

**FILED/ENDORSED**  
APR 30 2013  
*S. Lee*  
By S. Lee, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SACRAMENTO**

CITY OF MURRIETA; a municipal corporation; and Successor Agency to the Redevelopment Agency for the City of Murrieta, a public entity,

Petitioners and Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF FINANCE; ANA J. MATOSANTOS, in her official capacity as Director of the California Department of Finance; PAUL ANGULO, in his official capacity as the Auditor-Controller for the County of Riverside,

Respondents and Defendants.

Case No. 34-2012-80001346

ICJ: Michael P. Kenny  
DEPT: 31

**~~PROPOSED~~ ORDER GRANTING PRELIMINARY INJUNCTION**

Date: April 19, 2013  
Time: 9:00 a.m.  
Dept.: 31

COMPLAINT FILED: December 20, 2012  
TRIAL DATE: None

BY FAX

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE:** This matter came on for hearing on April 19, 2013 at 9:00 a.m. in Department 31 of the above-entitled court. Upon reviewing Petitioners' Application for Temporary Restraining Order and Order to Show Cause re: Preliminary Injunction, Supplemental Briefing re: Preliminary Injunction, Respondents' briefing in opposition, all supporting points and authorities, declarations, exhibits, evidence, and argument thereon,

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1 determines that Petitioner has demonstrated a sufficient likelihood of success on the merits, as  
2 well as irreparable harm and good cause appearing:

3 **IT IS ORDERED** that:

4 1. Respondents, CALIFORNIA DEPARTMENT OF FINANCE; ANA J.  
5 MATOSANTOS, in her official capacity as Director of the California Department of Finance;  
6 PAUL ANGULO, in his official capacity as the Auditor-Controller for the County of Riverside,  
7 and each of them, and each of their agents, employees, servants, assigns, representatives, and all  
8 persons or entities acting under, in concert with, or through them [collectively, "Respondents"],  
9 are enjoined from implementing, enforcing, directing, and/or carrying out the procedure in  
10 Health & Safety Code §34179.6 against the Petitioners.

11 2. Respondents shall refrain from seizing, withholding, or offsetting the sum of  
12 \$4,849,801 from property tax and sales and use tax allocations due to Petitioners.

13 **IT IS FURTHER ORDERED** that:

14 The preliminary injunction is to remain in effect until further Order of this Court. The  
15 court further orders that the hearing on the Writ of Mandate shall be heard on the following date,  
16 with the briefing schedule identified below:

17	Hearing:	August 2, 2013, at 9:00 a.m. in Department 31,
18		before the Hon. Michael P. Kenny.
19	Petitioner's Opening Brief:	June 18, 2013
20	Respondents' Opposition:	July 8, 2013
21	Petitioner's Reply Brief:	July 18, 2013

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1 Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of  
2 this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative  
3 rulings for the department may be downloaded off the court's website. If the party does not have  
4 online access, they may call the dedicated phone number for the department as referenced in the  
5 local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before  
6 the hearing and receive the tentative ruling. If you do not call the court and the opposing party  
7 by 4:00 p.m. the court day before the hearing, no hearing will be held.

8  
9 DATED: \_\_\_\_\_, 2013

JUDGE OF THE SUPERIOR COURT

10  
11 APPROVED AS TO FORM:

12 DATED: April 25, 2013

STUTZ ARTIANO SHINOFF & HOLTZ  
A Professional Corporation

13  
14 By: 

JEFFERY A. MORRIS  
CASEY C. SHAW

Attorneys for Petitioners and Plaintiffs  
CITY OF MURRIETA; a municipal corporation;  
and Successor Agency to the Redevelopment  
Agency for the City of Murrieta; a public entity

15  
16  
17 DATED: April 26, 2013

CALIFORNIA DEPARTMENT OF JUSTICE  
DEPUTY ATTORNEY GENERAL

18  
19 By: 

GEORGE WATERS

Attorneys for Respondents and Defendants  
CALIFORNIA DEPARTMENT OF FINANCE;  
ANA J. MATOSANTOS, in her official capacity  
as Director of the California Department of Finance

20  
21  
22 DATED: April \_\_, 2013

OFFICE OF RIVERSIDE COUNTY COUNSEL  
ASSISTANT COUNTY COUNSEL

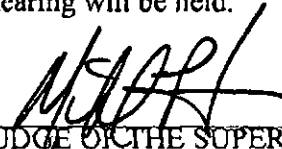
23  
24  
25 By: \_\_\_\_\_

ANITA C. WILLIS

Attorneys for Respondents and Defendants  
PAUL ANGULO, in his official capacity as the  
Auditor-Controller for the County of Riverside

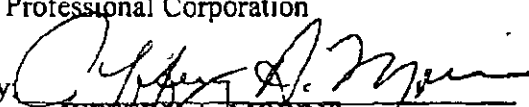
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6 the hearing and receive the tentative ruling. If you do not call the court and the opposing party  
7 by 4:00 p.m. the court day before the hearing, no hearing will be held.

