

AUG 08 2018

VENTURA
SUPERIOR COURT
FILED

AUG 09 2018

MICHAEL D. PLANET
Executive Officer and Clerk

BY: _____, Deputy

ALBERT VILLEGAS JR.

(EXEMPT FROM FILING
FEES [Gov. Code, § 6103].)

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State of California and the County of Ventura
7 Environmental Health Division
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

10
11 THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through the
12 County Counsel of the County of
Ventura, and COUNTY OF VENTURA
13 ENVIRONMENTAL HEALTH
DIVISION,
14

Plaintiffs,

15 vs.
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17 WAYNE FISHBACK; CAROL
FISHBACK; CELIA REYNOSO;
18 CELIA MISKE; ROBERT'S
TRUCKING, INC.; DEL'S
19 DUMPSTERS, LLC; JUAN JOSE
PENALOZA d/b/a 818 Trucking; and
20 DOES 1 - 600, inclusive,
21

Defendants.
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No. 56-2018-00515842-CU-MC-VTA

Reservation No.: 2356729

~~PROPOSED~~ ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION AND TEMPORARY
RESTRAINING ORDER

Date: 8/9/18

Time: 8:30 a.m.

Ctrm: 20

Judge: Hon. Matthew P. Guasco
Complaint Filed: August 3, 2018

23 Having considered the ex parte application of plaintiffs the People of the State of
24 California ("the People") and the County of Ventura Environmental Health Division
25 ("EHD") for an order to show cause regarding a preliminary injunction and a temporary
26 restraining order, the request for judicial notice, declarations of Raymond Gutierrez, Jr.,
27 Charles Genkel, Robert Mionske and Eric Walts, and exhibits attached thereto and the
28 memorandum of points and authorities submitted therewith, and good cause having been

1 shown, **IT IS ORDERED** that defendants Wayne Fishback and Carol Fishback, and each
2 of them, appear in Department 20 of this court located at 800 South Victoria Avenue,
3 Ventura, California on 8/30/18 [date] at 8:30 am, [time], or as soon
4 thereafter as the matter may be heard, then and there to show cause, if any they have, why
5 they and their agents, servants, employees, and representatives, and all persons acting in
6 concert or participating with them, should not be enjoined and restrained during the
7 pendency of this action from engaging in, committing, or performing directly or
8 indirectly, any and all of the following acts:

9 1. Accepting, importing by truck, transporting or placing any fill or earth materials
10 to or on the property that is the subject of this suit (approximately 83 acres of land within
11 the unincorporated area of Ventura County southeast of the City of Simi Valley assigned
12 Assessor Parcel Numbers: 649-0-320-120; 649-0-320-130; 649-0-320-140;
13 649-0-320-330; 649-0-320-170; 649-0-320-180; 649-0-320-190; 649-0-320-340;
14 649-0-320-220; 649-0-320-230; 649-0-320-240; 649-0-320-250; 649-0-320-260;
15 649-0-320-270; 649-0-320-280; 649-0-320-290; 649-0-320-300; 649-0-010-010;
16 649-0-020-010; and 646-0-170-055 ["the Property"]), or performing any further grading
17 on the Property, unless and until the County of Ventura issues a grading permit for the
18 Property under the Ventura County Building Code, Ordinance No. 4496, and EHD lifts its
19 May 11, 2006, cease and desist order to Wayne Fishback pursuant to Public Resources
20 Code section 45005 ("Cease and Desist Order").

21 2. Accepting, handling, transporting or disposing of any solid waste to or on the
22 Property unless and until EHD lifts the Cease and Desist Order, and approves such
23 activities.

24 3. Removing any signs places on the property by the County of Ventura advising
25 that transporting or placing any solid waste, fill or earth materials to or on the Property is
26 prohibited.

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1 **IT IS FURTHER ORDERED** that:

+ Summons & Complaint

2 1. Plaintiffs shall serve this order to show cause on cross-defendants in the
3 following time and manner:

4 *Per Code by 8/14/18*

5 2. Proof of service must be delivered to the court hearing the OSC on

6 *8/30/18 @ 8:30 am*

7 3. The parties shall adhere to the following briefing schedule:

8 *Opposition served & filed by 8/20/18; Reply served & filed*
9 *by 8/27/18*

10 4. The temporary restraining order shall expire on:

11 *8/30/18 at conclusion of hearing. ** *Served by email w/*
pdf attached

12 **IT IS FURTHER ORDERED** that, pending the hearing and determination of the
13 order to show cause, the defendants Wayne Fishback and Carol Fishback, and each of
14 them, and their officers, agents, employees, representatives, and all persons acting in
15 concert or participating with them, are restrained and enjoined from engaging in or
16 performing, directly or indirectly, any and all of the following acts:

17 1. Accepting, importing by truck, transporting or placing any fill or earth materials
18 to or on the property that is the subject of this suit (approximately 83 acres of land within
19 the unincorporated area of Ventura County southeast of the City of Simi Valley assigned
20 Assessor Parcel Numbers: 649-0-320-120; 649-0-320-130; 649-0-320-140;
21 649-0-320-330; 649-0-320-170; 649-0-320-180; 649-0-320-190; 649-0-320-340;
22 649-0-320-220; 649-0-320-230; 649-0-320-240; 649-0-320-250; 649-0-320-260;
23 649-0-320-270; 649-0-320-280; 649-0-320-290; 649-0-320-300; 649-0-010-010;
24 649-0-020-010; and 646-0-170-055 ["the Property"]), or performing any further grading
25 on the Property, unless and until the County of Ventura issues a grading permit for the
26 Property under the Ventura County Building Code, Ordinance No. 4496, and EHD lifts its
27 May 11, 2006, cease and desist order to Wayne Fishback pursuant to Public Resources
28 Code section 45005 ("Cease and Desist Order").

*/// * The court finds good cause to extend TRO additional*
7 days at request of defendants' counsel.

[PROPOSED] ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER

1 2. Accepting, handling, transporting or disposing of any solid waste to or on the
2 Property unless and until EHD lifts the Cease and Desist Order, and approves such
3 activities.

4 3. Removing any signs places on the property by the County of Ventura advising
5 that transporting or placing any solid waste, fill or earth materials to or on the Property is
6 prohibited.

7 **IT IS FURTHER ORDERED** that copies of the ex parte application of plaintiffs
8 for an order to show cause regarding a preliminary injunction and a temporary restraining
9 order, the request for judicial notice, declarations of Raymond Gutierrez, Jr., Charles
10 Genkel, Robert Mionske and Eric Walts, the memorandum of points and authorities
11 submitted therewith, and this order to show cause and temporary restraining order be
12 served on the above-named cross-defendants not later than 8/14/18 [date].

13 Dated: 8/8/18

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JUDGE OF THE SUPERIOR COURT

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MATTHEW P. GUASCO