

Electronically Filed  
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County of Santa Clara,  
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Case #18CV335801  
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8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF SANTA CLARA**  
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12 **WILLOW GLEN TRESTLE CONSERVANCY,**  
13 **an unincorporated association; and FRIENDS OF**  
14 **THE WILLOW GLEN TRESTLE, an**  
15 **unincorporated association,**

16 **Petitioners,**

17 **vs.**

18 **CITY OF SAN JOSE; CITY OF SAN JOSE**  
19 **DEPARTMENT OF PUBLIC WORKS;**  
20 **CALIFORNIA DEPARTMENT OF FISH AND**  
21 **WILDLIFE; and DOES 1 to 10,**

22 **Respondents.**

Case No. 18CV335801

**TEMPORARY RESTRAINING ORDER  
AND SETTING OF PRELIMINARY  
INJUNCTION HEARING**

23 **Petitioners Willow Glen Trestle Conservancy and Friends of the Willow Glen Trestle**  
24 **presented their ex parte Application for Temporary Restraining Order to the Court on Thursday,**  
25 **October 4, 2018 at 9:00 a.m. Petitioners are represented by Susan Brandt-Hawley, Esq.**  
26 **Respondent City of San Jose appeared through its attorneys Margo Laskowska, Esq. and Elisa**  
27 **Tolentino, Esq. Respondent California Department of Fish and Wildlife appeared through its**  
28 **attorney Sara Van Loh, Esq. Having reviewed and considered the written submissions of all**  
**parties, and having listened carefully to arguments of counsel, the Court rules as follows:**

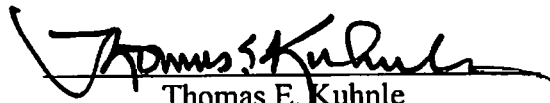
1 The Application for Temporary Restraining Order is GRANTED pending any further  
2 order of this Court and/or the outcome of the hearing on preliminary injunction that is now set on  
3 Wednesday, October 10, 2018, at 1:30 p.m. in Department 5. The City of San Jose, and its  
4 employees, contractors, agents, and any other persons or entities acting in concert with them, are  
5 restrained and enjoined from allowing, authorizing, causing, engaging, or participating in any  
6 demolition, pre-demolition, construction, or pre-construction activities physically affecting the  
7 Willow Glen Trestle.

8 The Court finds that demolition of the Willow Glen Trestle will cause irreparable harm  
9 and that Petitioners have established a prima facie case of entitlement to a temporary restraining  
10 order based on a sufficient likelihood of success on the merits. No bond is required at this time.

11 ADDITIONALLY, the Court requests the parties provide further briefing on issues  
12 discussed at the hearing. The parties' briefs shall be filed with the Court, and sent by email to all  
13 counsel and the Courtroom clerk, on or before October 5, 2018 at 4:00 p.m. The briefs shall be  
14 no longer than 12 pages. Parties need not include any table of contents or table of authorities.

15 FURTHER, the Court orders Respondents to file with the Court, and send by email to all  
16 counsel and the Courtroom clerk, any submissions in opposition to the preliminary injunction on  
17 or before 5:00 p.m. on October 8, 2018. The Court orders Petitioners to file with the Court, and  
18 send by email to all counsel and the Courtroom clerk, any reply submissions on or before 11:00  
19 a.m. on October 10, 2018. As noted above, the hearing on the preliminary injunction is set for  
20 October 10, 2018 at 1:30 p.m. in Department 5.

21  
22 Dated: October 4, 2018

  
23 Thomas E. Kuhnle  
24 Judge of the Superior Court  
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