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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER  
11  
12

13 **CITY OF LAGUNA HILLS, ET AL.,**  
14  
Plaintiffs,  
15  
v.  
16  
**ELITE HOSPITALITY, INC., ET AL.,**  
17  
Defendants.  
18

Case No. 30-2020-01139345-CU-MC-CJC

**BRIEF OF GOVERNOR GAVIN  
NEWSOM, BY SPECIAL APPEARANCE,  
IN SUPPORT OF ORANGE COUNTY'S  
OPPOSITION TO PLAINTIFFS' EX  
PARTE APPLICATION FOR ORDER TO  
SHOW CAUSE AND TEMPORARY  
RESTRAINING ORDER**

Date: April 20, 2020  
Time: 10:00 a.m.  
Dept: C-25  
Judge: Thomas A. Delaney  
Trial Date: None Set  
Action Filed: April 14, 2020

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1 Governor Gavin Newsom files this brief in support of Orange County’s opposition to  
2 Plaintiffs’ *ex parte* application for an order to show cause and temporary restraining order, and  
3 requests to specially appear at the hearing scheduled for April 20, 2020. Due to the urgency and  
4 importance of public health measures implemented during the coronavirus emergency, the  
5 Governor respectfully requests that the Court accept and consider this brief and allow attorneys  
6 for the Governor to appear at the hearing on this matter. As discussed below, consistent with the  
7 broad emergency authority granted to the Governor and the County, the Court should deny  
8 Plaintiffs’ application and permit County officials to implement vital public safety measures, such  
9 as Project Roomkey, that are designed to curb the spread of the deadly COVID-19 virus.

## 10 INTRODUCTION

11 The State of California, like the rest of the world, is combatting a public health emergency  
12 of a magnitude unseen for at least a century. COVID-19 is an infectious and frequently deadly  
13 disease that already has killed over 39,000 Americans. This extraordinary pandemic calls for  
14 swift and decisive action using the limited tools available to curb the disease’s spread. In  
15 particular, the pandemic will be halted only if transmission is curbed, and if individuals who have  
16 been diagnosed with or exposed to the disease are isolated from others (and given proper medical  
17 treatment).

18 California faces a particularly difficult challenge in fighting the pandemic, because of the  
19 State’s large homeless population, present in every one of the State’s 58 counties. For various  
20 reasons, homeless individuals often have particularly great risk of being exposed to and  
21 contracting COVID-19, yet they do not have homes in which to self-isolate, increasing the risk of  
22 the disease spreading. That is why addressing the homelessness crisis is a critical element of  
23 California’s strategy to stop the spread of COVID-19.

24 In response to the COVID-19 pandemic, the Governor has proclaimed a state of emergency  
25 and initiated Project Roomkey. Project Roomkey’s purpose is to utilize, throughout the State,  
26 hotel and motel rooms that are currently sitting empty, to temporarily house, isolate, and treat  
27 homeless individuals who have been diagnosed with or are at high risk of contracting COVID-19.  
28 Local authorities are authorized to coordinate with the State to identify and convert appropriate

1 facilities and enter into contracts with owners for these purposes, in accordance with a strict set of  
2 guidelines.

3 As part of Project Roomkey, the County, in coordination with the State, contracted with  
4 Co-Defendant Elite Hospitality, Inc., to use its hotel, the Laguna Hills Inn, to isolate and, where  
5 necessary, to provide appropriate treatment for homeless individuals in Orange County.  
6 However, Plaintiffs are trying to block this crucial emergency public-health initiative, on the  
7 meritless claim that the Covenants, Conditions, Restrictions, and Reservations of Easements  
8 (CCR&Rs) that apply to Laguna Hills Inn prevent it from being used as temporary housing for  
9 sick or vulnerable people, in the midst of a harrowing pandemic. But the steps that the Governor  
10 and the County have taken fall squarely within the emergency authority of the Governor and  
11 County to take decisive action to address the crisis. This authority encompasses the ability to  
12 temporarily suspend *localized, non-emergency, contractual* CCR&Rs. A patchwork of localized  
13 and private contracts, which were entered into during ordinary circumstances, do not supersede  
14 emergency powers exercised by the Governor in cooperation with the counties to address the  
15 unprecedented pandemic at hand.

