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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF FRESNO
17

18 NISEI FARMERS LEAGUE,

19 Plaintiff,

20 v.

21 CALIFORNIA LABOR AND WORKFORCE
22 DEVELOPMENT AGENCY; DAVID M.
LANIER, in his official capacity as Secretary
23 of California Labor and Workforce
Development Agency; DEPARTMENT OF
24 INDUSTRIAL RELATIONS; CHRISTINE
BAKER, in her official capacity as Director of
25 the Department of Industrial Relations;
DIVISION OF LABOR STANDARDS
26 ENFORCEMENT; JULIE A. SU, in her
official capacity as California Labor
27 Commissioner, and DOES 1 to 10, inclusive,

28 Defendants.

CASE NO.: 16CECG02107

~~PROPOSED~~ ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION AND TEMPORARY
RESTRAINING ORDER

*[Ex Parte Application; Memorandum of
Points and Authorities; Declaration of
Manuel Cunha, Jr.; Declaration of Theodore
M. Kider; Declaration of Joseph C. Hansen;
Request for Judicial Notice; [Proposed]
Order re RJN filed concurrently herewith]*

Hearing Place: Dept. 402 (Judge Hamilton)
Hearing Date: June 30, 2016
Hearing Time: 3:30 p.m.
Action Filed: June 27, 2016

FILED
JUN 30 2016
FRESNO SUPERIOR COURT
By _____ DEPT. 402 - DEPUTY

1 To Defendants California Labor and Workforce Development Agency, David M. Lanier (in his
2 official capacity as Secretary of California Labor and Workforce Development Agency), Department
3 of Industrial Relations, Christine Baker (in her official capacity as Director of the Department of
4 Industrial Relations), Division of Labor Standards Enforcement, Julie A. Su (in her official capacity
5 as California Labor Commissioner) (collectively, "Defendants");

6 **ORDER TO SHOW CAUSE**

7 The Court has considered Plaintiff Nisei Farmers League's Ex Parte Application for An Order
8 to Show Cause re Preliminary Injunction and a Temporary Restraining Order, as well as the
9 Memorandum of Points and Authorities, Declarations, and Request for Judicial Notice in support
10 thereof.

11 Based on these documents, the Verified Complaint for Preliminary and Permanent Injunctive
12 and Declaratory Relief filed in this action, and other records filed herein, you are ordered to appear
13 on July 18, 2016 at 11:00 AM in
14 Department 402 of this Court, located at 1130 O. St., Fresno,
15 to show cause why a preliminary injunction should not be ordered, pending trial in this action,
16 restraining and enjoining you and your employees and agents, and any other persons acting with you
17 or on your behalf, from enforcing: (1) the July 1, 2016 deadline to sign up for the so-called "safe
18 harbor" provision under California Labor Code section 226.2(b)(3), thereby tolling the deadline until
19 30 days after the preliminary injunction expires; (2) the December 15, 2016 payment deadline under
20 Section 226.2(b)(4), thereby tolling the deadline until 197 days after the preliminary injunction
21 expires; and (3) any requirements in Section 226.2 dependent on the phrases "other nonproductive
22 time" or "directly related."

23 **TEMPORARY RESTRAINING ORDER**

24 Pending hearing on the Order to Show Cause, you, your employees and agents, and any other
25 persons acting with you or on your behalf are restrained and enjoined from enforcing the July 1, 2016
26 deadline to sign up for the so-called "safe harbor" provision under California Labor Code section
27 226.2(b)(3). In the event that a preliminary injunction does not issue, the July 1 deadline shall be
28 tolled until 10 days after expiration of the TRO.

FURTHER ORDERS

1
2 1. No undertaking is necessary. This temporary restraining order is effective
3 immediately.

4 ~~2. This Order to Show Cause and Temporary Restraining Order and supporting papers~~
5 ~~shall be served on Defendants no later than _____ via service by~~
6 ~~_____.~~

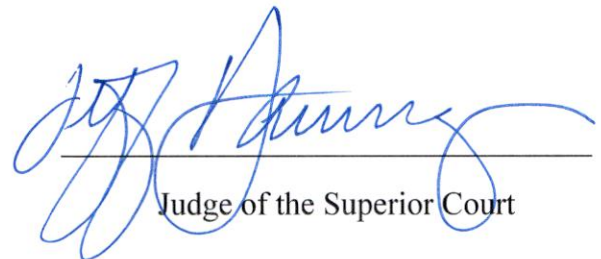
7 ~~3. Defendants shall file and serve any opposition papers to the Order to Show Cause on~~
8 ~~Plaintiff no later than _____ via service by~~
9 ~~_____.~~

10 ~~4. Plaintiff shall file and serve any reply papers to the opposition on Defendants no later~~
11 ~~than _____ via service by _____.~~

12 5. The Temporary Restraining Order granted herein shall expire upon order of this Court,
13 upon issuance of a preliminary injunction, or on July 18, 2016, unless extended
14 by this Court.

15
16 IT IS SO ORDERED.

17
18 Dated: 6/30/16



Judge of the Superior Court