

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-15-549094

Filing Date: Aug-10-2016 4:22

Filed by: JOSE RIOS-MERIDA

Image: 05509148

ORDER

PEOPLE OF THE STATE OF CALIFORNIA, VS. CORRECTIVE EDUCATION
COMPANY ET AL

001C05509148

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

FILED
Superior Court of California
County of San Francisco

PEOPLE OF THE STATE OF CALIFORNIA, Case No. CGC-15-549094

AUG 10 2016

Plaintiff,

CLERK OF THE COURT

BY: 
Deputy Clerk

vs.

CORRECTIVE EDUCATION CO., *et al.*,

**ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTION**

Defendants.

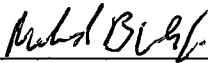
A preliminary injunction's purpose is to preserve the status quo for a trial on the merits. (*SB Liberty, LLC v. Isla Verde Ass'n, Inc.* (2013) 217 Cal.App.4th 272, 280.) In this Business & Professions Code §17200 case, however, plaintiff seeks a preliminary injunction that – it is undisputed – would put defendant out of business in California. (*See* Pltf. Memo. 15:14-24.)

Assuming without deciding that plaintiff might prevail at trial, I find defendant has shown that its harm from the preliminary injunction in the interim would be irreparable – loss of its California business. (*See IT Corp. v. County of Imperial* (1983) 35 Cal.3d 63, 72-73.) It is also notable that plaintiff, unlike a private-sector litigant, would post no undertaking to compensate defendant for its losses should defendant win the case. (*See* CCP §529(b).)

Plaintiff asserts countervailing harm to the alleged shoplifters it deems “victims” (defendant calls them “clients”). This is undercut by the absence of any declaration or testimony from a “victim” as well as plaintiff’s failure to seek a preliminary injunction until now, after suing in November 2015. Trial courts are required to take such delays into account. (*O’Connell v. Superior Court* (2006) 141 Cal.App.4th 1452, 1481 (six-month delay in seeking injunctive relief).)

No indication is given that this case cannot be resolved expeditiously with a trial on the merits, complete with cross-examination. Any injunction supported by the trial evidence could then be entered promptly. The motion for a preliminary injunction is DENIED.

Dated: August 10, 2016



Richard B. Ulmer Jr.
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA
County of San Francisco

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff(s),

vs.

CORRECTIVE EDUCATION CO., ET AL.,

Defendant(s).

Case No. CGC-15-549094

CERTIFICATE OF MAILING
(CCP 1013a (4))

I, Jose Rios Merida, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On August 11, 2016 I served the attached **ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION** by placing a copy thereof in a sealed envelope, addressed as follows:

Yvonne R. Mere, Chief Attorney
Joshua S. White, Deputy City Attorney
OFFICE OF THE CITY ATTORNEY
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682

Robert M. Bodzin
BURNHAM BROWN LAW CORPORATION
1901 Harrison Street, 11th Floor
Oakland, CA 94604

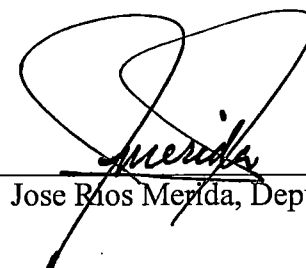
Howard B. Golds
BEST, BEST & KRIEGER LLP
3390 University Avenue, 5th Floor
Riverside, CA 92502

and, I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA. 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

Dated: August 10, 2016

T. MICHAEL YUEN, Clerk

By:



Jose Rios Merida, Deputy Clerk