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11 ODUMS, SERGIO BALLON, RICARDO
12 RAMIREZ, and CRESCENCIO PERERA,
13 individually and as representatives of all
14 others similarly situated

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

17 HENRY EPHRIAM, ALISIA RAMIREZ,
18 GLORIA MAPP-PARKER, YOLANDA
19 PETTY, RANDAL ODUMS, SERGIO
20 BALLON, RICARDO RAMIREZ, and
21 CRESCENCIO PERERA, individually and on
22 behalf of others similarly situated,

23 Plaintiffs,

24 vs.

25 RALPHS GROCERY COMPANY, FOOD 4
26 LESS OF CALIFORNIA, INC., and DOES
27 1–50,

28 Defendants.

CASE NO.: 20STCV25845

[Assigned to the Honorable Carolyn B.
Kuhl, Dept. 12]

**PLAINTIFFS' *EX PARTE*
APPLICATION FOR TEMPORARY
RESTRAINING ORDER, OR, IN THE
ALTERNATIVE, FOR AN ORDER
SHORTENING TIME IN WHICH TO
HEAR A MOTION FOR TEMPORARY
RESTRAINING ORDER;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

Hearing Date: July 22, 2020
Time: 8:30 a.m.
Department: 12

Action Filed: July 8, 2020

1 **PLEASE TAKE NOTICE** that on July 22, 2020 at 8:30 a.m. in Department 12 of the
2 above-entitled Court, located at 312 N Spring St, Los Angeles, CA 90012, Plaintiffs will and
3 hereby do respectfully move *ex parte* for an order granting a temporary restraining order
4 (“TRO”), or, in the alternative, for an order shortening time to hear a motion for retraining order.
5 Plaintiffs respectfully move for an order requiring Defendants to implement immediate remedial
6 measures at Defendants’ Compton facility because, as a result of Defendants’ inaction, over one
7 hundred employees have already contracted the virus, and have spread it to untold numbers of
8 family members and members of the community at large. The spread of COVI-19 attributable to
9 Defendants’ employees has already claimed at least two lives and many more are at risk if
10 immediate remedial measures are not implemented.

11 This *ex parte* application is made pursuant to California Code of Civil Procedure (“CCP”) section 1005, CCP section 437(c), and California Rules of Court rules 3.1200-3.1207 and 3.1332(c)(d). Counsel gave notice of this *ex parte* application as outlined in the Boxer Decl., ¶ 4.

12 Good cause exists to grant this motion because Defendants have failed, and continue to
13 fail, to take sufficient steps to curb the spread of COVI-19 in their facility, including the failure to
14 provide appropriate protective equipment, failure to provide appropriate and sufficient sanitizers,
15 the failure to implement effective social distancing protocols, the failure to train employees on
16 disease prevention, as well as the availability of various leaves for employees who are sick, have
17 been in contact with those known or suspected to be positive, and the failure to implement
18 appropriate contact tracing to notify all employees when they have been endangered.

19 This *ex parte* application is based on this application, the accompanying memorandum of
20 points and authorities, the declarations of Joshua D. Boxer (“Boxer Decl.”), Alisa Ramirez
21 (“Ramirez Decl.”), Henry Ephriam (“Ephriam Decl.”), Melvin Dunklin (“Dunklin Decl.”),
22 Crescencio Perera (“Perera Decl.”), Randal Odums (“Odums Decl.”), Jomarr Rankin (“Rankin
23 Decl.”), and Adrien Hobbs (“Hobbs Decl.”).

