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13 *Manufacturers Association and American*
Lighting Association

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

17 NATIONAL ELECTRICAL
18 MANUFACTURERS ASSOCIATION and
AMERICAN LIGHTING ASSOCIATION,
19 Plaintiffs,

20 v.

21 CALIFORNIA ENERGY COMMISSION;
22 DAVID HOCHSCHILD, Chairman, and
JANE A. SCOTT, KAREN DOUGLAS,
23 J. ANDREW McALLISTER, and PATTY
MONAHAN, Commissioners, in their
24 official capacities,

25 Defendants.

No. 2:19-CV-02504-KJM-DB

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

Date:
Time:
Judge: Hon. Kimberly J. Mueller
Courtroom: 3

1 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on a date and time to be set by the Court, or as soon as the
3 matter may be heard in the Courtroom of the Honorable Kimberly J. Mueller, United States
4 District Court, Eastern District of California, located at 501 I Street, Sacramento, California
5 95814, Courtroom 3, 15th Floor, Plaintiffs National Electrical Manufacturing Association
6 (“NEMA”) and American Lighting Association (“ALA”) will and hereby do move the Court for a
7 temporary restraining order and order to show cause as to why a preliminary injunction should
8 not be granted.

9 Plaintiffs move pursuant to the Supremacy Clause of the U.S. Constitution and other
10 federal law, Federal Rule of Civil Procedure 65, and Local Rule 231 for a temporary restraining
11 order and order to show cause as to why a preliminary injunction should not be granted: (1)
12 enjoining Defendants’ (the “Commission’s”) November 13, 2019 adoption of a rule amending
13 Title 20 of the California Code of Regulations, in Docket in Docket #19-AAER-04; (2) enjoining
14 the Commission, the Commission’s agents, any entity that the Commission owns or controls, and
15 all persons in concert and participation with the Commission from taking any action to enforce
16 the enjoined regulation.

17 This motion is made on the following grounds: (1) Plaintiffs are likely to prevail on the
18 merits of their action; (2) in the absence of injunctive relief, Plaintiffs will suffer irreparable
19 harm; (3) the balance of the equities tips sharply in Plaintiffs’ favor; (4) the public interest will be
20 served by a temporary restraining order.

21 This motion is based upon this Notice of Motion and Motion; the Memorandum of Points
22 and Authorities, including the Declarations attached thereto; the Declaration of Clark Silcox; the
23 Declaration of Sean Marotta; and all papers and pleadings on file herein, and such other evidence
24 and argument as the Court may permit or require at the hearing on this motion.

25 Prior to filing this motion, Plaintiffs’ counsel conferred with Defendants’ counsel by
26 phone and e-mail regarding Plaintiffs’ intention to seek a temporary restraining order, the
27 anticipated timing for a hearing to be requested of the Court, and the nature of the relief to be
28 requested. The parties were unable to come to an agreement.

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December 20, 2019.

HOGAN LOVELLS US LLP

By /s/ Michelle Roberts Gonzales
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