

C.D. Michel – SBN 144258  
Sean A. Brady – SBN 262007  
Matthew D. Cubeiro – SBN 291519  
MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Blvd., Suite 200  
Long Beach, CA 90802  
Telephone: (562) 216-4444  
Facsimile: (562) 216-4445  
Email: [cmichel@michellawyers.com](mailto:cmichel@michellawyers.com)

Attorneys for Petitioners-Plaintiffs

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES  
CENTRAL DISTRICT**

TURNER’S OPERATIONS, INC., a  
California corporation; TRADERS LOAN  
AND JEWELRY, INC., a California  
corporation; FFLGuard, LLC, a Delaware  
limited liability company; and CALIFORNIA  
RIFLE & PISTOL ASSOCIATION,  
INCORPORATED, a California corporation,

Petitioners-Plaintiffs,

v.

ERIC GARCETTI, in his official capacity as  
Mayor of the City of Los Angeles;  
MICHAEL N. FEUER, in his official  
capacity as City Attorney of the City of Los  
Angeles; MICHAEL MOORE, in his official  
capacity as Chief of the Los Angeles Police  
Department; CITY OF LOS ANGELES; and  
DOES 1-25,

Respondents-Defendants.

Case No.: **20STCP01258**

**PETITION FOR WRIT OF MANDATE  
AND/OR PROHIBITION OR OTHER  
APPROPRIATE RELIEF; COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE  
RELIEF**

**UNLIMITED JURISDICTION**

1 Plaintiffs-Petitioners Turner’s Operations, Inc., Traders Loan and Jewelry, Inc.,  
2 FFLGuard, LLC, and the California Rifle & Pistol Association, Incorporated (collectively  
3 “Plaintiffs” or “Petitioners”), by and through their counsel, bring this Petition for Writ of Mandate  
4 and/or Prohibition or Other Appropriate Relief; Complaint for Declaratory and Injunctive Relief  
5 against Defendants-Respondents Eric Garcetti, in his official capacity as Mayor of the City of Los  
6 Angeles, Michael N. Feuer, in his official capacity as City Attorney of the City of Los Angeles,  
7 Michael Moore, in his official capacity as Chief of the Los Angeles Police Department, and the  
8 City of Los Angeles (collectively “Defendants,” “Respondents,” or “the City”) their employees,  
9 agents, and successors in office, and in support thereof allege the following.

## 10 INTRODUCTION

11 1. The COVID-19 pandemic has undeniably posed unprecedented challenges to our  
12 government officials who are understandably imposing significant measures that are genuinely  
13 designed to promote public safety in this time of crisis. Even in trying times like these, however,  
14 we remain a country of law and order. Indeed, an ordered legal system is potentially even more  
15 important in such times. While government has more leeway in times of emergency, it cannot  
16 abrogate limits on its authority in the name of public safety. That, however, is precisely what  
17 Respondents have done. Petitioners respectfully urge this Court to restore those limits.

18 2. In response to the COVID-19 pandemic, Respondent Los Angeles City Mayor Eric  
19 Garcetti recently enacted an emergency measure that orders residents not working in “essential”  
20 businesses to remain home with the aim of preventing the disease’s spread. While the Mayor’s  
21 written order does not expressly address gun stores, in public comments both the Mayor and Los  
22 Angeles City Attorney Michael Feuer proclaimed that any store that sells firearms must cease  
23 operations and close to the public indefinitely, citing the Covid-19 public health crisis. The Los  
24 Angeles Police Department (“LAPD”) began ordering firearm businesses to close on or about  
25 March 26, 2020 (the “City’s Order”). Pursuant to the City’s Order, gun stores operating in the  
26 City of Los Angeles, including Petitioners, will be subject to civil penalties, including fines and  
27 suspension of business license, as well as criminal penalties, including arrest and prosecution, for  
28

1 continuing to operate. The City has not given any indication when such stores may be allowed to  
2 re-open.

3 3. The City's Order is unlawful. It violates an express order by the State Public  
4 Health Officer and Director that workers in "16 critical infrastructure sectors" identified by the  
5 federal government continue to be allowed to work during the COVID-19 crisis. For "workers  
6 supporting the operation of firearm or ammunition product manufacturers, retailers, importers,  
7 distributors, and shooting ranges . . ." are among those sectors so identified.

8 4. The City's Order is also preempted by state law. California comprehensively  
9 regulates the sale of firearms. With the exception of transfers between parents and offspring, there  
10 is no lawful way for a California resident to acquire a firearm without going in person to a dealer  
11 who possesses both a federal and state license to sell firearms. (Pen. Code, §§ 26500, 27545.)  
12 LAPD's Order closing the only stores that have those licenses is thus effectively a ban on the sale  
13 of firearms in the City of Los Angeles. By banning gun sales, the City's Order is preempted  
14 because it contradicts numerous state laws, and because it seeks to regulate in a field that has been  
15 both expressly and impliedly preempted by state law.

16 5. The City's Order also violates the California Constitution twice over. First, by  
17 depriving Petitioners Turner's and Traders of their licenses to operate gun stores without due  
18 process of law. Second, by depriving members and supporters of Petitioner California Rifle &  
19 Pistol Association, Incorporated ("CRPA") from taking receipt of their lawfully purchased  
20 property, i.e., firearms they are entitled to pick but are located in shuttered Los Angeles gun stores  
21 under the City's Order.

22 6. Petitioners bring this petition seeking a peremptory writ of mandamus and stay of  
23 enforcement to prevent Respondents from enforcing the City's Order. Extraordinary writ relief is  
24 warranted in this case because there is no plain, speedy and adequate remedy in the ordinary  
25 course of law to relieve Petitioners of their injury caused by the City's Order, and because  
26 Respondents have a clear, present, and ministerial duty not to enforce the City's Order against  
27 Petitioners or anyone at any time, because it imposes an unlawful mandate and is thus invalid.

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7. A stay of enforcement is necessary to prevent gun store owners and operators located in the City of Los Angeles, including Petitioners, from being subjected to criminal or civil penalties, under the City's invalid Order during the course of this litigation.

8. Writ relief and injunctive relief are necessary to prevent Respondents from enforcing the City's unlawful Order permanently.

## AUTHENTICITY OF EXHIBITS

9. All accompanying exhibits are true and correct copies of the original documents. The exhibits are incorporated herein by reference as though fully set forth in this petition and complaint.

## PARTIES

## I. Petitioners-Plaintiffs

10. Petitioner-Plaintiff Turner's Operations, Inc. ("Turner's") is a California corporation and California's leading hunting, shooting, and fishing specialty store, and carries a complete assortment of firearms, ammunition, and firearm-related safety equipment. Turner's currently operates 28 retail stores that hold licenses to sell firearm throughout California. One of Turner's locations is in the city of Reseda, which falls within the jurisdiction of the LAPD. On or about Thursday, March 26, 2020, LAPD officers ordered Turner's Reseda store to close indefinitely. Turner's would immediately open its stores in Reseda to sell firearms and other goods, but refrains from doing so for fear of criminal or civil penalties under the City's Order.

11. Petitioner-Plaintiff Traders Loan and Jewelry, Inc., (“Traders Loan”) is a California corporation and operates a retail store located in the city of Reseda. As a California licensed firearms dealer, Traders Loan also sells new and pre-owned merchandise that includes firearms. On or about Thursday, March 26, 2020, LAPD officers ordered Traders Loan to cease selling firearms indefinitely but allowed it to continue its other activities relating to pawning items and lending money. Traders Loan would immediately resume selling firearms at its store in Reseda, but refrains from doing so for fear of criminal or civil penalties under the City’s Order.

12. Petitioner-Plaintiff FFLGuard, LLC (“FFLGuard”) is a Delaware limited liability company located at 244 Fifth Ave., Suite 1960, New York, New York 10001. FFLGuard offers a

1 cooperative compliance and legal defense membership program for licensed operators of gun  
2 stores, providing members with lawyers, subject matter experts, professionals and para-  
3 professionals who are specialists in the area of firearms law and compliance. Its program further  
4 engages in legal advocacy for members affected by laws in the members' respective states where  
5 they conduct business, including California. This case falls squarely within the interest of  
6 FFLGuard and its members who are licensed gun dealers whose stores have been or may become  
7 closed as a result of a municipal health order issued in response to Covid-19.

8 13. The California Rifle and Pistol Association, Incorporated ("CRPA") is a California  
9 corporation and non-profit membership organization dedicated to the preservation and  
10 advancement of the Second Amendment rights of its individual members and the public. CRPA  
11 promotes the responsible use of firearms for lawful purposes including self-defense, hunting, and  
12 shooting sports. CRPA provides education, training, and organized competition for adult and  
13 junior shooters. CRPA's membership is comprised of a diverse cross-section of the general  
14 public, including competitive and recreational shooters, hunters, youth, women, law enforcement,  
15 firearm experts, trainers, and loving parents who choose to own a firearm. CRPA members who  
16 reside in the city of Los Angeles seek to lawfully acquire firearms and ammunition. CRPA  
17 members who reside outside the city of Los Angeles travel to the city to purchase firearms and  
18 ammunition from licensed vendors, including Petitioners Turner's and Traders Loan. Under the  
19 City's Order, CRPA members are indefinitely precluded from purchasing or retrieving already-  
20 purchased firearms from licensed vendors located in the City of Los Angeles, including from  
21 Petitioners Turner's and Traders Loan. In this suit, CRPA represents the interests of its members  
22 and supporters, including individuals and licensed gun store owners who are too numerous to  
23 conveniently bring into this action individually. These members' interests include lawful access to  
24 firearms and ammunition within the City of Los Angeles.

## 25 **II. Respondents-Defendants**

26 14. Respondent-Defendant Eric Garcetti is the Mayor of the City of Los Angeles. In  
27 that capacity, he is "the Director of the Emergency Operations Organization" under the Los  
28

1 Angeles Administrative Code and thus has authority over all emergency operations conducted by  
2 city personnel. (City of L.A. Administrative Code, § 8.29.) He is sued in his official capacity.

3 15. Respondent-Defendant Michael Feuer is the duly elected City Attorney of the City  
4 of Los Angeles who is tasked with enforcing violations of the City's Order, and as such is sued in  
5 his official capacity.

6 16. Respondent-Defendant Michael Moore is the Chief of the Los Angeles Police  
7 Department ("LAPD") and is responsible for enforcement of the City's Order that Petitioners  
8 challenge as unlawful. Chief Moore enforces the City's Order through employees, agents, and  
9 representatives of the LAPD, and as such is sued in his official capacity.

10 17. Respondent-Defendant the City of Los Angeles is a municipal corporation within  
11 the state of California whose officials, employees, and agents enacted and enforce the City's  
12 Order to close gun stores within its borders.

13 18. The true names or capacities, whether individual, corporate, associate or otherwise  
14 of the Respondents-Defendants named herein as Does 1-25, are presently unknown to Plaintiffs-  
15 Petitioners, who therefore sue said Defendants-Respondents by such fictitious names. Plaintiffs-  
16 Petitioners pray for leave to amend this Petition/Complaint to show the true names or capacities  
17 of these Defendants-Respondents if and when the same have been determined.

#### 18 JURISDICTION AND VENUE

19 19. This Court has jurisdiction under sections 525, 526, 1060, 1085, and 1087 of the  
20 California Code of Civil Procedure and other applicable laws and constitutional provisions. This  
21 Court also has jurisdiction because Plaintiffs/Petitioners lack a "plain, speedy, and adequate  
22 remedy, in the ordinary course of law." (Code Civ. Proc., § 1086.)

23 20. Because this action is brought against public officers of the City of Los Angeles  
24 and against the City itself, this action is properly brought in the City of Los Angeles. (Cal. Code  
25 of Civ. Proc., §§ 393, subd. (b), 394 subd. (a).) Further, several of the Plaintiffs/Petitioners reside  
26 or are located in Los Angeles and the claims at issue in this litigation arise in Los Angeles.

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## FACTUAL BACKGROUND

### I. Applicable Legal Principles

21. Any person who desires a declaration of his or her rights or duties can bring an action in the superior court for a declaration of his or her rights and duties. “The declaration may be either affirmative or negative in form and effect, and the declaration shall have the force of a final judgment.” (Code Civ. Proc., § 1060.)

22. Under California law, a local government’s enforcement activity is preempted if it “duplicates, contradicts, or enters an area fully occupied by general law, either expressly or by legislative implication.” (*Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 897.)

23. California Government Code section 53071 provides: “It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivision as defined in Section 1721 of the Labor Code.”

24. Section 7 of Article I of the California Constitution provides, in relevant part: “A person may not be deprived of life, liberty, or property without due process of law . . . .”

### II. California’s Statutory Scheme for Firearm Sales

25. With very limited exceptions, all lawful firearm transactions conducted in California must be processed by a properly licensed firearms dealer (an “FFL”). (Pen. Code, §§ 26500, 27545.) To become an FFL, one must obtain a federal license, any necessary local license, a valid seller’s permit issued by the State Board of Equalization, and a valid certificate of eligibility issued by the California Department of Justice, Bureau of Firearms (“DOJ”), and be listed on DOJ’s Centralized List of Firearm Dealers. (Pen. Code, §§ 27600-26705; See also Cal. Code Regs. tit. 11, §§ 4016-4024.) Such licenses must be renewed annually. (*Ibid.*)

26. To even be eligible to attempt to purchase a firearm in California, an individual must have a valid firearm safety certificate (“FSC”), which can only be obtained through an FSC instructor certified by the DOJ. (Pen. Code, §§ 27540, 31610-31670.) Obtaining an FSC requires

1 securing a minimum passing score on a written test and payment of a fee. (Pen. Code, § 31645,  
2 subd. (a), 31650.)

