

FILED

NOV 18 2020

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
BY *[Signature]* Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER

JAMES GALLAGHER and KEVIN
KILEY

Plaintiffs,

Case No. CVCS20-0912

-vs.-

STATEMENT OF DECISION

GAVIN NEWSOM, in his official capacity
as Governor of the State of California

Defendant.

Consistent with the request set forth in paragraph 21 of plaintiffs' complaint (Def. Ex. 1), **THE COURT FINDS GOOD CAUSE TO ISSUE A PERMANENT INJUNCTION AS FOLLOWS:**

Gavin Newsom, in his official capacity as Governor of the State of California is enjoined and prohibited from exercising any power under the California Emergency Services Act (Government Code § 8550 et seq.) which amends, alters, or changes existing statutory law or makes new statutory law or legislative policy.

Plaintiffs are directed to prepare, serve and submit to the Court a proposed judgment in conformity with this Statement of Decision within ten days of the date of this decision. The Clerk shall mail a copy of this Statement of Decision to all counsel and parties forthwith. The Governor's request for a stay of enforcement of the judgment is denied.

Dated: 11/13/20

[Signature]
HONORABLE SARAH H. HECKMAN
JUDGE OF THE SUPERIOR COURT

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New York Supreme Court Judge Thomas Rademaker wrote in his order (pdf) that Hochul doesn't have the authority to impose such a mandate because the state Legislature would have to approve laws requiring masks in schools and in other public areas.

* "Neither the governor nor the state health commissioner had the authority to enact the mandate without the state legislature because Governor Hochul no longer has emergency powers," Rademaker wrote in his order.

NENSOME EITHER!!!

According to the ruling, "There can be no question that every person in this state wishes, wants, and prays that this era of COVID ends soon and they will surely do their part to see that is accomplished."

But it stipulated that "enacting any laws to this end is entrusted solely to the State Legislature. While the intentions of Commissioner Bassett and Governor Hochul appear to be well aimed squarely at doing what they believe is right to protect the citizens of New York State, they must take their case to the State Legislature."

Following the ruling, Hochul issued a statement on Monday night saying that her "responsibility as Governor is to protect New Yorkers throughout this public health crisis, and these measures help prevent the spread of COVID-19 and save lives," even though her state saw a significant rise in COVID-19 cases in late December and early January after the mandate was handed down.

"We strongly disagree with this ruling, and we are pursuing every option to reverse this immediately," she wrote.

Days after she announced the mandate for all public places, Hochul appeared to backtrack by saying that she won't force counties to comply. Several county executives pushed back on the order.

* SEE ATTACHED - SUPERIOR COURT OF CALIFORNIA ON 11-13-20 NENSOM HAD A PERMANENT INJUNCTION FILED AGAINST HIM STOPPING HIS ORDERS