

No. 20A138

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IN THE SUPREME COURT OF THE UNITED STATES

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GATEWAY CITY CHURCH; THE HOME CHURCH; THE SPECTRUM CHURCH, ORCHARD  
COMMUNITY CHURCH; TRINITY BIBLE CHURCH,

*Applicants*

v.

GAVIN NEWSOM, in his official capacity as Governor of the State of California;  
SANDRA SHEWRY, M.D., in her official capacity as Acting Director of California  
Department of Public Health; SARA H. CODY, M.D., in her official capacity as Santa  
Clara County Health Officer; COUNTY OF SANTA CLARA,

*Respondents.*

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To the Honorable Elena Kagan, Associate Justice of the  
United States Supreme Court And Circuit Justice for the Ninth Circuit

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MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE* OF CALVARY CHAPEL SAN JOSE,  
SOUTHRIDGE BAPTIST CHURCH OF SAN JOSE, AND ADVOCATES FOR FAITH & FREEDOM  
IN SUPPORT OF APPLICANTS

---

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On behalf of Calvary Chapel San Jose (“CCSJ”), Southridge Baptist Church of San Jose (“Southridge”), and Advocates for Faith & Freedom (“Advocates”), Tyler & Bursch, LLP respectfully moves for leave to file a brief amicus curiae in support of Applicants’ Emergency Application for Writ of Injunction, without 10 days’ advance notice to the parties of Amicus Curiae’s intent to file as ordinarily required. In accordance with the Court’s order of April 15, 2020, the proposed brief conforms to the formatting requirements of Rule 33.2.

In light of the expedited briefing schedule set by the Court, it was not feasible to give 10 days’ notice, but Amicus Curiae was nevertheless able to obtain a position on the motion from the parties. Counsel for Applicants Gateway Church et.al. consent to the filing of this amicus brief. Counsel for Respondents do not consent to the filing of this amicus brief.

CCSJ and Southridge are two churches located in Santa Clara County and have been meeting indoors for various worship services. Both CCSJ and Southridge filed a federal lawsuit against Santa Clara County and California Governor Gavin Newsom .Calvary Chapel San Jose, et.al. v, Sara H. Cody, et.al., No. 5:20-cv-03794 VKD (D. Cal. filed June 9, 2020). That lawsuit is pending and challenges state and county health orders prohibiting indoor worship services based on the Free Exercise Clause of the First Amendment.

Located in the same county as Applicants, the outcome of this Court’s ruling on the pending Emergency Application for Writ of Injunction will have an immediate and direct impact on the constitutional rights of Amicus Curiae and the federal and state lawsuits to which they are parties.

Importantly, Amicus Curiae’s brief brings to the attention of the Court relevant matter not already brought to its attention by the parties that may be of considerable help to the Court. Rule 37.1. This brief addresses health orders not addressed by Applicants in this case. The health order is dated October 5, 2020 and entitled Revised Mandatory Risk Reduction Measures Applicable to All Activities and Sectors to Address the COVID-19 Pandemic (“Risk Reduction Order”). (Exhibit C.) The Risk Reduction Order establishes a significant exemption to the application of all Santa Clara County health orders that are relevant in this case. The exemption addressed herein renders

the County's ban on indoor worship subject to strict scrutiny under the First Amendment because the ban on indoor worship is not neutral and generally applicable.

Therefore, amicus curiae request leave of this Court to file the following amicus brief pursuant to Rule 37.2(b) to address the Risk Reduction Order.

No. 20A138

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**IN THE SUPREME COURT OF THE UNITED STATES**

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GATEWAY CITY CHURCH; THE HOME CHURCH; THE SPECTRUM CHURCH, ORCHARD  
COMMUNITY CHURCH; TRINITY BIBLE CHURCH,

*Applicants*

v.

GAVIN NEWSOM, in his official capacity as Governor of the State of California;  
SANDRA SHEWRY, M.D., in her official capacity as Acting Director of California  
Department of Public Health; SARA H. CODY, M.D., in her official capacity as Santa  
Clara County Health Officer; COUNTY OF SANTA CLARA,

*Respondents.*

---

**To the Honorable Elena Kagan, Associate Justice of the  
United States Supreme Court And Circuit Justice for the Ninth Circuit**

---

**BRIEF AMICUS CURIAE OF CALVARY CHAPEL SAN JOSE, SOUTHRIDGE BAPTIST CHURCH  
OF SAN JOSE, AND ADVOCATES FOR FAITH & FREEDOM IN SUPPORT OF APPLICANTS**

---

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## INTRODUCTION

Pursuant to this Court’s Rule 37(1), *Amici Curiae* will present county health orders applicable to the facts of this case that have not already been brought to the Court’s attention by *Gateway City Church* in support of Applicants’ Emergency Application for Writ of Injunction. This pertinent information arises from a parallel case involving amici presently being litigated in the Santa Clara County Superior Court and the Northern District of California. The health orders addressed in this brief are directly relevant to show that the lower courts erred in their analysis of whether the Santa Clara County health orders are neutral and generally applicable.

### INTEREST OF THE *AMICUS CURIAE*<sup>1</sup>

#### I. CALVARY CHAPEL SAN JOSE (“CCSJ”)

Calvary Chapel San Jose (“CCSJ” or “Church”) is located within Santa Clara County, California. CCSJ’s sanctuary capacity is approximately 1,800 people. Presently, the church holds two Sunday morning worship services of approximately 500 to 600 persons each service. CCSJ filed a lawsuit against Santa Clara County and its health official, Dr. Sarah H. Cody, in United States District Court for the Northern District of California, San Jose Division. *Calvary Chapel San Jose, et.al. v. Newsom, et.al.*, No. 5:20-cv-03794 VKD (D. Cal. filed June 9, 2020). CCSJ is seeking injunctive and declaratory relief against the County’s COVID-19-related health orders. CCSJ holds indoor worship gatherings every Sunday and hosts small indoor prayer gatherings throughout the week.

The County of Santa Clara began issuing administrative fines against CCSJ on October 23, 2020, because it has allegedly failed to comply county health orders.

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<sup>1</sup> Consistent with this Court’s Rule 37.6, *Amici Curiae* state that this brief was not authored in whole or in part by counsel for any party, and no person or entity other than Calvary Chapel San Jose, Southridge Church, and their counsel made a monetary contribution to the preparation or submission of this brief. Applicants have consented to the filing of this brief. However, Respondents did not consent.

For several months, CCSJ has been fined \$5,000 per day even for days when no indoor worship services occurred. The fines total close to \$1,000,000.

Santa Clara County filed its own lawsuit against CCSJ on October 28, 2020, in Santa Clara County Superior Court. *The People of the State of California, County of Santa Clara County, Sara H. Cody, M.D. v. Calvary Chapel San Jose, Mike McClure, and Does 1-50*, Case No.: 20cv372285 (Cal. Sup. Ct. filed October 27, 2020). The County immediately sought a temporary restraining order (TRO) that was granted on November 2, 2020, which enjoined the Church from conducting any gathering inside its church building. The TRO enforced county health orders that prohibited indoor religious gatherings in excess of 100 people or 25% of building capacity, whichever was less.

The TRO was modified on November 23, 2020 to reflect modified state and county health orders that prohibited *all* indoor worship services. The Santa Clara County Superior Court issued a Preliminary Injunction against CCSJ on December 1, 2020.

Meanwhile, on November 24, 2020, the Superior Court held CCSJ in contempt of court for meeting indoors and violating county health orders. (*See* Exhibit A.) The Church was fined \$22,000 pursuant to California Code of Civil Procedure § 1218(a) and sanctioned \$33,000 pursuant to California Code of Civil Procedure 177.5. (*Id.* at p. 3.)

The Church, Pastor Mike McClure, and Youth Pastor Carson Atherley were fined and sanctioned in a second contempt hearing that began on January 15, 2021. (*See* Exhibit B.) The Church was again fined \$35,000 pursuant to California Code of Civil Procedure § 1218(a) and sanctioned \$52,500 pursuant to California Code of Civil Procedure 177.5. (*Id.* at p. 9.) The superior court also ordered fines against the Church in the amount of \$13,000 pursuant to California Code of Civil Procedure § 1218(a) and suspended sanctions in the amount of \$19,500 pursuant to California



Code of Civil Procedure 177.5. (*Id.*) Pastor Mike McClure was fined \$15,000 pursuant to California Code of Civil Procedure § 1218(a) and sanctioned \$22,500 pursuant to California Code of Civil Procedure 177.5. (*Id.* at p. 12.) Youth Pastor Carson Atherley was fined \$11,000 pursuant to California Code of Civil Procedure § 1218(a) and sanctioned \$16,500 pursuant to California Code of Civil Procedure 177.5. (*Id.* at p. 16.)

In sum, CCSJ has been subjected to \$142,500 of court-ordered fines and sanctions. Pastor Mike McClure has been subjected to \$37,500 in court-ordered fines and sanctions. Youth Pastor Carson Atherley has been subjected to \$27,500 in court-ordered fines and sanctions.

## **II. SOUTHRIDGE BAPTIST CHURCH OF SAN JOSE (“Southridge”)**

Southridge presently conducts religious worship services on Sunday afternoons at inside the church building at CCSJ. Southridge is also a co-plaintiff with CCSJ in the lawsuit against the Santa Clara County and its health official, Dr. Sarah H. Cody, filed in the United States District Court for the Northern District of California, San Jose Division. (*Calvary Chapel San Jose, et.al. v. Newsom, et.al.*, No. 5:20-cv-03794 VKD (D. Cal. filed June 9, 2020).)

At the beginning of the COVID-19 pandemic in 2020, Southridge Church rented a drive-in movie theater each Sunday where it held worship services while people could remain in their cars and participate in the worship service. The County issued the church a cease-and-desist letter ordering Southridge to cease using the drive-in theater claiming the gathering at a drive-in theater was a violation of the County’s health orders. Southridge eventually began holding its worship services in CCSJ’s large sanctuary. Southridge usually has no more than 100 persons in attendance. Santa Clara County has issued administrative fines against Southridge for holding indoor services in CCSJ’s 1,800 seat sanctuary. Southridge has received approximately \$65,000 in administrative fines since October 2020.

### **III. ADVOCATES FOR FAITH & FREEDOM**

Advocates for Faith and Freedom (“Advocates”) is a California-based non-profit law firm dedicated to protecting First Amendment liberties. Advocates seeks to protect the right to religious liberty by ensuring that that government action does not unlawfully create a substantial burden on religion. Since the beginning of the COVID-19 pandemic, Advocates has counseled hundreds of churches, synagogues and private religious schools regarding state and county health orders. Advocates has provided funding for litigation in numerous lawsuits, excluding this particular case. The resolution of this case is of great importance to Advocates for Faith & Freedom due to the impact it will have upon future cases involving religious liberty.

#### **SUMMARY OF THE ARGUMENT**

This brief addresses a health orders not addressed by Applicants in this case. The health order is dated October 5, 2020 and entitled Revised Mandatory Risk Reduction Measures Applicable to All Activities and Sectors to Address the COVID-19 Pandemic (“Risk Reduction Order”). (Exhibit C.) The Risk Reduction Order establishes a significant exemption to the application of all Santa Clara County health orders that are relevant in this case. The exemption addressed herein renders the County’s ban on indoor worship subject to strict scrutiny under the First Amendment because the ban on indoor worship is not neutral and generally applicable.

#### **STATEMENT OF FACTS**

In addition to the Santa Clara County health orders addressed in the Application for Emergency Writ of Injunction, County Health Officer Sarah H. Cody, M.D. adopted an order dated October 5, 2020, entitled Revised Mandatory Risk Reduction Measures Applicable to All Activities and Sectors to Address the COVID-19 Pandemic (“Risk Reduction Order”). (Exhibit C.) Following the

adoption of this overarching order, more specific orders have been adopted and amended as to certain businesses and activities, such as the Mandatory Directive for Gatherings.

The countywide Risk Reduction Order requires full compliance with all County health orders. (*Id.* at p.4, ¶5 and p. 6, ¶11.) The County health orders include the Mandatory Directive on Gatherings (*Id.* at p.6, ¶11; *see also* Exhibit D), the Mandatory Directive on Capacity Limitations (Exhibit E), and the mandatory submission of the Social Distancing Protocol (Exhibit F) on the required form entitled Revised Social Distancing Protocol. (Exhibit F.) A violation of a mandatory directive is deemed to be a violation of the October 5 Risk Reduction Order. (*See e.g.* Exhibit D, p.3.)

The Risk Reduction Order provides that

“[i]n addition to complying with all provisions of this Order, all individuals and entities, including all businesses and governmental entities, must also follow any applicable directives issued by the County Health Officer and any applicable “COVID-19 Industry Guidance” issued by the California Department of Public Health, available at [covid19.ca.gov/industry-guidance/](https://covid19.ca.gov/industry-guidance/).”

(Exhibit C, p. 4, ¶ 5.) However, the Risk Reduction Order also establishes a significant and glaring exemption from the Risk Reduction Order

All individuals, businesses, and other entities in the County are ordered to comply with the applicable provisions of this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when they are in the County. Governmental entities must follow the requirements of this Order applicable to businesses, but governmental entities and their contractors are not required to follow these requirements to the extent that such requirements would impede or interfere with an essential governmental function, as determined by the governmental entity, unless otherwise specifically directed in this Order or by the Health Officer.

(Exhibit C, pp. 2-3, ¶ 2 (emphasis added).)

In addition to the gaping hole created by exempting government and government contractors from the health orders, the Risk Reduction Order narrowly defines “gathering” so that the ban is on gatherings is suspiciously limited to persons gathered in an “coordinated” or “organized” fashion. (Exhibit C, p.4-5, ¶ 6(c).) A “gathering” does not apply to persons in the same place at the same time but engaged in “separate activities.” (*Id.*)

For purposes of this Order, a “gathering” is any indoor or outdoor event, assembly, meeting, or convening that brings together people from separate households in a coordinated fashion. The limitations on gatherings set forth in this Order apply to gatherings for any purpose, including for economic, social, religious, cultural, or other purposes such as, by way of example and not limitation, a conference, worship service, performance, or party. For clarity, a gathering does not include normal operations in: childcare settings or preschool, kindergarten, elementary, secondary, or higher education classrooms; areas where people may be in transit; or settings in which people are in the same general space at the same time but engaged in separate activities, including, by way of example, medical offices, hospitals, or business environments like offices, stores, and restaurants where people may be working, shopping, or eating in the same general area but are not gathering together in an organized fashion. A gathering also does not include internal meetings exclusively involving personnel of a single business held at that business’s own facility because those activities are subject to separate provisions of this Order and Health Officer directives.

(*Id.*)

Santa Clara County also requires all businesses, including churches, to complete a Social Distancing Protocol form. (Exhibit F; Exhibit G.) The form must be submitted online without modification and certified under the penalty of perjury. (*Id.*) The form requires the applicant to agree to comply with all applicable health orders, even though some of the health orders - like the ban on indoor worship services - creates an unconstitutional condition precedent. CCSJ has been fined tens

of thousands of dollars for not submitting the Social Distancing Protocol online and, thereby, accepting the County's unconstitutional conditions.