16 In seeking emergency equitable relief to obstruct state and local emergency actions to  
17 respond to a public health emergency, plaintiffs bear a particularly heavy burden. But rather than  
18 begin to satisfy this burden Plaintiffs all but ignore the extraordinary state of emergency, as well  
19 as the imminent threat that the COVID-19 pandemic poses to the health and safety of all  
20 Californians absent measures like those provided for in Project Roomkey. Nor have Plaintiffs  
21 shown that they will suffer more harm in the absence of injunctive relief than the general public  
22 will suffer if a temporary restraining order is granted. The harms Plaintiffs point to are  
23 speculative and ignore the reality on the ground. Without Project Roomkey, state and local  
24 officials will lose an important tool to combat the virus, and more Californians will suffer and die.

### 25 **BACKGROUND: EXECUTIVE ORDERS AND PROJECT ROOMKEY**

26 To prepare for and respond to suspected or confirmed cases of COVID-19 in California and  
27 to implement measures to mitigate the spread of COVID-19, the Governor proclaimed a State of  
28 Emergency in California on March 4, 2020. (Defs.' Opp. to Plfs.' Ex Parte Applic. for OSC/TRO

1 (“Def. TRO Opp.”), Ex. 5 [State of California Proclamation of State of Emergency by Governor  
2 Gavin Newsom].)

3 COVID-19 presents a particular threat to the state’s homeless population. Recognizing this  
4 risk, the State acted quickly to address the particular risks of transmission to the homeless  
5 population, implementing a series of measures that together are called Project Roomkey. On  
6 March 10, 2020, noting the increased risks of COVID-19 infection of the homeless population  
7 and, therefore, the greater potential of that population to transmit the virus, the California  
8 Business, Consumer Services and Housing Agency directed homeless assistance providers  
9 throughout California to identify spaces that can be used to accommodate sick and vulnerable  
10 homeless individuals who have no option to self-quarantine outdoors. (Def. TRO Opp., Ex. 10  
11 [Guidance for Homeless Assistance Providers on Novel Coronavirus (COVID-19)], pp. 1, 3.)

12 On March 12, 2020, Governor Newsom signed Executive Order N-25-20, which cited to  
13 the immediate need to secure numerous facilities in order to isolate and treat individuals exposed  
14 to COVID-19, and which also cited to the increased demands and strain on existing homeless  
15 shelters and resources. (Def. TRO Opp., Ex. 6 [Executive Order N-25-20], p. 1.) Accordingly,  
16 the Governor ordered the California Health and Human Services Agency and Office of  
17 Emergency Services to identify and make available hotels and other similar facilities to be used as  
18 temporary residences for quarantining and treating individuals who have tested positive for or  
19 have a high-risk exposure to COVID-19. (*Id.*, p. 3, ¶ 8.) Executive Order N-25-20 specifically  
20 provides that such property be made available “*through the use of any contracts or other*  
21 *necessary agreements*, and, if necessary, through the State’s power to commandeer property.”  
22 (*Id.*, italics added.)

23 On March 18, 2020, the State issued additional guidance to homeless assistance providers  
24 statewide, updating them on the State’s efforts to secure hotel/motel rooms to temporarily house  
25 homeless individuals that are diagnosed or exposed to COVID-19. (Def. TRO Opp., Ex. 11  
26 [Interim Guidance for Homeless Assistance Providers on Novel Coronavirus (COVID-19)], p. 3.)  
27 Homeless assistance providers were directed to coordinate with their local County Office of  
28 Emergency Management to determine the need for such spaces and to also coordinate with the

1 State. (*Id.*, p. 4.) The next day, March 19, 2020, the Governor signed Executive Order N-33-20,  
2 well-known as the stay-at-home order. (Def. TRO Opp., Exh. 9 [Executive Order N-33-20].)

3 On March 27, 2020, following the State’s pledge of funds in furtherance of Project  
4 Roomkey, the State secured federal funds from the Federal Emergency Management Agency  
5 (FEMA). (Def. TRO Opp., Exh. 12 [Letter, FEMA to OES].)