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Dated: July 21, 2020

MATERN LAW GROUP, PC

By: _____



Matthew J. Matern
Joshua D. Boxer
Attorneys for Plaintiffs

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION 6

II. FACTUAL BACKGROUND 7

 1. COVID-19..... 7

 2. Defendants Fail to Implement Basic Safety Measures 8

 3. The COVID-19 Outbreak at Defendants’ Warehouse Is Contributing to
Community Spread of COVID-19 and Presents a Danger to the Public 9

 4. Defendants’ Operations Violate Minimum COVID-19 Health and Safety
Standards..... 10

III. ARGUMENT 12

 1. Plaintiffs Are Likely to Succeed on the Merits of Their Claim That
Defendants’ Operations Are a Public Nuisance 12

 2. The Balance of Harms Tips Strongly in Plaintiffs’ Favor 14

IV. CONCLUSION 16

TABLE OF AUTHORITIES

Cases

Birke v. Oakwood Worldwide,
169 Cal.App.4th 1540 (2009)..... 13

Butt v. California,
4 Cal.4th 668 (1992)..... 12, 14

County of Santa Clara v. Atlantic Richfield Co.,
137 Cal.App.4th 292 (2006)..... 13

Family Record Plan, Inc. v. Mitchell,
172 Cal.App.2d 235 (1959)..... 14

People ex rel. Gallo v. Acuna,
14 Cal.4th 1090 (1997)..... 12

People v ConAgra Grocery Prod. Co.,
17 Cal.App.5th 51 (2017)..... 12

Statutes

Civil Code § 3479 7, 12

Civil Code § 3480 7, 12

Civil Code § 3493 12, 13

Code of Civil Procedure § 437(c) 2

Code of Civil Procedure § 731 12

Code of Civil Procedure § 1005 2

Rules

California Rules of Court, Rule 3.1200-3.1207 2

California Rules of Court, Rule 3.1332(c)(d) 2

Other Authorities

Restatement (Second) of Torts § 821B 13

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 As the COVID-19 pandemic raged through Los Angeles, Defendants Ralphs Grocery
4 Company and Food 4 Less of California, Inc. (“Defendants”) failed to implement even the
5 simplest safety measures at their Compton distribution center. As a result, *over one hundred*
6 *employees have contracted COVID-19 to date.*¹ Many of these workers have in turn inadvertently
7 passed the virus on to their family members or the community at large. At least two family
8 members of Defendants’ employees have since died.²

9 From the outset, as cases increased at an alarming rate among its workforce, Defendants
10 failed to take measures to protect their employees and the community from the disease.³ Instead,
11 Defendants falsely claimed that infections were “isolated incidents,” failed to provide employees
12 with information about their exposure to others with this deadly virus so they could get tested or
13 self-isolate, and failed to provide sufficient gloves, masks, or basic sanitization supplies.⁴ Even
14 now, Defendants have failed to provide sufficient sanitizers to keep surfaces clean; failed to
15 implement effective social distancing protocols; failed to provide training that adequately informs
16 employees of their risks of COVID-19 exposure and effective prevention techniques; and failed to
17 train employees regarding the available leaves, including paid leaves, for individuals who become
18 infected, who care for those who contracted the virus, or who need to self-quarantine.⁵ In sum,
19 Defendants have put their employees’ lives—and the lives of their families—on the line by
20 forcing them to work in dangerous conditions where they risk contracting COVID-19 and
21 bringing it home every day.

22 ¹ *View LA County Daily COVID-19 Data*, LOS ANGELES COUNTY DEP’T OF PUBLIC HEALTH (last updated
23 July 20, 2020), <http://publichealth.lacounty.gov/media/coronavirus/locations.htm>.

24 ² See Dunklin Decl., ¶ 10, Perea Decl., ¶ 5.

25 ³ COVID-19 has an R₀ of 5.7, meaning that each person who contracts the virus is likely to infect five or
26 six others without preventative measures in place. Steven Sanche et al., “High Contagiousness and
27 Rapid Spread of Severe Acute Respiratory Syndrome Coronavirus 2,” CDC (Apr. 7, 2020),
https://wwwnc.cdc.gov/eid/article/26/7/20-0282_article

28 ⁴ See Ephriam Decl., ¶ 3.

⁵ See Ramirez Decl., ¶ 13-14; Odums Decl., ¶ 12-17; Rankin Decl., ¶ 6-7.

