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 ANTI POLICE-TERROR PROJECT,  
 COMMUNITY READY CORPS,  
 AKIL RILEY, IAN McDONNELL, NICO  
 NADA, AZIZE NGO, and JENNIFER LI

17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 ANTI POLICE-TERROR PROJECT,  
 20 COMMUNITY READY CORPS, AKIL  
 RILEY, IAN McDONNELL, NICO NADA,  
 21 AZIZE NGO, and JENNIFER LI, on behalf  
 of themselves and similarly situated  
 22 individuals,

23 Plaintiffs,

24 vs.

25 CITY OF OAKLAND, OPD Police Chief  
 SUSAN E. MANHEIMER, OPD Sergeant  
 26 PATRICK GONZALES, OPD Officer  
 27 MAXWELL D'ORSO and OPD Officer  
 CASEY FOUGHT,

28 Defendants.

) Case No. 3:20-cv-03866-JCS  
 )  
 ) **~~PROPOSED~~ ORDER GRANTING**  
 ) **TEMPORARY RESTRAINING ORDER**  
 ) **AND ORDER TO SHOW CAUSE**  
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1 This matter came before the Court's on June 18, 2020, at 1 p.m., on Plaintiffs'  
2 Application for a Temporary Restraining Order and Order to Show Cause.

3 Based upon the agreement of the parties and good cause appearing,

4 IT IS HEREBY ORDERED, pending further hearing and the Court's Order, that  
5 defendants City of Oakland, Police Chief Susan Manheimer, et al., and all persons acting on  
6 their behalf and under their supervision are forbidden from:

- 7 1. Using tear gas or any other chemical weapons against persons taking part in a  
8 protest or demonstration.
- 9 2. Firing rubber bullets or similar projectiles at persons taking part in a protest or  
10 demonstration.
- 11 3. Firing flash bang grenades at persons taking part in a protest or demonstration.
- 12 4. The prohibitions of paragraphs 1 and 3 do not apply where, upon the decision of  
13 the OPD Operations Commander or Incident Commander, it is determined that  
14 the use of tear gas or any other chemical weapon or flash bang grenades is  
15 reasonably necessary to protect the lives of people, protect people from serious  
16 bodily injury, or to prevent the imminent destruction of property, tear gas or other  
17 chemical weapons or flash bang grenades at Oakland City Hall, the OPD  
18 Administration Building, or the OPD Eastmont Mall Substation to protect persons  
19 or protect that property from destruction. Flash bang grenades may not be fired  
20 directly at persons but must be fired only in a safe direction. To the fullest extent  
21 possible, such use of tear gas or other chemical weapons and flash bang grenades  
22 is allowed only after an audible warning of their use has been issued and after  
23 sufficient time to comply has been granted.
- 24 5. In all actions in which the Oakland Police Department calls in police personnel  
25 from other jurisdictions under mutual aid agreements, to the fullest extent  
26 possible OPD personnel shall endeavor to assume front line positions between  
27 mutual aid officers and demonstrators.

1 This Order shall remain in effect until further Order of the Court. This matter shall be  
2 heard by the Court on July 2, 2020, on Plaintiffs' motion for a preliminary injunction.

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4 SO STIPULATED.

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6 SIEGEL, YEE, BRUNNER & MEHTA  
7 WALTER RILEY  
8 JAMES DOUGLAS BURCH

9 By: *Dan Siegel* \_\_\_\_\_  
10 Dan Siegel

11 Attorneys for Plaintiffs

12 CITY OF OAKLAND

13 By: *David A. Pereda* \_\_\_\_\_  
14 David A. Pereda

15 Attorneys for Defendants

16 IT IS SO ORDERED.

17  
18 Dated: June 18, 2020

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21 Hon. Joseph C. Spero  
22 UNITED STATES MAGISTRATE JUDGE  
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