JOHN BRISCOE (053223)
LAWRENCE S. BAZEL (114641)
BRISCOE IVESTER & BAZEL LLP
155 Sansome Street, Seventh Floor
San Francisco, CA 94104
Tel (415) 402-2700
Fax (415) 398-5630
jbriscoe@briscoelaw.net
lbazel@briscoelaw.net

Attorneys for Plaintiff
POINT BUCKLER CLUB, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SOLANO

POINT BUCKLER CLUB, LLC, Petitioner and Plaintiff, v. BRUCE H. WOLFE, Executive Officer of the California Regional Water Quality Control Board, San Francisco Bay Region; CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION; and DOES 1 through 20; Respondents and Defendants.	No. FCS046410 EX PARTE APPLICATION FOR STAY OF ADMINISTRATIVE DECISION; OR, IN THE ALTERNATIVE, FOR A TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION (CCP §§ 527, 1094.5(g)) Date: December 29, 2015 Time: 9:30am Dept.: 3 Hon. Harry S. Kinnicutt

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on December 29, 2015, at 9:30 a.m. or as soon afterwards as the Court may hear this matter, in Department 3 of Solano Superior Court, 600 Union Avenue, Fairfield, California, Plaintiff and Petitioner Point Buckler Club, LLC will appear ex parte for an order staying Cleanup and Abatement Order No. R2-2015-0038 or, in the alternative, a temporary restraining order enjoining implementation of that Order and an order to show cause regarding a preliminary injunction.

APPLICATION

Petitioner and plaintiff Point Buckler Club, LLC ("Plaintiff" or the "Club") hereby applies

for a stay of Cleanup and Abatement Order No. R2-2015-0038 (the "Order") issued by respondents and defendants California Regional Water Quality Control Board, San Francisco Bay Region (the "Regional Board") and Bruce H. Wolfe, in his capacity as Executive Officer of the Regional Board (collectively "Defendants").

This ex-parte application for a stay is made under Code of Civil Procedure § 1094.5(g) on the grounds that the Order violates Plaintiff's due-process rights under the Constitutions of the United States and California, as well as many other provisions of California law, and that a stay will not harm the public interest, all as explained in the accompanying memorandum of points and authorities.

In the alternative, the Club applies for a temporary restraining order enjoining Defendants and their employees, agents, and persons acting in concert with them or on their behalf, from enforcing the Order, and for an order requiring Defendants to show cause why a preliminary injunction should not issue pending judgment in this action.

This ex-parte application for a temporary restraining order and order to show cause re: preliminary injunction is made under Code of Civil Procedure § 527, on the ground that the Order violates Plaintiff's due-process rights under the Constitutions of the United States and California, as well as many other provisions of California law, that the Club will suffer irreparable injury, and the Club will have no plain, speedy, or adequate remedy at law. A temporary restraining order should be issued here in order to preserve the status quo until a final determination of the merits of the action.

This ex-parte application for a stay, and in the alternative for a temporary restraining order and order to show cause are based on this application, the memorandum in support, the declaration of John Sweeney, the declaration of Lawrence Bazel, the verified petition for writ of mandate and complaint for injunctive and declaratory relief filed in this action, and any other evidence and documentation that may be presented at the hearing on this application.

The Club is not aware of any counsel representing Defendants in this action. In administrative proceedings before Defendants, the Defendants' prosecution team has been advised by Tamarin Austin, staff counsel to Regional Board, 1515 Clay Street Suite 1400, Oakland, CA

94612, (510) 622-2300. The Club does not believe that Ms. Austin will represent Defendants before this Court.

The Club has not previously brought an ex parte application regarding the Order; and no court has refused in whole or in part any previous application of the same character or for the same relief.

DATED: December 28, 2015

BRISCOE IVESTER & BAZEL LLP

By:_____
Lawrence S. Bazel
Attorneys for Plaintiff
POINT BUCKLER CLUB, LLC

PROOF OF SERVICE

I declare that I am over the age of eighteen years and not a party to this action. I am employed in the City and County of San Francisco, and my business address is 155 Sansome Street, Suite 700, San Francisco, California 94104.

On December 28, 2015, at San Francisco, California, I served the following document(s):

EX PARTE APPLICATION FOR STAY OF ADMINISTRATIVE DECISION; OR, IN THE ALTERNATIVE, FOR A TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION

on the following parties:

Bruce H. Wolfe
Executive Officer
California Regional Water Quality Control Board, San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
Telephone: (510) 622-2300
Facsimile: (510) 622-2460

California Regional Water Quality Control Board, San Francisco Bay Region
c/o Bruce Wolfe
1515 Clay Street, Suite 1400
Oakland, CA 94612
Telephone: (510) 622-2300
Facsimile: (510) 622-2460

Christiana Tiedemann
Supervising Deputy Attorney General
Office of the Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612
Telephone: (510) 622-2124
Facsimile: (510) 622-2270

☒ **BY HAND:** On the date written above, I provided the documents to a professional process server for service to the persons shown on the service list.

Arlene Won