3       27. Once an FSC holder, a prospective firearm purchaser must provide the FFL with  
4 personal information, including clear evidence of identity and age. (Pen. Code, § 27540.)<sup>1</sup> This  
5 information is inserted into a Dealer Record of Sale (“DROS”), which is used to complete the  
6 background check that a purchaser generally must undergo prior to taking delivery of a firearm.  
7 (Pen. Code, §§ 28205 subd. (c), 28220.) A DROS must be submitted to DOJ via the DROS Entry  
8 System (“DES”). (Pen. Code, § 28205 subd. (c); *see also* Cal. Code Regs., tit. 11 §§ 4200-4240.)  
9 Generally, only FFLs and their employees have access to DES and can submit a DROS to DOJ.  
10 (Cal. Code Regs., tit. 11 § 4210, subd. (a).) DOJ will then use the DROS to examine its records  
11 and the National Instant Criminal Background Check System (“NICS”) to determine the  
12 purchaser’s eligibility to acquire and possess firearms. (Pen. Code, § 28220.) The purchaser is  
13 required to pay a \$31.19 fee in addition to other statutorily mandated fees for this process. (Pen.  
14 Code, § 28233, subd. (a).)

15       28. After purchasing a firearm, a purchaser must generally return to the FFL at least 10  
16 days later before taking receipt of it, during which time the FFL maintain possession of it. (Pen.  
17 Code, § 27540, subd. (a).) Assuming the purchaser passes the background check and completes a  
18 safe-handling demonstration, the FFL will release custody of the firearm, along with a DOJ-  
19 approved firearm safety device. (Pen. Code, § 23635.)

20       29. Nothing in state law expressly grants local government or officials authority to ban  
21 firearm sales within their jurisdictions. State law does, however, expressly state that “[n]o permit  
22 or license to ***purchase***, own, possess, keep, or carry, either openly or concealed, shall be required  
23 of any United States Citizen or legal resident over the age of 18” in California who is not  
24 otherwise prohibited from owning or possessing firearms. (Pen. Code, § 25605, subd. (b).)

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28 <sup>1</sup> If the transaction involves a handgun, the purchaser must also present additional  
documentation indicating they are a California resident. (Pen. Code, § 268455.)



### III. State Emergency Orders

30. In response to the novel coronavirus (COVID-19) pandemic, Governor Gavin Newsom proclaimed a State of Emergency on March 4, 2020. (See Exhibit A.) Then, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing California residents “to immediately heed the current State public health directives” developed by the Department of Public Health. (See Exhibit B.) Contained in Executive Order N-33-20 is an order from the State Public Health Officer and Director indefinitely ordering “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors . . .” (*Ibid.*) That order clarified that Californians working in the “16 critical infrastructure sectors” identified by the federal government “may continue their work because of the importance of these sectors to Californian’s health and well-being.” (*Ibid.*; See also Exhibit C.) On March 28, 2020, Christopher C. Krebs, Director of the federal Cybersecurity and Infrastructure Security Agency (“CISA”), issued an advisory memorandum expressly clarifying that CISA considers “workers supporting the operation of *firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges*” to be part of the nation’s “Essential Critical Infrastructure Workforce.” (See Exhibit D.)

### IV. LAPD’s Policy Ordering Gun Stores to Close

31. On the same day that Governor Newsom proclaimed a State of Emergency, Respondent Mayor Eric Garcetti likewise declared “the existence of a local emergency” for the City of Los Angeles, which, among other provisions, ordered the “Emergency Operations Organization (EOO) to take the necessary steps for the protection of life, health and safety in the City of Los Angeles.” (See Exhibit E.) Following his declaration, Mayor Garcetti issued a “Public Order Under City of Los Angeles Emergency Authority” on March 15, 2020, which imposed “a series of temporary restrictions” placed on local businesses “in which large numbers of people tend to gather and remain in close proximity.” (See Exhibit F.) Under this order, businesses such as nightclubs that do not serve food, movie theaters, live performance venues, bowling alleys, and other types of businesses were ordered closed. (*Ibid.*) California licensed firearm dealers and

1 licensed ammunition vendors operating within the City of Los Angeles were not included among  
2 those expressly listed businesses ordered to close under the Mayor's March 15 order.

3 32. On March 19, 2020, Mayor Garcetti issued a new public order dubbed "Safer at  
4 Home," claiming that the City "must adopt additional emergency measures to further limit the  
5 spread of COVID-19." (*See* Exhibit G.) But instead of listing additional businesses that must  
6 close, this new order instead listed certain businesses as "essential." The list was expressly *not*  
7 exhaustive, stating that business operations and activities that are exempt include, but are not  
8 limited to:

- 9 • Stores that sell non-grocery products and products necessary to maintaining the safety,  
10 sanitation, and essential operation of residences;
- 11 • Private security personnel and other service providers who provide services to maintain  
12 safety of other essential businesses;
- 13 • Professional services when necessary to assist in compliance with legally mandated  
14 activities; and,
- 15 • Military and/or Defense Contractors.

16 (*Ibid.*)

17 33. Failure to comply with Respondent Mayor Garcetti's "Safer at Home" order "shall  
18 constitute a misdemeanor subject to fines and imprisonment." (*Ibid.* at p. 6) It also "urge[s] the  
19 Los Angeles Police Department and the City Attorney to vigorously enforce this Order via  
20 Sections 8.77 and 8.78 of the Los Angeles Administrative Code." (*Ibid.*)

21 34. Neither Respondent Mayor Garcetti's March 15 order nor his March 19 order  
22 expressly mentions gun stores.

23 35. On March 24, 2020, Mayor Garcetti and Los Angeles City Attorney Michael Feuer  
24 issued a joint statement stating that the City would ensure "strong enforcement" of the its "Safer  
25 at Home" order. (*See* Exhibit H.) That same day, Mayor Garcetti held a press conference in which  
26 he stated the City would shut off water and power to "non-essential" businesses that continued to  
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28

1 operate despite the requirements of the City’s “Safer at Home” order.<sup>2</sup> Respondent City Attorney  
2 Mike Feuer also determined “gun shops to be nonessential and must close, and that . . . only ‘life-  
3 sustaining’ businesses, such as grocery stores and pharmacies, can be open.” (*See* Exhibit I.)  
4 Respondent Feuer was also reported to have said: “There’s nothing essential about being able to  
5 purchase a new handgun.” (*Ibid.*)

6 36. On March 25, 2020, Governor Newsom was asked whether his office or the state  
7 of California would provide official guidance on whether California licensed firearm dealers  
8 and/or licensed ammunition vendors are “essential businesses” allowed to remain open during the  
9 COVID-19 crisis. In response to this question, Governor Newsom stated that he believes “in  
10 people’s right to bear arms” but that he would “defer to the sheriff in this instance, and [] defer to  
11 sheriffs in their respective jurisdictions for that clarification.” (*See* Exhibit J.)

12 37. The following day, Los Angeles County Sheriff Alex Villanueva issued a  
13 statement that by his order, and “in compliance with Executive Order-N-33-20,” California  
14 licensed firearm dealers and licensed ammunition vendors are not considered essential businesses  
15 and must close to the general public. (*See* Exhibit K.) Sheriff Villanueva also stated that he  
16 “conferred with the Los Angeles County Police Chiefs Association” and has “deferred to the  
17 discretion of each individual chief of police as to their own jurisdictions” on this issue. (*Ibid.*)

18 38. Within hours of Sheriff Villanueva’s statement, LAPD officers contacted  
19 Petitioners ordering the closure of their business because they sell firearms and ammunition. On  
20 or about Thursday, March 26, 2020, LAPD officers contacted both Turner’s and Traders Loan  
21 ordering them to close as a result of Respondents deeming their businesses non-essential during  
22 the COVID-19 pandemic. Fearing criminal or civil penalties for refusing to comply with the  
23 officers’ order, Petitioners responded to the Order by closing their stores. While there is no  
24 writing memorializing the City’s Order to Petitioners’ knowledge, the public statements from  
25 Respondents Mayor Garcetti and City Attorney Feuer, coupled with LAPD personnel under the  
26 direction of Respondent Chief Moore ordering Petitioners to close their stores, Respondents have  
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28 <sup>2</sup> A recording of this press conference can be viewed online at  
<https://www.facebook.com/watch/?ref=external&v=209604927047721>.

1 adopted a policy of closing all gun stores in the City of Los Angeles and have instructed LAPD  
2 personnel to enforce that order.

3 **THE CITY'S ORDER CLOSING STORES THAT SELL FIREARMS**  
4 **IS UNLAWFUL ON MULTIPLE GROUNDS**

5 **Order of the State Public Health Officer and Director**

6 39. Contained in Executive Order N-33-20 is an order from the State Public Health  
7 Officer and Director indefinitely ordering "all individuals living in the State of California to stay  
8 home or at their place of residence except as needed to maintain continuity of operations of the  
9 federal critical infrastructure sectors . . . ." That Health Department order contained in Executive  
10 Order N-33-20 clarified that Californians working in the "16 critical infrastructure sectors"  
11 identified by the federal government "may continue their work because of the importance of these  
12 sectors to Californian's health and well-being."

13 40. Christopher C. Krebs, Director of the federal Cybersecurity and Infrastructure  
14 Security Agency ("CISA"), issued a memorandum clarifying the list of job descriptions that CISA  
15 considers part of the nation's "Essential Critical Infrastructure Workforce" and "16 critical  
16 infrastructure sectors" to expressly include "workers supporting the operation of *firearm or*  
17 *ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.*"

18 41. Under federal law CISA's "list is advisory in nature" and "is not, nor should it be  
19 considered, a *federal* directive." Nonetheless, it has the effect of a mandatory directive in  
20 California because, through Executive Order N-33-20 the State Public Health Officer and  
21 Director has ordered that Californians working in the "16 critical infrastructure sectors" identified  
22 by the federal government be allowed to continue working.

23 42. California has incorporated the federal guidelines, including the recent  
24 clarifications to those guidelines by CISA that expressly include gun stores are critical  
25 infrastructure, into its order by referencing them and mandating that they all be complied with.  
26 The operation of firearm retailers and ranges seeking to perform their jobs and duties within one  
27 of the 16 federally identified sectors is thereby protected by the State Public Health Officer and  
28 Director's order.

1           43.     The State of California implicitly recognizes the critical nature of preserving and  
2     facilitating the lawful transfer of firearms for law enforcement, security, and public safety while  
3     under the threat of COVID-19. Even under the current circumstances, the State has chosen to  
4     ensure that its firearm and ammunition transfer workforce and systems at DOJ have been and  
5     remain available and functioning to facilitate lawful transfers of firearms and ammunition.  
6     Tellingly, Los Angeles County Sheriff Villanueva retracted his order to close gun stores in light  
7     of CISA’s memorandum. (*See* Exhibit L.)

8           44.     The State Public Health Officer and Director’s order also expressly incorporates  
9     Government Code section 8665, which states that: “[a]ny person who violates any of the  
10    provisions of this chapter or who refuses or willfully neglects to obey any lawful order or  
11    regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor  
12    and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars.”  
13    It is thus a crime for anyone, including local officials, to refuse to comply with that order.

14           **Preemption**

15           45.     Well over a decade ago, the question of whether state law preempts local bans on  
16    selling firearms was unequivocally answered by an appellate court, which held that it does on  
17    various grounds. *Fiscal v. City and County of San Francisco* (2008) 158 Cal.App.4th 895.

18           46.     The City’s Order is effectively a local ban on the sale of firearms and in the case of  
19    Petitioner Traders Loan is being enforced expressly as a ban on firearm sales because the City is  
20    allowing Petitioner Traders Loan to stay open to conduct its other services, such as pawning items  
21    and loaning money, but cannot sell firearms. California law requires firearms to be transferred  
22    through an FFL. If FFLs like Petitioners are closed or prohibited from selling firearms, there is no  
23    way to lawfully sell firearms.

24           47.     The City’s Order is thus preempted for the same reasons the local firearm sales ban  
25    was deemed preempted in *Fiscal*, because it contradicts numerous state laws, and because it  
26    attempts to regulate in a field that has been both expressly and impliedly preempted by state law.  
27    Specifically, the City’s Order:

28           a.     contradicts Penal Code § 25605, subd. (b), which provides: “No permit or license

to ***purchase***, own, possess, keep, or carry, either openly or concealed, shall be required of any United States Citizen or legal resident over the age of 18” in California who is not otherwise prohibited from owning or possessing firearms;

- b. violates Government Code section 53071 because that provision expressly preempts “all local regulations, relating to registration or licensing of commercially manufactured firearms,” and the City’s Order effectively cancels Petitioners licenses to sell firearms;
- c. duplicates and contradicts the Unsafe Handgun Act as codified in Penal Code sections 31900 through 32110; and
- d. seeks to nullify a statewide, carefully-crafted and comprehensive system for regulating firearm sales that clearly indicates the State’s intent that it be free from local regulation and is thus impliedly preempted. (See Pen. Code, §§ 26500-28490.)

48. No provision in California law conferring local officials with emergency powers relieves those officials of their duty to adhere to preemption principles.

### **Due Process**

49. The City’s Order nullifies Petitioners’ Turner’s and Traders Loans’s licenses to sell firearms.

50. Petitioners have a property interest in their licenses which they cannot be deprived of without due process.

51. The City’s Order provided Petitioners no reasonable notice before their stores were ordered closed.

52. The City’s Order provided Petitioners no opportunity to be heard before their stores were ordered closed.

53. The City’s Order arbitrarily targets gun stores for closure.

54. The City’s Order deprives members and supporters of Petitioner CRPA of their property, firearms that are being held at shuttered Los Angeles FFLs and thus inaccessible.

55. Members and supporters of Petitioner CRPA have a property interest in their

1 firearms that are being held at shuttered Los Angeles FFLs and thus inaccessible, which they  
2 cannot be deprived of without due process.

3 56. The City's Order provided members and supporters of Petitioner CRPA no  
4 reasonable notice before their property was made inaccessible.

5 57. The City's Order provided members and supporters of Petitioner CRPA no  
6 opportunity to be heard before their property was made inaccessible.

7 58. The City's Order arbitrarily targets the property of members and supporters of  
8 Petitioner CRPA for deprivation.

