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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 SAN DIEGO COUNTY – HALL OF JUSTICE
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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
[Proposed] **TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE
REGARDING PRELIMINARY
INJUNCTION**

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 At 8:30 a.m. on April 9, 2019, this matter came on for a hearing on the *ex parte* application of
27 Plaintiffs JULIAN-CUYAMACA FIRE PROTECTION DISTRICT ("JCFPD") and BRIAN KRAMER
28 (collectively, "Plaintiffs") for a temporary restraining order and an order to show cause regarding

1 issuance of a preliminary injunction against respectfully submit this opening brief in support of their
2 *ex parte* application for a temporary restraining order and order to show cause regarding issuance of a
3 preliminary injunction against Defendants SAN DIEGO COUNTY LOCAL AGENCY FORMATION
4 COMMISSION (“LAFCO”), COUNTY OF SAN DIEGO (“COUNTY”), and MICHAEL VU (“VU”),
5 in his capacity as Registrar of Voters for the County of San Diego (collectively, “Defendants”). The
6 appearances are noted in the record.

7 With the Court having reviewed all documents filed in support of and in opposition to the *ex*
8 *parte* application, having examined the evidence submitted by the parties, and having considered the
9 arguments made at the hearing:

10 IT IS NOW ORDERED that (i) Defendants shall show cause as to why a preliminary injunction
11 should not be issued, as described in the last sentence of this paragraph, and against any and all of their
12 respective officers, employees, and other agents and privies; (ii) COUNTY, LAFCO, and VU shall be
13 served with Plaintiffs’ opening papers in support of its request for a preliminary injunction in
14 accordance with the Code of Civil Procedure, to the extent that they have not already been so served,
15 with proof of service on each of them being filed no later than _____ days after the entry of this
16 order; (iii) no later than _____, 2019, Defendants shall file and serve their respective
17 papers in opposition to issuance of a preliminary injunction; (iv) no later than _____,
18 2019, Plaintiffs shall file and serve their reply brief; and (v) a hearing on whether a preliminary
19 injunction should be issued against Defendants shall be held on _____, 2019, at
20 _____ a.m./p.m. in Department _____ of this Court unless prior to that time the Court has issued
21 a ruling on the operative complaint, in which case the hearing date shall automatically be vacated. The
22 preliminary injunction to be sought at the hearing includes an order preventing any and all of the
23 Defendants from taking or exercising ownership, possession, custody, or control over or interfering with
24 any real or personal property (whether tangible or intangible, including employment and other contracts)
25 owned by, in the possession, custody, or control of, or in effect with Plaintiff JCFPD immediately prior
26 to the recording of that certain certificate of completion in the San Diego County Recorder’s Office
27 (document no. 2019-0124228); to immediately return to JCFPD and withdraw interference with any
28 such property over which any of the Defendants has taken ownership, possession, custody, or control;

1 and to cease and desist form any interference or other actions affecting such property based on the
2 recorded certificate of completion or on LAFCO Resolution no. RO18-09 et al.

3 IT IS NOW FURTHER ORDERED that all Defendants stop any and all action toward 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 JCFPD immediately prior to the recording
7 of that certain certificate of completion in the San Diego County Recorder’s Office; to immediately
8 return to JCFPD and withdraw interference with any such property over which any of the Defendants
9 has taken ownership, possession, custody, or control; and to cease and desist form any interference or
10 other actions affecting such property based on the recorded certificate of completion or on LAFCO
11 Resolution no. RO18-09 et al.

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13 Date: April ____, 2019.

14 Judge of the Superior Court

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