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12 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
13 **COUNTY OF SISKIYOU**

14
15 THE NEW 49'ERS, INC., *et al.*,

16 Plaintiffs,

17 vs.

18 CALIFORNIA DEPARTMENT OF FISH
19 AND WILDLIFE *et al.*,

20 Defendants.

Case No.

**NOTICE OF MOTION AND MOTION
FOR A TEMPORARY RESTRAINING
ORDER, ORDER TO SHOW CAUSE, AND
PRELIMINARY INJUNCTION**

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22 PLEASE TAKE NOTICE that on July 2, 2013, at 1:15 p.m. or as soon thereafter as the
23 matter may be heard before the Siskiyou County Superior Court, 311 Fourth Street, Yreka, CA
24 96097, plaintiffs intend to seek a temporary restraining order and order to show cause why a
25 preliminary injunction should not issue restraining defendants from enforcing the emergency
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1 regulations amending 14 Cal. Code Regs. § 228 which went into effect June 28, 2013. The hearing
2 is presently scheduled for Department 2 (basement courtroom).

3 Plaintiffs, consisting of nineteen local businesses or their proprietors, move for a temporary
4 restraining order, order to show cause, and preliminary injunction based on their claim that
5 defendants have not met the requirements of Government Code § 11346.1 to act on an emergency
6 basis, including the fact that there is no emergency, seek declaratory relief that the emergency
7 regulation is void for that an other reasons pursuant to Government Code § 11350, and seek
8 injunctive relief pursuant to §§ 526a and 527 of the Code of Civil Procedure.

9 These motions are supported by the complaint filed herewith, a Memorandum in Support of
10 Plaintiffs' Motion for a Temporary Restraining Order and Other Relief, the Declaration of James L.
11 Buchal re: Ex Parte Notice and Other Matters, and the Declarations of David McCracken, James
12 Foley, Rita King, Robert Schmalzbach, Roberta Collum, Richard Krimm, Joseph Greene and Mark
13 Baird. A proposed Temporary Restraining Order and Order to Show Cause is also filed herewith.

14 DATED: July 1, 2013.

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