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**FILED**  
ALAMEDA COUNTY

**AUG 23 2010**

CLERK OF THE SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

*Handwritten signature*  
Deputy

IN AND FOR THE COUNTY OF ALAMEDA

*HAKJ*

GAIL ELLIS, et al.,

No. RG09-484051

Petitioners,

ORDER GRANTING  
PETITIONERS' APPLICATION  
FOR PROVISIONAL RELIEF

vs.

JOHN WAGNER, DIRECTOR OF THE  
CALIFORNIA DEPARTMENT OF  
SOCIAL SERVICES, et al.,

Respondent.

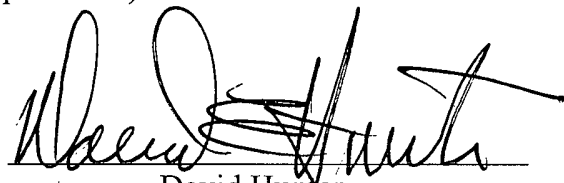
The ex parte Application of Petitioners Mark Beckwith, et al. for Provisional Relief came on regularly for hearing on August 18, 2010 in Department 520 of the above-entitled court, the Honorable David Hunter presiding. The Court has considered the papers filed in connection with the Application and the arguments of counsel, and, good cause appearing, HEREBY ORDERS that the Application is GRANTED.

On February 9, 2010, the Court entered its Order granting the Petition for Writ of Mandate in this case; the Court subsequently issued its Writ of Mandate on March 26, 2010. Petitioners then filed a Notice of Appeal (as to a somewhat limited issue) on May 21, 2010, and Respondents filed a Notice of Appeal on May

24, 2010. Respondents have recently prepared a draft notice to all County Welfare Directors instructing them that this Court's rulings in this case are stayed pending the disposition of their appeal. (See Petitioners' Request for Judicial Notice, Exhibit 2.)

The Court hereby orders that the cross-appeals in this case do not operate as a stay of the Writ of Mandate issued on March 26, 2010. (See Code of Civil Procedure § 1110b.) The Court is satisfied with the showings by one or more Petitioners that they (and/or those individuals to whom they are providing in-home care) will suffer irreparable damage if the Writ of Mandate is stayed pending the appeal. (See Declarations attached to Application.)

8-23-2010  
Date

  
David Hunter  
Judge of the Superior Court

DECLARATION OF SERVICE BY MAIL

GAIL ELLIS, et al

vs

JOHN WAGNER, DIRECTOR OF THE CALIFORNIA DEPARTMENT OF  
SOCIAL SERVICES, et al

RG09-484051

I, Pat S. Sweeten, Executive Officer/Clerk of the Superior Court for the San Leandro-Hayward Judicial District, 24405 Amador Street, Hayward, CA 94544, County of Alameda, certify that I am not a party to the cause and a true copy of the **ORDER GRANTING PETITION FOR WRIT OF MANDATE** was mailed first class, postage fully prepaid in a sealed envelope addressed as follows:

PETER E. SHEEHAN, ESQUIRE  
The Social Justice Law Project  
510 – 16th Street, Suite 201  
Oakland, California 94612

EDMUND G. BROWN, JR.,  
Attorney General of California  
KAREN SCHWARTZ,  
Supervising Deputy Attorney General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, California 94102

Executed, deposited and mailed in Hayward, California 94544  
Dated: August 24, 2010

PAT S. SWEETEN, EXECUTIVE OFFICER AND CLERK OF THE SUPERIOR COURT

  
Lindnell Williams, Deputy Clerk