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Fresno, CA 93720-3370
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E-FILED
7/18/2023 4:46 PM
Superior Court of California
County of Fresno
By: I. Herrera, Deputy

5 Attorneys for Applicant, City of Reedley

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF FRESNO**

10
11 **IN RE PROPERTY LOCATED AT:**

Case No.: 23CECG00912

12
13 850 "I" Street
Reedley, CA 93654

**APPLICATION FOR ABATEMENT
WARRANT AND ORDER AUTHORIZING
ENTRY ONTO PROPERTY TO ABATE
PUBLIC NUISANCE
(Code of Civ. Proc., § 1822.50, et seq.)**

14 APN: 368-010-64S

**(Declarations of Jerry Isaak and Jesalyn
Harper; and [Proposed] Abatement Warrant
and Order filed concurrently.)**

15 **Property Owner:** AY-NC-LP
16 **Responsible Parties:** Prestige Biotech, Inc., a
17 Nevada Corporation; and Universal Meditech,
Inc., a California Corporation

18
19 THE PEOPLE OF THE STATE OF CALIFORNIA, by and through the City of Reedley ("City"),
20 hereby apply to this Court for issuance of a warrant authorizing the City to enter into the premises
21 commonly known as 850 "I" Street, in the City of Reedley, County of Fresno, in the State of California,
22 legally described as Assessor's Parcel Number 368-010-64S ("the Property"), for the purpose of abating
23 conditions on the Property that constitute a public nuisance. Abatement of these conditions is expressly
24 authorized under Civil Code section 3494 and Reedley Municipal Code ("RMC") section 4-2-8.

25 This application for inspection warrant is based upon this Application, the Declaration of Code
26 Enforcement Officer Jesalyn Harper ("Decl. of J. Harper"), the Declaration of Jerry Isaak ("Decl. of J.
27 Isaak"), the [Proposed] Abatement Warrant and Order, and on such other evidence as may be presented
28 prior to or at the time of the hearing on this matter.

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I. FACTUAL SUMMARY

AY-NC-LP, a California limited partnership is the owner of record of the Property, and Prestige Biotech, Inc., a Nevada corporation (“Biotech”), is a tenant of the Property. (Decl. of J. Harper, ¶5.) The Property consists of an industrial warehouse located within the City. (*Id.*) On March 13, 2023, this Court issued an Inspection Warrant which authorized the City’s Code Enforcement Officers and agents from the City Fire Department, City Police Department, California Department of Toxic Substances Control, the Federal Bureau of Investigations, the California Department of Public Health, and the Fresno County Department of Public Health to enter the Property and inspect for state Health and Safety Code, Building Code, and Municipal Code violations.

On March 16, 2023, the City served the Inspection Warrant on Wang Zhaolin, the individual responsible for the Property at the time of the inspection and carried out an inspection of the entirety of the Property along with agents from the above-referenced federal, state and local agencies. (Decl. of J. Harper, ¶ 8.) The City and the assisting agencies discovered multiple building and safety violations within the Property. (*Id.*) City staff was informed by Xiuqin Yao, who identified herself as the president of Biotech, that the Property was being used to store bio-medical supplies related to developing diagnostic testing kits. (Decl. of J. Harper, ¶ 9.) Also kept on site were several hundred mice that, according to Ms. Yao, were used for testing relating to immunology and oncology. (*Id.*) During the inspection, State Veterinarian Nina Hahn noted several violations relating to the welfare regulations and standard of care for these mice, including being kept in overcrowded cages, the mice being exposed to 24 hours of lighting despite being nocturnal, and improper sanitation. (Decl. of J. Harper, ¶ 10.)

Following the discovery of the poorly cared-for mice on the Property, the City filed an Application for an Abatement Warrant on March 29, 2023, to permit the City and other state and local agencies to enter the Property in order to seize the mice so that they could be humanely euthanized. An Abatement Warrant and Order was issued by the Court on April 4, 2023. As set forth in the Return of the Abatement Warrant and Order filed by the City on April 26, 2023, on April 12, 2023, Officer Harper and the City’s contracted veterinarian, Dr. Nina Hahn, executed the Abatement Warrant and entered the Property to examine the condition of the mice. Having found the mice to be in distress, with large numbers of dead, injured and deformed mice, the remaining mice were humanely euthanized. (Decl. of

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1 J. Harper, ¶ 11.)

2 The Return of the Abatement Warrant and Order was filed by the City on April 26, 2023,
3 describing the actions taken by the City and the other agencies in executing the warrant.

4 Although the previous Abatement Warrant and Order resulted in the abatement of the health and
5 safety issues presented by the unpermitted mice breeding operation, other serious issues remain regarding
6 the Property which involve imminent threats to the health and safety of any persons working at or entering
7 the Property, as well as the surrounding community. In a letter to the City Manager dated April 25, 2023,
8 Jerry Isaak, the City’s Fire Chief, outlined several remaining areas of concern regarding the Property.
9 These include the presence of unmarked corrosive, toxic and/or highly flammable chemicals stored in
10 the warehouse, a large fuel load in the facility, and hazardous unpermitted electrical wiring creating a
11 fire hazard. In the event that a fire should occur, due to the potential inhalation and explosion hazards, an
12 evacuation zone of at least one city block would need to be established around the Property. In addition,
13 a gas station is located next to the warehouse, which could serve to increase the potential hazard. The
14 potential evacuation zone would include the City Police Department, City Hall, Kings Canyon Unified
15 School District main office and approximately twelve residential homes. (Decl. of J. Isaak, ¶ 4, Exh. A.)

