

1 Ronda Baldwin-Kennedy, Esq. (SB #302813)
2 Jerome A Clay, Esq. (SBN#327175)
3 Law Office of Ronda Baldwin-Kennedy
4 5627 Kanan Rd. #614
5 Agoura Hills, CA 91301
6 Ph: (951) 268-8977
7 Fax: (702) 974-0147
8 Email: ronda@lorbk.com

9 Attorney for: Plaintiff Donald McDougall

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11 **UNITED STATES DISTRICT COURT FOR THE**
12
13 **CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION**
14

15 Donald McDougall an Individual;
16 Plaintiff,

17 v.

18 COUNTY OF VENTURA CALIFORNIA,
19 Does 1-20 and Does 1-20

20 Defendant.

CASE NO. 2:20 CV-02927

21 **PLAINTIFF'S MEMORANDUM IN**
22 **SUPPORT OF EX PARTE**
23 **APPLICATION FOR TEMPORARY**
24 **RESTRAINING ORDER AND ORDER**
25 **TO SHOW CAUSE WHY A**
26 **PRELIMINARY INJUNCTION**
27 **SHOULD NOT ISSUE**
28

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INTRODUCTION

The Plaintiff moves for an order temporarily enjoining Defendant County of Ventura, California (“Ventura County”), from ordering gun stores closed under the Stay Well at Home Order. The continuation of the Gun Store closure leaves the Plaintiff and similar situated Ventura County Residence with no means to exercise their second amendment rights to bear arms in violation of the fourteenth and second amendment.” District of Columbia v. Heller (2008) 554 U.S. 570, 592 [128 S.Ct. 2783, 171 L.Ed.2d 637] and McDonald v. City of Chicago, Ill. (2010) 561 U.S. 742, 750 [130 S.Ct. 3020, 177 L.Ed.2d 894]; id. at p. 805 (Thomas, J., concurring). In order to preserve the status quo of Plaintiff and similarly situated residents of Ventura County to have access to Gun Stores to purchase of firearms. Plaintiff applies to this Court Pursuant to 15 U.S.C.A. § 4 and 25 (West) and Fed. Rules Civ.Proc., rule 6, 28 U.S.C.A., for temporary restraining order. Without such an order guns stores will remain closed for an undetermined amount of time, immediately harming Plaintiff and similarly situated Ventura County Residents. After the Executive order N-33-20 and Stay Well at Home Orders were enacted, Ventura County, upon the advice of County Counsel ordered all gun stores to close until further notice. This temporary ban on the sale of firearms in Ventura County flatly violates the rights to arms and poses an immediate threat to constitutionally protected activities.

Plaintiff purchased a firearm from a Gun Store within the County of Ventura. During the mandatory waiting period, the Executive order N-33-20 and Stay Well at Home Orders were enacted. After the ordered gun store closures, Plaintiff has been unable to pick up his purchased firearm; Plaintiff and similarly situated Ventura county residents are being denied access and use of their property.

STANDARD OF REVIEW

Temporary restraining orders are designed to preserve the status quo pending the ultimate outcome of litigation. They are governed by Fed. Rules Civ.Proc., rule 65, 28 U.S.C.A.(b) which requires the moving party to show that “it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party . . . can be heard in opposition....” Under Fed. Rules Civ.Proc., rule 65, 28 U.S.C.A.(b) and Ninth Circuit case law, a plaintiff may obtain a temporary restraining order only where he or she can “demonstrate immediate threatened injury.” See, e.g., Caribbean Marine Services Co., Inc. v. Baldrige (9th Cir. 1988) 844 F.2d 668, 674 (emphasis in original). The party seeking the temporary restraining order or preliminary injunction must prove the prerequisites by clear and convincing evidence. Granny Goose Foods, Inc. v. Brotherhood of Teamsters and Auto Truck Drivers Local No. 70 of Alameda County (1974) 415 U.S. 423, 441 [94 S.Ct. 1113, 39 L.Ed.2d 435].

