

1 This matter came before the Court's on June 18, 2020, at 1 p.m., on Plaintiffs'
2 Application for a Temporary Restraining Order and Order to Show Cause.

3 Based upon the agreement of the parties and good cause appearing,

4 IT IS HEREBY ORDERED, pending further hearing and the Court's Order, that
5 defendants City of Oakland, Police Chief Susan Manheimer, et al., and all persons acting on
6 their behalf and under their supervision are forbidden from:

- 7 1. Using tear gas or any other chemical weapons against persons taking part in a
8 protest or demonstration.
- 9 2. Firing rubber bullets or similar projectiles at persons taking part in a protest or
10 demonstration.
- 11 3. Firing flash bang grenades at persons taking part in a protest or demonstration.
- 12 4. The prohibitions of paragraphs 1 and 3 do not apply where, upon the decision of
13 the OPD Operations Commander or Incident Commander, it is determined that
14 the use of tear gas or any other chemical weapon or flash bang grenades is
15 reasonably necessary to protect the lives of people, protect people from serious
16 bodily injury, or to prevent the imminent destruction of property, tear gas or other
17 chemical weapons or flash bang grenades at Oakland City Hall, the OPD
18 Administration Building, or the OPD Eastmont Mall Substation to protect persons
19 or protect that property from destruction. Flash bang grenades may not be fired
20 directly at persons but must be fired only in a safe direction. To the fullest extent
21 possible, such use of tear gas or other chemical weapons and flash bang grenades
22 is allowed only after an audible warning of their use has been issued and after
23 sufficient time to comply has been granted.
- 24 5. In all actions in which the Oakland Police Department calls in police personnel
25 from other jurisdictions under mutual aid agreements, to the fullest extent
26 possible OPD personnel shall endeavor to assume front line positions between
27 mutual aid officers and demonstrators.

1 This Order shall remain in effect until further Order of the Court. This matter shall be
2 heard by the Court on July 2, 2020, on Plaintiffs' motion for a preliminary injunction.

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4 SO STIPULATED.

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6 SIEGEL, YEE, BRUNNER & MEHTA
7 WALTER RILEY
8 JAMES DOUGLAS BURCH

9 By: *Dan Siegel* _____
10 Dan Siegel

11 Attorneys for Plaintiffs

12 CITY OF OAKLAND

13 By: *David A. Pereda* _____
14 David A. Pereda

15 Attorneys for Defendants

16 IT IS SO ORDERED.

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18 Dated: June 18, 2020

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20 _____
21 Hon. Joseph C. Spero
22 UNITED STATES MAGISTRATE JUDGE
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