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IN THE SUPERIOR COURT OF THE COUNTY OF ALAMEDA  
FOR THE STATE OF CALIFORNIA

KENNETH L. BEEBE; and	)	
AMERICAN DOG OWNERS	)	
ASSOCIATION, INC., a	)	No. H-138361-6
Non-Profit Corporation,	)	
	)	PEREMPTORY WRIT OF
Petitioners and plaintiffs,	)	MANDATE
	)	
v.	)	
	)	
CITY OF UNION CITY,	)	
CALIFORNIA; and DOES 1-20.	)	
	)	
Respondents and defendants.	)	

To: City of Union City, Respondent:

WHEREAS petitioners served and filed herein their duly verified petition for writ of mandate, and a hearing was held herein on March 16, 1989;

WHEREAS it appears to this court that petitioners have no other plain, speedy and adequate remedy in the ordinary course of law;

WHEREAS it appears to this court that you have failed to perform your legal duty by enacting and enforcing Chapter 8.36 of the Union City Municipal Code;

THEREFORE, you (respondent Union City) are hereby commanded immediately after receipt of this writ to cease and desist from enforcing any of the provisions of Chapter 8.36 of the Union City



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5 IN THE SUPERIOR COURT OF THE COUNTY OF ALAMEDA  
6 FOR THE STATE OF CALIFORNIA

6 KENNETH L. BEEBE; and )  
7 AMERICAN DOG OWNERS )  
8 ASSOCIATION, INC., a )  
9 Non-Profit Corporation, )  
10 )  
11 Petitioners and plaintiffs, )  
12 v. )  
13 CITY OF UNION CITY, )  
14 CALIFORNIA; and DOES 1-20. )  
15 Respondents and defendants. )

No. H-138361-6

ORDER AND JUDGMENT

14 The Court, having considered the petition for writ of  
15 mandate and the papers submitted by all parties on the petition,  
16 and having heard oral argument by the parties on March 16, 1989,  
17 hereby rules that Chapter 8.36 of the Union City Municipal Code  
18 violates the California and United States Constitutions because it  
19 (1) is unconstitutionally vague and (2) violates procedural due  
20 process for failure to provide for a hearing before or after  
21 seizure of a dog.

1 Therefore, a Writ of Mandate, as attached hereto, shall  
2 issue directing respondent City of Union City to cease enforcing  
3 any of the provisions of Chapter 8.36 of the Union City Municipal  
4 Code.

5  
6 DATED:

Presented and Signed

7  
8 APR 13 1989

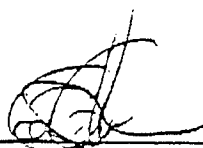
9 Approved as to form:


10 DATED: 4/3/89

11  
12  
13 DATED: 3/22/89

DEMETRIOS AGRETELIS

Honorable Demetrios P. Agretelis

14  
15  
16   
Gary T. Galliano  
Attorney for Respondent  
City of Union City

  
Ephraim Margolin  
Attorney for Petitioners  
Kenneth L. Beebe and  
American Dog Owners Association