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GOVERNMENT CODE §6103

7 *Attorneys for Plaintiffs John Tos, Quentin Kopp,*
8 *Town of Atherton, County of Kings, Morris Brown,*
9 *Patricia Louise Hogan-Giorni, Anthony Wynne,*
10 *Community Coalition on High-Speed Rail,*
Transportation Solutions Defense and Education Fund,
and California Rail Foundation

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SACRAMENTO**

13 JOHN TOS, QUENTIN KOPP, TOWN OF
14 ATHERTON, a municipal corporation,
COUNTY OF KINGS, a subdivision of the State
15 of California, MORRIS BROWN, PATRICIA
LOUISE HOGAN-GIORNI, ANTHONY
16 WYNNE, COMMUNITY COALITION ON
HIGH-SPEED RAIL, a California nonprofit
17 corporation, TRANSPORTATION SOLUTIONS
DEFENSE AND EDUCATION FUND, a
18 California nonprofit corporation, and
CALIFORNIA RAIL FOUNDATION, a
19 California nonprofit corporation,
20 Plaintiffs

21 vs.

22 CALIFORNIA HIGH SPEED RAIL
23 AUTHORITY, a public entity, BOARD OF
DIRECTORS OF THE CALIFORNIA HIGH-
24 SPEED RAIL AUTHORITY, and DOES 1-20
inclusive,
25 Defendants

No. 34-2016-00204740

Entitled to calendar precedence under
C.C.P. § 526a

EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION

[Code of Civil Procedure §527]

Date: March 17, 2017

Time: 1:30 PM

Department: 54

Action filed: December 13, 2016

Trial Date: Not Yet Set

1 Plaintiffs John Tos, Quentin Kopp, Town of Atherton, County of Kings, Morris Brown, Patricia
2 Louise Hogan-Giorni, Anthony Wynne, Community Coalition on High-Speed Rail, Transportation
3 Solutions Defense and Education Fund, and California Rail Foundation apply for a temporary restraining
4 order and for issuance of an order to show cause requiring Defendants California High-Speed Rail
5 Authority and Board of Directors of the California High-Speed Rail Authority to show cause why a
6 preliminary injunction should not issue pending trial in this action, enjoining defendants and their
7 employees, agents, and persons acting with them, or on their behalf, from expending or legally
8 encumbering any bond funds or other public funds derived from or loaned based on Proposition 1A, the
9 Safe, Reliable High-Speed Passenger Train for the Twenty-First Century Bond Act towards the
10 construction of the Central Valley Segment of Defendants' proposed high-speed rail system, as proposed
11 in the Central Valley Segment Funding Plan (Final, Jan. 1 2017).

12 This application is made pursuant to the provisions of Code of Civil Procedure section 527 on the
13 grounds that the above-referenced funding plan relies upon the provisions of AB 1889 (2016 legislative
14 session) which statute violates Article XVI, Sect. 1 of the California Constitution, and therefore any
15 expenditure of Proposition 1A bond funds or other public funds derived from those bond funds towards
16 the construction of that segment pursuant to that Funding Plan would be an illegal expenditure of public
17 funds and would cause irreparable harm to Plaintiffs and all California taxpayers.


18 This application is based upon the accompanying supporting memorandum of points and
19 authorities, supporting request for judicial notice and supporting declarations, the verified complaint in
20 this action, and the accompanying declaration of notice.

21 Dated: March 12, 2017

22 Michael J. Brady

23 Stuart M. Flashman

24 Attorneys for Plaintiffs

25 by: 
26 Stuart M. Flashman