

NOV 05 2024

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17
18 **IN THE SUPERIOR COURT OF CALIFORNIA**
19 **COUNTY OF RIVERSIDE – HISTORIC COURTHOUSE**

20 IMPERIAL COUNTY BOARD OF
21 SUPERVISORS and COACHELLA VALLEY
22 UNIFIED SCHOOL DISTRICT

23 *Petitioners and Plaintiffs,*

24 v.

25 ART TINOCO, in his official capacity as
26 Registrar of Voters for County of Riverside,
27 LINSEY DALE, in her official capacity as
28 Registrar of Voters for the County of Imperial,

Respondents and Defendants,

AGUSTIN ARREOLA, TRINIDAD “TRINI”
ARREDONDO, ALTRENA SANTILLANES,
JESUS GONZALEZ, ADRIAN RODRIGUEZ,
JOCELYN VARGAS,

Real Parties in Interest

Case No. **CVRI 2406191**

**JOINT APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

ELECTION MATTER: 5:00 P.M.
NOVEMBER 5, 2024 DEADLINE

**Calendar Preference Required By Statute (Elec.
Code, § 13314(a)(3))**

[Code of Civil Procedure §§ 525, 1085]

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 Petitioners Imperial County Board of Supervisors and Coachella Valley Unified School District
3 and Respondents Art Tinoco, in his official capacity as Registrar of Voters for County of Riverside,
4 Linsey Dale, in her official capacity as Registrar of Voters for the County of Imperial, jointly apply for
5 an emergency Temporary Restraining Order (TRO) and an Order to Show Cause (OSC) re: Preliminary
6 Injunction restraining Respondent Art Tinoco, in his official capacity as Registrar of Voters for County
7 of Riverside from doing the following with respect to the November 5, 2024, election of the Board of
8 Education for the Coachella Valley Unified School District, Trustee Areas 1, 2, and 4:

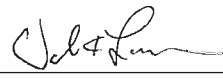
- 9 (a) Reporting the results of the Riverside County vote for Trustee Areas 1, 2, and 4 in the
10 Coachella Valley Unified School District in all public reporting of election results, including
11 but not limited to the semiofficial results, the certified results, and the statement of vote.
12 (b) Providing the results of the Riverside County vote for Trustee Areas 1, 2, and 4 in the
13 Coachella Valley Unified School District to any party that requests information on such
14 results.
15 (c) Notwithstanding the foregoing, reporting votes from the one percent manual tally required by
16 Elections Code section 15360 shall not be deemed in violation of the prohibitions of this
17 Temporary Restraining Order.

18 The moving parties all agree and stipulate that a TRO is necessary in this case to avoid
19 irreparable harm and to preserve the status quo while the parties resolve an error on the ballots
20 impacting the November 5, 2024, election of the Board of Education for the Coachella Valley Unified
21 School District that is described in the accompanying Memorandum of Points and Authorities.

22 Dated: November 5, 2024

Respectfully submitted,

24 STRUMWASSER & WOOCHER LLP
25 Beverly Grossman Palmer
26 Dale K. Larson

27 By: 
Dale K. Larson

28 *Attorneys for Petitioner and Plaintiff
Imperial County Board of Supervisors*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Petitioners Imperial County Board of Supervisors and Coachella Valley Unified School District
4 and Respondents Art Tinoco, in his official capacity as Registrar of Voters for County of Riverside,
5 Linsey Dale, in her official capacity as Registrar of Voters for the County of Imperial, jointly apply for
6 an emergency Temporary Restraining Order (TRO) to prevent the release of the counted votes in
7 November 5, 2024, election of the Board of Education for the Coachella Valley Unified School District
8 (CVUSD).

9 CVUSD has four trustee areas, but its trustees on its Board of Education are all elected at large in
10 the entire District pursuant to Education Code section 5030, subdivision (c). These districts are split
11 between Riverside and Imperial Counties. Because of a clerical error, the portion of the CVUSD
12 electorate residing in Imperial County does not have any CVUSD Board of Education offices on their
13 ballots, but those in Riverside County do.

14 The parties are working to fix the clerical error so that the CVUSD voters in Imperial County are
15 given the opportunity to vote on the election. Releasing the vote count in Riverside County at this time
16 would cause irreparable harm to the parties and could potentially invalidate the entire election.

17 **II. RELIEF REQUESTED**

18 Plaintiff respectfully requests that this Court issue:

- 19 1. A Temporary Restraining Order restraining Respondent Art Tinoco, in his official
20 capacity as Registrar of Voters for County of Riverside, from doing the following,
21 pending a full hearing on the merits of the attached Verified Petition for Writ of
22 Mandate, with respect to the November 5, 2024, election of the Board of Education
23 for the Coachella Valley Unified School District, Trustee Areas 1, 2, and 4:
- 24 (a) Reporting the results of the Riverside County vote for Trustee Areas 1, 2, and
25 4 in the Coachella Valley Unified School District in all public reporting of
26 election results, including but not limited to the semiofficial results, the
27 certified results, and the statement of vote.
 - 28 (b) Providing the results of the Riverside County vote for Trustee Areas 1, 2, and

1 4 in the Coachella Valley Unified School District to any party that requests
2 information on such results.

3 (c) Notwithstanding the foregoing, reporting votes from the one percent manual
4 tally required by Elections Code section 15360 shall not be deemed in
5 violation of the prohibitions of this Temporary Restraining Order.

