

FILED

2010 AUG -6 PM 4:41

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF DEL NORTE
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11 CITY OF CRESCENT CITY, a
12 Municipal Corporation,

Case No.: CVUJ 10-1134

13 Plaintiff,

14 vs.

15 *JRM*
~~PROPOSED~~
PRELIMINARY INJUNCTION

16 DONNA WESTFALL, DOUGLAS
17 WESTFALL, ROD BUTLER, Acting
18 City Clerk for the City of Crescent
19 City, in his official capacity, STATE
20 OF CALIFORNIA, WATER
21 RESOURCES CONTROL BOARD, as
22 a Real Party in Interest, and DOES
23 1-100, inclusive,

24 Defendants.

25 To Rod Butler, Acting Clerk for the City of Crescent City:


26 The Motion of Plaintiff City of Crescent City for a preliminary injunction
27 came on regularly for hearing on July 14, 2010, at the hour of 9:00 am, in
28 Department Three of the above court, the Hon. John R. Morrison, Assigned
Judge, presiding.

1 Plaintiff City of Crescent City appeared by its counsel, Robert N. Black, City
2 Attorney, and Martha D. Rice, Deputy City Attorney. Defendants Donna
3 Westfall and Douglas Westfall appeared by their counsel Timothy Bittle,
4 Howard Jarvis Taxpayers' Association. Real Party in Interest the State of
5 California, Water Resources Control Board appeared by William Jenkins,
6 Deputy Attorney General. There was no appearance for Rod Butler.

7 Proof having been made to the satisfaction of the court, and good cause
8 appearing:

9 IT IS ORDERED that during the pendency of this action Rod Butler, Interim
10 City Clerk for the City of Crescent City is enjoined and restrained from taking
11 any further steps or expending any additional resources of the City of Crescent
12 City to place or maintain the rollback initiative on the November, 2010, general
13 municipal election ballot and Rod Butler is further ordered to take all available
14 steps to remove the same from the November, 2010, ballot.

15 August 6
16 July __, 2010

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19 John R. Morrison, Assigned,
20 Judge of the Superior Court
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PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P)

I am a citizen of the United States and a resident of the County of Del Norte. I am over the age of eighteen (18) years and am not a party to the entitled action; my business address is 450 H St, Crescent City California California.

On Monday, August 9, 2010 I served a copy of the Statement of Decision and Preliminary Injunction filed August 6, 2010 by depositing a true copy in the United States mail in Crescent City, Calif., in a sealed envelope with postage prepaid, addressed as follows:

Robert Black, Esq.
Martha Rice, Esq.
299 I St., Suite 11B
Crescent City, Calif. 95531

Rod Butler
City of Crescent City
377 J St.
Crescent City, Calif. 95531

Howard Jarvis Taxpayers Foundation
Timothy Bittle, Esq.
921 Eleventh St., Suite 1201
Sacramento, Calif. 95814

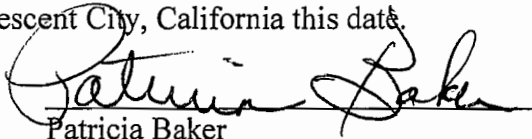
William Jenkins, Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, Calif. 94102-7004

Rachel Towe
1281 Huntington St.
Crescent City, Calif. 95531

Russell Gans, Esq.
P.O. Drawer 1008
Eureka, Calif. 95502

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that it was executed at Crescent City, California this date.

DATED: August 9, 2010


Patricia Baker
Judicial Assistant