1 Plaintiffs seek a temporary restraining order requiring Defendants to immediately
2 implement minimum COVID-19 health and safety standards. Plaintiffs are likely to prevail on
3 their public nuisance claim because Defendants’ business operations created or assisted in the
4 creation of the spread and transmission of a dangerous disease, a substantial and unreasonable
5 interference with the public health. *See* Cal. Civ. Code §§ 3479, 3480 (West 2020). Without
6 immediate injunctive relief, Plaintiffs risk serious, irreparable physical and emotional harm as
7 COVID-19 continues to spread through their workplace. Therefore, the Court should issue a
8 temporary restraining order.

9 **II. FACTUAL BACKGROUND**

10 **1. COVID-19**

11 COVID-19 is the infectious disease caused by the novel coronavirus. Common symptoms
12 of COVID-19 include fever, chills, dry cough, fatigue, muscle or body aches, headaches, loss of
13 taste or smell, sore throat, congestion, nausea or vomiting, and diarrhea.⁶ In severe cases,
14 COVID-19 causes difficulty breathing and chest pain, requiring emergency medical care.⁷
15 According to the World Health Organization (“WHO”), approximately one in five COVID-19
16 patients becomes seriously ill.⁸ COVID-19 can result in serious, long-lasting complications and
17 condition. including pneumonia, organ failure, heart problems, acute respiratory distress, blood
18 clots, acute kidney injury, and additional viral and bacterial infections.⁹ Complications also
19 include multisymptom inflammatory syndrome, a condition that is appearing in children who
20 have tested positive for COVID-19 or the COVID-19 antibodies. At the moment, there is no cure
21 for COVID-19, and the long-term health consequences for those who recover from it are still not
22 yet well understood. As of July 15, 2020, there have been 140,307 COVID-19 cases in Los
23

24 ⁶ CDC, “Coronavirus Disease 2019 (COVID-19): Frequently Asked Questions
25 <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Basics>

26 ⁷ *Id.*

27 ⁸ WORLD HEALTH ORGANIZATION, “Q&A on Coronaviruses (COVID-19),” Apr. 17, 2020,
28 <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/q-a-coronaviruses>.

⁹ MAYO CLINIC, “Coronavirus Disease 2019 (COVID-19),” <https://www.mayoclinic.org/diseases-conditions/coronavirus/symptoms-causes/syc-20479963> (last visited June 26, 2020).

1 Angeles County, and 3,894 deaths.¹⁰ The infection and mortality rates disproportionately affect
2 Black and Latino populations.

3 The deadly disease is highly contagious. It mainly spreads through person-to-person
4 contact through respiratory droplets produced when an infected person coughs, sneezes, or talks.
5 The risk of person-to-person spread increases when people are in close contact with each other,
6 called “community spread.”¹¹ COVID-19 is spreading quickly and easily in communities in
7 many areas, including Los Angeles.

8 **2. Defendants Fail to Implement Basic Safety Measures**

9 Defendants have been aware of the grave danger of COVID-19 for many months. Yet,
10 they have continually failed to implement sufficient safety precautions to protect their employees
11 from the virus, resulting in the tragic consequence detailed herein. For example, before Plaintiff
12 Ephraim tested positive in early May, Defendants assured him that the positive tests in the facility
13 were merely isolated incidents, rather than letting him know that a coworker he was in close
14 contact with had contracted the virus. Ephraim Decl.¶ 3. After he informed Defendants that he
15 had tested positive for COVID-19, Defendants did not ask him to get tested again upon returning
16 to work or ask for a doctor’s note confirming that he was no longer contagious. Rather, Mr.
17 Ephraim provided Defendants with a list of about twenty coworkers he had come into close
18 contact with so that they could inform these individuals that they had been exposed to COVID-
19 19. But, Defendants did nothing to alert those coworkers. About ten of that group later tested
20 positive for COVID-19. Ephraim Decl.¶5. Other employees report the exact same failure on the
21 part of management to notify affected workers. See, e.g. Rankin Decl.¶ 6. As a result of
22 Defendants’ failures to track exposures, Plaintiff Ramirez was cleared to come back to work, only
23 to get her positive test results while on company property. Ramirez Decl.¶ 3-6.

