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5 Protection District and Brian Kramer

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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 SAN DIEGO COUNTY – HALL OF JUSTICE
9

10 JULIAN-CUYAMACA FIRE PROTECTION)
DISTRICT and BRIAN KRAMER,)

11 Plaintiffs,)

12 vs.)

13 SAN DIEGO COUNTY LOCAL AGENCY)
14 FORMATION COMMISSION; COUNTY OF SAN)
DIEGO; MICHAEL VU, IN HIS CAPACITY AS)
15 REGISTRAR OF VOTERS FOR THE COUNTY)
OF SAN DIEGO; and ALL PERSONS)
16 INTERESTED IN THE MATTER OF SAN DIEGO)
COUNTY LOCAL AGENCY FORMATION)
17 COMMISSION RESOLUTION NO. RO18-09 ET)
AL. ORDERING THE REORGANIZATION)
18 AFFECTING THE JULIAN-CUYAMACA FIRE)
PROTECTION DISTRICT AND COUNTY)
19 SERVICE AREA NO. 135, PROVIDING FOR)
THE DISSOLUTION OF THE JULIAN-)
20 CUYAMACA FIRE PROTECTION DISTRICT,)
EXPANSION OF COUNTY SERVICE AREA NO.)
21 135'S EXISTING LATENT POWERS IN THE)
AFFECTED TERRITORY, AND DESIGNATING)
22 COUNTY SERVICE AREA NO. 135 AS THE)
SUCCESSOR AGENCY TO THE DISSOLVED)
23 DISTRICT, AND RELATED ACTIONS,)

24 Defendants.)

CASE NO. 37-2019-00018076-CU-MC-CTL

**PLAINTIFFS' *EX PARTE* APPLICATION
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE
REGARDING PRELIMINARY
INJUNCTION; DECLARATION OF
CORY J. BRIGGS**

Action Filed: April 8, 2019
Department: C-73 (Wohlfeil)

Hearing Date: April 10, 2019
Hearing Time: 8:30 a.m.

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26 Through this *ex parte* application, Plaintiffs JULIAN-CUYAMACA FIRE PROTECTION
27 DISTRICT and BRIAN KRAMER (collectively, "Plaintiffs") seek a temporary restraining order and
28 an order to show cause regarding issuance of a preliminary injunction against Defendants SAN DIEGO

1 COUNTY LOCAL AGENCY FORMATION COMMISSION, COUNTY OF SAN DIEGO, and
2 MICHAEL VU, in his capacity as Registrar of Voters for the County of San Diego (collectively,
3 “Defendants”). The injunctive relief sought is an order preventing any of the Defendants from taking
4 or exercising ownership, possession, custody, or control over or interfering with any real or personal
5 property (whether tangible or intangible, including employment and other contracts) owned by, in the
6 possession, custody, or control of, or in effect with Plaintiff JULIAN-CUYAMACA FIRE
7 PROTECTION DISTRICT (“JCFPD”) immediately prior to the recording of that certain certificate of
8 completion in the San Diego County Recorder’s Office; to immediately return to JCFPD and withdraw
9 interference with any such property over which any of the Defendants has taken ownership, possession,
10 custody, or control; and to cease and desist from any interference or other actions affecting such
11 property based on the recorded certificate of completion or on LAFCO Resolution no. RO18-09 et al.

12 The injunctive relief is requested against Defendants; any and all officers, employees,
13 contractors, and other agents of Defendants; and any and all of Defendants’ privies. The injunctive
14 relief is requested to last until the Court rules on the merits of the operative complaint or issues a
15 judgment in Plaintiff’s favor or otherwise grants final injunctive relief.

16 Plaintiff has not previously submitted an application of this character or for the same relief. The
17 basis for the request relief is set forth in the accompanying

18 The County and Mr. Vu are represented by attorney Joshua Heinlein of the Office of San Diego
19 County Counsel, 1600 Pacific Highway, Room 355, San Diego, CA 92101, 619-531-4860,
20 joshua.heinlein@sdcounty.ca.gov. County Counsel’s office has been contacted, and one of the County
21 and Mr. Vu’s attorneys is expected to appear at any hearing on this application. With respect to the
22 County, Plaintiff also gave notice of this hearing to the County’s Clerk of the Board, Andrew Potter,
23 1600 Pacific Highway, Room 402, San Diego, CA 92101, 619-531-5600, andrew.potter@
24 sdcounty.ca.gov.

25 LAFCO is represented by attorney Holly Whatley at Colantuono, Highsmith & Whatley, PC,
26 790 East Colorado Boulevard, Suite 850, Pasadena, CA 91101, 213-542-5700, hwhatley@chwlaw.us.
27 LAFCO’s attorney’s office has been contacted, and one of its attorneys is expected to appear at any
28 hearing on this application. With respect to LAFCO, Plaintiffs also gave notice to LAFCO’s Executive

1 Officer, Keene Simonds, 9335 Hazard Way, Suite 200, San Diego, CA 92123, 858-614-7755,
2 keene.simonds@sdcounty.ca.gov.

3 Service of the supporting papers has been e-mailed to the attorneys and other agents listed
4 above.

5 As shown in the attached declaration of Cory J. Briggs, Plaintiff satisfies the notice requirements
6 of Rule 3.1204 of the California Rules of Court. As explained in the operative complaint and in the
7 accompanying memorandum of points and authorities, a temporary restraining order and order to show
8 cause regarding issuance of a preliminary injunction are warranted to preserve the status quo pending
9 a ruling on the merits of the operative complaint.

10 Date: April 9, 2019.

Respectfully submitted,

BRIGGS LAW CORPORATION

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12 By: Cory J. Briggs
13 Cory J. Briggs

14 Attorneys for Plaintiffs Julian-Cuyamaca Fire Protection
15 District and Brian Kramer
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