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SF MARINA HARBOR ASSOCIATION, BRUCE
7 MUNRO, BRIGHT WINN, PAUL MANNING,
ALAN A. CAVEY, GRACE KNIGHT and JOSEPH
8 ANDRESEN

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11
12 SF MARINA HARBOR ASSOCIATION,
a not-for-profit unincorporated association,
13 BRUCE MUNRO, an individual, BRIGHT
WINN, an individual, PAUL MANNING,
14 ALAN A. CAVEY, an individual, GRACE
KNIGHT, an individual, and JOSEPH
15 ANDRESEN, an individual,

16 Petitioners/Plaintiffs.

17 v.

18 CITY AND COUNTY OF SAN
FRANCISCO, a political subdivision of the
19 State of California and municipal
corporation; SAN FRANCISCO
20 RECREATION AND PARK
DEPARTMENT, an agency of the City and
21 County of San Francisco; MARK BUELL,
in his official capacity as President of the
22 San Francisco Recreation and Park
Department Commission; PHIL
23 GINSBURG, in his official capacity as
General Manager of the San Francisco
24 Recreation and Park Department; and
JOHN MOREN, in his official capacity as
25 Harbormaster for the San Francisco Small
Craft Yacht Harbor, and DOES 1-25,
26 inclusive,

27 Respondents/Defendants.
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Case No. CPF-12-512277

**NOTICE OF MOTION AND MOTION IN
SUPPORT OF PETITIONERS'
APPLICATION FOR AN ORDER TO
SHOW CAUSE REGARDING
PRELIMINARY INJUNCTION AND STAY**

Date: July 25, 2012
Time: 9:30 a.m.
Dept: 302
Judge: Hon. Harold E. Kahn

1 **TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on July 25, 2012, at 9:30 a.m. or as soon
3 thereafter as the matter may be heard in Department 302 of the above-entitled Court, located at
4 400 McAllister Street, San Francisco, California, plaintiffs and petitioners SF Marina Harbor
5 Association, Bruce Munro, Bright Winn, Paul Manning, Alan A. Cavey, Grace Knight and Joseph
6 Andresen (together, "Petitioners") will and hereby do move the Court for an order enjoining
7 respondents and defendants City and County of San Francisco, San Francisco Recreation and
8 Park Department, Mark Buell, in his official capacity as President of the San Francisco
9 Recreation and Park Department Commission, Phil Ginsburg, in his official capacity as General
10 Manager of the San Francisco Recreation and Park Department and John Moren, in his official
11 capacity as Harbor Master for the San Francisco Small Craft Yacht Harbor (together,
12 "Respondents"), and their employees, agents, and persons acting with them or on their behalf,
13 from (a) implementing and/or enforcing the Rules and Regulations of the San Francisco Marina
14 Small Craft Harbor adopted on or about April 19, 2012 (the "New Rules"); (b) requiring,
15 requesting or demanding that Petitioners and/or similarly situated boat owners sign the
16 "Temporary Berthing Assignment Acknowledgment" (the "Acknowledgment"), the "Statement
17 of Ownership / Partnership List / West Harbor Seniority List" (the "Statement of Ownership") or
18 any other document purporting to renounce their rights pursuant to the Rental Agreements
19 between Petitioners, on the one hand, and the San Francisco Recreation and Park Department, on
20 the other hand; and (c) enforcing any waiver of rights contained in any Acknowledgment or
21 Statement of Ownership previously executed by Petitioners and/or similarly situated boat owners
22 in the San Francisco Marina Small Craft Harbor during the pendency of this action and any
23 appeal therefrom.

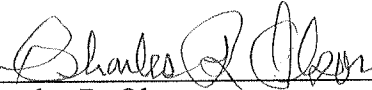
24 This application is made pursuant to the provisions of Code of Civil Procedure
25 section 527 on the grounds that (a) the New Rules constitute a breach of the Rental Agreement
26 and covenant of good faith and fair dealing implied therein; (b) Respondents breached their
27 fiduciary duties by adopting the New Rules; (c) the adoption of the New Rules violates
28 Petitioners' rights to due process under Article I, Section 7 of the California Constitution.

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This motion is based upon Petitioners' Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction, the Declarations of Bruce H. Munro, Bruce J. Stone, Paul A. Manning and Charles R. Olson in Support of the Motion for Preliminary Injunction, the Petition for Writ of Mandate and Complaint for Injunctive Relief in this action, and such further evidence or argument that the Court may properly receive at or before the hearing on this motion.

Dated: July 2, 2012

STEIN & LUBIN LLP

By: 
Charles R. Olson
Attorneys for Plaintiffs/Petitioners
SF MARINA HARBOR ASSOCIATION, BRUCE
MUNRO, BRIGHT WINN, PAUL MANNING,
ALAN A. CAVEY, GRACE KNIGHT and
JOSEPH ANDRESEN