6 Project Roomkey is a program of statewide importance, as explained in the detailed  
7 guidelines issued as part of the program’s implementation. (See Def. TRO Opp., Ex. 2 [Project  
8 Roomkey: Emergency Housing for Immediate Protection Factsheet].) It necessarily requires the  
9 suspension of certain restrictions on the use of funds and property. (See, e.g., Def. TRO Opp.,  
10 Ex. 8 [Executive Order N-32-20], pp.1-2 [suspending portions of Health and Safety Code].)  
11 Hotel rooms that would ordinarily not be eligible for certain funds to be converted to isolation  
12 shelters are no longer restricted, and certain regulations governing those funds are suspended, on  
13 a temporary basis, under Project Roomkey. (*Id.*, ¶¶ 1-3.) Given the unique circumstances that  
14 each county faces regarding homelessness and Project Roomkey’s stringent requirements, the  
15 State works with local authorities as well as private entities to identify appropriate hotel/motel  
16 rooms, which allows each county “to focus its resources on the provision of site supervision,  
17 security, laundry, sanitation, and other services.” (Project Roomkey: Emergency Housing for  
18 Immediate Protection Fact Sheet, available at [https://www.cdss.ca.gov/Portals/9/FEMA/Project-  
19 Roomkey-Fact-Sheet.pdf](https://www.cdss.ca.gov/Portals/9/FEMA/Project-Roomkey-Fact-Sheet.pdf) (last accessed April 19, 2020).)

## 20 ARGUMENT

### 21 I. THE GOVERNOR HAS BROAD AUTHORITY TO ISSUE EXECUTIVE ORDERS DURING A 22 STATE OF EMERGENCY, AND THE COUNTY MAY IMPLEMENT THOSE ORDERS DURING AN EMERGENCY

23 The U.S. Supreme Court has long recognized that “a community has the right to protect  
24 itself against an epidemic of disease which threatens the safety of its members.” (*Jacobson v.*  
25 *Massachusetts* (1905) 197 U.S. 11, 27, internal quotation marks omitted.) In that regard, the  
26 Supreme Court has permitted states to enact “quarantine laws and health laws of every  
27 description.” (*Id.* at p. 25). Courts have universally upheld actions similar to the Executive  
28 Order’s measures to combat the COVID-19 pandemic. (See, e.g., *Compagnie Francaise de*



1 *Navigation a Vapeur v. Bd. of Health of State of La.* (1902) 186 U.S. 380 [upholding quarantine  
2 law against constitutional challenges]; *Rasmussen v. Idaho* (1901) 181 U.S. 198 [permitting a ban  
3 on certain animal imports if evidence of disease was found]; see also *Benson v. Walker* (4th Cir.  
4 1921) 274 F. 622 [board of health resolution preventing circuses from entering a county because  
5 of 1918-1919 influenza epidemic found lawful]; *Hickox v. Christie* (D.N.J. 2016) 205 F. Supp.  
6 3d 579 [quarantine of nurse who had treated Ebola patients in Sierra Leone found lawful].)

7 Through the California Emergency Services Act, the Legislature has centralized authority  
8 to respond to state emergencies within the Governor. In emergencies like the present one, the  
9 Governor has “all police power vested in the state.” (Gov. Code, § 8627.) This includes  
10 authority to “make, amend, and rescind orders and regulations necessary” to respond to the  
11 emergency (*id.*, § 8567), as well as to “suspend any statute prescribing the procedure for conduct  
12 of state business, or the orders, rules, or regulations of any state agency . . . where the Governor  
13 determines and declares that strict compliance with any statute, order, rule, or regulation would in  
14 any way prevent, hinder, or delay the mitigation of the effects of the emergency.” (*Id.*, § 8571).

15 The State’s proclamation of a state of emergency and invocation of emergency powers  
16 “necessarily restrict[] activities that would normally be constitutionally protected,” and “[a]ctions  
17 which citizens are normally free to engage in [have] become subject to criminal penalty.”  
18 (*United States v. Chalk* (4th Cir. 1971) 441 F.2d 1277, 1281.)<sup>1</sup> Given this broad authority, the  
19 Governor has the authority to implement Project Roomkey, and to authorize local authorities to  
20 carry out its provisions, even if doing so temporarily overrides contracts or agreements currently  
21 in place.<sup>2</sup> Indeed:

22 [i]n the exercise of the emergency powers . . . vested in him during a state of war  
23 emergency or state of emergency, the Governor is authorized to commandeer or  
24 utilize any private property or personnel deemed by him necessary in carrying out the  
responsibilities hereby vested in him as Chief Executive of the states and the state  
shall pay the reasonable value thereof.

25 \_\_\_\_\_  
26 <sup>1</sup> Indeed, states are permitted to curtail constitutional rights during an emergency. (See,  
27 e.g., *Jacobson v. Massachusetts*, *supra*, 197 U.S. at p. 29 [recognizing that “under the pressure of  
28 great dangers,” constitutional rights may be reasonably restricted “as the safety of the general  
public may demand”].)

