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Attorneys for Plaintiff

20  
21 **UNITED STATES DISTRICT COURT**  
22 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

23 **CHURCH OF COMPASSION**, a  
California Non-Profit Corporation,  
24 **DAYSRING CHRISTIAN LEARNING**  
**CENTER**, a subsidiary of the CHURCH  
25 OF COMPASSION;

26 Plaintiffs,

27 vs.

28 **KIM JOHNSON**, in her official capacity  
as the Director of the California Department

Case No.: 3:23-cv-00470-AGS-WVG

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR A PRELIMINARY  
INJUNCTION**

Date: June 30, 2023  
Time: 2:00 p.m.  
Courtroom: 5C

1 of Social Services; **JESSIE ROSALES**, in  
2 his official capacity as the Chief of the  
3 Child and Adult Care Food Programs, a  
4 division of the California Department of  
5 Social Services; **SEAN HARDIN**, in his  
6 official capacity as the Acting Chief of the  
7 Child and Adult Care Food Programs, a  
8 division of the California Department of  
9 Social Services; **THOMAS VILSACK**, in  
10 his official capacity as Secretary of the U.S.  
11 Department of Agriculture; and **UNITED  
12 STATES DEPARTMENT OF  
13 AGRICULTURE**.

14 Defendants.

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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

**PLEASE TAKE NOTICE THAT**, on June 30, 2023, at 2:00 p.m., or as soon as thereafter as the matter may be heard before the Honorable Andrew G. Schopler in Courtroom 5C of the United States District Court for the Southern District of California, located at 221 West Broadway, San Diego, California 92101, Plaintiffs Church of Compassion and Dayspring Christian Learning Center will, and hereby do, move for a preliminary injunction (1) ordering Defendants to reinstate Plaintiffs' Food Program Agreement effective December 29, 2022, (2) delaying the effective date of USDA's SOGI Rule under 5 U.S.C. § 705, and (3) prohibiting enforcement or implementation of both USDA's and CDSS's SOGI Rules against Plaintiffs during the pendency of this action.

The Motion is supported by this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the concurrently filed Declaration of Ronald Wade, the Verified First Amended Complaint, and all pleadings, and papers on file in this action, any oral argument that may be requested at the time of the hearing, and any other material the Court determines is relevant.

1 Dated: June 2, 2023

Respectfully submitted,

2 ALLIANCE DEFENDING FREEDOM

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4 /s/Jeremiah J. Galus

Jeremiah J. Galus\*

5 Attorneys for Plaintiffs

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