16 In a letter to the City Manager dated May 23, 2023, Officer Harper elaborated on multiple
17 concerns regarding hazardous and potentially dangerous conditions on the Property, including building
18 violations and Health and Safety Code violations. The building violations center around nonpermitted
19 work and the structural integrity of the building potentially being compromised. The Health and Safety
20 Code violations center around the storage of chemicals, means of egress, and use of the building pending
21 adequate fire protection. (Decl. of J. Harper, ¶ 12, Exh. A.) As Officer Harper pointed out, the usage of
22 a hazardous nonpermitted electrical system throughout the Property is so worrisome as to warrant having
23 PG&E turn off services to certain parts of the building until a licensed electrical contractor could be
24 brought in to bring the electrical system up to code. However, due to the need to continue service to the
25 appliances used to store infectious medical waste and chemicals (much of it at sub-freezing
26 temperatures), the electrical service cannot safely be disconnected at this time until the chemical and
27 biohazards are removed. (Decl. of J. Harper, ¶ 13.)

28 On June 7, 2023, a Notice and Order to Abate Public Nuisance (“Notice and Order”) was issued

1 by the City and served on the Property owner. (Decl. of J. Isaak, ¶ 5, Exh. B.) This Notice and Order
2 listed multiple violations of the Reedley Municipal Code, the Health and Safety Code and the State
3 Building Codes, and provided the Property owners ten days, until June 17, 2023, to complete the
4 necessary demolition or repairs. (*Id.* at ¶¶ 7, 8.)

5 On or about June 8, 2023, the County of Fresno Department of Public Health (“County”) issued
6 an order entitled “Ordered Closure and Abatement” to the business operating on the Property notifying
7 the business that the County would be permitted to abate all biologicals kept on the Property unless the
8 County’s demands were met by June 11, 2023. These demands included identifying all persons
9 authorized by law to conduct the business, and to produce a biological and abatement plan for the
10 transport of properly labeled biological specimens consistent with federal, state and local regulations. If
11 the business did not comply with this order by the stated date, the County notified the business that it
12 may immediately commence abatement of the biologicals found on the Property. (Decl. of J. Isaak, ¶ 9,
13 Exh. C.) Accordingly, the City held its Notice and Order in abeyance until the County’s order was lifted.
14 (*Id.* at Exh. D.) The Notice of Abeyance has expired as of July 17, 2023, and the responsible parties have
15 failed to take any actions to comply with the Notice and Order as of the date of the filing of this
16 Application. (*Id.* at ¶ 8.)

17 Although the County has completed its abatement of the biological hazards on the Property, there
18 is still much for the City and other state and local agencies to do to abate the remaining hazards and
19 nuisances that pose imminent threats to the health and safety of the neighboring community and the
20 general public, as well as to anyone who enters the Property. It is for that reason that the City is seeking
21 this second Abatement Warrant and Order to abate the remaining threats to public health and safety.

22 II. LEGAL ARGUMENT

23 A. City has the Authority to Inspect the Property.

24 The legislative body of a city may declare what constitutes a nuisance. (Gov. Code, § 38771.)
25 The California Civil Code provides that a city may remedy a public nuisance through abatement. (Civ.
26 Code, §§ 3491, 3494.) The City’s code expressly authorizes the abatement of properties in violation of
27 the RMC. (See RMC §§ 1-12-1(D); 4-2-3(B); 4-2-8(B); 4-2-11; 10-16-9; and 10-16-11.) Therefore, the
28

1 City is authorized to request an abatement warrant from the Court to allow the City to enter onto the
2 Property and abate the hazardous conditions and public nuisances.

3 **B. This Court has Authority to Issue an Abatement Warrant.**

4 The California Code of Civil Procedure provides that an action may be brought by a city attorney
5 when directed to do so by the city’s legislative authority, to abate a nuisance property. (Code Civ. Proc.,
6 § 731.) But, “in the absence of consent or exigent circumstances, government officials engaged in the
7 abatement of a public nuisance must have a warrant to enter any private property where such entry would
8 invade a constitutionally protected privacy interest.” (*Gleaves v. Waters* (1985) 175 Cal.App.3d 413,
9 419.)

10 Although section 1822.50 of the Code of Civil Procedure provides the procedure for a public
11 agency to receive a warrant to enter a private property to inspect it, there is not a statutory procedure for
12 entry by a public agency to abate a nuisance. However, several cases have held that the procedures for
13 an inspection warrant should mirror those for an agency seeking an abatement warrant. In *Connor v.*
14 *City of Santa Ana*, the court held, “California courts have rejected, for purposes of the warrant
15 requirement, any distinction between inspection and abatement of a declared public nuisance.” (*Connor*
16 *v. City of Santa Ana* (9th Cir., 1990) 897 F.2d 1487, 1490.)

17 This point is further explored in *Flahive v. City of Dana Point*, wherein the court of appeals held
18 that the procedures employed by the City of Dana Point “passed constitutional muster because it mirrored
19 the statutory requirements of other types of warrants.” (*Flahive v. City of Dana Point* (1999) 72
20 Cal.App.4th 241, 246, fn. 8.) The court noted that the City of Dana Point’s warrant was issued pursuant
21 to probable cause, shown by an affidavit particularly describing the place to be inspected, and the
22 abatement demanded was authorized by appropriate law. (*Id.*)

23 **C. City has Satisfied all Requirements for Issuance of an Abatement Warrant.**

24 Pursuant to the holdings in *Flahive*, *Gleaves*, and *Connor*, the appropriate procedures for the
25 issuance of an abatement warrant, as requested in this matter, should follow the statutory procedures set
26 forth in Code of Civil Procedure §§1822.50, et seq. Section 1822.50 provides that an inspection warrant
27 may be issued by a judge of a court of record, directed to a local official, “commanding him to conduct
28 any inspection required or authorized by state or local law or regulation relating to building, fire, safety,

1 plumbing, electrical, health, labor, or zoning.” (Code Civ. Proc., § 1822.50.) Section 1822.51 states the
2 requirements for issuance of an inspection warrant as follows:

3 “An inspection warrant shall be issued upon cause... An inspection warrant shall
4 be supported by an affidavit, particularly describing the place, dwelling, structure,
5 premises, or vehicle to be inspected and the purpose for which the inspection is
6 made... [T]he affidavit shall contain either a statement that consent to inspect has
7 been sought and refused or facts or circumstances reasonably justifying the failure
8 to seek such consent.” (Code Civ. Proc., § 1822.51.)