<sup>2</sup> County Defendants address this issue at length in their briefing to the court. (Def. Supp.  
Opp. at pp. 2-8.)

1 (Gov. Code, § 8572.) Plaintiffs’ request here threatens to undermine the unique design of  
2 California’s system of government in responding to public health emergencies at a moment of  
3 extreme peril. Under the Emergency Services Act, the Governor has the power to approve a local  
4 emergency response plan. (Gov. Code, § 8570, subd. (d).) The Governor has exercised that  
5 power in the above-noted Executive Orders, and specifically approves the County’s execution of  
6 contracts to procure privately-owned quarantine and isolation spaces for temporary use during  
7 this moment of crisis. Also under the Emergency Services Act, each political subdivision,  
8 including Orange County and the City of Laguna Hills, is obligated to take all actions necessary  
9 to carry out a statewide emergency plan. (Gov. Code, § 8568.) The County is taking appropriate  
10 actions to implement Project Roomkey, and the City of Laguna Hills does not have authority to  
11 attempt to curb those actions. (Cf. *Interstate Marina Development Co. v. County of Los Angeles*  
12 (1984) 155 Cal.App.3d 435 (holding that county rent-control ordinance did not unconstitutionally  
13 impair pre-existing real-estate development contracts); Jared Igerman, *California Counties:  
14 Second-Rate Localities or Ready-Made Regional Governments?*, 26 Hastings Const. L.Q. 621,  
15 670 (Spring 1999) (“In principle, there is nothing to prevent the State from delegating to the  
16 counties any or all of its land use regulation powers that preempt conflicting municipal laws”).)

17 In addition, the County itself has the authority to temporarily override the CCR&Rs as  
18 needed to combat an emergency health crisis.<sup>3</sup> The Emergency Services Act expressly provides  
19 that counties may take actions precisely like the ones at issue here. (Gov. Code § 8634 [cities and  
20 counties “may promulgate orders and regulations necessary to provide for the protection of life  
21 and property”].) Cities, including Laguna Hills, must abide by county emergency rules and  
22 regulations. (See 62 Ops.Cal.Atty.Gen. 701 (1979) [“Cities within a county are bound by county  
23 rules and regulations adopted by the county pursuant to section 8634 of the Government Code  
24 during a county proclaimed local emergency when the local emergency includes both  
25 incorporated and unincorporated territory of the county”].) On February 26, 2020, the County  
26 declared a local emergency and local health emergency in response to COVID-19. (See County

27 <sup>3</sup> This is the case even assuming the CC&Rs would actually apply to the contract between  
28 the County and the hotel owner. As the County has forcefully argued, there is serious doubt that  
the CC&Rs are in any way violated by the agreement to address an immediate health crisis.

1 of Orange, Proclamation of a Local Emergency, available at  
2 <https://www.ocgov.com/civicax/inc/blobfetch.aspx?BlobID=112436>, pp. 4-6 (last accessed April  
3 19, 2020).) In that proclamation, the County explicitly ordered that “all County departments and  
4 agencies take those actions, measures and steps deemed necessary to assure the safety and welfare  
5 of Orange County residents and property.” (County of Orange, Proclamation of a Local  
6 Emergency, p. 5.) Neither the city nor private parties have authority to interfere with these life-  
7 saving measures.

8 Finally, contrary to Plaintiffs’ argument (Plaintiffs’ Supp. TRO, at pp. 2-4.), nothing  
9 requires the Governor to fully “commandeer” private property in all circumstances. The flexible  
10 authority granted to the Governor allows him to “utilize” property, including through contracts  
11 and voluntarily arrangements, as Executive Order N-25-20 specifically provides for. (Gov. Code,  
12 § 8572; Def. TRO Opp., Ex. 6, ¶ 8.) The use of one option versus another would not make any  
13 difference to the rights of third parties or the general public.

14 There is no merit to Plaintiffs’ assertion that what the Governor may do through  
15 commandeering property he may not do through much less drastic measures: the voluntary  
16 cooperation of the County and private property owners in accordance with existing executive  
17 orders and the County’s own emergency declaration.<sup>4</sup> Project Roomkey provides for homeless  
18 housing, on a temporary basis, with the agreement and participation of counties and hotel/motel  
19 owners, in order to stop the spread of the virus. In an emergency, there is no prohibition on the  
20 Governor or local officials to take these steps and allow the State to arrange with counties and  
21 private parties, in a cooperative fashion, to temporarily utilize property to address a public  
22 emergency, as has been done here.<sup>5</sup> The CCR&Rs—which are private, localized, non-

23 <sup>4</sup> Plaintiffs’ argument also undercuts their claim of irreparable harm absent an injunction,  
24 because, they tacitly admit, the Governor could lawfully commandeer the Laguna Hills Inn for  
Project Roomkey.