24 Even though the Los Angeles County Department of Public Health (“LADPH”) now

25 ¹⁰ *LA County Daily COVID-19 Data*, LOS ANGELES COUNTY DEP’T OF PUBLIC HEALTH,
26 <http://publichealth.lacounty.gov/media/Coronavirus/data/index.htm>
27 (last visited July 15, 2020).

28 ¹¹ CDC, “Coronavirus Disease 2019 (COVID-19): Frequently Asked Questions,”
<https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Basics> (last updated June 24, 2020).

1 reports that *105 people have tested positive at Defendants' warehouse*, and another 6 show
2 symptoms¹², Defendants still have not adequately improved health and sanitation measures to
3 stop this disease's spread. Employees still need to come into close contact with one another on
4 many occasions throughout their shifts. In addition, computer terminals are located right next to
5 one another, all receivers need to use the same terminals without plastic shielding or proper
6 cleaning, and employees need to use the same scanner guns. Ephraim Decl. ¶ 7; *see also* Odums
7 Decl. ¶ 8, 15-16; Hobbs Decl. ¶ 7. Furthermore, employees have still not received training about
8 COVID-19 prevention or about employees' rights to seek leave when exposed to the virus.
9 Ephraim Decl. ¶8.

10 Employees also report that a continuing failure to provide adequate sanitizers, spray
11 bottles, wipes, or proper cleaning chemicals. Ramirez Decl.¶ 10, Odums Decl.¶ 10-11, Hobbs
12 Decl., ¶ 7. Rather than adding more sanitizers in more locations, Defendants appear to be
13 removing them. Ramirez Decl.¶ 8. Other employees report the company apparently watering
14 down the sanitizer. Odums Decl. ¶ 7. Gloves and masks appear to be in short supply and only
15 available on request. Odums Decl.¶ 9, Ramirez Decl.¶ 10. Further, while Defendants instituted
16 some temperature checks, they did not uniformly check employees or vendor's temperatures
17 consistently or from all entrances to the facility. Dunklin Decl., ¶ 12, Odums Decl.¶ 12.

18 **3. The COVID-19 Outbreak at Defendants' Warehouse Is Contributing to**
19 **Community Spread of COVID-19 and Presents a Danger to the Public**

20 Defendants' policies and procedures have caused 105 confirmed COVID-19 cases among
21 their employees to date, and have also exposed many more employees and their families to the
22 virus. Employee Melvin Dunklin, for example, contracted the virus at work and then spread it to
23 his pregnant wife, his children, and his mother. Unfortunately, his mother than passed the virus
24 on to her husband, who died from it. Dunklin Decl. ¶ 10. Likewise, Plaintiff Perera contracted
25 COVID-19 at Ralphs, and transmitted it to his wife, daughter, brother, and nephew. Perera Decl.,
26 ¶ 5. His wife in turn transmitted the virus to her father, who passed away. *Id.*

27 ¹² *View LA County Daily COVID-19 Data, LOS ANGELES COUNTY DEP'T OF PUBLIC HEALTH, supra* note
28 1.

1 The Plaintiffs who have contracted COVID-19 because of Defendants’ actions have
2 suffered and continue to suffer from painful and even life-threatening symptoms, including fever,
3 nausea, coughing, and prolonged difficulty breathing. They have had to endure lengthy hospital
4 stays and time away from their families. Ephraim Decl. ¶5, 6. They have also had to undergo the
5 trauma of contracting this virus and knowing that they may be endangering the health of their
6 loved ones by inadvertently exposing them to it.

7 **4. Defendants’ Operations Violate Minimum COVID-19 Health and Safety**
8 **Standards**

9 Defendants’ operations at their Compton warehouse violate the minimum health and
10 safety standards around COVID-19 set by medical experts. The CDC’s recommendations for
11 businesses in responding to COVID-19 include actively encouraging sick employees to stay
12 home; considering conducting daily in-person or virtual health checks; identifying where and how
13 workers might be exposed to COVID-19 at work; taking immediate action if an employee is
14 suspected or confirmed to have COVID-19 by disinfecting contaminated surfaces and notifying
15 employees who have been exposed; and educating employees about steps they can take to protect
16 themselves at work and at home.¹³

