

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

JAN 21 2021

2 IN AND FOR THE COUNTY OF SAN MATEO

Clerk of the Superior Court

3 COUNTY OF SAN MATEO,

Case No. 21-CIV-00174 J. TORRES
DEPUTY CLERK

4 Plaintiff,

5 vs.

6 PACIFICA BEACH YOGA; THOMAS ANTOON,
an individual; and DOES 1 THROUGH 100,

7 Defendants.

**ORDER GRANTING TEMPORARY
RESTRAINING ORDER, REQUEST
FOR JUDICIAL NOTICE, AND
ORDER TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION
SHOULD NOT BE GRANTED**

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11 The application of Plaintiff County of San Mateo (County) for a temporary restraining order
12 and order to show cause regarding issuance of a preliminary injunction against Defendants Pacifica
13 Beach Yoga, Thomas Antoon, and Does 1-100 (collectively, Defendants), came on for *ex parte*
14 hearing on January 21, 2021, at 2:00 p.m. in Department 22 of the above-entitled court via Zoom.
15 Sarah Trela and Brian Kinney appeared on behalf of the County. Thomas Antoon appeared in pro
16 per on behalf of Defendants.

17 Having considered all papers filed in support of and in opposition to the application, oral
18 arguments of the parties, all testimony and evidence presented at the hearing, and all other pleadings
19 and papers on file herein, the Court finds that:

20 (1) There is a serious and immediate threat to public health and safety due to the SARS-CoV-
21 2 novel coronavirus (COVID-19) pandemic;

22 (2) Defendants have violated and continue to violate the State and County Public Health
23 Orders aimed at abating the COVID-19 pandemic (Public Health Orders). Specifically, Defendants
24 have repeatedly ignored the prohibitions and limitations imposed by those Public Health Orders on
25 fitness facilities, gyms, and indoor gatherings; failed to ensure that those attending indoor gatherings
26 at Defendants' place of business wear face coverings as required by those Public Health Orders; and
27 failed to implement a social distancing protocol as required by those Public Health Orders;

28 (3) Defendants' violations of the Public Health Orders heighten the risk of transmission and

1 community spread of COVID-19 and present a grave risk and immediate threat to public health,
2 including the risk of serious illness and death;

3 (4) Defendants' repeated violations of the Public Health Orders and their pattern of defiance
4 magnifies that threat and endangers not just those who attend Defendants' indoor classes, but also
5 their families, friends, and the public at large;

6 (5) The County is likely to prevail on the merits of their Complaint; and

7 (6) The harm to the general public, including all residents of the County of San Mateo, from
8 the non-issuance of a restraining order outweighs the harm to Defendants from the issuance of a
9 restraining order.

10 Accordingly, **IT IS HEREBY ORDERED THAT:**

- 11 1. At the hearing, both parties agreed to accept email service from the Court and will only
12 receive the Court's orders by email – and not by mail. Mr. Antoon indicated that the email
13 address for Defendants should be pacificabeachyoga@gmail.com. The County shall file and
14 serve an email service list.
- 15 2. The County's Request for Judicial Notice is GRANTED in its entirety.
- 16 3. The County's *ex parte* application is GRANTED and a Temporary Restraining Order and
17 Order to Show Cause are GRANTED as follows:

18 **TEMPORARY RESTRAINING ORDER**

- 19 4. Defendants Pacifica Beach Yoga, Thomas Antoon, and Does 1-50, and each of them, and
20 their agents, employees, representatives, members, and volunteers, and all persons acting
21 under, in concert with or for them, are ENJOINED and PROHIBITED from:
 - 22 a. Hosting any class or gathering at Defendants' place of business located at 1615
23 Oceana Blvd., Pacifica, CA 94044 (Subject Property) that does not fully comply with
24 both the State and County Public Health Orders (Public Health Orders), currently
25 including but not limited to holding yoga or any other fitness classes indoors while
26 the County remains subject to either the Regional Stay at Home Order or in the
27 Purple Tier 1 category;
 - 28 b. Allowing participants to attend any gathering, including classes, at the Subject

1 Property without wearing face coverings in accordance with the Public Health
2 Orders; and

3 c. Allowing participants to attend any gathering, including classes, at the Subject
4 Property without enforcing adequate social distancing in accordance with the Public
5 Health Orders.

6 5. The County and its personnel, including employees of the COVID-19 Business Compliance
7 Unit or any other Enforcement Officer recognized under County Urgency Ordinance No. 20-
8 585, including officers of the San Mateo County Sheriff's Office or the Pacifica Police
9 Department, are authorized to enter onto the Subject Property to post notice of this Order in
10 visible locations on the Subject Property, to distribute this Order to Defendants and/or any
11 other persons present on or near the Subject Property, and to monitor and ensure compliance
12 with this Order any time, including at any time that classes or other group fitness activities
13 may be lawfully held on the Subject Property, while this Order is in effect.