9 **ABSENCE OF ADEQUATE LEGAL REMEDY**

10 59. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of  
11 law because the Order prohibits them from operating their gun-store businesses, which they are  
12 lawfully licensed to do by the State of California and the federal government. Petitioners have no  
13 ordinary remedy available to them to prevent from being subjected to serious harm, namely  
14 criminal arrest and prosecution and/or civil penalties, including suspension of their business  
15 licenses, under an unconstitutionally preempted ordinance. If Petitioners are denied the requested  
16 relief, they will be forced to forego activities they are entitled, and duly licensed to perform under  
17 state law.

18 **FIRST CAUSE OF ACTION**  
19 **(FOR WRIT OF MANDATE)**  
**VIOLATION OF STATE ORDER**

20 60. Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

21 61. The City's Order requiring gun stores to close is invalid because it contradicts the  
22 order issued by the State Public Health Officer and Director mandating that Californians working  
23 in the "16 critical infrastructure sectors" identified by the federal government be allowed to  
24 continue working, which includes "workers supporting the operation of firearm or ammunition  
25 product manufacturers, retailers, importers, distributors, and shooting ranges."

26 62. Respondents have a clear, present, and ministerial duty not to enforce the City's  
27 Order against Petitioners or anyone at any time because it contradicts the order issued by the State  
28 Public Health Officer and Director mandating that Californians working in the "16 critical

1 infrastructure sectors” identified by the federal government be allowed to continue working,  
2 which includes “workers supporting the operation of firearm or ammunition product  
3 manufacturers, retailers, importers, distributors, and shooting ranges” and is therefore invalid and  
4 unenforceable.

5 63. Petitioners are beneficially interested in the outcome of these proceedings because  
6 they are subject to the City’s Order and will benefit from the issuance of a writ commanding  
7 Respondents not to enforce an unlawful policy.

8 64. Petitioners have a clear, present, and legal right for the Respondents to stop  
9 enforcing the City’s Order because it is invalid and unenforceable.

10 65. Respondents have a present legal duty not to enforce policies like the City’s Order  
11 that unlawfully contradict state law, and Respondents have the ability to cease enforcing the  
12 City’s Order immediately.

13 66. Respondents have failed and refused to abide by provisions of the order issued by  
14 the State Public Health Officer and Director mandating that Californians working in the “16  
15 critical infrastructure sectors” identified by the federal government be allowed to continue  
16 working, which includes “workers supporting the operation of firearm or ammunition product  
17 manufacturers, retailers, importers, distributors, and shooting ranges” which prohibit  
18 municipalities from enacting policies like the City’s Order.

19 67. Peremptory writ relief is necessary because Petitioners have no plain, speedy, or  
20 adequate legal remedy to prevent the ongoing harm caused by Respondents’ enforcement of the  
21 City’s Order in contradiction of the State Public Health Officer and Director mandating that  
22 Californians working in the “16 critical infrastructure sectors” identified by the federal  
23 government be allowed to continue working, which includes “workers supporting the operation of  
24 firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting  
25 ranges.”

26 68. Accordingly, Petitioners seek a writ of mandate, pursuant to Code of Civil  
27 Procedure sections 1085 and 1087, commanding Respondents to immediately and totally cease  
28 enforcing the City’s Order because it contradicts the State Public Health Officer and Director



1 mandating that Californians working in the “16 critical infrastructure sectors” identified by the  
2 federal government be allowed to continue working, which includes “workers supporting the  
3 operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and  
4 shooting ranges.”

5 **SECOND CAUSE OF ACTION**  
6 **(FOR DECLARATORY AND INJUNCTIVE RELIEF)**  
7 **VIOLATION OF STATE ORDER**

8 69. Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

9 70. The City’s Order requiring gun stores to close is invalid because it contradicts the  
10 order issued by the State Public Health Officer and Director mandating that Californians working  
11 in the “16 critical infrastructure sectors” identified by the federal government be allowed to  
12 continue working, which includes “workers supporting the operation of firearm or ammunition  
13 product manufacturers, retailers, importers, distributors, and shooting ranges.”

14 71. Plaintiffs seek declaratory relief because they contend the City’s Order contradicts  
15 the order issued by the State Public Health Officer and Director mandating that Californians  
16 working in the “16 critical infrastructure sectors” identified by the federal government be allowed  
17 to continue working, which includes “workers supporting the operation of firearm or ammunition  
18 product manufacturers, retailers, importers, distributors, and shooting ranges,” and is therefore  
19 invalid and unenforceable. Defendants dispute this contention and contend that the City’s Order  
20 does not contradict the state’s order and is valid and enforceable law. An active controversy now  
21 exists between Plaintiffs and Defendants as to whether the City’s Order is valid and enforceable.

22 72. To resolve this controversy, Plaintiffs request that, pursuant to California Code of  
23 Civil Procedure section 1060, this Court declare that the City’s Order is invalid and  
24 unenforceable.

25 73. Plaintiffs also seek injunctive relief pursuant to sections 525 and 526 of the Code  
26 of Civil Procedure because the City’s Order contradicts the order issued by the State Public  
27 Health Officer and Director mandating that Californians working in the “16 critical infrastructure  
28 sectors” identified by the federal government be allowed to continue working, which includes

1 “workers supporting the operation of firearm or ammunition product manufacturers, retailers,  
2 importers, distributors, and shooting ranges.”

3 74. Defendants’ enactment and enforcement of the City’s Order, unless enjoined by  
4 order of this Court, will continue to cause irreparable injury to Plaintiffs Turner’s and Traders  
5 Loan who will be forced to cease the lawful operation of their firearm and ammunition businesses  
6 or face criminal arrest and prosecution and/or civil penalties for violating a policy that contradicts  
7 state mandates. Defendants’ enactment and enforcement of the City’s Order, unless enjoined by  
8 order of this Court, will continue to cause irreparable injury to members and supporters of  
9 Plaintiff CRPA, who will be indefinitely unable to exercise their rights under California law and  
10 the Second Amendment to lawfully acquire new or retrieve already-purchased firearms within the  
11 City of Los Angeles.

12 75. Defendants’ wrongful conduct will be of a continuing and indefinite nature for  
13 which Plaintiffs will have no adequate remedy at law in that it will be impossible for them to  
14 determine monetary damages caused by Defendants’ wrongful conduct.

15 76. Accordingly, Plaintiffs seek a preliminary and permanent injunction forbidding  
16 Defendants from enforcing the City’s Order because it contradicts the order issued by the State  
17 Public Health Officer and Director mandating that Californians working in the “16 critical  
18 infrastructure sectors” identified by the federal government be allowed to continue working,  
19 which includes “workers supporting the operation of firearm or ammunition product  
20 manufacturers, retailers, importers, distributors, and shooting ranges.”

21 **THIRD CAUSE OF ACTION**  
22 **(FOR WRIT OF MANDATE)**  
23 **PREEMPTION - CONTRADICTION OF STATE LAW**

24 77. Petitioners re-allege all prior paragraphs and incorporate them fully herein.

25 78. The City’s Order requiring gun stores to close is invalid because it contradicts state  
26 law and is therefore preempted.

27 79. Respondents have a clear, present, and ministerial duty not to enforce the City’s  
28 Order against Petitioners or anyone at any time because it contradicts state law and it therefore  
violates the California Constitution.

1           80.     Petitioners are beneficially interested in the outcome of these proceedings because  
2 they are subject to the City's Order and will benefit from the issuance of a writ commanding  
3 Respondents not to enforce an unconstitutional policy that contradicts state law.

4           81.     Petitioners have a clear, present, and legal right for the Respondents to stop  
5 enforcing the City's Order because it contradicts state law.

6           82.     Respondents have a present legal duty not to enforce policies like the City's Order  
7 that unconstitutionally contradict state law, and Respondents have the ability to cease enforcing  
8 the City's Order immediately.

9           83.     Respondents have failed and refused to abide by provisions of the California  
10 Constitution which prohibit municipalities from enacting policies like the City's Order that  
11 contradict state law.

12           84.     Peremptory writ relief is necessary because Petitioners have no plain, speedy, or  
13 adequate legal remedy to prevent the ongoing harm caused by Respondents' enforcement of the  
14 City's Order in contradiction of state law.

15           85.     Accordingly, Petitioners seek a writ of mandate, pursuant to Code of Civil  
16 Procedure sections 1085 and 1087, commanding Respondents to immediately and totally cease  
17 enforcing the City's Order because it contradicts state law.

18                               **FOURTH CAUSE OF ACTION**  
19                               **(FOR DECLARATORY AND INJUNCTIVE RELIEF)**  
20                               **PREEMPTION - CONTRADICTION OF STATE LAW**

21           86.     Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

22           87.     The City's Order requiring gun stores to close is invalid because it contradicts state  
23 law and is therefore preempted.

24           88.     Plaintiffs seek declaratory relief because they contend the City's Order contradicts,  
25 and is therefore preempted by, California law. Defendants dispute this contention and contend  
26 that the City's Order does not contradict state law. An active controversy now exists between  
27 Plaintiffs and Defendants as to whether the City's Order contradicts state law.

28     ///

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1           89. To resolve this controversy, Plaintiffs request that, pursuant to California Code of  
2 Civil Procedure section 1060, this Court declare that the City's Order contradicts state law and is  
3 therefore preempted and unconstitutional.

4           90. Plaintiffs also seek injunctive relief pursuant to sections 525 and 526 of the Code  
5 of Civil Procedure because the City's Order contradicts state law.

6           91. Defendants' enactment and enforcement of the City's Order, unless enjoined by  
7 order of this Court, will continue to cause irreparable injury to Plaintiffs Turner's and Traders  
8 Loan who will be forced to cease the lawful operation of their firearm and ammunition businesses  
9 or face criminal arrest and prosecution and/or civil penalties for violating a policy that contradicts  
10 state mandates. Defendants' enactment and enforcement of the City's Order, unless enjoined by  
11 order of this Court, will continue to cause irreparable injury to members and supporters of  
12 Plaintiff CRPA, who will be indefinitely unable to exercise their rights under California law and  
13 the Second Amendment to lawfully acquire new or retrieve already-purchased firearms within the  
14 City of Los Angeles.

15           92. Defendants' wrongful conduct will be of a continuing and indefinite nature for  
16 which Plaintiffs will have no adequate remedy at law in that it will be impossible for them to  
17 determine monetary damages caused by Defendants' wrongful conduct.

18           93. Accordingly, Plaintiffs seek a preliminary and permanent injunction forbidding  
19 Defendants from enforcing the City's Order because it contradicts state law.

20                           **FIFTH CAUSE OF ACTION**  
21                           **(FOR WRIT OF MANDATE)**  
22                           **FIELD PREEMPTION - EXPRESS**

23           94. Petitioners re-allege all prior paragraphs and incorporate them fully herein.

24           95. The City's Order is unconstitutional because it regulates in a field that has been  
25 expressly preempted by section 53071 of the California Government Code; specifically, the  
26 "licensing of commercially manufactured firearms."

27           96. Respondents have a clear, present, and ministerial duty not to enforce the City's  
28 Order against Petitioners or anyone at any time because it is expressly preempted by state law and  
is therefore unconstitutional.

1           97.     Petitioners are beneficially interested in the outcome of these proceedings because  
2 they are subject to the City's Order and will benefit from the issuance of a writ commanding  
3 Respondents not to enforce an unconstitutional ordinance that is expressly preempted by section  
4 53071 of the California Government Code.

5           98.     Petitioners have a clear, present, and legal right for Respondents to stop enforcing  
6 the City's Order because it violates the California Constitution due to express preemption by  
7 section 53071 of the California Government Code.

8           99.     Respondents have a present legal duty not to enforce ordinances like the City's  
9 Order that are expressly preempted by state law, and Respondents have the ability to immediately  
10 cease enforcing the City's Order.

11          100.    Respondents have failed and refused to abide by provisions of the California  
12 Constitution which prohibit municipalities from enacting policies like the City's Order that are  
13 expressly preempted by state law.

14          101.    Peremptory writ relief is necessary because Petitioners have no plain, speedy, or  
15 adequate legal remedy to prevent the ongoing harm caused by Respondents' enforcement of the  
16 City's Order in violation of California Government Code section 53071.

17          102.    Accordingly, Petitioners seek a writ of mandate, pursuant to Code of Civil  
18 Procedure sections 1085 and 1087, commanding Respondents to immediately stop enforcing the  
19 City's Order at any time because it is expressly preempted by state law.

20                   **SIXTH CAUSE OF ACTION**  
21                   **(FOR DECLARATORY AND INJUNCTIVE RELIEF)**  
22                   **FIELD PREEMPTION - EXPRESS**

23          103.    Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

24          104.    The City's Order is unconstitutional because it regulates in a field that has been  
25 expressly preempted by section 53071 of the California Government Code.

26          105.    Plaintiffs seek declaratory relief because they contend the City's Order is expressly  
27 preempted by section 53071 of the California Government Code. Defendants dispute this  
28 contention and contend that the City's Order is not expressly preempted by state law. An active

1 controversy now exists between Plaintiffs and Defendants as to whether the City's Order is  
2 expressly preempted by state law.

3 106. To resolve this controversy, Plaintiffs request that, pursuant to California Code of  
4 Civil Procedure section 1060, this Court declare that the City's Order is expressly preempted by  
5 state law and is therefore unconstitutional.

6 107. Plaintiffs also seek injunctive relief pursuant to sections 525 and 526 of the Code  
7 of Civil Procedure because the City's Order is expressly preempted by state law.

8 108. Defendants' enactment and enforcement of the City's Order, unless enjoined by  
9 order of this Court, will continue to cause irreparable injury to Plaintiffs Turner's and Traders  
10 Loan who will be forced to cease the lawful operation of their firearm and ammunition businesses  
11 or face criminal arrest and prosecution and/or civil penalties for violating a policy that is  
12 expressly preempted by section 53071 of the Government Code. Defendants' enactment and  
13 enforcement of the City's Order, unless enjoined by order of this Court, will also continue to  
14 cause irreparable injury to members and supporters of Plaintiff CRPA, who will be indefinitely  
15 unable to exercise their rights under California law and the Second Amendment to lawfully  
16 acquire new or retrieve already-purchased firearms within the City of Los Angeles.