17 The Occupational Safety and Health Administration (“OSHA”) has also guidance on safe
18 workplace operations during the present pandemic. OSHA instructs that “it is important for all
19 employers to plan now for COVID-19,” by developing an infectious disease preparedness and
20 response plan; implementing basic infection prevention measures like promoting frequent and
21 thorough hand washing and sanitization and encouraging workers to stay home if they are sick;
22 developing policies and procedures for prompt identification and isolation of sick people;
23 developing, implementing, and communicating about workplace flexibilities and protections; and
24 implementing workplace controls such as installing high-efficiency air filters and providing
25 personal protective equipment.¹⁴

26 ¹³ CDC, “Plan, Prepare and Respond to Coronavirus Disease 2019,”
27 <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

28 ¹⁴ “Guidance on Preparing Workplaces for COVID-19,” OSHA,
<https://www.osha.gov/Publications/OSHA3990.pdf>.

1 Local experts and leaders have also released COVID-19 instructions to employers. For
2 example, LADPH's Order on COVID-19 specifies that when a case is reported among
3 employees, anyone who may be infected should be sent home to self-isolate. Any of their close
4 contacts should do the same. Yet, Defendants have consistently failed to provide such
5 information to employees. Rankin Decl. ¶ 6. Further, once a COVID-19 case has been identified
6 among employees, employers should conduct an investigation to identify all close contacts
7 associated with the workplace who were exposed to the virus. This guidance also includes
8 similar strategies to prevent the spread of COVID-19 in the workplace as the CDC and OSHA
9 recommended, as described above. LADPH has also released an Order requiring businesses to
10 limit the number of people who may enter into their facilities at any given time to ensure that
11 people inside can easily maintain a six-foot distance from others at all times; provide hand
12 sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in
13 other appropriate areas; and provide for the regular disinfection of high-touch services, among
14 other requirements.¹⁵

15 Defendants have fallen far short of the above-mentioned public health directives in their
16 Compton warehouse, leading to a severe COVID-19 outbreak at the distribution center and public
17 spread of the virus among employees, their family members, and close contacts. Defendants'
18 inaction continues to facilitate the spread of COVID-19 in the community. Los Angeles County is
19 a major COVID-19 hotspot. Defendants have surely contributed to these tragic figures through
20 their reckless failure to take even the most basic steps to protect their employees from the virus.

21 Prior to filing suit, Plaintiffs engaged in a good faith effort to resolve this dispute by
22 giving Defendant the opportunity to implement immediate corrective action. Boxer Decl. ¶ 3,
23 Exh. A. While Defendants responded to counsel's letter, their response falls short of providing
24 the necessary assurances that would obviate the needs for such a motion, and their representations
25 of compliance are flatly contradicted by the accounts from multiple witnesses as described herein.

26
27 ¹⁵ LOS ANGELES COUNTY DEP'T OF PUBLIC HEALTH, REOPENING SAFER AT WORK AND IN THE
28 [COMMUNITY FOR CONTROL OF COVID-19 14 \(July 14, 2020\),
http://publichealth.lacounty.gov/media/coronavirus/docs/HOO/2020.07.14_HOO_Safer%20at%20Home_Cessation%20of%20Indoor%20Ops.pdf.](http://publichealth.lacounty.gov/media/coronavirus/docs/HOO/2020.07.14_HOO_Safer%20at%20Home_Cessation%20of%20Indoor%20Ops.pdf)

1 In addition, the mere fact that local authorities have visited the facility, or the fact that Defendants
2 have attempted voluntarily remedial measures does not mean that its workplace does not
3 constitute a public nuisance. *See People v. ConAgra Grocery Products Co.*, 17 Cal.App.5th 51,
4 113 (2017) (rejecting the notion it “cannot be a public nuisance because it does not violate any
5 regulatory standards.”). Further, a judicially enforceable order will ensure compliance with any
6 voluntary measures Defendants have taken or have planned.

