Order Issued on Submitted Matter



Clerk of the Court
Superior Court of CA County of Santa Clara
BY 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.

VS.

CITY OF MOUNTAIN VIEW, et al.,

Defendants.

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

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

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

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

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

Dated: 4/5/17

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



April 05, 2017

Superior Court of CA County of Santa Clara

BY DEPUTY

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.

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