## **ARGUMENT**

### **I. SANTA CLARA COUNTY'S REVISED MANDATORY RISK REDUCTION ORDER RENDERS THE COUNTY'S PROHIBITION OF INDOOR WORSHIP UNCONSTITUTIONAL.**

Under the Free Exercise Clause, a law that burdens religious practice does not need to be justified by a compelling governmental interest if it is neutral and of general applicability. *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872 (1990). If a law is not neutral or of general applicability, it is invalid unless it is justified by a compelling government interest and is narrowly tailored to advance that interest (referred to as "strict scrutiny"). *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993). "Where the State has in place a system of *individual exemptions*, it may not refuse to extend that system to cases of religious hardship without compelling reason". *Smith*, 110 S. Ct. at 1603.

On November 25, 2020, the U.S. Supreme Court issued a per curiam opinion in Diocese of Brooklyn granting an extraordinary writ of injunction barring enforcement of the restrictions on indoor worship contained in Governor Cuomo's Cluster Action Initiative. *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2021) (per curiam). Notwithstanding the State of California's arguments to the contrary, this same rationale was deemed applicable to Governor Newsom's health orders finding them to lack neutrality and general applicability. *S. Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021).

Now, Santa Clara County argues that its own health orders are neutral and generally applicable. Therefore, it contends that its current ban on indoor worship is not unconstitutional. However, Santa Clara County's orders should suffer the

same fate as the State's health orders because its arbitrary definition of a "gathering" is far afield from the neutrality required by this Court.

The Santa Clara County Health Officer's October 5, 2020 Risk Reduction Order requires all business, including religious gatherings, to ensure social distancing, masks and other requirements are implemented. (Exhibit C, page 5, ¶ 9.) However, the Risk Reduction Order expressly exempts government entities and their contractors "to the extent that such requirements would impede or interfere with an essential government function ...." (*Id.* page 2, ¶2.) Additionally, the County defines a "gathering" to include a religious or worship service but excludes gatherings in schools, higher education classrooms, areas where people may be in transit, or settings in which people are in the same general space at the same time but engaged in separate activities such as in business environments, offices, stores and restaurants where people may be "eating in the same general area but are not gathering together in an organized fashion." (*Id.* page 4, ¶ 6(c).) The exemption in the Risk Reduction Order and definition of "gathering" poses a gaping hole of exemptions allowing numerous businesses and organizations to operate indoors while prohibiting religious worship services indoors.

It appears that many people could dine at a restaurant, so long as their attendance was not "coordinated" or "organized" and so long as they are engaged in a separate activity. Would it be permissible for CCSJ to open its 1,800-seat sanctuary to one hundred people making individual and unorganized prayers at the same time? It would appear to be permissible by the strict definition of a gathering. But it would not be permissible if those same people whispered the same prayer in a coordinated manner. This distinction based on "coordination" or "organization" can hardly be justified by science.

It is important to note, however, that CCSJ has been held in contempt of court and fined by the County on numerous occasions where small groups of

individuals from 3 to 7 people have gathered together to pray inside the building at CCSJ. (Exhibit B, p. 5-8.) “Gathering” includes a religious or worship service but excludes gatherings in schools, higher education classrooms, areas where people may be in transit, or settings in which people are in the same general space at the same time but engaged in separate activities such as in business environments, offices, stores and restaurants where people may be “eating in the same general area but are not gathering together in an organized fashion.” (*Id.* page 4-5, ¶ 6(c).)

To summarize, Santa Clara County’s treats religious gatherings and worship services discriminatorily while allowing numerous secular gatherings to occur. Those exempted from the gathering prohibition include the government and government contractors “to the extent that such requirements would impede or interfere with an essential governmental function, as determined by the governmental entity.” (Exhibit C, p. 2-3, ¶2.) Also exempt are large gatherings of people in the same place at the same time but who are not coordinated or organized in the same activity. Purportedly, these orders exempt persons gathered in hospital waiting rooms and medical offices, hundreds of people eating at a restaurant at the same time, or persons waiting for different trains or buses in a transit station. Theoretically, if one hundred people are at an airline terminal all waiting to load onto a plane, that gathering is permissible regardless of the fact that the passengers are all gathering for the same reason – to fly to a specific airport on the same plane. Santa Clara County’s health orders banning indoor worship gatherings can hardly withstand strict scrutiny because the Risk Reduction Order and the definition of “gathering” combine to create the circumstance where the exception swallows the rule.

## CONCLUSION

Amici concur with the brief filed by the applicants and respectfully request that this court find that petitioners will likely succeed on the merits and issue injunctive relief against the County.

Respectfully submitted,

/s/ Robert H. Tyler  
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*Counsel for Amicus Curiae*

FEBRUARY 2021



## CERTIFICATE OF SERVICE

I hereby certify that this corrected Brief was sent by e-mail, this date, to all counsel or parties of record.

Dated February 24, 2021

/s/ Robert H. Tyler  
Robert H. Tyler, Esq.

*Counsel for Amicus Curiae*

EXHIBIT "A"

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Filed  
December 17, 2020  
Clerk of the Court  
Superior Court of CA  
County of Santa Clara  
20CV372285  
By: svera

**Exempt from Filing Fees Pursuant  
to Govt. Code § 6103**

10 Attorneys for Plaintiffs  
THE PEOPLE OF THE STATE OF  
11 CALIFORNIA, COUNTY OF SANTA CLARA,  
AND SARA H. CODY, M.D., IN HER OFFICIAL  
12 CAPACITY AS HEALTH OFFICER FOR THE  
COUNTY OF SANTA CLARA  
13

14 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  
15

16 THE PEOPLE OF THE STATE OF  
CALIFORNIA, COUNTY OF SANTA CLARA,  
17 and SARA H. CODY, M.D., in her official  
capacity as Health Officer for the County of  
18 Santa Clara,

19 Plaintiffs,

20 v.

21 CALVARY CHAPEL SAN JOSE; MIKE  
MCCLURE, and DOES 1-50,  
22

23 Defendants.  
24

No. 20CV372285

**~~PROPOSED~~ ORDER OF CONTEMPT  
AND FINDING OF VIOLATION OF  
COURT ORDER; IMPOSITION OF FINES  
AND SANCTIONS**

25 This Court held a hearing pursuant to its November 24, 2020 order to show cause as to why  
26 Defendants Mike McClure and Calvary Chapel San Jose (collectively, "Defendants") should not be  
27 held in contempt and sanctioned for violating the Court's November 2, 2020 temporary restraining  
28 order ("TRO"). This matter came on for hearing at 1:30 p.m. in Department 19 of the above-entitled



1 pursuant to Code of Civil Procedure section 177.5, as sanctions for violating the Court's November  
2 2, 2020 TRO.

| Date              | Fine Pursuant to<br>CCP § 1218(a) | Sanction Pursuant to<br>CCP § 177.5 |
|-------------------|-----------------------------------|-------------------------------------|
| November 2, 2020  | \$1,000                           | \$1,500                             |
| November 3, 2020  | \$1,000                           | \$1,500                             |
| November 4, 2020  | \$1,000                           | \$1,500                             |
| November 5, 2020  | \$1,000                           | \$1,500                             |
| November 6, 2020  | \$1,000                           | \$1,500                             |
| November 7, 2020  | \$1,000                           | \$1,500                             |
| November 8, 2020  | \$1,000                           | \$1,500                             |
| November 9, 2020  | \$1,000                           | \$1,500                             |
| November 10, 2020 | \$1,000                           | \$1,500                             |
| November 11, 2020 | \$1,000                           | \$1,500                             |
| November 12, 2020 | \$1,000                           | \$1,500                             |
| November 13, 2020 | \$1,000                           | \$1,500                             |
| November 14, 2020 | \$1,000                           | \$1,500                             |
| November 15, 2020 | \$1,000                           | \$1,500                             |
| November 16, 2020 | \$1,000                           | \$1,500                             |
| November 17, 2020 | \$1,000                           | \$1,500                             |
| November 18, 2020 | \$1,000                           | \$1,500                             |
| November 19, 2020 | \$1,000                           | \$1,500                             |
| November 20, 2020 | \$1,000                           | \$1,500                             |
| November 21, 2020 | \$1,000                           | \$1,500                             |
| November 22, 2020 | \$1,000                           | \$1,500                             |
| November 23, 2020 | \$1,000                           | \$1,500                             |
| <b>Sub-Total</b>  | <b>\$22,000</b>                   | <b>\$33,000</b>                     |

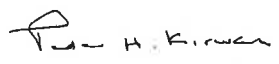
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| <b>Grand Total:</b> | <b>\$55,000</b> |
|---------------------|-----------------|

The Court orders that Defendants pay these fines and sanctions to the Court within sixty (60) days of the Court's signature of this Order.

**IT IS SO ORDERED.**

Dated: Signed: 12/17/2020 10:33 AM

By:   
 Hon. PETER H. KIRWAN  
 Judge of the Superior Court

Approved as to form:

ROBERT H. TYLER  
 Attorney for Defendants Mike McClure and  
 Calvary Chapel San Jose

2322133

1 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

2 PROOF OF SERVICE BY ELECTRONIC MAIL

3  
4 *The People of the State of California, et al. v. Calvary Chapel San Jose, et al.* Case No.: 20CV372285  
5

6 I, Ralitza R. Stankova, declare:

7 I am now and at all times herein mentioned have been over the age of eighteen years,  
8 employed in Santa Clara County, California, and not a party to the within action or cause; that my  
9 business address is 70 West Hedding Street, 9<sup>th</sup> Floor, San Jose, California 95110-1770. My  
10 electronic service address is: [ralitza.stankova@cco.sccgov.org](mailto:ralitza.stankova@cco.sccgov.org). On **December 16, 2020**, I  
11 electronically served copies of the following:

12 **[PROPOSED] ORDER OF CONTEMPT AND FINDING OF VIOLATION OF**  
13 **COURT ORDER; IMPOSITION OF FINES AND SANCTIONS**

14 to the people listed below at the following electronic service address:

15 Dean Broyles  
[dbroyles@nclplaw.org](mailto:dbroyles@nclplaw.org)

16 Shelly Padilla  
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20  
21 I declare under penalty of perjury under the laws of the State of California that the foregoing  
22 is true and correct, and that this declaration was executed on **December 16, 2020**.  
23  
24

25  
26 /s/ Ralitza R. Stankova

27 Ralitza R. Stankova  
28

# EXHIBIT “B”



1 JAMES R. WILLIAMS, County Counsel (S.B. #271253)  
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**Exempt from Filing Fees Pursuant  
to Gov. Code, § 6103**

10 Attorneys for Plaintiffs  
THE PEOPLE OF THE STATE OF  
11 CALIFORNIA, COUNTY OF SANTA CLARA,  
AND SARA H. CODY, M.D., IN HER OFFICIAL  
12 CAPACITY AS HEALTH OFFICER FOR THE  
COUNTY OF SANTA CLARA  
13

14 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  
15

16 THE PEOPLE OF THE STATE OF  
CALIFORNIA, COUNTY OF SANTA  
17 CLARA, and SARA H. CODY, M.D., in her  
official capacity as Health Officer for the  
18 County of Santa Clara,

19 Plaintiffs,

20 v.

21 CALVARY CHAPEL SAN JOSE; MIKE  
MCCLURE, and DOES 1-50,  
22

23 Defendants.  
24

No. 20CV372285

**[PROPOSED] ORDER OF CONTEMPT  
AND FINDING OF VIOLATION OF  
COURT ORDER; IMPOSITION OF FINES  
AND SANCTIONS; AND SETTING  
HEARING ON MOTION FOR  
ATTORNEY'S FEES**

25 This Court held a hearing pursuant to its December 22, 2020 order to show cause as to why  
26 Defendants Calvary Chapel San Jose and Mike McClure, as well as Calvary Chapel San Jose  
27 employee and agent Carson Atherley (collectively, "Calvary Chapel Defendants") should not be held  
28 in contempt and sanctioned for violating the Court's November 24, 2020 modified temporary

1 restraining order (“modified TRO”) and December 4, 2020 preliminary injunction order (“PI order”)  
2 directed to the Calvary Chapel Defendants. This matter came on for hearing on January 15, 2021, at  
3 10:00 a.m. in Department 19 of the above-entitled court, located at 161 North 1<sup>st</sup> Street, San José,  
4 California 95113, and continued on January 21, 2021 at 1:30 p.m. and January 28, 2021 at 1:30 p.m.  
5 in the same above-entitled court. Appearances for the parties were as stated in the record.

6 Having considered the papers submitted and evidence admitted into the record, including the  
7 declarations of Melissa Gonzalez, Jean Nguyen, Anjani Sircar, Mike McClure, and Stephanie  
8 Mackey; witnesses who testified at the hearing, argument of counsel, and satisfactory evidence  
9 having been presented, the Court finds that the Calvary Chapel Defendants, and each of them,  
10 willfully violated the modified TRO and PI order, in contempt of this Court’s orders, as stated in the  
11 accompanying chart, *infra*, from November 24, 2020, to January 3, 2021, inclusive, by holding  
12 indoor gatherings, permitting staff and attendees to sing at such gatherings, not enforcing or  
13 requiring staff and attendees to wear face coverings at such gatherings, not enforcing or requiring  
14 staff and attendees to socially distance at such gatherings, and/or not submitting a Social Distancing  
15 Protocol to the County of Santa Clara Public Health Department. The Court is aware of the recent  
16 decisions by the United States Supreme Court in *South Bay United Pentecostal Church v. Newsom*,  
17 592 U.S. \_\_\_, No. 20A136 (20-746) (Feb. 5, 2021) and *Harvest Rock Church v. Newsom*, 592 U.S.  
18 \_\_\_, No. 20A137 (Feb. 5, 2021), and finds them distinguishable because the County’s public health  
19 orders are neutral and restrict all gatherings without reference to purpose. The Court is further aware  
20 of a February 8, 2021 district court order in *Gateway City Church, et al. v. Gavin Newsom, et al.*,  
21 Case No. 20CV08241 (EJD), holding that indoor worship services may resume in Santa Clara  
22 County at the same capacity as retail, subject to all of the other requirements for indoor gatherings in  
23 the County’s Gatherings Directive. The Court further finds that these decisions do not preclude a  
24 finding of contempt based on the Calvary Chapel Defendants’ violations of the modified TRO and  
25 PI order because the contempt findings are based on multiple violations of the County’s public  
26 health orders that were not disturbed by the Supreme Court or by the district court order, including  
27 allowing singing at indoor gatherings, not requiring attendees to wear face coverings or practice  
28 social distancing, and not submitting a Social Distancing Protocol.

1 The Court finds that the modified TRO and PI order were lawful court orders which the  
2 Court had authority to issue; that the Calvary Chapel Defendants, and each of them, knew of the  
3 modified TRO and PI order; that the Calvary Chapel Defendants, and each of them, were capable of  
4 obeying the modified TRO and PI order; and that despite that ability, the Calvary Chapel  
5 Defendants, and each of them, willfully disobeyed the modified TRO and PI order every day from  
6 November 24, 2020, to January 3, 2021, inclusive, as detailed in this Order.

7 **ORDER**

8 IT IS HEREBY ORDERED that Calvary Chapel San Jose, Mike McClure, and Carson  
9 Atherley are found to be in contempt of court for violating the modified TRO and PI order in this  
10 matter.

