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10 Attorneys for Petitioner, AARON PERSKY

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF SANTA CLARA
14

15 AARON PERSKY,

16 Petitioner,

17 v.

18 SHANNON BUSHEY, Santa Clara County
19 Registrar of Voters,

20 Respondent,

21 Michele Dauber, Magdalena G. Carrasco, Grace)
H. Mah, Robert Livengood, Raul Peralez, Richard)
22 Tran, Gary Kremen, Patrick J. Burt, Amado M.)
Padilla, Shanta Franco-Clausen, Yan Zao, Jennifer)
23 Briscoe, Suzanne E. Doty, Allan Seid, M. Veira C.)
24 Whye, Kavita Tankha, Sophia Yen, Gabriel)
Manjarrez, Steve Ko, Paulette Altmaier,)

25 Real Parties in Interest.
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27
28

(ENDORSED)
FILED
AUG 11 2017
Clerk of the Court
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

Case No.: 17CV314311

~~PROPOSED~~ ORDER ON PETITIONER'S
EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE WHY
PEREMPTORY WRIT OF MANDATE
SHOULD NOT ISSUE

1 TO RESPONDENT, SHANNON BUSHEY, SANTA CLARA COUNTY REGISTRAR OF
2 VOTERS, REAL PARTIES IN INTEREST, AND THEIR ATTORNEYS OF RECORD:

3 Based on the Verified Petition for Writ of Mandate on file in this action, Petitioner's Ex Parte
4 Application For Temporary Restraining Order And Order To Show Cause Why Peremptory Writ
5 Should Not Issue, the memorandum in support thereof, and the Declarations of Elizabeth Pipkin and
6 Aaron Persky, it appears to the satisfaction of this Court that it is proper to grant an Order to Show
7 Cause regarding the issues raised in Petitioner's Notice of Ex Parte Application and Ex Parte
8 Application for Temporary Restraining Order And Order To Show Cause Why Peremptory Writ
9 Should Not Issue, filed on August 11, 2017.

10 YOU ARE HEREBY ORDERED TO PERFORM THE ACTS DESCRIBED BELOW, OR
11 TO SHOW CAUSE at 1:30 a.m./p.m. on Aug 23, 2017, in Department TBD of
12 the Santa Clara County Superior Court, why respondent, real parties in interest, and their
13 employees, agents, servants, assigns and all those acting in concert with them, should not be
14 commanded to perform the acts described below:

15 A. That respondent Shannon Bushey, as Santa Clara County Registrar of Voters,
16 withdraw certification of the August 1, 2017 petition to recall Petitioner, a Judge of the Santa
17 Clara County Superior Court, and instead refer the recall to the California Secretary of State
18 as the officer with proper jurisdiction over recall of Superior Court judges;

19 B. That real parties in interest, the sponsors of the recall petition, be enjoined
20 from circulating any recall petition until the Secretary of State has notified the real parties in
21 interest that the form and wording of the petition has met the requirements of the Elections
22 Code and has certified the petition for circulation; and

23 C. That respondent Shannon Bushey withdraw certification of the August 1, 2017
24 petition to recall Petitioner, and that real parties in interest, the sponsors of the recall petition,
25 be enjoined from circulating the petition while it has the misleading and inaccurate statement:
26 "We demand an election of a successor to that office."

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1 PENDING HEARING AND DECISION ON THE ABOVE ORDER TO SHOW CAUSE, or
2 other Court-supervised resolution of this matter, or further Order of this Court, real parties in interest,
3 and their employees, agents, servants, assigns and all those acting in concert with them, ARE
4 HEREBY RESTRAINED AND ENJOINED from circulating the August 1, 2017 petition to recall
5 the Honorable Aaron Persky.

7 This Order to Show Cause and supporting papers shall be served on respondent, and real
8 parties in interest or a designated representative of real parties in interest, no later than
9 _____, by overnight mail or hand delivery. Proof of such service shall be filed by
10 _____, and delivered in the manner provided by California Rules of Court, Rule 3.1150.

12 The following briefing schedule shall apply:

13 Any opposition papers to the Order to Show Cause shall be filed and served by overnight mail
14 or hand delivery on Petitioner no later than ^{12:00 Noon} 5:00 p.m. on Aug. 16. Any reply papers
15 to such opposition shall be filed and served on respondent, and real parties in interest or a designated
16 representative of real parties in interest, by overnight mail or hand delivery no later than 5:00 p.m. on
17 Aug 18, 17 before noon

19 Dated: 8/11/17

MARJORIE LAIRD CARTER

JUDGE OF THE SUPERIOR COURT