

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION SEVEN

Catholic Medical Mission Board, Inc. v. Rob Bonta, as Attorney
General, etc., et al.; Food for the Poor, Inc. v. Rob Bonta, as Attorney
General, etc., et al.

Catholic Medical Mission Bd. v. Bonta · No. B315409; B318278; B315416; B318280 · Decided March 27, 2025

SUMMARY

The California Court of Appeal affirmed in part, vacated in part, and remanded consolidated cases involving constitutional challenges to California charitable-solicitation statutes and permanent injunctions against the Attorney General. The court held that permanent injunctive relief is not automatic in First Amendment cases and that the plaintiffs had to plead and prove entitlement to such relief; it also upheld the trial court’s authority to reform and sever one statutory provision. The court vacated the injunctions and attorney-fee awards and remanded for further proceedings. On March 27, 2025, the court modified the opinion without changing the appellate judgment and denied rehearing.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Seven
WRITING FOR THE COURT	Maria E. Martinez, Presiding Justice; Michael J. Segal, Justice; Stone, Justice
JURISDICTION	California Court of Appeal, Second Appellate District, Division Seven
DECIDED	March 27, 2025
DOCKET	B315409; B318278; B315416; B318280
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Attorney General appealed from judgments declaring provisions of California's Supervision of Trustees and Fundraisers for Charitable Purposes Act unconstitutional and granting permanent injunctions. Catholic Medical Mission Board and Food for the Poor cross-appealed from the trial court's reformation and functional severance of one statutory provision. The Attorney General also appealed postjudgment attorney-fee orders.
STANDARD OF REVIEW	Permanent injunctions are reviewed for abuse of discretion; factual findings are reviewed for substantial evidence; legal issues, including

	statutory construction, severability, and reformation, are reviewed de novo.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Rob Bonta, Attorney General of California, and related state officials v. Catholic Medical Mission Board, Inc., Food for the Poor, Inc.

TOPICS

first amendment remedies equitable relief appellate procedure statutory interpretation

PRACTICE AREAS

constitutional law administrative law appellate procedure equitable remedies statutory interpretation

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by granting permanent injunctions against enforcement of statutory provisions without requiring the charities to plead and prove the traditional elements of injunctive relief.
2. Whether a permanent injunction against enforcement of a facially unconstitutional statute automatically follows from a declaratory judgment of facial invalidity.
3. Whether a permanent injunction may extend to enforcement against nonparties without evidence of recurring or threatened injury involving nonparties.
4. Whether a court may reform and functionally sever a statutory provision after determining that part of the provision is unconstitutional.
5. Whether Government Code section 12591.1(b)(4) was grammatically, functionally, and volitionally severable.
6. Whether the postjudgment attorney-fee awards should stand after the injunctions were vacated and the matter remanded.

HOLDINGS

1. A permanent injunction is not issued as a matter of course merely because a statute has been declared facially unconstitutional. A plaintiff seeking permanent injunctive relief must plead and prove both the underlying cause of action and the traditional grounds for equitable relief.
2. Respondents did not plead or prove entitlement to permanent injunctions. The complaints did not request injunctive relief, and the record lacked evidence of irreparable harm, inadequate legal remedies, or a likelihood of recurring or future enforcement.
3. A permanent injunction requires evidence of present or future threatened injury or a reasonable probability of recurrence. The trial court could not issue a statewide injunction covering nonparties without evidence supporting such relief.

4. There is no categorical rule prohibiting a court from simultaneously reforming and functionally severing a statutory provision after identifying constitutional invalidity. The trial court properly added an exception for violations of Government Code section 12599.6 and functionally severed section 12591.1(b)(4).
5. The postjudgment attorney-fee awards were vacated because the injunctions were vacated and the matter was remanded for further proceedings.

KEY QUOTATIONS

“Permanent injunctions are not issued as a matter of course, even in cases implicating the First Amendment. Rather, plaintiffs seeking a permanent injunction must plead and prove they are entitled to such extraordinary relief.” (3)

“An ancillary injunction should not issue as a concomitant to a declaratory judgment unless the pleading and proof demonstrate that the traditional requisites of injunctive relief have been met.” (18-19)

“That respondents proved they were entitled to declaratory relief was not enough to support a permanent injunction.” (25-26)

“The fact that a void law is on the books is not sufficient, by itself, to justify the issuance of an injunction.” (28)

“A court may, in appropriate circumstances, and consistently with the separation of powers doctrine, reform a statute to conform it to constitutional requirements in lieu of simply declaring it unconstitutional and unenforceable.” (35)

FACTUAL BACKGROUND

Catholic Medical Mission Board and Food for the Poor are charitable organizations that solicit cash and in-kind donations, including pharmaceutical donations. After an investigation, the California Attorney General determined that the charities had used misleading program-efficiency ratios in solicitation materials by combining cash and in-kind donations, and issued cease-and-desist orders and civil penalties. The charities challenged the enforcement provisions and the penalties, while the trial court ultimately declared two statutory provisions unconstitutional, vacated the penalties, reformed section 12591.1(b), and entered permanent injunctions against enforcement.