17 109. Defendants' wrongful conduct will be of a continuing and indefinite nature for  
18 which Plaintiffs will have no adequate remedy at law, in that it will be impossible for them to  
19 determine monetary damages caused by Defendants' wrongful conduct.

20 110. Accordingly, Plaintiffs seek a preliminary and permanent injunction forbidding  
21 Defendants from enforcing the City's Order because it is expressly preempted by state law.

22 **SEVENTH CAUSE OF ACTION**  
23 **(FOR WRIT OF MANDATE)**  
24 **FIELD PREEMPTION - IMPLIED**

25 111. Petitioners re-allege all prior paragraphs and incorporate them fully herein.

26 112. The City's Order is impliedly preempted by state law because it attempts to  
27 regulate in a field that has been fully occupied, to the exclusion of local regulation, by a  
28 consortium of state statutes and regulations, including but not limited to sections 26500-28490 of  
the California Penal Code, and title 11, sections 4016-4024 of the California Code of Regulations.

1           113. The City's Order is impliedly preempted because it seeks to regulate in a field that  
2 has been partially occupied by state laws that indicate an intent to preempt local bans on the sale  
3 of firearms.

4           114. By ordering gun stores to close, Respondents are effectively banning the sale of  
5 firearms with the city of Los Angeles.

6           115. Respondents have a clear, present, and ministerial duty not to enforce the City's  
7 Order against Petitioners, or anyone at any time because it is impliedly preempted by state law  
8 and is therefore unconstitutional.

9           116. Petitioners are beneficially interested in the outcome of these proceedings because  
10 they are subject to the City's Order and will benefit from the issuance of a writ commanding  
11 Respondents not to enforce an unconstitutional government policy like the City's Order that is  
12 impliedly preempted by state law.

13           117. Petitioners have a clear, present, and legal right for the Respondents to stop  
14 enforcing the City's Order because it is impliedly preempted by state law.

15           118. Respondents have a present legal duty not to enforce ordinances like the City's  
16 Order that are impliedly preempted by state law in violation of the California Constitution, and  
17 Respondents have the ability to immediately cease enforcing the City's Order.

18           119. Respondents have failed and refused to abide by provisions of the California  
19 Constitution which prohibit Respondents from enacting and enforcing the City's Order because it  
20 is impliedly preempted by state law.

21           120. Respondents' enactment and enforcement of the City's Order is, and will be, of a  
22 continuing nature for which Petitioners have no plain, speedy, or adequate legal remedy.

23           121. Accordingly, Petitioners seek a writ of mandate, pursuant to Code of Civil  
24 Procedure sections 1085 and 1087, commanding Respondents to immediately stop enforcing the  
25 City's Order at any time because it is impliedly preempted by state law.

26                           **EIGHTH CAUSE OF ACTION**  
27                           **(FOR DECLARATORY AND INJUNCTIVE RELIEF)**  
28                           **FIELD PREEMPTION - IMPLIED**

122. Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

1           123. The City's Order is impliedly preempted because it attempts to regulate in a field  
2 that has been fully occupied, to the exclusion of local regulation, by a consortium of state statutes  
3 and regulations, including but not limited to sections 26500-28490 of the California Penal Code,  
4 and title 11, sections 4016-4024 of the California Code of Regulations.

5           124. The City's Order is impliedly preempted because it seeks to regulate in a field that  
6 has been partially occupied by state laws that indicate an intent to preempt local bans on the sale  
7 of firearms.

8           125. By ordering gun stores to close, Respondents are effectively banning the sale of  
9 firearms with the city of Los Angeles.

10           126. Plaintiffs seek declaratory relief because they contend the City's Order is impliedly  
11 preempted by California law. Defendants dispute this contention and contend that the City's  
12 Order is not impliedly preempted by state law. An active controversy now exists between  
13 Plaintiffs and Defendants as to whether the City's Order is impliedly preempted by state law.

14           127. To resolve this controversy, Plaintiffs request that, pursuant to California Code of  
15 Civil Procedure section 1060, this Court declare that the City's Order is impliedly preempted by  
16 state law and is therefore unconstitutional.

17           128. Plaintiffs also seek injunctive relief pursuant to sections 525 and 526 of the Code  
18 of Civil Procedure because the City's Order is impliedly preempted by state law.

19           129. Defendants' enactment and enforcement of the City's Order, unless enjoined by  
20 order of this Court, will continue to cause irreparable injury to Plaintiffs Turner's and Traders  
21 Loan who will be forced to cease the lawful operation of their firearm and ammunition businesses  
22 or face criminal arrest and prosecution and/or civil penalties for violating a policy that contradicts  
23 state law. Defendants' enactment and enforcement of the City's Order, unless enjoined by order  
24 of this Court, will also continue to cause irreparable injury to members and supporters of Plaintiff  
25 CRPA, who will be indefinitely unable to exercise their rights under California law and the  
26 Second Amendment to lawfully acquire new or retrieve already-purchased firearms within the  
27 City of Los Angeles.

28    ///



1           130. Defendants' wrongful conduct will be of a continuing and indefinite nature for  
2 which Plaintiffs will have no adequate remedy at law, in that it will be impossible for them to  
3 determine monetary damages caused by Defendants' wrongful conduct.

4           131. Accordingly, Plaintiffs seek a preliminary and permanent injunction forbidding  
5 Defendants from enforcing the City's Order because it is impliedly preempted by state law.

6                                   **NINTH CAUSE OF ACTION**  
7                                   **(FOR DECLARATORY AND INJUNCTIVE RELIEF)**  
8                                   **VIOLATION OF CALIFORNIA CONST., ART. I, SEC. 7(a)**

9           132. Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

10          133. Article I, Section 7(a) of the California Constitution provides, in relevant part, that:  
11 "A person may not be deprived of life, liberty, or property without due process of law . . ."

12          134. The City's Order deprives Plaintiffs Turner's and Traders Loan of their property  
13 without due process of law by closing their stores and prohibiting them from operating, thereby  
14 nullifying their licenses to operate.

15          135. The City's Order deprives members and supporters of Plaintiff CRPA of their  
16 property, firearms that are being held at shuttered Los Angeles FFLs and thus inaccessible,  
17 without due process of law.

18          136. Plaintiffs Turner's and Traders Loan seek declaratory relief because they contend  
19 the City's Order deprives them of their property without due process of law by closing their stores  
20 and prohibiting them from operating thereby nullifying their licenses to operate. Members and  
21 supporters of Plaintiff CRPA Loan seek declaratory relief because they contend the City's Order  
22 deprives them of their property, firearms that are being held at shuttered Los Angeles FFLs and  
23 thus inaccessible. Defendants dispute these contentions and contend that the City's Order  
24 provides Plaintiffs due process. An active controversy now exists between Plaintiffs and  
25 Defendants as to whether the City's Order is lawful.

26          137. To resolve this controversy, Plaintiffs request that, pursuant to California Code of  
27 Civil Procedure section 1060, this Court declare that the City's Order deprives Plaintiffs of their  
28 property without due process of law and is therefore unconstitutional.

///

138. Plaintiffs Turner's and Traders Loan also seek injunctive relief pursuant to sections 525 and 526 of the Code of Civil Procedure because the City's Order deprives Plaintiffs Turner's and Traders Loan of their property without due process of law by closing their stores and prohibiting them from operating, thereby nullifying their licenses to operate, and is therefore unconstitutional. Members and supporters of Plaintiff CRPA Loan seek injunctive relief pursuant to sections 525 and 526 of the Code of Civil Procedure because the City's Order deprives them of their property, firearms that are being held at shuttered Los Angeles FFLs and thus inaccessible.

139. Defendants' enactment and enforcement of the City's Order, unless enjoined by order of this Court, will continue to cause irreparable injury to Plaintiffs Turner's and Traders Loan who will be forced to cease the lawful operation of their firearm and ammunition businesses or face criminal arrest and prosecution and/or civil penalties for violating a policy that contradicts state law. Defendants' enactment and enforcement of the City's Order, unless enjoined by order of this Court, will also continue to cause irreparable injury to members and supporters of Plaintiff CRPA, who will be indefinitely unable to exercise their rights under California law and the Second Amendment to lawfully acquire new or retrieve already-purchased firearms within the City of Los Angeles.

140. Defendants' wrongful conduct will be of a continuing and indefinite nature for which Plaintiffs will have no adequate remedy at law, in that it will be impossible for them to determine monetary damages caused by Defendants' wrongful conduct.

141. Accordingly, Plaintiffs seek a preliminary and permanent injunction forbidding Defendants from enforcing the City's Order because it is unconstitutional.

## PRAAYER FOR RELIEF

Wherefore Plaintiffs/Petitioners pray for the following relief:

1. A declaration that the City's Order violates the State's Order and is therefore invalid as set forth above;
2. A declaration that the City's Order is preempted by state law and therefore invalid as set forth above;
3. A declaration that the City's Order violates due process under the California

1 Constitution and is therefore invalid as set forth above;

2 4. Issuance of stay of enforcement ordering Defendants/Respondents to immediately  
3 cease enforcing the City's Order pending resolution of this action;

4 5. Issuance of a peremptory writ of mandate commanding Defendants/Respondents to  
5 cease enforcing the City's Order at any time;

6 6. Issuance of a preliminary injunction immediately prohibiting  
7 Defendants/Respondents from enforcing the City's Order pending resolution of this action;

8 7. Issuance of a permanent injunction prohibiting Defendants/Respondents from  
9 enforcing the City's Order;

10 8. Award of damages according to proof under section 1095 of the California Code of  
11 Civil Procedure, or any other applicable provision;

12 9. Costs and attorneys' fees as provided for by law;

13 10. Such other relief as this Court deems just and proper;

14  
15 Dated: April 3, 2020

**MICHEL & ASSOCIATES, P.C.**

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17 

18 \_\_\_\_\_  
19 Sean A. Brady  
20 Attorneys for Petitioners/Plaintiffs  
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28

**VERIFICATION**

I, Bill Ortiz, declare:

I am the Vice President of Compliance of Turner's Operations, Inc. d/b/a Turner's Outdoorsman ("Turner's"), one of the petitioners in this action. As Vice President of Compliance, I am authorized to make this verification on behalf of Turner's. I have read the above **PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION OR OTHER APPROPRIATE RELIEF; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** and know its contents. All facts alleged in the petition regarding the particular circumstances of Turner's or its employees are within my personal knowledge and I know these facts to be true. As to all other facts alleged therein, I am informed and believe, and on those grounds allege, that those matters are also true.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 3, 2020, at Rancho Cucamonga, California.

DocuSigned by:

*William A. Ortiz*

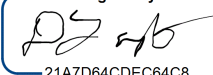
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Bill Ortiz  
Declarant

**VERIFICATION**

I, Diane Taylor, declare:

I am the Owner of Traders Loan and Jewelry, Inc. ("Traders Loan"), one of the petitioners in this action. As the Owner, I am authorized to make this verification on behalf of Traders Loan. I have read the above **PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION OR OTHER APPROPRIATE RELIEF; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** and know its contents. All facts alleged in the petition regarding the particular circumstances of Traders Loan or its employees are within my personal knowledge and I know these facts to be true. As to all other facts alleged therein, I am informed and believe, and on those grounds allege, that those matters are also true.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 3, 2020, at Los Angeles, California.

DocuSigned by:  
  
21A7D64CDEC64C8  
Diane Taylor  
Declarant

**VERIFICATION**

I, Chris Chiafullo, declare:

I am the Managing Member of FFLGuard, LLC ("FFLGuard"), one of the petitioners in this action. As the Managing Member, I am authorized to make this verification on behalf of FFLGuard. I have read the above **PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION OR OTHER APPROPRIATE RELIEF; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** and know its contents. All facts alleged in the petition regarding the particular circumstances of FFLGuard or its employees are within my personal knowledge and I know these facts to be true. As to all other facts alleged therein, I am informed and believe, and on those grounds allege, that those matters are also true.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 3, 2020, at New York City, New York.

DocuSigned by:  
  
180286E95BC147E...  
Chris Chiafullo  
Declarant

VERIFICATION

I, Mike Barranco, declare:

I am the Vice President of California Rifle & Pistol Association, Incorporated ("CRPA"), one of the petitioners in this action. As Vice President, I am authorized to make this verification on behalf of CRPA. I have read the above **PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION OR OTHER APPROPRIATE RELIEF; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** and know its contents. All facts alleged in the petition regarding the particular circumstances of CRPA or its members are within my personal knowledge and I know these facts to be true. As to all other facts alleged therein, I am informed and believe, and on those grounds allege, that those matters are also true.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on APRIL 03, 2020, at IRVINE, California.



Mike Barranco  
Declarant

# **EXHIBIT A**



**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**PROCLAMATION OF A STATE OF EMERGENCY**

**WHEREAS** in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

**WHEREAS** the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

**WHEREAS** on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

**WHEREAS** on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

**WHEREAS** the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

**WHEREAS** as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

**WHEREAS** as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

**WHEREAS** for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

**WHEREAS** California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

**WHEREAS** experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

**WHEREAS** it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

**WHEREAS** if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

**WHEREAS** personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

**WHEREAS** state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

**WHEREAS** I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

**WHEREAS** I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

**WHEREAS** under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

**IT IS HEREBY ORDERED THAT:**

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

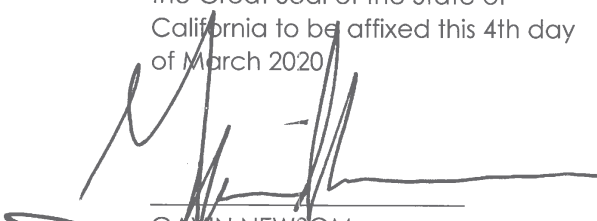
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

**IN WITNESS WHEREOF** I have  
hereunto set my hand and caused  
the Great Seal of the State of  
California to be affixed this 4th day  
of March 2020

  
\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

# **EXHIBIT B**



**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-33-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

**WHEREAS** for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER  
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have  
hereunto set my hand and caused  
the Great Seal of the State of  
California to be affixed this 19th day  
of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State



# **EXHIBIT C**



# IDENTIFYING CRITICAL INFRASTRUCTURE DURING COVID-19



NOTE: This information was originally posted on March 19 and was updated on March 28.