11 IT IS FURTHER HEREBY ORDERED that Calvary Chapel San Jose shall pay a fine of  
12 \$35,000, as detailed below, pursuant to Code of Civil Procedure section 1218(a), as penalty for the  
13 contempt finding. The Court further orders that Calvary Chapel San Jose shall pay a fine of  
14 \$52,500, as detailed below, pursuant to Code of Civil Procedure section 177.5, as sanctions for  
15 violating the modified TRO and PI order in this matter. The Court imposes these fines and sanctions  
16 immediately and further orders that Calvary Chapel San Jose is responsible for and required to pay  
17 them, in the amounts set forth above, to the Court within sixty (60) days of the Court's signature of  
18 this Order.

19 IT IS FURTHER HEREBY ORDERED that a fine of \$13,000 shall be imposed against  
20 Calvary Chapel San Jose, as detailed below, pursuant to Code of Civil Procedure section 1218(a), as  
21 penalty for the contempt finding of violating the modified TRO and PI order in this matter by not  
22 properly submitting a complete Social Distancing Protocol to the County of Santa Clara. The Court  
23 further orders that sanctions of \$19,500 be imposed against Calvary Chapel San Jose, as detailed  
24 below, pursuant to Code of Civil Procedure section 177.5, for violating the modified TRO and PI  
25 order in this matter by not properly submitting a complete Social Distancing Protocol to the County  
26 of Santa Clara. Payment of these penalties is suspended provided that Calvary Chapel San Jose  
27 properly submits a complete Social Distancing Protocol to the County of Santa Clara via the  
28 County's web-portal for Social Distancing Protocols by 5:00 pm on Friday, February 19, 2021.

1 IT IS FURTHER HEREBY ORDERED that a fine of \$15,000 shall be imposed against Mike  
 2 McClure, as detailed below, pursuant to Code of Civil Procedure section 1218(a), as penalty for the  
 3 contempt finding. The Court further orders that sanctions of \$22,500 shall be imposed against Mike  
 4 McClure, as detailed below, pursuant to Code of Civil Procedure section 177.5, for violating the  
 5 modified TRO and PI order in this matter. The Court ordered payment of these penalties suspended  
 6 provided that Mike McClure immediately complied with, and maintained compliance with, the  
 7 Court's PI order in this matter. However, the Court takes judicial notice of Calvary's on-line  
 8 streamed services from January 31, 2021, which demonstrates that Mike McClure failed to comply  
 9 with the Court's order and held indoor gatherings on January 31, 2021, with singing and without  
 10 requiring attendees to wear face coverings or practice social distancing at such gatherings.  
 11 Accordingly, these fines against Mike McClure shall be due and payable to the Court, in the amounts  
 12 set forth above, within sixty (60) days of the Court's signature of this Order.

13 IT IS FURTHER HEREBY ORDERED that a fine of \$11,000 shall be imposed against  
 14 Carson Atherley, as detailed below, pursuant to Code of Civil Procedure section 1218(a), as penalty  
 15 for the contempt finding. The Court further orders that a sanction of \$16,500 shall be imposed  
 16 against Carson Atherley, as detailed below, pursuant to Code of Civil Procedure section 177.5, for  
 17 violating the modified TRO and PI order in this matter. The Court ordered payment of these  
 18 penalties suspended provided that Carson Atherley immediately complied with, and maintained  
 19 compliance with, the Court's PI order in this matter. However, the Court takes judicial notice of  
 20 Calvary's on-line streamed services from January 31, 2021, which demonstrate that Carson Atherley  
 21 failed to comply with the Court's order and held indoor gatherings on January 31, 2021, with singing  
 22 and without requiring attendees to wear face coverings or practice social distancing at such  
 23 gatherings. Accordingly, these fines against Carson Atherley shall be due and payable to the Court,  
 24 in the amounts set forth above, within sixty (60) days of the Court's signature of this Order.

25 **Fines and Sanctions as to Defendant Calvary Chapel**

| <b>Date</b>                  | <b>CCP § 1218</b> | <b>CCP § 177.5</b> | <b>Conduct/Bases for Fine and/or Sanction</b>         |
|------------------------------|-------------------|--------------------|---|
| Wednesday, November 25, 2020 | \$1,000           | \$1,500            | Thanksgiving Eve event with approx. 220-275 attendees |

|    |                             |                              |                              |  |
|----|-----------------------------|------------------------------|------------------------------|--|
| 1  |                             |                              |                              | with singing, no face coverings, no distancing, and no SDP   |
| 2  |                             |                              |                              |  |
| 3  |                             |                              |                              |  |
| 4  | Sunday, November 29, 2020   | \$1,000 for 9:00 am service  | \$1,500 for 9:00 am service  | 2 indoor worship services with singing, no face coverings, no distancing, and no SDP<br><br>Approx. 200 to 250 attendees at the 9:00 am service; approx. 350 attendees at the 11:00 am service |
| 5  |                             | \$1,000 for 11:00 am service | \$1,500 for 11:00 am service |  |
| 6  |                             |                              |                              |  |
| 7  |                             |                              |                              |  |
| 8  |                             |                              |                              |  |
| 9  |                             |                              |                              |  |
| 10 | Tuesday, December 1, 2020   | \$1,000                      | \$1,500                      | Ladies Coffee Event with approx. 200 attendees for banquet-style event with food and drinks for attendees – no face coverings, no distancing, no SDP   |
| 11 |                             |                              |                              |  |
| 12 |                             |                              |                              |  |
| 13 |                             |                              |                              |  |
| 14 | Wednesday, December 2, 2020 | \$1,000                      | \$1,500                      | Another Ladies Coffee Event with approx. 200 attendees for banquet-style event with food and drinks for attendees – no face coverings, no distancing, no SDP                                   |
| 15 |                             |                              |                              |  |
| 16 |                             |                              |                              |  |
| 17 |                             |                              |                              |  |
| 18 |                             |                              |                              |  |
| 19 | Thursday, December 3, 2020  | \$1,000                      | \$1,500                      | 6 attendees in prayer room, no distancing, singing, 5 not wearing face coverings; no SDP   |
| 20 |                             |                              |                              |  |
| 21 |                             |                              |                              |  |
| 22 | Friday, December 4, 2020    | \$1,000                      | \$1,500                      | Holiday party with approx. 75 attendees for dinner-party event with food and drinks for attendees, no face coverings, no distancing, no SDP  |
| 23 |                             |                              |                              |  |
| 24 |                             |                              |                              |  |
| 25 |                             |                              |                              |  |
| 26 | Sunday, December 6, 2020    | \$1,000 for 9:00 am service  | \$1,500 for 9:00 am service  | 3 indoor worship services with singing, no face coverings, no distancing, and no SDP   |
| 27 |                             | \$1,000 for 11:00 am service | \$1,500 for 11:00 am service |  |
| 28 |                             |                              |                              |  |

|                             |                             |                             |                             |   |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|---|
|                             |                             | \$1,000 for 6:30 pm service | \$1,500 for 6:30 pm service | Approx. 200 attendees at the 9:00 am service; approx. 300 attendees at the 11:00 am service   |
| Monday, December 7, 2020    | \$1,000                     | \$1,000                     | \$1,500                     | Prayer gathering at church with approx. 17 attendees, no face coverings, no distancing, no SDP  |
| Tuesday, December 8, 2020   | \$1,000                     | \$1,000                     | \$1,500                     | Book Club gathering in the church café for approx. 20 attendees, no face coverings, no social distancing, no SDP<br><br>Separate prayer gathering in a prayer room for approx. 13 attendees, no face coverings, no distancing, no SDP |
| Wednesday, December 9, 2020 | \$1,000                     | \$1,000                     | \$1,500                     | Prayer gathering – with 7 attendees, no distancing, 6 people not wearing face coverings, no SDP   |
| Thursday, December 10, 2020 | \$1,000                     | \$1,000                     | \$1,500                     | Prayer gathering with approx. 11 attendees and 9 staff on site; no distancing, most not wearing face coverings, no SDP  |
| Friday, December 11, 2020   | \$1,000                     | \$1,000                     | \$1,500                     | Prayer gathering with approx. 5 attendees, no distancing, 3 people not wearing face coverings, no SDP   |
| Saturday, December 12, 2020 | \$1,000                     | \$1,000                     | \$1,500                     | Prayer gathering – small gathering of four attendees; two did not wear face coverings; no SDP   |
| Sunday, December 13, 2020   | \$1,000 for 9:00 am service | \$1,000 for 9:00 am service | \$1,500 for 9:00 am service | 2 indoor worship services with singing,   |



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|------------------------------|---|---|--|
|                              | \$1,000 for 11:00 am service                                | \$1,500 for 11:00 am service                                | no face coverings, no distancing, no SDP; approx. 300 attendees at the 9:00 am service and approx. 350 attendees at the 11:00 am service   |
| Tuesday, December 15, 2020   | \$1,000   | \$1,500   | Prayer gathering with 6 attendees, 4 not wearing face coverings, no distancing, no SDP   |
| Wednesday, December 16, 2020 | \$1,000   | \$1,500   | Prayer gathering with approx. 6 attendees, most not wearing face coverings, not all distancing, no SDP   |
| Thursday, December 17, 2020  | \$1,000   | \$1,500   | Prayer gathering with 11 attendees; only 1 person wore face covering, no distancing, no SDP  |
| Saturday, December 19, 2020  | \$1,000   | \$1,500   | Youth ministry and prayer gathering – no face coverings, no distancing, no SDP   |
| Sunday, December 20, 2020    | \$1,000 for 9:00 am service<br>\$1,000 for 11:00 am service | \$1,500 for 9:00 am service<br>\$1,500 for 11:00 am service | 2 indoor worship services with singing, no face coverings, no distancing, no SDP<br><br>Approx. 300 attendees at the 9:00 am service; approx. 350 to 400 attendees at the 11:00 am service |
| Monday, December 21, 2020    | \$1,000   | \$1,500   | Prayer gathering with 5 attendees; only 2 wore face coverings; not properly distanced; no SDP  |
| Tuesday, December 22, 2020   | \$1,000   | \$1,500   | Prayer gathering with 5 attendees; only 1 person wore a face covering; not properly distanced; no SDP  |

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|------------------------------|---|---|---|
| Wednesday, December 23, 2020 | \$1,000   | \$1,500   | Prayer gathering with 5 attendees; only 2 wore face coverings; not properly distanced; no SDP   |
| Thursday, December 24, 2020  | \$1,000   | \$1,500   | Christmas Eve service held indoors; approx. 630 attendees in the auditorium, plus an additional 30 – 40 gathered elsewhere in the church; no face coverings; singing; no distancing; no SDP       |
| Saturday, December 26, 2020  | \$1,000   | \$1,500   | Prayer gathering of 4 attendees; only 1 person wore a face covering; no distancing; no SDP  |
| Sunday, December 27, 2020    | \$1,000 for 9:00 a.m. service<br><br>\$1,000 for 11:00 a.m. service | \$1,500 for 9:00 a.m. service<br><br>\$1,500 for 11:00 a.m. service | 2 indoor worship service gatherings with singing, no face coverings, no distancing, no SDP<br><br>Approx. 200 attendees at the 9:00 a.m. service; approx. 300 attendees at the 11:00 a.m. service |
| Monday, December 28, 2020    | \$1,000   | \$1,500   | Prayer gathering with 3 attendees; no face coverings; no distancing; no SDP   |
| Wednesday, December 30, 2020 | \$1,000   | \$1,500   | Prayer gathering with 3 attendees; no face coverings; no distancing; no SDP   |
| Sunday, January 3, 2021      | \$1,000 for 9:00 a.m. service<br><br>\$1,000 for 11:00 a.m. service | \$1,500 for 9:00 a.m. service<br><br>\$1,500 for 11:00 a.m. service | 2 indoor worship services with singing, no face coverings, no distancing; no SDP<br><br>Approx. 200-230 attendees at the 9:00 a.m. gathering; approx. 300-350 attendees at the 11:00              |



|                               |                 |                 |                |
|-------------------------------|-----------------|-----------------|----------------|
|                               |                 |                 | a.m. gathering |
| <b>Sub-Total (Calvary):</b>   | <b>\$35,000</b> | <b>\$52,500</b> |                |
| <b>Grand Total (Calvary):</b> | <b>\$87,500</b> |                 |                |

**Suspended Fines and Sanctions as to Defendant Calvary Chapel for Failure to Properly  
Submit a Completed Social Distancing Protocol**

| <b>Date</b>                   | <b>CCP § 1218</b> | <b>CCP § 177.5</b> | <b>Conduct/Basis for Fine and/or Sanction</b> |
|-------------------------------|-------------------|--------------------|---|
| Tuesday, November 24, 2020    | \$1,000           | \$1,500            | No Social Distancing Protocol (SDP) submitted |
| Friday, November 27, 2020     | \$1,000           | \$1,500            | No SDP  |
| Saturday, November 28, 2020   | \$1,000           | \$1,500            | No SDP  |
| Monday, November 30, 2020     | \$1,000           | \$1,500            | No SDP  |
| Saturday, December 5, 2020    | \$1,000           | \$1,500            | No SDP  |
| Monday, December 14, 2020     | \$1,000           | \$1,500            | No SDP  |
| Friday, December 18, 2020     | \$1,000           | \$1,500            | No SDP  |
| Monday, December 21, 2020     | \$1,000           | \$1,500            | No SDP  |
| Friday, December 25, 2020     | \$1,000           | \$1,500            | No SDP  |
| Tuesday, December 29, 2020    | \$1,000           | \$1,500            | No SDP  |
| Thursday, December 31, 2020   | \$1,000           | \$1,500            | No SDP  |
| Friday, January 1, 2021       | \$1,000           | \$1,500            | No SDP  |
| Saturday, January 2, 2021     | \$1,000           | \$1,500            | No SDP  |
| <b>Sub-Total (Calvary):</b>   | <b>\$13,000</b>   | <b>\$19,500</b>    |   |
| <b>Grand Total (Calvary):</b> | <b>\$32,500</b>   |                    |   |