14 6. The County and its personnel, including employees of the COVID-19 Business Compliance
15 Unit and any other Enforcement Officer recognized under County Urgency Ordinance No.
16 20-585, including officers of the San Mateo County Sheriff's Office or the Pacifica Police
17 Department, are authorized to take reasonable measures to prevent members of the public
18 from attending indoor gathering, including group classes, at the Subject Property, including
19 locking or otherwise securing public entrances.

20 **ORDER TO SHOW CAUSE**

21 7. Defendants are ORDERED to appear on **February 4, 2021, at 11:00 a.m.**, in Department 22
22 of the above-entitled court to show cause why a preliminary injunction should not issue,
23 prohibiting, restraining, and enjoining Defendants, and each of them, and their agents,
24 employees, representatives, members, and volunteers, and all persons acting under, in concert
25 with, or for them, from:

26 a. Hosting any class or gathering at the Subject Property that does not fully comply with
27 all Public Health Orders, including holding indoor classes or, when allowed in the
28 future, indoor classes above the capacity allowed by the Public Health Orders;

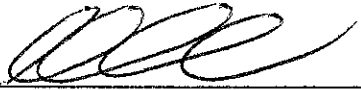
- 1 b. Allowing participants to attend any gathering, including classes, at the Subject
2 Property without wearing face coverings in accordance with the Public Health
3 Orders; and
- 4 c. Allowing participants to attend any indoor gatherings, including classes, at the
5 Subject Property without enforcing adequate social distancing in accordance with the
6 Public Health Orders.
- 7 8. The hearing on the Order to Show Cause shall be conducted through Zoom video or audio
8 conference unless otherwise ordered by the Court. The Zoom log-in credentials can be found
9 at: http://www.sanmateocourt.org/court_divisions/civil/dept22.php.
- 10 9. If a party wishes to appear in person, that party must notify the Court at least 48 hours before
11 the hearing date by email at dept22@sanmateocourt.org or by telephone at 650-261-5122.
12 The Court strongly prefers to receive communications by email. If a party chooses to appear
13 in person, the party **MUST** comply with this Court's COVID Order #11 – which is available
14 at: http://www.sanmateocourt.org/documents/court_news_and_notices/080520a.pdf.
- 15 10. Any recording of the hearing or any other court proceeding held by video or audio
16 conference, including “screen-shots” or other visual or audio copying of a hearing or
17 conference **IS PROHIBITED** unless otherwise permitted by the Court. Violation of these
18 prohibitions may result in sanctions, including restricted entry to future hearings and
19 conferences, denial of entry to future hearings and conferences, removal of Court-issued
20 media credentials, or any other sanctions deemed appropriate by the Court.
- 21 11. This Order Granting Temporary Restraining Order and Order to Show Cause re Issuance of
22 Preliminary Injunction shall be served on Defendants no later than **January 25, 2021**, by
23 personal service, overnight courier, facsimile, or electronic mail. Proof of service shall be
24 filed no later than **January 27, 2021**.
- 25 12. Any opposition papers to the Order to Show Cause shall be filed and served on Plaintiffs by
26 personal service, overnight courier, facsimile, or electronic mail no later than **January 29,**
27 **2021 at 5:00 p.m.**
- 28 13. Any reply papers shall be filed and served on Defendants by personal service, overnight

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courier, facsimile, or electronic mail no later than **February 1, 2021 at 5:00 p.m.**

14. The Temporary Restraining Order granted herein shall expire on **February 4, 2011 at 5:00 p.m.**

Dated: January 21, 2021

By: 

Danny Y. Chou
Judge of the Superior Court



SUPERIOR COURT OF SAN MATEO COUNTY
400 County Center, Redwood City, CA 94063
(650) 261-5100
www.sanmateocourt.org

ENDORSED FILED
SAN MATEO COUNTY

JAN 21 2021

Clerk of the Superior Court
By J. TORRES
DEPUTY CLERK

AFFIDAVIT OF E-MAIL SERVICE

Date: **1/21/2021**
In the Matter of: **County of San Mateo vs. Thomas Antoon, et al**
Case No.: **21-CIV-00174**
Document: **ORDER GRANTING TEMPORARY RESTRAINING ORDER, REQUEST FOR JUDICIAL NOTICE, AND ORDER TO SHOW CAUSE WHY PRELIMINARY INJUNCTION SHOULD NOT BE GRANTED**

I declare under penalty of perjury that on the following date I sent by electronic mail, a true copy of the above listed document(s) addressed to the listed email address(es):

Executed on: 1/21/2021

Neal I Taniguchi, Court Executive Officer/Clerk

By: /s/ Jane Torres
Jane Torres, Deputy Clerk

Copies Mailed To:

Thomas Antoon	<u>PacificBeachYoga@gmail.com</u>
Brian Kinney	<u>BKinney@smcgov.org</u>
Sarah Trela	<u>strela@smcgov.org</u>