

Richardson | Ober | DeNichilo
234 E. Colorado Blvd., Suite 800
Pasadena, California 91101
Telephone: 626.449.5577

1 KELLY G. RICHARDSON, Bar No.: 112666
DANIEL A. NORDBERG, Bar No.: 77598
2 ALISA E. SANDOVAL, Bar No.: 206426
DANIEL C. HEATON, Bar No.: 262232
3 RICHARDSON | OBER | DeNICHILLO
234 E. Colorado Blvd., Suite 800
4 Pasadena, California 91101
Tel: 626.449.5577
5 Fax: 626.449.5572

6 Attorneys for Plaintiffs,
CITY OF LAGUNA HILLS;
7 BFE ASSET PARTNERS, LLC;
GJC PROPERTIES 8 LP;
8 SUKIN & ROSENFELD LLC;
ERIK M. BLOCK
9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ORANGE**

12 CITY OF LAGUNA HILLS, a municipal entity;
13 BFE ASSET PARTNERS, LLC, a limited
liability company; GJC PROPERTIES 8 LP, a
14 limited partnership; SUKIN & ROSENFELD
LLC, a limited liability company; and ERIK M.
15 BLOCK, an individual,

16 Plaintiffs,

17 vs.

18 ELITE HOSPITALITY, INC.; COUNTY OF
ORANGE; BOARD OF SUPERVISORS OF
19 THE COUNTY OF ORANGE; ORANGE
COUNTY HEALTH CARE AGENCY; CEO
20 REAL ESTATE; FRANK KIM; NICHOLE
QUICK; and DOES 1 - 50, inclusive,
21

22 Defendants,

23 ILLUMINATION FOUNDATION, a nonprofit
organization,

24 Real Parties in Interest.

Case No.: 30-2020-01139345-CU-MC-CJC

**DECLARATION OF DANIEL C. HEATON,
ESQ. RE: NOTICE OF EX PARTE**

DATE: April 16, 2020
TIME: 1:30 p.m.
DEPT: C25

Complaint Filed On: April 14, 2020

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DECLARATION OF DANIEL C. HEATON, ESQ.

I, Daniel C. Heaton, Esq., do hereby declare as follows:

1. I am an attorney at law, duly licensed to practice before the courts of the State of California, and a Senior Associate at Richardson | Ober | DeNichilo, counsel of record for Plaintiffs CITY OF LAGUNA HILLS; BFE ASSET PARTNERS, LLC; GJC PROPERTIES 8 LP; SUKIN & ROSENFELD LLC; and ERIK M. BLOCK (collectively “Plaintiffs”).

2. I make this Declaration in support of Plaintiffs’ *Ex Parte* Application for Order to Show Cause and Temporary Restraining Order. I have personal knowledge of the facts set forth herein. If called as a witness in this matter, I could and would testify competently thereto.

3. Prior to 10:00 a.m. on April 15, 2020, I caused proper statutory notice of the date, time and substance of this *ex parte* to be provided to representatives for each of the named Defendants. This consisted of written notice which I personally emailed to each of the representatives, as reflected in the Notice List accompanying my letter. A true and correct copy of said written notice is attached hereto as *Exhibit A*. I also emailed a copy of the notice to the Interim Agency Director for the Orange County Health Care Agency, Mr. Bob Wilson, although his email is not reflect on the accompanying Notice List.

4. In addition to the above written notice, my assistant Nancy Perez also contacted each of these individuals by telephone, prior to 10:00 a.m., to ensure that they had received my email and provide additional courtesy notice of the date, time and substance of the *ex parte*, as follows:

- (a) Left voicemails with Valerie Sanchez, Chief Deputy Clerk of the Board of Supervisors at both her office number and her County cell phone number, as provided in her automatic email reply;
- (b) Left voicemail with Shamel Massoud, County Counsel;
- (c) Spoke to Simon, the senior legal secretary for Leon Page, County Counsel, who also requested additional electronic service of the *ex parte* papers;
- (d) Spoke to Eleanor, assistant for Interim Agency Director Bob Wilson;
- (e) Spoke to Maria, assistant for Nichole Quick, MD, County Health Officer, who also requested additional electronic service of the papers;

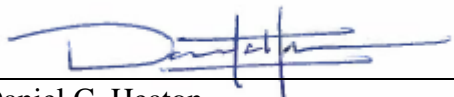
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- (f) Spoke to Nadine, assistant for Frank Kim, County Executive Officer, who also confirmed earlier receipt of the email notice;
- (g) Left voicemail for Kevin Akash, President of Elite Hospitality, Inc.;
- (h) Spoke to Cathy Hollingworth of Illumination Foundation, who indicated that she would forward the message to Paul Cho.

