

1 KAMALA D. HARRIS, State Bar No. 146672
 Attorney General of California
 2 STEVEN M. GEVERCER, State Bar No. 112790
 Senior Assistant Attorney General
 3 KEVIN W. REAGER, State Bar No. 178478
 Deputy Attorney General
 4 1300 I Street, Suite 125
 P.O. Box 944255
 5 Sacramento, CA 94244-2550
 Telephone: (916) 324-5331
 6 Fax: (916) 322-8288
 E-mail: Kevin.Reager@doj.ca.gov
 7 *Attorneys for the DTSC Defendants*

8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11
 12 **CHICO SCRAP METAL, INC., a**
California corporation; GEORGE W.
 13 **SCOTT, SR., individually and as trustee of**
GEORGE W. SCOTT, SR. REVOCABLE
 14 **INTER VIVOS TRUST DATED**
SEPTEMBER 25, 1995,

2:11-cv-1201 JAM CMK

**ORDER AFTER HEARING ON MOTION
 FOR PRELIMINARY INJUNCTION**

15
 16 Plaintiffs,

17 v.

18 **LEONARD ROBINSON, in his official**
capacity as Acting Director of the California
 19 **Department of Toxic Substances Control; et**
al.,

20
 21 Defendants.

22 Plaintiffs’ motion for preliminary injunction came on for hearing, on shortened time, on
 23 July 20, 2011. Therese Y. Cannata and Rachel Kent appeared on behalf of Plaintiffs. Deputy
 24 Attorney General Kevin W. Reager appeared on behalf of the Department of Toxic Substances
 25 Control Defendants (the “DTSC Defendants”). Stephen E. Horan appeared on behalf of the Butte
 26 County District Attorney’s Office Defendants (the “District Attorney Defendants”). After
 27
 28

1 considering the briefs filed by the parties and the argument presented at the time of hearing, IT IS
2 HEREBY ORDERED that:

3 1. Counsel for Plaintiffs is sanctioned in the amount of \$700.00 for violating the court's
4 page limits on the moving papers and reply. Said sanction to be paid to the court within 10 days;

5 2. Plaintiff's motion for preliminary injunction is DENIED. As to the District Attorney
6 Defendants, the court finds that Defendants may have potentially meritorious defenses based on
7 lack of jurisdiction, abstention, *Heck v. Humphrey*, and prosecutorial immunity. As to the DTSC
8 Defendants, the court finds that Defendants may have potentially meritorious defenses based on
9 lack of jurisdiction and qualified immunity. For these reasons, Plaintiffs have not shown a
10 likelihood of prevailing on the merits of the action.

11 IT IS SO ORDERED.

12
13 Dated: August 1, 2011

14 /s/ John A. Mendez
15 HONORABLE JOHN A. MENDEZ
16 U.S. District Court Judge

17 Approved as to form.

18 Dated: July 29, 2011

CANNATA, CHING & O'TOOLE LLP

19 /s/ Therese Y. Cannata
20 THERESE Y. CANNATA
21 Attorneys for Plaintiffs

22 Dated: July 29, 2011

PORTER SCOTT

23 /s/ Stephen E. Horan
24 STEPHEN E. HORAN
25 Attorneys for Defendants Ramsey, Thomas
26 and Barber

1 Dated: July 29, 2011

OFFICE OF THE ATTORNEY GENERAL

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/s/ KEVIN W. REAGER

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KAMALA D. HARRIS
Attorney General of California

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STEVEN M. GEVERCER
Senior Assistant Attorney General

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KEVIN W. REAGER
Deputy Attorney General

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Attorneys for the DTSC Defendants

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