9 **i. City has Demonstrated Good Cause Exists for Issuance of Abatement Warrant.**

10 Section 1822.52 of the Code of Civil Procedure provides in pertinent part that good cause exists
11 for the issuance of a warrant if: (1) “reasonable legislative or administrative standards for conducting a
12 routine or area inspection are satisfied with respect to the particular place, dwelling, structure, [or]
13 premises...” or (2) “there is reason to believe that a condition of nonconformity exists with respect to the
14 particular place, dwelling, structure, [or] premises.” (Code Civ. Proc., § 1822.52.)

15 As demonstrated in the Declarations of Jesalyn Harper and Jerry Isaak submitted herewith, the
16 City has demonstrated that there is a condition of non-conformity existing within Property. (Decl. of J.
17 Harper, ¶¶ 12-15.). After inspecting the Property, the Property was found to be in violation of RMC
18 section 4-2-3, subdivision (C), for the presence of unsanitary accumulations of garbage, contaminated
19 materials, menace to the public (due to the Property’s use as an unpermitted laboratory and the fire
20 hazards identified throughout the Property), violations of State Building Codes, hazardous liquids and
21 other substances, safety hazard (maintenance of the Property in a manner that presents an imminent safety
22 hazard and/or creates a present and immediate danger to life, property, health or public safety due to the
23 fire hazards on the Property and the improper storage of hazardous substances), and fire, panic or life
24 safety hazards (due to the improper installation of electrical wiring and improper storage of potentially
25 explosive and flammable substances). (Decl. of J. Isaak, ¶ 6.) The Property was also found to be in
26 violation of RMC section 9-1-1 which provides that a violation of the California Building Code, Electrical
27 Code, Mechanical Code and Abatement of Dangerous Buildings Code is a violation of the City’s
28 ordinance. (*Id.*) The Property was further found to be in violation of RMC section 10-25-4 due to the fact
that no conditional use permit was secured for the use of the Property to operate a laboratory for medical
testing and diagnostics. (*Id.*)

1 Accordingly, good cause exists to issue an abatement warrant to the City.

2 **ii. The Owners and/or responsible parties have refused to correct the nuisance conditions**
3 **within the Property.**

4 Section 1822.51 of the Code of Civil Procedure requires that before a warrant may be issued, “the
5 affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or
6 circumstances reasonably justifying the failure to seek such consent.” (Code Civ. Proc., § 1822.51.) The
7 City had to apply to the Court for an inspection of the Property since the tenant of the Property refused
8 to permit staff to inspect the entirety of the Property. (Decl. of J. Harper, ¶7.) The City’s Notice and
9 Order to Abate Public Nuisance identified the public nuisances and code violations and gave the Property
10 owners ten days to abate the nuisances. (Decl. of J. Isaak, Exh. B.) Following the County lifting its
11 Health Officer Order, the City’s Notice of Abeyance expired as of July 17, 2023. (*Id.* at ¶11.) Not only
12 have the Property owners failed to abate the nuisances, but they have not even attempted to begin to abate
13 them. (*Id.*) Furthermore, Biotech has failed to provide sufficient documentation to identify an authorized
14 agent who is permitted to conduct business in California, and act on Biotech’s behalf to enter the Property
15 to abate the nuisance conditions within. (See County of Fresno’s Application for Abatement Warrant,
16 dated June 15, 2023.) Accordingly, the City has met its obligation of attempting to acquire consent and
17 has attempted to have the nuisances abated by the Property owners prior to applying for an Abatement
18 Warrant and Order to remedy the nuisances and imminent hazards related to the Property.

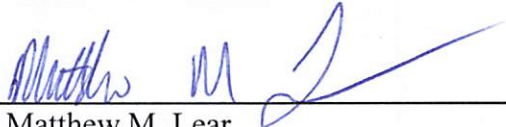
19 **III. CONCLUSION**

20 Based on the foregoing, City respectfully requests that this court issue an Abatement Warrant
21 permitting City and other state and local agencies working with the City to enter the Property for the
22 purpose of entering the Property for a period not to exceed fourteen (14) days in order to: (1) remove and
23 dispose of all improperly stored hazardous materials, chemicals and medical waste; (2) remove all
24 abandoned components and embargoed material that pose a risk of inadequate egress; (3) remove all
25 abandoned appliances, including medical devices and their components posing a fire risk; (4) remove all
26 abandoned and discarded property such as furniture, shelving, equipment, and other miscellaneous items
27 that pose of risk of obstructing egress; (5) remove all abandoned appliances including medical testing
28 machines, refrigerators and freezers that are not permitted to operate on the Property; (6) remove all non-

1 permitted electrical work from the Property, or shut off power to the Property; (7) move any business
2 documents found during the course of the abatement into a safe location within the Property; and (8)
3 following the removal of the above-referenced chemicals, medical waste, hazardous materials, and
4 personal property impeding egress, to have a structural engineer assess the Property to confirm the
5 structural integrity of the main building on the Property.

6
7 **LOZANO SMITH**

8 Dated: July 18, 2023

9 
10 _____
11 Matthew M. Lear
12 Attorney for the City of Reedley

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding Avenue, Fresno 93720.

On July 18, 2023, I served the attached: **APPLICATION FOR ABATEMENT WARRANT AND ORDER AUTHORIZING ENTRY ONTO THE PROPERTY TO ABATE PUBLIC NUISANCE (Code of Civ. Proc., § 1822.50, et seq.)** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

AY-NC-LP
225 Market St.
Oakland, CA 94607
Property Owner

Archibald M. Sam
500 Sansome Street
San Francisco, CA 92111
Agent for Property Owner

Barry Zhang CPA & Associates, LLC
3528 Wynn Road
Las Vegas, NV 89103
Agent for Prestige Biotech

Xiao Xiao Wang
1320 E. Fortune Avenue, Suite 102
Fresno, CA 93725
Agent for Universal Meditech, Inc.

