



NATIONAL
ANIMAL LAW
COMPETITIONS

2014
APPELLATE MOOT COURT COMPETITION
BRIEFING ORDER

*DO NOT RISK DISQUALIFICATION! COMPETITORS ARE NOT ALLOWED TO RECEIVE ANY HELP ON THE PROBLEM BEFORE THEIR BRIEF IS SUBMITTED (BRIEFS ARE DUE JANUARY 17, 2014.) PRIOR TO THE DEADLINE, COMPETITORS MAY ONLY DISCUSS THE PROBLEM WITH THEIR TEAMMATE AND NO ONE ELSE, INCLUDING PROFESSORS, COACHES, STUDENTS, COLLEAGUES, OR ANY OTHER INDIVIDUAL.

1 **CASE NO 13-9876**

2 IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
3 FIRST APPELLATE DISTRICT, DIVISION 3

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6 GRANDLANDS CIRCUS, INC.,

7 *Appellant/Cross-Respondent,*

8 vs.

9 HOBBS COUNTY ANIMAL SAFETY DEPARTMENT,

10 *Respondent,*

11 CHRIS SAMUELSON & MARA'S HOPE WILDLIFE SANCTUARY,

12 *Appellant*

13

14 **BRIEFING ORDER**

15 Appeal from the Superior Court of Hobbs County
16 Case No. CV-2014-TCS-81013 (EMH)
17 The Honorable Ellis M. Heiberg

1 This matter comes to us from a judgment entered in the Superior Court of Hobbs County,
2 California, the Honorable Ellis M. Heiberg presiding.

3 The plaintiff in the underlying action, Grandlands Circus, Inc. (“Circus”), appeals the
4 Superior Court’s denial of its motion for a preliminary mandatory injunction. For purposes of
5 briefing on appeal, counsel for the Circus is to follow the briefing rules applicable to appellants.

6 Chris Samuelson (“Samuelson”) and Mara’s Hope Wildlife Sanctuary (“Mara’s Hope”)
7 filed a motion for leave to intervene in the Superior Court action and have appealed the Superior
8 Court’s denial of that motion. In the interest of conserving judicial resources, we have
9 consolidated these related appeals for hearing. For purposes of briefing on appeal, counsel for
10 the Hobbs County Animal Safety Department (“Department”) also is representing Samuelson
11 and Mara’s Hope and is to argue in opposition to Circus’s appeal, and well as in support of the
12 potential intervenors’ appeal.¹ Counsel for the Department, Samuelson and Mara’s Hope are to
13 follow the briefing rules applicable to respondents.

14 Each side is directed to brief the following questions:

- 15 1. DID THE SUPERIOR COURT ABUSE ITS DISCRETION IN DENYING
16 SAMUELSON AND MARA’S HOPE’S MOTION FOR LEAVE TO
17 INTERVENE? THE PARTIES SHOULD ADDRESS THE COURT’S
18 DECISION WITH RESPECT TO BOTH POTENTIAL INTERVENORS.
- 19 2. DID THE SUPERIOR COURT ABUSE ITS DISCRETION IN DENYING
20 CIRCUS’S MOTION FOR PRELIMINARY MANDATORY INJUNCTIVE
21 RELIEF? THE PARTIES SHOULD ADDRESS THE ALTERNATIVE
22 GROUNDS ON WHICH THE SUPERIOR COURT’S DECISION MIGHT BE
UPHELD, INCLUDING UNDER HOBBS COUNTY MUNICIPAL CODE
§ 63.14, SUBDIVISIONS A(i) AND A(ii); AND CAL. PENAL CODE § 596.5.

23 The parties’ briefs shall be limited to these issues, but the parties are not limited in their
24 briefing to the arguments or authorities upon which the Superior Court relied. The parties
25 should also include any policy arguments applicable to the issues.

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27 ¹ The Department, Mara’s Hope and Samuelson have, in writing, waived any potential conflicts
28 in accordance with California Rules of Professional Conduct, Rule 3-310.

1 IT IS SO ORDERED.

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Johnson, P.J.

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Bass, J.

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Lee, J.

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