

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

B & L PRODUCTIONS, INC., d/b/a
CROSSROADS OF THE WEST, et al.,
Plaintiffs,
v.
22nd DISTRICT AGRICULTURAL
ASSOCIATION, et al.,
Defendants.

Case No.: 3:19-cv-0134-CAB-NLS

**ORDER RE MOTION TO DISMISS
AND MOTION FOR SUMMARY
JUDGMENT AND SETTING
DISCOVERY SCHEDULE**

[Doc. No. 12]

The purpose of this order is to memorialize the preliminary injunction and the discovery schedule issued at the hearing on June 17, 2019. A reasoned opinion will follow in due course.

As stated at the hearing, Defendants' motion to dismiss is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the motion to dismiss is granted as to the individual defendants and denied as to the 22nd District Agricultural Association (the "District"). Plaintiffs' request that the Court enter summary judgment for Plaintiffs is also **DENIED WITHOUT PREJUDICE**.

At the same time, based on the evidence and argument contained in the briefing, the Court finds that Plaintiffs have established that they are likely to succeed on the merits against the District, that they are likely to suffer irreparable harm in the absence of preliminary relief, that the balance of the equities tip in their favor, and that an injunction

is in the public interest. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (listing the requirements for a preliminary injunction). Accordingly, Plaintiffs are entitled to preliminary injunctive relief, rather than the permanent injunctive relief they sought in their request for summary judgment in their favor. Specifically, the District is **ENJOINED** from enforcing the policy it adopted on September 11, 2018, pursuant to which it refused to allow any gun show events to be held at the Del Mar Fairgrounds during the 2019 calendar year. Thus, upon request by Plaintiff B & L Productions, Inc., d/b/a Crossroads of the West (“B&L”), the District must make available the next available date for a gun show and allow B&L to reserve dates for gun show events (and to hold such events) at the Fairgrounds as the District would any other show promoters who have previously held events at the Fairgrounds. This preliminary injunction will remain in effect until further order of the Court.

It is further **ORDERED** as follows:

1. Discovery in this matter shall begin immediately with a deadline of **August 16, 2019**;
2. Motion(s) for summary judgment shall be filed on or before **August 29, 2016**.
Oppositions shall be filed on or before **September 12, 2019**, and replies shall be filed on or before **September 19, 2019**; and,
3. A hearing on any motions for summary judgment is set for **September 26, 2019** at **10:00 a.m.**

It is **SO ORDERED**.

Dated: June 18, 2019



Hon. Cathy Ann Bencivengo
United States District Judge