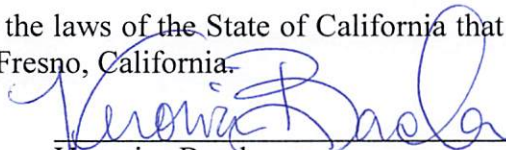
(**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

(**By Personal Service**) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 18, 2023, at Fresno, California.



Veronica Banda

Laurie Avedisian-Favini, SBN 231129
Wiley R. Driskill, SBN 253913
Matthew M. Lear, SBN 316582

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Fresno, CA 93720-3370
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By: I. Herrera, Deputy

Attorneys for Applicant, City of Reedley

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

Case No.: 23CECG00912

850 "I" Street
Reedley, CA 93654

**[PROPOSED] ABATEMENT WARRANT
AND ORDER AUTHORIZING ENTRY
ONTO THE PROPERTY TO ABATE
PUBLIC NUISANCE**

APN: 368-010-64S

**(Declarations of Jesalyn Harper and Jerry
Isaak; and the Application for Abatement
Warrant and Order were filed concurrently.)**

Property Owner: AY-NC-LP
Responsible Parties: Prestige Biotech, Inc., a
Nevada Corporation; and Universal Meditech,
Inc., a California Corporation

THE PEOPLE OF THE STATE OF CALIFORNIA TO:

CODE ENFORCEMENT OFFICERS AND BUILDING OFFICIALS OF THE CITY OF
REEDLEY AND THEIR AUTHORIZED REPRESENTATIVES, AGENTS, AND ANY SHERIFF, OR
PEACE OFFICER IN THE CITY OF REEDLEY:

Proof by duly executed declarations by Jerry Isaak, Fire Chief and Code Enforcement Officer for
the City of Reedley dated July 18, 2023, and Jesalyn Harper, Code Enforcement Officer for the City of
Reedley, dated July 18, 2023, and submitted to the Court.

The Court hereby finds that there is reason to believe that there exists at the warehouse located at
850 "I" Street, in the City of Reedley, County of Fresno, State of California (Assessor's Parcel Number
368-010-64S) ("Property"), conditions in violation of the Reedley Municipal Code and Health and Safety
Code that constitute a public nuisance that may be abated pursuant to Civil Code sections 3491 and 3494,
and that entry upon the Property by the City of Reedley Code Enforcement Officers, Building Officials,

1 and/or their designees, representatives, including officials from the California Department of Toxic
2 Substances Control, the California Department of Public Health, the U.S. Environmental Protection
3 Agency ("EPA"), and the Fresno County Department of Public Health and their agents are necessary to
4 carry out code enforcement and abatement of the public nuisance.

5 The conditions on the Property have been determined to constitute a public nuisance in violation
6 of the Reedley Municipal Code sections 4-2-3, subdivision (C), 9-1-1, and 10-25-4, and Health and Safety
7 Code section 17920.3.

8 **THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:**

9 1. City of Reedley ("City") officials and their authorized designees and agents, including
10 officials from the California Department of Toxic Substances Control, the California Department of
11 Public Health, the EPA, and the Fresno County Department of Public Health and their agents may enter
12 onto the Property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California
13 (Assessor's Parcel Number 368-010-64S) ("Property"), for the purpose of abating the public nuisance
14 conditions therein by: (1) remove and dispose of all improperly stored hazardous materials, chemicals
15 and medical waste; (2) remove all abandoned components and embargoed material that pose a risk of
16 inadequate egress; (3) remove all abandoned appliances, including medical devices and their components
17 posing a fire risk; (4) remove all abandoned and discarded property such as furniture, equipment, shelving
18 and other miscellaneous items that pose of risk of obstructing egress; (5) remove all abandoned
19 appliances including medical testing machines, refrigerators and freezers that are not permitted to operate
20 on the Property; (6) remove all non-permitted electrical work from the Property, or shut off power to the
21 Property; (7) move any business documents found during the course of the abatement into a safe location
22 within the Property; and (8) following the removal of the above-referenced chemicals, medical waste,
23 hazardous materials, and personal property impeding egress, to have a structural engineer assess the
24 Property to confirm the structural integrity of the main building on the Property.

25 2. The responsible party(ies)/owner(s)/occupant(s) of the above-referenced Property are
26 hereby ordered not to interfere with the abatement of the nuisance conditions thereon.

27 3. To protect the safety of City employees and their authorized designees and agents, the
28 Reedley Police Department and/or the Fresno County Sheriff's Office is authorized to use reasonable

1 force to secure the Property, including restraint of any occupants, and/or person on the Property before
2 and during the inspection.

3 4. To ensure that this warrant can be executed as ordered herein, the Reedley Police
4 Department and/or the Fresno County Sheriff's Office is expressly authorized to use reasonable force to
5 enter and secure the Property, to allow for the inspection to take place, including the opening of any
6 locked portions of the Property.

7 5. City officials and/or their authorized designees and agents, shall provide notice of this
8 warrant to the owner of the Property AY-NC-LC, and the representative for Prestige Biotech, Inc., as the
9 tenant in possession of the warehouse at least twenty-four (24) hours prior to its execution. This notice
10 requirement may be satisfied by posting said notice on the Property.

11 6. The Code Enforcement Officer and Building Official for the City of Reedley and/or their
12 authorized designees and agents including officials from the California Department of Toxic Substances
13 Control, the Federal Bureau of Investigations, the California Department of Public Health, the EPA, and
14 the Fresno County Department of Public Health and their agents may enter the warehouse on the Property
15 legally described as APN 368-010-64S, for the above-stated purposes, to occur between
16 _____, 2023 and _____, 2023, excluding the hours between 6:00 p.m. and 8:00
17 a.m., on any given day. The persons authorized herein may enter onto the Property on any particular day
18 within the time period described herein, but not to exceed these fourteen (14) days, and authority for re-
19 entry pursuant to this warrant shall continue until the inspection and abatement activity are completed.

20 7. Any property that is removed from the Property in accordance with this Order may be
21 collected for testing and preserved as evidence by any associated law enforcement or regulatory agencies
22 for further investigation relating to the activities that were occurring on the Property.

