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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 RAYMOND J. LUCIA COMPANIES,
19 INC. and RAYMOND J. LUCIA, SR.,
20 Plaintiffs,

21 v.

22 U. S. SECURITIES AND EXCHANGE
23 COMMISSION, JAY CLAYTON, in his
24 official capacity as Chairman of the U.S.
25 Securities and Exchange Commission, and
26 MATTHEW G. WHITAKER, in his
27 official capacity as Acting United States
28 Attorney General,
Defendants.

Case No.: 18CV2692 DMS JLB

**MOTION FOR PRELIMINARY
INJUNCTION**

Date: February 1, 2019
Time: 1:30 p.m.
Courtroom: 13A
Judge: Hon. Dana M. Sabraw
Magistrate: Hon. Jill L. Burkhardt

1 Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs Raymond J.
2 Lucia Companies, Inc. (RJL) and Raymond J. Lucia, Sr. (Mr. Lucia) hereby move for a
3 preliminary injunction enjoining Defendants from carrying out a reinstated
4 administrative proceeding under the Order Instituting Administrative and Cease-and-
5 Desist Proceedings (OIP) issued by Defendant U.S. Securities and Exchange Commission
6 (SEC or Commission) on September 5, 2012.
7
8

9 As set forth more fully in the Memorandum of Points and Authorities in Support of
10 Plaintiffs' Motion for Preliminary Injunction, a preliminary injunction is appropriate for
11 all of the following non-exclusive reasons:
12

13 1. There is a substantial likelihood that RJL and Mr. Lucia will succeed on the
14 merits of their claim that the appointment and removal of SEC ALJs are unconstitutional;
15

16 2. RJL and Mr. Lucia will suffer irreparable harm if the requested preliminary
17 injunction is not issued and the company is subjected to an unconstitutional
18 administrative proceeding in deprivation of their constitutional rights that pose long-term
19 economic, reputational and time and resource loss not reparable by money damages;
20

21 3. The harm that RJL and Mr. Lucia would suffer as a result of the denial of the
22 injunction outweighs the harm, if any, Defendants would suffer if the injunction were
23 granted;
24

25 4. The public interest will be harmed if the preliminary injunction is not granted.
26
27
28

1 WHEREFORE, Plaintiffs pray this Court issue all process necessary and appropriate
2 to:

3
4 (1) Enjoin Defendants from the re-institution of administrative proceedings against
5 plaintiffs under the September 5, 2012 OIP;

6 (2) Grant such further and other relief as this Court deems just and proper.
7

8 Dated: December 6, 2018

9 Respectfully submitted,

10 /s/ Mark A. Perry

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*Counsel for Plaintiffs Raymond J. Lucia Companies, Inc.
and Raymond J. Lucia, Sr.*

CERTIFICATE OF SERVICE

I certify that on this 6th day of December, 2018, I have served a copy of the above and foregoing on all counsel of record through the Court’s CM/ECF system.

I certify that a copy of the foregoing was also served by registered or certified mail upon all defendants in the above-entitled action on December 6, 2018 as follows:

Brent J. Fields, Secretary
U.S. Securities and Exchange
Commission
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