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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

LOWELL E. GRATTAN, an individual,
TRANSPORTATION SOLUTIONS
DEFENSE AND EDUCATION FUND, a
California nonprofit public benefit
corporation,

Plaintiffs/Petitioners.

vs.

DEBRA BOWEN, Secretary of State, State
of California, JESSE DURAZO, Registrar
of Voters, Santa Clara County and DOES
1 through 50, inclusive.

Defendants/Respondents.

_____ /

CASE NO.:

[PROPOSED] TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE

Date: December 2, 2008

Time: 11:00 a.m.

Dept.: Tba

Judge: Presiding Judge

Unlimited Jurisdiction

DEFENDANTS/RESPONDENTS DEBRA BOWEN, Secretary of State, State
of California, JESSE DURAZO, Registrar of Voters, Santa Clara County ARE
HEREBY ORDERED TO SHOW CAUSE ON _____,
2008, or as soon thereafter as counsel may be heard in Department _____ of this
Court, why you, your agents, servants, assigns, and all those acting in concert with
you should not be restrained and enjoined pending a hearing on the merits of the
Plaintiffs'/Petitioners' complaint in this action from preparing and distributing the

statement of the results of the November 4, 2008, election, or any other action to certify the election pursuant to the provisions of Elections Code section 15372 until a post-election manual tally has been conducted for Measure B in accordance with provisions for the conduct of such tallies and their recording and report as set out in 2 California Code of Regulations, Sections 20120 and 20127.

PENDING HEARING on the above Order To Show Cause, DEFENDANT/RESPONDENT DEBRA BOWEN and DEFENDANT/RESPONDENT JESSE DURAZO and any agents, servants, assigns, and anyone acting in concert with them ARE HEREBY RESTRAINED AND ENJOINED FROM taking any action that would certify the November 4, 2008, election results in Santa Clara County.

The following briefing schedule shall apply: Any opposition papers to the order to Show Cause shall be filed and served on Plaintiffs/Petitioners no later than

_____.

Any reply papers shall be filed and served on Defendants/Respondents no later than

_____.

IT IS SO ORDERED.

Dated: _____, 2008. _____
JUDGE OF THE SUPERIOR COURT