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**Fines and Sanctions as to Defendant Mike McClure**

| Date                         | CCP § 1218   | CCP § 177.5  | Conduct/Bases for Fine and/or Sanction  |
|------------------------------|--|--|---|
| Wednesday, November 25, 2020 | \$1,000  | \$1,500  | <p>Thanksgiving Eve event with approx. 220-275 attendees with singing, no face coverings, no distancing, and no SDP</p> <p>Pastor McClure was present for this gathering.</p>   |
| Sunday, November 29, 2020    | <p>\$1,000 for 9:00 am service</p> <p>\$1,000 for 11:00 am service</p> | <p>\$1,500 for 9:00 am service</p> <p>\$1,500 for 11:00 am service</p> | <p>2 indoor worship services with singing, no face coverings, no distancing, and no SDP</p> <p>Approx. 200 to 250 attendees at the 9:00 am service; approx. 350 attendees at the 11:00 am service</p> <p>Pastor McClure was present for these worship services.</p>   |
| Sunday, December 6, 2020     | <p>\$1,000 for 9:00 am service</p> <p>\$1,000 for 11:00 am service</p> | <p>\$1,500 for 9:00 am service</p> <p>\$1,500 for 11:00 am service</p> | <p>3 indoor worship services with singing, no face coverings, no distancing, and no SDP</p> <p>Approx. 200 attendees at the 9:00 am service; approx. 300 attendees at the 11:00 am service; approx. 150 attendees at the 6:30 pm service</p> <p>Pastor McClure was present for the 9:00 am and 11:00 am worship services.</p> |

|    |                              |                                 |                                 |  |
|----|------------------------------|---------------------------------|---------------------------------|--|
| 1  | Sunday, December 13,<br>2020 | \$1,000 for 9:00 am<br>service  | \$1,500 for 9:00 am<br>service  | 2 indoor worship<br>services with singing,<br>no face coverings, no<br>distancing, no SDP;<br>approx. 300 attendees<br>at the 9:00 am service<br>and approx. 350<br>attendees at the 11:00<br>am service |
| 2  |                              | \$1,000 for 11:00 am<br>service | \$1,500 for 11:00 am<br>service | Pastor McClure was<br>present for these<br>worship services.   |
| 3  | Sunday, December 20,<br>2020 | \$1,000 for 9:00 am<br>service  | \$1,500 for 9:00 am<br>service  | 2 indoor worship<br>services with singing,<br>no face coverings, no<br>distancing, no SDP;<br>approx. 300 attendees<br>at the 9:00 am service<br>and 350 to 400<br>attendees at the 11:00<br>am service  |
| 4  |                              | \$1,000 for 11:00 am<br>service | \$1,500 for 11:00 am<br>service | Pastor McClure was<br>present for the 9:00<br>am and 11:00 am<br>worship services  |
| 5  |                              |                                 |                                 | Youth Ministry<br>gathering at<br>approximately 7:00<br>pm; 35 to 40 young<br>adults attending; no<br>face coverings, no<br>social distancing  |
| 6  |                              |                                 |                                 | Also, a small prayer<br>gathering for approx.<br>10 people; 2 of them<br>wore face coverings,<br>spread out but not<br>maintaining 6 feet of<br>social distance  |
| 7  | Monday, December<br>21, 2020 | \$1,000                         | \$1,500                         | No SDP; Christmas<br>Caroling event<br>advertised by Calvary<br>Chapel   |
| 8  |                              |                                 |                                 |  |
| 9  |                              |                                 |                                 |  |
| 10 |                              |                                 |                                 |  |
| 11 |                              |                                 |                                 |  |
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| 26 |                              |                                 |                                 |  |
| 27 |                              |                                 |                                 |  |
| 28 |                              |                                 |                                 |  |

|    |                               |                                |                                |   |
|----|-------------------------------|--------------------------------|--------------------------------|---|
| 1  | Thursday, December 24, 2020   | \$1,000                        | \$1,500                        | Christmas Eve service held indoors; approx. 630 attendees in the auditorium, plus an additional 30 – 40 gathered elsewhere in the church; no face coverings; singing; no distancing; no SDP |
| 2  |                               |                                |                                | Pastor McClure was present for this gathering   |
| 3  | Sunday, December 27, 2020     | \$1,000 for 9:00 a.m. service  | \$1,500 for 9:00 a.m. service  | 2 indoor worship service gatherings with singing, no face coverings, no distancing, no SDP  |
| 4  |                               | \$1,000 for 11:00 a.m. service | \$1,500 for 11:00 a.m. service |   |
| 5  |                               |                                |                                | Approx. 200 attendees at the 9:00 a.m. service; approx. 300 attendees at the 11:00 a.m. service   |
| 6  |                               |                                |                                | Pastor McClure was present for these gatherings   |
| 7  | Sunday, January 3, 2020       | \$1,000 for 9:00 a.m. service  | \$1,500 for 9:00 a.m. service  | 2 indoor worship service gatherings with singing, no face coverings, no distancing; no SDP  |
| 8  |                               | \$1,000 for 11:00 a.m. service | \$1,500 for 11:00 a.m. service |   |
| 9  |                               |                                |                                | Approx. 200-230 attendees at the 9:00 a.m. gathering; approx. 300-350 attendees at the 11:00 a.m. gathering   |
| 10 |                               |                                |                                | Pastor McClure was present for these gatherings   |
| 11 | <b>Sub-Total (McClure):</b>   | <b>\$15,000</b>                | <b>\$22,500</b>                |   |
| 12 | <b>Grant Total (McClure):</b> | <b>\$37,500</b>                |                                |   |

**Fines and Sanctions as to Calvary Chapel San Jose employee and agent Carson Atherley**

| Date                        | CCP § 1218 | CCP § 177.5 | Conduct/Basis for Fine and/or Sanction   |
|-----------------------------|------------|-------------|--|
| Sunday, November 29, 2020   | \$1,000    | \$1,500     | <p>2 indoor worship services with singing, no face coverings, no distancing, and no SDP</p> <p>Approx. 200 to 250 attendees at the 9:00 am service; approx. 350 attendees at the 11:00 am service</p> <p>Atherley was present for both worship services.</p> |
| Tuesday, December 1, 2020   | \$1,000    | \$1,500     | <p>Ladies Coffee Event with approx. 200 attendees for banquet-style event with food and drinks for attendees – no face coverings, no distancing, no SDP</p> <p>Atherley was present for this event.</p>  |
| Wednesday, December 2, 2020 | \$1,000    | \$1,500     | <p>Another Ladies Coffee Event with approx. 200 attendees for banquet-style event with food and drinks for attendees – no face coverings, no distancing, no SDP</p> <p>Atherley was present for this event.</p>  |
| Sunday, December 6, 2020    | \$1,000    | \$1,500     | <p>3 indoor worship services with singing, no face coverings, no distancing, and no SDP</p>  |

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|                             |         |         | <p>Approx. 200 attendees at the 9:00 am service; approx. 300 attendees at the 11:00 am service</p> <p>Atherley was present for the 9:00 am and 11:00 am worship services.</p>  |
| Monday, December 7, 2020    | \$1,000 | \$1,500 | <p>Prayer gathering at church with approx. 17 attendees, no face coverings, no distancing, no SDP</p> <p>Atherley was present for this event.</p>  |
| Tuesday, December 8, 2020   | \$1,000 | \$1,500 | <p>Book Club gathering in the church café for approx. 20 attendees, no face coverings, no social distancing, no SDP</p> <p>Separate prayer gathering in a prayer room for approx. 13 attendees, no face coverings, no distancing, no SDP</p> <p>Atherley was present for this event.</p> |
| Wednesday, December 9, 2020 | \$1,000 | \$1,500 | <p>Prayer gathering – with 7 attendees, no distancing, 6 people not wearing face coverings, no SDP</p> <p>Atherley was present for this event.</p>   |
| Sunday, December 13, 2020   | \$1,000 | \$1,500 | <p>2 indoor worship services with singing, no face coverings, no distancing, no SDP; approx. 300 attendees at the 9:00 am service</p>  |

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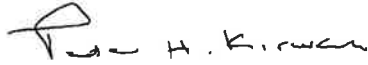
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|                             |         |         | and approx. 350 attendees at the 11:00 am service<br><br>Atherley was present for both worship services  |
| Sunday, December 20, 2020   | \$1,000 | \$1,500 | 2 indoor worship services with singing, no face coverings, no distancing, no SDP; approx. 300 attendees at the 9:00 am service and 350 to 400 attendees at the 11:00 am service<br><br>Atherley was present for both worship services  |
| Thursday, December 24, 2020 | \$1,000 | \$1,500 | Christmas Eve service held indoors; approx. 630 attendees in the auditorium, plus an additional 30 – 40 gathered elsewhere in the church; no face coverings; singing; no distancing; no SDP<br><br>Atherley was present for this gathering                                     |
| Sunday, December 27, 2020   | \$1,000 | \$1,500 | 2 indoor gatherings with singing, no face coverings, no distancing, and no SDP<br><br>Approx. 200 attendees at the 9:00 a.m. service; approx. 300 attendees at the 11:00 a.m. service<br><br>Evening gathering for Youth Ministry; approx. 11 attendees; no face coverings, no |

|                                |                 |                 |   |
|--------------------------------|-----------------|-----------------|---|
|                                |                 |                 | distancing                                |
|                                |                 |                 | Atherley was present for these gatherings |
| <b>Sub-Total (Atherley):</b>   | <b>\$11,000</b> | <b>\$16,500</b> |   |
| <b>Grand Total (Atherley):</b> |                 | <b>\$27,500</b> |   |

The Court further finds that Plaintiffs are entitled to their reasonable attorney's fees and costs incurred in connection with this contempt proceeding pursuant to Code of Civil Procedure section 1218(a) and orders briefing and hearing on the issue of the amount of reasonable attorney's fees and costs to be awarded if, by February 19, 2021, the parties are unable to agree on a sum. In the event of no such agreement, Plaintiffs' opening brief shall be due on \_\_\_\_\_, 2021, any opposition shall be done on \_\_\_\_\_, 2021, any reply shall be due on \_\_\_\_\_, 2021, and hearing shall be on \_\_\_\_\_, 2021, at \_\_\_\_\_ p.m. in Department 19.

**IT IS SO ORDERED.**

Dated: Signed: 2/11/2021 02:32 PM

By:   
 Hon. PETER H. KIRWAN  
 Judge of the Superior Court

Approved as to form:

ROBERT H. TYLER  
 Attorney for Defendants Mike McClure and  
 Calvary Chapel San Jose



1 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

2 PROOF OF SERVICE BY ELECTRONIC MAIL

3  
4 *The People of the State of California, et al. v. Calvary Chapel*  
5 *San Jose, et al.*

Case No.: 20CV372285

Signed: 2/16/2021 11:12 AM

6 I, Ralitza R. Stankova, declare:

7 I am now and at all times herein mentioned have been over the age of eighteen years,  
8 employed in Santa Clara County, California, and not a party to the within action or cause; that my  
9 business address is 70 West Hedding Street, 9<sup>th</sup> Floor, San Jose, California 95110-1770. My  
10 electronic service address is: [ralitza.stankova@cco.sccgov.org](mailto:ralitza.stankova@cco.sccgov.org). On February 9, 2021, I  
11 electronically served copies of the following:

12 **[PROPOSED] ORDER OF CONTEMPT AND FINDING OF VIOLATION OF**  
13 **COURT ORDER; IMPOSITION OF FINES, SANCTIONS, COSTS, AND**  
**ATTORNEY'S FEES**

14 to the people listed below at the following electronic service address:

15 Dean Broyles  
[dbroyles@nclplaw.org](mailto:dbroyles@nclplaw.org)

16 Shelly Padilla  
[spadilla@tylerbursch.com](mailto:spadilla@tylerbursch.com)

17 Robert Tyler  
[rt Tyler@tylerbursch.com](mailto:rt Tyler@tylerbursch.com)

18 Mariah Gondeiro  
[mariah.gondeiro@gmail.com](mailto:mariah.gondeiro@gmail.com)

19 Papillon Sage Boyd  
[pboyd@tylerbursch.com](mailto:pboyd@tylerbursch.com)

20  
21  
22 I declare under penalty of perjury under the laws of the State of California that the foregoing  
23 is true and correct, and that this declaration was executed on **February 9, 2021**.

24  
25  
26  
27 /s/ Ralitza R. Stankova  
Ralitza R. Stankova

# EXHIBIT “C”

**County of Santa Clara**  
**Public Health Department**

Health Officer  
976 Lenzen Avenue, 2<sup>nd</sup> Floor  
San José, CA 95126  
408.792.3798



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA  
ESTABLISHING REVISED MANDATORY RISK REDUCTION MEASURES  
APPLICABLE TO ALL ACTIVITIES AND SECTORS TO ADDRESS  
THE COVID-19 PANDEMIC**

**DATE OF ORDER: October 5, 2020**

**Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1); Santa Clara County Ordinance Code § A1-28; County Ordinance NS-9.291.)**

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND SANTA CLARA COUNTY ORDINANCE CODE SECTION A18-33, THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA (“HEALTH OFFICER”) ORDERS:

**1. Purpose and Intent.**

- a. This Order supersedes the July 2, 2020 Risk Reduction Order of the Health Officer (“Prior Order”), and will take effect on the date and time set forth in Section 16 below, when the California Department of Public Health allows Santa Clara County to move into Tier 3 (Orange Risk Tier) under the State’s “Blueprint for a Safer Economy” (<https://covid19.ca.gov/safer-economy/>). This Order puts in place certain local restrictions designed to limit transmission of SARS-CoV-2, the virus that causes the Novel Coronavirus Disease 2019 (“COVID-19”). COVID-19 continues to pose a severe risk to residents of our County, and significant safety measures are necessary to protect against a surge in COVID-19 cases and deaths. This Order requires risk reduction measures to be in place across all business sectors and activities, ensuring necessary precautions are followed as we adapt the way we live and function in light of the ongoing threat that the virus poses. The Health Officer will continue to monitor data regarding and evolving scientific understanding of the risks posed by COVID-19 and may amend or rescind this Order based on analysis of that data and knowledge. As of the effective date and time of this Order set forth in Section 16 below, all individuals and businesses in the County are required to follow the provisions of this Order. Government agencies must also follow the provisions of this Order unless otherwise specified.

- b. The primary intent of this Order is to reduce the risk of COVID-19 in the County. All provisions of this Order must be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
- c. The efforts taken under the Health Officer's previous shelter-in-place orders and the Prior Order slowed the virus's trajectory. While the public health emergency and threat to the County's population remain severe, the region has significantly increased its capacity to detect cases and contain spread through widespread testing; greatly expanded its case investigation and contact tracing program and workforce; and expanded hospital resources and capacity. In light of the above, this Order lessens the restrictions on activities set forth in the Prior Order.
- d. The restrictions set forth in this Order are based on evidence of continued significant community transmission of SARS-CoV-2 within the County; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and SARS-CoV-2 specifically; evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious negative outcomes and can also spread SARS-CoV-2 to more vulnerable people. Because even people without symptoms can transmit the virus, and because evidence shows the infection is easily spread, direct or indirect interpersonal interactions can result in preventable transmission of the virus.
- e. The scientific evidence shows that, at this stage of the pandemic, it remains essential to maintain limitations and conditions to slow virus transmission to help: (a) protect the most vulnerable; (b) prevent the health care system from being overwhelmed; (c) prevent long-term chronic health conditions associated with COVID-19, such as cardiovascular, kidney, and respiratory damage and loss of limbs from blood clotting; and (d) prevent deaths. The restrictions set forth in this Order are necessary to slow the spread of the COVID-19 disease, preserving health care capacity in the County and advancing toward a point in the current public health emergency where transmission can be controlled.

2. **Applicability.** All individuals, businesses, and other entities in the County are ordered to comply with the applicable provisions of this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when they are in the County. Governmental entities must follow the requirements of this Order applicable to businesses, but governmental entities and their contractors are not required to follow these requirements to the extent that such requirements would impede or interfere with

Order of the County Health Officer  
Establishing Revised Risk Reduction Measures  
To Contain COVID-19 (Issued October 5, 2020)

an essential governmental function, as determined by the governmental entity, unless otherwise specifically directed in this Order or by the Health Officer.

