

whereas Defendants' CTP would not suffer harm from delay in implementation of only a portion of the CTP as those concession requirements and programs do not directly generate environmental benefits that would be denied pending consideration of the Plaintiff's claims.

Accordingly, Plaintiff's Motion should be and hereby is **GRANTED**. It is further **ORDERED** that, pending a hearing on whether a permanent injunction should issue, Defendants, and their officers, agents, employees, and attorneys, are hereby **ENJOINED AND RESTRAINED** from giving any effect to or otherwise taking any action to discuss, agree or implement, whether jointly or severally, any portion of the Defendants' Concession Program or Clean Trucks Program that:

- (1) requires use of only employee drayage truck drivers to serve the Ports of Los Angeles or Long Beach or prohibits independent owner operators from serving the Ports or Los Angeles and Long Beach; and/or
- (2) establishes the use of truck purchase incentives, subsidies, or clean truck fees or exemptions from such fees imposed upon some but not all drayage trucks, which incentives, subsidies or fee exemptions will disadvantage independent owner operators that provide drayage service at the Ports of Los Angeles and Long Beach.

SO ORDERED.

Entered this _____ day of _____, 2008.

United States District Judge