7 **III. ARGUMENT**

8 When deciding whether to issue a temporary restraining order, “a court must weigh two
9 ‘interrelated’ factors: (1) the likelihood that the moving party will ultimately prevail on the merits
10 and (2) the relative interim harm to the parties from issuance or nonissuance of the injunction.”
11 *Butt v. California*, 4 Cal.4th 668, 677–78 (1992). The court’s determination is “guided by a ‘mix’
12 of the potential-merit and interim-harm factors; the greater the plaintiff’s showing on one, the less
13 must be shown on the other to support an injunction.” *Id.* at 678.

14 **1. Plaintiffs Are Likely to Succeed on the Merits of Their Claim That** 15 **Defendants’ Operations Are a Public Nuisance**

16 Defendants’ manner of operating their Compton warehouse constitutes a public nuisance
17 because it substantially and unreasonably interferes with the health and safety of the public by
18 contributing to community spread of COVID-19. A “nuisance” is “[a]nything which is injurious
19 to health . . . or is indecent or offensive to the senses . . . so as to interfere with the comfortable
20 enjoyment of life or property.” Cal. Civ. Code § 3479. A nuisance is “public” if it “affects at the
21 same time an entire community or neighborhood, or any considerable number of persons.” *Id.*
22 § 3480. “A public nuisance cause of action is established by proof that a defendant knowingly
23 created or assisted in the creation of a substantial and unreasonable interference with a public
24 right.” *People v ConAgra Grocery Prod. Co.*, 17 Cal.App.5th 51, 79 (2017); *see also People ex*
25 *rel. Gallo v. Acuna*, 14 Cal.4th 1090, 1103 (1997). A private party may bring an action to abate a
26 public nuisance if the nuisance is “specially injurious” to the plaintiff. Cal. Civil Code § 3493; *see*
27 *also id.* §§3491, 3495; C.C.P. § 731. Contributing to the spread of a transmission of a disease, or
28 the risk of the spread or transmission of a disease, constitutes an actionable public nuisance. *See,*

1 e.g., Restatement (Second) of Torts § 821B, cmt.g. (“[T]he threat of communication of smallpox
2 to a single person may be enough to constitute a public nuisance because of the possibility of an
3 epidemic.”); *Birke v. Oakwood Worldwide*, 169 Cal.App.4th 1540, 1549 (2009); *County of Santa*
4 *Clara v. Atlantic Richfield Co.*, 137 Cal.App.4th 292, 306 (2006).

5 Here, Defendants’ acts and omissions, including failing to provide adequate personal
6 protective equipment (PPE), allow for effective social distancing, perform standardized wellness
7 and consistent and accurate temperature checks of all employees and visitors, or implement
8 effective contact tracing have substantially, unreasonably created or assisted in the creation of the
9 spread and transmission of grave, life-threatening disease and infection, the risk of spread and
10 transmission of grave, life-threatening disease and infection disease or infection, and the actual
11 and real fear and anxiety of the spread and transmission of grave, life-threatening disease and
12 infection, all of which constitutes an actionable public nuisance.

13 Absent an enforceable court order, the public nuisance will continue to cause special
14 injury to Plaintiffs within the meaning of Civil Code section 3493, due to the illness Plaintiffs
15 have suffered and/or feared, and the heightened risk of exposure they face. Those harms are
16 different from the types of harms suffered by members of the general public who did not work or
17 have direct contact with employees who worked at the Compton distribution center.

18 Defendants’ failure to comply with health and safety standards in their distribution center
19 has caused, and is reasonably certain to cause, further community spread of COVID-19. Indeed,
20 many family members have already become sickened by the virus being transmitted by Ralphs’
21 employees, resulting in at least two deaths. Dunklin Decl., ¶ 10, Perea Decl., ¶ 5. Such
22 community spread has not been, and will not be, limited to the physical location of the
23 distribution center only or to employees there, as infected workers have gone home and will go
24 home to interact with their family members, co-residents, neighbors, and others with whom they
25 must necessarily interact as they undertake essential daily activities such as shopping, doctor’s
26 visits, and childcare. This community spread has resulted in increased disease and will continue
27 to result in increased disease. Defendants’ conduct unreasonably interferes with the common right
28 to public health and safety, and is therefore a public nuisance.