Expand All Sections

- Guidance on the Essential Critical Infrastructure Workforce
- 16 Critical Infrastructure Sectors
- Frequently Asked Questions

# **EXHIBIT D**



March 28, 2020

## ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE

FROM: Christopher C. Krebs  
Director  
Cybersecurity and Infrastructure Security Agency (CISA)

A handwritten signature in black ink, appearing to read "Chris Krebs", written over the printed name and title.

---

As the Nation comes together to slow the spread of COVID-19, on March 16<sup>th</sup> the President issued updated Coronavirus Guidance for America that highlighted the importance of the critical infrastructure workforce.

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security's authorities to secure critical infrastructure. Consistent with these authorities, CISA has developed, in collaboration with other federal agencies, State and local governments, and the private sector, an "Essential Critical Infrastructure Workforce" advisory list. This list is intended to help State, local, tribal and territorial officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. Decisions informed by this list should also take into consideration additional public health considerations based on the specific COVID-19-related concerns of particular jurisdictions.

**This list is advisory in nature. It is not, nor should it be considered, a federal directive or standard. Additionally, this advisory list is not intended to be the exclusive list of critical infrastructure sectors, workers, and functions that should continue during the COVID-19 response across all jurisdictions. Individual jurisdictions should add or subtract essential workforce categories based on their own requirements and discretion.**

The advisory list identifies workers who conduct a range of operations and services that are typically essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing operational functions, among others. It also includes workers who support crucial supply chains and enable functions for critical infrastructure. The industries they support represent, but are not limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement,

and public works.

State, local, tribal, and territorial governments are responsible for implementing and executing response activities, including decisions about access and reentry, in their communities, while the Federal Government is in a supporting role. Officials should use their own judgment in issuing implementation directives and guidance. Similarly, while adhering to relevant public health guidance, critical infrastructure owners and operators are expected to use their own judgement on issues of the prioritization of business processes and workforce allocation to best ensure continuity of the essential goods and services they support. All decisions should appropriately balance public safety, the health and safety of the workforce, and the continued delivery of essential critical infrastructure services and functions. While this advisory list is meant to help public officials and employers identify essential work functions, it allows for the reality that some workers engaged in activity determined to be essential may be unable to perform those functions because of health-related concerns.

CISA will continue to work with our partners in the critical infrastructure community to update this advisory list if necessary as the Nation's response to COVID-19 evolves.

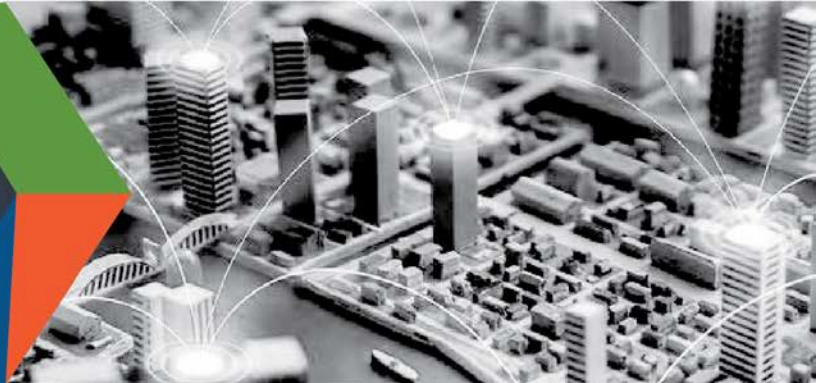
Should you have questions about this list, please contact CISA at [CISA.CAT@cisa.dhs.gov](mailto:CISA.CAT@cisa.dhs.gov).

**Attachment:** "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 2.0"



**CISA**  
CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW



# Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 2.0 (March 28, 2020)

## THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This advisory guidance and accompanying list are intended to support state, local, tribal, territorial and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives advisory guidance on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions.

CISA will continually solicit and accept feedback on the list and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. Feedback can be sent to [CISA.CAT@CISA.DHS.GOV](mailto:CISA.CAT@CISA.DHS.GOV).

## CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, state managed, and federally supported.
2. Everyone should follow guidance from the CDC, as well as State and local government officials, regarding strategies to limit disease spread.
3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
4. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.
5. All organizations should implement their business continuity and pandemic plans or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the

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health and safety of the employees.

6. Reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions.
7. Government employees, such as emergency managers, and the business community need to establish and maintain lines of communication.
8. When government and businesses engage in discussions about essential critical infrastructure workers, they need to consider the implications of business operations beyond the jurisdiction where the asset or facility is located. Businesses can have sizeable economic and societal impacts as well as supply chain dependencies that are geographically distributed.
9. Whenever possible, jurisdictions should align access and movement control policies related to critical infrastructure workers to lower the burden of workers crossing jurisdictional boundaries.

## IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of identified essential critical infrastructure workers is intended to be overly inclusive reflecting the diversity of industries across the United States.



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## HEALTHCARE / PUBLIC HEALTH

- Workers who perform critical clinical research, development, and testing needed for COVID-19 response.
- Healthcare providers and Caregivers including physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, optometrists, speech pathologists, chiropractors, and diagnostic and therapeutic technicians and technologists.
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).
- Workers in other medical and biomedical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Nursing Care Facilities, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers, and retail facilities specializing in medical good and supplies).
- Manufacturer workers for health manufacturing (including biotechnology companies), materials and parts suppliers, logistics and warehouse operators, distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including materials used in radioactive drugs), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.
- Public health / community health workers, including those who compile, model, analyze and communicate public health information.
- Blood and plasma donors and the employees of the organizations that operate and manage related activities.
- Workers who manage health plans, billing, and health information, who cannot practically work remotely.
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely.
- Workers performing information technology and cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Pharmacy employees necessary to maintain uninterrupted prescription filling.
- Workers performing mortuary funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers.
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident.

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## LAW ENFORCEMENT, PUBLIC SAFETY, AND OTHER FIRST RESPONDERS

- Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, and private security, to include public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel.
- 911 call center employees and Public Safety Answering Points who can't perform their duties remotely.
- Fusion Center employees.
- Workers – including contracted vendors – who maintain, manufacture, or supply equipment and services supporting law enforcement emergency service and response operations (to include electronic security and life safety security personnel).
- Workers supporting the manufacturing of safety equipment and uniforms for law enforcement, public safety personnel, and first responder.
- Workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.
- Public agency workers responding to abuse and neglect of children, elders, and dependent adults.
- Workers who support weather disaster / natural hazard mitigation and prevention activities.
- Security staff to maintain building access control and physical security measures.

## FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, and other retail (including unattended and vending) that sells human food, animal/pet food and pet supply, and beverage products, including retail customer support service and information technology support staff necessary for online orders, pickup and delivery.
- Restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, and carry-out and delivery food employees.
- Food manufacturer employees and their supplier employees—to include those employed in food ingredient production and processing facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.
- Farmers, farm workers, and agribusiness support services to include those employed in auction and sales: grain and oilseed handling, processing and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically and for export.
- Farmers, farm workers, support service workers, and their supplier employees to include those engaged in producing and harvesting field crops; commodity inspection; fuel ethanol facilities; biodiesel and renewable diesel facilities; storage facilities; and other agricultural inputs.
- Employees and firms supporting the distribution of food, feed, and beverage and ingredients used in these products, including warehouse workers, vendor- managed inventory controllers and blockchain managers.
- Workers supporting the sanitation and pest control of all food manufacturing processes and operations from wholesale to retail.
- Employees in cafeterias used to feed employees, particularly employee populations sheltered against COVID-19.
- Workers in animal diagnostic and food testing laboratories in private industries and in institutions of higher education.

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- Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.
- Employees of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
- Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.
- Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, live animals, animal by-products, and deceased animals for disposal.
- Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products.
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary for agricultural production and distribution.

## ENERGY

- Workers supporting the energy sector, regardless of the energy source (including but not limited to nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, and physical and cyber security of the energy system.
- Energy/commodity trading/scheduling/marketing functions, who can't perform their duties remotely.
- IT and OT technology for essential energy sector operations including support workers, customer service operations; energy management systems, control systems, and Supervisory Control and Data Acquisition SCADA systems, and energy sector entity data centers; cybersecurity engineers; and cybersecurity risk management.
- Workers supporting the energy sector through renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, ocean, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers and security staff involved in nuclear re-fueling operations.
- Providing services related to energy sector fuels (including, but not limited, petroleum (crude oil), natural gas, propane, natural gas liquids, other liquid fuels, nuclear, and coal), supporting the mining, processing, manufacturing, construction, logistics, transportation, permitting, operation/maintenance, security, waste disposal and storage, and monitoring of support for resources.
- Environmental remediation/monitoring, limited to immediate critical needs technicians.
- Manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities (across all energy sector segments).

### Electricity industry:

- Workers who maintain, ensure, or restore, or are involved in the development, transportation, fuel procurement, expansion, or operation of the generation, transmission, and distribution of electric power, including call centers, utility workers, engineers, retail electricity, constraint maintenance, and fleet maintenance technicians who cannot perform their duties remotely.
- Workers at coal mines, production facilities, and those involved in manufacturing, transportation, permitting, operation/maintenance and monitoring at coal sites which is critical to ensuring the reliability of the electrical system.

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- Workers who produce, process, ship and handle coal used for power generation and manufacturing.
- Workers needed for safe and secure operations at nuclear generation to include but not limited to, the broader nuclear supply chain, parts to maintain nuclear equipment, fuel manufacturers and fuel components used in the manufacturing of fuel.
- Workers at renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers at generation, transmission, and electric black start facilities.
- Workers at Reliability Coordinator, Balancing Authorities, and primary and backup Control Centers, including but not limited to independent system operators, regional transmission organizations, and local distribution control centers.
- Mutual assistance personnel which may include workers from outside of the state or local jurisdiction.
- Vegetation management and traffic control for supporting those crews.
- Environmental remediation/monitoring workers limited to immediate critical need technicians.
- Instrumentation, protection, and control technicians.
- Essential support personnel for electricity operations.
- Generator set support workers such as diesel engineers used in power generation including those providing fuel.

### Petroleum industry:

- Workers for onshore and offshore petroleum drilling operations; platform and drilling construction and maintenance; transportation (including helicopter operations), maritime transportation, supply, and dredging operations; maritime navigation; well stimulation, intervention, monitoring, automation and control, extraction, production; processing; waste disposal, and maintenance, construction, and operations.
- Workers for crude oil, petroleum and petroleum product storage and transportation, including pipeline, marine transport, terminals, rail transport, storage facilities and racks and road transport for use as end-use fuels such as gasoline, diesel fuel, jet fuel, and heating fuels or feedstocks for chemical manufacturing.
- Petroleum and petroleum product security operations center employees and workers who support maintenance and emergency response services.
- Petroleum and petroleum product operations control rooms/centers and refinery facilities.
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.

### Natural Gas, Natural Gas Liquids (NGL), Propane, and other liquid fuels

- Workers who support onshore and offshore drilling operations, platform and drilling construction and maintenance; transportation (including helicopter operations); maritime transportation, supply, and dredging operations; maritime navigation; natural gas and natural gas liquid production, processing, extraction, storage and transportation; well intervention, monitoring, automation and control; waste disposal, and maintenance, construction, and operations.
- Transmission and distribution pipeline workers, including compressor stations and any other required, operations maintenance, construction, and support for natural gas, natural gas liquid, propane, and other liquid fuels.
- Natural gas, propane, natural gas liquids, and other liquid fuel processing plants, including construction, maintenance, and support operations.
- Natural gas processing plants workers, and those that deal with natural gas liquids.
- Workers who staff natural gas, propane, natural gas liquids, and other liquid fuel security operations centers, operations dispatch and control rooms/centers, and emergency response and customer emergencies (including leak calls) operations.
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for

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chemical manufacturing, or use in electricity generation.

- Dispatch and control rooms and emergency response and customer emergencies, including propane leak calls.
- Propane gas service maintenance and restoration, including call centers.
- Propane, natural gas liquids, and other liquid fuel distribution centers.
- Propane gas storage, transmission, and distribution centers.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Ethanol and biofuel production, refining, and distribution.
- Workers in fuel sectors (including, but not limited to nuclear, coal, and gas types and liquid fuels) supporting the mining, manufacturing, logistics, transportation, permitting, operation/maintenance, and monitoring of support for resources.

## WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities.
- Operational staff at community water systems.
- Operational staff at wastewater treatment facilities.
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff.
- Operational staff for water distribution and testing.
- Operational staff at wastewater collection facilities.
- Operational staff and technical support for SCADA Control systems.
- Chemical and equipment suppliers to water and wastewater systems and personnel protection.
- Workers who maintain digital systems infrastructure supporting water and wastewater operations.

## TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, Department of Motor Vehicle (DMV) employees, towing/recovery services, roadside assistance workers, intermodal transportation personnel, and workers who maintain and inspect infrastructure (including those that require cross-jurisdiction travel).
- Workers supporting the distribution of food, pharmaceuticals (including materials used in radioactive drugs) and other medical materials, fuels, chemicals needed for water or water treatment and energy Maintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
- Employees of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use. Includes cold- and frozen-chain logistics for food and critical biologic products.
- Mass transit workers and providing critical transit services and/or performing critical or routine maintenance to mass transit infrastructure or equipment.
- Employees supporting personal and commercial transportation services – including taxis, delivery services, vehicle rental services, bicycle maintenance and car-sharing services, and transportation network providers.
- Workers responsible for operating and dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment.
- Maritime transportation workers, including dredgers, port workers, mariners, ship crewmembers, ship pilots and tug boat operators, equipment operators (to include maintenance and repair, and maritime-specific medical

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providers), ship supply, chandler, and repair companies.