6 2. An **Order** setting a hearing within 10 days so that the parties can present the Court
7 with a proposed writ to resolve the underlying issue described in the concurrently
8 filed Verified Petition for Writ of Mandate

9 **III. STATEMENT OF FACTS**

10 Petitioner Coachella Valley Unified School District is a public school district organized under
11 the laws of California. Petitioner Imperial County Board of Supervisors is the governing body for the
12 County of Imperial.

13 As a result of a clerical error, the races for the CVUSD Board of Education are not listed on the
14 ballot for CVUSD voters residing in Imperial County.

15 The parties hope that the issue can be resolved by providing the Imperial County CVUSD voters
16 the opportunity to vote on the races without having to conduct an expensive bi-county special election
17 and without invalidating the votes cast by the CVUSD voters voting in Riverside County. In order to do
18 this, however, it is imperative that the Riverside County vote counts for CVUSD voters are not released
19 until Imperial County CVUSD voters have had the opportunity to vote. Should the vote counts be
20 release, the parties will suffer irreparable harm in that the integrity of the election process will be
21 irrevocably compromised as to that race.

22 The parties have no adequate remedy at law.

23 **IV. ARGUMENT**

24 Under California Code of Civil Procedure § 527, a TRO may be granted when it appears that
25 great or irreparable harm would result to the applicant before the matter can be heard on a motion for a
26 preliminary injunction. Courts will grant TROs where (1) there is a likelihood of success on the merits,
27 and (2) there is a substantial risk of irreparable harm absent immediate relief.

28 Here, success on the merits is likely because the parties are jointly committed to resolving this in

1 the manner that best serves the electorate of the CVUSD. Further, the Legislature already contemplates
2 that in races involving more than one county, that a county not release vote totals until voting is
3 complete in the other county. (See Elec. Code, § 15152 [“However, the results for any candidate or
4 ballot proposition also voted upon in another county or counties shall not be made public until after all
5 the polls in that county and the other county or counties have closed.”].)

6 The release of the vote count prior to resolving these serious legal issues would cause irreparable
7 harm to Plaintiff by rendering the results of the election suspect, damaging public trust, and making
8 corrective measures impossible after the fact without having to invalidate votes cast and conducting an
9 expensive bi-county special election.

10 The harm to the parties from releasing the vote count far outweighs any harm to Respondent
11 Tinoco in withholding them until this matter is resolved. The requested TRO would simply preserve the
12 status quo pending a full hearing on the merits.


13 **V. CONCLUSION**

14 For the foregoing reasons, Plaintiff respectfully requests that the Court grant the relief described
15 herein.

16 Dated: November 5, 2024

Respectfully submitted,

17 STRUMWASSER & WOOCHEER LLP
18 Beverly Grossman Palmer
19 Dale K. Larson

20 By: 
Dale K. Larson

21 Dated: November 5, 2024

22 *Attorneys for Petitioner and Plaintiff*
Imperial County Board of Supervisors

23 OLIVAREZ MADRUGA LAW
24 ORGANIZATION LLP
25 Rick Olivarez

26 By: _____ /s/ Rick Olivarez _____
Rick Olivarez

27 *Attorneys for Petitioner and Plaintiff*
28 *Coachella Valley Unified School District*

1 Dated: November 5, 2024

2 IMPERIAL COUNTY REGISTRAR OF
3 VOTERS
4 Linsey Dale

5 By: _____/s/ Linsey Dale_____
6 Linsey Dale

7
8 Dated: November 5, 2024

9 RIVERSIDE COUNTY REGISTRAR OF
10 VOTERS
11 Art Tinoco

12 By: _____/s/ Art Tinoco_____
13 Art Tinoco

~~PROPOSED~~ TEMPORARY RESTRAINING ORDER

Having read the accompanying Joint Application for a Temporary Restraining Order, the Verified Petition for Writ of Mandate, and all other accompanying papers submitted, the Court hereby finds that good cause exists for the relief sought.

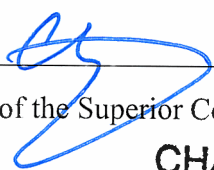
IT IS HEREBY ORDERED that

1. Respondent Art Tinoco, in his official capacity as Registrar of Voters for County of Riverside, shall refrain from doing the following, pending a full hearing on the merits of the attached Verified Petition for Writ of Mandate, with respect to the November 5, 2024, election of the Board of Education for the Coachella Valley Unified School District, Trustee Areas 1, 2, and 4:
 - (a) Reporting the results of the Riverside County vote for Trustee Areas 1, 2, and 4 in the Coachella Valley Unified School District in all public reporting of election results, including but not limited to the semiofficial results, the certified results, and the statement of vote.
 - (b) Providing the results of the Riverside County vote for Trustee Areas 1, 2, and 4 in the Coachella Valley Unified School District to any party that requests information on such results.
 - (c) Notwithstanding the foregoing, reporting votes from the one percent manual tally required by Elections Code section 15360 shall not be deemed in violation of the prohibitions of this Temporary Restraining Order.

2. The parties are hereby ordered to appear in Department 3 of the Riverside County Superior Court at 8:30 a.m./p.m. on November 6, 2024, at which the parties shall present the Court with a proposed writ to resolve the underlying issue described in the concurrently filed Verified Petition for Writ of Mandate.

Parties may appear by Zoom, telephone or in-person

DATE: 11/5/24



Judge of the Superior Court

CHAD W. FIRETAG