

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL**

**MINUTE ORDER**

DATE: 01/14/2020

TIME: 08:30:00 AM

DEPT: C-66

JUDICIAL OFFICER PRESIDING: Kenneth J Medel

CLERK: Grachelle Mendoza

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: R. Shotwell

CASE NO: **37-2019-00064690-CU-MC-CTL** CASE INIT.DATE: 12/05/2019

CASE TITLE: **Citrus St Partners LLC vs City of Lemon Grove [IMAGED]**

CASE CATEGORY: Civil - Unlimited      CASE TYPE: Misc Complaints - Other

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**EVENT TYPE:** Ex Parte

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**APPEARANCES**

Suzanne R. Varco, counsel, present for Petitioner,Plaintiff(s).

Grant Olsson, counsel, present for Petitioner,Plaintiff(s).

Alena Shamos and Kristen Steinke, counsel, are present for City of Lemon Grove and City Council of the City of Lemon Grove.

Gina Austin and Tamara Leetham, counsel, are present for Kim Investments.

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**PETITIONER'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

Plaintiff moves for a temp restraining order to enjoin defendant City of Lemon Grove from taking any action that would undermine plaintiff's effort toward reversing a previous council decision as the subject of this writ of mandate. The Court hears argument from both parties as well as an interested entity, Kim Investments.

The Court finds and rules as follows:

The motion for temporary restraining order is granted to this extent: the City of Lemon Grove may proceed on Jan 21st with its hearing to consider the business application of Kim Investments regarding a proposed medical marijuana dispensary. However, the City of Lemon Grove is enjoined from final approval or disapproval of the application, pending full briefing and hearing on 2/14/2020 as to plaintiff's request for a preliminary injunction. The Court is likewise enjoined from final approval of a certain proposed daycare facility that could undermine petitioner's efforts toward a writ of mandate.

The Court orders the following briefing schedule:

Opposition papers shall be served and filed no later than 1/30/2020.

Reply papers shall be served and filed no later than 5:00 pm on 2/7/2020.

The Court also authorizes non-party Kim Investments to file authorities as to why it should be allowed to intervene, as well as a full opposition to the preliminary injunction. If the Court determines that Kim Investments is not a proper intervenor for the purpose of the hearing, then the Court will not consider the opposition papers.

Ex parte papers deemed the moving papers.

Plaintiff will meet and confer with the City of Lemon Grove to provide the Court with the temporary restraining order.

OSC re Preliminary Injunction is scheduled for 2/14/2020 at 10:00 am in this department.

*Kenneth J. Medel*

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Judge Kenneth J Medel