

### **COVID Advisory June 10, 2021**

**Federal Court permanently enjoins (stops) Governor Newsom from imposing numerical or singing restrictions on churches.**

On May 14, 2021, the US District Court for the Central District of California finalized the ruling regarding Harvest Rock v. Newsom. The court issued a permanent injunction against Governor Gavin Newsom from imposing any capacity restrictions on religious worship or restricting singing.

The injunction does not address the issue of masks. The decision does provide that the state may reimpose reasonable restrictions if COVID rates rise sharply, and the restrictions are equally imposed on all public gatherings.

The effect of this order is immediate. Although the case directly addresses California, the precedent will also apply in Nevada, because both states are in the same Circuit.

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Harvest Rock Church, Inc. v. Newsom

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA  
May 14, 2021

It is hereby **ORDERED** that Defendant, Gavin Newsom, in his official capacity as Governor of the State of California, all State officers, agents, employees, and all other persons in active concert or participation with him, are hereby permanently enjoined state-wide from issuing or enforcing regulations issued in connection with the COVID-19 State of Emergency declared on March 4, 2020 that impose:

(1) any capacity or numerical restrictions on religious worship services and gatherings at places of worship, provided that if

- (a) hospital admissions for individuals aged 1-17 suffering from COVID-19 rise at least 100% statewide, or at least 200% in a county with at least 10 hospitalizations in the prior week, in each of two consecutive weeks; or
- (b) statewide daily case rates for COVID-19 rise above 25 cases per hundred thousand persons, and the statewide four week total projected available adult intensive care unit bed capacity falls below 20%,

the State may impose capacity or numerical restrictions on religious worship services and gatherings at places of worship that are either identical to, or at least as favorable as, the restrictions imposed on other similar gatherings of similar risk, as identified by the Supreme Court in *Tandon v. Newsom*, 141 S. Ct. 1294 (2021), *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021), *Harvest Rock Church, Inc. v. Newsom*, [141 S. Ct. 1289](#) (2021), and *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020);

(2) any new public health precautions on religious worship services and gatherings at places of worship not in the current guidance, unless those precautions are either identical to, or at least as favorable as, the precautions imposed on other similar gatherings of similar risk, as identified by the Supreme Court in *Tandon v. Newsom*, 141 S. Ct. 1294 (2021), *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021), *Harvest Rock Church, Inc. v. Newsom*, [141 S. Ct. 1289](#) (2021), and *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020); and

(3) any restrictions or prohibitions on the religious exercise of singing and chanting during religious worship services and gatherings at places of worship besides generally applicable restrictions or prohibitions included in the guidance for live events and performances. This Order does not prohibit the State from issuing recommendations, best practices, precautions, or other measures, as long as such promulgations make clear to the public that they are voluntary and not enforceable.

It is further **ORDERED** that Plaintiffs should be and hereby are declared prevailing parties for purposes of [42 U.S.C. § 1988](#); Defendant shall pay Plaintiffs the sum of \$1,350,000 for Plaintiffs' reasonable attorney's fees and costs necessarily incurred in this case. Pursuant to [28](#)

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[U.S.C. § 1961](#), post-judgment interest shall begin to accrue 60 days from the date this Court signs this Order;

It is further **ORDERED** that this action is dismissed with prejudice; and

It is further **ORDERED** that this Court shall retain jurisdiction over this action for purposes of implementing and enforcing the final judgment.

It is so **ORDERED**. Dated: May 14, 2021

*Harvest Rock Church, Inc. v. Newsom*, C.D. Cal. May 14, 2021