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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SISKIYOU

JUL -3 2013 at 2:45pm

By: R. Dickler  
DEPUTY CLERK

5  
6 IN THE SUPERIOR COURT OF CALIFORNIA  
7  
8 IN THE COUNTY SISKIYOU

9 THE NEW 49'ERS, INC., a California  
10 corporation,

11 Plaintiffs,

12 v.

13 CALIFORNIA DEPARTMENT OF FISH AND  
WILDLIFE and CHARLTON H. BONHAM,  
14 Director of the California Department of Fish and  
Wildlife,

15 Defendants.  
16

Case No. **SC CV CV 13-00804**

**~~PROPOSED~~ TEMPORARY  
RESTRAINING ORDER AND ORDER TO  
SHOW CAUSE**

17 Plaintiffs having moved for a temporary restraining order and order to show cause why a  
18 preliminary injunction should not issue; and

19 The Court having had a hearing attended by counsel for plaintiff and defendants, and having  
20 considered the declarations and other papers filed concerning the motion;

21 THE COURT FINDS THAT:

22 1. Plaintiffs have demonstrated that they are likely to succeed on the merits of their  
23 claim that the Department's emergency regulation modifying 14Cal. Code § 228(a) was unlawfully  
24 adopted, and in particular that there was no "emergency" within the meaning of Government Code  
25 to justify departure from ordinary rulemaking procedure; and

26  
27 [PROPOSED] TRO AND ORDER TO SHOW CAUSE 1

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