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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

11

12 TUCK’S RESTAURANT AND BAR, a
California corporation, KENNETH R. PAIGE;
13 CHAD PAIGE; BUCKMAN ENTERPRISES,
LLC, a California limited liability company;
14 ROBIN BUCKMAN; and THE NEVADA
COUNTY RESTAURANT COALITION, an
15 unincorporated membership association,

16 Plaintiffs,

17 v.

18 NEVADA COUNTY, CALIFORNIA;
KATHARINE ELLIOTT; and DOES 1-10
19 inclusive,

20 Defendants.

Case No. 2:20-cv-02256-KJM-CKD

**INDEX OF EXHIBITS IN SUPPORT OF
COUNTY DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION**

Judge: Hon. Kimberly J. Mueller

Date: January 26, 2024

Time: 10:00 a.m.

Crtrm: 3

Trial Date: None Set

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INDEX OF EXHIBITS

For the Court's convenience, Defendants Nevada County and Katharine Elliott hereby provide a list of exhibits in support of its motion for summary judgment. The column entitled "Location" refers to the document each particular document is attached to.

Exhibit	Description	Location
Exhibit 1	State of California Executive Order N-33-20, dated March 19, 2020, available at https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-EO-N-33-20-COVID-19-HEALTH-ORDER-03.19.2020-signed.pdf .	RJN
Exhibit 2	Nevada County Public Health Officer Order, Clarification of Stay-at-Home or Place of residence Requirements as They Pertain to Individuals and Businesses in the County, dated April 15, 2020.	RJN
Exhibit 3	Nevada County Public Health Officer's Amended Order Regarding Stay-at-Home or Place of Residence Requirements as They Pertain to Individuals and Businesses in the County, dated April 27, 2020, produced in this litigation as Bates Numbers NEVADA-000921-000928.	RJN
Exhibit 4	Nevada County Public Health Officer's Order Rescinding the April 27, 2020 Stay-at-Home or Place of Residence Requirements as They Pertain to Individuals and Businesses in the County, dated May 8, 2020, produced in this litigation as Bates Number NEVADA-000929.	RJN
Exhibit 5	California Department of Public Health Guidance for the Use of Face Coverings, dated June 18, 2020, produced in this litigation as Bates Numbers NEVADA-000102-000104.	RJN
Exhibit 6	California Department of Public Health Statewide Public Health Officer Order, dated July 13, 2020, produced in this litigation as Bates Numbers NEVADA-00930-000934.	RJN
Exhibit 7	Nevada County Public Health Department Notice, Statewide Closure of All Bars and Indoor Operations of Restaurants, Wineries, Movie Theaters and Card Rooms, dated July 13, 2020, produced in this litigation as Bates Numbers NEVADA-001946-001947.	RJN
Exhibit 8	California Department of Public Health Statewide Public Health Officer Order, dated August 28, 2020.	RJN

Exhibit	Description	Location
Exhibit 9	California Department of Public Health, Guidance for the Use of Face Coverings, dated May 3, 2021.	RJN
Exhibit 10	State of California Executive Order N-07-21, dated June 11, 2021, available at https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-07-21-signed.pdf .	RJN
Exhibit 11	A Proclamation by the Governor of the State of California Terminating State of Emergency, dated February 28, 2023, available at https://www.gov.ca.gov/wp-content/uploads/2023/02/COVID-SOE-Termination-Proclamation-2.28.23.pdf?emrc=1db54f .	RJN
Exhibit 12	Plaintiff Tuck’s Restaurant and Bar Responses to Nevada County Defendants’ Requests for Admission, Set One, with proof of service, served August 4, 2020.	Mehretu Declaration
Exhibit 13	Plaintiff Buckman Enterprises, LLC Supplemental Responses to Nevada County Defendants’ Requests for Admission, Set One, with proof of service, served August 31, 2023.	Mehretu Declaration
Exhibit 14	Excerpts from the certified transcript of the deposition of Plaintiff Chad Paige, owner of Plaintiff Tuck’s Restaurant and Bar (“Tuck’s Restaurant”), taken September 5, 2023.	Mehretu Declaration
Exhibit 15	Excerpts from the certified transcript of the deposition of Plaintiff Kenneth Paige, owner of Plaintiff Tuck’s Restaurant, taken September 6, 2023.	Mehretu Declaration
Exhibit 16	Excerpts from the certified transcript of the deposition of Plaintiff Robin Buckman, owner of Plaintiff Buckman Enterprises, LLC d/b/a Old Town Café (“Old Town Café”), taken September 7, 2023.	Mehretu Declaration
Exhibit 17	Excerpts from the certified transcript of the deposition of Claire Chapple, Nevada County Environmental Health Specialist IV, taken September 18, 2023.	Mehretu Declaration
Exhibit 18	Excerpts from the certified transcript of the deposition of Nicole Johnson, Nevada County Environmental Health Specialist II, taken September 18, 2023.	Mehretu Declaration
Exhibit 19	Excerpts from the certified transcript of the deposition of Nevada County Environmental Health Director Amy Irani (“Director Irani”), taken September 19, 2023.	Mehretu Declaration

