



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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ORDER

CITY AND COUNTY OF SAN FRANCISCO ET AL VS. CHUCK M. POST ET AL

001C05406752

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CITY AND COUNTY OF SAN FRANCISCO AND
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO

12 UNLIMITED JURISDICTION

13 CITY AND COUNTY OF SAN
FRANCISCO, a Municipal Corporation, and
14 the PEOPLE OF THE STATE OF
CALIFORNIA, by and through DENNIS
15 HERRERA, City Attorney for the City and
County of San Francisco,

16
17 Plaintiff,

18 vs.

19 CHUCK M. POST, individually and d/b/a
APARTMENTSINSF.COM; LEM-RAY
20 PROPERTIES I DE, LLC; and DOE ONE
through DOE FIFTY,

21 Defendants.
22

FILED
San Francisco County Superior Court

MAY 20 2016

CLERK OF THE COURT

BY: 
Deputy Clerk

Case No. CGC-15-548551

**[PROPOSED] ORDER GRANTING
PRELIMINARY INJUNCTION**

Hearing Date: May 12, 2016
Time: 9:30 a.m.
Place: Department 501

Date Action Filed: October 21, 2015
Trial Date: Not set

1 This matter came before this Court on May 12, 2016, for a hearing on Plaintiffs' Motion for
2 Preliminary Injunction. The matter was heard by the above-captioned Court, the Honorable Ronald
3 Evans Quidachay, presiding. Plaintiffs, the CITY AND COUNTY OF SAN FRANCISCO and the
4 PEOPLE OF THE STATE OF CALIFORNIA (the "Plaintiffs"), were represented by their attorney,
5 Dennis J. Herrera, San Francisco City Attorney, appearing through Sara J. Eisenberg And Bradley A.
6 Russi. Defendants CHUCK M. POST ("Post") and LEM-RAY PROPERTIES I DE, LLC ("Lem-
7 Ray") (collectively, "Defendants") were represented by Edward Singer.

8 The Court having considered the pleadings on file, the supporting documents and exhibits
9 thereto, all of the papers on file in this action, and the evidence and arguments presented at the hearing,
10 and good cause appearing therefor, the Court determines that this is a proper case for granting a
11 Preliminary Injunction.

12 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

13 **A. JURISDICTION.** This Court has jurisdiction over the subject matter and each of the
14 parties in this action. The Court issues this Preliminary Injunction pursuant to its authority under,
15 *inter alia*, Business and Professions Code Section 17203 and, pursuant to San Francisco Police Code
16 Section 3307.

17 **B. FINDINGS AND APPLICATION.** In granting the Plaintiffs' Preliminary Injunction,
18 the Court finds that the Plaintiffs have shown that they will likely prevail on the merits of their claims.

19 Section 3304 prohibits any individual from refusing to rent to a potential tenant because the
20 tenant intends to pay with government sponsored rental assistance, such as a Section 8 voucher. *See*
21 S.F. Police Code § 3304. Defendant Post admits to posting advertising stating that Defendant Lem-
22 Ray Properties I DE, LLC would not accept Section 8 Vouchers in violation of San Francisco Police
23 Code Section 3307. Accordingly, the Court finds that the Plaintiffs have presented sufficient evidence
24 to show that they are likely to succeed on the merits of their direct Section 3304 claims against
25 Defendants (First and Second Causes of Action).

26 The provisions of this Preliminary Injunction are applicable to Defendants Post and Lem-Ray,
27 and their agents, officers, managers, representatives, employees, heirs, assignees, members, associates,
28

1 and affiliates and to all persons or entities who are acting in concert or participation with Defendants
2 or acting on their behalf.

3 **C. NECESSITY FOR PRELIMINARY INJUNCTION.** At the hearing, Defendants
4 asserted they will consider tenants who intend to use Section 8 vouchers. Nonetheless, the Court finds
5 that this Preliminary Injunction is necessary to prevent any potentially irreparable harm resulting from
6 Defendants' violation of the law and to ensure that Defendants comply with their legal obligations.

7 **D. SCOPE OF INJUNCTION.**

8 IT IS HEREBY ORDERED that Defendants are enjoined during the pendency of this action
9 from interrupting, terminating, or failing or refusing to initiate or conduct any transaction in real
10 property, including but not limited to the rental thereof, wholly or in part because an individual intends
11 to utilize a Section 8 voucher.

12 IT IS SO ORDERED.

13
14 DATED:

5/20/16



JUDGE RONALD EVANS QUIDACHAY