

1 43, 57 (D.D.C. 2005). The one page that plaintiff devotes to this issue is pure  
2 rhetoric. (Plaintiff's Memorandum at p. 18.) Plaintiff has made no showing of  
3 irreparable harm.

4 **III. PLAINTIFF HAS NOT ESTABLISHED THAT THE BALANCE OF EQUITIES**  
5 **TIPS IN HIS FAVOR.**

6 Plaintiff devotes one paragraph of his memorandum to the balance of equities.  
7 His argument consists of the assertion that without a preliminary injunction "he will  
8 be forced to lie to voters about his political beliefs on the ballot." (Plaintiff's  
9 Memorandum at p. 19, ll. 8-18.)

10 Again this is pure rhetoric. Plaintiff offers no evidence to support the  
11 conclusion that there is any meaningful difference between the term "No Party  
12 Preference" and the term "Independent," or that either term constitutes a "lie."  
13 Plaintiff has made no showing that the balance of equities tips in his favor.

14 **IV. PLAINTIFF HAS NOT ESTABLISHED THAT AN INJUNCTION IS IN THE**  
15 **PUBLIC INTEREST.**

16 Plaintiff devotes one paragraph of his memorandum to the public interest. He  
17 asserts that by granting injunctive relief, "the Court will deliver much needed  
18 certainty to the local officials who administer our elections." (Plaintiff's  
19 Memorandum at p. 20, ll. 4-5.)

20 Again plaintiff offers no evidence in support of this assertion. He attaches no  
21 declaration from an elections official. To the contrary, common sense dictates that  
22 elections are very complicated affairs, and that changing the rules in mid-stream is  
23 likely to increase uncertainty, not decrease it. To grant the relief plaintiff seeks  
24 here – invalidation of SB 6 and Proposition 14 in their entirety – would create  
25 chaos.

26 Plaintiff has made no showing that an injunction is in the public interest.

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**CONCLUSION**

For the reasons set forth above, the motion for preliminary injunction should be DENIED.

Dated: March 4, 2011

Respectfully submitted,

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 14 TAKASHIMA, ABEL MALDONADO  
 15 & CALIFORNIANS TO DEFEND  
 16 THE OPEN PRIMARY

17 IN THE UNITED STATES DISTRICT COURT  
 18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 MICHAEL CHAMNESS,

20 *Plaintiff,*

21 vs.

22 DEBRA BOWEN, California Secretary of  
 23 State, *et al.,*

24 *Defendants,*

25 CALIFORNIA INDEPENDENT VOTER  
 26 PROJECT, DAVID TAKASHIMA, ABEL  
 27 MALDONADO & CALIFORNIANS TO  
 28 DEFEND THE OPEN PRIMARY,

*Proposed Intervener-Defendants.*

Case #11-cv-01479-ODW (FFMx)

**INTERVENERS'  
 OPPOSITION TO  
 PLAINTIFF'S MOTION  
 FOR PRELIMINARY  
 INJUNCTION**

JUDGE: Hon. Otis D. Wright II  
 COURTROOM: 11  
 HEARING DATE: March 21, 2011  
 HEARING TIME: 1:30 p.m.

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