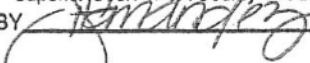


FILED
APR 05 2017

A Georgieva UCS

Order Issued
on Submitted Matter

Clerk of the Court
Superior Court of CA County of Santa Clara
BY  DEPUTY
Shantel Hernandez

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

11 CALIFORNIA APARTMENT)
12 ASSOCIATION, a California corporation,)

13 Plaintiff,)

14 vs.)

15 CITY OF MOUNTAIN VIEW, et al.,)

16 Defendants.)
17)
18)

Case No. 16CV304253

ORDER AFTER HEARING

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

26 The motions are DENIED. Measure V was an initiative passed by the voters of Mountain
27 View. The court is required to resolve any reasonable doubts in favor of this measure.
28 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.

23
24
25 Dated: 4/5/17

26 
27 WILLIAM J. ELFVING
28 Judge of the Superior Court

