

1 E-filed on 8/27/07

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

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SAN JOSE DIVISION

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JOHN GABOR and KAY GABOR,

No. C-07-04266 RMW

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Plaintiffs,

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v.

ORDER DENYING TEMPORARY
RESTRAINING ORDER; DENYING
APPLICATION FOR ORDER TO SHOW
CAUSE WITHOUT PREJUDICE

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COUNTY OF SANTA CLARA BOARD OF
SUPERVISORS et al.,

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Defendants.

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Plaintiffs have filed additional papers requesting that the court issue a temporary restraining order and moving for preliminary injunction presumably in response to this court's order dated August 21, 2007. The court has reviewed the additional filings. Plaintiffs' application for temporary restraining order is denied. The court notes that plaintiffs' complaint and the motion for preliminary injunction was purportedly served by certified mail by plaintiffs to defendants.¹ The court notes that such service does not constitute proper service. *See* Fed. R. Civ. P. 4(c)(2) ("Service may be effected by any person who is not a party and who is at least 18 years of age."). After proper service

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¹ It is unclear whether plaintiffs also purportedly served their complaint upon defendants.

1 to defendants, plaintiffs may notice a motion for preliminary injunction pursuant to the Federal
2 Rules of Civil Procedure and Civil Local Rules. *See* Fed. R. Civ. P. 7; Civil L.R. 7.

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4 DATED: 8/27/07



RONALD M. WHYTE
United States District Judge

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United States District Court
For the Northern District of California

1 A copy of this order was mailed on 8/27/07 to:

2 **Counsel for Plaintiffs:**

3 John and Kay Gabor
4 590 Smokey Court
5 Campbell, CA 95008-3717

6 **Counsel for Defendants:**

7 No appearance

8 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.
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United States District Court
For the Northern District of California