23 8. This warrant may be executed in the absence of any responsible
24 party(ies)/owner(s)/occupant(s) of the above-referenced Property.

25
26 ///

27
28 ///

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 9. This warrant shall expire at 6:00 p.m. on _____, 2023, and the return must
2 be executed no later than _____, 2023 at 5:00 p.m.

3 **IT IS SO ORDERED.**

4
5 Dated: _____

6 JUDGE OF THE SUPERIOR COURT

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11 LOZANO SMITH
12 7404 N. Spalding Avenue Fresno, CA 93720-3370
13 Tel 559-431-5600 Fax 559-261-9366
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AY-NC-LP	Archibald M. Sam
225 Market St.	500 Sansome Street
Oakland, CA 94607	San Francisco, CA 92111
<i>Property Owner</i>	<i>Agent for Property Owner</i>

Barry Zhang CPA & Associates, LLC	Xiao Xiao Wang
3528 Wynn Road	1320 E. Fortune Avenue, Suite 102
Las Vegas, NV 89103	Fresno, CA 93725
<i>Agent for Prestige Biotech</i>	<i>Agent for Universal Meditech, Inc.</i>

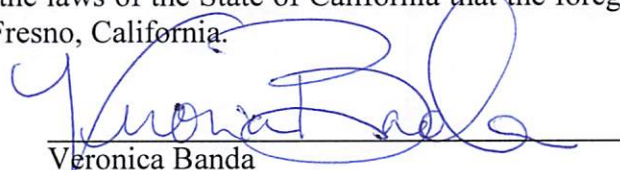
(**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

(**By Personal Service**) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 18, 2023, at Fresno, California.


Veronica Banda

J:\wdocs\01910\030\PLD\01046280.DOCX

Laurie Avedisian-Favini, SBN 231129
Wiley R. Driskill, SBN 253913
Matthew M. Lear, SBN 316582

LOZANO SMITH
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

E-FILED
7/18/2023 4:46 PM
Superior Court of California
County of Fresno
By: I. Herrera, Deputy

Attorneys for Applicant, City of Reedley

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

Case No.: 23CECG00912

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

Property Owner: AY-NC-LP
Responsible Parties: Prestige Biotech, Inc., a
Nevada Corporation; and Universal Meditech,
Inc., a California Corporation

**DECLARATION OF JESALYN HARPER IN
SUPPORT OF APPLICATION FOR
ABATEMENT WARRANT AND ORDER
AUTHORIZING ENTRY ON THE
PROPERTY TO ABATE PUBLIC
NUISANCE**

**(Declaration of Jerry Isaak; Application for
Abatement Warrant and Order; and
[Proposed] Abatement Warrant and Order
filed concurrently.)**

I, JESALYN HARPER, declare as follows:

1. I am currently, and at all times relevant have been, employed as a Code Enforcement Officer with the City of Reedley ("City").

2. I have personal knowledge of the matters contained herein and could, if called upon, competently testify thereto. As to those matters asserted on information and belief, I believe them to be true.

3. My general responsibilities as a Code Enforcement Officer are inspecting properties to ensure that they are in compliance with state and local building regulations as well as responding to

1 complaints from the citizens in our community and enforcing the City Municipal Code with special
2 attention to Substandard Housing and Public Nuisance properties.

3 4. Through various certification requirements and continuing education, I have extensive
4 training and experience in the enforcement of the City Municipal Code. I am trained and familiar with
5 the State housing law, the California Health and Safety Code (“H&S”), the California Building
6 Standards Code (“CBSC”), the California Building Code (“CBC”), the California Residential Code
7 (“CRC”), the California Fire Code (“CFC”), the California Electrical Code (“CEC”), the California
8 Plumbing Code (“CPC”), the Uniform Code for the Abatement of Dangerous Buildings (“UCADB”),
9 the Uniform Housing Code (“UHC”), other local building codes, and the Reedley Municipal Code
10 (“RMC”).

11 5. Code Enforcement has been personally involved with the efforts to bring the property at
12 850 “I” Street, Reedley, California 93654 (Assessor’s Parcel Number 368-010-64S) (the “Property”)
13 into compliance since March 3, 2023. It is my information and belief that the record owner of the
14 Property is AY-NC-LP, a California limited partnership and the tenant of the Property is a business
15 called Prestige Biotech, Inc., a Nevada corporation. The Property consists of a 1.73-acre parcel lot with
16 an industrial warehouse.

17 6. Due to the City being informed that the Property was being used to store various
18 unknown chemicals, the City involved the California Department of Toxic Substances Control
19 (“DTSC”), the Federal Bureau of Investigations, the California Department of Public Health
20 (“CDPH”), and the Fresno County Department of Public Health in its investigation of the Property.

21 7. After the tenants of the Property refused to permit City staff to inspect all portions of the
22 Property, the City applied to the Court for an Inspection Warrant. On March 13, 2023, the Court issued
23 an Inspection Warrant allowing the City, and agents from the above-referenced agencies, to enter the
24 Property and inspect for Health and Safety Code, Building Code, and Municipal Code violations.

25 8. On March 16, 2023, the City served the Inspection Warrant on Wang Zhaolin, the
26 individual responsible for the Property at the time of the inspection and carried out an inspection of the
27 entirety of the Property. The City documented several building and safety code violations. CDPH
28 documented embargoed items being stored in the Property and made an inventory of the contents of the

1 lab. DTSC inspected how the tenant was disposing of toxic substances and tested the air to ensure it
2 was safe to breathe. One of the rooms was found to contain several vessels of liquids and various
3 apparatus that made it potentially unsafe to enter.

4 9. During the inspection, we found a room housing hundreds of laboratory mice which
5 were being kept in inadequate conditions in overcrowded cages with a lack of food and water. Between
6 March 17, 2023, and March 27, 2023, I exchanged emails with a Xiuquin Yao, who identified herself
7 as the President of Prestige Biotech, Inc., and indicated that that the Property was being used to store
8 bio-medical supplies related to developing diagnostic testing kits, as well as raising a large number of
9 specially-bred mice that were used for testing relating to immunology and oncology. I inquired as to
10 whether Yao could provide any licenses or certifications permitting the experiments and breeding of
11 these mice. She never provided any certifications or licenses from any state or federal agency that
12 permitted the activities being conducted on the Property. Nor did she provide a plan to care for the
13 mice, or where the mice would be moved since the building was red tagged following the City's
14 inspection.

