

1 LEON J. PAGE, COUNTY COUNSEL  
LAURA D. KNAPP, Supervising Deputy (CA SBN 162800)  
2 laura.knapp@coco.ocgov.com  
D. KEVIN DUNN, Senior Deputy (CA SBN 194604)  
3 Kevin.dunn@coco.ocgov.com  
SUZANNE E. SHOAI, Deputy (CA SBN 232866)  
4 Suzy.shoai@coco.ocgov.com  
KAYLA N. WATSON, Deputy (CA SBN 286423)  
5 Kayla.watson@coco.ocgov.com  
GOLNAZ ZANDIEH, Deputy (CA SBN 300546)  
6 Golnaz.zandieh@coco.ocgov.com  
333 West Santa Ana Boulevard, Suite 407  
7 Post Office Box 1379  
Santa Ana, California 92701-1379  
8 Telephone: (714) 834-3300  
Facsimile: (714) 834-2359

9 Attorneys for Defendants COUNTY OF ORANGE;  
10 BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE;  
ORANGE COUNTY HEALTH CARE AGENCY;  
11 CEO REAL ESTATE; FRANK KIM; and NICHOLE QUICK

12 ***Exempt From Filing Fees Pursuant to Gov. Code, § 6103***

13  
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

16 CITY OF LAGUNA HILLS, a municipal entity; )  
BFE ASSET PARTNERS, LLC, a limited )  
17 liability company; GJC PROPERTIES 8 LP, a )  
limited partnership; SUKIN & ROSENFELD )  
18 LLC, a limited liability company; and ERIK M. )  
BLOCK, an individual, )

19 Plaintiffs,

20 v.

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

24 Defendants,

25 ILLUMINATION FOUNDATION, a nonprofit )  
26 organization, )

27 Real Parties in Interest. )  
28 )

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

Assigned for all purposes to:  
Honorable Deborah Servino  
Department C-21

**COUNTY DEFENDANTS'  
DECLARATION OF FRANK KIM IN  
SUPPORT OF SUPPLEMENTAL  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN OPPOSITION TO  
PLAINTIFFS' EX PARTE  
APPLICATION FOR ORDER TO  
SHOW CAUSE AND TEMPORARY  
RESTRAINING ORDER**

[Supplemental Memorandum of Points and  
Authorities In Opposition filed concurrently  
herewith]

DATE: April 20, 2020  
TIME: 10:00 a.m.  
DEPT.: C-25

Action Filed: April 14, 2020  
Trial: TBD

**DECLARATION OF FRANK KIM**

1 I, Frank Kim, declare as follows:  
2

3 1. I have personal knowledge of the facts set forth in this declaration. If called as a witness, I  
4 could and would testify competently to such facts under oath. Where statements are made on information  
5 and belief, I believe these statements to be true.

6 2. I am the County Executive Officer (CEO) for the County of Orange. I was appointed CEO  
7 by the Orange County Board of Supervisors on May 12, 2015. Prior to being named CEO, I served as the  
8 County's chief financial officer since 2012. Moreover, I have worked for the County for over 24 years.

9 3. My staff has been working around the clock in an effort to comply with the State Emergency  
10 Order and Project Roomkey. In late March, our office was provided a list of hotels that meet the  
11 requirements under Project Roomkey. Thereafter, my staff and I began combing through the State's list to  
12 determine which hotels were operating, which hotels had occupants, which hotels were close to a hospital,  
13 and which hotels could potentially enter into a contract with the County in order to comply with the Order.  
14 My staff and I have been in constant communication and discussion with numerous city managers  
15 throughout the County, discussing Project Roomkey, and how to best achieve the State's directives.

16 4. My staff and I have worked tirelessly for the past month and a half to locate hotel owners in  
17 each Servicing Planning Area of the County North, Central and South that meet the State's requirements  
18 under Project Roomkey. The number of viable hotels on the State's list turned out to be very limited. In  
19 addition, the County continues to face the never-ending challenge of finding hotel owners that are willing  
20 to enter into a lease under the County's terms and conditions, especially in South County. The County does  
21 not choose these hotels randomly, but rather the County takes into consideration a great deal of factors.  
22 After the Ayers hotel backed out of its lease with the County in Laguna Woods, we were able to secure a  
23 Lease with the Laguna Hills Inn, which is one of the hotels on the list provided by the State. If the  
24 Plaintiffs are successful in obtaining a TRO, I fear the County will not be able to secure another hotel for  
25 COVID-19 homeless individuals in South County.

26 5. Moreover, based on my experience, if the Plaintiffs are successful in obtaining a TRO in this  
27 instance, I am confident the County will get similar challenges from every other host city seeking to stop  
28 COVID-19 homeless from being placed in each city. This will clearly impact the public's health and the

1 County's ability to comply with the State's Order.

2 6. Additionally, I am informed by my real estate staff that in the event private contracts and  
3 restrictions, like CC&Rs, restrict the ability to use facilities under Project Roomkey, this will disrupt the  
4 whole program State-wide, and cause unnecessary delay and complications to this short term emergency  
5 use of facilities, including hotels. The time and effort needed to investigate, review and comply with each  
6 and every private agreement applicable to a facility would unduly burden the program and our response  
7 effort. I am unaware of other circumstances related to the COVID-19 emergency where private covenants  
8 or agreements have been applied to the pandemic response which limits the State or County's ability to  
9 respond effectively and quickly.

10 7. I am informed by County staff and the Illumination Foundation that three (3) COVID-19  
11 positive individuals from Mission Hospital were identified for quarantine at Laguna Hills Inn yesterday, but  
12 we have not been able to isolate them there at this time due to the lawsuit. It is imperative that the County  
13 obtain a site for this isolation in south Orange County.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
15 and correct to the best of my knowledge.

16 EXECUTED this 17 th day of April, 2020 in Santa Ana, California.

17  
18 

19 Frank Kim

**PROOF OF SERVICE**


I do hereby declare that I am a citizen of the United States employed in the County of Orange, over 18 years old and that my business address is 10 Civic Center Plaza, 4<sup>th</sup> Floor, Santa Ana, California 92701; and, my email address is simon.perng@coco.ocgov.com. I am not a party to the within action.

On **April 17, 2020**, I served the foregoing **COUNTY DEFENDANTS’ DECLARATION OF FRANK KIM IN SUPPORT OF SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS’ EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER** on all other parties to this action in the following manner:

BY ELECTRONIC SERVICE: Pursuant to California Rules of Court, rule 2.251(c)(2), (3), I caused an electronic version of the document(s) to be sent to the person(s) listed below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: **April 17, 2020**

  
\_\_\_\_\_  
Simon Perng

**NAME(S) AND ADDRESS(ES) TO WHOM SERVICE WAS MADE**

KELLY G. RICHARDSON, Bar No.: 112666	Attorneys for Plaintiffs,
DANIEL A. NORDBERG, Bar No.: 77598	CITY OF LAGUNA HILLS;
ALISA E. SANDOVAL, Bar No.: 206426	BFE ASSET PARTNERS, LLC;
DANIEL C. HEATON, Bar No.: 262232	GJC PROPERTIES 8 LP;
RICHARDSON   OBER   DeNICHILLO	SUKIN & ROSENFELD LLC; &
234 E. Colorado Blvd., Suite 800	ERIK M. BLOCK
Pasadena, California 91101	
Tel: 626.449.5577	
Fax: 626.449.5572	
Email: <a href="mailto:Daniel@rodllp.com">Daniel@rodllp.com</a>	