- Workers including truck drivers, railroad employees and contractors, maintenance crew, and cleaners supporting transportation of chemicals, hazardous, medical, and waste materials to support critical infrastructure, capabilities, functions, and services, including specialized carriers, crane and rigging industry workers.
- Bus drivers and workers who provide or support intercity, commuter and charter bus service in support of other essential services or functions.
- Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities (including those who repair and maintain electric vehicle charging stations).
- Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors.
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations.
- Postal, parcel, courier, last-mile delivery, and shipping and related workers, to include private companies.
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.
- Air transportation employees, including air traffic controllers and maintenance personnel, ramp workers, aviation and aerospace safety, security, and operations personnel and accident investigations.
- Workers who support the operation, distribution, maintenance, and sanitation, of air transportation for cargo and passengers, including flight crews, maintenance, airport operations, those responsible for cleaning and disinfection, and other on- and off- airport facilities workers.
- Workers supporting transportation via inland waterways such as barge crew, dredging, river port workers for essential goods.
- Workers critical to rental and leasing of vehicles and equipment that facilitate continuity of operations for essential workforces and other essential travel.
- Warehouse operators, including vendors and support personnel critical for business continuity (including HVAC & electrical engineers; security personnel; and janitorial staff) and customer service for essential functions.

## PUBLIC WORKS AND INFRASTRUCTURE SUPPORT SERVICES

- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
- Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, senior living facilities, any temporary construction required to support COVID-19 response.
- Workers who support, such as road and line clearing, to ensure the availability of and access to needed facilities, transportation, energy and communications.
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill operations.
- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees.
- Workers who support the inspection and maintenance of aids to navigation, and other government provided services that ensure continued maritime commerce.

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## COMMUNICATIONS AND INFORMATION TECHNOLOGY

### Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call -centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Points of Presence, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
- Government and private sector employees (including government contractors) with work related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots and submarine cable ship facilities.
- Government and private sector employees (including government contractors) supporting Department of Defense internet and communications facilities.
- Workers who support radio, television, and media service, including, but not limited to front-line news reporters, studio, and technicians for newsgathering, and reporting, and publishing news.
- Network Operations staff, engineers and/or technicians to include IT managers and staff, HVAC & electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities.
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes construction of new facilities and deployment of new technology as these are required to address congestion or customer usage due to unprecedented use of remote services.
- Installation, maintenance and repair technicians that establish, support or repair service as needed.
- Central office personnel to maintain and operate central office, data centers, and other network office facilities, critical support personnel assisting front line employees.
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, logistics, and troubleshooting.
- Workers providing electronic security, fire, monitoring and life safety services, and to ensure physical security, cleanliness and safety of facilities and personnel, including temporary licensing waivers for security personnel to work in other States of Municipalities.
- Dispatchers involved with service repair and restoration.
- Retail customer service personnel at critical service center locations for onboarding customers, distributing and repairing equipment and addressing customer issues in order to support individuals' remote emergency communications needs, supply chain and logistics personnel to ensure goods and products are on-boarded to provision these front-line employees.
- External Affairs personnel to assist in coordinating with local, state and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.

### Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Centers, Broadcast Operations Control Centers and Security Operations Command Centers.
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators, for all industries (including financial services).

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- Workers who support client service centers, field engineers, and other technicians and workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, and information technology equipment (to include microelectronics and semiconductors), and HVAC and electrical equipment for critical infrastructure, and test labs and certification agencies that qualify such equipment (to include microelectronics, optoelectronics, and semiconductors) for critical infrastructure, including data centers.
- Workers needed to preempt and respond to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, securities/other exchanges, other entities that support the functioning of capital markets, public works, critical manufacturing, food & agricultural production, transportation, and other critical infrastructure categories and personnel, in addition to all cyber defense workers (who can't perform their duties remotely).
- Suppliers, designers, transporters and other workers supporting the manufacture, distribution and provision and construction of essential global, national and local infrastructure for computing services (including cloud computing services and telework capabilities), business infrastructure, financial transactions/services, web-based services, and critical manufacturing.
- Workers supporting communications systems and information technology- and work from home solutions- used by law enforcement, public safety, medical, energy, public works, critical manufacturing, food & agricultural production, financial services, education, and other critical industries and businesses.
- Employees required in person to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

## OTHER COMMUNITY- OR GOVERNMENT-BASED OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g., HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure.
- Elections personnel to include both public and private sector elections support.
- Workers supporting the operations of the judicial system.
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks.
- Trade Officials (FTA negotiators; international data flow administrators).
- Employees necessary to maintain news and media operations across various media.
- Employees supporting Census 2020.
- Weather forecasters.
- Clergy for essential support.
- Workers who maintain digital systems infrastructure supporting other critical government operations.
- Workers who support necessary credentialing, vetting and licensing operations for critical infrastructure workers.
- Customs and immigration workers who are critical to facilitating trade in support of the national emergency response supply chain.
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions.
- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.

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- Residential and commercial real estate services, including settlement services.
- Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID 19 relief efforts.

### CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
- Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment (PPE).
- Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce (including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or datacenters).

### HAZARDOUS MATERIALS

- Workers who manage hazardous materials associated with any other essential activity, including but not limited to healthcare waste (medical, pharmaceuticals, medical material production), testing operations (laboratories processing test kits), and energy (nuclear facilities) Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing tests Workers who support hazardous materials response and cleanup.
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations.

### FINANCIAL SERVICES

- Workers who are needed to provide, process and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; and capital markets activities).
- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, and to move currency, checks, securities, and payments (e.g., armored cash carriers).
- Workers who support financial operations and those staffing call centers, such as those staffing data and security operations centers, managing physical security, or providing accounting services.
- Workers supporting production and distribution of debit and credit cards.
- Workers providing electronic point of sale support personnel for essential businesses and workers.

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## CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, paintings and coatings, textiles, building materials, plumbing, electrical, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items.
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, disinfectants, fragrances, and packaging that prevents the contamination of food, water, medicine, among others essential.
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections.
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing.

## DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals include, but are not limited to, space and aerospace; mechanical and software engineers (various disciplines), manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers; and sanitary workers who maintain the hygienic viability of necessary facilities.
- Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense, as well as personnel at government-owned/contractor-operated and government-owned/government-operated facilities, and who provide materials and services to the Department of Defense, including support for weapon systems, software systems and cybersecurity, defense and intelligence communications and surveillance, space systems and other activities in support of our military, intelligence and space forces.

## COMMERCIAL FACILITIES

- Workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.
- Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions.
- Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors - with reduced staff to ensure continued operations.
- Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.

## RESIDENTIAL/SHELTER FACILITIES AND SERVICES

- Workers in dependent care services, in support of workers in other essential products and services.

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- Workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, including in-need populations and COVID-19 responders (including travelling medical staff).
- Workers in animal shelters.
- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
- Workers performing housing construction related activities to ensure additional units can be made available to combat the nation’s existing housing supply shortage.
- Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
- Workers supporting the construction of housing, including those supporting government functions related to the building and development process, such as inspections, permitting and plan review services that can be modified to protect the public health, but fundamentally should continue and serve the construction of housing (e.g., allow qualified private third-party inspections in case of government shutdown).

### HYGIENE PRODUCTS AND SERVICES

- Workers who produce hygiene products.
- Workers in laundromats, laundry services, and dry cleaners.
- Workers providing personal and household goods repair and maintenance.
- Workers providing disinfection services, for all essential facilities and modes of transportation, and supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
- Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
- Support required for continuity of services, including commercial disinfectant services, janitorial/cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line employees.

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# **EXHIBIT E**

## DECLARATION OF LOCAL EMERGENCY

**WHEREAS,** Los Angeles Administrative Code Section 8.27 provides that the Mayor of the City of Los Angeles may declare the existence of a local emergency during incidents that exceed or are likely to exceed normal services, personnel, equipment, and facilities of the regularly constituted branches and departments of City government; and

**WHEREAS,** conditions of disaster or of extreme peril to the safety of persons and property have arisen both Internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease, which was first detected in Wuhan City, Hubei Province, China in December 2019; and

**WHEREAS** COVID-19 has spread globally to over 70 countries, infecting more than 92,800 persons and killing more than 3,160 individuals worldwide. Due to the expanding list of countries with widespread transmission of COVID-19, and increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention (CDC), COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

**WHEREAS,** on February 26, 2020, the CDC confirmed the first case of local person-to-person transmission of COVID-19 in the United States and this case raises the possibility of community transmission occurring in the general public, the Health Officer of Los Angeles County has determined that there is an imminent threat to the public health from the introduction of COVID-19 in the City of Los Angeles, and has declared a Local Health Emergency and the Los Angeles County Board of Supervisors has proclaimed the existence of a local emergency for the County of Los Angeles; and

**WHEREAS,** the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to successfully responding to COVID-19; and

**WHEREAS,** these conditions warrant and necessitate that the City of Los Angeles declare the existence of a local emergency.

**NOW THEREFORE,** I hereby declare the existence of a local emergency and direct the Emergency Operations Organization (EOO) to take the necessary steps for the protection of life, health and safety in the City of Los Angeles.

**IT IS FURTHER ORDERED AND DECLARED,** that during the existence of said local emergency the powers, functions, and duties of the Emergency Operations Organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City; and

**I FURTHER DIRECT,** that all City Departments shall review and revise their Continuity of Operations Plans (COOP) to address the risks COVID-19 poses to their critical functions in coordination with the Emergency Management Department (EMD) and shall coordinate all crisis communications to employees and the public with EMD; and

**I FURTHER DIRECT,** that all City Departments shall track costs for staffing, supplies, and equipment related to COVID-19 preparation and prevention and forward that information to the Office of the City Administrative Officer (CAO); and

**I FURTHER DIRECT,** that EMD shall coordinate Citywide planning, preparedness and response efforts regarding COVID-19 with the Los Angeles County Department of Public Health (LACODPH) and the Los Angeles County Office of Emergency Management (LACOOEM).

**I THEREFORE DIRECT,** that the Declaration of Local Emergency shall take effect immediately and that widespread publicity and notice shall be given said Declaration through the most feasible and adequate means of disseminating such notice throughout the City.

**IT IS FURTHER DECLARED AND ORDERED,** that a copy of this Declaration be forwarded to the Los Angeles County Office of Emergency Management to be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor of California pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in Los Angeles County; that the Governor waive regulations that may hinder response and recovery efforts; that response and recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

**Dated at Los Angeles, California**

**March 4, 2020**

**Time:**

**Filed with the City Clerk**

**Date:** March 4, 2020

**Time:** 10:21am

**Initials:** L-D

**Signed**



**ERIC GARCETTI**

**Mayor**

# **EXHIBIT F**





## **Public Order Under City of Los Angeles Emergency Authority**

Issue Date: March 15, 2020

**Subject:** New City Measures to Address COVID-19

On March 4, 2020, I declared a local emergency in relation to the arrival of the COVID-19 virus in our community, and on March 12, 2020, I ordered a number of measures to be taken across the City to protect members of the public and City workers from an undue risk of contracting the COVID-19 virus. Our precautions over the past weeks and what we do over the next few days and weeks will determine how well we weather this emergency.

On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic. The Centers for Disease Control and Prevention advises us that COVID-19 spreads easily from person to person and has issued guidelines recommending that the public adopt policies and routines to enable social distancing wherever possible.

Here in the City of Los Angeles, we must redouble our efforts to maintain hand hygiene, respiratory etiquette, and social distancing. It is absolutely critical that we as a City do everything we can to slow the pace of community spread and avoid unnecessary strain on our medical system. To aid in our efforts, under the emergency authorities vested in my office under the laws of the City of Los Angeles, today I am ordering that a series of temporary restrictions be placed on certain establishments throughout our City in which large numbers of people tend to gather and remain in close proximity. By virtue of authority vested in me as Mayor of the City of Los Angeles pursuant to the provisions of the Los Angeles Administrative Code, Chapter 3, Section 8.29 to promulgate, issue, and enforce rules, regulations, orders, and directives, I hereby declare the following orders to be necessary for the protection of life and property and I hereby order, effective at 11:59 p.m. tonight, until March 31, 2020 at 12:00 p.m., that:

1. All bars and nightclubs in the City of Los Angeles that do not serve food shall be closed to the public.

2. Any bars or nightclubs in the City of Los Angeles that serve food may remain open only for purposes of continuing to prepare and offer food to customers via delivery service or to be picked up. Dine-in food service is prohibited.
3. All restaurants and retail food facilities in the City of Los Angeles shall be prohibited from serving food for consumption on premises. Restaurants and retail food facilities may continue to operate for purposes of preparing and offering food to customers via delivery service, to be picked up or for drive-thru. For those establishments offering food pick-up options, proprietors are directed to establish social distancing practices for those patrons in the queue for pick-up.
4. The following are exempt from this Order:
  - A. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities
  - B. Grocery stores
  - C. Pharmacies
  - D. Food banks
  - E. Los Angeles World Airports concessionaires
5. Trucks and other vehicles engaged in the delivery of grocery items to grocery stores, when such items are to be made available for sale to the public, are hereby exempt from having to comply with any City rules and regulations that limit the hours for such deliveries, including, without limitation, Los Angeles Municipal Code Section 12.22 A.23(b)(3) and Los Angeles Municipal Code Section 114.03.
6. All movie theaters, live performance venues, bowling alleys and arcades shall be closed to the public.
7. All gyms and fitness centers shall be closed to the public.

Any violation of the above prohibitions may be referred to the Office of the City Attorney for prosecution under Los Angeles Administrative Code Section 8.77, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

In addition, I hereby issue guidance to the leaders of the City's houses of worship and urge them, in the strongest possible terms, to limit gatherings on their premises and to explore and implement ways to practice their respective faiths while observing social distancing practices.