15 10. On March 27, 2023, I received an email from Dr. Nina Hahn, the City's contracted
16 veterinarian who also inspected the Property. She indicated that the mice were being housed in
17 conditions that are far outside of all animal welfare regulations and standards of care. The issues
18 include the cages being overcrowded, improper sanitation, exposure to wild rodents, and being exposed
19 to lights 24 hours a day despite the mice being nocturnal. Dr. Hahn recommended that the mice either
20 be removed from the location by the tenants or that the City seize the mice to prevent any further
21 mistreatment of the animals.

22 11. Based on the facts above, the City applied for an Abatement Warrant to allow for the City
23 staff and its designees to enter the Property and seize the laboratory mice so that they could be humanely
24 euthanized. The Abatement Warrant and Order was issued by this Court on April 4, 2023. On April 12,
25 2023, along with Dr. Hahn, I executed the Abatement Warrant and entered the Property to examine the
26 condition of the mice. Having found the mice to be in distress, with large numbers of dead, injured and
27 deformed mice, the remaining mice were humanely euthanized.

1 12. As I stated in my letter dated May 23, 2023, to Nicole Zieba, the Reedley City
2 Manager, there are multiple concerns remaining regarding hazardous and potentially dangerous
3 conditions on the Property, including building violations and Health and Safety Code violations. The
4 building violations center around nonpermitted work and the structural integrity of the building
5 potentially being compromised. The Health and Safety Code violations center around the storage of
6 chemicals, means of egress, and use of the building pending adequate fire protection. As I stated in this
7 letter, “the need to secure the building adequately and mitigate the violations is crucial for the well
8 being of the general public.” A true and correct copy of this May 23, 2023, letter is attached hereto as
9 **Exhibit A.**

10 13. As I stated in my May 23, 2023, letter, the usage of a hazardous nonpermitted electrical
11 system throughout the Property is so worrisome as to warrant having PG&E turn off services to certain
12 parts of the building. It is Code Enforcement’s recommendation that all electrical services to the
13 Property be disconnected until a licensed electrical contractor can be obtained to bring the electrical
14 system into compliance with the California Building Code. At this time, however, the City is hampered
15 in its ability to have the electrical service shut off due to the need to continue service to the appliances
16 being utilized to store infectious medical waste and chemicals (much of it at sub-freezing
17 temperatures), and lack of lighting to allow visibility for safe egress.

18 14. Inspections of the Property have resulted in further concern for the structural integrity of
19 the building, with visible signs of disrepair, deterioration and neglect. These include multiple roof leaks
20 that have resulted in partial collapse of the insulation panels and with unknown damage to the
21 supporting roof trusses, and water damage present on the main structure support beams for the exterior
22 cover on the north side of the Property. These conditions will require inspection of the Property by a
23 structural engineer. However, it is too dangerous to conduct such an inspection at this time due to the
24 storage of infectious medical waste and hazardous chemicals on the Property.

25 15. The condition of the Property fails to provide a safe means of egress, in violation of
26 California Code of Regulations, title 8, section 3215. The vast storage of embargoed medical devices,
27 components, machines and equipment, appliances, chemicals, and other miscellaneous materials are
28 causing an obstruction for the minimum requirements of egress. (Cal. Code Regs., tit. 8, § 3215, subd.

1 (a.) The current electrical situation on the Property is preventing sufficient artificial lighting to enable
2 objects to be seen and egress made under emergency conditions. (Cal. Code Regs., tit. 8, § 3215, subd.
3 (e.)

4 16. Attached as **Exhibit B** are true and correct copies of photos taken by City personnel
5 during previous inspections of the Property, depicting some of the hazards identified above, including
6 appliances posing fire risks, obstructed egress, improperly stored furniture, chemicals, machinery and
7 devices, and nonpermitted electrical appliances.

8 17. Attempts have been made to identify the chemical and biologicals being stored on the
9 Property with the assistance of the California Department of Toxic Substance Control, Fresno County
10 Department of Public Health and the federal Centers for Disease Control. Due to inadequate labeling of
11 the substances, there is no way to be able to identify all items on site. The lack of a Written Hazard
12 Communication Program, proper labeling and Safety Data Sheets in violation of California Code of
13 Regulations, title 8, section 5194, subdivisions (e), (f) and (g) create a health and safety concern not
14 only for workers entering the building, but also for first responders responding to an emergency and the
15 general public. Code Enforcement recommends the removal of all chemicals and medical waste from
16 the Property. It is my understanding that the Fresno County Department of Public Health has removed
17 the hazardous biological material from the site pursuant to a separate abatement warrant and order filed
18 in this matter. However, the other hazards identified in paragraphs 12 through 15 remain unabated.

19 18. In order to abate the hazardous conditions and multiple violations outlined above, an
20 abatement warrant and order is needed for the City and other local and state agencies to enter the
21 property to: (1) remove and dispose of all improperly stored hazardous materials, chemicals and
22 medical waste; (2) remove all abandoned components and embargoed material that pose a risk of
23 inadequate egress; (3) remove all abandoned appliances, including medical devices and their
24 components posing a fire risk; (4) remove all abandoned and discarded property such as furniture,
25 shelving and other miscellaneous items that pose of risk of obstructing egress; (5) remove all
26 abandoned appliances including medical testing machines, refrigerators and freezers that are not
27 permitted to operate on the Property; (6) remove all non-permitted electrical work from the Property, or
28 shut off power to the Property; (7) move any business documents found during the course of the

1 abatement into a safe location within the Property; and (8) following the removal of the above-
2 referenced chemicals, medical waste, hazardous materials, and personal property impeding egress, to
3 have a structural engineer assess the Property to confirm the structural integrity of the main building on
4 the Property The potential for an event that results in the loss of life or property is high and must be
5 addressed in a timely manner.

