



1 referring to the City's Deferred Retirement Option Plan (whether provided for in memoranda of  
2 understanding, contract, City Charter or otherwise) pending further order of this court. Any  
3 election by an employee that could have been made or must have been made in the time between  
4 this restraining order and further order of this court, shall be deemed to have been made on or  
5 before the respective election date, *nunc pro tunc*.

6 The City ordered to return June 25, 2009, at 9:00 am in Department 67 regarding a  
7 preliminary injunction to the same effect.

8 NOW THEREFOR, IT IS HEREBY ORDERED:

9 The City of San Diego, its pension plans, boards, commissions and administrators,  
10 are restrained from compelling any sworn officer of the San Diego Police Department to make an  
11 election of any sort relating or referring to the City's Deferred Retirement Option Plan pending  
12 hearing on a preliminary injunction on June 25, 2009. Any election by an employee that could  
13 have been made or must have been made between the date of this temporary restraining order  
14 and June 25, 2009, inclusive, shall be deemed to have been made on or before the respective  
15 election date, *nunc pro tunc*.

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17 This temporary restraining order will expire on Thursday, June 25, 2009, at 6:00 pm or  
18 upon further order of this court, whichever occurs first.

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20 Dated: June 8, 2009

  
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21 DAVID B. OBERHOLTZER  
22 Judge of the Superior Court  
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| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b><br><input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814<br><input checked="" type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827<br><input type="checkbox"/> FAMILY COURT, 1555 6TH AVE, SAN DIEGO, CA 92101-3294<br><input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105<br><input type="checkbox"/> KEARNY MESA BRANCH, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123-1187<br><input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643<br><input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941<br><input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200<br><input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649<br><input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792<br><input type="checkbox"/> JUVENILE COURT, 325 S. MELROSE DR., VISTA, CA 92083-6634 | <b>FOR COURT USE ONLY</b><br><br><b>F I L E D</b><br>Clerk of the Superior Court<br><br>JUN 09 2009<br><br>By: A. HUSTED, Deputy<br>JUDGE: DAVID B. BOWEN<br>DEPT: 67<br>CASE NUMBER<br>2009-86499 |
| PLAINTIFF(S)/PETITIONER(S)<br><br>CITY OF SAN DIEGO  |  |
| DEFENDANT(S)/RESPONDENT(S)<br><br>SAN DIEGO POLICE OFFICERS ASSOCIATION INCORPORATED   |  |
| <b>CLERK'S CERTIFICATE OF SERVICE BY MAIL<br/>(CCP 1013a(4))</b>   |  |

I, certify that: I am not a party to the above-entitled case; that on the date shown below, I served the following document(s):  
**TEMPORARY RESTRAINING ORDER DEFERRING RETIREMENT OPTION PLAN ELECTION BY POLICE OFFICERS**

on the parties shown below by placing a true copy in a separate envelope, addressed as shown below; each envelope was then sealed and, with postage thereon fully prepaid, deposited in the United States Postal Service at:  San Diego  Vista  El Cajon  Chula Vista  Ramona, California.

NAME & ADDRESS

Michael Conger  
PO BOX 9374  
RANCHO SANTA FE, CA 92067

NAME & ADDRESS

DAPHNE MARY ANNEET  
444 S. FLOWER STREET, STE. 2400  
LOS ANGELES, CA 90071

CLERK OF THE SUPERIOR COURT

Date: JUN 09 2009 by *A. Husted*, Deputy  
ADELINA HUSTED