



Notice to Jurors: Prospective jurors summoned for jury service can expect to receive their jury summons in postcard form. Please check your mail for a postcard with important instructions to fulfil your jury service. [Visit the Jury Services page for more information.](#)



# Sable Offshore Corp. and Pacific Pipeline Co. v. California Coastal Commission

## Case Number

25CV00974

## Case Type

Civil Law & Motion

## Hearing Date / Time

Wed, 05/28/2025 - 10:00

## Nature of Proceedings

Order to Show Cause re Issuance of Preliminary Injunction

## Tentative Ruling

*For Plaintiffs and Cross-Defendants Sable Offshore Corp. and Pacific Pipeline Co.:* Jeffrey D. Dintzer, Matthew C. Wickersham, Garrett B. Stanton, Alston & Bird LLP

*For Defendant and Cross-Complainant California Coastal Commission:* Rob Bonta, Norma N. Franklin, Wyatt E. Sloan-Tribe, John M. Natalizio, Office of the California Attorney General

## RULING

**For the reasons set forth herein, the application of the California Coastal Commission for issuance of a preliminary injunction is granted. No bond is required. The Commission shall present a written order for entry by the court.**

### Background

(Note: In making this ruling, the court has considered all of the admissible evidence and arguments presented by the parties. The summary presented herein is not intended to be exhaustive.)

On February 18, 2025, plaintiffs Sable Offshore Corp. and Pacific Pipeline Company (collectively, Sable) filed their original complaint for damages, declaratory relief, and injunctive relief against defendant California Coastal Commission (the Commission). On April 16, Sable filed an amended complaint, which includes a petition for writ of mandate.

Also on April 16, 2025, the Commission filed a cross-complaint for declaratory and injunctive relief against Sable. (Note: The Commission filed a first amended cross-complaint on May 15, 2025.) The cross-complaint alleges that Sable is the owner of the Las Flores Pipelines, which include pipeline segments designated as CA-324 and CA-325 (collectively, the Pipeline). (First Amended Complaint [FAC], ¶ 1; Cross-complaint, ¶ 2; Teufel decl., ¶ 3.) The Pipeline is located within the coastal zone in unincorporated Santa Barbara County. (Cook decl., ¶ 3 & exhibit A, at pp. 4, 9.) (Note: Sable's Statement of Defense and Response to Notice of Intent to Commence Proceedings for a Commission Cease and Desist Order, Restoration Order, and Administrative Penalty Order (the Sable Statement) is attached as exhibit A to the declaration of Stephanie Cook, but the document is not consecutively paginated as required by Cal. Rules of Court, rules 2.109 and 3.1110(c). The page numbers cited herein, to this and to other exhibits of the Commission, are to the pdf page of the filed document in which the cited material appears.) The Pipelines were operated until 2015, when the Pipelines were shut down as a result of the Refugio Oil Spill.

According to the Commission, in March 2025, Sable, in the Sable Statement, stated that several months ago Sable had undertaken steps to “repair certain ‘anomalies’ detected along Line CA-324 and planned to repair other identified anomalies along both Lines CA-324 and CA-325.” (Sable Statement, p. 14.) A pipeline “anomaly” was explained as “a pipeline segment with some deviation from its original configuration.” (*Ibid.*) Sable stated that repair of any particular detected anomaly generally requires that it: “(1) access the affected pipeline segment via existing roadways and rights-of-way, which in some locations requires placing metal plates over water courses; (2) excavate the anomaly site, including the dirt beneath the affected pipeline segment, which in some locations may require dewatering and associated discharge; (3) expose the pipeline segment by removing insulation and sandblasting; (4) evaluate whether a ‘Composite Repair’ or ‘Cut-Out Repair’ is required, (5) conduct the Composite or Cut-Out Repair as appropriate, sandblast the repaired pipeline segment, and apply an epoxy coating, pipe tape, and rockguard wrap; (6) backfill the anomaly site, and (7) conduct final site cleanup including erosion control and revegetation work[.]” (*Id.* at p. 15, fn. omitted.) This work requires the use of heavy equipment and may involve the removal of vegetation. (*Ibid.*)

