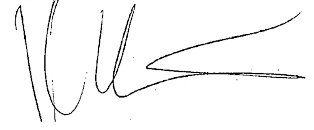


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Superior Court of California
County of Santa Cruz
December 12, 2024
Clerk of the Court by Deputy,
Broughton, Karen



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13 **EXEMPT FROM FEES, GOV. CODE § 6103**

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF SANTA CRUZ

16 HANNAH (ELIO) ELLUTZI; LAAILA
17 IRSHAD; CHRISTINE HONG,

18 Plaintiffs,

19 vs.

20 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA; CYNTHIA LARIVE, in her
official capacity as Chancellor of the
21 University of California, Santa Cruz
("UCSC"); LORI KLETZER, in her official
22 capacity as UCSC Campus Provost and
Executive Vice Chancellor; EDWARD D.
23 REISKIN, in his official capacity as UCSC
Vice Chancellor for Finance, Operations and
24 Administration; AKIRAH J. BRADLEY-
ARMSTRONG, in her official capacity as
25 UCSC Vice Chancellor of Student Affairs;
ALEX DOUGLAS MCCAFFERTY, in his
26 official capacity as UCSC Campus Budget
Director; SONYA KIERNAN, in her official
27 capacity as Executive Assistant to the UCSC
Chancellor; HERBERT LEE, in his official
28 capacity as UCSC Vice Provost of Academic

Case No. 24CV02532

*Assigned for all purposes to the
Hon. Syda Kosofsky Cogliati*

**[PROPOSED] ORDER DENYING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Action Filed: September 9, 2024

[Filed Concurrently: Statement Regarding
[Proposed] Order Denying Plaintiffs' Motion
for Preliminary Injunction]

1 Affairs; JESSICA RASHID, in her official
2 capacity as UCSC Assistant Dean of Students,
3 Student Conduct & Community Standards;
4 ADRIENNE RATNER, in her official capacity
5 as UCSC Director of Academic Employee
6 Relations; KEVIN DOMBY, in his official
7 capacity as UCSC Chief of Police and
8 Executive Director of Public Safety; and
9 DOES 1-10,

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Defendants.

1 **[PROPOSED] ORDER**

2 Plaintiffs’ Motion for Preliminary Injunction came on for hearing before this Court in
3 Department 5 on November 19, 2024 at 8:30 a.m. Upon careful consideration of the arguments
4 presented, and the briefing and evidence submitted, the Court finds good cause to DENY
5 Plaintiffs’ Motion for Preliminary Injunction for the reasons stated on the record and reflected in
6 the hearing transcript. (R.T. 47:7-49:12, 51:2-15.) Specifically, as the Court stated on the record:

7 So as I stated at the beginning, and as I think counsel would agree, both
8 look at the past and the present, and to engage in a balancing of the various factors.
9 And the first is the reasonable probability of success on the merits. The second is
10 the risk of irreparable harm or lack of a legal remedy. We didn’t really address the
11 lack of a legal remedy issue, but I think the Court feels that that’s not a particularly
12 strong point in terms of the defense argument.

13 As I started out, I don’t think much has changed in terms of my observation
14 that ultimately when we have this trial, if we have a trial on this, that there’s a lot of
15 disputed evidence. And I’m not here to make that factual findings today. But just
16 the very fact that there is quite a lot in dispute makes the reasonable probability
17 success on the merits portion of the weighing not the strongest. A lot of the cases
18 that involve preliminary injunctions being properly granted involve where there’s
19 undisputed evidence, such that there’s a very strong reasonable probability of
20 success on the merits.

21 Here we have disputed evidence, and as I think was pointed out, there’s
22 some areas of significance that plaintiffs didn’t really address in their own
23 declarations, and that’s a situation where we have somewhat undisputed evidence
24 on the defendants’ side that does weigh in.

25 So I do find that any—the reasonable probability of success on the merits at
26 this point is low, or is not strong enough to outweigh or make—make the Court not
27 need to find the risk of harm to be particularly strong.

28 And so when I’m looking at the risk of irreparable injury, and you know,
we had a nice discussion about the impingement of First Amendment rights, and
the objective standard of chilling versus the evidence that’s been presented as to
what’s been happening in terms of the ongoing protests and lack of exclusion
orders, versus what the Court feels is quite strong and undisputed evidence that the
harm to the defendants with respect to their ability to protect the safety of the entire
UC Santa Cruz community, that is really the strongest factor in this entire
balancing process.

(R.T. 47:7-48:25.)

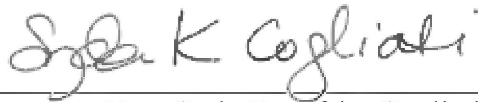
Accordingly, “after engaging in the required balancing process,” the Court hereby

1 DENIES Plaintiffs' Motion for Preliminary Injunction. (R.T. 49:3.)

2 Additionally, the Court grants Defendants' unopposed Request for Judicial Notice. (R.T.
3 47:3-6.)

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5 **IT IS SO ORDERED.**

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7 DATED: December 9, 2024

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11 Hon. Syda Kosofsky Cogliati
12 Judge of the Superior Court
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