**3. Incorporation of Emergency Proclamations and State Orders.**

- a. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; the February 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the County; the February 3, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer; the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Declaration of a Local Health Emergency; and the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Proclamation of a Local Emergency.
- b. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer, which set baseline statewide restrictions on non-residential business activities, effective until further notice; the Governor's March 19, 2020 Executive Order N-33-20 directing California residents to follow State public health directives; the Governor's May 4, 2020 Executive Order N-60-20; the May 7, 2020 Order of the State Public Health officer allowing local jurisdictions to begin phased reopening; and the August 28, 2020 Statewide Public Health Officer Order (the "State Order"), which established California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe (also known as the "Blueprint for a Safer Economy"). The May 4, 2020 Executive Order, the May 7, 2020 Order of the State Public Health Officer, and the August 28, 2020 State Order expressly acknowledge that local health officers have authority to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer.

- 4. Obligation to Follow Stricter Order.** Where a conflict exists between this Order and any order issued by the State Public Health Officer or the Governor related to the COVID-19 pandemic, the most restrictive provision controls. For clarity, all individuals and entities must comply with the State Order, any mandatory guidance issued by the California Department of Public Health, any mandatory orders of the Governor, or any other mandatory provision of State law to the extent it is stricter than any provision of this Order. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. In addition, to the extent any federal guidelines allow

Order of the County Health Officer  
Establishing Revised Risk Reduction Measures  
To Contain COVID-19 (Issued October 5, 2020)

activities that are not allowed by this Order, this Order controls and those activities are not allowed.

5. **Obligation to Follow Health Officer Directives and Mandatory State Guidance.** In addition to complying with all provisions of this Order, all individuals and entities, including all businesses and governmental entities, must also follow any applicable directives issued by the County Health Officer and any applicable “COVID-19 Industry Guidance” issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>. To the extent that provisions in the directives of the County Health Officer and the guidance of the State Health Officer conflict, the more restrictive provisions apply.

6. **Definitions.**

- a. For purposes of this Order, a “business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership, or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure. For clarity, “business” also includes a for-profit, non-profit, or educational entity performing services or functions under contract with a governmental agency.
- b. For purposes of this Order, “personnel” means the following individuals who provide goods or services or perform operations associated with a business in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); independent contractors (such as “gig workers” who perform work via the business’s application or other online interface); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the business.
- c. For purposes of this Order, a “gathering” is any indoor or outdoor event, assembly, meeting, or convening that brings together people from separate households in a coordinated fashion. The limitations on gatherings set forth in this Order apply to gatherings for any purpose, including for economic, social, religious, cultural, or other purposes such as, by way of example and not limitation, a conference, worship service, performance, or party. For clarity, a gathering does not include normal operations in: childcare settings or preschool, kindergarten, elementary, secondary, or higher education classrooms; areas where people may be in transit; or settings in which people are in the same general space at the same time but engaged in separate activities, including, by way of example, medical offices, hospitals, or business environments like offices, stores, and restaurants where people may be working, shopping, or eating in the same general area but are not gathering together in an organized fashion. A gathering also does not include internal meetings exclusively involving personnel of a single



business held at that business's own facility because those activities are subject to separate provisions of this Order and Health Officer directives.

- d. For purposes of this Order, a "healthcare facility" means a facility or worksite operated by a business which employs at least one licensed healthcare professional to perform services at the facility or worksite which are within the scope of that person's healthcare license. "Licensed healthcare professionals" are those providers who are considered Licensed Health Professionals by the California Department of Consumer Affairs ([www.dca.ca.gov/publications/healthcare\\_providers.shtml#professionals](http://www.dca.ca.gov/publications/healthcare_providers.shtml#professionals)). If the facility is used for other functions in addition to healthcare, the "healthcare facility" is limited to that portion of the overall facility in which licensed healthcare professionals and their support staff are operating. For example, if an elementary school employs a registered nurse, the nurse's office is considered a healthcare facility, but the entire school campus is not.
7. **Staying Home Is the Best Way to Reduce Risk.** All people are strongly reminded that continuing to stay home as much as possible is the best way to prevent the risk of COVID-19, and therefore trips and activities outside the home should be minimized. All activities that involve contact with people outside of one's household increase the risk of getting COVID-19.
  8. **Older Adults and Individuals with Serious Underlying Medical Conditions.** Older adults (those age 70 or older) and individuals with serious underlying medical conditions (including immunocompromised state, chronic kidney disease, chronic obstructive pulmonary disease, obesity, serious heart conditions, sickle cell disease, and diabetes) are strongly urged to stay in their places of residence except to access critical necessities such as food and medicine. Adults aged 50 to 69 are encouraged to minimize activities and interactions with people outside their household to the extent practicable.
  9. **Social Distancing Requirements.** When outside their place of residence, all individuals must strictly comply with the following "Social Distancing Requirements" to the maximum extent possible:
    1. Maintaining at least six feet of social distance from individuals who are not part of their household;
    2. Wearing a face covering as required by Section 10;
    3. Frequently washing their hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
    4. Covering their coughs and sneezes with a tissue or fabric or, if not possible, into their sleeve or elbow (but not into hands); and
    5. Avoiding all contact with anyone outside their household when sick with a fever, cough, or other COVID-19 symptoms.

Order of the County Health Officer  
Establishing Revised Risk Reduction Measures  
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10. **Face Coverings.** Face coverings must be worn at all times and by all individuals as specified in the California Department of Public Health’s mandatory Guidance for the Use of Face Coverings (“Face Covering Guidance”) and in accordance with any specific directives issued by the County Health Officer. Further, even where not required under State or local guidance and orders, face coverings should be worn to the maximum extent possible (1) when indoors and not in one’s own residence and (2) whenever outdoors and within six feet of anyone outside one’s own household.
11. **Limitations on Gatherings.** Gathering with individuals from separate households remains strongly discouraged because it carries significant risk of getting COVID-19. Indoor gatherings are particularly risky, and gatherings should be held outdoors to the greatest extent possible. Participants in gatherings of any size must adhere to Health Officer directives applicable to gatherings, including restrictions on the size of gatherings, and also the Social Distancing and Face Covering Requirements set forth above in Sections 9 and 10.
12. **Requirements Applicable to All Businesses.**
  - a. **Maximization of Telework.** All businesses must continue to maximize the number of personnel who work remotely from their place of residence. For clarity, all businesses must require that all personnel carry out their job functions remotely if they are able to do so.
  - b. **Activities that Can Occur Outdoors.** All businesses are strongly urged to move as many operations as possible outdoors, where there is generally less risk of getting COVID-19. Businesses that cannot meet Social Distancing or Face Covering Requirements indoors may be able to operate by shifting their operations outdoors.
  - c. **Social Distancing Protocol.**
    1. All businesses must prepare, submit to the County, and implement a “Social Distancing Protocol” for each facility or worksite at which any personnel or members of the public may be present, using the form identified in Paragraph 3 below. The Social Distancing Protocol must confirm that the business is achieving the applicable requirements listed in that form, which include important mandates regarding worker and customer safety.
    2. For any business that only performs services for dispersed facilities or worksites that the business does not own or operate (such as, by way of example, residential cleaning service operations at client homes), the business must submit a Social Distancing Protocol for its operation as a whole.

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3. The Social Distancing Protocol must be completed using the fillable webform and submitted to the County Public Health Department at [www.COVID19Prepared.org](http://www.COVID19Prepared.org). All Social Distancing Protocols will be stored and available in a publicly accessible database.
  4. The Social Distancing Protocol must be completed by a person authorized to complete and sign it on behalf of the business, and it must be signed under penalty of perjury. All businesses must provide evidence of implementation of their Social Distancing Protocol to any authority enforcing this Order upon demand.
  5. All businesses with facilities or worksites that are currently open must submit a new Social Distancing Protocol using a revised template within 14 days of the effective date of this Order as a condition of continued operation. Prior Social Distancing Protocols are no longer valid 14 days after the effective date of this Order.
  6. A full copy of the current Social Distancing Protocol for each facility or worksite must be distributed to each person performing work at that business location and made available to customers upon request. For any business that only performs services for dispersed facilities or worksites that the business does not own or operate, a copy of the Social Distancing Protocol must be provided to each person performing work for that business in the County, and also to the owner or operator of each facility or worksite where it performs services.
  7. A COVID-19 PREPARED Sign and Social Distancing Protocol Visitor Information Sheet, which can only be downloaded and printed upon completion of the webform, must be posted at or near the entrance of the relevant facility or business worksite for which an individual Social Distancing Protocol is required, and shall be easily viewable by the public and personnel from outside the facility or worksite. This includes all construction worksites. Any business that only performs services for dispersed facilities or worksites that the businesses does not own or operate is not required to post a COVID-19 PREPARED Sign or Social Distancing Protocol Visitor Information Sheet.
- d. **Mandatory Reporting Regarding Personnel Contracting COVID-19.** Businesses and governmental entities must require that all personnel immediately alert the business or governmental entity if they test positive for COVID-19 and were present in the workplace within the 48 hours prior to onset of symptoms or within 48 hours of the date on which they were tested. In the event that a business or governmental entity learns that any of its personnel is a confirmed positive case of COVID-19 and was at

Order of the County Health Officer  
Establishing Revised Risk Reduction Measures  
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the workplace in this timeframe, the business or governmental entity is required to report the positive case within four hours to the Public Health Department at [www.sccsafeworkplace.org](http://www.sccsafeworkplace.org). Businesses and governmental entities must also comply with all case investigation, contact tracing, and outbreak investigation measures by the County, including providing any information requested within the timeframe provided by the County, instructing employees to follow isolation and quarantine protocols specified by the County, and excluding positive cases and close contacts from the workplace during these isolation and quarantine periods.

13. **Prohibited Business Operations and Activities.** In addition to complying with the State Order’s prohibitions on certain business operations and activities, businesses and individuals must comply with any directives or orders of the Health Officer suspending certain business operations or activities or requiring specified facilities to close.
14. **Transit.** Transit agencies must facilitate compliance with Social Distancing Requirements to the greatest extent feasible. All people must comply with the Face Covering Guidance in Section 10 and Social Distancing Requirements in Section 9 while riding or waiting for public transit, except people specifically exempted.
15. **Enforcement.** Pursuant to Government Code sections 26602 and 41601, Health and Safety Code section 101029, and Santa Clara County Ordinance Code section A1-34 *et seq.*, the Health Officer requests that the Sheriff, all chiefs of police in the County, and all enforcement officers ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
16. **Effective Date.** This Order shall become effective on 12:01 a.m. on the day following announcement by the California Department of Public Health that the County has entered Tier 3 (Orange Tier) under the State’s “Blueprint for a Safer Economy” as described at [covid19.ca.gov](http://covid19.ca.gov). This Order shall continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
17. **Copies.** Copies of this Order shall promptly be: (1) made available at the County Government Center at 70 W. Hedding Street, San José, California; (2) posted on the County Public Health Department website ([www.sccphd.org](http://www.sccphd.org)); and (3) provided to any member of the public requesting a copy of this Order.

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Order of the County Health Officer  
Establishing Revised Risk Reduction Measures  
To Contain COVID-19 (Issued October 5, 2020)


18. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**IT IS SO ORDERED:**

  
Sara H. Cody, M.D.  
Health Officer of the County of Santa Clara

Dated: 10/5/2020

Approved as to form and legality:

  
James R. Williams  
County Counsel

Dated: 10/5/2020

# EXHIBIT “D”



Santa Clara County  
**PUBLIC  
HEALTH**

# **MANDATORY DIRECTIVE:**



# Gatherings

**Issued July 14, 2020**  
[sccgov.org/coronavirus](https://sccgov.org/coronavirus)

Revised and Effective: February 12, 2021



Health Officer  
976 Lenzen Avenue, 2<sup>nd</sup> Floor  
San José, CA 95126  
408.792.5040

## **MANDATORY DIRECTIVE FOR GATHERINGS**

**\*Please confirm that your gathering is allowed under the State Order. Where there is a difference between the local County Order and the State Order, the more restrictive order must be followed.\***

Information on the State's Order and State guidance is available at [covid19.ca.gov](https://covid19.ca.gov).

**Issued: July 14, 2020**  
**Revised and Effective: February 12, 2021**  
**Effective Upon Release**

Every person, business, and entity in Santa Clara County must follow *both* the County and the State Public Health Officer Orders. Below is information on: (1) the State's general gathering rules, and (2) the current rules for *indoor* gatherings in Santa Clara County.

### **1. General State Gatherings Rules:**

As of January 25, 2021, the State's Regional Stay at Home Order is *no longer in effect* in Santa Clara County.

On August 28, 2020, the State issued a Statewide Public Health Officer Order ("State Order," available [here](#)) and the Blueprint for a Safer Economy ("Blueprint," available [here](#)). The State Order and Blueprint establish statewide restrictions applicable to each "tier" to which counties are assigned.

The State Health Officer has generally prohibited gatherings of all kinds statewide, with limited exceptions for worship services, cultural ceremonies like weddings and funerals, protest or political activities, and any gathering that is explicitly allowed by a State COVID-19 Industry Guidance document (<https://covid19.ca.gov/industry-guidance/>) or by the State's "Stay home Q&A" page (<https://covid19.ca.gov/stay-home-except-for-essential-needs/>). The State also allows private gatherings consisting of no more than three households pursuant to the State's rules, but such gatherings must be outdoors while the County is in the Purple Tier.



All gatherings are subject to the mandatory requirements in this Directive and any other applicable County Health Officer Directive, the County Health Officer's Revised Risk Reduction Order issued on October 5, 2020, the applicable restrictions under the State Order and Blueprint, the State's COVID-19 Industry Guidance documents, and any applicable health and safety regulations.

*Note:* While wedding ceremonies may occur outdoors subject to the mandatory requirements of this Directive, the State has clarified that “[w]edding receptions/parties/celebrations are NOT permitted at this time” under State Public Health Officer orders.

## 2. Current Rules for Indoor Gatherings in Santa Clara County:

Religious worship services may occur indoors at 20% capacity. They must comply with all rules listed in this Directive for indoor gatherings. The Health Officer strongly discourages such indoor gatherings and urges religious institutions and congregants not to attend indoor gatherings.

Because indoor gatherings continue to pose a severe risk of COVID-19 transmission, **all other indoor gatherings are currently prohibited**. No gatherings other than religious worship services may occur indoors, and the rules listed below for indoor gatherings do not apply to any gatherings other than religious worship services until this restriction is lifted.

While COVID-19 is still circulating in our community, the Health Officer strongly discourages any gathering together with people from other households. Indoor gatherings are particularly risky because COVID-19 transmission occurs more easily indoors than outdoors, and COVID-19 continues to circulate widely. The most recent scientific evidence underscores the risk of transmission indoors, and **indoor gatherings are always strongly discouraged, even when allowed**. But gatherings are not prohibited by this Directive as long as everyone attending the gathering strictly complies with all the requirements set forth below to reduce risk and keep everyone who attends as safe as possible.

A “gathering” is an event, assembly, meeting, or convening that brings together multiple people from separate households in a single space, indoors or outdoors, at the same time and in a coordinated fashion—like a wedding, banquet, conference, religious service, festival, fair, party, performance, competition, movie theater operation, fitness class, barbecue, protest, or picnic. Although the County allows all types of gatherings to occur in compliance with this Directive, at this time the State generally allows gatherings only for purposes of worship services, cultural ceremonies like funerals and weddings (but not wedding receptions, which are prohibited), and protest or political activities. The State also allows gatherings for purposes identified in the State's [Industry Guidance](#) or any other State guidance document. The State also allows small gatherings of any type with no more than three households. These gatherings must follow the

County's rules (contained in this Directive) and the [State's rules](#), including the State requirement that such gatherings must be outdoors when counties are in the Purple Tier. Because the stricter of the requirements applies, the only types of gatherings allowed in the County are those allowed by the State.

