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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ASSOCIATION OF DEPUTY DISTRICT
ATTORNEYS FOR LOS ANGELES
COUNTY,

Plaintiff and Petitioner,

vs.

GEORGE GASCÓN, in his official capacity
as District Attorney for the County of Los
Angeles; LOS ANGELES COUNTY
DISTRICT ATTORNEY'S OFFICE; and
DOES 1 through 50, inclusive,

Defendants and Respondents.

Case No.

**[PROPOSED] TEMPORARY
RESTRANING ORDER AND ORDER TO
SHOW CAUSE**

1 Having considered Plaintiff and Petitioner Association of Deputy District Attorneys for
2 Los Angeles County's *Ex Parte* Application for a Temporary Restraining Order and an Order to
3 Show Cause ("**Application**"), any opposition thereto, and arguments of counsel at the hearing on
4 the Application, and with good cause appearing, the Court **ORDERS** as follows:

5 **ORDER TO SHOW CAUSE**

6 1. The Court **ORDERS** Respondents George Gascón and the Los Angeles County
7 District Attorney's Office to show cause why a preliminary injunction should not issue restraining
8 and enjoining Respondents George Gascón and the Los Angeles County District Attorney's Office
9 from enforcing the following portions of Special Directives 20-08, 20-08.1, 20-08.2, and 20-14
10 (collectively "**Special Directives**") for the full duration of this action:

11 a. Any portion of the Special Directives that prohibits the Los Angeles County
12 District Attorney's Office, or any of its Deputy District Attorneys or prosecutors, from
13 pleading and proving prior strikes under California's Three Strikes Sentencing Initiative
14 (Penal Code §§ 667(b)–(i), 1170.12);

15 b. Any portion of the Special Directives that requires the Los Angeles County
16 District Attorney's Office, or any of its Deputy District Attorneys or prosecutors, to move
17 to dismiss from any pending criminal action any of the following:

18 i. Any prior-strike enhancements (Penal Code section 667(d), 667(e),
19 1170.12(a) and 1170.12(c)), including any second strikes and any strikes arising
20 from a juvenile adjudication;

21 ii. Any Prop 8 or "5-year prior" enhancements (Penal Code section
22 667(a)(1)) and "three-year prior" enhancements (Penal Code section 667.5(a));

23 iii. STEP Act enhancements ("gang enhancements") (Penal Code
24 section 186.22 et seq.);

25 iv. Special circumstances allegations resulting in an LWOP sentence;

26 v. Violations of bail or O.R. release (Penal Code section 12022.1); and

27 vi. Firearm allegations pursuant to Penal Code section 12022.53;

28 c. Any portion of the Special Directives that requires the Los Angeles County

1 District Attorney's Office, or any of its Deputy District Attorneys or prosecutors, to make
2 a post-conviction motion to dismiss from any pending criminal action special
3 circumstances allegations under Penal Code sections 190.1 to 190.5; and

4 d. Any portion of the Special Directives that requires the Los Angeles County
5 District Attorney's Office, or any of its Deputy District Attorneys or prosecutors, to move
6 for leave to amend the charging document in any pending criminal action for the purpose
7 of removing any allegations that they would otherwise be restrained and enjoined from
8 moving to dismiss under Paragraphs 1(b) and 1(c);

9 2. Respondents shall show cause as follows:

10 a. Respondents shall file, and shall serve on Petitioner's counsel of record by
11 e-mail, a written opposition to the Application on or before

12 _____;

13 b. Petitioner may file, and shall serve on Respondents' counsel of record by e-
14 mail, a written reply in support of the Application on or before

15 _____;

16 c. The Court shall hold a hearing on the Order to Show Cause on

17 _____ at _____ a.m. / p.m., in

18 Department _____ of this Court;

19 3. Within the timeframe set forth in Code of Civil Procedure section 527(d)(2),

20 Petitioner shall serve its Petition for Writ of Mandate and/or Prohibition, its Application and all
21 supporting documents, and this Order, on Respondents as follows: (a) if counsel for Respondents
22 appeared at the hearing on the Application, Petitioner shall effect such service by personal service
23 or by e-mail on counsel for Respondents; or (b) if counsel for Respondents did not appear at the
24 hearing on the Application, Petitioner shall effect such service by personal service on
25 Respondents' agent for service of process or other person authorized to receive service of process
26 on their behalf. Petitioner shall file a proof of service as soon as practicable after service under
27 this paragraph is complete, but in no event later than the date and time set for the hearing on the
28 Order to Show Cause set forth in Paragraph 2(c).