25 <sup>5</sup> Moreover, Plaintiffs appear to be using the CCR&Rs as a stand-in for their objections to  
26 Project Roomkey, for they contend that “no amount of security or other precautions can make  
27 [Laguna Hills Inn] safe.” (Plaintiffs’ TRO, at p. 7.) It is disingenuous to urge this Court, as  
28 Plaintiffs do, to require the County and the State to seek approval from the Development  
Committee, which would have denied approval as a foregone conclusion, even assuming that a  
functioning Development Committee exists, something that has been called into question. (See  
Akash Decl., § 14 [“In the 22 years that Elite has owned the LHI, I have never heard of a

1 emergency, contract-based regulations—must yield, for now, to the overarching emergency  
2 authorities of the Governor and the County when they are addressing an unprecedented global  
3 pandemic.<sup>6</sup>

4 Moreover, as the County points out, CCR&Rs are generally void if contrary to public  
5 policy. (See, e.g., *Hall v. Butte Home Health, Inc.* (1997) 60 Cal.App.4th 308 [restrictive  
6 covenant preventing group home for the disabled violated state law prohibiting discrimination  
7 against the disabled]; *Barrett v. Dawson* (1998) 61 Cal.App.4th 1048 [upholding state law  
8 declaring restrictive covenants against day care homes in residential neighborhoods were void;  
9 recognizing significant and legitimate public purpose].) Here, the CCR&Rs are not generally  
10 void; however, during the pandemic and the ongoing state of emergency, there is a clear statutory  
11 power to override them temporarily to the extent that they conflict with the Governor’s and  
12 County’s orders.

13 **II. THE STATE AND THE PUBLIC WILL BE HARMED IF INJUNCTIVE RELIEF IS GRANTED**

14 **A. Plaintiffs Have Failed to Assert Harms That Outweigh Using the Laguna  
15 Hills Hotel for Project Roomkey**

16 The issuance of an injunction here would lead to far greater harm to the Defendants—and  
17 to the general public—as compared to the harm Plaintiffs would suffer if the injunction were  
18 denied; therefore, Plaintiffs’ application for a TRO should be denied. (*People ex rel. Gallo v.*  
19 *Acuna* (1997) 14 Cal.4th 1090, 1109.)

20 Plaintiffs contend that the individuals to be housed within the City pose a risk to Laguna  
21 Hills residents because they may violate the requirements of the Stay-At-Home order, quarantine  
22 orders, and the requirements of accommodation and treatment set forth by Project Roomkey, and  
23 enter the community at large. (Plfs.’ TRO App. at pp. 4-5, 7, 15.) Other than speculation,  
24 Plaintiffs have no basis to make such assertions. As County Defendants note, there is now a  
25 fence entirely around the Laguna Hills Inn (Decl. of David H. Solo, ¶ 7 and Exh. A) and there

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26 Development Committee for Plaza Pointe . . . nor have I received any communications from such a  
27 committee”].)

28 <sup>6</sup> Moreover, many businesses in Plaza Pointe are now effectively prohibited from  
complying with CCR&Rs, because the State has ordered those businesses closed.

1 will be a full-time security detail at the site (Decl. of Ahmad Hamini, ¶ 3.) Further, Plaintiffs  
2 discount the minimal risk to permanent residents who are in compliance with the Stay-At-Home  
3 Order.<sup>7</sup> Plaintiffs’ contention that the use of the Laguna Hills Inn for Project Roomkey would  
4 expose the City’s population to potentially infected healthcare workers and other staff is similarly  
5 based on pure speculation. (Plaintiffs’ TRO at p. 7, 15.) The risk is no greater than that posed by  
6 the healthcare workers who work in medical facilities within the City limits or who live within  
7 the City but commute to healthcare facilities outside the City, or by all other essential employees  
8 who commute to or from Laguna Hills. The harms to Plaintiffs stem from the ongoing crisis, not  
9 the efforts to prevent the spread of the disease.

