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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CENTER FOR COMPETITIVE  
POLITCS,  
  
Plaintiff,  
  
v.  
  
KAMALA D. HARRIS, IN HER  
OFFICIAL CAPACITY AS ATTORNEY  
GENERAL OF THE STATE OF  
CALIFORNIA,  
  
Defendant.

No. 2:14-CV-00636-MCE-DAD  
  
[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR PRELIMINARY  
INJUNCTION  
  
Date: April 17, 2014  
Time: 2:00 p.m.  
Dept: 7, 14<sup>th</sup> Floor  
Judge: Morrison C. England, Jr.  
Trial Date: None  
Action Filed: March 7, 2014

On April \_\_\_\_\_, 2014, at \_\_\_\_\_ p.m., this matter came on regularly for a hearing in Courtroom 7, floor 14, of this Court, the Honorable Morrison C. England, Jr., presiding. Having considered the parties' pleadings and the arguments of counsel, and the entire record in this case, and good cause existing therefor,

**THE COURT HEREBY FINDS AND ORDERS:**

Plaintiff Center for Competitive Politics has demonstrated a likelihood of success on the merits of its First Amendment claims. Defendant Kamala D. Harris cannot constitutionally require Plaintiff to turn over an unredacted copy of IRS Form 990 Schedule B as a condition of soliciting funds in California. Federal law shields the donor information contained therein from disclosure, thus preempting the Defendant's demand. Moreover, this demand unconstitutionally infringes upon the First Amendment rights of Plaintiff and its contributors.

Plaintiff has demonstrated that it will suffer irreparable harm in the absence of preliminary

1 injunctive relief. If Plaintiff does not turn over its Schedule B, it is subject to significant penalties,  
2 including loss of its ability to engage in charitable fundraising speech fully protected under the  
3 First Amendment. Alternatively, should Plaintiff turn over its Schedule B, the First Amendment  
4 associational rights of both CCP and its contributors will be chilled. As the loss of First  
5 Amendment freedoms, even for minimal periods of time, constitutes irreparable injury, Plaintiff  
6 has also demonstrated that the balance of equities tips decidedly in its favor.  
7

8 Finally, Plaintiff has demonstrated that the injunction it requests is in the public interest.  
9 Allowing the state to violate the constitutional rights of a nonprofit charitable organization and its  
10 donors, both within and without California, is certainly adverse to this interest. This is particularly  
11 so where, as here, allowing such official action would violate a clear mandate of federal law.  
12

13 The preliminary injunction below is narrowly drawn, extends no further than necessary to  
14 prevent irreparable harm, and is the least intrusive means this Court can order to prevent such  
15 harm.

16 In these circumstances, waiver of the bond requirement is appropriate because Plaintiff is  
17 a small nonprofit organization with limited resources suing to vindicate constitutional rights  
18 under 42 U.S.C. § 1983.  
19

## 20 **ORDER**

- 21 1. It is HEREBY ORDERED that Plaintiff's Motion for Preliminary Injunction is  
22 GRANTED;
- 23 2. Defendant, her officers, agents, servants, employees, and all persons in active concert  
24 or participation with them are ENJOINED from taking any action to enforce,  
25 implement, or otherwise pursue a policy of requiring Plaintiff to provide its non-public  
26 Schedule B to Defendant as a condition of soliciting charitable contributions in  
27 California.  
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3. IT IS FURTHER ORDERED that the bond requirement is waived.

4. No person who has notice of this injunction shall fail to comply with it, nor shall any person subvert the injunction by sham, indirection or other artifice.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Morrison C. England, Jr.  
United States District Judge