According to Sable, Sable began conducting repair and maintenance activities to the Las Flores Pipelines in 2024. (Rusch decl., ¶ 4.) Sable conducted repair and maintenance until receiving Notice of Violation File No. V-9-24-0152 and subsequent communications from Coastal Commission staff dated October 4, 2024. (*Ibid.*) Sable thereafter suspended repair and maintenance activities. (*Ibid.*) Sable resumed repair and maintenance activities on February 14, 2025, following confirmation from the County of Santa Barbara (County) that the repair and maintenance activities were authorized pursuant to existing permits. (*Ibid.*)

Sable has completed the safety valve installation work on the Las Flores Pipelines and all span remediation work on the Santa Ynez Pipelines. (Rusch decl., ¶ 5.) Sable has also completed in the Coastal Zone approximately 100 anomaly repairs, and the only work remaining includes approximately twenty-two (22) additional anomaly repairs to the Las Flores Pipelines, which will occur onshore in pre-disturbed areas along small sections of the Las Flores Pipelines. (*Ibid.*) Of the

approximately twenty-two remaining repairs, 18 repairs will be conducted within Sable's right of way provided by the California Department of Parks and Recreation within the Gaviota State Park. (*Ibid.*) Additionally, approximately four repairs will be conducted within Sable's right of entry obtained from the Land Trust for the County of Santa Barbara. (*Ibid.*) Sable's remaining repair and maintenance work will be completed in approximately six weeks. (*Ibid.*)

Sable currently has a right of entry to perform the repair and maintenance activities from the California Department of Parks and Recreation, and Plaintiffs are negotiating a slightly revised right of entry that is anticipated to be agreed upon following the hearing on the Commission's application for a temporary restraining order (TRO). (Rusch decl., ¶ 6.) Sable currently has a right of entry to property of the Land Trust for the County of Santa Barbara. (*Ibid.*) Sable is completing repair and maintenance activities pursuant to existing Coastal Development Permits (CDPs) for the Las Flores Pipelines, which were permitted by the County, not the Coastal Commission, under the County's Local Coastal Program pursuant to its delegated authority from the Coastal Commission. (*Id.* at ¶ 7.)

All work is being conducted in the disturbed pipeline corridor where all impacts were determined to be permanent for the lifetime of the Las Flores Pipelines. (Rusch decl., ¶ 8.) In addition, for all ongoing work, Sable is implementing robust construction best management practices, including conducting pre-construction biological resources surveys, including nesting bird surveys, ensuring that a biologist is available onsite to monitor work, and conducting environmental awareness training with all onsite personnel, to ensure that impacts to coastal resources would fall within the scope of impacts previously analyzed during the Las Flores Pipelines' environmental review, authorized under the CDPs, and approved by the County. (*Ibid.*)

According to the Commission, on April 9, 2025, Commission Energy and Ocean Resources staff conducted a site visit to a portion of pipeline segment CA-324. (Teufel decl., ¶¶ 4-5.) Commission staff observed the presence of various construction equipment, including several excavators excavating soil, a bulldozer grading an inland slope, and a mechanical crane lowering equipment or a pipeline section into a trench. (*Id.* at ¶ 4 & exhibit AA.) Personal and construction vehicles were parked at several locations within fields adjacent to the work area, and at least seven white construction trucks were also present, several bearing the emblem of Pacific Petroleum. (*Ibid.*) Staff also visited a site near Refugio Beach and observed heavy equipment, including an excavator. (*Id.* at ¶ 5) Staff further visited a third nearby site and observed a truck with a "Fence Factory" decal on the driver's side door parked adjacent to an above-ground valve, and personnel actively installing a fence post in the adjacent field. (*Id.* at ¶ 6.) Staff also observed construction equipment, vehicles, and portable restrooms along a section of pipeline segment CA-324 near the Gaviota Pump Station. (*Id.* at ¶ 7.) All of this activity took place within the coastal zone. (*Id.* at ¶ 10.) To the Commission's knowledge, Sable had never applied to the County for a CDP to perform this work, nor had Sable provided Commission staff with a detailed description of the nature of the anomaly work it was conducting on the onshore pipelines or the precise locations of the anomaly work. (*Ibid.*)

After a public hearing on April 10, 2025, the Commission issued a cease and desist order (CDO). (Commission Request for Judicial Notice [RJN], exhibit 1.) The CDO includes findings adopted by the Commission as set forth in the Commission's staff report. (RJN, exhibit 1, at pp. 27-28; RJN, exhibit 3.) The CDO includes the following orders that Sable:

