

Craig A. Sherman, Esq. (SBN 171224)
CRAIG A SHERMAN, A PROFESSIONAL LAW CORP.
1901 First Avenue, Suite 219
San Diego, CA 92101
Tel: (619) 702-7892
Fax: (619) 702-9291
Shermanlaw@aol.com

Attorney for Plaintiff and Petitioner
UNITED WALNUT TAXPAYERS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

UNITED WALNUT TAXPAYERS, a
California Nonprofit Fictitious Business
Entity,

Plaintiff and Petitioner,

v.

MT. SAN ANTONIO COMMUNITY
COLLEGE DISTRICT; WILLIAM
SCROGGINS, in his official capacity as
President and CEO of Mt. San Antonio
Community College, and DOES ONE
through TEN, inclusive,

Defendants and Respondents,

TILDEN-COIL CONSTRUCTORS, INC.
and DOES ELEVEN through TWENTY,
inclusive,

Real Parties in Interest.

Case No.: BC 576587

[Action Filed: March 24, 2015]

**EX PARTE APPLICATION FOR A
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

Hearing Date: March 30, 2015
Time: 8:30 a.m.
Dept.: 71
Judge: Hon. Suzanne G. Bruguera

1 Plaintiff UNITED WALNUT TAXPAYERS (“United Walnut”) moves the Court, via
2 this emergency and *ex parte* application (“Application”) for a temporary restraining order
3 (“TRO”) and order to show cause (“OSC”) against defendants and respondents the Mt. San
4 Antonio Community College District, its President and CEO William Scroggins and real party
5 in interest Tilden-Coil Constructors, Inc. (collectively “Defendants”) pursuant to California
6 Code of Civil Procedure § 527 to cease construction activities for a \$48M parking garage
7 structure (“Project”) that is not legally authorized by Proposition 39 and Measure RR, City of
8 Walnut zoning ordinances, or CEQA.¹

9 Since United Walnut gave notice to Defendants and filed its lawsuit on March 24, 2015,
10 Defendants have commenced construction and environmental destruction and are striving to
11 rapidly build and expend the restricted taxpayer bonds funds that are the subject of this lawsuit.
12 (*See* Memo in Support at 2-3; Majors Decl. at ¶¶ 6-10; Sherman Decl. at ¶¶ 2, 4-5.)

13 With sufficient *ex parte* notice given (Sherman Decl. at ¶¶ 2-8), and based on the
14 authorities, evidence and argument presented by United Walnut there is an immediate and
15 ongoing irreparable threat to the health and safety of the public and environment, the waste and
16 misuse of public funds, and the ability of this Court to adjudicate this case. United Walnut is
17 likely to prevail on one or more of its claims in this lawsuit, and the balance of equities weigh in
18 favor of granting the requested TRO and OSC to protect the parties and the public, and provide
19 the ability and efficacy of this Court to address and provide a meaningful remedy at the
20 conclusion of this litigation. (*See* Memo in Support, Section II, pp. 4-8.)

21 As set forth in the concurrently filed *Proposed Order*, United Walnut requests a
22 temporary restraining order against Defendants, and each of its officers, agents, employees,
23 representatives, contractors, and all persons acting in concert or participating with them, that
24

25 ¹ Prop. 39 is a statewide Constitutional spending restriction set forth at Article
26 XIII A, § 1(b)(3) and Educ. Code §§ 15264-15286 [*Strict Accountability in Local*
27 *School Construction Bond Act of 2000*], Measure RR is the local bond measure
28 passed by the registered voters of the Mt. Sac College District, and CEQA is the
statewide California Environmental Quality Act set forth at Public Resources
Code § 21000 et seq. and 15 Cal. Code Regs. § 15000 et seq.

1 they immediately be restrained and enjoined from engaging in or performing, directly or
2 indirectly, any and all of the following acts:

3 (1) conducting any construction, dirt removal, or other environmental
4 destruction activities at or on the Project site.

5 This Application is based on and supported by the concurrently filed and served
6 Memorandum in Support, Declaration Craig A. Sherman and Declaration of Dennis Majors,
7 including the exhibits attached thereto, and the verified pleading located in the Court's files.

8 United Walnut shall also rely on the additional points and authorities that may be raised
9 in its statutory authorized responsive briefing, and any additional arguments and evidence that
10 may be presented by counsel at the hearing on this Application and the subsequent OSC
11 hearing.

12 Dated: March 29, 2015

13 **LAW OFFICE OF CRAIG A. SHERMAN**

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15 _____
16 Craig A. Sherman
17 Attorney for Plaintiff and Petitioner
18 **UNITED WALNUT TAXPAYERS**
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Proof of Service

United Walnut Taxpayers v. Mt. San Antonio Community College District, et al.
Los Angeles Superior Court Case No.: BC 576587

I, the undersigned, declare under the penalty of perjury that I am over the age of eighteen years, my place of business is in the County of San Diego, located at 1901 First Avenue, San Diego, CA; and I served the below-named person(s) the following document(s):

EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE

on March 29, 2015 on the following person(s) in a sealed envelope or package, addressed as follows:

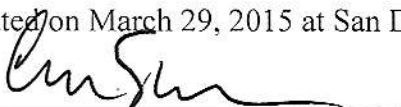
Dr. William Scroggins, President and CEO Mt. San Antonio Community College District 1100 North Grand Avenue Walnut, CA 91789 bscroggins@mtsac.edu	Stan Barankiewicz, Esq. Jessica E. Ehrlich, Esq. ORBACH, HUFF, SUAREZ, & HENDERSON 1901 Avenue of the Stars, Suite 575 Los Angeles, CA 90067 jehrlich@ohshlaw.com dbarankiewicz@ohshlaw.com
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in the following manner:

- 1) ☐ By personally delivering copies to one or more of the person(s) served (at the March 30, 2015 hearing).
- 2) ☐ By placing a copy in a separate envelope, with postage fully pre-paid, for each person and address named above and depositing each with an overnight carrier at San Diego, CA.
- 3) ☐ By faxing copies to the above person and printing confirmation of the success of said transmission and retaining a copy of said successful transmission
- 4) ☒ By sending to each person named above via electronic delivery to each of the the above email address(es).

I declare under the penalty of perjury under the laws of the State of California that the above foregoing is true and correct.

Executed on March 29, 2015 at San Diego, California.


Craig Sherman