

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3 DAYMON JOHNSON,

4 *Plaintiff,*

5 v.

6 STEVE WATKIN, et al.,

7 *Defendants.*

Case No. 1:23-cv-00848-CDB

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10 [PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION MOTION

11 This matter came before the Court on Plaintiffs' motion for a preliminary injunction. After
12 consideration of the briefs and arguments of counsel, the evidence filed in support of and opposition
13 to this motion, and being fully advised, the Court finds that Plaintiff has demonstrated both a
14 likelihood of success on the merits and the possibility of irreparable harm should injunction not
15 issue. At minimum, this case raises serious questions of constitutional importance, the balance of
16 equities tips sharply in Plaintiff's favor and preliminary injunction is in the public interest.

17 Accordingly, it is hereby ORDERED and ADJUDGED that the motion is GRANTED.

18 WHEREFORE, Defendants, their officers, agents, servants, employees, and all persons in
19 active concert or participation with them who receive actual notice of the injunction, are enjoined,
20 pending final judgment, from investigating, disciplining, or terminating Professor Johnson by
21 applying Cal. Educ. Code §§ 87732 or 87735 and Kern Community College District Board Policy
22 3050, based on the content or viewpoint of his social or political speech; and furthermore,

23 Defendants, their officers, agents, servants, employees, and all persons in active concert or
24 participation with them who receive actual notice of the injunction, are enjoined, pending final
25 judgment, from enforcing Cal. Code of Regs. tit. 5, §§ 51200, 51201, 53425, 53601, 53602, and
26 53605, and the customs, policies, and practices adopted on their bases, including the requirement of
27 DEIA compliance as a condition of serving on a screening committee and the use of DEIA criteria
28 in evaluating faculty performance, on their face and against Professor Johnson.

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IT IS SO ORDERED.

Dated this the ____ day of _____, 2023.

Judge Presiding