6
7 I declare under penalty of perjury under the laws of the State of California that the foregoing is
8 true and correct.

9
10 DATED: July 18, 2023


11 
12 Jesalyn Harper
13 Code Enforcement Officer
14 City of Reedley

EXHIBIT A



REEDLEY FIRE DEPARTMENT
CODE ENFORCEMENT: CURE
1060 D STREET, REEDLEY CA 93654
(559) 637-4230



May 23, 2023

TO: Nicole Zieba, Reedley City Manager

CC: Joe Prado, Assistant Director Department of Public Health
Jerry Isaak, Reedley Fire Chief
Rodney Horton, Reedley Community Development Director

RE: 850 I Street Building and Health & Safety Violations

City Manager Zieba,

I needed to inform you of the impending dangers at 850 I Street. The violations were identified by Code Enforcement and consist of building violations and violations of the California Health & Safety Code. The building violations center around nonpermitted work and the structural integrity potentially being compromised. The health & safety code violations center around the storage of chemicals, means of egress, and use of building pending adequate fire protection. The need to secure the building adequately and mitigate the violations is crucial for the well being of the general public.

Upon inspection, the usage of hazardous nonpermitted electrical throughout the property, the extent being so worrisome as to warrant having PG&E turn off services to certain parts of the building. It is Code Enforcements recommendation to disconnect all services to the site, until a licensed electrical contractor can be obtained to bring the electrical system up to the required California Building Code. At this time the ability to shut off the electrical to prevent the event of a fire or electrocution of a person has been prevented by the following:

- Appliances being utilized to store infectious medical waste and chemicals.
- Lack of lighting to allow visibility for egress.

Inspections have brought further concern for the structural integrity of the building, with visible signs of disrepair, deterioration, and neglect the following property maintenance and building violations have occurred:

- Multiple roof leaks have resulted in partial collapse of the insulation panels and with unknown damage to the supporting roof trusses.
- Water damage is also present on the main structure support beams for the exterior cover on the north side of the property.

A structural engineer must assess the property, but because of the storage of infectious medical waste and hazardous chemicals on site, it is too dangerous at this time.



REEDLEY FIRE DEPARTMENT
CODE ENFORCEMENT: CURE
1060 D STREET, REEDLEY CA 93654
(559) 637-4230



The condition of the structure that it is being kept in is a violation of the **California Health & Safety Code 3215 Means of Egress**. The vast storage of embargoed medical devices, components, machines and equipment, appliances, chemicals, and other miscellaneous materials are causing an obstruction for the minimum requirements of egress, **H&S 3215(a)**. The current electrical situation on the property is preventing sufficient artificial lighting to enable objects to be seen and egress made under emergency conditions, **H&S 3215(e)**.

There have been attempts to identify the chemicals and biologicals being stored on site with the assistance from the Department of Toxic Substance, Fresno County Public Health and Environmental Health and the Center for Disease Control. Due to inadequate labeling of the substances, there is no way to be able to identify all items on site. The lack of a Written Hazard Communication Program, proper labeling, and Safety Data Sheets are violations of the **H&S Code 5194(e), 5194(f), 5194(g)** and creates a health and life safety concern not only for workers entering the building, but also for first responders responding to an emergency and the general public. Code Enforcement recommends all chemicals and medical waste be removed from the property.

Due to the listed violations:

- Inadequate means of egress
- Inadequate light and ventilation
- Fire hazards
- Improper occupancy
- Inadequate maintenance

The structure according the California Building Code 116.1 Unsafe Conditions is deemed an unsafe condition and must be made safe.

Code Enforcement recommendations to make the structure safe are as follows:

- Remove and legally dispose of all improperly stored chemicals and medical waste
- Remove all abandoned components and embargoed material that poses a risk of inadequate egress
- Remove all abandoned appliances posing a fire risk
- Remove all abandoned discarded property such as furniture, shelving and other miscellaneous furniture that poses a risk of obstructing egress

The potential for an event that results in the loss of life or property is high and must be addressed in a timely manner.

Sincerely,
Jesalyn Harper
Code Enforcement Officer

EXHIBIT B



Appliances posing fire risk.



Appliances posing fire risk.