The standards for a restraining order are basically the same as for a preliminary injunction. While courts are given considerable discretion in deciding whether a preliminary injunction should enter, and injunctive relief is not obtained as a matter of right, it is also considered to be an extraordinary remedy that should not be granted unless the movant, by a clear showing, carries the burden of persuasion. See Sampson v. Murray (1974) 415 U.S. 61 [94 S.Ct. 937, 39 L.Ed.2d 166]; Brotherhood of Locomotive Engineers v. Missouri-Kansas-Texas R. Co. (1960) 363 U.S. 528 [80 S.Ct. 1326, 4 L.Ed.2d 1379]; and Stanley v. University of Southern California (9th Cir. 1994) 13 F.3d 1313. In the case of Martin v. International Olympic Committee (9th Cir. 1984) 740 F.2d 670, 674–675, the Ninth Circuit stated that a party seeking preliminary injunctive relief must meet the following test.

1 a court may issue a preliminary injunction if it finds that: (1) the [moving
2 party] will suffer irreparable harm if injunctive relief is not granted, (2) the
3 [moving party] will probably prevail on the merits, (3) in balancing the
4 equities, the [non-moving] party will not be harmed more than [the moving
party] is helped by the injunction, and (4) granting the injunction is in the
public interest.

5 **BACKGROUND**

6 On March 19, 2020 Governor Newsom issued Executive Order N-33-20 directing all
7 residents immediately heed current State and public health directives to stay at home.

8 Under the executive Order all non-essential businesses were ordered closed.

9 Under the executive Order law enforcement and private security was deemed an essential
10 workforce.

11 March 20th, 2020 Ventura County Health Officer issued a Stay Well at Home Order which
12 ordered all non- essential business closed. Stay Well at Home Order in Paragraph 7(e) (15) defines
13 an essential business as businesses that supply other essential businesses with the support or
14 supplies necessary to operate. Ventura County deemed Gun Stores as a non-essential business.
15 Gun Stores supplies, products needed for law enforcement and private security both which are
16 essential businesses/workforce.
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18 In California, individuals are required to purchase and transfer firearms and ammunition
19 through state and federally licensed dealers.
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21 Under Federal and State law anyone in California, individuals are required to complete a
22 background check with a 10 day wait period. Once 10 days has passed the purchaser has 30 days to
23 pick up their firearm and complete the transfer documents. Further, it is required that prior to the
24 purchaser removing the firearm from the licensed gun store they do so with a gunlock and gun box.
25 These items are also available for purchased at a gun store. Plaintiff purchased a firearm from a
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1 Gun Store within the County of Ventura. During the mandatory waiting period, the Executive order
 2 N-33-20 and Stay Well at Home Orders were enacted.

3 ARGUMENT

4 If not preliminarily enjoined, the County of Ventura will continue to violate Plaintiff's
 5 Constitutional rights and those Ventura County Residents similar situated with the closure of gun
 6 store and its essential Ban on firearm sales. Even a temporary deprivation of a Constitutionally
 7 protected activity is generally sufficient to prove irreparable harm. Second Amendment
 8 "guarantee[s] the individual right to possess and carry weapons in case of confrontation." District
 9 of Columbia, supra, 554 U.S. at p. 592. And it "elevates above all other interests the right of law-
 10 abiding, responsible citizens to use arms in defense of hearth and home." Id. at p. 635. Without gun
 11 stores to purchase fire arms the Plaintiff and similarly situated Ventura County Residents are being
 12 denied a right to bear arms.

13 The Second Amendment is fully applicable to the States through the Fourteenth
 14 Amendment's Due Process and Privileges or Immunities Clauses. McDonald, supra, 561 U.S. at p.
 15 750; id. at p. 805 (Thomas, J., concurring).