10 **B. Issuance of a TRO Would Immediately and Irreparably Harm the Public**  
11 **Interest**

12 On the other hand, an injunction would cause immediate harm to the general public. As  
13 Plaintiffs correctly note, the most effective measures to stopping the spread of COVID-19 is to  
14 remain “physically separated from known or potentially infected individuals.” (Plfs.’ TRO App.,  
15 at p. 2.) To that end, the Governor has issued multiple orders and taken other actions. And  
16 because of the significant threat to the homeless population posed by the virus, and the threat of  
17 continued transmission by the homeless population, the State has launched Project Roomkey.  
18 Counties are directed to implement Project Roomkey across the state in order for the program to  
19 be effective, including making use of hotels and motels—wherever they may be—that are well-  
20 suited to provide accommodations for the purposes of isolation and treatment.

21 Swift implementation of Project Roomkey is of vital statewide importance. If homeless  
22 individuals who have been diagnosed with or are exhibiting signs of COVID-19 are left unhoused  
23 and without treatment, the virus will continue to spread, and not just within the homeless  
24 population, but to the wider population, in Laguna Hills and elsewhere.<sup>8</sup>

25 <sup>7</sup> Plaintiffs assert that the Laguna Hills Inn is next to a “bustling” commercial area.  
26 (Plaintiffs’ TRO, at p. 3.) Although that may be the case for the period before and after the  
27 present emergency, Plaintiffs’ assertion ignores the fact that the Stay-At-Home Order allows only  
28 emergency services and essential businesses to operate.

<sup>8</sup> Plaintiffs point to the low numbers of confirmed Covid-19 cases in the City thus far.  
(Plaintiffs’ TRO at p. 3.) But these numbers are likely a mere fraction of the true rate of  
infections. (See Mason, Netburn, “Coronavirus Infections Could Be Much More Widespread

1 Granting a TRO here would significantly damage Project Roomkey’s success, at a crucial  
2 time where the Governor is urging cities to overcome their hesitancy and implement its  
3 provisions. (See McGreevy, “Some Cities Are Blocking California Efforts to Protect Homeless  
4 People From Coronavirus, Newsom Says” (Los Angeles Times, April 18, 2020), available at  
5 [https://www.latimes.com/california/story/2020-04-18/gavin-newsom-project-roomkey-homeless-  
6 people-housing-california-hotels](https://www.latimes.com/california/story/2020-04-18/gavin-newsom-project-roomkey-homeless-people-housing-california-hotels) (last accessed April 18, 2020).) The County would have to start  
7 from scratch to locate new temporary housing for homeless coronavirus victims in South Orange  
8 County, causing delays that could be deadly. The risk of infection to asymptomatic homeless  
9 persons would increase. And infections in the homeless population could easily spread to the  
10 wider population. Finally, an injunction would send the wrong signal to cities who are similarly  
11 resisting implementing Project Roomkey.

## 12 CONCLUSION

13 For the foregoing reasons, the Governor respectfully requests that the Court deny Plaintiffs’  
14 application for a temporary restraining order.

15 Dated: April 19, 2020

Respectfully Submitted,

16 XAVIER BECERRA  
17 Attorney General of California  
18 THOMAS S. PATTERSON  
19 Senior Assistant Attorney General  
20 JONATHAN M. EISENBERG  
21 Deputy Attorney General

22 */s/ Lara Haddad*

23 \_\_\_\_\_  
24 LARA HADDAD  
25 Deputy Attorney General  
26 *Attorneys for Governor of California Gavin*  
27 *Newsom*

28 \_\_\_\_\_  
29 Than Believed, California Study Suggests,” (Los Angeles Times, April 17, 2020), available at  
30 [https://www.latimes.com/california/story/2020-04-17/coronavirus-antibodies-study-santa-  
31 clara-county](https://www.latimes.com/california/story/2020-04-17/coronavirus-antibodies-study-santa-clara-county) (last accessed April 18, 2020).)

**DECLARATION OF SERVICE BY E-MAIL**

Case Name: **City of Laguna Hills vs. Elite Hospitality, Inc.**  
No.: **30-2020-01139345-CU-MC-CJC**

I declare:

On April 19, 2020, I served the attached **BRIEF OF GOVERNOR GAVIN NEWSOM, BY SPECIAL APPEARANCE, IN SUPPORT OF ORANGE COUNTY'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER** by transmitting a true copy via electronic mail to the following recipients:

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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 19, 2020, at Los Angeles, California.

\_\_\_\_\_  
Lara Haddad  
Declarant

\_\_\_\_\_  
*s/ Lara Haddad*  
Signature