"Cease and desist from engaging in or undertaking any development, as that term is defined in the Coastal Act (PRC Section 30106) and the Santa Barbara County Local Coastal Program (at Section 35-58), on any of the property and/or locations defined in Section 4.3, below, as the Santa Ynez Unit, including but not limited to the following development undertaken or planned at A) locations onshore: excavation; removal of major vegetation; fill of wetlands; grading and widening of roads; installation of metal plates over water courses; dewatering and discharge of water; removal, replacement, and reinforcement of pipeline and pipeline infrastructure; and other development associated with the return to service of Las Flores Pipelines CA-324 and CA-325; and[ ]B) at locations offshore: placement of sand and cement bags on the seafloor below and adjacent to Sable's out-of-service offshore oil and water pipelines; as part of an effort to restart the Santa Ynez Unit oil production operations and bring the pipelines back into use; unless and until either: (a) Sable secures a new, final, operative CDP specifically covering the work to be performed; (b) Sables secures another final, operative, valid form of Coastal Act authorization for the work to be performed; or (c) Sable secures a final, formal determination that the work it will perform is exempt from the Coastal Act's permitting requirement. The word 'final' as used in the prior sentence shall mean that it is no longer subject to an administrative appeal, including to the Commission." (CDO, ¶¶ 1.0, 1.1.)

On April 16, 2025, the Commission filed its application for a TRO to restrain further violation of the CDO and for issuance of an order to show cause why a preliminary injunction should not issue (OSC). The application was opposed by Sable. The court heard the application on April 17 and granted the application in part. The court granted the application for issuance of the OSC to be heard on May 14, 2025, with further opposition papers to be filed and served no later than 20 days before the hearing (i.e., April 24) and reply papers to be filed and served no later than 10 days before the hearing (i.e., May 2). The court denied the application for issuance of a TRO.

On April 21, 2025, the Commission filed a notice of appeal as to the denial of the issuance of the TRO. In the Court of Appeal, on April 22, 2025, the Commission filed a petition for stay, writ of supersedeas, or other appropriate order. (*Sable Offshore Corp. v. Cal. Coastal Commission* (B345604, app. pending).)

No further opposition was filed by Sable in response to the OSC. The Commission filed a reply on May 2, 2025.

On May 6, the court issued a case management order (CMO) requesting further briefing on the issue of this court's jurisdiction to rule on the OSC pending the appeal of the denial of the TRO while the petition for stay was pending. The court noted the lack of further opposition filed by Sable and continued the hearing on the OSC to this hearing date of May 28.

As discussed below, both parties filed briefs in response to the court's request in the CMO. On May 15, 2025, the Court of Appeal issued its order denying the Commission's petition for writ of supersedeas "without prejudice to appellant's right to seek preliminary injunctive relief in the superior court during the pendency of this appeal." (Order, filed May 15, 2025.)

On May 23, 2025, Sable filed evidentiary objections to the evidence of the Commission.

## **Analysis**



## (1) Jurisdiction

In the CMO, this court raised the threshold issue of whether this court had jurisdiction to rule on the OSC and determine whether or not to issue a preliminary injunction during the pendency of the appeal of the denial of the TRO in the absence of a ruling from the Court of Appeal on the petition for writ of supersedeas. The court noted a lack of case law directly on this point, but noted that different legal arguments supported both the existence of jurisdiction and the lack of jurisdiction. The parties filed supplemental briefing in which the Commission argued in favor of jurisdiction and Sable argued against jurisdiction.

The Court of Appeal's order of May 15, 2025, answers the jurisdiction question. By noting that the denial of the application for writ was without prejudice to the "right to seek preliminary injunctive relief in the superior court during the pendency of this appeal," the Court of Appeal necessarily implies that this court has jurisdiction to provide such injunctive relief.

## (2) Evidentiary Matters

In support of the application, the Commission requested that the court take judicial notice of its RJN exhibits 1, 2, and 3. The court granted these requests in its order on the TRO. (Order after Hearing, filed Apr. 17, 2025, at pp. 4-5.)

On May 23, 2025, Sable filed evidentiary objections to the declaration of Cassidy Teufel, which was filed in support of the Commission's application. Each of the 23 objections are overruled.

