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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,

28 *Plaintiffs,*

v.

GAVIN NEWSOM,
in his official capacity as
Governor of the State of California,

Defendant.

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

NOTICE OF APPEAL

**PRELIMINARY INJUNCTION
APPEAL**

The Honorable Jesus G. Bernal

NOTICE OF PRELIMINARY INJUNCTION APPEAL

Pursuant to Fed. R. App. P. 3 and 28 U.S.C. §1291(a)(1), Plaintiffs, Harvest Rock Church, Inc. and Harvest International Ministry, Inc. (“Plaintiffs”) hereby notice their appeal to the United States Court of Appeals for the Ninth Circuit from this Court’s Order (dkt. 77) denying Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction issued December 21, 2020.

Though the Court styled its Order as merely a denial of Plaintiffs’ Motion for Temporary Restraining Order (dkt. 77, Order at 14), it is immediately appealable under binding Ninth Circuit precedent because the denial “is tantamount to the denial of a preliminary injunction,” *Givens v. Newsom*, No. 20-15949, 2020 WL 7090826, *1 (9th Cir. Dec. 4, 2020), “followed a ‘full adversary hearing’” on the merits of Plaintiffs’ Motion, *id.* (quoting *Religious Tech. Ctr., Church of Scientology Int’l, Inc. v. Scott*, 869 F.2d 1306, 1308 (9th Cir. 1989)), “effectively decided the merits of the case,” *Graham v. Teledyne-Continental Motors*, 805 F.2d 1386, 1388 (9th Cir. 1986), and “effectively forecloses” Plaintiffs from “pursuing further interlocutory relief” because the Order appealed from “makes clear that any request for injunctive relief would be rejected.” *Givens*, 2020 WL 7090826, at *1.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Case Name: *Harvest Rock Church, Inc.. v. Newsom*, Case No. 2:20-cv-6414JCG(KKx)

I hereby certify that on this 21st day of December, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

PLAINTIFFS’ 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 December 21, 2020, at Lynchburg, Virginia.

Daniel J. Schmid
Declarant

/s/ Daniel J. Schmid
Signature