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21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA
23 LOS ANGELES DIVISION

24 HARVEST ROCK CHURCH, INC., and
25 HARVEST INTERNATIONAL
26 MINISTRY, INC., itself and on behalf
27 of its member churches in California,

Case No. 2:20-cv-06414-JGB-KK

NOTICE OF APPEAL

28 *Plaintiffs,*

v.

29 GAVIN NEWSOM,
30 *in his official capacity as*
31 Governor of the State of California,

The Honorable Jesus G. Bernal

Defendant.

NOTICE OF APPEAL

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2 Pursuant to Fed. R. App. P. 3 and 28 U.S.C. §1292(a)(1), Plaintiffs, Harvest Rock
3 Church, Inc. and Harvest International Ministry, Inc. hereby notices its appeal to the
4 United States Court of Appeals for the Ninth Circuit from this Court’s Order denying
5 Plaintiffs’ Motion for Preliminary Injunction filed on August 12, 2020 (memorialized
6 in dkt. 42, Minutes of Hearing, August 12, 2020). Pursuant to Fed. R. App. P. 4(a)(2),
7 Plaintiffs are filing this Notice of Appeal prior to the Court’s official entry of the Order
8 appealed from but after this Court has announced its denial of Plaintiffs’ Motion for
9 Preliminary Injunction. *See also Orr v. Plumb*, 884 F.3d 923, 931 (9th Cir. 2018)
10 (noting that Fed. R. App. P. 4(a)(2) permits a party to file a premature notice of appeal,
11 which become operative when final order is issued from the district court). The Court
12 orally denied Plaintiffs’ Motion for Preliminary Injunction on August 12, 2020, and
13 stated that an official Order would be issued quickly. This Court also stated that any
14 motion for injunction pending appeal would be denied, but requested a written motion.
15 That motion was filed (dkt. 44), yet still no action has been taken by this Court. Because
16 the present matter involves Plaintiffs’ cherished constitutional rights under the First
17 Amendment, each day that passes imposed upon them irreparable harm, *see Elrod v.*
18 *Burns*, 427 U.S. 347, 373 (1976), and thus time is of the essence to expedite Plaintiffs’
19 appeal.
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CERTIFICATE OF SERVICE

Case Name: *Harvest Rock Church, Inc. et.
al. v. Newsom*

Case No. 2:20-cv-6414JCB(KKx)

I hereby certify that on this 28th day of August, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

NOTICE OF APPEAL

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of this State of California and the United States of America that the foregoing is true and correct and that this declaration was executed on August 28, 2020, at Lynchburg, Virginia.

Daniel J. Schmid
Declarant

/s/ Daniel J. Schmid
Signature