## (3) Preliminary Injunction Standards

A preliminary injunction is available "[w]hen it appears by the complaint or affidavits that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury, to a party to the action." (Code Civ. Proc., § 526, subd. (a)(2).)

“The trial courts consider two interrelated questions in deciding whether to issue a preliminary injunction: 1) are the plaintiffs likely to suffer greater injury from a denial of the injunction than the defendants are likely to suffer from its grant; and 2) is there a reasonable probability that the plaintiffs will prevail on the merits. [Citations.] ‘[By] balancing the respective equities of the parties, [the court] concludes that, pending a trial on the merits, the defendant should or that he should not be restrained from exercising the right claimed by him.’ [Citations.]” (*Robbins v. Superior Court* (1985) 38 Cal.3d 199, 206.)

This general standard for issuance of a preliminary injunction is qualified in the context of the California Coastal Act (Coastal Act, Pub. Resources Code, § 30000 et seq.):

“Any person may maintain an action for declaratory and equitable relief to restrain any violation of this division, of a cease and desist order issued pursuant to Section 30809 or 30810, or of a restoration order issued pursuant to Section 30811. On a prima facie showing of a violation of this division, preliminary equitable relief shall be issued to restrain any further violation of this division. No bond shall be required for an action under this section.” (Pub. Resources Code, § 30803, subd. (a).)

### (3) Likelihood of Success

The Commission’s cross-complaint seeks injunctive relief to enforce its CDO and enjoin violation of the Coastal Act.

“The Coastal Act ‘was enacted by the Legislature as a comprehensive scheme to govern land use planning for the entire coastal zone of California. The Legislature found that “the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people”; that “the permanent protection of the state’s natural and scenic resources is a paramount concern”; that “it is necessary to protect the ecological balance of the coastal zone” and that “existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state....” [Citation.] [Citation.] The Coastal Act is to be ‘liberally construed to accomplish its purposes and objectives.’ [Citation.] Under it, with exceptions not applicable here, any person wishing to perform or undertake any development in the coastal zone must obtain a coastal development permit ‘in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency....’ [Citation.]” (*Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 793–794.)

The case of *Greenfield v. Mandalay Shores Community Assn.* (2018) 21 Cal.App.5th 896 (*Greenfield*), not cited by either party, is instructive as to the application of the Coastal Act to the facts of this case. In *Greenfield*, the plaintiffs owed a single- family residence in the City of Oxnard (Oxnard), and rented their home for rental periods of less than 30 days (a short-term rental). (*Id.* at p. 899.) After Oxnard announced that it was considering drafting an ordinance to license short-term rentals, the homeowners’ association governing the plaintiffs’ home adopted a resolution barring short-term rentals (STR ban). (*Ibid.*) The plaintiffs filed an action under Public Resources Code section 30803 for declaratory and injunctive relief. (*Ibid.*) The trial court denied an ex parte application and a preliminary injunction based upon its determination that the STR ban was not a “development” within the meaning of the Coastal Act. (*Ibid.*)

On appeal, the *Greenfield* court disagreed, finding that the STR ban was a “development” under the Coastal Act:

“ ‘Development’ is broadly defined to include, among other things, any ‘change in the density or intensity of use of land....’ Our courts have given the term ‘development’ ‘[a]n expansive interpretation ... consistent with the mandate that the Coastal Act is to be “liberally construed to accomplish its purposes and objectives.” [Citation.]’ [Citation.] ‘Development’ under the Coastal Act ‘is not restricted to activities that physically alter the land or water. [Citation.]’ [Citation.]” (*Greenfield, supra*, 21 Cal.App.5th at p. 900.) “STR bans, however, are a matter for the City and Coastal Commission to address. STRs may not be regulated by private actors where it affects the intensity of use or access to single family residences in a coastal zone.” (*Id.* at p. 901.)

The *Greenfield* court therefore found that a prima facie showing had been made to issue a preliminary injunction. (*Greenfield, supra*, 21 Cal.App.5th at p. 902.) The trial court’s denial of the preliminary injunction was reversed, and the trial court was ordered to issue a new order granting the motion for a preliminary injunction. (*Ibid.*)

The first and most significant issue therefore is whether the Commission has made a prima facie showing of a violation of the Coastal Act or of the CDO.

