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14  
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 FOR THE COUNTY OF FRESNO

17  
18 NISEI FARMERS LEAGUE,

19 Plaintiff,

20 v.

21 CALIFORNIA LABOR AND WORKFORCE  
22 DEVELOPMENT AGENCY; DAVID M.  
LANIER, in his official capacity as Secretary  
23 of California Labor and Workforce  
Development Agency; DEPARTMENT OF  
24 INDUSTRIAL RELATIONS; CHRISTINE  
BAKER, in her official capacity as Director of  
25 the Department of Industrial Relations;  
DIVISION OF LABOR STANDARDS  
26 ENFORCEMENT; JULIE A. SU, in her  
official capacity as California Labor  
27 Commissioner, and DOES 1 to 10, inclusive,

28 Defendants.

FILED

JUN 30 2016

FRESNO SUPERIOR COURT  
By \_\_\_\_\_ DEPT. 402 - DEPUTY

CASE NO.: 16CECG02107

~~PROPOSED~~ ORDER TO SHOW  
CAUSE RE PRELIMINARY  
INJUNCTION AND TEMPORARY  
RESTRAINING ORDER

*[Ex Parte Application; Memorandum of  
Points and Authorities; Declaration of  
Manuel Cunha, Jr.; Declaration of Theodore  
M. Kider; Declaration of Joseph C. Hansen;  
Request for Judicial Notice; [Proposed]  
Order re RJN filed concurrently herewith]*

Hearing Place: Dept. 402 (Judge Hamilton)  
Hearing Date: June 30, 2016  
Hearing Time: 3:30 p.m.  
Action Filed: June 27, 2016

1 To Defendants California Labor and Workforce Development Agency, David M. Lanier (in his  
2 official capacity as Secretary of California Labor and Workforce Development Agency), Department  
3 of Industrial Relations, Christine Baker (in her official capacity as Director of the Department of  
4 Industrial Relations), Division of Labor Standards Enforcement, Julie A. Su (in her official capacity  
5 as California Labor Commissioner) (collectively, "Defendants"):

6 **ORDER TO SHOW CAUSE**

7 The Court has considered Plaintiff Nisei Farmers League's Ex Parte Application for An Order  
8 to Show Cause re Preliminary Injunction and a Temporary Restraining Order, as well as the  
9 Memorandum of Points and Authorities, Declarations, and Request for Judicial Notice in support  
10 thereof.

11 Based on these documents, the Verified Complaint for Preliminary and Permanent Injunctive  
12 and Declaratory Relief filed in this action, and other records filed herein, you are ordered to appear  
13 on July 18, 2016 at 11:00 a.m. in  
14 Department 402 of this Court, located at 1130 O. St., Fresno,  
15 to show cause why a preliminary injunction should not be ordered, pending trial in this action,  
16 restraining and enjoining you and your employees and agents, and any other persons acting with you  
17 or on your behalf, from enforcing: (1) the July 1, 2016 deadline to sign up for the so-called "safe  
18 harbor" provision under California Labor Code section 226.2(b)(3), thereby tolling the deadline until  
19 30 days after the preliminary injunction expires; (2) the December 15, 2016 payment deadline under  
20 Section 226.2(b)(4), thereby tolling the deadline until 197 days after the preliminary injunction  
21 expires; and (3) any requirements in Section 226.2 dependent on the phrases "other nonproductive  
22 time" or "directly related."

23 **TEMPORARY RESTRAINING ORDER**

24 Pending hearing on the Order to Show Cause, you, your employees and agents, and any other  
25 persons acting with you or on your behalf are restrained and enjoined from enforcing the July 1, 2016  
26 deadline to sign up for the so-called "safe harbor" provision under California Labor Code section  
27 226.2(b)(3). In the event that a preliminary injunction does not issue, the July 1 deadline shall be  
28 tolled until 10 days after expiration of the TRO.

FURTHER ORDERS

1. No undertaking is necessary. This temporary restraining order is effective immediately.

2. ~~This Order to Show Cause and Temporary Restraining Order and supporting papers shall be served on Defendants no later than \_\_\_\_\_ via service by \_\_\_\_\_.~~

3. ~~Defendants shall file and serve any opposition papers to the Order to Show Cause on Plaintiff no later than \_\_\_\_\_ via service by \_\_\_\_\_.~~

4. ~~Plaintiff shall file and serve any reply papers to the opposition on Defendants no later than \_\_\_\_\_ via service by \_\_\_\_\_.~~

5. The Temporary Restraining Order granted herein shall expire upon order of this Court, upon issuance of a preliminary injunction, or on July 18, 2016, unless extended by this Court.

IT IS SO ORDERED.

Dated: 6/30/14

JEFFREY Y. HAMILTON JR.  
Judge of the Superior Court