16 The Fourteenth Amendment to the United States Constitution provides in pertinent part: No
 17 state shall make or enforce any law which shall abridge the privileges or immunities of citizens of
 18 the United States; nor shall any state deprive any person of life, liberty, or property, without due
 19 process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
 20 Plaintiff alleges violations under the Second and Fourteenth Amendment are fundamental rights
 21 under the U.S. Constitution and therefore Strict Scrutiny should be used to analyze the
 22 infringement. With Strict scrutiny, Ventura County must show a compelling governmental
 23 interest, narrowly tailored to achieve the goal, and the least restrictive way to achieve that goal.
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Ventura County may have a compelling government interest, to ensure that the Maximum number of persons stay indoors in order to slow the spread of COVID-19 to the maximum extent possible. (see exhibit a) However, Ventura County did not narrowly tailor and took the most restrictive way to achieve that goal, by closing gun stores. There are least restrictive ways to achieve that goal, Ventura County, allows other business such as drycleaners to remain open using measure such as social distancing, or having customers shop by appointment. None of these measures were taken prior to closing the gun stores.

A. Plaintiff Is Likely to Succeed on the Merits

The Fourteenth Amendment to the United States Constitution provides in pertinent part: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Plaintiff's complaint alleges violations under the Second and Fourteenth Amendments which are fundamental rights under the U.S. Constitution and therefore Strict Scrutiny should be used to analyze the infringement. With Strict scrutiny, Ventura County must show a compelling governmental interest, narrowly tailored to achieve the goal, and the least restrictive way to achieve that goal.

Ventura County may have a compelling government interest, to ensure that the Maximum number of persons stay indoors in order to slow the spread of COVID-19 to the maximum extent possible. (Exhibit A attached here to Stay Well at Home Order DK# 1 at page 1-7) However, Ventura County did not narrowly tailor and took the most restrictive way to achieve that goal, by closing gun stores. There are least restrictive ways to achieve that goal, Ventura County, allows other business such as drycleaners to remain open using measure such as social distancing, or

1 having customers shop by appointment. None of these measures were taken prior to closing the
2 gun stores.

3 **VIOLATIONS OF EXECUTIVE ORDER N-33-20;**

4 **STAY WELL AT HOME ORDER**

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6 Effective March 19, 2020, Governor Gavin Newsom signed Executive Order N-33-20,
7 directing all individuals living in California to “stay home or at their place of residence except as
8 needed to maintain continuity of operations of the federal critical infrastructure sectors.” This
9 Order is in place until further notice. The Executive Order provides that Californians working in
10 critical infrastructure sectors may continue their work because of the importance of these sectors to
11 Californians’ health and well-being. The Executive Order includes a list of Essential
12 Workforce/Critical Infrastructure which named law enforcement and private security as an
13 essential workforce.

14 Effective March 20, 2020, Robert Levin M.D., Ventura County Health Officer signed the
15 Stay Well at Home Order (Exhibit A) which incorporated Executive Order N-33-20, directing all
16 individuals living in Ventura County to “Stay at their place of residence as required by the
17 Governor’s Executive Order N-33-20, subject to the exemptions set forth in this order” Further,
18 the Stay Well at Home Order §3 list exemptions to the Order which states in part “Persons may
19 leave their places of residence only for Essential Activities...to operate or work at Essential
20 Businesses” §7 (e) (15) defines an essential business as “Businesses that supply other Essential
21 Businesses with the support or supplies necessary to operate...”
22 Gun stores provide supplies necessary for the operation of private security and law enforcement,
23 however if gun stores are closed they are not made available to the essential workforce.

24 The action by Ventura County firmly establishes a prima facie case and a likelihood of
25 success on the merits.
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B. The Public is Likely to Suffer Irreparable Harm in the Absence of Preliminary Relief

Plaintiff's gun is locked in a gun store within the County of Ventura; Plaintiff has cleared the back ground check required by State law. Under Federal and State law Plaintiff thirty (30) days after clearing the back ground check to transfer ownership of the gun. We are nearing the end of the thirty (30) days; if the gun is not transferred the Plaintiff would have to start the entire process over again, paying the required fees a second time.

