

FILED
APR 05 2017

Georgieva UCS

Order Issued
on Submitted Matter

Clerk of the Court
Superior Court of CA County of Santa Clara
BY *[Signature]* DEPUTY
Shantel Hernandez

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

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CALIFORNIA APARTMENT)
ASSOCIATION, a California corporation,)
)
Plaintiff,)
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vs.)
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CITY OF MOUNTAIN VIEW, et al.,)
)
Defendants.)
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)
)
)
)

Case No. 16CV304253
ORDER AFTER HEARING

On April 4, 2017 in Department 3, Honorable William J. Elfving, Judge Presiding, there was a hearing on the Motions for Preliminary Injunction by Plaintiff California Apartment Association and Landlord-Intervenors Alamo Walker Ventures, LLC, Lindsay Properties, LLC and Del Medio Investors, LP. The motions were opposed by Defendant City of Mountain View and Tenant Intervenors Joan MacDonald, Steven Chandler, Linda Williams, Urban Habitat and Faith in Action Bay Area. Having considered the papers on file, and the arguments of counsel, the court rules as follows:

The motions are DENIED. Measure V was an initiative passed by the voters of Mountain View. The court is required to resolve any reasonable doubts in favor of this measure. Brosnahan v. Brown (1982) 32 Cal.3d 236, 241. Plaintiff and Plaintiff Intervenors have brought a facial challenge to this measure. Their burden is to demonstrate that Measure V poses a total and fatal conflict with applicable law, or at a minimum, cannot be lawfully implemented in the


1 vast majority of cases. They have not met this burden. As such, Plaintiff and Plaintiff Intervenor
2 cannot demonstrate a likelihood of success on the merits.

3 The moving parties have not offered persuasive evidence that they will suffer irreparable
4 harm. Their arguments rely on speculation as to how the measure will be implemented. Instead,
5 the balance of harm weighs in favor of the measure. Without the protections afforded by the
6 measure, some residents of Mountain View face excessive rents and arbitrary evictions, and the
7 City of Mountain View will be handicapped in its effort to comply with a state-mandated plan to
8 address housing needs. In contrast the landlords are allowed a fair and reasonable return on their
9 investment.

10 Plaintiff has given the court a summary of its 58 challenges to Measure V in addition to
11 its formal briefs. The Plaintiff Intervenor have cited a multitude of challenges in their briefs.
12 The City of Mountain View and the Tenant-Intervenor have countered these challenges with
13 their own analysis of the facts and law. All of these points have been considered. At this stage of
14 the proceedings the court does not plan to undertake a written legal analysis of each and every
15 contention or defense raised by the parties.

16 The court has evaluated which parties are likely to ultimately prevail in this action. The
17 court has evaluated the interim harm to the parties depending upon whether a preliminary
18 injunction is granted or denied. The court has also evaluated what is most likely to preserve the
19 status quo pending trial. The ultimate goal of any test to be used in deciding whether a
20 preliminary injunction should issue is to minimize the harm which an erroneous decision may
21 cause. White v. Davis (2003) 30 Cal.4th 528, 554. The conclusion is that a preliminary injunction
22 as prayed for would not be in the interests of justice.

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25 Dated: 4/5/17

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27 WILLIAM J. ELFVING
28 Judge of the Superior Court



**SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SANTA CLARA
 DOWNTOWN COURTHOUSE
 191 NORTH FIRST STREET
 SAN JOSÉ, CALIFORNIA 95113
 CIVIL DIVISION**

FILED
 APR 05 2017

April 05, 2017

Clerk of the Court
 Superior Court of CA County of Santa Clara
 BY _____ DEPUTY

A. M. Greva UCS

RE: **California Apartment Association vs City of Mountain View**
 Case Number: **16CV304253**

PROOF OF SERVICE

Order after Hearing was delivered to the parties listed below the above entitled case as set forth in the sworn declaration below.

If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408) 882-2700, or use the Court's TDD line (408) 882-2690 or the Voice/TDD California Relay Service (800) 735-2922.

DECLARATION OF SERVICE BY MAIL: I declare that I served this notice by enclosing a true copy in a sealed envelope, addressed to each person whose name is shown below, and by depositing the envelope with postage fully prepaid, in the United States Mail at San Jose, CA on April 05, 2017. CLERK OF THE COURT, by Shantel Hernandez, Deputy.

- cc: Stephen D Pahl Pahl & McCay 225 West Santa Clara St #1500 San Jose CA 95113-1752
 Thomas Zito Law Foundation of Silicon Valley 152 North Third St 3rd Fl San Jose CA 95112
 Juliet M Brodie Mills Legal Clinic 2117 University Ave #A East Palo Alto CA 94303-1715
 James Conrad Harrison 201 Dolores Ave San Leandro CA 94577
 Dori Lynn Yob Hopkins & Crley 70 S 1st Street San Jose CA 95113-2406