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 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION
 15

16 CLEAR CHANNEL OUTDOOR, INC., a
 Delaware Corporation,

17 Plaintiff,

18 vs.

19 SHAPY INTERNATIONAL, INC., a California
 20 Corporation,

21 Defendant.

Case No. : C07-002362 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER RE TEMPORARY RESTRAINING
 ORDER AND ORDER TO SHOW CAUSE
 FOR PRELIMINARY INJUNCTION**

AS MODIFIED HEREIN

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1 The parties, by and through their undersigned counsel of record, hereby stipulate to
2 the following orders.

3
4 **TEMPORARY RESTRAINING ORDER**

5 IT IS STIPULATED THAT: Pending a ruling on the Order to Show Cause re
6 Preliminary Injunction, Shapy and each of its agents, servants, employees, contractors and each
7 person acting in concert and participation with Shapy, are prohibited and enjoined from each of the
8 following:
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10 1. Taking any action to enforce the Notice to Quit issued to Clear Channel
11 Outdoor, Inc. ("Clear Channel") regarding the the General Advertising Sign and related structure
12 (collectively "the Sign") on property located at 278-298 11th Street, San Francisco, California (the
13 "11th Street property"); and

14 2. Taking any action, whether by itself, any prospective or actual lessee or
15 licensee or anyone else acting in concert and participation with Shapy, to interfere with or deprive
16 Clear Channel's present use of the Sign and sign structure on the 11th Street property.
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18 The foregoing Temporary Restraining Order is effective, and shall remain in effect,
19 without a bond or undertaking.

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21 Shapy reserves all defenses to the complaint and application herein, including the
22 scope of relief in Section 2 below; and this stipulation shall not be an admission of any claim of
23 right, title, ownership or possession of Clear Channel to any real or personal property at issue herein.
24 Defendant's counsel shall accept service of the summons process by Notice and Acknowledgment of
25 Service.
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ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

IT IS FURTHER STIPULATED:

1. That the Temporary Restraining Order shall remain in effect until the Court rules upon the Order to Show Cause.

2. That Shapy shall show cause on June 8, 2007, at 9:00 a.m., or as soon thereafter as counsel can be heard, why an Order should not be issued granting Clear Channel a Preliminary Injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure which shall extend, during the pendency of this suit, or until further order of the court, as follows:

Shapy and each of its agents, servants, employees, contractors and each person acting in concert and participation with Shapy, are prohibited and enjoined from each of the following:

a. Taking possession of, or making use of, the Sign and sign structure on property located at 278-298 11th Street, San Francisco, California (the "11th Street property") for its own benefit, and from undertaking any act designed to deprive Clear Channel of its claimed ownership and/or possessory rights, except for any cross or counter claim;

b. Entering into or performing any agreement allowing any third party to make use of the Sign and sign structure;

c. Committing any further acts of conversion with respect to the Sign and sign structure;

d. Altering, destroying or removing all or any part of the Sign or sign structure in any way;

e. Denying Clear Channel access to the Sign and sign structure by way of

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1 ingress and egress to the roof and billboard structure; and

2
3 f. Denying Clear Channel the right to remove the Sign and sign structure.

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5 3. That Shapy shall have to and including May 18, 2007 to file and serve on
6 Clear Channel’s counsel its Memorandum and affidavits in opposition to the Order to Show Cause
7 Why a Preliminary Injunction Should Not Issue.

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9 4. That Clear Channel shall have to and including May 25, 2007 to file and serve
10 on Shapy’s counsel its Reply Memorandum and affidavits in support of the Order to Show Cause
11 Why a Preliminary Injunction Should Not Issue.

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13 5. That Shapy’s failure to attend the show cause hearing shall result in the
14 immediate issuance of the Preliminary Injunction, which shall be deemed to take effect immediately
15 upon the expiration or dissolution of the Temporary Restraining Order.

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17 6. That Shapy is hereby given further notice that it shall be deemed to have
18 actual notice of the issuance and terms of such preliminary injunction and that any act by it in
19 violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

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21 This Stipulation is without prejudice to all parties’ positions with regard to this action.

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. Due to the Court's unavailability on June 8, 2007, the hearing on the motion for a preliminary injunction is set for June 15, 2007.

DATED: May ____, 2007.

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United States District Judge

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