

1 David C. Laredo, Bar No. 66532
Heidi A. Quinn, Bar No. 180880
2 Michael D. Laredo, Bar No. 303934
De LAY & LAREDO
3 Attorneys at Law
606 Forest Avenue
4 Pacific Grove, CA 93950
Telephone: (831) 646-1502
5 Facsimile: (831) 646-0377
dave@laredolaw.net

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Superior Court of California,
County of Monterey
On 07/10/2019
By Deputy: Hernandez, Mariela

6 Attorneys for:
7 CITY OF PACIFIC GROVE,
MAYOR AND CITY COUNCIL OF THE CITY OF
8 PACIFIC GROVE

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF MONTEREY**

11 WILLIAM HOBBS;
12 SUSAN HOBBS;
13 DONALD SHIRKEY;
And IRMA SHIRKEY,

14 Plaintiffs,

15 v.

16 CITY OF PACIFIC GROVE,
CALIFORNIA;
17 BILL KAMPE, in his official capacity as the
Mayor of the City of Pacific Grove;
18 ROBERT HUITT, in his official capacity as
a Councilmember of the City of Pacific
19 Grove;
20 KEN CUNEO, in his official capacity as a
Councilmember of the City of Pacific Grove;
21 RUDY FISCHER, in his official capacity as
a Councilmember of the City of Pacific
22 Grove;
23 CYNTHIA GARFIELD, in her official
capacity as a Councilmember of the City of
Pacific Grove;
24 BILL PEAKE, in his official capacity as a
Councilmember of the City of Pacific Grove;
25 and
26 NICK SMITH, in his official capacity as a
Councilmember of the City of Pacific Grove;

27
28 Defendants.

Case No. 18CV002411

**ALTERNATIVE [~~PROPOSED~~] ORDER
REGARDING PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT OR IN
THE ALTERNATIVE FOR SUMMARY
ADJUDICATION**

Hearing Date: June 25, 2019
Dept.: 13
Judge: Hon. Lydia M. Villarreal

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TO PLAINTIFFS AND THEIR ATTORNEY OF RECORD:

On June 25, 2019 at 9:00 a.m., the motion for Summary Adjudication or in the alternative, Summary Judgment, filed by Plaintiffs WILLIAM HOBBS, SUSAN HOBBS, DONALD SHIRKEY, and IRMA SHIRKEY (Plaintiffs) against Defendants City of Pacific Grove, Mayor and City Council of the City of Pacific Grove (City) came regularly for hearing in Department 13 of the above-entitled Court, located at 1200 Aguajito Road in Monterey, California, the Honorable Lydia M. Villarreal presiding. Christina Sandefur and Timothy Sandefur appeared on behalf of the Plaintiffs; Heidi Quinn appeared on behalf the City.

Having considered the moving papers, and opposing papers, as well as the oral argument of counsel at the hearing, the Court ruled as follows:

1. Plaintiffs’ motion for Summary Adjudication on Count One (Coastal Act claim) is granted. City Ordinance 18-005 constitutes development within the Coastal zone, and the City needs to obtain approval by the California Coastal Commission (Commission) of a Local Coastal Program or obtain a Coastal Development Permit from the Commission.

2. Plaintiffs’ motion for Summary Adjudication on Count Two (Due Process claim) is denied because Plaintiffs did not carry their burden of proof as to whether Plaintiffs do not have a substantive or procedural due process right to renew the time-limited short-term rental licenses.

3. Plaintiffs’ motion for Summary Judgment is denied.

4. Further Case Management Conference is advanced to July 23, 2019 in D. 13 at 9:00 am.

IT IS SO ORDERED.

Dated: July 10, 2019



HON. LYDIA M. VILLARREAL