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9 Attorneys for proposed intervenor
10 KIM Investments, LLC

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
02/05/2020 at 10:06:00 AM
Clerk of the Superior Court
By Carolina Miranda, Deputy Clerk

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF SAN DIEGO –CENTRAL DIVISION**

15 CITRUS ST PARTNERS, LLC,

16 Petitioner

17 v.

18 CITY OF LEMON GROVE; CITY
19 COUNCIL OF THE CITY OF LEMON
20 GROVE; AND DOES 1-10,

21 Respondents,

22 Does 11-20,

23 Real Parties In Interest.

24 KIM Investments, LLC,

25 Real Party In Interest-

26 Intervenor.

Case No: 37-2019-0064690-CU-MC-CTL

**PROPOSED INTERVENOR’S NOTICE
OF MOTION AND MOTION TO
INTERVENE**

[Imaged File]

Judge: Hon. Richard S. Whitney
Dept: C-68
Date: May 1, 2020
Time: 10:030 a.m.

Petition Filed: December 5, 2019

27 **NOTICE OF MOTION AND MOTION TO INTERVENE**

28 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Notice is hereby given that on May 1, 2020 at 10:30 a.m. before the Honorable Richard S. Whitney in Department C-68 of the San Diego County Superior Court, located at 330 W. Broadway, San Diego, California, proposed intervenor KIM Investments, LLC (“KIM”) will,

1 and hereby does, move to intervene in this action pursuant to Code of Civil Procedure section
2 387.

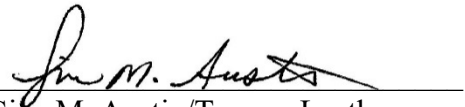
3 KIM is entitled to intervene as a right under Code of Civil Procedure section
4 387(d)(1)(b) as KIM has an interest in the land use entitlement that petitioner Citrus St Partners,
5 LLC has enjoined through its temporary restraining order and further attempts to enjoin through
6 its motion for a preliminary injunction against the City; KIM has been directly and prejudicially
7 affected by Petitioner's temporary restraining and will continue to be directly and prejudicially
8 affected by the result of its request for preliminary injunction.

9 Alternatively, KIM asks the Court to grant permissive intervention under Code of Civil
10 Procedure section 387(d)(2).

11 KIM's motion to intervene is based on this Notice of Motion and Motion to Intervene,
12 the Verified [Proposed] Answer in Intervention, the Memorandum of Points and Authorities In
13 Support of the Motion to Intervene, the Declaration of Gina Austin In Support of the Motion to
14 Intervene, the pleadings and records on file herein, and such other oral and documentary
15 evidence as may be presented at the hearing.

16 Dated: February 4, 2020

AUSTIN LEGAL GROUP, APC

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18 By: 
19 Gina M. Austin/Tamara Leetham,
20 Attorneys for Proposed Intervenor KIM
21 Investments, LLC
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