This Directive does not regulate whether a facility is open or closed. For example, facilities that are typically used for gatherings—such as places of worship, meeting halls, and event spaces—may remain open for purposes that do not involve gatherings, even when gatherings are prohibited indoors.

This Directive explains the local requirements for gatherings in Santa Clara County. **This Directive is *mandatory*, and failure to follow it is a violation of the Health Officer's Order issued October 5, 2020 ("Order").**

### *The Order Issued October 5, 2020*

The Order imposes several restrictions on all businesses and activities to ensure that the County stays as safe as possible. All persons and businesses (including nonprofits, educational entities, and any other business entity, regardless of its corporate structure) that organize or host gatherings—such as religious institutions, wedding venues, wedding planners/coordinators, convention centers, and conference/meeting room rental facilities—must comply with the following requirements, and must ensure that participants comply with all applicable requirements:

- **Social Distancing Protocol:** All businesses and governmental entities that have not already done so must fill out and submit an updated Social Distancing Protocol under the October 5, 2020 Health Officer Order. **Social Distancing Protocols submitted prior to October 11, 2020 are no longer valid.** The Revised Social Distancing Protocol must be filled out using an updated template, which is available [here](#). The Protocol is submitted under penalty of perjury, meaning that everything written on the form must be truthful and accurate to the best of the signer's knowledge, and submitting false information is a crime. The Protocol must be distributed to all workers, and it must be accessible to all officials who are enforcing the Order.
- **Signage:** All businesses and governmental entities must print (1) an updated COVID-19 PREPARED Sign and (2) a Social Distancing Protocol Visitor Information Sheet, and both must be posted prominently at all facility entrances. These are available for printing after submission of the Revised Social Distancing Protocol online. The Revised Social Distancing Protocol specifies additional signage requirements.
- **Face Coverings:** Everyone must wear face coverings at all times specified in the California Department of Public Health's mandatory [Guidance for the Use of Face Coverings](#) ("Face Covering Guidance") and in any specific directives issued by the



County Health Officer. **Unless otherwise stated in this Directive, face coverings must be worn at all times when attending a gathering.**

- **Capacity Limitation:** All businesses must comply with the capacity limitations established in the [Mandatory Directive on Capacity Limitations](#).

### ***Mandatory Requirements for All Gatherings***

In general, the more people a person interacts with at a gathering, the closer the physical interaction is, the more enclosed the gathering space is, and the longer the interaction lasts, the higher the risk that a person with an unknown SARS-CoV-2 infection (the infection that causes COVID-19) might spread it to others. If not everyone follows the rules to safely gather, the risk of spreading SARS-CoV-2 is even higher. Based on those principles, the Health Officer's directives for *all* gatherings are:

#### ***1. If Gathering, the Health Officer Strongly Urges You to Gather Outdoors***

- a. Gatherings that occur outdoors are significantly safer than indoor gatherings. To qualify as an outdoor gathering, the gathering must be held entirely outdoors, except that attendees may go inside to use restrooms as long as the restrooms are frequently disinfected.
- b. The maximum number of people allowed at an outdoor gathering is specified in the [Mandatory Directive on Capacity Limitations](#). This includes everyone present, such as hosts, workers, and guests. The space must be large enough so that everyone at a gathering can maintain at least 6-foot social distance from anyone (other than people from their own household).
  - i. Example 1: A small church hosts a funeral ceremony in its churchyard. The churchyard is only big enough to allow 25 people to easily maintain 6-foot social distancing between households at all times. **No more than 25 people may be present at the funeral ceremony.**
  - ii. Example 2: A couple holds their wedding ceremony outdoors at a historic hotel. The outdoor ceremony space is big enough for 1,000 people to maintain 6-foot distancing. **Even so, no more than the maximum number of people allowed by the Mandatory Directive on Capacity Limitations may be present at the wedding ceremony.**
- c. A gathering is considered an outdoor gathering only if it is held at a facility that allows the free flow of outdoor air through the entire space, as specified in the California Department of Public Health's mandatory guidance on [Use of Temporary Structures for Outdoor Business Operations](#).

- d. Fences and screens that do not impede airflow are not considered walls or sides for purposes of determining whether an area is outdoors. Partitions around or within the facility may be used and do not qualify as sides so long as they are no more than 3 feet in height as measured from the floor.

2. *The Health Officer Strongly Discourages Indoor Gatherings, Even When They Are Allowed*

- a. Indoor gatherings may not be allowed depending on the County's current tier under the State's Blueprint for a Safer Economy and other local factors. See the "Current Rules for Indoor Gatherings in Santa Clara County" box at the top of this Directive for information on current rules.
- b. When indoor gatherings *are* allowed, the maximum number of people allowed at an indoor gathering is specified in the [Mandatory Directive on Capacity Limitations](#). This includes everyone present, such as hosts, workers, and guests.

3. *Don't Attend Gatherings If You Feel Sick or You Are in a High-Risk Group*

- a. If you feel sick or have any COVID-19-like symptoms (fever, cough, shortness of breath, chills, night sweats, sore throat, nausea, vomiting, diarrhea, tiredness, muscle or body aches, headaches, confusion, or loss of sense of taste/smell), **you must stay home and may not attend any gatherings.**
- b. As explained on the [People Who Need Extra Precautions](#) page, people at higher risk of severe illness or death from COVID-19 are strongly urged not to attend any gatherings.

4. *All Gatherings Must Have an Identified and Designated Host Who Is Responsible for Ensuring Compliance with All Requirements*

- a. A specific person or business (including nonprofits, religious organizations, educational entities, or any other business entity) must be the designated host for a gathering and ensure compliance with all requirements in the Order and this Directive. **The host is responsible and subject to enforcement for any failure by participants to comply with the Order and this Directive.**
- b. The host also must maintain a list with names and contact information of all participants at the gathering. If a participant tests positive for COVID-19, the host is legally required to assist the County Public Health Department in any case investigation and contact tracing associated with the gathering. Public Health will ask for the list of attendees *only* if an attendee tests positive for COVID-19. The

County Public Health Department will keep this information confidential and use it only for case investigation and contact tracing purposes. Hosts must maintain these records for at least 21 days. The host must provide the list to any County Enforcement Officer immediately upon request.

5. *Practice Physical Distancing and Hand Hygiene at Gatherings*

- a. At all gatherings, **everyone must stay at least 6 feet away from other people (except people in their own household) at all times.**
- b. Seating arrangements must provide at least 6 feet of distance (in all directions—front-to-back and side-to-side) between different households. This can be done by spacing chairs apart, or for fixed seating like benches or pews, by marking off rows and indicating seating areas with tape. Seating and tables must be sanitized after each use.
- c. Everyone at a gathering should frequently wash their hands with soap and water, or use hand sanitizer if soap and water are not available. The host must make handwashing facilities or hand sanitizer available for participants to use.

6. *Rules for Face Coverings, Singing, Chanting, Shouting, and Playing Wind Instruments*

Current scientific evidence shows that COVID-19 spreads primarily through respiratory droplets and fine aerosols that are released from the body when people breathe, sing, shout, or otherwise expel air from their lungs. Face coverings prevent many of these droplets and aerosols from escaping into the air, and wearing a face covering has been shown to significantly decrease the risk of COVID-19 transmission. Conversely, singing, chanting, shouting, and playing wind instruments have all been shown to significantly *increase* the risk of COVID-19 transmission, because these activities all release increased amounts of respiratory droplets and fine aerosols into the air. To reduce the risk of spreading COVID-19, the following rules apply to gatherings:

- a. For all *indoor* gatherings (when indoor gatherings are allowed):
  - i. **Everyone, including performers/presenters, must wear a face covering at all times** (except for very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired).
    1. Food and drink may not be served at indoor gatherings—including at movie theaters—even when indoor gatherings are allowed, except as necessary to carry out a religious ceremony.

2. Face coverings may be removed to meet urgent medical needs (for example, to use an asthma inhaler, consume items needed to manage diabetes, take medication, or if feeling light-headed).
- ii. Singing, chanting, shouting, and playing wind instruments are **strictly prohibited**.
- b. For all *outdoor* gatherings:
- i. **Except as described below or in other directives issued by the County Health Officer, everyone must wear a face covering at all times** (except for very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired).
    1. Attendees may remove their face coverings to eat or drink but must put their face covering back on as soon as they are finished eating or drinking.
    2. Attendees may remove their face coverings to meet urgent medical needs (for example, to use an asthma inhaler, consume items needed to manage diabetes, take medication, or if feeling light-headed).
  - ii. If an outdoor gathering involves a performance/presentation, performers/presenters may remove their face coverings while they are performing/presenting, but they must replace their face coverings after they finish.
    1. No more than 12 performers/presenters are permitted in the performance/presentation area at a time.
    2. Until their face covering is back on, any performer/presenter who removes their face covering to speak must maintain at least **12 feet** of social distance from everyone not in their household.
    3. Until their face covering is back on, any performer/presenter who removes their face covering to sing, chant, shout, or play a wind instrument must maintain at least **12 feet** of social distance from all other performers/presenters who are not in their household and at least **25 feet** from all attendees who are not performing/presenting.

4. Any performer/presenter playing a wind instrument must cover the opening of the instrument (e.g., with cloth) to reduce the spread of respiratory droplets from the instrument.
  5. Performers/presenters who are singing or chanting are strongly encouraged to do so at a quiet volume (at or below the volume of a normal speaking voice).
- iii. All attendees who are not performing/presenting **must wear a face covering at all times** while singing, chanting, or shouting. Because these activities pose a very high risk of COVID-19 transmission, face coverings are particularly essential to reduce the spread of respiratory droplets and fine aerosols. People who cannot wear a face covering for medical or other reasons are strongly discouraged from singing, chanting, or shouting.
1. Attendees who are singing, chanting, or shouting are strongly encouraged to maintain increased social distancing greater than 6 feet to further reduce risk.
  2. Attendees who are singing or chanting are strongly encouraged to do so at a quiet volume (at or below the volume of a normal speaking voice).

## 7. *Stagger Attendance at Gatherings*

- a. For gatherings that have the potential to draw larger groups, like community meetings or religious services, consider offering multiple sessions, requiring reservations that cap attendance at each session, staggering arrivals and departures, and encouraging or requiring that the same group stays together (for example, Group A attends the Sunday morning worship service every week, and Group B attends the separate Tuesday evening worship service every week).
- b. There is no limit on the number of gatherings that may be held at different times on a single day—for example, a mosque may hold prayer services five times a day—as long as (i) each gathering follows all the rules, and (ii) restrooms, chairs and tables, and any other high-touch surfaces are properly sanitized between groups.
- c. A venue may host *multiple outdoor gatherings* at the same time (for example, multiple small barbecues in a large outdoor space like a 20-acre ranch)—as long as:

- i. Each gathering follows all the rules in the Order and in this Directive. Each gathering must, for instance, have its own designated host who must maintain a list of participant names and contact information.
  - ii. Each gathering has its own area marked by prominent signage, barriers, or ropes, and there is a buffer zone of at least 100 feet between the boundaries of any two separate gatherings.
  - iii. The participants at a gathering, including hosts, workers, and guests, do not mix between or among different gatherings and stay strictly in their own area.
  - iv. There are sufficient restroom facilities, or a system of using the restroom facilities, such that participants from different gatherings do not have contact with one another when they use the restroom.
- d. When indoor gatherings are allowed, a venue may host multiple indoor gatherings at the same time (for example, multiple gatherings in separate rooms within a building)—as long as:
- i. Each gathering follows all the rules in the Order and in this Directive. Each gathering must, for instance, have its own designated host who must maintain a list of participant names and contact information.
  - ii. Each gathering is fully separated by solid, floor-to-ceiling walls or partitions from any other gathering.
  - iii. Where possible, the HVAC system for each space with a gathering should ventilate to the outdoors, rather than into a space with another gathering.
  - iv. The participants at a gathering, including hosts, workers, and guests, do not mix between or among different gatherings and do not enter into a common space with participants from any other gathering.
  - v. There are sufficient restroom facilities, or a system of using the restroom facilities, such that participants from different gatherings do not have contact with one another when they use the restroom.

8. *Livestreaming, Broadcasting, and Recording with No Audience Present*



Businesses may livestream, broadcast, or record performances, services, and classes at indoor facilities without live audiences or members of the public present. All such livestreamed, broadcasted, or recorded events at indoor facilities **must** comply with the following rules:

- a. When livestreaming under this provision, only personnel may be present at the facility. Audiences or other members of the public are strictly prohibited. The number of personnel inside the facility must be limited to the minimum necessary to conduct the event (and may never exceed 12 people or the maximum number of people allowed under the facility's current capacity limitation as dictated by the [Mandatory Directive on Capacity Limitations](#), whichever is fewer).
- b. All personnel, including performers/presenters in the performance area, must maintain at least 6 feet of physical distance from everyone outside their household at all times.
- c. People performing or presenting during a livestreamed event may remove their face coverings during the performance or presentation if everyone maintains at least 12 feet of physical distance from everyone outside their household at all times. Even so, the Health Officer strongly urges people performing or presenting to wear a face covering whenever possible. All others on-site must wear a face covering in compliance with State and County Health Officer requirements.
- d. When livestreaming under this provision with no audience present, singing, chanting, or playing wind instruments indoors is strongly discouraged but may occur so long as everyone maintains at least 12 feet of physical distance from everyone outside their household.

For clarity, the above rules for livestreaming, broadcasting, and recording do not apply if any member of the public is present for the event. Businesses may livestream, broadcast, or otherwise record an event at which members of the public are present (so long as current State and County Health Officer orders allow members of the public to be present for such an event), but there are no special rules that would apply to the livestream, broadcast, or recording. Instead, these events must comply with all rules currently governing the business's general operations. Note that these rules may be stricter those listed above.

*9. Maximize Ventilation for Indoor Gatherings (When Indoor Gatherings Are Allowed)*

- a. Open doors and windows to maximize circulation of outdoor air whenever environmental conditions and building requirements allow. Consider modifications to the facility to increase outdoor air exchange, such as replacing

non-opening windows with openable screened windows. Contact your local Building Department for more information on permit requirements.

- b. Indoor facilities with central air handling/HVAC systems must ensure that HVAC systems are serviced and functioning properly and, to the extent feasible and appropriate to the facility:
  - i. Evaluate possibilities for and implement upgrades to the system to ensure that air filters are functioning at the highest efficiency compatible with the currently installed filter rack and air handling system (ideally MERV-13 or greater).
  - ii. Increase the percentage of outdoor air through the HVAC system, readjusting or overriding recirculation (“economizer”) dampers.
  - iii. Disable demand-control ventilation controls that reduce air supply based on temperature or occupancy.
  - iv. Implement the additional measures set forth in the County’s Guidance for Ventilation and Air Filtration Systems.
- c. Indoor facilities that do not have central air handling/HVAC systems or that do not operate or control the system must take the following measures, to the extent feasible and appropriate to the facility:
  - i. Set any ceiling fans to draw air upwards away from participants.
  - ii. If using portable fans, position them near open doors/windows and use them to draw or blow inside air to the outside of the facility. Position fans to minimize blowing air between occupants, which may spread aerosols.
  - iii. Consider installing portable air filters appropriate to the space.
  - iv. Implement additional applicable measures set forth in the County’s Guidance for Ventilation and Air Filtration Systems.
- d. Upon request by a County Enforcement Officer or County Public Health Department Staff, the facility may be required to perform a comprehensive evaluation of the facility’s ventilation and air filtration system by an appropriately licensed professional, and produce documentation regarding this evaluation to the County.



