

Exhibit A

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 14 2020

D. Mathieu

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Exempt per Gov. Code § 6103

Attorneys for Plaintiff CITY OF RIVERSIDE, a California charter city
and municipal corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

PEOPLE OF THE STATE OF CALIFORNIA,)
by and through,)

The CITY OF RIVERSIDE, a California)
charter city and municipal corporation,)

Plaintiff,)

v.)

DUNN ENTERPRISES, INC. DBA)
ICETOWN, an incorporated business entity;)
MATT DUNAEV, an individual; and DOES 1-)
25, inclusive,)

Defendants.)

Case No. RIC 2003552

~~[PROPOSED]~~ ORDER GRANTING CITY OF
RIVERSIDE'S EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND OSC
RE: PRELIMINARY INJUNCTION

[Filed Concurrently with:

1. Notice of Motion and Motion;
2. Memorandum of Points and Authorities;
3. Declaration of Kelly Moran;
4. Declaration of Mary Hanna;
5. Declaration of Gary Leach;
6. Declaration of Dr. Cameron Kaiser; and
6. Request for Judicial Notice]

Date: 9/11/20th 9/14/20

Time: 8:30am

Dept: 1

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

Plaintiff CITY OF RIVERSIDE's Ex Parte Application came on for an ex parte hearing on
September 14, 2020 at 8:30 a.m. in Dept. 1 before the Honorable Judge Craig Riemer
presiding in the above-entitled court, located at 4050 Main Street, Riverside, California 92501. Plaintiff
was represented by Deputy City Attorney Mary Hanna.

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TEMPORARY RESTRAINING ORDER

To Defendants DUNN ENTERPRISES, INC. DBA ICETOWN and MATT DUNAEV:

Based upon the City of Riverside's ("City") Ex Parte Application, Memorandum of Points and Authorities in support thereof, Request for Judicial Notice, Declaration of Mary Hanna, Declaration of Kelly A. Moran, Declaration of Dr. Cameron Kaiser, M.P.H., Declaration of Gary Leach, any and all written materials submitted in support thereof, the arguments of all counsel and parties at the hearing on the matter, and good cause appearing herein, the court grants the City's request for a Temporary Restraining Order against Defendants. This Court finds that there is immediate threat to public health and safety due to the COVID-19 pandemic. The Court further finds that the City is likely to prevail on the merits based upon the violation of State law, including the March 19, 2020 Order of the State Public Health Officer and Executive Orders N-33-20 and N-60-20, *Health and Safety Code* sections 101030, 101040, 120125, 120130, 120135, 120140, 120145, 120175, 120180, and 131080, Government Code sections 8567, 8627, and 8665, the July 2, 2020 Order of the State Public Health Officer to Riverside County and the July 13, 2020 Statewide Order of the Public Health Officer, as cited in the moving papers, at ICE TOWN, located at 10540 Magnolia Ave Ste A, Riverside, CA 92505, as a result of operating an indoor ice rink. The Court also finds that the City and its residents will suffer irreparable harm if the Orders described above are not enforced.

THE FOLLOWING IS HEREBY ORDERED:

Defendant, and all of their respective franchisees, franchisors, operators, owners, agents, employees, representatives, members, volunteers, members, private associations, members of a private association, associates, and all persons acting for or in concert with them, and their assignees and successors, are hereby forthwith enjoined and prohibited and ordered to immediately **cease operating, renting, causing, allowing, permitting, aiding, abetting, concealing, or granting the authority or permission to operate, rent, use, lease, host, offer or utilize the indoor ice rink, or other related classes, games, camps, lessons, open skate sessions, skating academy, competitions or tournaments, parties or celebrations of any kind, fundraisers, workout or training sessions that are not on the ice, or training sessions on the ice inside** the property known as ICE TOWN, located at 10540 Magnolia Ave Ste A, Riverside, CA 92505, until such

1 time as this matter comes before the Court at an OSC re Preliminary Injunction scheduled to occur, on
2 September 29, 2020.

