SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

DATE: November 16, 2006 **DEPT. 74** **REPORTER: NOT REPORTED**
CSR#:

PRESENT HON: LINDA B. QUINN,
JUDGE

CLERK: MARY JEAN BARHAM

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SAN DIEGO, CA 92112-4104

GIC 867378

TAXPAYER FOR RESPONSIBLE LAND USE et al.,
Plaintiffs and Petitioners,
vs.

CITY OF SAN DIEGO et al.,
Defendants and Respondents.

EX PARTE MINUTE ORDER ON SUBMITTED MATTER AFTER ORAL ARGUMENT ON 11/09/06

Following oral argument on November 9, 2006, the Court rules as follows:

The Motion for Preliminary Injunction brought by Petitioners/Plaintiffs is denied.

The objection to all evidence filed with Plaintiffs' Reply memorandum is sustained.

Petitioners/Plaintiffs have failed to show irreparable harm. Their cause of action for waste is not rendered moot by a denial of the motion. The terms of the purchase contract provide for a return of the property to the City, or rescission of the sale, in the event the plaintiffs/petitioners prevail in the case. Further, Plaintiffs/Petitioners have failed to make the requisite showing of the likelihood of their prevailing in the case.

DATED: 11/16/06

Linda B. Quinn

HONORABLE LINDA B. QUINN
JUDGE OF THE SUPERIOR COURT

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