

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DESERT OUTDOOR ADVERTISING, INC.,
Plaintiff,
v.
CITY OF OAKLAND,
Defendant.

No. C 03-01078 SI

**ORDER DENYING PLAINTIFF'S
MOTION FOR AN ORDER TO SHOW
CAUSE**

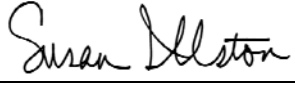
United States District Court
For the Northern District of California

On December 18, 2008, the Court heard oral argument on plaintiff Desert Outdoor Advertising, Inc.'s ("Desert Outdoor") motion for an order to show cause. Having considered the arguments of the parties and the papers submitted, and for good cause shown, the motion is DENIED.

Desert Outdoor's motion raises the issue of whether the California Court of Appeal's decision in *City of Oakland v. Jurich*, 2008 WL 5049903, at *3 (Cal. Ct. App. Nov. 25, 2008) contravenes an Order issued by this Court¹ on April 21, 2004. [Docket No. 41]. The Court finds that it does not. In the April, 2004 Order, this Court concluded that Section 1501 of the Oakland Municipal Code was constitutional. *See* April 2004 Order, at *16. The Court of Appeal affirmed a superior court decision allowing the City of Oakland to enforce Section 1501 against Desert Outdoor and finding that the company engaged in unlawful business practices by constructing and maintaining a billboard in violation of Section 1501. *See Oakland*, 2008 WL 5049903, at *3. The state court decisions are thus consistent with this Court's April, 2004 Order. Desert Outdoor's motion is DENIED.

IT IS SO ORDERED.

Dated: February 21, 2009


SUSAN ILLSTON
United States District Judge

¹ This case was originally before the Honorable Martin J. Jenkins. It was transferred to the undersigned judge after Judge Jenkins retired in April of 2008.