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9 Attorneys for Plaintiffs

10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 MICHAEL BLOOM, STEPHEN)
14 CHATZKY, TONY DIAZ, VALERIE)
15 GRISCHY, PENNY HELMS,)
16 BENJAMIN HERNANDEZ, DOUG)
17 HIGGINS, SUZONNE KEITH,)
18 GERALD STARK, ANNA STARK, and)
19 DAVID WILSON, individually and on)
20 behalf of themselves and all others)
21 similarly situated,)

22 Plaintiffs

23 vs.

24 CITY OF SAN DIEGO,

25 Defendant.

Case No.: 3:17-CV-02324-AJB-NLS

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
INJUNCTION**

Date: July 26, 2018

Time: 2:00 p.m.

Judge: Hon. Anthony J. Battaglia

Courtroom 4A

DEMAND FOR JURY TRIAL

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1 **TO DEFENDANT AND ITS ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on July 26, 2018 at 2:00 p.m., or as soon
3 thereafter as may be heard, in Courtroom 4A of the above-captioned Court located at
4 221 West Broadway, San Diego, California 92101, Plaintiffs Michael Bloom, Stephen
5 Chatzky, Tony Diaz, Valerie Grischy, Penny Helms, Benjamin Hernandez, Doug
6 Higgins, Suzonne Keith, Gerald Stark, Anna Stark, and David Wilson and class
7 members (collectively, “Plaintiffs”) will and hereby respectfully move the Court for a
8 preliminary injunction to enjoin Defendant City of San Diego, during the pendency of
9 this lawsuit, from:

- 10 (1) ticketing Plaintiffs under San Diego Municipal Code §§ 86.0137(f) and
11 86.0139(a) (“Ordinances”), including for “violation of signs” related to
12 these Ordinances;
13 (2) prosecuting Plaintiffs or collecting fines for tickets previously issued
14 under the Ordinances; and
15 (3) impounding Plaintiffs’ vehicles as a result of one or more tickets under
16 the Ordinances.

17 This motion is based on this Notice of Motion and Motion, the accompanying
18 Memorandum of Points and Authorities; the accompanying Declarations of Geoff
19 Biegler, Michael McConnell, Dr. Glenn Lipson, Dr. Ellen Beck, Doug Higgins, Tony
20 Diaz, Gerald Stark, Benjamin Hernandez, Suzonne Keith, Stephen Chatzky, Keith
21 Phillips, David Wilson, Robin Cathey, and Sam Greene; the Notice of Lodgment of
22 Non-Electronic Exhibit; the pleadings and papers on file; any subsequent briefing; and
23 any evidence and argument as may be requested or permitted by the Court.

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Respectfully submitted,
FISH & RICHARDSON P.C.

Dated: April 30, 2018

By: */s/ Geoff D. Biegler*
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ATTORNEYS FOR PLAINTIFFS

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 30, 2018 to all counsel of record who are deemed to have consented to electronic service via the Court’s CM/ECF system per Civ LR 5.4(d). Any other counsel of record will be served by U.S. mail or hand delivery.

By: /s/ Geoff D. Biegler
Geoff D. Biegler