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8 **THE SUPERIOR COURT OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SANTA CRUZ**

10 **In Re Richard Quigley,**) **Case #: 3WMO18538**
11)
12) **Petitioner/Defendant**) **WRIT OF MANDAMUS**
13)
14 **Respondent:**)
15 **City of Watsonville, et. al.**)
16 _____

17 **WRIT OF MANDAMUS**

18 **IT IS HEREBY ORDERED** that the Watsonville Police Department
19 show cause why an Order should not issue requiring that the
20 Watsonville Police Department, and their officers, agents, servants,
21 employees, attorneys, or any of them, *and all persons acting in concert*
22 *with any of the foregoing*, shall confine enforcement of CVC §27803
23 against Richard James Quigley (and others similarly situated) to the
24 limits proscribed in the second half of the injunction issued by the
25 United States District Court in *Easyriders v. Hannigan*, 887 F. Supp.
26 240 (S.D. Cal. 1995), upheld by the 9th Circuit Court of Appeals (92 F3d
27 1486, 1996) to wit:

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1 TERMS OF THE (*EASYRIDERS*) INJUNCTION

2 “The terms of the injunction are as follows: Maurice Hannigan,
3 as Commissioner of the California Highway Patrol, Dwight
4 Helmick, as Deputy Commissioner of the California Highway
5 Patrol, and their officers, agents, servants, employees, attor-
6 neys, or any of them, *and all persons acting in concert with any*
7 *of the foregoing*, are hereby permanently enjoined:

8 “From citing any motorcyclist for suspected violation of
9 Vehicle Code § 27803 unless there is probable cause to believe
10 that

11 (A) the helmet worn by the driver or passenger was not
12 certified by the manufacturer at the time of sale, or

13 (B) the helmet was certified by the manufacturer at the
14 time of sale and

15 (i) the person being cited has actual knowledge of a
16 showing of a determination of non-conformity with
17 federal standards.

18 “For the purposes of this injunction, a determination of non-
19 conformity with federal standards is defined as one or more of
20 the following:

21 (1) a determination of non-compliance issued by the
22 National Highway Traffic Safety Administration or

23 (2) a manufacturer recall of a helmet because of non-
24 compliance with FMVSS 218 or

25 (3) other competent objective evidence from independent
26 laboratory testing that the helmet does not meet FMVSS
27 218.”

28 ...

1 “This injunction shall remain permanently in force until such
2 time as Vehicle Code sections 27802 or 27803 or the regulations
3 promulgated thereunder are amended or modified to include
4 additional or revised provisions related to helmet compliance or
5 enforcement standards, or until such time as a decision of the
6 California appellate courts establishes additional or revised
7 standards related to helmet compliance or enforcement stan-
8 dards” .*Easyriders v. Hannigan*, 887 F. Supp. 240 (S.D. Cal.
9 1995), upheld by the 9th Circuit Court of Appeals (92 F3d 1486,
10 1996)

11 Or, in the alternative, to show cause why the terms, conditions of
12 such injunction should or would not apply to the City of Watsonville
13 (and others similarly situated) and why the protections of the injunction
14 should not apply to the petitioner (and others similarly situated).

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16 SO ORDERED:

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19 Honorable Judge Heather Morse
20 Judge of the Superior Court
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