Exhibit	Description	Location
Exhibit 20	Excerpts from the certified transcript of the deposition of Nevada County Counsel Katharine Elliott, taken September 20, 2023.	Mehretu Declaration
Exhibit 21	Selection of complaints received by the Nevada County Environmental Health Department concerning Friar Tuck's non-compliance with the Public Health Orders in July 2020.	Irani Declaration
Exhibit 22	Selection of complaints received by the Nevada County Environmental Health Department concerning Old Town Café's non-compliance with the Public Health Orders in July 2020.	Irani Declaration
Exhibit 23	Notice of Violation re Immediate Closure of Food Service Establishment Due to an Imminent Health Hazard, issued to Friar Tuck's, dated July 21, 2020 and produced in this litigation as NEVADA-000889-000890.	Irani Declaration
Exhibit 24	Notice of Violation re Immediate Closure of Food Service Establishment Due to an Imminent Health Hazard issued to Old Town Café, dated July 21, 2020 and produced in this litigation as NEVADA-000886-000887.	Irani Declaration
Exhibit 25	Closure Order issued to Friar Tuck's, dated July 21, 2020 and produced in this litigation as NEVADA-000965.	Irani Declaration
Exhibit 26	Closure Order issued to Old Town Café, dated July 21, 2020 and produced in this litigation as NEVADA-000966.	Irani Declaration
Exhibit 27	Memorandum prepared by Director Irani, dated July 30, 2020 and produced in this litigation as NEVADA-000440.	Irani Declaration
Exhibit 28	Email chain between Ken Paige and Director Irani, dated July 29, 2020 – August 4, 2020 and produced in this litigation as NEVADA-001470-1472.	Irani Declaration
Exhibit 29	Contemporaneous notes taken by Director Irani at the August 3, 2020 meeting with the owners of Friar Tuck's and Old Town Cafe, produced in this litigation as NEVADA-000893-000896.	Irani Declaration
Exhibit 30	Notice re Reinstatement of Operational Permit sent to Friar Tuck's, dated August 4, 2020 and produced in this litigation as NEVADA-000883.	Irani Declaration
Exhibit 31	Notice re Reinstatement of Operational Permit sent to Old Town Café, dated August 4, 2020 and produced in this litigation as NEVADA-000903.	Irani Declaration

Exhibit	Description	Location
Exhibit 32	Email from Nevada County Environmental Health Specialist II, Nicole Johnson, to Ken Paige, dated August 4, 2020 and produced in this litigation as NEVADA-001084.	Irani Declaration
Exhibit 33	Letter from Amy Irani to Friar Tuck’s discussing the reduction in that restaurant’s fines, dated April 22, 2021 and produced in this litigation as NEVADA-000969-000970.	Irani Declaration
Exhibit 34	Letter from Amy Irani to Old Town Café discussing the reduction in that restaurant’s fines, dated April 22, 2021 and produced in this litigation as NEVADA-000971-000972.	Irani Declaration

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DATED: November 21, 2023

MEYERS NAVE

By: /s/ David Mehretu

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