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*Attorneys for Plaintiff*

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF FRESNO

Christian Titman,

Plaintiff,

v.

Clovis Unified School District,

Defendant.

Case No. **15CECG01717**

**PLAINTIFF'S EX PARTE NOTICE AND  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER and ORDER TO  
SHOW CAUSE**

Hearing Date: June 2, 2015

Time: 3:30 p.m.

Dept.: 502: Hon. Donald S. Black

Case filed June 1, 2015; no trial date set

1 TO THE COURT AND EACH PARTY AND ITS ATTORNEYS OF RECORD:

2 Plaintiff Christian Titman hereby applies, *ex parte*, for a temporary restraining order  
3 enjoining Defendants Clovis Unified School District (“District”) and its officers, agents,  
4 employees, and any persons acting with them or on their behalf from prohibiting Plaintiff from  
5 participating in the 2015 graduation ceremony at Clovis High School while wearing and  
6 displaying his eagle feather on his graduation cap. The graduation ceremony is scheduled to occur  
7 on **June 4, 2015 at 7:30 p.m.** Plaintiff also requests an order requiring Defendants to show cause  
8 why a preliminary injunction should not issue pending trial in this action, if such an order is still  
9 necessary.

10 There is good cause for this Court to grant this Application because the conduct sought to  
11 be enjoined, if allowed to occur, will cause immediate and irreparable injury in that Plaintiff  
12 Christian Titman will be denied his right to freedom of expression which is protected under  
13 Article I § 2(a) of the California Constitution and California Education Code §§ 48907 and 48950.  
14 California courts have consistently held that “harms to speech rights for even minimal periods of  
15 time, unquestionably constitute irreparable injury supporting preliminary relief.” *Best Friends*  
16 *Animal Soc’y v. Macerich Westside Pavilion Prop., L.L.C.*, 193 Cal. App. 4th 168, 185 (2011)  
17 (citation omitted). Furthermore, the conduct sought to be enjoined, if allowed to occur, will deny  
18 Titman of his right to free exercise of religion under Article I § 4 of the California Constitution.  
19 Moreover, this graduation ceremony is uniquely important to Titman because he will graduate  
20 from high school only once in his life. He, his family, and his attorneys have worked diligently to  
21 try to resolve this issue with the District, but to no avail.

22 This Application is made pursuant to Cal. Code Civ. Proc. § 525 *et seq.* and Cal. Rules of  
23 Court, rules 3.1150 and 3.1200 *et seq.* and is based upon the Verified Complaint; the declarations  
24 of Plaintiff Christian Titman, his mother, Renee Keeton, the Chairman of the Pit River Tribe,  
25 Mickey Gemilli, Jr., Plaintiff’s counsel, Novella Coleman, and exhibits in support thereof; the  
26 memorandum of points and authorities filed concurrently; and such other matters as the Court may  
27 consider.  
28

There has been no previous application for similar relief.

1 As detailed in the Coleman declaration, on Friday, May 29 at approximately 5:00 p.m.,  
2 Plaintiff's counsel notified District Superintendent Janet Young (janetyoung@cusd.com), District  
3 Associate Superintendent Norm Anderson (normanderson@cusd.com), and Defendant's counsel,  
4 Ruth Mendyk at the law firm of Lozano Smith Attorneys at Law (rmendyk@lozanosmith.com), by  
5 letter delivered through electronic mail, of Plaintiff's intention to file this Application and  
6 enumerating the relief to be requested in the Application. On Monday, June 1, at approximately  
7 9:06 a.m. Plaintiff's counsel emailed, and at approximately 9:10 a.m. faxed, a letter notifying the  
8 District that Plaintiff's counsel would file the Application on June 2 and request a hearing the  
9 same day at 9:00 a.m in Fresno Superior Court. Coleman Decl., ¶ 12, Exs. H, I, J. And at 12:14  
10 p.m. Plaintiff's counsel emailed the District notice that the hearing was scheduled for 3:30 p.m. in  
11 department 502. Id. ¶ 13, Ex. K. Plaintiff's counsel will also have provided Ms. Mendyk with  
12 copies of this Application and all documents filed herewith via electronic mail on June 1, 2015 at  
13 approximately 4 p.m. PDT. *See* Proof of Service.

14 Plaintiffs intend to provide Defendant with courtesy copies of this Application and the  
15 supporting papers before the close of business on June 1, 2015.

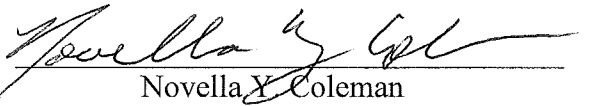
16 Dated: June 1, 2015

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24 By:

  
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