Anyone caught violating the Stay Well at Home Order could be charged with a misdemeanor punishable by imprisonment, fine, or both under California Health and Section Code 120295 et seq. Therefore if the Plaintiff or any similarly situated Ventura County Resident attempted to leave their homes to purchase a fire arm they could be charged with a misdemeanor (Exhibit A attached here to Stay Well at Home Order DK# 1 at page 6 sec. 7g and page 2 sec. 6) For the foregoing reasons it is likely the public will suffer irreparable harm without a TRO

C. Preliminary Relief Will Not Impose an Undue Burden on Tribune

This motion for TRO merely seeks to have Venture County open gun stores and use less restrictive ways to achieve their government interest. There are reasonable less restrictive ways such as social distancing; these measures will not impose an undue burden on the Ventura County.

D. Preliminary Relief Advances the Public Interest

Preserving the status quo by maintaining Plaintiff and similarly situated Ventura County Residents Constitutional rights to bear arms. Residents of Ventura County are unable to purchase fire arms in the County of Ventura and they are not allowed to leave their homes nor the County to purchase fire arms from an open gun store located in another county. The Orders prohibit inter county travel except for permitted reasons; the purchase of a firearm is not a permitted reason.

Relief is necessary to protect the public interest (Exhibit A attached here to Stay Well at Home Order DK# 1 at page 6 sec.7g and page 2 sec. 6)

CONCLUSION

WHEREFORE, for the foregoing reasons, Plaintiff Donald McDougall respectfully requests that the Court issue Temporary Restraining Order, or in the alternative, a Preliminary Injunction, barring Ventura County from forcing gun stores to close under the Stay Well at Home Order pending final resolution of Plaintiff's Complaint. Since the injuries the Stay Well at Home Order has inflicted and continues to inflict upon Plaintiff and similarly situated Ventura County Residents, Plaintiff respectfully requests the Court immediately consider the application for Temporary Restraining order.

Respectfully submitted,

Dated: March 30, 2020

/S/ Ronda Baldwin-Kennedy_____

Ronda Baldwin-Kennedy, Esq

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EXHIBIT A

STAY WELL AT HOME

ORDER OF THE VENTURA COUNTY HEALTH OFFICER

ORDER DIRECTING PERSONS LIVING IN THE COUNTY OF VENTURA TO STAY AT THEIR PLACES OF RESIDENCE AND RESTRICTING NON- ESSENTIAL ACTIVITIES IN RESPONSE TO COVID-19

DATE OF ORDER: MARCH 20, 2020

Please read this Order carefully. This Order supplements the Health Officer's Order dated March 17, 2020, and the Governor's Executive Order N-33-20 dated March 19, 2020. All prior orders of the Health Officer remain in place.

PURSUANT TO SECTIONS 101040, 101085 AND 120175 OF THE HEALTH AND SAFETY CODE, THE HEALTH OFFICER OF VENTURA COUNTY HEREBY ORDERS AS FOLLOWS:

1. Intent. Consistent with the Governor's Executive Order N-33-20, the intent of this Order is to ensure that the maximum number of persons stay in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When persons need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined below. All provisions of this Order should be interpreted to effectuate this intent and to be consistent with and in furtherance of the Governor's Executive Order N-33-20. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
2. Persons to stay in places of residence. All persons currently living within Ventura County are ordered to stay at their places of residence, as required by the Governor's Executive Order N-33-20, subject to the exemptions set forth in this Order. This Order applies to all persons in the incorporated cities and the entire unincorporated area of Ventura County (the "County"). To the extent persons are outside of their places of residence, they must at all times as reasonably possible maintain a physical distance of at least six feet from any other person.

Persons of all ages may leave their places of residence for the purpose of physical activity by themselves or with members of their household in compliance with Social Distancing Requirements, such as walking, running, bicycling or working around their places of residence, including gardening. Persons experiencing homelessness are exempt from this section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use Social Distancing Requirements in their operation).