Finally, I hereby order that no landlord shall evict a residential tenant in the City of Los Angeles during this local emergency period if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These



circumstances include loss of income due to a COVID-19 related workplace closure, child care expenditures due to school closures, health care expenses related to being ill with COVID-19 or caring for a member of the tenant's household who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures. Nothing in this subsection shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent. Tenants will have up to six months following the expiration of the local emergency period to repay any back due rent. Tenants may use the protections afforded in this subsection as an affirmative defense in an unlawful detainer action. This subsection shall remain in effect during the pendency of the local emergency period.

This order may be extended prior to March 31, 2020.

# **EXHIBIT G**



## **Public Order Under City of Los Angeles Emergency Authority**

**Issue Date: March 19, 2020**

**Subject: SAFER AT HOME**

The novel coronavirus pandemic is a global emergency that is unprecedented in modern history. Profoundly impacting our daily lives, it has inspired Angelenos to respond with courage, compassion, wisdom and resolve to overcome this crisis and help each other.

In a short period of time and at an unprecedented scale, residents in every community have embraced urgent social distancing best practices and aggressive hygienic precaution, not just to protect themselves, but to protect others. Angelenos understand with exceptional clarity that there is only one way to get through this difficult moment: together.

The City's recent emergency orders — curtailing large public gatherings; temporarily closing many government facilities; closing theaters, bars and entertainment venues; prohibiting restaurants from serving to dine-in customers while permitting take-out, delivery and drive-thru; and a moratorium on evictions of residential and commercial tenants — have been followed with a willing and generous spirit.

While we have previously taken strong action, now the City must adopt additional emergency measures to further limit the spread of COVID-19.

With this virus, we are safer at home.

Wherever feasible, City residents must isolate themselves in their residences, subject to certain exceptions provided below.

Under the provisions of Section 231(i) of the Los Angeles City Charter and Chapter 3, Section 8.27 of the Los Angeles Administrative Code, I hereby declare the following

orders to be necessary for the protection of life and property in the City of Los Angeles, effective on Thursday, March 19, 2020 at 11:59 PM:

1. Subject only to the exceptions outlined in this Paragraph and Paragraph 5 below, all persons living within the City of Los Angeles are hereby ordered to remain in their homes. Residents of the City of Los Angeles who are experiencing homelessness are exempt from this requirement. The City is working, along with partner government agencies and non-governmental organizations, to make more emergency shelters available for the unhoused residents of our City. City of Los Angeles officials and contracted partners responsible for homelessness outreach shall make every reasonable effort to persuade such residents to accept, if offered, temporary housing or shelter, as the Health Officer of the County of Los Angeles recommends that sheltering individuals will assist in reducing the spread of the virus and will protect the individual from potential exposure by allowing the individual access to sanitation tools. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

2. Subject only to the exceptions outlined in this Paragraph and Paragraph 5 below, all businesses within the City of Los Angeles are ordered to cease operations that require in-person attendance by workers at a workplace (including, without limitation, indoor malls and indoor shopping centers, including all stores except for those stores considered essential activities or infrastructure under this Order which are directly accessible to the public from the exterior of the mall or shopping center - the interior of the indoor mall or indoor shopping center shall remain closed to the public). To the extent that business operations may be maintained by telecommuting or other remote means, while allowing all individuals to maintain shelter in their residences, this order shall not apply to limit such business activities.

3. All public and private gatherings of any number of people occurring outside a residence are prohibited, except as to those exempted activities described in this Paragraph and Paragraph 5. This provision does not apply to gatherings within a single household or living unit.

4. All travel, including, without limitation, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is prohibited, subject to the exceptions in Paragraph 5.

5. Exceptions. People may lawfully leave their residence while this Order is in effect only to engage in the following activities:

(i) First 24 hour allowance. This Order shall not apply, for a 24-hour period following the effective date above, to allow employees and business owners to access to their workplaces to gather belongings or address other administrative needs, so long as social distancing requirements are followed. Such workplaces shall remain closed to the public in accordance with this Order.

(ii) Essential Activities. To engage in certain essential activities, including, without limitation, visiting a health or veterinary care professional, obtaining medical supplies or medication, obtaining grocery items (including, without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh or frozen meats, fish, and poultry, any other household consumer products and products necessary to maintain the safety and sanitation of residences and other buildings) for their household or to deliver to others, or for legally mandated government purposes. In addition, any travel related to (a) providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons; (b) returning to one's place of residence from outside the City; (c) travelling to one's place of residence located outside the City; (d) compliance with an order of law enforcement or court shall be exempt from this Order; or (e) legally mandated government purposes. Persons engaging in these essential activities shall maintain reasonable social distancing practices. This includes maintaining a distance of at least six-feet away from others, frequently washing hands with soap and water for at least twenty seconds or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

(iii) Outdoor Activities. To engage in outdoor activity and recreation, provided that the individuals comply with social distancing requirements, including, without limitation, walking, hiking, running, cycling; use of scooters, roller skates, skateboards, or other personal mobility devices; or travel in a vehicle with household members to a location where it is possible to walk, hike, run or ride a bike, or operate personal mobility devices, while maintaining social distancing practices. Indoor and outdoor playgrounds for children, except those located within childcare centers, shall be closed for all purposes.

(iv) Work in Support of Essential Activities. To perform work providing essential products and services or to otherwise carry out activities specifically permitted in this Order.

(v) To care for or support a friend, family member, or pet in another household.

(vi) Emergency Personnel. All first responders, gang and crisis intervention workers, public health workers, emergency management personnel, emergency dispatchers, law enforcement personnel, and related contractors and others working for emergency services providers are categorically exempt from this Order.

(vii) Essential Activities Exempt. Certain business operations and activities are exempt from the provisions of this Order, on the grounds that they provide services that are recognized to be critical to the health and well-being of the City. These include:

(a) All healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, medical and scientific research, laboratories, healthcare suppliers, home healthcare services providers, veterinary care providers, mental and behavioral health providers, substance use

providers, physical therapists and chiropractors, cannabis dispensaries, or any related and/or ancillary healthcare services, manufacturers and suppliers. Healthcare operations does not include fitness and exercise gyms and similar facilities.

(b) Grocery stores, water retailers, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, warehouse stores, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh or frozen meats, fish, and poultry, any other household consumer products (such as construction supplies, cleaning and personal care products). This includes stores that sell groceries and sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences.

(c) Food cultivation, including farming, livestock, and fishing.

(d) Organizations and businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless services agencies).

(e) Newspapers, television, radio, magazine, podcast and other media services.

(f) Gas service stations, auto supply, mobile auto repair operations, auto repair shops (including, without limitation, auto repair shops that operate adjacent to or otherwise in connection with an used or retail auto dealership), bicycle repair shops and related facilities.

(g) Banks, credit unions, financial institutions and insurance companies.

(h) Hardware and building supply stores, and nurseries.

(i) Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other essential activities discussed in this subsection.

(j) Businesses providing mailing and shipping services, including post office boxes.

(k) Educational institutions -- including public and private K-12 schools, colleges, and universities -- for purposes of facilitating distance learning or performing essential functions provided that social distancing of six-feet per person is maintained to the greatest extent possible.

(l) Laundromats, dry cleaners, and laundry service providers.

(m) Restaurants and retail food facilities that prepare and offer food to customers, but only via delivery service, to be picked up, or drive-thru. For those establishments offering food pick-up options, proprietors are directed to establish social distancing practices for those patrons in the queue for pick-up. This includes maintaining a distance of at least six-feet away from others. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students

or members of the public on a pick-up and carry out basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or any other gathering site. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities are also exempt from this Order. Social distancing shall be maintained at a distance of at least six-feet away from others

(n) Businesses that supply products needed for people to work from home.

(o) Businesses that supply other essential businesses with the support, services, or supplies necessary to operate, provided that strict social distancing is maintained. This section includes, without limitation, utility companies.

(p) Individuals and businesses that ship or deliver groceries, food, beverages or goods directly to residences or businesses, including rail and trucking.

(q) Airlines, taxis, ride sharing services, and other private transportation services providing transportation services necessary for essential activities and other purposes expressly authorized in this Order.

(r) Home-based care for disabled persons, seniors, adults, or children.

(s) Residential facilities and shelters for homeless residents, disabled persons, seniors, adults, children and animals.

(t) Professional services, such as legal, payroll or accounting services, when necessary to assist in compliance with legally mandated activities.

(u) Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

(1) Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).

(2) Children shall not change from one group to another.

(3) If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.

(4) Childcare providers shall remain solely with one group of children.

(v) Hotels, motels, shared rental units and similar facilities.

(w) Military/Defense Contractors/FFRDC (Federally Funded Research and Development Centers). For purposes of this Order, essential personnel may leave their residence to provide any service or perform any work deemed essential for national security including, without limitation, defense, intelligence, and aerospace development and manufacturing for the Department of Defense, the Intelligence Community, and NASA and other federal government, and or United States Government departments and agencies. Essential personnel include prime, sub-prime, and supplier contractor employees, at both the prime contract level and any supplier level at any tier, working on federal United States Government contracts, such as contracts for national intelligence and national security requirements.

(viii) Government Employees. This Order does not apply to employees of government agencies working within the course and scope of their public service employment. Employees of the City of Los Angeles shall follow any current or future directives issued by the Mayor.

(ix) Essential Infrastructure. Individuals may leave their residences to provide any services or goods or perform any work necessary to to build, operate, maintain or manufacture essential infrastructure, including without limitation construction of commercial, office and institutional buildings, residential buildings and housing; airport operations, food supply, concessions, and construction; port operations and construction; water, sewer, gas, electrical, oil extraction and refining; roads and highways, public transportation and rail; solid waste collection and removal; flood control and watershed protection; internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services); and manufacturing and distribution companies deemed essential to the supply chains of the industries referenced in this Paragraph, provided that they carry out those services and that work in compliance with social distancing practices as prescribed by the Centers for Disease Control and Prevention and the Los Angeles County Department of Public Health, to the extent possible.

6. To the extent that this Order is in conflict with earlier Orders, this Order shall supersede the others.

7. Failure to comply with this Order shall constitute a misdemeanor subject to fines and imprisonment. I hereby urge the Los Angeles Police Department and the City Attorney to vigorously enforce this Order via Sections 8.77 and 8.78 of the Los Angeles Administrative Code.

8. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.

This order shall be in place until April 19, 2020, and it may be extended prior to that time.



# **EXHIBIT H**

# **MAYOR GARCETTI, CITY ATTORNEY FEUER: 'SAFER AT HOME' EMERGENCY ORDER WILL BE STRONGLY ENFORCED**

MARCH 24, 2020

LOS ANGELES — Mayor Eric Garcetti and City Attorney Mike Feuer today assured strong enforcement of the City's "Safer at Home" emergency order, which requires Angelenos to stay in their residences in response to the COVID-19 pandemic.

"We're all safer at home, and that's not a suggestion — it is the law," said Mayor Garcetti. "Refusing to follow it isn't brave or funny — it's stupid and could wind up killing you or someone else. Angelenos are doing an extraordinary job of staying in their homes, and we won't tolerate the selfish behavior of a few who unnecessarily put our community at risk."

The "Safer at Home" order (<https://www.lamayor.org/mayor-garcetti-angelenos-are-%E2%80%98safer-home-new-emergency-order-stops-non-essential-activities-outside>) requires Angelenos to remain in their homes except for the most essential activities — including critical tasks such as securing food and health, safety and medical necessities, as well as caring for children, elder adults, family, friends and people with disabilities. Failure to heed the order is a misdemeanor that can result in fines or jail time.

City Attorney Feuer has assigned his Neighborhood Prosecutor team to work with the Los Angeles Police Department to seek compliance and enforce the City's order when necessary.

"In the strongest possible terms, I urge that Angelenos adhere to the 'Safer at Home' Order, and non-essential businesses shut their doors," said City Attorney Feuer. "Those crucial steps protect all of us. As part of the City team, my Office's Neighborhood Prosecutors will work toward gaining compliance with the Order, helping ensure that our families are safe."

In addition to the City Attorney's Neighborhood Prosecutors, the Mayor announced the formation of the "Safer at Home" Business Ambassadors program — which deploys City workers and volunteers with the Mayor's Crisis Response Team to businesses that appear to be out of compliance with the emergency order with a goal of securing voluntary

compliance. If voluntary compliance is not achieved, the ambassadors will share information with the City Attorney and LAPD for follow-up. Members of the public can report out-of-compliance businesses at [coronavirus.lacity.org/reportbusinessviolation](http://coronavirus.lacity.org/reportbusinessviolation) (<http://coronavirus.lacity.org/REPORTBUSINESSVIOLATION>).

Mayor Garcetti has taken a number of emergency measures to combat the spread of the novel coronavirus, including a plan (<https://www.lamayor.org/mayor-garcetti-la-will-open-thousands-temporary-shelter-beds-homeless-angelenos-part-covid-19>) to quickly shelter thousands of Angelenos experiencing homelessness; restrictions (<https://www.lamayor.org/mayor-garcetti-issues-temporary-restrictions-help-slow-spread-novel-coronavirus-protect-public>) placed on bars, nightclubs, restaurants, movie theaters, entertainment venues, bowling alleys and arcades, gyms and fitness centers; and limits (<https://www.lamayor.org/sites/g/files/wph446/f/article/files/Mayor%20Memo%20COVID-19%20LA%20City%20Guidelines.pdf>) on public gatherings in City facilities.

The Mayor has also taken several steps to support residents and businesses during the local emergency — including placing a moratorium (<https://www.lamayor.org/mayor-garcetti-orders-new-restrictions-evictions-announces-indefinite-moratorium-water-and-power>) on residential and commercial evictions and water and power shutoffs, and an economic relief package (<https://www.lamayor.org/mayor-garcetti-announces-economic-relief-package-small-businesses-impacted-novel-coronavirus>) for businesses impacted by the pandemic.

More details and answers to frequently asked questions can be found at [coronavirus.lacity.org](http://coronavirus.lacity.org/) (<http://coronavirus.lacity.org/>).

