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April 9, 2020

**VIA ELECTRONIC MAIL**  
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Harmeet K. Dhillon, Esq.  
DHILLON LAW GROUP, LLC  
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**Re: April 7, 2020 Order Of The Health Office of San Bernardino County**

Dear Ms. Dhillon:

I write in response to your letter dated April 8, 2020 addressed to the County Board of Supervisors and demanding the rescission of the Order of the Health Officer of the County of San Bernardino for the Control of COVID-19, dated April 7, 2020 (“the April 7, 2020 Order”). The purpose of the Order is to address the enormous public health disaster created by the COVID-19 pandemic. Please be advised that the County has clarified the April 7, 2020 Order just yesterday (“the April 8, 2020 Clarification”). The April 8, 2020 Clarification specifically provides that faith based organizations or individuals, face no threat of citations or other punishment for their faith based activities over the Easter weekend wherein every effort is made to prevent contact between congregants and adherence to social distancing guidance. This includes conducting or attending drive-in services where congregants remain in their vehicles to collect items from their vehicles such as Easter baskets.

Please note that the April 7, 2020 Order and the companion April 8, 2020 Clarification are posted at the County Public Health website dedicated to COVID -19. Accordingly, there simply is no emergency here mandating seeking federal court intervention on an expedited basis and asking for a temporary and permanent restraining order for the reasons you assert in your letter. *See Reno Air Racing Ass'n., Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006) [courts recognize very few circumstances justifying the issuance of an ex parte temporary restraining orders]; *see also Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty.*, 415 U.S. 423, 439 (1974); *Stanchart Sec. Int'l, Inc. v. Galvador*, 2012 WL 5286952, at \*1 (S.D. Cal. 2012) [“TROs are for emergencies only”]; Fed. R. Civ. Proc. 65(b).

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I also invite you to note that the April 8, 2020 Clarification states that the County “does not expect law enforcement to broadly impose citations on violators” and that “the expectation is that law enforcement will rely upon community members to use good judgment, common sense, and act in the best interest of their own health and the health of their loved ones and the community at large.” Accordingly, there has not been any individual congregant, nor any religious facility, that is under any threat of enforcement here. As such, there simply is no case or controversy to support Article III standing or grounds for preliminary injunctive relief. *See Los Angeles Memorial Coliseum Comm’n v. National Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980) [as a prerequisite to preliminary injunctive relief, plaintiffs must do more than merely allege harm sufficient to establish standing, rather, he or she must demonstrate immediate threatened injury].

The County Public Health Officer is continuing to focus its concerted efforts on dealing with the health crisis posed by COVID-19 pandemic and it is critical that County resources are dedicated to these exigency public health crisis at play with COVID-19. As well, the County and/or Public Health Officer expects to be issuing further clarifications as necessary to address the threat to public health while allowing for public encounters such as religious services that practice social distancing. Further, the County disagrees with the asserted claims of constitutional infirmities based on portions of the April 7, 2020 Order or the April 8, 2020 Clarification regarding face covering requirements. Nevertheless, the County anticipates there will be further clarifications and/or orders issued that will address some additional concerns raised by your letter.

I am confident that in light of the above, the Center for American Liberty will not be seeking extraordinary relief from the federal court. Should you choose to proceed forward despite the lack of need for court intervention, please advise the federal court that the County will be opposing any such temporary restraining order filing.

Sincerely,



MICHELLE D. BLAKEMORE  
County Counsel

cc: Mark Meuser, Esq.  
Dhillon Law Group LLC