3. Exemptions to the order to stay in places of residence. Except for persons governed by section 1 of the Health Officer's Order dated March 17, 2020, persons may leave their places of residence only for Essential Activities and Essential Governmental Functions or Services or to operate or work at Essential Businesses. (All capitalized terms in this Order are defined in section 7 below.)
4. Businesses to close. All businesses with a facility in the County, except Essential Businesses, are required to cease all activities at facilities located within the County except Minimum Basic Operations. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own places of residence. All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements, including for any customers standing in line. For the purposes of this Order, businesses as used in this section include any for-profit, non-profit or educational entities, regardless of the nature of their services, the functions they perform, or their corporate or entity structure.
5. Gatherings of more than 10 persons prohibited. All public and private gatherings of more than 10 persons who are not part of a single household or living unit are prohibited, except for gatherings as part of the operation of an Essential Business. Nothing in this Order prohibits the gathering of members of a household or living unit within a place of residence or the operation of a shelter for persons experiencing homelessness.
6. Travel prohibited. All travel, including, but not limited to, travel on motorcycle, automobile or public transit, except for Essential Travel and Essential Activities, is prohibited. Persons may use public transit only for purposes of performing Essential Activities or to travel to and from work at Essential Businesses or to maintain, provide or receive Essential Governmental Functions or Services. Persons riding on public transit must comply with Social Distancing Requirements, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses or to maintain or provide Essential Governmental Functions or Services.
7. Definitions and exemptions.

For the purposes of this Order:

- a. Essential Activities. Persons may leave their places of residence only to perform any of the following "Essential Activities" (but persons at high risk of severe illness from COVID-19 and persons who are sick are urged to stay in their places of residence to the extent possible except as necessary to seek medical care):
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example, obtaining medical supplies

or medication, visiting a health care professional, or obtaining supplies needed to work from a place of residence.

- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of places of residence.
- iii. To engage in outdoor activity, provided the persons comply with Social Distancing Requirements, such as, by way of example, walking, hiking, running, bicycling or yard work.
- iv. To perform work providing products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- v. To care for a family member or pet in another household.

- b. Healthcare Operation. Persons may leave their places of residence to work for or obtain services at any “Healthcare Operation,” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other licensed healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services, including blood donation centers. “Healthcare Operation” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operation” does not include fitness and exercise gyms, aquatic centers and similar facilities.
- c. Essential Infrastructure. Persons may leave their places of residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” which means and includes, but is not limited to, public works construction, construction of housing (in particular affordable housing or housing for persons experiencing homelessness), airport and port operations, military installations, water, sewer, gas, electrical, oil and gas production and refining including associated businesses and activities, roads and highways, public transportation, solid waste collection and removal, funeral homes and cemeteries, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements, to the extent possible. All U.S. Department of Defense activities are categorically exempt from this Order.
- d. Essential Governmental Functions or Services. Government functions or services performed by first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential governmental functions or services, as such may be

determined by the governmental entity performing those functions or providing such services, shall be considered “Essential Governmental Functions or Services.” All persons who perform Essential Governmental Functions or Services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any person from performing or accessing Essential Governmental Functions or Services. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions or Services. All Essential Governmental Functions or Services shall be performed in compliance with Social Distancing Requirements, to the extent possible.

- e. Essential Businesses. “Essential Businesses” means:
- i. Healthcare Operations and Essential Infrastructure;
 - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned or frozen food, dry goods, beverages, fresh fruits and vegetables, pet supply, fresh meats, fish and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation and essential operation of places of residence;
 - iii. Any form of agricultural production and processing, including the cultivation of products for personal consumption or use, including farming and services provided by farmworkers, ranching, livestock, and fishing, as well as business activities that support production and processing by providing essential agricultural supplies and services, including transportation, manufacturing, equipment, and services such as cooling, storing, packaging, and distribution of such products for wholesale or retail sale, provided that, to the extent possible, such businesses comply with Social Distancing Requirements and otherwise provide for the health and safety of their employees;
 - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged, compromised or otherwise needy persons;
 - v. Newspapers and television, radio, and other media services;
 - vi. Gas stations and auto-supply, auto-repair, and related facilities;
 - vii. Banks and related financial institutions;
 - viii. Hardware stores;
 - ix. Plumbers, electricians, exterminators and other service providers who provide services that are necessary to maintaining the safety, sanitation and essential operation of places of residence, Essential Activities and Essential Businesses;
 - x. Businesses providing mailing and shipping services, including post office boxes;
 - xi. Educational institutions, including public and private K-12 schools, colleges, and universities, for purposes of facilitating distance learning or

