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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

NORTHERN CALIFORNIA RAIL AND
PORT TRUCKERS ASSOCIATION,

No. C 09-06092 WHA

Plaintiff,

ORDER DENYING TRO

v.

STATE OF CALIFORNIA, by and through
ARNOLD SCHWARZENEGGER,
GOVERNOR OF THE STATE OF
CALIFORNIA; BAY AREA AIR QUALITY
MANAGEMENT; CALIFORNIA AIR
RESOURCES BOARD; PORT OF
OAKLAND THROUGH ITS BOARD OF
PORT COMMISSIONERS; PORT OF
OAKLAND ALL MARINE TERMINALS;
BRUCE WARGO RFID AND DOES 1
THROUGH 100,

Defendants.

_____ /

This application for a TRO has been referred to the undersigned as the general duty judge, the assigned judge being away on this, the last day of the year. *Pro se* applicants are truck drivers. They ask for a TRO to block enforcement of “the Clean Air Bill,” which the memorandum refers to as the “Cleaner Air Act” and “the Program.” Defendants are the State of California and numerous state and local officials and agencies. Other allied papers characterize the request as seeking expedited processing of plaintiffs’ applications for retrofitting of their trucks.

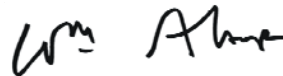
1 The application for a TRO must be denied. *First*, there has been no compliance with
2 Local Rule 65-1(b) which requires notice and an opportunity to be heard to the other side.
3 *Second*, it seems clear that plaintiffs have known about the problem for months and have waited
4 until the last day of the year to seek relief. They have sat on their rights, if any, and emergency
5 relief will ordinarily be denied under such circumstances, all the more so when the relief sought
6 would shut down a program of state and local regulations. *Third*, the grounds for relief are very
7 hard to sort out from the paperwork submitted.

8 For these reasons, the TRO application is **DENIED**. Plaintiffs should consider obtaining
9 a lawyer, not only because the lawyer could better make the case but also because the two
10 plaintiffs may *not* represent the hundreds of other truckers named in the pleading. Only a
11 lawyer admitted to practice may do so.

12 This denial is without prejudice to a new motion after notice and service of the summons
13 and complaint. This should be made before the assigned judge.

14
15 **IT IS SO ORDERED.**

16
17 Dated: December 31, 2009.



18 WILLIAM ALSUP
19 UNITED STATES DISTRICT JUDGE