

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 08/05/2020

TIME: 10:00:00 AM

DEPT: C25

JUDICIAL OFFICER PRESIDING: Sheila Fell

CLERK: Rick Burns

REPORTER/ERM: (ACRPT) Jenee Fraine CSR# 5446

BAILIFF/COURT ATTENDANT: Corinne Mika, None

CASE NO: **30-2019-01062485-CU-CR-CJC** CASE INIT.DATE: 04/09/2019

CASE TITLE: **People's Homeless Task Force vs. County of Orange, Orange County Board of Supervisors**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Civil Rights

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EVENT ID/DOCUMENT ID: 73308695

**EVENT TYPE:** Motion to Strike Complaint

MOVING PARTY: County of Orange, Orange County Board of Supervisors

CAUSAL DOCUMENT/DATE FILED: Motion to Strike, 03/16/2020

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EVENT ID/DOCUMENT ID: 73308696

**EVENT TYPE:** Demurrer to Amended Complaint

MOVING PARTY: County of Orange, Orange County Board of Supervisors

CAUSAL DOCUMENT/DATE FILED: Demurrer to Amended Complaint, 03/16/2020

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**APPEARANCES**

Zachary Byer, from Kirkland & Ellis LLP, present for Plaintiff(s) telephonically.

Rebecca Leeds, counsel, present for Defendant(s) telephonically.

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Court having read and considered the Moving Papers and having heard oral argument rules as follows:

**DEMURRER TO THE FIRST AMENDED COMPLAINT:**

1<sup>st</sup> cause of action [1<sup>st</sup> Amendment of US constitution]; AND 2<sup>nd</sup> cause of action [CA Constitution]: Plaintiff alleged sufficient facts to show the Board meetings are a limited public forum and, as such, restrictions on speech must "be reasonable and viewpoint neutral"; The lack of any guidance or standard for the Chair to decide whether to grant permission renders the Rule unreasonable and, as such, unconstitutional; Overrule;

3<sup>rd</sup> cause of action [Brown Act]: Plaintiff alleges sufficient facts to plead this cause of action; Rules regarding who could speak and when affected a speaker's right to address the Board; Overrule;

4<sup>th</sup> cause of action [Govt Code 26202 & 26205]: This cause of action is now moot;

5<sup>th</sup> cause of action [Public Records Act]: Plaintiff alleges sufficient facts to support its 5<sup>th</sup> cause of action; Overrule;

**MOTION TO STRIKE COMPLAINT:**

Off Calendar.

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Entered: 5/AUG/2020/9