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Attorney for Plaintiffs,
CITIZENS FOR FREE SPEECH, LLC,
MICHAEL SHAW

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CITIZENS FOR FREE SPEECH,
LLC; MICHAEL SHAW

Plaintiffs,

v.

COUNTY OF ALAMEDA,

Defendant.

CASE NO. 3:14-cv-02513

**STIPULATION AND ORDER
GRANTING TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

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1 Pursuant to Civ. L.R. 7-12, the Parties to this action submit the following
2 stipulation and proposed order:

3 **RECITALS**

4 1. This action was filed on June 1, 2014, seeking, among other things,
5 to enjoin Defendant COUNTY OF ALAMEDA (“County”) from any and all
6 conduct enforcing the Alameda County Code of Ordinances (“Code”) to prohibit,
7 encumber, or penalize the display of certain signs (“Signs”) on 8555 Dublin
8 Canyon Road within the County (the “Parcel”), such signs being owned and
9 operated by Plaintiff CITIZENS FOR FREE SPEECH, LLC (“Citizens”) pursuant
10 to agreement with Plaintiff MICHAEL SHAW, the owner of the Parcel.

11 2. Postmarked June 10, 2014, the County issued a “Declaration of
12 Public Nuisance – Notice to Abate” from the Alameda County Community
13 Development Agency Planning commission signed by investigator of the Code
14 Enforcement Division Paul da Silva (“Notice”), which ordered the removal of the
15 Signs pursuant to the Code. The Notice required the Signs be removed within 10
16 days of the postmarked date.

17 3. On June 12, 2014, Plaintiffs filed a Motion for temporary restraining
18 order and order to show cause re: preliminary injunction to enjoin the County’s
19 enforcement of the Code as against the Signs (“Motion”).

20 4. The County does not concede that Plaintiffs have met their burden in
21 establishing irreparable injury, inadequacy of legal remedies, and imminent harm
22 in bringing the Motion.

23 5. The Parties wish to resolve the matter between them for the present
24 time by staying the enforcement of the Code against Plaintiffs, while providing
25 the County additional time to respond to the Motion for a preliminary injunction.

26 6. Accordingly, the Parties have agreed to a stipulated temporary
27 restraining order as follows, pending a hearing on Plaintiff’s Motion for
28 preliminary injunction.

1 7. County withdraws the Notice pending a hearing on the Plaintiff's
2 Motion for preliminary injunction.

3 8. The Parties request that the County's Opposition to the Motion be
4 due no sooner than June 27, 2014.

5 9. Plaintiff's Motion shall remain their moving papers, reserving the
6 right to file amended or supplemental papers should changed circumstances
7 warrant.

8 **STIPULATION**

9 Wherefore, the Parties agree: Defendant County and its employees, agents,
10 officers, managers, delegates, or assigns and those in active concert or
11 participation with it or them ARE HEREBY TEMPORARILY RESTRAINED
12 AND ENJOINED from any conduct enforcing the Code against Plaintiffs or
13 investigating alleged violations of the Code by Plaintiffs.

14 Defendant County is ordered to show cause at 10:00 a.m. on July 25, 2014,
15 or as soon thereafter as counsel may be heard in the courtroom of the Honorable
16 Charles R. Breyer, Courtroom 6, located at 450 Golden Gate Avenue, 17th Floor,
17 San Francisco, California, why it, its employees, agents, officers, managers,
18 delegates, or assigns and those in active concert or participation with it or them
19 should not be restrained and enjoined pending trial of this action from any and all
20 conduct to prohibit, encumber, or penalize Plaintiffs and/or Plaintiffs property,
21 including the Signs pursuant to the Code as against the Signs.

22 Defendant County waives any bond requirement.

23 Defendant County's response or opposition to the Motion for Preliminary
24 injunction shall be due no earlier than June 27, 2014.

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IT IS SO STIPULATED.

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Pursuant to Civ. L.R. 5-1(i)(3), I attest that all signatories whose signatures appear herein have concurred in this document, and that I maintain records in support of said concurrence for introduction to the Court, if so ordered.

DATED: June 16, 2014

JOSHUA R. FURMAN LAW CORP.

By: /s/ Joshua R. Furman
JOSHUA R. FURMAN
Attorney for Plaintiffs,
Citizens for Free Speech, LLC &
Michael Shaw


DATED: June 16, 2014

OFFICE OF THE COUNTY COUNSEL

By: /s/ Mary Ellyn Gormley
MARY ELLYN GORMLEY
Attorneys for Defendant,
County of Alameda

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 16, 2014

By: 
Hon. Richard G. Seeborg
Judge of the U.S. District Court