

1 JACOB S. KREILKAMP (State Bar No. 248210)
Jacob.Kreilkamp@mto.com
2 WILLIAM D. TEMKO (State Bar No. 98858)
William.Temko@mto.com
3 MELINDA E. LEMOINE (State Bar No. 235670)
Melinda.Lemoine@mto.com
4 SARA A. McDERMOTT (State Bar No. 307564)
Sara.McDermott@mto.com
5 TREVOR N. TEMPLETON (State Bar No. 308896)
Trevor.Templeton@mto.com
6 ESTALYN S. MARQUIS (State Bar No. 329780)
Estalyn.Marquis@mto.com
7 MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue
8 Fiftieth Floor
Los Angeles, California 90071-3426
9 Telephone: (213) 683-9100
Facsimile: (213) 687-3702
10 KATHLEEN GUNERATNE (State Bar No. 250751)
KGuneratne@aclunc.org
11 SHILPI AGARAWAL (State Bar No. 270749)
SAgarwal@aclunc.org
12 AMY GILBERT (State Bar No. 316121)
AGilbert@aclunc.org
13 ACLU FOUNDATION OF NORTHERN CALIFORNIA
39 Drumm Street
14 San Francisco, CA 94111
15 Tel. 415-621-2493
Attorneys for Petitioners

16
17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

18 LATRILL WILKERSON, DARRELL
ROBINSON, STEVEN WOLVERTON,
19 NATIONAL ASSOCIATION OF CRIMINAL
DEFENSE LAWYERS, CALIFORNIA
20 ATTORNEYS FOR CRIMINAL JUSTICE,
and ACLU OF NORTHERN CALIFORNIA,

21 Petitioners,

22 vs.

23 GREGORY J. AHERN, Sheriff of Alameda
24 County, in His Official Capacity, and DOES
1-10,

25 Respondents.
26
27
28

Case No. _____

**PETITIONERS' EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND FOR
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

Filed concurrently with: Verified Petition;
Request for Judicial Notice; Petitioners'
Memorandum of Points and Authorities ISO
Ex Parte Application; Declaration of Sara A.
McDermott re Ex Parte Notice; Proposed
Order

Action Filed: May 29, 2020

1 Petitioners Latrill Wilkerson, Darrell Robinson, Steven Wolverton, National Association
2 of Criminal Defense Lawyers, California Attorneys for Criminal Justice, and the ACLU of
3 Northern California hereby apply *ex parte* for a Temporary Restraining Order (“TRO”) restraining
4 and enjoining Respondent Gregory J. Ahern, his agents, assigns, partners, employees, and any
5 individual or entity acting in concert with Respondent, from violating the constitutional rights of
6 Petitioner Wilkerson, Petitioner Darrell Robinson, Petitioner Steven Wolverton, and the class of
7 Medically Vulnerable people incarcerated at Santa Rita Jail that they seek to represent, and
8 requiring Respondent to:

- 10 a. Identify within twenty-four (24) hours of the Court’s order all Medically
11 Vulnerable people (as defined in the Petition) then detained at Santa Rita
12 Jail along with a reasonably detailed explanation as to the method used to
13 identify the Medically Vulnerable people;
- 14 b. Submit to the Court within three (3) days of the Court’s order a list of the
15 identified Medically Vulnerable people whom Respondent does not intend
16 to release from custody or, where there are no less restrictive alternatives, to
17 home confinement along with detailed reasons for Respondent’s decision;
- 18 c. Release from custody or, where there are no less restrictive alternatives, to
19 home confinement all identified Medically Vulnerable people for whom
20 Respondent has not provided cause why release should not be granted; and
- 21 d. Provide immediate COVID-19 testing to all Medically Vulnerable people
22 incarcerated at the Santa Rita Jail.

23 This application for preliminary injunctive relief as set forth in the proposed TRO is made
24 on the grounds that the conduct sought to be enjoined, if allowed to continue to occur, will cause
25 immediate and irreparable injury to the health and safety of Petitioners and the class they seek to
26 represent.

1 Petitioners also request the Court to issue an Order to Show Cause (“OSC”) requiring
2 Respondent to appear and show cause why a Preliminary Injunction should not issue restraining
3 and enjoining Respondent in the same manner for the remainder of this litigation.

4 This application for a TRO and OSC is made pursuant to Code of Civil Procedure §§ 525
5 *et seq.* and California Rules of Court, rule 3.1150 and California Rules of Court, rule 3.1200 *et*
6 *seq.*; and is based upon the accompanying Memorandum of Points and Authorities; the Verified
7 Petition and accompanying declarations and exhibits filed herein; records and files in this action;
8 and upon such further evidence and argument as may be presented prior to or at the time of the
9 hearing on the motion.

10 There has not been a previous application for such relief.

11
12 DATED: May 28, 2020

MUNGER, TOLLES & OLSON LLP

13
14 By: 
15 _____
Sara A. McDermott

16 Attorneys for Petitioners

17 ACLU FOUNDATION OF NORTHERN CALIFORNIA
18 Kathleen Guneratne
19 Shilpi Agarawal
20 Amy Gilbert

21
22
23
24
25
26
27
28