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Mayor Eric Garcetti

City of Los Angeles

 200 N. Spring St.,  
Los Angeles, CA 90012

 +1-213-978-1028

 [mayor.helpdesk@lacity.org](mailto:mayor.helpdesk@lacity.org)

- 311 (<https://myla311.lacity.org/>)
- City Data (<https://data.lacity.org>)
- City Directory (<https://www.lacity.org/your-government/government-information/city-directory>)
- Neighborhood Info (<http://neighborhoodinfo.lacity.org/>)

# **EXHIBIT I**

68°

**BREAKING NEWS** / 2nd Riverside County sheriff's deputy dies of COVID-19

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**LIVE NOW** / KTLA 5 Morning News

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**LOCAL NEWS**

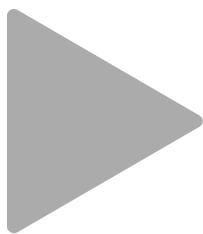
## L.A. County sheriff shuts down gun shops again

by: [Associated Press](#), [Ellina Abovian](#)

Posted: Mar 26, 2020 / 01:35 PM PDT / Updated: Mar 27, 2020 / 10:06 AM PDT

### L.A. County sheriff shuts down gun shops ag...

Ellina Abovian reports for the KTLA 5 Morning News on March 27, 2020.



For the second time this week, Los Angeles County Sheriff Alex Villanueva has ordered gun shops to close, a move that challenges the county legal counsel's finding that the stores are essential businesses that should remain open.

On Tuesday, Villanueva ordered the shops closed. Panic-buying that produced long lines at the shops was worrisome from a public safety standpoint, he said.

Soon after that, the county counsel and the health department said the shops are among those considered essential under the county's stay-at-home order that closed many businesses and urged all residents to stay home as much as possible.

On Wednesday, Gov. Gavin Newsom was asked during a news conference if he believes gun shops are essential. He demurred, saying it was up to sheriffs to determine that in their jurisdictions.

In issuing his closure order Thursday morning, Villanueva cited the governor's executive order on statewide closures during the crisis as stipulating gun stores are not essential. However, the order does not explicitly mention those businesses.

Villanueva said the shops may no longer sell to the general public but may still supply security guard companies. Anyone who already has purchased a gun and possesses a valid safety certificate can pick up their firearms, he said in a [statement](#).

Deputies have not needed to issue citations yet to enforce the order, the sheriff said Thursday afternoon during a news conference.

Gun groups are exploring legal challenges to the sheriff's order.

"You can't say part of the business is essential and part of it isn't," said Chuck Michel, an attorney for the National Rifle Association-affiliated California Rifle and Pistol Association. "Can Best Buy sell refrigerators but not PlayStations? Can Home Depot sell appliances but not flowers?"

Michel said Villanueva's decision comes at the expense of individuals.

"What he's deeming nonessential is people who want to buy firearms to protect their families," he said, adding that "when the veneer of civilization may crack, they want to be ready."

The sheriff appears to be trying to carve out a legal middle ground by not in effect seizing individuals' already purchased firearms and by allowing the stores to serve security guard companies, said Sam Paredes, executive director of Gun Owners of California.

"We are into new territory that has not been tread before," Paredes said. Gun groups are asking the federal government to declare that "gun stores are essential businesses, and it will resolve it for everybody and make it clear what we can and cannot do."

County Supervisor Sheila Kuehl said while she personally thinks gun stores are not essential businesses, the conflicting findings by Villanueva and the county likely need to get sorted out by a judge.

"Let them go to court about it," she said.

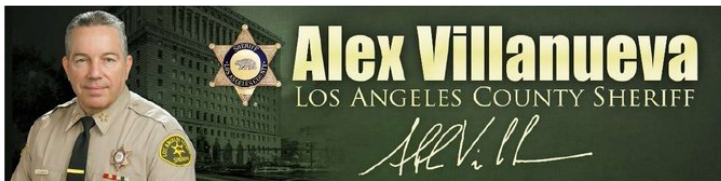
In the city of Los Angeles, officials have deemed gun shops to be nonessential and must close, according to City Attorney Mike Feuer. He said only “life-sustaining” businesses, such as grocery stores and pharmacies, can be open.

“There's nothing essential about being able to purchase a new handgun,” he said.



**Alex Villanueva**  
@LACoSheriff

In compliance with @CAGovernor's Executive Order, Gun & ammunition stores are not considered essential businesses, and will cease to sell to the general public, there are some exceptions. Please see my full statement below: [#COVID19](#) [#SaferAtHome](#) [#flattenthecurve](#) [#LASD](#) [#SheriffV](#)



**Stores Which Sell Guns and Ammunition:**

By order of the Sheriff of Los Angeles County, gun and ammunition stores are not considered essential businesses and must close to the general public, in compliance with the Executive Order-N-33-20 and County of Los Angeles Safer at Home Order for Control of COVID-19.

During the closure, they shall be permitted to sell ammunition to security guard companies. Also, I am making an exception for those who have already lawfully purchased a firearm, possess a valid California Firearms Safety certificate (CFS), and simply need to take possession of their firearm.

I conferred with the Los Angeles County Police Chiefs Association (LACPCA) and they support my decision to direct that action in the 42 contract cities and unincorporated Los Angeles County areas under the Sheriff's jurisdiction. I have deferred to the discretion of each individual chief of police as to their own jurisdictions.

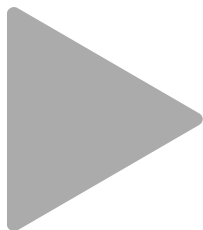
**Sheriff Alex Villanueva**

240 11:02 AM - Mar 26, 2020

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## L.A. County Sheriff provides COVID-19 update

Los Angeles County Sheriff Alex Villanueva provides an update on the coronavirus outbreak on March 26, 2020.



# **EXHIBIT J**





**Bay Area concert venue converted into a hospital for COVID-19** 11:11 AM

11:41 AM **SF COVID-19 cases near 500, Napa reports 2nd death**

**What to know about the risks of restaurant takeout and delivery**

8:54 AM **Maps: Global coronavirus cases surpass 1 million**

**Bodies of virus victims are left on the streets in Ecuador**

**SF to prioritize placing some homeless street-dwellers in hotels**

**SFGATE** <https://www.sfgate.com/politics/article/Gavin-Newsom-gun-store-closures-Second-Amendment-15157244.php>

## Gov. Gavin Newsom says state won't issue guidance on whether gun stores are essential businesses

By **Eric Ting**, SFGATE Published 3:37 pm PDT, Wednesday, March 25, 2020



IMAGE 1 OF 64

Gov. Gavin Newsom updates the state's response to the coronavirus at the Governor's Office of Emergency Services in Rancho Cordova, Calif., Monday, March 23, 2020.



## THE DAILY DAILY NEWSLETTER

Finally, a San Francisco newsletter from people who actually live here.

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California Gov. Gavin Newsom will not offer official guidance on whether gun stores can be classified as essential businesses and remain open during the state's shelter-in-place order.

Newsom was asked about the issue after Los Angeles County reversed course on a move to close gun stores amid the spread of coronavirus in the region and the county's shelter-in-place order. L.A. County Sheriff Alex Villanueva initially ordered the closing of gun stores, but legal counsel for the county determined gun stores are essential businesses and must remain open. Villanueva then rescinded the order.

During his Wednesday press conference, Newsom was asked whether the state would issue an official guidance for localities to follow, but Newsom said no guidance would be coming.

"I believe in people's right to bear arms and I believe people are exercising that right," Newsom said of **reports of increased sales at gun stores**. "But I'll defer to the sheriff in this instance, and I'll defer to sheriffs in their respective jurisdictions for that clarification."

Many have questioned whether the forced closure of gun stores runs afoul of the U.S. Constitution's Second Amendment and Supreme Court precedent.

The U.S. Supreme Court held in *District of Columbia v. Heller* (2008) that the Second Amendment guarantees an individual the right to bear arms for self-defense purposes, and multiple groups stated they would bring legal challenges against localities closing gun stores. These groups argue that forcing gun stores to close would violate an individual's right to seek means of self-defense during a crisis.

"There are far more important things that the sheriff can be doing than sending uniformed officers to gun stores telling them they're going to be shut down by force," said Sam Paredes, executive director of Gun Owners of California. "We've got lots of stories from people who said, 'I'd never thought I'd own a firearm, and now I want them more than anything in the world.'"

The full text of the Los Angeles County legal opinion that held gun stores were essential businesses was not released to the public.

*The Associated Press contributed to this report.*

#### **MORE CORONAVIRUS COVERAGE:**

Sign up for 'The Daily' newsletter for the latest on coronavirus **here**.

- **What you need to know about Bay Area shelter in place orders due to coronavirus**

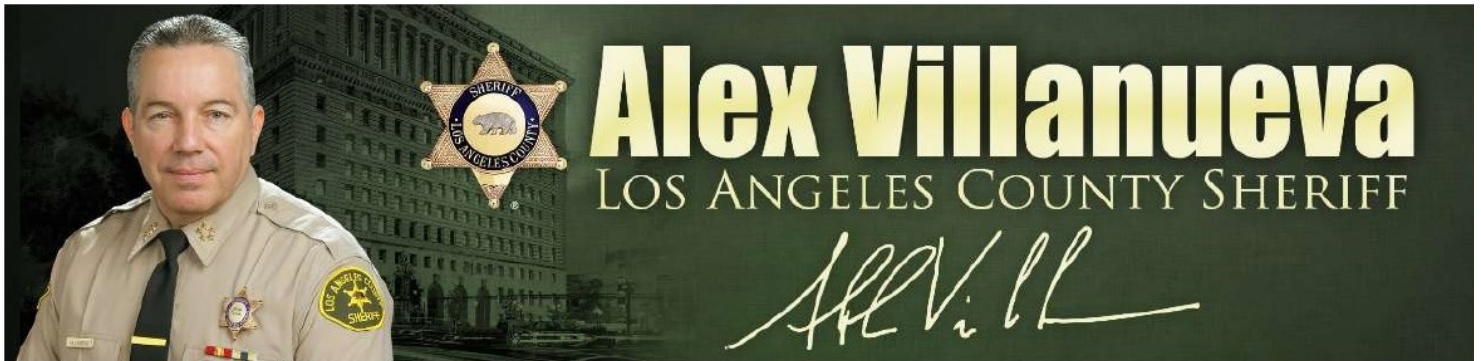
- 'I cry every morning': Delfina owner heartbroken over closing restaurants, laying off workers
- Boba Guys founder on what it's like to fire 400 people, shutter 17 locations in a single day
- UC San Francisco accepting mask donations
- 'Mom, what's happening to our city?': My apocalyptic bike ride on Valencia with my son
- Legendary SF concert venue Slim's to close
- 401-room W Hotel San Francisco temporarily closes due to lack of demand
- Can you leave your county if a shelter-in-place order is in effect in the Bay Area?
- Can you ride your bike in counties with shelter-in-place orders?
- 'Quarantine shaming': People navigate new social norms
- How 'flatten the curve' works in the coronavirus pandemic
- How a mild case of the novel coronavirus can quickly turn deadly
- Study shows how easily coronavirus can potentially spread
- The two most common symptoms in coronavirus patients
- Does smoking/vaping put you at a higher risk of coronavirus?
- How coronavirus compares to epidemics of the past
- The worst myths and misinformation about coronavirus
- Out of hand sanitizer? Here's how to make your own
- Are children at a lower risk for coronavirus complications?
- Are the elderly at a greater risk for coronavirus complications?
- Why Taiwan's COVID-19 death rate is shockingly low

AP Top Stories April 3 A



Eric Ting is an SFGATE digital reporter. Email: [eric.ting@sfgate.com](mailto:eric.ting@sfgate.com) | Twitter: [@\\_ericting](https://twitter.com/_ericting)

# **EXHIBIT K**



### **Stores Which Sell Guns and Ammunition:**

By order of the Sheriff of Los Angeles County, gun and ammunition stores are not considered essential businesses and must close to the general public, in compliance with the Executive Order-N-33-20 and County of Los Angeles Safer at Home Order for Control of COVID-19.

During the closure, they shall be permitted to sell ammunition to security guard companies. Also, I am making an exception for those who have already lawfully purchased a firearm, possess a valid California Firearms Safety certificate (CFS), and simply need to take possession of their firearm.

I conferred with the Los Angeles County Police Chiefs Association (LACPCA) and they support my decision to direct that action in the 42 contract cities and unincorporated Los Angeles County areas under the Sheriff's jurisdiction. I have deferred to the discretion of each individual chief of police as to their own jurisdictions.

**Sheriff Alex Villanueva**

# **EXHIBIT L**





**Alex Villanueva** ✓  
@LACoSheriff



Please see my statement regarding clarification on essential businesses during the #Covid19 Crisis: #LASD #FlattenTheCurve #SheriffV



**Federal Clarity Regarding Essential Businesses (Firearm Retailers)**

The Los Angeles County Sheriff's Department commends the community and all businesses in their continued efforts to protect the health and safety of all of our residents. We will achieve our goals of ensuring the health and safety of the community when we come together as a community to accomplish our respective missions.

Based on the changing environment, the various governmental entities have issued ongoing directives. On March 19, 2020 the County Health Officer issued a "Safer at Home Directive" with the intent of curbing the spread of COVID-19 through social distancing and the closure of non-essential businesses and services.

On March 28, 2020, the United States Department of Homeland Security issued an Advisory Memorandum in regard to Essential Critical Infrastructure Workers during COVID-19 response. Although explicitly advisory in nature, nonetheless the federal memorandum is persuasive given its national scope. Included in the list of essential critical infrastructure workers are workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.

Based on this further input from the federal government, the Los Angeles County Sheriff's Department will not order or recommend closure of businesses that sell or repair firearms or sell ammunition; will investigate reports of improper health practices such as poor sanitation or failure to maintain social distancing at all businesses; and forward detailed reports of unlawful health conditions to the District Attorney for their review and consideration.

Regardless of whether a business sells groceries, gasoline, firearms, or any other product or service, we encourage them to abide by all health and safety measures in place.

**Sheriff Alex Villanueva**

7:24 PM · Mar 30, 2020 · [Twitter Web App](#)

**99** Retweets   **192** Likes