

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUDICIAL CENTER
FEB 02 2017
DAVID H. YAMASAKI, Clerk of the Court

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT

DIVISION THREE

BY: _____, DEPUTY

FRIENDS OF THE CHILDREN'S POOL,

Plaintiff and Respondent,

v.

CITY OF SAN DIEGO et al.,

Defendants and Appellants.

G053709, consol. with G053725

(Super. Ct. No. 30-2015-00778153)

O R D E R

THE COURT:*

This is an appeal from a judgment granting respondent's petition for writ of administrative mandate. The challenged government agency decisions close a beach to members of the public from December 15 to May 15, the breeding season of seals that frequent the beach.

On December 13, 2016, appellant City of San Diego filed a motion to lift the automatic stay of challenged government agency decisions during this appeal. (Code Civ. Proc., § 1094.5, subd. (g) ["If an appeal is taken from the granting of the writ, the order or decision of the agency is stayed pending the determination of the appeal unless the court to which the appeal is taken shall otherwise order".])

On December 15, 2016, to preserve the status quo pending determination of this motion, this court issued a temporary suspension of the automatic stay imposed by Code of Civil Procedure section 1094.5, subdivision (g). On December 29, 2016, respondent filed an opposition to the motion.

This court has now considered the moving and opposition papers. Finding it to be in the public interest to maintain the status quo pending resolution of this appeal, appellant's motion is GRANTED. This court hereby ORDERS that the automatic stay imposed by section 1094.5, subdivision (g), is of no effect pending resolution of this appeal. Appellants are free to enforce the challenged agency decisions during this appeal.

O'LEARY, P.J.

* Before O'Leary, P.J., Aronson, J., and Thompson, J.