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**FILED**  
Clerk of the Superior Court  
JAN 16 2020  
By: G. Mendoza, Clerk

JAN 15 2020 1:59

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO, CENTRAL COUNTY DIVISION**

<p><b>CITRUS ST PARTNERS, LLC,</b></p> <p style="padding-left: 40px;">PETITIONER,</p> <p style="text-align: center;">v.</p> <p><b>CITY OF LEMON GROVE; CITY COUNCIL OF THE CITY OF LEMON GROVE; AND DOES 1-10,</b></p> <p style="padding-left: 40px;">RESPONDENTS.</p> <hr/> <p><b>DOES 11-20,</b></p> <p style="padding-left: 40px;">REAL PARTIES IN INTEREST.</p> <hr/>	<p>) CASE NO: 37-2019-00064690-CU-MC-CTL</p> <p>)</p> <p>) <del>PROPOSED</del> ORDER TO SHOW</p> <p>) CAUSE RE PRELIMINARY</p> <p>) INJUNCTION AND ORDER RE EX</p> <p>) PARTE APPLICATION FOR</p> <p>) TEMPORARY RESTRAINING ORDER</p> <p>) Judge: Hon. Kenneth J. Medel</p> <p>) Dept.: C-66</p> <p>) Petition filed: November 25, 2019</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>
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1 On January 14, 2020, at 8:30 a.m., the Ex Parte Application for Temporary Restraining  
2 Order (TRO) and Order to Show Cause Re Preliminary Injunction filed by Petitioner CITRUS  
3 ST PARTNERS, LLC came on for hearing in Department 66 of the above-entitled court. The Ex  
4 Parte Application having been fully argued and considered and proof being made to the  
5 satisfaction of the court that Petitioner has satisfied all requirements necessary for issuance of an  
6 OSC re Preliminary Injunction and TRO:

7 **IT IS HEREBY ORDERED** that Respondents CITY OF LEMON GROVE and CITY  
8 COUNCIL OF THE CITY OF LEMON GROVE (collectively, "City") be ordered to show cause  
9 why a preliminary injunction should not issue enjoining the City and their respective agents,  
10 instrumentalities, and assigns from taking any action, discretionary or ministerial, that would  
11 disturb, extinguish, interfere with, or otherwise prejudice Zoning Clearance ZCM-180-0005 until  
12 the resolution of the underlying litigation.

13 The following deadlines shall apply with respect to the OSC:

- 14 1. The hearing on the OSC Re Preliminary Injunction shall be held on February 14, 2020 at  
15 10:00 a.m. in Department 66 of the above-entitled Court.
- 16 2. Respondents' opposition papers shall be filed on or before 5:00 p.m. on January 30, 2020  
17 and shall be served electronically via One Legal at the time of filing.
- 18 3. Kim Investments, LLC's intervention and opposition papers shall be filed on or before  
19 5:00 p.m. on January 30, 2020 and shall be served electronically via One Legal at the  
20 time of filing.
- 21 4. Petitioner's reply papers to Respondents' and Kim Investments, LLC's opposition, and  
22 opposition papers to Kim Investments, LLC's intervention, shall be filed on or before  
23 5:00 p.m. on February 7, 2020 and shall be served electronically via One Legal at the  
24 time of filing.

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26 [ORDER CONTINUES BELOW]  
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1           **IT IS HEREBY FURTHER ORDERED** that a Temporary Restraining Order (TRO)  
2 binding on Respondents CITY OF LEMON GROVE and CITY COUNCIL OF THE CITY OF  
3 LEMON GROVE shall issue as follows:

- 4           1. To prohibit Respondents and their respective agents, instrumentalities, and assigns from  
5 finally approving conditional use permit CUP-190-0002 to establish a medical marijuana  
6 dispensary at 3515 Harris Street, Lemon Grove, California until a final determination on  
7 the OSC Re Preliminary Injunction.
- 8           2. To further prohibit Respondents and their respective agents, instrumentalities, and assigns  
9 from issuing any building permits or certificates of occupancy for a day care facility at  
10 3468 Citrus Street, Lemon Grove, California until a final determination on the OSC Re  
11 Preliminary Injunction.

12           The TRO shall expire at the time the Court issues a final Ruling on the Order to Show Cause  
13 Re Preliminary Injunction.