1 **TEMPORARY RESTRAINING ORDER**

2 4. The Court concludes as follows:

3 a. Petitioner Association of Deputy District Attorneys for Los Angeles County
4 has demonstrated a likelihood that the portions of Special Directives 20-08, 20-08.1, 20-
5 08.2, and 20-14 (collectively “**Special Directives**”), issued by Respondents George
6 Gascón and the Los Angeles County District Attorney’s Office, that Petitioner challenges
7 in this action, are unlawful and contravene both Respondents’ and Petitioner’s mandatory
8 duties;

9 b. There is a likelihood that the members of Petitioner, including Los Angeles
10 County’s Deputy District Attorneys, will suffer irreparable harm if Respondents are
11 permitted to enforce the Special Directives during the pendency of this action;

12 5. Effective immediately, Respondents George Gascón and the Los Angeles County
13 District Attorney’s Office are **RESTRAINED AND ENJOINED** from enforcing the following
14 portions of the Special Directives:

15 a. Any portion of the Special Directives that prohibits the Los Angeles County
16 District Attorney’s Office, or any of its Deputy District Attorneys or prosecutors, from
17 pleading and proving prior strikes under California’s Three Strikes Sentencing Initiative
18 (Penal Code §§ 667(b)–(i), 1170.12);

19 b. Any portion of the Special Directives that requires the Los Angeles County
20 District Attorney’s Office, or any of its Deputy District Attorneys or prosecutors, to move
21 to dismiss from any pending criminal action any of the following:

22 i. Any prior-strike enhancements (Penal Code section 667(d), 667(e),
23 1170.12(a) and 1170.12(c)), including any second strikes and any strikes arising
24 from a juvenile adjudication;

25 ii. Any Prop 8 or “5-year prior” enhancements (Penal Code section
26 667(a)(1)) and “three-year prior” enhancements (Penal Code section 667.5(a));

27 iii. STEP Act enhancements (“gang enhancements”) (Penal Code
28 section 186.22 et seq.);

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- iv. Special circumstances allegations resulting in an LWOP sentence;
- v. Violations of bail or O.R. release (Penal Code section 12022.1); and
- vi. Firearm allegations pursuant to Penal Code section 12022.53;

c. Any portion of the Special Directives that requires the Los Angeles County District Attorney’s Office, or any of its Deputy District Attorneys or prosecutors, to make a post-conviction motion to dismiss from any pending criminal action special circumstances allegations under Penal Code section 190.1 to 190.5; and

d. Any portion of the Special Directives that requires the Los Angeles County District Attorney’s Office, or any of its Deputy District Attorneys or prosecutors, to move for leave to amend the charging document for the purpose of removing any allegations that they would otherwise be restrained and enjoined from moving to dismiss under this Order;

6. Nothing in this Order shall be construed as prohibiting, restraining, or requiring any action or conduct by the Los Angeles County District Attorney’s Office, or any of its Deputy District Attorneys or prosecutors, that they otherwise could or would undertake (or refuse to undertake) but for the existence of the Special Directives;

7. This temporary restraining order shall expire at the date and time that the Court either grants or denies a preliminary injunction following the Order to Show Cause hearing set under Paragraph 2(c); and

8. No undertaking is required because Respondents consist of a public entity and a public officer pursuant to Code of Civil Procedure section 529.

IT IS SO ORDERED.

DATED: December ____, 2020

Judge of the Superior Court

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PROOF OF SERVICE

Ass'n of Assistant District Attorneys for Los Angeles County v. George Gascon, et al.

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 S. Figueroa Street, Suite 2000, Los Angeles, CA 90017.

On December 29, 2020, I served true copies of the following document(s) described as **[PROPOSED] TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: On December 29, 2020, I caused a copy of the document(s) to be sent from e-mail address dcarroll@bgrfirm.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 29, 2020, at Los Angeles, California.



David J. Carroll

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SERVICE LIST

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District Attorney's Office