

9:45

SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO
ORDER DETERMINING DISPOSITION OF EX PARTE APPLICATION

Case Name: <i>BISH VS WEBER</i>		Case Number: <i>2022-00328797</i>
Type of Application: <i>FOLTRD AND FOX PRELIMINARY INJUNCTION</i>	By: <i>TT</i>	Application Date: <i>10/28/22</i>
Names of Appearing Party: <i>ROBERT THOMAS</i>	Representing: <i>TT-BISH - 530.828-1234</i>	

The Court, having considered the above entitled ex parte application without a hearing after hearing with appearance as noted above, rules as follows:

The application is granted.

The application is denied on the merits of the papers presented to the Court.

SEE SEPARATE ORDER

The application is denied without prejudice to its resubmission for the following reason(s):

The moving party may not proceed except by noticed motion.

Other

Counsel for the _____ is ordered to prepare formal order.

10/28/22

DATE



[Signature]
JUDGE OF THE SUPERIOR COURT

JUDGE RICHARD K. SUEYOSHI

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : October 28, 2022
JUDGE : Richard K. Sueyoshi
REPORTER : None

DEPT. NO : 53
CLERK : T. Morgan
BAILIFF : None

Chris Bish, Paul Preston, in his own behalf and as President of
New California State, and John Does 1-100,

Case No.: 34-2022-00328797

Plaintiffs,

v.

Shirley N. Weber, individually and as Secretary of State,
Courtney Bailey-Kanelos J individually and as the Clerk-
Registrar of Sacramento County, Hang Nguyen individually
and as the Clerk-Registrar of Sacramento County, Sacramento
County,) and John Does 1-100,

Defendants.

NATURE OF PROCEEDINGS: Ruling on Ex Parte Application for TRO and for Preliminary Injunction

The Court rules on this matter without hearing. Cal. Civ. Proc. Code § 166(a)(1); Sac. Sup. Ct. Local Rule 2.35(A); *see also Wilburn v. Oakland Hospital* (1989) 213 Cal.App.3d 1107, 1111. The Court has reviewed the application and supporting papers, and the oppositions thereto.

Plaintiff Chris Bish has filed an “Ex Parte Application for Temporary Restraining Order and For Preliminary Injunction.” Plaintiff has also filed a “Declaration of Plaintiff’s Attorney, Robert E. Thomas, III, Supporting Application for Temporary Restraining Order.” Plaintiff also submits what appear to be five identical one-page proposed orders. Defendant County of Sacramento filed an opposition. Defendant Secretary of State filed an opposition with evidentiary objections.

Plaintiff’s ex parte application is DENIED.

Plaintiff’s ex parte application suffers from both procedural and substantive defects requiring denial. Plaintiff’s application fails to comply with California Rules of Court (CRC) 3.1200, et seq. Critically, Plaintiff supplies no declaration of notice as required by CRC 3.1201(3) and 3.1204. This failure requires denial of this application. That two of the Defendants filed oppositions does not negate Plaintiff’s failure to submit a proper and complete ex parte application in the first instance. Further, Plaintiff provides no memorandum of points and authorities as required by CRC 3.1201(4). Additionally, the multiple and duplicative one-page proposed orders do not satisfy the minimum specificity requirements of a proposed temporary restraining order and order to show cause re: preliminary injunction, and thus, do not satisfy CRC 3.1201(5). Nor did Plaintiff file proofs of service for this

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application or establish exceptional circumstances pursuant to CRC 3.1206. These additional defects also require denial.

Finally, even if Plaintiff had complied with all notice, service and filing requirements, the application would still be denied as substantively deficient. Defendant Secretary of State's evidentiary objections are proper and would be sustained. Plaintiff's application does not provide adequate support for provisional relief.

These are not the only defects in Plaintiff's application, but the Court need not proceed further. The application is denied.

Certificate of Service by Mailing attached.

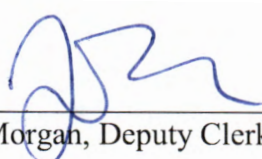
CERTIFICATE OF SERVICE BY MAILING

I, the Clerk of the Superior Court of California, County of Sacramento, certify that I am not a party to this cause, and on the date shown below I served the foregoing **MINUTE ORDER** by sending true copies thereof, addressed respectively to the persons addresses shown below:

<p>Robert E. Thomas III 150 S 160 Highway #310 Pahrump, NV 89048</p> <p>Email: NCS51Legal@yahoo.com</p>	<p>Ryan H. Gomez Office of the California Secretary of State 1500 11th Street, 3rd Floor Sacramento, CA 95814</p> <p>Email: rgomez@sos.ca.gov</p>
<p>Krista C. Whitman County of Sacramento 700 H Street, Suite 2650 Sacramento, CA 95814</p> <p>Email: whitmank@saccounty.gov</p>	

I, the undersigned Deputy Clerk, declare under penalty of perjury that the foregoing is true and correct.

Dated: October 28, 2022



By: T. Morgan, Deputy Clerk

**Superior Court of California,
County of Sacramento**