

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 MONA ALLEN, et al.,
5 Plaintiffs,

6 v.

7 COUNTY OF LAKE, et al.,
8 Defendants.

Case No. 14-cv-03934-TEH

**ORDER RE: BRIEFING SCHEDULE
ON MOTION FOR PRELIMINARY
INJUNCTION**

9
10 On September 1, 2014, Plaintiffs Mona Allen, et al., filed an amended ex parte
11 application for a temporary restraining order (“TRO”) against Defendants County of Lake,
12 et al., regarding abatement actions conducted against Plaintiffs’ medical marijuana
13 cultivations pursuant to Ordinance No. 2997. Pls.’ Amended Ex Parte Application (Docket
14 No. 5). The Court held a hearing on the requested TRO on September 2, 2014. Upon the
15 request of Court, Plaintiffs filed a supplemental brief on the issue of irreparable harm the
16 following day. Pls.’ Supplemental Brief (Docket No. 24). On September 4, 2014, the
17 Court denied Plaintiffs’ TRO request, finding a lack of likelihood of irreparable harm to
18 the participating Plaintiffs. Order Denying Pls.’ Request for TRO (Docket No. 26).

19 In its Order, the Court additionally instructed the parties to meet, confer, and
20 provide a joint statement regarding their agreement or disagreement over the briefing and
21 hearing schedule on Plaintiffs’ Motion for Preliminary Injunction. *Id.* The parties
22 provided this joint statement on September 12, 2014, informing the Court of their
23 disagreement. Joint Letter (Docket No. 30). Plaintiffs suggested an expedited briefing and
24 hearing schedule on the grounds that Defendants have indicated their intent to continue
25 abatement actions during this “height of the marijuana cultivation season.” *Id.* Defendants
26 acknowledged that we are in the midst of the cultivation season at the TRO hearing on
27 September 2, 2014. Plaintiffs further alleged that some Defendants have evaded service,
28 but noted that they anticipated completion of service by September 16, 2014. *Id.*

1 Conversely, Defendants stated that at least two of the named defendants have not been
2 served, and requested a hearing be set for sixty days after all parties have been served with
3 notice of the Motion for Preliminary Injunction and the underlying Complaint. *Id.*

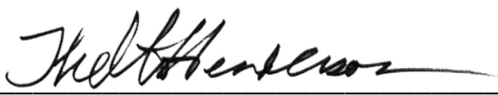
4 While the Court notes the significance of the marijuana cultivation season for
5 Plaintiffs' Motion for Preliminary Injunction, due process concerns necessitate that the
6 Court proceed cautiously where it lacks proof that at least two named Defendants have
7 received notice and service of the Motion and underlying Complaint. However, potential
8 evasion of service by some Defendants should not indefinitely delay proceedings against
9 all Defendants. For that reason, the Court sets a briefing and hearing schedule that
10 includes a deadline for proof of service, after which point the Motion may only continue
11 against those Defendants that have been properly served, with proof provided to the Court.

12 The Court HEREBY ORDERS the following briefing and hearing schedule:

- 13
- 14 1. Plaintiffs' supplemental memorandum and declarations due by September
- 15 17, 2014.
- 16 2. Plaintiffs' must provide proof of service for all named Defendants no later
- 17 than September 19, 2014. The Motion will only proceed against those
- 18 Defendants that have been properly served, with proof provided to the Court,
- 19 by this deadline.
- 20 3. Defendants' opposition and declarations due by September 29, 2014.
- 21 4. Hearing on Motion for Preliminary Injunction on October 6, 2014.
- 22

23 **IT IS SO ORDERED.**

24
25 Dated: 9/16/14



THELTON E. HENDERSON
United States District Judge