

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
EASTERN DISTRICT OF CALIFORNIA

HELIX ELECTRIC, INC.

Plaintiff,

v.

DIVISION OF LABOR STANDARDS
ENFORCEMENT, an agency of the State of
California; DEPARTMENT OF
INDUSTRIAL RELATIONS, an agency of the
State of California; DONNA DELL, an
individual in her capacity as Labor
Commissioner of the State of California;
JOHN REA, an individual in his capacity as
Acting Director of the Department of
Industrial Relations of the State of California;
COUNTY OF SACRAMENTO, PUBLIC
WORKS COMPLIANCE PROGRAM,

Defendants.

CASE NO. 05-cv-2303 FCD KJM

**STIPULATION TO CONTINUE
TEMPORARY RESTRAINING ORDER
AND HEARING ON ORDER TO SHOW
CAUSE RE ENTRY OF PRELIMINARY
INJUNCTION; ORDER THEREON**

Judge: Hon. Frank C. Damrell, Jr.

1 WHEREAS, the Court issued a temporary restraining order on Tuesday, November
2 22, 2005, preventing the release of Helix Electric, Inc.'s employees' addresses to the Public Works
3 Compliance Program;

4
5 WHEREAS, the Court further set a hearing on December 2, 2005 at 10:00 a.m., for
6 defendants to show cause why a preliminary injunction should not be issued;

7
8 WHEREAS, the Court set a briefing schedule for the hearing on the order to show
9 cause;

10
11 WHEREAS, the Court elected not to require Helix to post a bond for the temporary
12 restraining order;

13
14 WHEREAS, the Public Works Compliance Program has indicated that it may
15 request the Court to require that Helix post a bond;

16
17 WHEREAS, the parties have discussed the pending hearing date and briefing
18 schedule and have agreed to continue those dates to allow adequate time for full and complete
19 briefing on the issues;

20
21 THEREFORE, by and through their respective counsel, the parties stipulate as
22 follows:

23
24 1. Defendants hereby agree that the temporary restraining order shall remain in
25 full force and effect until the hearing on the order to show cause re a preliminary injunction is
26 held;

27
28

1 2. The hearing on the order to show cause why a preliminary injunction should
2 not be issue shall be continued until January 27, 2006 at 10:00 a.m.

3
4 3. Any and all opposition papers must be filed and served by Defendants no
5 later than January 6, 2006.

6
7 4. Any and all reply papers must be filed and served by Helix no later than
8 January 20, 2006.

9
10 5. The Public Works Compliance Program shall have until December 5, 2005
11 to file and serve a request for reconsideration as to whether Helix must post a bond on the
12 temporary restraining order.

13
14 IT IS SO STIPULATED:

15
16 DATED: _____, 2005

17 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

18
19 By _____

20 RICHARD M. FREEMAN
21 MATTHEW S. McCONNELL

22 Attorneys for Plaintiff
23 HELIX ELECTRIC, INC.
24
25
26
27
28

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

DATED: _____, 2005

WEINBERG, ROGER & ROSENFELD

By

DAVID ROSENFELD, Esq.

Attorneys for Defendant
PUBLIC WORKS COMPLIANCE PROGRAM

DATED: _____, 2005

By

RAY C. THOMPSON, Deputy County Counsel

Attorney for Defendant
COUNTY OF SACRAMENTO

DATED: _____, 2005

By

ANN HIPSHMAN, Esq.

Attorney for Defendants
DIVISION OF LABOR STANDARDS
ENFORCEMENT, DEPARTMENT OF INDUSTRIAL
RELATIONS, JOHN REA AS ACTING DIRECTOR
OF THE DIR, AND DONNA DELL AS LABOR
COMMISSIONER

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

ORDER

Based on the foregoing stipulation and good cause appearing therefore, the Court orders the following:

The hearing on the order to show cause why a preliminary injunction should not be issue shall be continued until January 23, 2006 at 10:00 a.m.

Any and all opposition papers must be filed and served by Defendants no later than January 6, 2006.

Any and all reply papers must be filed and served by Helix no later than January 20, 2006.

The temporary restraining order prohibiting the release of Helix Electric, Inc.'s employees' address to the Public Works Compliance Program shall remain in full force and effect until the hearing on the order to show cause re a preliminary injunction is held.

The Public Works Compliance Program shall have until December 5, 2005 to file and serve a request for reconsideration as to whether Helix must post a bond on the temporary restraining order.

IT IS SO ORDERED.

Dated: December 2, 2005

/s/ Frank C. Damrell Jr.

UNITED STATES DISTRICT JUDGE