional rights, attorneys' fees and costs, and monetary damages.

Status: Complaint filed.

Ghost Golf, Inc. et al v. Newsom et al

Filed: October 28, 2020

Forum: State Court, Fresno Superior Court.

Description: Case was filed by the Pacific Legal Foundation on behalf of various businesses challenging the State's Blueprint for a Safer Economy. Petitioners assert that legislature cannot provide an open-ended delegation of authority to the Governor, even during a state of emergency under the separation of powers doctrine.

Status: Complaint filed.

Tucks Restaurant and Bar et al v. Newsom et al

Filed: November 11, 2020

Forum: Federal Court

Description: Case filed by various restaurants and a dining association challenging the Governor's authority to issue various COVID orders. Plaintiffs allege constitutional violations, including 14th Amendment equal protection and due process violations, infringement on the constitutional right to travel, and 1st and 5th Amendment violations. The complaint names various state and Nevada County public officials.

Status: Complaint Filed