1 **2. The Balance of Harms Tips Strongly in Plaintiffs’ Favor**

2 Due to Plaintiffs’ likelihood of success on the merits, they need only demonstrate that a
3 denial of injunctive relief will result in greater harm to Plaintiffs than to Defendants. *See Butt*, 4
4 Cal.4th at 693–94. “[T]he trial court must determine which party is the more likely to be injured
5 by the exercise of its discretion and it must then be exercised in favor of that party.” *Family*
6 *Record Plan, Inc. v. Mitchell*, 172 Cal.App.2d 235, 242 (1959) (citation omitted).

7 As Defendants have indicated that they have complied with many of the requested
8 measures, there should be no burden on Defendants whatsoever by imposing such an order.
9 Specifically, Plaintiffs request an order enjoining Defendants from continuing to operate this
10 warehouse unless they comply with health and safety standards, and:

- 11 1. Provide *all* reasonably necessary personal protective equipment, including face
12 coverings and sturdy disposable gloves that will withstand the rigors of the job, and enforce their
13 use, and make them widely available to ass;
- 14 2. Develop, institute, and enforce a rigorous sanitization regimen;
- 15 3. Provide training to managers and employees regarding signs and symptoms of
16 COVID-19 and effective mechanisms for its prevention;
- 17 4. Institute contact tracing protocols of all persons known or suspected to have been
18 infected with the COVID-19 virus while physically present at the facility;
- 19 5. Perform a deep cleaning by professional cleaners of the facility, and regularly
20 perform adequate deep cleaning and sanitization of the warehouse and all equipment going
21 forward;
- 22 6. Train all employees and managers on the availability of all paid sick leave due to
23 COVID-19 under applicable law, and pay employees for self-quarantining in accordance with
24 such law;
- 25 7. Institute employee wellness checks and consistent and accurate temperature
26 checks;
- 27 8. Institute and enforce sufficient handwashing and other sanitizations procedures at
28 regular intervals *during*, before and after work shifts;

1 9. Provide detailed training and instruction to all managers and employees that all
2 employees must stay home when experiencing COVID-19 symptoms or while positive for the
3 virus, and not return until they are verifiably negative and symptom-free;

4 10. Enact and enforce reasonably safe physical distancing between workers, including
5 high traffic areas;

6 11. Develop and maintain a protocol for proper cleaning and disinfection of
7 equipment, workstations, and other physical spaces, including eliminating the use of shared
8 equipment such as finger scanners and separating computer terminals.

9 If Defendants continue to operate without adequate safeguards, Plaintiffs will be further
10 physically and emotionally injured. Their family and community members will also be exposed to
11 COVID-19 and risk serious illness. Because this virus is highly contagious and the outbreak at the
12 Compton warehouse has already been so devastating, a temporary restraining order is necessary
13 pending the determination of a preliminary injunction.

14 Any burden to Defendants as a result of the requested temporary restraining order would
15 be minimal, especially given Defendants' representations of compliance, and pale in comparison
16 to the harm Plaintiffs will continue to suffer without injunctive relief. The sought relief is
17 consistent with public health orders that similar businesses already follow.¹⁶ Defendants do not
18 risk losing business because they could continue to operate as long as they put these basic safety
19 measures in place. Therefore, the balance of harms weighs solidly in Plaintiffs' favor.

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27 ¹⁶ See, e.g. *Hernandez v. VES McDonald's*, Alameda County Superior Court, Case No. RG20064825,
28 granting temporary restraining order against McDonald's franchisee.

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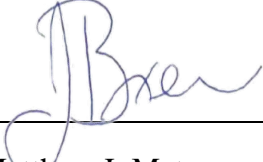
IV. CONCLUSION

For the foregoing reasons, the Court should enter Plaintiffs’ requested temporary restraining order or, in the alternative, an order shortening the time in which such a motion may be filed and heard.

DATED: July 21 2020

Respectfully submitted,

MATERN LAW GROUP, PC

By: 

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