

1 CHARLES F. ROBINSON #113197
2 MICHAEL R. GOLDSTEIN #129848

3 University of California
1111 Franklin Street, 8th Floor
Oakland, California 94607-5200
Telephone: (510) 987-9800
4 Facsimile: (510) 987-9757

5 Attorneys for Plaintiff
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
6 **[EXEMPT FROM FEES - GOV. CODE, § 6103]**

ENDORSED
FILED

JUN 17 2008

CLERK OF THE SUPERIOR COURT
By GLORIA J. AN MATHEWS
Deputy

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ALAMEDA**

10
11 THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA,

12 Plaintiff,

13 v.

14 DAVID GALLOWAY et al.,

15 Defendants.

CASE NO. RG 07345190

ASSIGNED FOR ALL PURPOSES TO
JUDGE RICHARD KELLER
DEPARTMENT 510

16 **[PROPOSED] AMENDED ORDER**
GRANTING PRELIMINARY INJUNCTION

17 Date: June 11, 2008
Time: 2:30 p.m.
Dept.: 510; Hon. Richard O. Keller
Date Action Filed: September 10, 2007

18 This matter originally came on for hearing on October 1, 2007, pursuant to an
19 order to defendants to show cause why a preliminary injunction should not issue and subsequently
20 for further hearing on October 29, 2007, on a motion by plaintiff The Regents of the University of
21 California for reconsideration or, in the alternative, to modify the preliminary injunction. This
22 matter came on for further hearing on June 11, 2008, on a motion by plaintiff The Regents of the
23 University of California to modify the preliminary injunction. The Regents was represented by
24 Michael Goldstein. Defendants were represented by Dennis Cunningham.

25 Based upon the papers submitted by the parties, as well as the argument of counsel,
26 and

27 GOOD CAUSE APPEARING THEREFOR,

28 IT IS HEREBY ORDERED that, pending trial in this action, defendants, and each

1 of them, and all other persons acting in concert or participating with or otherwise aiding and
2 abetting them, or any of them, shall be and are hereby enjoined from:

3 (1) lodging in, scaling, climbing, or hanging or sitting or standing on or in,
4 any of the trees in the Memorial Stadium Oak Grove, or in any other trees, on the
5 University of California, Berkeley campus; or

6 (2) placing or maintaining any objects in those trees including, but not
7 limited to, ropes, platforms, hammocks, receptacles containing human waste, or
8 bar-b-ques or other devices for preparing food with the use of fire; or

9 (3) intentionally dropping or causing to drop any such objects that are in
10 the trees onto or near law enforcement personnel; or

11 (4) aiding and abetting anyone engaged in any of the foregoing prohibited
12 conduct including, but not limited to, warning individuals engaged in such
13 conduct of the presence of law enforcement personnel, bringing or leaving food or
14 other provisions for any such individuals, throwing any objects at police or
15 security officers, or tampering with University property, including security fences
16 and security lights, or concealing any individuals engaged in aiding and abetting
17 conduct.

18 Failure to comply with this Order constitutes civil contempt, punishable up to a
19 \$1,000 fine or 5 days in jail, or both, as well as an order to pay reasonable attorney's fees and
20 costs incurred by The Regents in initiating the contempt proceedings.

21 No bond or undertaking – public entity plaintiff. (Code Civ. Proc., § 529(b)(3).)

22
23 Dated: June 17, 2008

24 
25 Judge of the Superior Court
26 RICHARD O. KELLER

27 176420.1