- performing essential functions, in compliance with Social Distancing Requirements, to the greatest extent possible;
- xii. Laundromats, drycleaners and laundry service providers;
 - xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. 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 take-away 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 at any other gathering site;
 - xiv. Businesses that supply products needed for persons to work from their places of residence;
 - xv. Businesses that supply other Essential Businesses with the support or supplies necessary to operate, including, by way of example, businesses that manufacture products for ultimate use in a Healthcare Operation;
 - xvi. Businesses that ship or deliver groceries, food, goods or services directly to places of residence;
 - xvii. Airlines, taxis and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - xviii. Home-based care for seniors, adults or children;
 - xix. Residential facilities and shelters for seniors, adults and children;
 - xx. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
 - xxi. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. 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.
 - xxii. Hotels, motels, bed-and-breakfast establishments and other businesses that provide transient occupancy for visitors to the County, provided that such businesses require their patrons to stay in place as otherwise required by this Order.
 - xxiii. Commercial construction provided that such activity implements Social Distancing Requirements to the extent feasible and otherwise provides for the health and safety of employees.

- f. Minimum Basic Operations. “Minimum Basic Operations” means and includes the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their places of residence.
 - g. Essential Travel. “Essential Travel” means and includes travel within or without the County, or between the various counties, for any of the following purposes, subject to Social Distancing Requirements:
 - i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions or Services, Essential Businesses or Minimum Basic Operations.
 - ii. Travel to care for elderly persons, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside the County.
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their places of residence outside the County.
 - vii. Travel engaged in interstate commerce and otherwise subject to the provisions of the Commerce Clause of the United States Constitution.
 - h. Hotels, etc. Places of residence include hotels, motels, shared rental units and similar facilities.
 - i. Social Distancing Requirements. “Social Distancing Requirements” means and includes maintaining at least a six-foot physical distance from other persons, washing hands with soap and water for at least 20 seconds or using hand sanitizer as frequently as possible, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
8. Commercial laboratory test results. All commercial laboratories that test persons in the County for the presence of COVID-19 must report all test results (whether positive or negative) to the County Public Health Department laboratory within eight hours of receiving the test results.
9. Compliance. The violation of any provision of this Order constitutes a threat to public health. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order.

10. Effective date and time. This Order shall become effective and operative at 11:59 p.m. on March 20, 2020, and will continue to be in effect until 11:59 p.m. on April 19, 2020, or until it is extended, rescinded, superseded or amended in writing by the Health Officer.
11. Continuing assessment. The Health Officer will continue to assess the quickly evolving situation, may issue additional orders related to COVID-19 and will review this Order within two weeks of its effective date.
12. Copies of Order. Copies of this Order shall promptly be: (1) made available at the County of Ventura Public Health Office, 2240 East Gonzalez Road, Suite 210, Oxnard, California, 93036; (2) posted on the County Public Health Department website (available at www.vchca.org/ph); and (3) provided to any member of the public requesting a copy of this Order.
13. Severability. If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
14. March 17, 2020, Order. This Order supplements the Order dated March 17, 2020, which remains in full force and effect pursuant to its terms.

IT IS SO ORDERED:



Robert Levin, M.D.
Ventura County Health Officer

Dated: March 20, 2020

Pursuant to Health and Safety Code section 120295 et seq., violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both.