3 **IT IS FURTHER ORDERED** that the City and its personnel, including employees of the Riverside
4 Police Department, Code Enforcement Departments, Department of Public Health, Department of
5 Environment Health, the Fire Department and other applicable governmental agencies or retained
6 investigators are hereby authorized to: enter onto the property known as ICE TOWN, located at 10540
7 Magnolia Ave Ste A, Riverside, CA 92505, to post notice of this Order in visible locations on said Property,
8 including, but limited to, on exterior fences, gates, structures, doors or any other structure thereupon and to
9 distribute this Order to Defendants and/or any other persons present on the Property.

10 **ORDER TO SHOW CAUSE**

11 **To Defendants ICE TOWN and MATT DUNAEV:**

12 Based upon the City of Riverside's ("City") Ex Parte Application, Memorandum of Points and
13 Authorities in support thereof, Declaration of Mary Hanna, Kelly A. Moran, Declaration of Dr. Cameron
14 Kaiser, M.P.H., and Declaration of Gary Leach, any and all written materials submitted in support thereof,
15 the arguments of all counsel and parties at the hearing on the matter, and good cause appearing herein,
16 Defendants are ordered to appear on September 29 2020 at 8:30 a.m. in Riverside County
17 Superior Court located at 4050 Main Street, Riverside, California 92501 in Department 1, via telephone, to
18 show cause why a preliminary injunction should not be ordered prohibiting, restraining, and enjoining
19 Defendant, and all of their respective franchisors, franchisees, operators, owners, agents, employees,
20 representatives, members, volunteers, members, private associations, members of a private association,
21 associates, and all persons acting for or in concert with them, and their assignees and successors, from
22 **operating, leasing, renting, causing, allowing, permitting, aiding, abetting, concealing, or granting**
23 **the authority or permission to operate, rent, use, lease, host, offer or utilize the indoor ice rink, or**
24 **other related classes, games, lessons, camps, open skate sessions, skating academy, competitions or**
25 **tournaments, fundraisers, celebrations of any kind, workout or training sessions that are not on the**
26 **ice rink, or training sessions on the ice rink, inside the property known as ICE TOWN, located at 10540**
27 **Magnolia Ave Ste A, Riverside, CA 92505, until permitted by the State of California, pursuant to State law,**
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1 including the March 19, 2020 Order of the State Public Health Officer and Executive Orders N-33-20 and
2 N-60-20, *Health and Safety Code* sections 101030, 101040, 120125, 120130, 120135, 120140, 120145,
3 120175, 120180, and 131080, Government Code sections 8567, 8627, and 8665, the July 2, 2020 Order of
4 the State Public Health Officer to Riverside County, and the July 13, 2020 Statewide Public Health Order.

5 Defendants are also **ordered to show cause** why the Court should not order all the provisions of the
6 temporary restraining order to remain in effect as part of the preliminary injunction order, including that
7 the City and its personnel, including employees of the Sheriff's Department, City Police Departments, Code
8 Enforcement Departments, Department of Public Health, Department of Environment Health, the Fire
9 Department and other applicable governmental agencies or retained investigators are hereby authorized to
10 enter onto the property known as ICE TOWN, located at 10540 Magnolia Ave Ste A, Riverside, CA 92505,
11 to post notice of this Order in visible locations on said Property, including, but limited to, on exterior fences,
12 gates, structures, doors or any other structure thereupon and to distribute this Order to Defendants and/or
13 any other persons present on the Property.

14 This Order to Show Cause and Temporary Restraining Order shall be served on Defendants no later
15 than September 15, 2020 by personal service, overnight courier, ~~facsimile~~, or electronic mail.

16 Proof of service shall be filed no later than September 22, 2020

17 Any Opposition papers to the Order to Show Cause shall be filed and served on Plaintiff by personal
18 service, overnight courier, facsimile, or electronic mail no later than September 22, 2020

19 Any Reply papers to the Order to Show Cause shall be filed and served on Defendants by personal
20 service, overnight courier, facsimile, or electronic mail no later than September 25, 2020

21 The Temporary Restraining Order granted herein shall expire on September 29, 2020

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24 **IT IS SO ORDERED.**

25 Dated: September 14, 2020

26 By: Craig G. Riemer
Judge of the Superior Court

27 Craig G. Riemer
28 Judge of the Superior Court