14           **IT IS SO ORDERED.**

15           Dated: 1.16., 2020

  
\_\_\_\_\_  
Hon. Kenneth J. Medel  
Judge of the Superior Court  
County of San Diego

1 **VARCO & ROSENBAUM**  
 2 **ENVIRONMENTAL LAW GROUP LLP**  
 3 SUZANNE R. VARCO (Bar No. 163304)  
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 6 TELEPHONE: 619-231-5858  
 FACSIMILE: 619-231-5853  
 7  
 8 ATTORNEYS FOR PETITIONERS  
 CITRUS ST PARTNERS, LLC

**FILED**  
 Clerk of the Superior Court  
**JAN 16 2020**  
 By: G. Mendoza, Clerk

JAN 15 2020 11:59

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 11 **COUNTY OF SAN DIEGO, CENTRAL COUNTY DIVISION**

12			
13	<b>CITRUS ST PARTNERS, LLC</b>	)	<b>CASE No: 37-2019-00064690-CU-MC-CTL</b>
14	PETITIONER,	)	<b>PROOF OF SERVICE</b>
15	v.	)	
16	<b>CITY OF LEMON GROVE; CITY</b>	)	<b>JUDGE: HON. KENNETH J. MEDEL</b>
17	<b>COUNCIL OF THE CITY OF LEMON</b>	)	<b>DEPT.: C-66</b>
18	<b>GROVE; AND DOES 1-10,</b>	)	<b>PETITION FILED: DECEMBER 5, 2019</b>
19	RESPONDENTS.	)	<b>[IMAGED FILE]</b>
20	<b>DOES 11-20,</b>	)	
21	REAL PARTIES IN INTEREST.	)	
22		)	
23		)	

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1 I am employed in the County of San Diego, State of California. I am over the age  
2 of 18 and not a party to the within action. My current business address is 225 Broadway,  
3 Suite 1900, San Diego, California 92101.

4 On **January 15, 2020**, I served the foregoing document(s) described as:

5 **1. [PROPOSED] ORDER TO SHOW CAUSE RE PRELIMINARY**  
6 **INJUNCTION AND ORDER RE EX PARTE APPLICATION FOR**  
7 **TEMPORARY RESTRAINING ORDER**

8 on the interested parties in this action listed below in the following manner:

9  
10 KRISTEN STEINKE  
11 LOUNSBERY FERGUSON ALTONA &  
12 PEAK  
13 960 CANTERBURY PLACE, SUITE 300  
14 ESCONDIDO, CA 92025  
15 [kss@lfap.com](mailto:kss@lfap.com)

16 *Attorneys for Respondents, City of Lemon*  
17 *Grove and City Council of The City of Lemon*  
18 *Grove*

19 GINA AUSTIN  
20 AUSTIN LEGAL GROUP  
21 3990 Old Town Ave., Ste. A-112  
22 San Diego, CA 92110  
23 [gaustin@austinlegalgroup.com](mailto:gaustin@austinlegalgroup.com)

24 *Attorney for Kim Investments, LLC*

25  **BY REGULAR MAIL:** I deposited such envelope in the mail at San Diego, California.  
26 The envelope was mailed with postage thereon fully prepaid.

27 I am "readily familiar" with the firm's practice of collection and processing  
28 correspondence for mailing. It is deposited with the U.S. Postal Service on that same day  
in the ordinary course of business. I am aware that on motion of the party served, service  
is presumed invalid if postal cancellation date or postage meter date is more than one (1)  
day after date of deposit for mailing in affidavit.

**BY ELECTRONIC MAIL** The parties agreed that they would serve the papers on the  
date of filing via electronic mail. These papers were served by electronic mail on today's  
date.

**BY FACSIMILE TRANSMISSION (CRC, Rule 2003 & 2008(e))** The recipient's  
name and fax number that I used are as shown above. The facsimile machine that I used  
complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule  
2008(e)(4), a transmission report was properly issued by the transmitting facsimile  
machine and is attached hereto.

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- BY OVERNIGHT MAIL:** I deposited such document at the Overnite Express or Federal Express Drop Box located at 225 Broadway, San Diego, CA 92101. The envelope was deposited with delivery fees thereon fully prepaid.
- BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the above addressee(s).
- (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **January 15, 2020**, at San Diego, California. I declare under penalty of perjury under the laws of the State of California, that the above is true and correct.

  
\_\_\_\_\_  
Mary Tweedy