

## Press Release

For Immediate Release: July 6, 2023

### **Orange County Judge Grants Preliminary Injunction in Case Against Fullerton Ordinance Outlawing Vehicular Housing**

ORANGE COUNTY, Jul. 6, 2023 — The Orange County Superior Court has granted a preliminary injunction in a lawsuit challenging the legality of Chapter 8.46 of the Fullerton municipal code, which effectively outlaws people living in their vehicles within city limits. Kirkland & Ellis LLP and Disability Rights Legal Center (DRLC) filed the lawsuit, which argues Chapter 8.46 violates the California Constitution’s due process and equal protection clauses, excessive fines clause, the right to travel, and Gov. Code Section 11135, in December 2022.

“While Chapter 8.46 is allegedly purposed to ‘mitigate the public health and safety concerns,’ its overbroad and vague language has resulted in the arbitrary and discriminatory expulsion of Orange County’s most vulnerable residents—the vehicularly housed—a population who needs to rely on their vehicles for safety, storage, transportation, and more. This ordinance has upended lives and caused undue additional trauma to persons who already bear the great weight of homelessness,” the lawsuit argues. The lawsuit seeks restitution and a court order that declares Chapter 8.46 unconstitutional and in violation of California law and prohibits enforcement of the ordinance in its current form.

On May 26, 2023, Kirkland & Ellis and DRLC filed a Motion for Preliminary Injunction on behalf of Frederick Clayton Moon, Jacqueline Danis, and Jeanette Hodge requesting the Orange County Superior Court to enjoin the City of Fullerton and the Fullerton Police Department from enforcing Chapter 8.46. After hearing oral argument on June 26, 2023, the Court granted the Motion for Preliminary Injunction, which prohibits the City of Fullerton and Fullerton Police Department from enforcing Chapter 8.46 prior to trial currently set for September 2024.

“This was an important step in protecting our clients’ interests and rights while the case proceeds towards trial,” said Matthew Summers, a litigation partner at Kirkland & Ellis. “Our team is proud to partner with the DRLC to achieve this victory for our clients.”

“We are excited that the Court saw the Chapter for what it is—a vague and poorly drafted attempt to keep the vehicularly housed out of Fullerton. With this decision, we are hopeful that more permanent, long-term solutions to the housing crisis can be discussed that protect our clients’ rights and dignity,” said Corrigan Lewis, DRLC senior staff attorney.

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### **About Disability Rights Legal Center**

Founded in 1975, Disability Rights Legal Center (DRLC) is a 501(c)(3) non-profit, public interest advocacy organization that champions the civil rights of people with disabilities through education, advocacy, and litigation. To learn more, please visit [www.thedrhc.org](http://www.thedrhc.org).