8  
9 DATED: 4/30, 2013

  
JUDGE OF THE SUPERIOR COURT  
MICHAEL KENNY

11 APPROVED AS TO FORM:

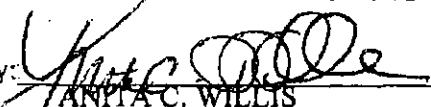
12 DATED: April 23, 2013

STUTZ ARTIANO SHINOFF & HOLTZ  
A Professional Corporation  
By:   
JEFFERY A. MORRIS  
CASEY C. SHAW  
Attorneys for Petitioners and Plaintiffs  
CITY OF MURRIETA; a municipal corporation;  
and Successor Agency to the Redevelopment  
Agency for the City of Murrieta; a public entity

18 DATED: April \_\_, 2013

CALIFORNIA DEPARTMENT OF JUSTICE  
DEPUTY ATTORNEY GENERAL  
By: \_\_\_\_\_  
GEORGE WATERS  
Attorneys for Respondents and Defendants  
CALIFORNIA DEPARTMENT OF FINANCE;  
ANA J. MATOSANTOS, in her official capacity  
as Director of the California Department of Finance

24 DATED: April 23, 2013

OFFICE OF RIVERSIDE COUNTY COUNSEL  
ASSISTANT COUNTY COUNSEL  
By:   
ANITA C. WILLIS  
Attorneys for Respondents and Defendants  
PAUL ANGULO, in his official capacity as the  
Auditor-Controller for the County of Riverside

1 **STUTZ ARTIANO SHINOFF & HOLTZ**  
2 *A Professional Corporation*  
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8 Attorneys for Petitioners and Plaintiffs, CITY OF MURRIETA; a municipal corporation; and  
9 Successor Agency to the Redevelopment Agency for the City of Murrieta, a public entity  
10 (exempt from filing fee pursuant to Government Code § 6103)

11 **CITY OF MURRIETA v. CALIFORNIA DEPARTMENT OF FINANCE, et al.**  
12 Sacramento County Superior Court Case No. 34-2012-80001346

13 **DECLARATION OF SERVICE**  
14 **(CCP 1013a(1) & (3) & 2015.5)**

15 I am and was at all times herein mentioned over the age of 18 years and not a party to the  
16 action in which this service is made. At all times herein mentioned I have been employed in the  
17 County of Riverside in the office of a member of the bar of this court at whose direction the  
18 service was made. My business address is 43513 Ridge Park Drive, Temecula, California 92590.

19 On April 26, 2013, I served the following document(s): **[PROPOSED] ORDER**  
20 **GRANTING PRELIMINARY INJUNCTION**

21 **SEE ATTACHED SERVICE LIST**

- 22  **BY ELECTRONIC MAIL:** By causing true copy(ies) of PDF versions of said  
23 document(s) to be sent to the email address of each party listed.
- 24  **BY MAIL -** I am "readily familiar" with the firm's practice of collection and processing  
25 documents for mailing. Under that practice it would be deposited with the U.S. Postal  
26 Service on the same day with postage thereon fully prepaid at Temecula, California in the  
27 ordinary course of a business day. I am aware that on motion of the party served, service  
28 is presumed invalid if postal cancellation date or postage meter date is more than one day  
after date of deposit for mailing.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct. Executed on April 26, 2013 at Temecula, California.

  
Ruth Ann Elphic

**CITY OF MURRIETA v. CALIFORNIA DEPARTMENT OF FINANCE, et al.**  
Sacramento County Superior Court Case No. 34-2012-80001346

**SERVICE LIST**

**CALIFORNIA DEPARTMENT OF  
FINANCE/ANA MATOSANTOS,  
DIRECTOR**

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**COUNTY OF RIVERSIDE**

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STUTZ ARTIANO SHINOFF & HOLTZ  
A Professional Corporation