

AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-101
San Diego, CA 92110

1 **AUSTIN LEGAL GROUP, APC**
GINA M. AUSTIN (SBN 246833)
E-mail: gaustin@austinlegalgroup.com
2 TAMARA M. LEETHAM (SBN 234419)
E-mail: tamara@austinlegalgroup.com
3 3990 Old Town Ave, Ste A-101
San Diego, CA 92110
4 (619) 924-9600/ FAX (619) 881-0045

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
02/18/2020 at 10:25:00 AM
Clerk of the Superior Court
By Carolina Miranda, Deputy Clerk

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6 Attorneys for proposed intervenor
KIM Investments, LLC

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

10 CITRUS ST PARTNERS, LLC,

11 Plaintiff

12 v.

13 CITY OF LEMON GROVE; CITY
COUNCIL OF THE CITY OF LEMON
14 GROVE; AND DOES 1-10,

15 Respondents,

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

**PROPOSED INTERVENOR KIM
INVESTMENTS, LLC’S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
OPPOSITION TO CITRUS STREET’S
FEBRUARY 13, 2020 EX PARTE
APPLICATION TO REASSIGN CASE**

[Imaged File]

Judge: Hon. Richard S. Whitney
Dept: C-68
Date: February 13, 2020
Time: 8:45 a.m.

Petition Filed: December 5, 2019

19 Does 11-20,

20 Real Parties In Interest.

21 KIM Investments, LLC,

22 Real Party In Interest-
23 Intervenor.

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Evidence Code section 452, proposed intervenor KIM Investments, LLC (“KIM”) respectfully requests that the Court take judicial notice of the following exhibit in ruling on KIM’s February 19, 2020 ex parte application to intervene or for an order shortening time on its May 1, 2020 motion to intervene:

1. Attached hereto as **Exhibit A** is a true and correct copy of the conformed temporary restraining order, signed by the Honorable Kenneth J. Medel on January 16, 2020. Pursuant to Evidence Code section 452(d), the Court may take judicial notice of records of any court of this state. KIM respectfully requests that the Court take judicial notice of Judge Medel’s signed temporary restraining order.

Dated: February 18, 2020

Respectfully Submitted,

AUSTIN LEGAL GROUP, APC



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

EXHIBIT A

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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IT IS HEREBY FURTHER ORDERED that a Temporary Restraining Order (TRO) binding on Respondents CITY OF LEMON GROVE and CITY COUNCIL OF THE CITY OF LEMON GROVE shall issue as follows:

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

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

IT IS SO ORDERED.

Dated: 1-16, 2020

Kenneth J. Medel

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