

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

BLACKWATER LODGE AND  
TRAINING CENTER, INC., a Delaware  
corporation dba BLACKWATER  
WORLDWIDE,

Plaintiff,

vs.

KELLY BROUGHTON, in his capacity  
as Director of the Development Services  
Department of the City of San Diego;  
THE DEVELOPMENT SERVICES  
DEPARTMENT OF THE CITY OF SAN  
DIEGO, an agency of the City of San  
Diego; AFSANEH AHMADI, in her  
capacity as the Chief Building Official for  
the City of San Diego; THE CITY OF  
SAN DIEGO, a municipal entity; and  
DOES 1-20, inclusive,

Defendants.

CASE NO. 08-CV-0926 H (WMC)  
**TEMPORARY RESTRAINING  
ORDER**

The Court, having considered Plaintiff's application for a temporary restraining order and all arguments and submissions filed in response thereto or in support thereof, and finding that Plaintiff has established its entitlement under the law to the relief requested, orders as follows:

1. Plaintiff's application for a temporary restraining order is granted, for the reasons set forth in the Court's June 4, 2008 Order Granting Plaintiff's Application for

1 Temporary Restraining Order, which the Court incorporates into this Order as the findings in  
2 support of the temporary restraining order.

3 2. Defendants Kelly Broughton (in his capacity as Director of the Development  
4 Services Department of the City of San Diego), Afsaneh Ahmadi (in her capacity as Chief  
5 Building Official of the City of San Diego), the Development Services Department of the City  
6 of San Diego and the City of San Diego, their officers, agents, servants, employees and  
7 attorneys, and all those in active concert or participation with them, are hereby enjoined from  
8 (1) enforcing the May 19, 2008 letter from Defendant Broughton purportedly refusing to issue  
9 a Certificate of Occupancy for the property located at 7685 Siempre Viva Road, Otay Mesa  
10 (“the Otay Mesa facility”) and refusing to allow Plaintiff Blackwater Lodge and Training  
11 Center, Inc. to occupy and use the Otay Mesa facility, and (2) refusing to perform the  
12 ministerial task of issuing a Certificate of Occupancy for the Otay Mesa facility as required  
13 under San Diego Municipal Code § 129.0114, pending the June 17, 2008 hearing on the  
14 Court’s order to show cause why a preliminary injunction should not issue.

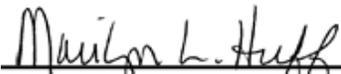
15 3. No later than June 6, 2008, Defendants shall submit to the Court proof of  
16 compliance with this Order.

17 4. Plaintiff shall promptly post a bond or other security in the amount of \$10,000.

18 5. For good cause shown, this temporary restraining order shall remain in force and  
19 effect until the hearing on the order to show cause regarding a preliminary injunction.

20 IT IS SO ORDERED.

21 DATED: June 4, 2008

22   
23 MARILYN L. HUFF, District Judge  
24 UNITED STATES DISTRICT COURT

24 COPIES TO:  
25 All parties of record.

26  
27  
28