PROCEDURAL HISTORY

After administrative proceedings concerning cease-and-desist orders and civil penalties, respondents filed petitions for administrative mandate and complaints for declaratory relief challenging Government Code sections 12591.1(b) and 12599.6(f)(2) under the First Amendment. The Los Angeles County Superior Court found the provisions facially unconstitutional, vacated civil penalties, later entered permanent injunctions without requiring respondents to plead or prove entitlement to that remedy, reformed section 12591.1(b), and awarded attorney fees. The Court of Appeal vacated the injunctions and fee awards, affirmed the reformation and severance, and remanded for further proceedings.

DISPOSITION

REMAND INSTRUCTIONS

The trial court must allow CMMB and FFP to file motions seeking leave to amend their complaints to plead for permanent injunctive relief and, if leave is warranted, determine whether they can prove entitlement to permanent injunctions, including irreparable harm and threatened future enforcement. The court must also assess whether reformation makes any statewide injunction unnecessary or moot, and reconsider entitlement to and the amount of attorney fees under Code of Civil Procedure section 1021.5.

CASES CITED

- People ex rel. Gallo v. Acuna, 14 Cal. 4th 1090, 1109 (1997)
- Mendez v. Rancho Valencia Resort Partners, LLC, 3 Cal. App. 5th 248, 260-261 (2016)
- Sargon Enterprises, Inc. v. University of Southern California, Sargon Enterprises, Inc. v. University of Southern California, 55 Cal. 4th 747, 773 (2012)
- Monsanto Co. v. Geertson Seed Farms, 561 U.S. 139, 157-166 (2010)
- Intel Corp. v. Hamidi, 30 Cal. 4th 1342, 1352 (2003)
- Butt v. State of California, 4 Cal. 4th 668, 695-696 (1992)
- Califano v. Yamasaki, 442 U.S. 682, 702 (1979)
- Planned Parenthood Golden Gate v. Garibaldi, 107 Cal. App. 4th 345, 354 (2003)
- DVD Copy Control Assn., Inc. v. Kaleidescape, Inc., 176 Cal. App. 4th 697, 721, 726 (2009)
- San Diego Unified Port District v. Gallagher, 62 Cal. App. 4th 501, 503 (1998)
- E.H. Renzel Co. v. Warehousemen's Union I.L.A. 38-44, 16 Cal. 2d 369, 373 (1940)
- City of Torrance v. Transitional Living Centers for Los Angeles, Inc., 30 Cal. 3d 516, 526 (1982)
- California Water & Telephone Co. v. County of Los Angeles, 253 Cal. App. 2d 16, 32 (1967)
- City of San Diego v. Cuyamaca Water Co., 209 Cal. 105, 151 (1930)
- Klarfeld v. State of California, 142 Cal. App. 3d 541, 550 (1983)
- Alfaro v. Terhune, 98 Cal. App. 4th 492, 501 (2002)
- Connerly v. Schwarzenegger, 146 Cal. App. 4th 739, 743, 748, 750-751 (2007)
- Horsford v. Board of Trustees of California State University, 132 Cal. App. 4th 359, 390-391 (2005)
- Kopp v. Fair Political Practices Commission, 11 Cal. 4th 607, 615, 640-641, 646, 659, 661 (1995)
- Legislature of the State of California v. Padilla, Legislature of the State of California v. Padilla, 9 Cal. 5th 867, 875 (2020)
- Calfarm Insurance Co. v. Deukmejian, 48 Cal. 3d 805, 821-822 (1989)
- Brockett v. Spokane Arcades, Inc., 472 U.S. 491, 498, 502 (1985)
- California Redevelopment Association v. Matosantos, 53 Cal. 4th 231, 275 (2011)
- People v. Sandoval, 41 Cal. 4th 825, 844 fn. 7 (2007)
- Hotel Employees & Restaurant Employees International Union v. Davis, 21 Cal. 4th 585, 613 (1999)

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