### *Stay Informed*

For answers to frequently asked questions about this industry and other topics, please see the [FAQs page](#). **Please note that this Directive may be updated.** For up-to-date information on the Health Officer Order, please visit the County Public Health Department's website at [www.sccgov.org/coronavirus](http://www.sccgov.org/coronavirus).

# EXHIBIT “E”



Santa Clara County  
**PUBLIC  
HEALTH**

# **MANDATORY DIRECTIVE:**



# Capacity Limitations

**Issued November 15, 2020**

[sccgov.org/coronavirus](https://sccgov.org/coronavirus)

Revised and Effective: February 12, 2021



Health Officer  
976 Lenzen Avenue, 2<sup>nd</sup> Floor  
San José, CA 95126  
408.792.5040

## MANDATORY DIRECTIVE ON CAPACITY LIMITATIONS

**\*Please confirm that your facility may open under the State Order. Where there is a difference between the local County Order and the State Order, the more restrictive order must be followed. The State also has specific guidance for certain facilities that must be followed in addition to this mandatory directive.\***

Information on the State's Order and State guidance is available at [covid19.ca.gov](https://covid19.ca.gov).

**Issued: November 15, 2020  
Revised and Effective: February 12, 2021  
Effective Upon Release**

*On August 28, 2020, the State issued a Statewide Public Health Officer Order ("State Order," available [here](#)) and the Blueprint for a Safer Economy ("Blueprint," available [here](#)). The State Order and Blueprint establish statewide restrictions applicable to each "tier" to which counties are assigned.*

*All businesses, as that term is defined in the County Health Officer's Revised Risk Reduction Order issued on October 5, 2020 ("Revised Risk Reduction Order"), including any for-profit, non-profit, or educational entity, must follow the mandatory requirements in this Directive and any other applicable County Health Officer Directive, the Revised Risk Reduction Order, the applicable restrictions under the State Order and Blueprint, the State's COVID-19 Industry Guidance documents, and any applicable health and safety regulations. Where there is a difference between these rules, the most restrictive rule must be followed.*

This Directive establishes the County Health Officer's rules on capacity. The risk of COVID-19 transmission increases when there is a higher number and density of people present at a facility, particularly when indoors. To reduce this risk, the County Health Officer has established limitations on the number of people who can be present at a facility at any given time. These limitations are based on the capacity of the facility and/or the overall number of people who may be present at any given time. These limitations vary depending on the risk of COVID-19

transmission associated with the business or activity, and the risk of the business or activity causing a super-spreader event.

**This Directive is mandatory, and failure to follow it is a violation of the Health Officer’s Order issued on October 5, 2020 (“Order”).**

***Mandatory Capacity Limitations***

*1. Capacity limitations*

- a. All gatherings, businesses, and entities must limit capacity to allow everyone to easily maintain at least six feet of physical distance from everyone not in their household at all times.
- b. A business’s “outdoor operations” must meet the definition of that term from the State’s [Use of Temporary Structures for Outdoor Business Operations guidance](#).
- c. The following capacity limitations apply to publicly accessible areas of the following businesses, entities, and activities:

| <b>Business/Entity/Activity Type</b>   | <b>Indoors</b>  | <b>Outdoors</b>  |
|--|---|--|
| Gyms and Fitness Centers (including swimming pools, hot tubs, and saunas)                                      | Prohibited, except indoor pools may operate at 20% capacity for drowning prevention instruction with certified instructors. | Allowed, except hot tubs and saunas must remain closed.  |
| Gatherings (e.g., political events, weddings, funerals, worship services, movie showings, cardroom operations) | Prohibited.   | Allowed up to 400 people per gathering, but subject to the limitations set forth by the State, which generally prohibit all gatherings except religious services, cultural ceremonies, political protests, other gatherings allowed by a State guidance document, and outdoor gatherings of up to 3 households.<br><br>Note: All gatherings must comply with the <a href="#">Mandatory Directive for Gatherings</a> , including rules for multiple gatherings. |

| <b>Business/Entity/Activity Type</b>                                      | <b>Indoors</b>  | <b>Outdoors</b>  |
|---|---|--|
| Museums, Zoos, and Aquariums  | Prohibited.   | N/A  |
| All Retail Stores (including grocery stores, drug stores, and pharmacies) | 20% capacity.   | N/A  |
| Indoor Shopping Centers   | Allowed. Total indoor capacity for the shopping center as a whole is calculated by adding together the Reduced Maximum Capacity for each individual tenant business of the shopping center that is allowed to open indoors.<br><br>Common areas and food courts must remain closed. | N/A  |
| Restaurants   | Prohibited (except for take-out service; after ordering, customers may not wait for takeout orders indoors).  | N/A  |
| Bars, Breweries, Distilleries   | Prohibited (except for take-out service; after ordering, customers may not wait for takeout orders indoors).  | Prohibited (unless alcohol is served with a meal purchased in the same transaction). |
| Wineries  | Prohibited (except for take-out service; after ordering, customers may not wait for takeout orders indoors).  | N/A  |
| Smoking Lounges   | Prohibited.   | N/A  |
| Family Entertainment Centers and Other Entertainment Facilities           | Prohibited.   | N/A  |
| Recreational Facilities   | Prohibited.   | N/A  |
| Lodging Facilities  | Allowed for purposes specified in Mandatory Directive for Lodging; specific use areas (e.g., gyms and retail) are   | N/A  |

| <b>Business/Entity/Activity Type</b>  | <b>Indoors</b>  | <b>Outdoors</b> |
|---|---|-----------------|
|   | subject to specific capacity limitations in this Directive.   |                 |
| Personal Care Businesses (e.g., hair salons and barber shops; nail care; body art, tattoo, and piercing shops; esthetician, skin care, and cosmetology services; electrology, waxing, threading, and other hair removal services) | 20% capacity.   | N/A             |
| Non-essential Limited Services (e.g., pet grooming, shoe repair)  | 20% capacity.   | N/A             |
| Public Transit  | All indoor waiting areas accessible to the public are limited to 20% capacity.  | N/A             |
| Healthcare Facilities   | Limit the number of people entering the facility to allow people to easily maintain at least six feet of physical distance from everyone outside their household at all times (unless it would interfere with provision of care). | N/A             |
| All Other Essential Critical Infrastructure Facilities (including governmental facilities)  | 20% capacity.   | N/A             |
| Any Other Facility Allowed to Open to the Public Under State and Local Orders   | 20% capacity.   | N/A             |

***Metering Requirement***

2. *System to “Meter” the Number of People in a Facility*

- a. Except acute care hospitals, any business with an indoor facility that members of the public are allowed to enter must develop and implement written procedures to “meter” or track the number of persons entering and exiting the facility to ensure that the maximum capacity for the facility or area is not exceeded. For example,



an employee of the business may be posted at each entrance to the facility to perform this function. The written procedures must also require staff to ensure all members of the public entering the facility who are required to wear face coverings are wearing them properly to cover both their nose and mouth.

- b. The business must provide a copy of its written “metering” procedures to an Enforcement Officer upon request and disclose the number of members of the public currently present in the facility.

### ***Workplace Breakrooms and Break Areas***

#### **3. *Limit access to indoor breakrooms and break areas***

- a. In all facilities except acute care hospitals, businesses must prohibit personnel from using any indoor breakrooms or break areas for eating, drinking, or resting (even if they are alone in the room at the time), or for any gathering. Businesses may allow personnel to access these spaces only as necessary to use appliances (such as coffee makers, refrigerators, or microwaves), or to use alone for other purposes provided by law (such as lactation).
- b. A business is required to limit access to indoor breakrooms or break areas as described in Section 3(a) above *unless* it can demonstrate that (1) federal or state labor or workplace safety laws prohibit the business from limiting access to its indoor breakrooms and break areas as described in Section 3(a), *and* (2) the business is unable to implement any alternatives (such as setting up outdoor spaces where personnel can maintain distancing of at least six feet from one another while taking breaks; staggering break times to ensure employees have sufficient time for outdoor or other socially distanced breaks; or any other appropriate measures).
  - i. To invoke this provision, the business must do **all** of the following:
    1. Implement procedures to help employees use indoor breakrooms more safely (such as staggering break times, limiting the number of employees using the break room at one time, increasing ventilation in the room, and regularly cleaning and disinfecting high-touch surfaces); AND
    2. Draft a written protocol that (1) identifies the specific federal or state law(s) prohibiting it from limiting access to its indoor breakrooms or break areas as required by Section 3(a), (2) explains why it cannot implement alternatives to an indoor breakroom or break area, and (3) identifies the steps it is taking to ensure indoor breakrooms and break areas are operated safely; AND



3. Prominently post its written protocol in or near its indoor breakrooms and break areas; AND
4. Immediately provide a copy of its written protocol to any employee or County Enforcement Officer upon request.

### ***Calculating Maximum Capacity***

#### 4. *Calculating indoor capacity limitations*

- a. Capacity limitations apply to every room or area in a facility in which members of the public spend time or engage in regulated activities. Rooms or areas that are subject to capacity limitations are considered “capacity-limited rooms/areas.”
- b. Capacity limitations must be based on the normal maximum occupancy for each capacity-limited room/area that has a posted maximum occupancy. If there is not a posted normal maximum occupancy, capacity limitations must be based on the square footage of each capacity-limited room/area.
- c. Gyms, fitness facilities, and family entertainment centers must use *gross* square footage for each capacity-limited room/area (when indoor operation is allowed). All other facilities must use *net* square footage for each capacity-limited room/area.
- d. Capacity limitations establish the maximum number of people who may be present, including both members the public and personnel.
- e. For assistance in calculating capacity limitations and answers to frequently asked questions, please visit [www.sccgov.org/covidcapacity](http://www.sccgov.org/covidcapacity).

### ***Signage***

#### 5. *Signage Requirements*

- a. Reduced Maximum Capacity signs must be posted for each capacity-limited room/area that is subject to a specific percentage capacity limitation identified in Section 2 of this Directive.
- b. Each sign must clearly state the maximum number of people who may be inside that particular capacity-limited room/area at the same time under this Directive. A template of the Reduced Maximum Capacity sign is available [here](#).

- c. Each room/area must have one Reduced Maximum Capacity sign posted at each entrance. The signs must be clearly visible to anyone entering the room.
- d. Reduced Maximum Capacity signs must be updated to reflect any changes in the allowable capacity.
- e. For assistance in completing Reduced Maximum Capacity signage, please visit [www.sccgov.org/covidcapacity](http://www.sccgov.org/covidcapacity).

### *Stay Informed*


For answers to frequently asked questions about capacity limitations and other topics, please see the [FAQ page](#). **Please note that this Directive may be updated.** For up-to-date information on the Health Officer Order, visit the County Public Health Department's website at [www.sccgov.org/coronavirus](http://www.sccgov.org/coronavirus).

# EXHIBIT “F”



Santa Clara County  
**PUBLIC HEALTH** County of Santa Clara  
**Emergency Operati**

- How Do I... ▾
- Public Health Orders ▾
- Coronavirus Facts and Data ▾
- Learn What to Do ▾
- Businesses and Workplaces ▾
- Our County Response ▾
- News Archives ▾
- FREE COVID-19 Testing
- COVID-19 Vaccine



## Novel Coronavirus (COVID-19)

slow the spread - frene la propagación - 減緩傳播  
hãy làm chậm sự lây nhiễm bệnh - ipabagal ang pagkalat

**RISK REDUCTION ORDER**

Home

# Social Distancing Protocol

English

中文

Español

Tiếng Việt

Tagalog



The County of Santa Clara requires all businesses to complete a Revised Social Distancing Protocol and submit this document to the County. This tool helps ensure our community is prepared to contain the spread of COVID-19.

**PLEASE BE ADVISED: Under the Revised Risk Reduction Order issued October 5, ALL businesses must complete a NEW Social Distancing Protocol using the revised webform that can be found at the link below. Social**

## Quick Links

If you think you are sick

County Services During COVID-19

Eviction Moratorium Information

Healthcare Provider Information

Frequently Asked Questions and Ask a Question

**Distancing Protocols submitted prior to October 11, 2020 are no longer valid.**

There is also a **NEW Capacity Limitation Requirement** under the Revised Risk Reduction order issued October 5, as well as a **NEW Mandatory Directive on Capacity Limitations** issued on November 15. Review detailed instructions at **COVID-19 Capacity Limitations**.

Please review the instructions below on how to complete the Revised Social Distancing Protocol required by each business located in the County.

***Social Distancing Protocol Business Database***



Customers and the general public are encouraged to view the [list of businesses that have submitted their Revised Social Distancing Protocol](#) to help ensure our community is prepared to operate safely.

**Instructions for Submitting a Revised Social Distancing Protocol**

All businesses in Santa Clara County must fill out a Revised Social Distancing Protocol and submit it to the County using the link below.

**Please read all of these instructions before you click on the link below.**

Share a Concern

2-1-1 for  
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Questions

CDPH Novel  
Coronavirus Info

CDC Novel  
Coronavirus  
Updates

**The Revised Social Distancing Protocol has new requirements and you must fill out this version even if you previously completed an older version.**

**What to expect:** When you click on the link below, you will be able to fill out a Revised Social Distancing Protocol. The Protocol requires you to enter information that:

- Identifies and provides contact information for the business and the person responsible for ensuring compliance with the Protocol (this will usually be an owner or manager)
- Confirms that the business is posting proper signage
- Confirms that the business is properly training its workers
- Confirms that the business is putting measures in place to protect its workers and the public
- Confirms that the business has an adequate plan in place if a worker tests positive for COVID-19
- Certifies under penalty of perjury that the information submitted is true and accurate to knowledge of the person signing the Protocol

**Certification under penalty of perjury:** The Protocol cannot be submitted unless it is signed under penalty of perjury by a person who is authorized by the business. If you are filling out this form, you must ensure that you have been authorized to complete the form and submit it for the business. Once you complete the Protocol at the link below, you will need to sign the Protocol using an electronic DocuSign signature. (You cannot sign using pen and paper.) Submitting the Protocol under penalty of perjury means everything on the form must be truthful to the best of your

knowledge, and including information you know is false is a crime.

**The information you submit is publicly accessible:**

Protocols are publicly accessible documents, and the County will post all completed Protocols online. All the information you enter in the Protocol will be viewable by the public.

**Confirmation and printout of the Protocol, updated “COVID-19 PREPARED” sign, and Summary Sheet:** Once you complete and certify the Protocol, you will receive a confirmation email. The confirmation email will include a link to a PDF of your completed Protocol. You will be able to print out the completed Protocol. The completed Protocol must be distributed as required in the October 5 Order, including to all workers. The PDF will also include an updated “COVID-19 PREPARED” sign specific to your business, as well as the Social Distancing Protocol Visitor Information Sheet. The sign and visitor information sheet must be posted at or near the entrance of the facility that is the subject of the Protocol.