5. At approximately 12:30 pm, I received an email from Suzanne Shoai, Deputy County Counsel, confirming receipt of the *ex parte* notice on behalf of the County and advising that the County intends to appear at the telephonic hearing to oppose. I responded with a copy of the Summons and Complaint, per her request, and indicated that I would also email the *ex parte* papers to her and her colleagues immediately after filing this afternoon.

6. My office received the conformed copies of the submitted Summons and Complaint earlier this morning and intend to electronically serve the representatives for each of the remaining Defendants along with the *Ex Parte* Application papers this afternoon. Should additional personal service be required or requested, we will make those arrangements too.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 15th day of April, 2020 at Pasadena, California.



Daniel C. Heaton

EXHIBIT “A”

April 15, 2020

VIA E-MAIL ONLY
(Notice list attached hereto)

Re: City of Laguna Hills et al. v. Elite Hospitality, Inc. et al. (OCSC 30-2020-01139345)

Dear Sir or Madame,

Please be advised that on **Thursday, April 16, 2020 at 1:30 p.m. in Dept. C25** of the Superior Court of the State of California, located at 700 Civic Center Drive West, Santa Ana, 92701, Plaintiffs CITY OF LAGUNA HILLS; BFE ASSET PARTNERS, LLC; GJC PROPERTIES 8 LP; SUKIN & ROSENFELD LLC; and ERIK M. BLOCK will apply *ex parte* for an order of the court as follows:

That Defendants ELITE HOSPITALITY, INC; COUNTY OF ORANGE; BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE; ORANGE COUNTY HEALTH CARE AGENCY; CEO REAL ESTATE; FRANK KIM; and NICHOLE QUICK be temporarily ordered and enjoined to rescind the Occupancy Agreement and cease and desist from converting the Laguna Hills Inn, located at 23061 Avenida de la Carlota, Laguna Hills, California 92653, into a COVID-19 treatment shelter, to evict any residents now sheltered at the Hotel, to restore any improvements on the property back to original condition, and to thoroughly sanitize any and all areas of the Hotel which may have been contaminated by the COVID-19 virus.

Said *Ex Parte* Application shall be submitted to the Court via email this afternoon and will be provided to you all thereafter. The hearing thereon shall be conducted via Court Call appearance per Court Order, due to restrictions addressing COVID-19.

Please advise as soon as possible whether you intend to appear and/or oppose the *ex parte*.

Very truly yours,

RICHARDSON | OBER | DeNICHILLO



Daniel C. Heaton, Esq.

City of Laguna Hills v. County of Orange et al.

Ex Parte Notice and Service List

Department	Name	Address
County of Orange		
Board of Supervisors		
Clerk of the Board	Valerie Sanchez	333 W. Santa Ana Blvd., Rm 465 Santa Ana, CA 92761 (714) 834-5216 Fax: 714.560.4597 Valerie.sanchez@ocgov.com
County Counsel	Leon Page Shamel Massoud (714.834.3314)	333 W, Santa Ana Blvd., Ste. 407 Santa Ana, CA 92701 (714) 834-3303 Fax: (714) 796-8469 Fax: (714) 834-2359 leon.page@coco.ocgov.com massoud.shamel@coco.ocgov.com
Orange County Health Care Agency	Richard Sanchez, Agency Director Bob Wilson, Interim Agency Director (Assistant: Eleanor)	405 W. 5th St. Santa Ana, CA 92701 (714) 834-2830 Richard.sanchez@ochca.com
County Health Officer	Nichole Quick, MD, MPH (Assistant: Maria)	405 W. 5th St. Santa Ana, CA 92701 (714) 834-3155 nquick@ochca.com
County Executive Officer	Frank Kim (Assistant: Nadine, nadine.romero@ocgov.com)	Hall of Administration 333 W. Santa Ana Blvd Santa Ana, CA 92701 (714) 834-2345 Frank.Kim@ocgov.com ceo@ocgov.com
County of Orange Real Estate	Thomas "Mat" Miller, Chief Real Estate Officer	333 W. Santa Ana Blvd., 3rd Floor Santa Ana, CA 92701 (714) 834-6019 thomas.miller@ocgov.com
Elite Hospitality, Inc.	Kevin Akash, President	104 Archipelago Dr. Newport Beach, CA 92657 (949) 510-3998 kevin@elitegroupco.com
Illumination Foundation	Paul Cho	1091 N. Batavia Street Orange, CA 92867 pcho@ifhomeless.org (949) 273-0555