### 1. Prima Facie Showing

“A prima facie showing is one that is sufficient to support the position of the party in question.” (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 851.) “The defining feature of the prima facie standard is that it creates an initial burden on a moving party to proffer evidence that would support a favorable ruling without a court’s consideration of conflicting evidence put forth by the opponent. ‘ “A ‘prima facie’ showing refers to those facts which will sustain a favorable decision if the evidence submitted in support of the allegations by the petitioner is credited.” ’ [Citation.] ‘ “Prima facie evidence is that which will support a ruling in favor of its proponent if no controverting evidence is presented. [Citations.] It may be slight evidence which creates a reasonable inference of fact sought to be established but need not eliminate all contrary inferences.” ’ [Citation.]” (*Finley v. Superior Court* (2023) 95 Cal.App.5th 12, 21.)

The Commission has presented credible evidence of violation of the Coastal Act and of the CDO.

“ ‘Development’ means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, ...; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation .... [¶] As used in this section, ‘structure’ includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.” (Pub. Resources Code, § 30106.)

The Commission has presented evidence of grading and removal of materials, reconstruction of a “structure,” and change in the intensity of the use of land with respect to Sable’s repair and maintenance activities. These activities fall squarely within the definition of “development” in the Coastal Act, and this point is not meaningfully disputed by Sable.

Except for emergency work exempted under subdivision (e), not applicable here, “and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.” (Pub. Resources Code, § 30600, subd. (a).)

The Commission has presented evidence that Sable has not obtained a CDP for Sable’s repair and maintenance activities. (Teufel decl., ¶ 11; CDO, ¶ 8.0; RJN, exhibit 3, pp. 44-45, 67-69 [Staff Report, pp. 5-6, 28-30].)

The Commission has presented evidence that it issued a CDO prohibiting further work with respect to Sable’s repair and maintenance activities. (RJN, exhibit 1.)

The Commission has presented evidence that Sable has continued its repair and maintenance activities notwithstanding the CDO. (Teufel decl., ¶¶ 11, 12; Rusch decl., ¶ 5.)

This evidence is sufficient to make a prima facie showing of a violation of the Coastal Act. A prima facie showing is sufficient to issue a preliminary injunction under the Coastal Act, and hence to demonstrate a likelihood of success on the merits. (Pub. Resources Code, § 30803, subd. (a); *Greenfield*, *supra*, 21 Cal.App.5th at p. 902.)

## 2. Sable Opposition

As discussed above, under section 30803 and *Greenfield*, a prima facie showing is sufficient for issuance of a preliminary injunction under the Coastal Act. As also discussed above, a prima facie showing by the party applying for preliminary injunctive relief does not involve the consideration of opposition evidence. Nonetheless, it is important to discuss Sable's opposition arguments and evidence.

Sable's principal argument in opposition, supported by the February 2025 letter from the County, is that Sable's repair and maintenance work is authorized by existing CDPs issued by the County. (Opposition, at pp. 6-8; Rusch decl., ¶ 30 & exhibit C.) The existing CDPs upon which Sable relies are not presented to the court; the argument and County's letter discuss these permits but do not provide them directly. (Note: If such permits are included somewhere, there is no clear citation enabling the court to find such documents. (See Rusch decl., ¶¶ 15-29.)) The court therefore cannot directly analyze the issue of whether existing CDPs are sufficient to authorize the work at issue.

The structure of the Coastal Act for enforcement provides the framework for evaluating the conflicting arguments as to whether the existing CDPs are sufficient to authorize the work at issue, and thus also the issue of whether the Commission was authorized on that basis to issue the CDO. Under section 30803, any person may seek and obtain preliminary injunctive relief upon a prima facie showing of a violation of the Coastal Act. A “person” is defined to include any governmental agency, such as the Commission. (Pub. Resources Code, § 30111.) Under this provision, the Coastal Act emphasizes the importance of stopping a potential violation of the Coastal Act so that a potential violation does not continue until the ultimate resolution of the merits. This legislative determination necessarily means that a person engaged in a development under the Coastal Act may be delayed in completing the development even if the evidence more strongly tips in favor of the developer. In other words, the Coastal Act favors moving cautiously where coastal development is challenged.

