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8 Attorney for Plaintiff San Diego Police Officers Association Incorporated

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN DIEGO**

11 CITY OF SAN DIEGO,	)	CASE NO: 37-2009-00086499-CU-PT-CTL
12)	
13 Petitioner and Plaintiff,)	
14 v.	)	NOTICE OF AND APPLICATION
15	)	BY SAN DIEGO POLICE OFFICERS
16 SAN DIEGO POLICE OFFICERS	)	ASSOCIATION INCORPORATED
17 ASSOCIATION INCORPORATED,	)	FOR PRELIMINARY INJUNCTION
18 and DOES 1 to 100, inclusive,)	
19)	
20 Respondent and Defendant.	)	Date: June 8, 2009
21	)	Time: 1:45 p.m.
22	)	Judge: Hon. David B. Oberholtzer
23	)	Dept: C-67
24	)	Action Filed: April 1, 2009

25 NOTICE IS HEREBY GIVEN that on June 8, 2009, at 1:45 p.m., or as soon thereafter as
26 counsel may be heard in Department C-67 of the above-entitled court, located at the Hall of
27 Justice, 330 West Broadway, San Diego, California 92101, respondent, defendant, and cross-
28 petitioner San Diego Police Officers Association Incorporated will and hereby does apply,
pursuant to California Code of Civil Procedure sections 525 through 533, for:

1. A preliminary prohibitory injunction preventing an increase of the Deferred Retirement Option Plan ("DROP") entry age for members of the San Diego Police Officers Association ("SDPOA") from age 50 to age 55, and
2. A preliminary prohibitory injunction preventing the City of San Diego from reducing the promised interest rate for SDPOA members' DROP accounts below

1 the interest rate credited to employee City Employees' Retirement System
2 accounts,
3 until further order of the Court.

4 This application is made pursuant to Code of Civil Procedure section 526, subdivision
5 (a), on the grounds that the SDPOA is likely to prevail on the merits of its cross-petition for writ
6 of mandate, request for declaratory and injunctive relief, and that members will suffer irreparable
7 harm by being forced to make irrevocable retirement decisions if the injunction is not granted.

8 This application is based upon (1) this Notice of and Application by San Diego Police
9 Officers Association Incorporated for Preliminary Injunction, (2) the Memorandum of Points and
10 Authorities in Support of San Diego Police Officers Association Incorporated's Application for
11 Preliminary Injunction, (3) the Declaration of Michael A. Conger in Support of San Diego Police
12 Officers Association Incorporated's Application for Preliminary Injunction, (4) Notice of
13 Lodgment in Support of San Diego Police Officers Association Incorporated's Application for
14 Preliminary Injunction, (5) the Request for Judicial Notice in Support of San Diego Police
15 Officers Association Incorporated's Application for Preliminary Injunction, and (6) the
16 Declarations of Jeff Jordon, Paul Harris, Byron Hibshman, Gary Rivers, Robert Schenkelberg,
17 John Stricklin, Dianna Webb, Angie Zdunich, John Austin, Alan Hayward, Anthony K. Johnson,
18 Scott Johnston, William Nemece, Michael Parga, Thomas Rhodes, Steve Robinson, and Joycelyn
19 S. Thomas in Support of San Diego Police Officers Association Incorporated's Application for
20 Preliminary Injunction, all served and filed herewith, the pleadings and records on file herein,
21 and on such oral and documentary evidence as may be presented to the court upon hearing of this
22 motion.

23
24 Dated: June 1, 2009

LAW OFFICE OF MICHAEL A. CONGER

25
26 By: 

27 Michael A. Conger
28 Attorney for San Diego Police Officers
Association Incorporated