**If you don’t finish the Protocol in one sitting:** When filling out the Protocol, you will see a “Finish later” button. If you click this button, you will receive an email that allows you to continue completing the form at a later time. If you do not click this button before you sign out or close the window, all the information you inserted will be lost, and you will need to start from scratch to submit your Protocol.

**Revisions and corrections:** Once you complete and submit the Protocol, you cannot make changes to that particular Protocol. However, you may complete and submit a new Protocol if you would like to update, revise, or correct the original. If you have already submitted a Protocol to the County on its website using

the link below, please be sure you check the box in the first section of the Protocol stating “Replacement Protocol.”

**More questions?** See the County’s FAQ section on the [Social Distancing Protocol](#) for more information.

All businesses in Santa Clara County must fill out a Social Distancing Protocol and submit it to the County using the link below.

**Please read all of these instructions before you click on the link below.**

[Click here to complete the Social Distancing Protocol Form](#)

Please click [here](#) for a preview of the Social Distancing Protocol Form.



## HOW TO SUBMIT A SOCIAL DISTAN...



Last updated: 12/28/2020 3:03 PM

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# EXHIBIT “G”

**REVISED Social Distancing Protocol  
COVID-19 Site-Specific Protection Plan**



**Legal Business Name:**

**Fictitious Business Name (if any):**

**Address of the specific facility or worksite that is the subject of this Protocol** (Complete one protocol for each facility or worksite. If the business only performs services at facilities or worksites that the business does not own or operate—for example, a housecleaning or lawncare business—the business must check the “No Business Facility” box below and this protocol must cover those services):

**Street Address and Unit Number:**

**City:**

**Zip Code:**

- No Business Facility:** Only check this box if the business only performs services at facilities/worksites that the business does not own or operate, and provide full mailing address for the business here:

**Mailing Street Address:**

**City:**

**Zip Code:**

**Type of Business:**

**Facility/Worksite visited by public: YES or NO or Not Applicable**

**Individual Owner or Manager Responsible for Ensuring Compliance with Protocol**

*(Note: This information will be publicly accessible)*

**Name:**

**Title:**

**Phone number:**

**Email Address:**

**This Protocol was submitted on:**

**Please check if applicable:**

- Replacement Protocol:** This business already submitted a Revised Social Distancing Protocol on the County’s website after October 11, 2020 using this webform. This protocol **replaces** a Revised Protocol that was previously submitted on the County’s website after October 11, 2020.

Businesses **must** implement all applicable measures listed below and be prepared to explain why any measure that is not implemented is inapplicable to the business. Businesses must regularly evaluate the facility or worksite that is the subject of this submission for compliance with this Protocol.

**Signage:**

- Post signage at each entrance of the facility or worksite that informs personnel and customers of the following (signage meeting this requirement can be downloaded and printed from the County’s COVID-19 website):
  - Do not enter if you have COVID-19 symptoms;
  - Stay at least six feet away from others at all times;



- Face coverings required to enter (except for very young children, if medically inadvisable, or for communication by or with people who are hearing impaired);
- Cover sneezes and coughs with cloth, tissue, or elbow;
- Do not shake hands or engage in unnecessary physical contact.
- Post signage at appropriate locations throughout the facility/worksites reminding everyone to wear face coverings and stay at least six feet away from others.
- Post a copy of your updated COVID-19 PREPARED Sign and Social Distancing Protocol Visitor Information Sheet at each entrance where they can easily be viewed. These documents will be provided to you electronically when you submit this Revised Social Distancing Protocol.

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**Personnel Training:**

- After submission, distribute copies of the completed Protocol to all personnel, and train all personnel on this Protocol.
- For businesses that perform services for facilities or worksites that the business does not own or operate, distribute a copy of the completed Protocol to the owner or operator of each facility or worksite where the business performs services.
- Train personnel on basic information regarding COVID-19 from the CDC available at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>, including how to prevent COVID-19 from spreading, who is especially vulnerable to the disease, and when to seek medical attention.
- Train personnel on screening themselves for COVID-19 symptoms, including temperature and/or symptom checks using CDC guidelines available at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.
- Train personnel on the need to stay home and get tested if they have a frequent cough, fever, difficulty breathing, chills, muscle or body aches, headache, sore throat, nausea, vomiting, diarrhea, tiredness, or recent loss of taste or smell. Ensure all personnel know they must also stay home if they or someone they live with has been diagnosed with COVID-19, or if they've had close contact with someone diagnosed with COVID-19.
- Train personnel on County guidance for when it is safe to return to work if they have COVID-19 symptoms, have tested positive for COVID-19, or have had close contact with someone who has tested positive for COVID-19. County guidelines are available at: [https://www.sccgov.org/sites/covid19/Pages/business-guidance.aspx#business\\_safety\\_guidance](https://www.sccgov.org/sites/covid19/Pages/business-guidance.aspx#business_safety_guidance).
- Train personnel on the need for frequent handwashing with soap and water, mandatory face coverings, the importance of social distancing, and other measures required in this Protocol.
- Train personnel on the importance of getting tested for COVID-19 in accordance with County guidance available at <https://www.sccgov.org/sites/covid19/Pages/covid19-testing.aspx>, and explain that testing is available through their healthcare provider or at free community testing sites ([www.sccfreetest.org](http://www.sccfreetest.org)).
- Inform personnel that they can report any deficiencies in compliance with Social Distancing Protocol requirements by this business or any other at which they may work at [www.sccCOVIDconcerns.org](http://www.sccCOVIDconcerns.org) or by calling the County Office of Labor Standards Enforcement Advice Line at 866-870-7725.
- Inform personnel about employer or government-sponsored leave benefits that personnel may be entitled



to receive, including those benefits identified at the following address:

<https://www.labor.ca.gov/coronavirus2019/#chart>.

- Train personnel on new or modified COVID-19 safety measures immediately upon updating this Protocol.
- Optional—Describe other measures this business plans to take to train personnel on COVID-19 safety and related issues:

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**Individual Control Measures and Screenings:**

- Maximize the number of personnel who work from home. Businesses must direct all personnel who can perform their assigned work duties from home to do so, and they must prohibit those personnel from performing those work duties at the facility or worksite.
- For personnel who are not working from home:
  - Direct all workers not to come to work if sick or exhibiting symptoms of COVID-19.
  - Ask all personnel if they have COVID-19 symptoms at the beginning of each shift, and screen all other people before they enter the facility or worksite. Send personnel home if they report COVID-19 symptoms. (\*Note, temperature screenings with thermometer or thermal scanner are not required, and can increase COVID-19 risk if many employees convene in the same place for temperature screening.)
  - Require all persons, except those exempted from face covering requirements, to properly wear face coverings at all times in accordance with the California Department of Public Health's mandatory Guidance for the Use of Face Coverings and the Health Officer's Order. Exemptions to the face coverings requirement include very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired.
- Optional—Describe other measures:

---

**Handwashing and Hand-Sanitizing Protocols:**

- Encourage frequent handwashing or use of hand sanitizer and provide frequent breaks for handwashing.
- Hand sanitizer and/or soap and water are available at or near the site entrance, at checkout counters, and at various locations throughout the site to enable the public and staff to frequently clean their hands.
- Handwashing and other sanitary facilities are operational and stocked at all times.
- Optional—Describe other measures:

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**Cleaning and Disinfecting Protocols**

- Thoroughly and regularly clean any high traffic areas (including seating areas, break rooms, bathrooms, and other common areas) and frequently disinfect any high-contact surfaces (including doorknobs, handrails, counters, tables, checkout areas, cash registers, telephones, elevator controls, etc.).





- Disinfecting wipes that are effective against COVID-19 are available for use by customers and personnel near shopping carts and baskets if shopping carts and baskets are used at the facility.
- Assign staff to disinfect carts and baskets regularly that are used at the facility if shopping carts and baskets are used at the facility.
- Disinfect any shared equipment and touchable surfaces like payment portals and pens after each use.
- Install contactless devices (including contactless payment systems, motion sensor lights, automatic soap and towel dispensers, and contactless timecard systems) if possible.
- Adjust operational hours to provide adequate time for cleaning and stocking with social distancing, and provide time for any workers to clean between shifts.
- To improve ventilation, filtration, and outdoor air exchange:
  - Evaluate HVAC system (if applicable) to make sure it is properly functioning, and have it regularly serviced.
  - Consider upgrades to HVAC and building air filtration systems and implement any feasible improvements to these systems (for example, to enhance air filtration efficiency and increase the percentage of outdoor air through the HVAC system).
  - Open windows and doors throughout the facility when environmental, building, and safety conditions allow.
- Optional—Describe other measures:

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**Measures to Maintain Social Distancing:**

- Limit the number of people in the facility/worksites to allow adequate social distancing (six feet minimum) at all times and to comply with any applicable capacity restrictions in the Health Officer Order.
  - Review, comply with, and enforce any applicable capacity limitations for the facility, following all instructions listed at [www.sccgov.org/covidcapacity](http://www.sccgov.org/covidcapacity).
- Designate a staff person to ensure that the maximum number of occupants is not exceeded, that all persons are wearing face coverings if required by the Health Officer Order, and that people entering comply with other provisions of this Protocol. Ensure that this person is more than six feet away from others to maintain adequate social distance.
- Require that all persons at the facility/worksites stay at least six feet away from all other persons, except as strictly necessary to perform job functions.
- Place tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain social distance.
- If feasible, increase remote (online and telephone) purchasing, delivery, and curbside pickup service options.



- Separate order areas from delivery areas to prevent customers from gathering.
- Minimize any in-person meetings and adjust those that are necessary to ensure adequate social distancing.
- Stagger personnel breaks, in compliance with wage and hour regulations, to reduce the number of workers taking breaks together.
- Where possible, create outdoor break areas with shade covers as a substitute for indoor break areas. Encourage staff to eat their meals and take their breaks socially distanced outdoors when conditions allow.
- Limit access to or close indoor break rooms to encourage use of outdoor break areas and prevent crowding. Discourage or prohibit eating or drinking in small, enclosed break rooms if less risky alternative areas exist for staff to take their meals (such as outdoors or socially distanced at individual workstations).
- Require workers to maintain 6-foot social distance at all times while on breaks, and preferably more distance if eating or drinking. Reconfigure break areas to facilitate social distancing.
- Maximize the use of outdoor space for interactions or transactions with customers to minimize the time that customers and personnel are indoors, particularly when in close proximity to one another.
- Optional—Describe other measures:

---

**Procedure if a Person at the Facility/Worksite Tests Positive for COVID-19**

- Review and comply with all measures listed at [www.sccsafeworkplace.org](http://www.sccsafeworkplace.org) in the event of a confirmed case of COVID-19 amongst personnel.
- Create, and post in an area easily viewable by personnel, a plan to comply with all applicable measures listed at [www.sccsafeworkplace.org](http://www.sccsafeworkplace.org) in the event of a confirmed case of COVID-19 amongst personnel. Depending on the type of facility, these measures will likely include, among others:
  - Immediately removing the infected person from the facility/worksite and ensuring they are no longer occupying the same space as any other personnel.
  - Instructing the infected person to stay home and isolate in accordance with the instructions listed at [www.sccsafeworkplace.org](http://www.sccsafeworkplace.org).
  - Notifying the County Public Health Department within four hours of learning of the positive case by following the instructions at [www.sccsafeworkplace.org](http://www.sccsafeworkplace.org).
  - Identifying any workers (and customers, if known) who had close contact with the infected person.
  - Complying immediately with any case investigation, contact tracing, and worksite investigation measures by the County Public Health Department. This will include providing the names, addresses, phone numbers, and work dates and times for close contacts of the infected person, which employers are required by law to provide to the County Public Health Department upon request.
  - Excluding all close contacts from the facility/worksite or any other jobsite in accordance with





the instructions listed at [www.sccsafeworkplace.org](http://www.sccsafeworkplace.org).

- Implementing cleaning and disinfection measures for areas recently visited by the infected person as set forth in [www.sccsafeworkplace.org](http://www.sccsafeworkplace.org), and closing off areas visited by the infected person until cleaning and disinfection is complete.

---

**Additional Measures**

- Review and implement measures in any applicable industry-specific directives issued by the County Health Officer and COVID-19 Industry-Specific Guidance issued by the California Department of Public Health.
- Describe any additional health and safety measures implemented (e.g. providing restricted shopping hours for seniors and other individuals at high risk for COVID-19):

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**Certification**

- I affirm that this business will provide all personnel with a copy of this Revised Social Distancing Protocol and conduct trainings as required in this Revised Social Distancing Protocol; that this business will post copies of the updated COVID-19 PREPARED Sign, Social Distancing Protocol Visitor Information Sheet, and signage as required herein; that any signage posted pursuant to the instructions listed at [www.sccgov.org/covidcapacity](http://www.sccgov.org/covidcapacity) is accurate; that the business will implement all applicable measures as set forth herein; that this Revised Social Distancing Protocol may be made publicly available; that I am authorized to complete and sign this certification on behalf of this business; that I understand that failure to comply with requirements imposed by the Health Officer of the County of Santa Clara (including this Revised Social Distancing Protocol) is unlawful and may subject the business or responsible individuals to punishment by imprisonment or a fine or both; that this business accepts service by email at the email address indicated below of all documents associated with administrative enforcement of the Health Officer Order; and that all information in this Revised Social Distancing Protocol is complete and accurate to the best of my knowledge formed after diligent and thorough investigation.
- I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name:

Date:

Title:

Email:

Phone:

Signature:

# Social Distancing Protocol

## Visitor Information



**Last updated:**

**Business Name:**

**Address:**

### Summary of Customer-Facing Requirements

- Handwashing facilities or sanitizer is available near the facility entrance.
- An employee has been designated to ensure the maximum number of customers is not exceeded and all persons are wearing face coverings.
- Tape or marked at least six feet apart where people form lines.

### Report a Complaint

If you are a customer or member of the public and would like to report a complaint about this or another business not following a Social Distancing Protocol, visit [scccovidconcerns.org](http://scccovidconcerns.org).

If you are an employee, and would like to report a complaint about this business, visit [www.sccfairworkplace.org](http://www.sccfairworkplace.org) or call the Office of Labor Standards Enforcement at 866-870-7725.

### Learn More

To view the County Health Officer's Order and other information related to COVID-19, visit [sccgov.org/coronavirus](http://sccgov.org/coronavirus). To view this business' social distancing protocol visit [www.covid19prepared.org](http://www.covid19prepared.org).

The person responsible for implementing this business's protocol is:

\_\_\_\_\_

Name

\_\_\_\_\_

Title

\_\_\_\_\_

Email

\_\_\_\_\_

Phone Number

# COVID-19 Prepared

Health Order Issuance Date:

**10/05/2020**



This business, \_\_\_\_\_, has completed a **Social Distancing Protocol** to prevent the spread of **COVID-19**.

For more information or to learn how to file a complaint, see this business's Social Distancing Protocol Visitor Information Sheet (required to be posted with this sign) or visit [sccgov.org/coronavirus](http://sccgov.org/coronavirus).

Santa Clara County  
**PUBLIC  
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