The Coastal Act in the same section 30803 provide a procedural vehicle for a party affected by a CDO to address that issue directly:

“A court may stay the operation of the cease and desist order after it provides notice to the commission and holds a hearing. Any such stay may be imposed or continued only if it is not against the public interest.” (Pub. Resources Code, § 30803, subd. (b).)

Sable thus had the opportunity to seek a stay of the CDO in order to challenge the validity of the CDO under subdivision (b) on a basis broader than arguing against a prima facie showing by the Commission under subdivision (a). Sable filed its complaint in this action to challenge the Commission’s orders, but did not correspondingly seek provisional relief from the CDO by a stay.

The most reasonable application of section 30803 under these circumstances, even if Sable’s arguments and evidence are fully weighed and considered, favors finding a likelihood of success on the merits sufficient to issue a preliminary injunction in favor of the Commission.

#### (4) Balance of Harms

In its opposition, Sable argues that the Commission's arguments that it would suffer irreparable harm if the TRO were not issued are baseless because Sable is conducting its activities with robust construction best management practices. (Rusch decl., ¶ 8.) Sable also argues that, as of its opposition to the TRO, granting the TRO would cause substantial economic loss to Sable and employment loss to its employees and contractors. (Rusch decl., ¶ 10-12.) Because Sable failed to file further opposition, this information has not been updated since the TRO hearing.

In *Greenfield, supra*, the appellate court reversed the denial of the preliminary injunction without expressly considering the relative harms of the parties under the traditional test for a preliminary injunction. " '[T]he standard of review is not whether discretion was appropriately exercised but whether the statute was correctly construed. [Citation.]' [Citation.]" (*Greenfield, supra*, 21 Cal.App.5th at p. 900.) "Because standing is conferred on 'any person,' (§ 30803, subd. (a)) it matters not when [the plaintiffs] started renting to short term tenants or that appellants can be adequately compensated for economic damages if the STR ban is found to be invalid at trial." (*Ibid.*)

Under this standard, the prima facie showing of a violation of the Coastal Act itself is irreparable harm warranting an injunction.

In *IT Corp. v. County of Imperial* (1983) 35 Cal.3d 63 (*IT Corp.*), the California Supreme Court addressed the question of "What is the proper test for issuance of a preliminary injunction when a governmental entity seeks to enjoin an alleged violation of a zoning ordinance which specifically provides for injunctive relief?" (*Id.* at p. 66.) The *IT Corp.* court answer the question with the following standard: "Where a governmental entity seeking to enjoin the alleged violation of an ordinance which specifically provides for injunctive relief establishes that it is reasonably probable it will prevail on the merits, a rebuttable presumption arises that the potential harm to the public outweighs the potential harm to the defendant. If the defendant shows that it would suffer grave or irreparable harm from the issuance of the preliminary injunction, the court must then examine the relative actual harms to the parties." (*Id.* at p. 72, fn. omitted.)



The *IT Corp.* standard and *Greenfield's* interpretation of section 30803 are consistent. In requiring a prima facie showing, the Legislature set the standard to determine when there is a likelihood of success. This establishes the rebuttable presumption that the potential harm to the public outweighs the potential harm to the defendant. *Greenfield* found that the argument that the plaintiff's economic harm was compensable in money insufficient to deny the injunction. This court finds that the evidence presented by Sable here, and considering in particular its failure to file further opposition to the OSC re preliminary injunction updating its earlier evidence (where, by denial of the TRO, Sable has not been restrained by this court from continuing its activities in the interim and presumably lessening its asserted harm), is not sufficient to show grave or irreparable harm from the issuance of the preliminary injunction.

In any event, upon consideration of all of the admissible evidence and arguments of the parties, the court finds that the balance of harms weighs in favor of issuance of the preliminary injunction.

## Conclusion

Based on the foregoing, upon consideration of all of the admissible evidence and arguments of the parties and on the standards applicable to the issuance of an injunction under the Coastal Act, the court finds the evidence supports issuance of the injunction. The Commission's application for issuance of a preliminary injunction will therefore be granted.

No bond is required. (Pub. Resources Code, § 30803, subd. (a).)

## JUDGES

JUDGE THOMAS ANDERLE

Dept. 3 SB-Anacapa  
1100 Anacapa Street P.O. Box 21107  
Santa Barbara, CA 93121-1107  
US

