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ORANGE COUNTY BUSINESS COUNCIL
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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**
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11 CITY OF COSTA MESA, AND
KATRINA FOLEY,
12
13 Plaintiffs,

14 v.
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16 UNITED STATES OF AMERICA, THE
DEPARTMENT OF HEALTH AND
17 HUMAN SERVICES, THE UNITED
STATES DEPARTMENT OF DEFENSE,
18 THE UNITED STATES AIR FORCE,
THE CENTERS FOR DISEASE
19 CONTROL AND PREVENTION, THE
STATE OF CALIFORNIA, FAIRVIEW
20 DEVELOPMENTAL CENTER
(FAIRVIEW), THE CALIFORNIA
21 GOVERNOR'S OFFICE OF
EMERGENCY SERVICES, and THE
22 CALIFORNIA DEPARTMENT OF
GENERAL SERVICES,
23
24 Defendants.

Case No. 8:20-CV-368-JLS-JDE

NOTICE OF UNOPPOSED *EX PARTE*
MOTION AND MOTION OF THE
ORANGE COUNTY BUSINESS
COUNCIL FOR LEAVE TO FILE AN
***AMICUS CURIAE* IN SUPPORT OF**
PLAINTIFFS CITY OF COSTA MESA
AND KATRINA FOLEY

Filed Concurrently with:
DECLARATION OF SIENA CARUSO;
[PROPOSED] ORDER GRANTING *EX*
PARTE MOTION TO FILE AN *AMICUS*
CURIAE BRIEF

Judge: The Honorable Josephine L. Staton

1 **TO THE HONORABLE COURT, PLAINTIFFS, DEFENDANTS AND**
2 **THEIR ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE** that the Orange County Business Council (“OCBC”)
4 respectfully requests that this Court grant it *ex parte* leave to file an *Amicus Curiae*
5 Brief in Support of Plaintiffs City of Cost Mesa’s and Katrina Foley’s (“Plaintiffs”)
6 Application for Temporary Restraining Order and Order to Show Cause re Issuance of
7 Preliminary Injunction.

8 **I. LEGAL STANDARD**

9 Courts have discretion to permit a non-party to participate as amicus curiae. *See*
10 *Gerritson v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 & n.3 (9th Cir. 1987); *Nat.*
11 *Res. Def. Council v. Evans*, 243 F. Supp. 2d 1046, 1047 (N.D. Cal. 2003). As this
12 Court has noted, “[d]istrict courts frequently welcome amicus briefs from non-parties
13 concerning legal issues that have potential ramifications beyond the parties directly
14 involved or if the amicus has ‘unique information or perspective that can help the court
15 beyond the help that the lawyers for the parties are able to provide.’ *Sonoma Falls*
16 *Dev., LLC v. Nevada Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925 (C.D. Cal. 2003)
17 (quoting *Cobell v. Norton*, 246 F. Supp.2d 59, 62 (D.D.C. 2003)).

18 **II. IDENTITY AND INTEREST OF AMICUS CURIAE**

19 The Orange County Business Council is a leading voice of business regionally,
20 nationally and globally. OCBC works to enhance Orange County’s economic
21 development and prosperity to preserve a high quality of life. For more than 125 years,
22 OCBC and its predecessor organizations have promoted economic development and
23 served as the voice of business in America’s sixth largest county. OCBC serves pro-
24 business interests so that the region’s vibrant economy continues to expand, bringing
25 the benefits of prosperity to every corner of the county. The Fairview Developmental
26 Center (“FDC”) – the facility where the State proposes to quarantine people who have
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1 tested positive for and have been exposed to the Coronavirus – is located in Orange
2 County, within the boundaries of the region that OCBC serves.

3 The issues raised by the Application for Temporary Restraining Order and Order
4 to Show Cause re Issuance of Preliminary Injunction will directly affect the OCBC,
5 business in Orange County, and employees and customers of those businesses because
6 housing persons infected with the Coronavirus in the neighboring City of Costa Mesa,
7 in a facility that has not been shown to be suitable for this purpose, or to have all
8 necessary safeguards and precautions in place, and without the provision of adequate
9 notice to the public and local governments, exposes the employees and customers of
10 business in Orange County to the risk of irreparable injury. Housing persons infected
11 with or exposed to the Coronavirus within Costa Mesa before the FDC has been
12 determined to be suitable for this purpose and all necessary safeguards, precautions and
13 public education have been put in place, impacts OCBC, which has an interest in this
14 case and respectfully requests that this Court grant OCBC leave to file the
15 accompanying *Amicus* Brief.

16 **III. MEET AND CONFER TIMELINES**

17 Counsel for OCBC has conferred with the parties concerning the filing of this
18 motion. As set forth in the Declaration of Siena Caruso, submitted herewith, counsel for
19 Plaintiffs and counsel for Defendants the State of California, Fairview Developmental
20 Center, the California Governor’s Office of Emergency Services, and the California
21 Department of General Services do not object to OCBC’s *ex parte* motion and motion
22 for leave to file an *amicus* brief. Counsel for Defendants United States of America, the
23 Department of Health and Human Services, the United States Air Force, and the
24 Centers for Disease Control and Prevention have advised OCBC that they do not
25 oppose OCBC’s *ex parte* motion.

26 No party’s counsel authored any part of this brief or contributed money intended
27 to fund preparing or submitting this brief. Nor did any party contribute money intended
28

1 to fund preparing or submitting this brief. The motion is timely and appropriately filed
2 as an ex parte application as Plaintiffs' Ex Parte Application was filed on February 21,
3 2020 and the hearing to which this Application is relevant is scheduled for 2:00 pm on
4 Monday, March 2, 2020.

5 Dated: February 27, 2020

DORSEY & WHITNEY LLP

6 By: /s/ Juan Basombrio

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CERTIFICATE OF SERVICE

All Case Participants are registered for the USDC CM/ECF System

City of Costa Mesa, et al. v. United States of America, et al.

Case No: 8:20-CV-368-JLS-JDE

NOTICE OF UNOPPOSED *EX PARTE* MOTION AND MOTION OF THE ORANGE COUNTY BUSINESS COUNCIL FOR LEAVE TO FILE AN *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS CITY OF COSTA MESA AND KATRINA FOLEY

I hereby certify that on February 27, 2020, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Central District by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: February 27, 2020

DORSEY & WHITNEY LLP

By: /s/ Siena Caruso

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