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**Superior Court of California, County of Alameda
Hayward Hall of Justice**

Hernandez

Plaintiff/Petitioner(s)

VS.

VES McDonald's

Defendant/Respondent(s)

(Abbreviated Title)

No. RG20064825

Application Re: Temporary Restraining
Order Granted in Part

Upon review of Plaintiffs' Ex Parte Application for Temporary Restraining Order and Order to Show Cause, and good cause appearing thereon, it is **HEREBY ORDERED** as follows:

ORDER TO SHOW CAUSE

Defendants VES McDonald's, MMSD Management, Inc., Valerie Smith, and Michael Smith ("Defendants"), shall appear in Department 521 of this Court on 7/2/2020 at 2:30 p.m., by telephone/video according to Court guidance, to show cause why a preliminary injunction should not be granted enjoining Defendants from re-opening and/or operating the restaurant at 4514 Telegraph Avenue, Oakland, CA until Defendants implement and comply with the following:

1. Desist from refusing their employees' lawful sick leave requests and from discouraging employees from taking sick leave that Defendants are legally obligated to provide;
 2. Require, enforce, and instruct managers and employees that all employees must stay home and not work when they are experiencing COVID-19 symptoms, are awaiting COVID-19 test results, have tested positive for COVID-19, or have come in close contact with another person or persons who have tested positive for COVID-19;
 3. Train all employees and managers on the availability of paid sick leave due to COVID-19 under applicable law, and pay employees sick pay for self-quarantining in accordance with such law;
 4. Perform a deep cleaning by professional cleaners of the restaurant, and regularly perform adequate deep cleaning and sanitization of the restaurant's facilities and equipment going forward;
 5. Make possible and enforce reasonably safe physical distancing of at least six feet between workers in work areas;
 6. Provide adequate and sufficient masks and gloves to employees;
 7. Provide wellness checks and accurate temperature testing of all employees;
 8. Provide and enforce paid breaks every 30 minutes to enable handwashing and other sanitization procedures by employees;
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9. Develop a protocol for, instruct managers and employees on, and regularly conduct sufficient and proper cleaning and disinfection of equipment, workstations, and other physical spaces between and during shifts;
10. Conduct contact tracing of all persons known or suspected to have been infected with the COVID-19 virus while physically present at the restaurant, including employees;
11. If an employee tests positive, identify all co-workers who worked in close contact with the employee and are thus required to quarantine by the Alameda Public Health Quarantine Order, and provide them paid sick leave for the duration of the required quarantine.

TEMPORARY RESTRAINING ORDER

Pending hearing on the Order to Show Cause, Defendants, their agents, employees, and representatives, and all persons acting in concert or participating with them, are enjoined from re-opening the restaurant at 4514 Telegraph Avenue, Oakland, pending the 7/2/2020 hearing on the Order to Show Cause unless Alameda County Department of Environmental Health approves an earlier re-opening date upon defendants' compliance with the Reopening Plan.

SERVICE OF ORDER AND BRIEFING SCHEDULE

The moving, opposing and reply papers filed in connection with Plaintiffs' Ex Parte Application for Temporary Restraining Order and Order to Show Cause shall serve as the moving and opposing papers on the request for a preliminary injunction.

This order shall be served on Defendants no later than 6/24/2020.

Dated: 06/22/2020

 facsimile

Judge Patrick R. McKinney