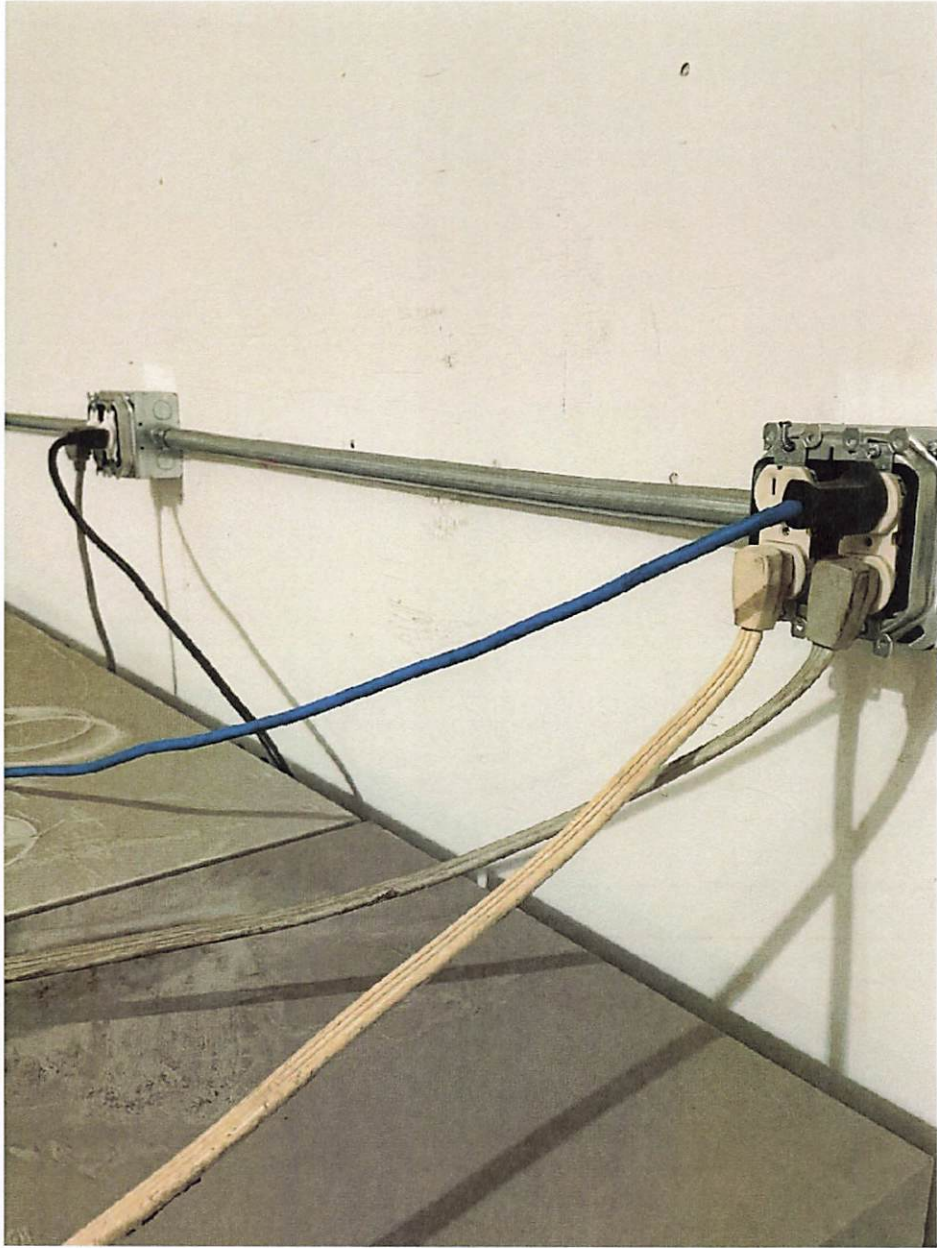
Egress photo.



Furniture, chemicals, and devices improperly stored.



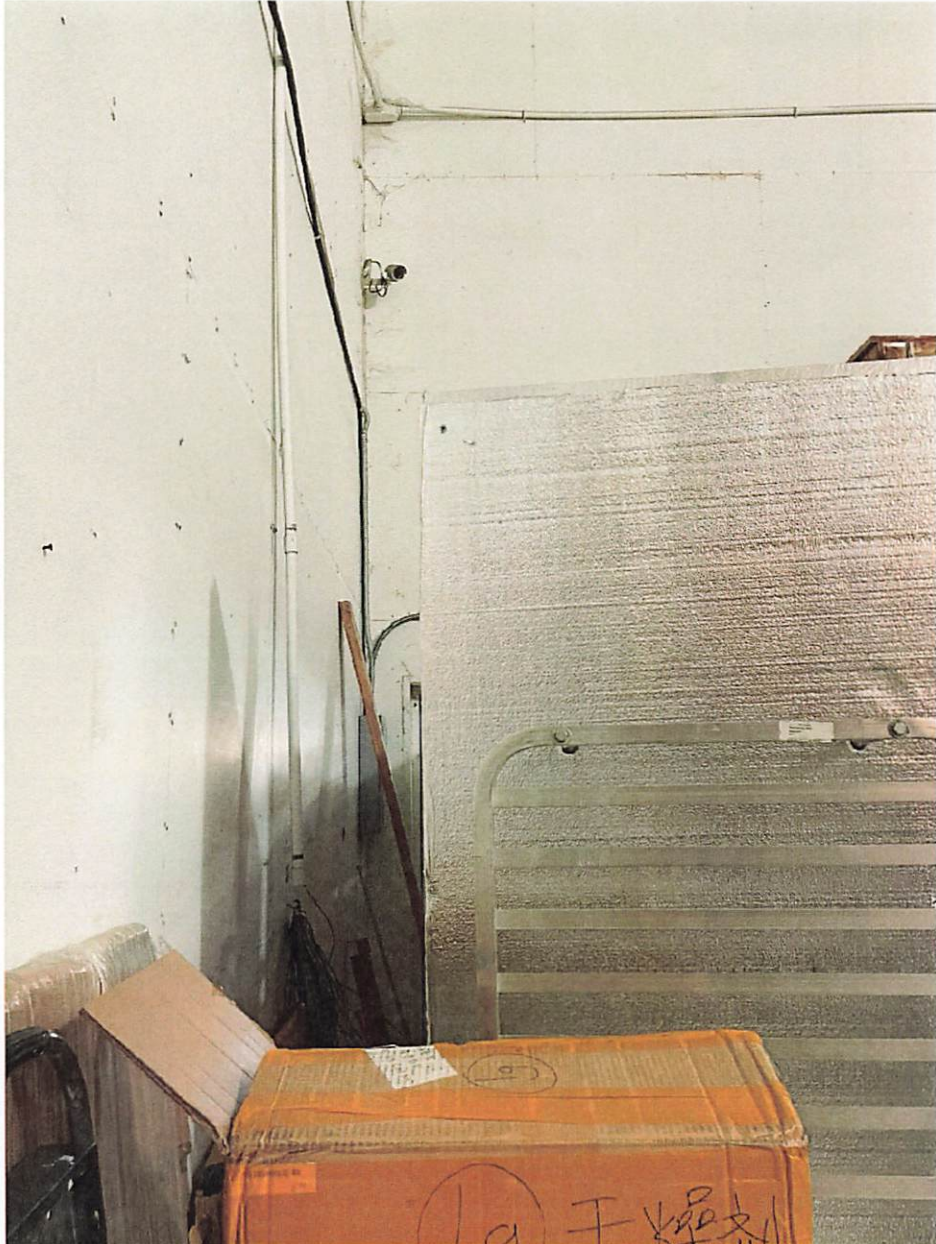
Machinery and furniture improperly stored.



Nonpermitted electrical appliances.



Side exit egress.



Side exit egress.



Side exit improper egress.

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding Avenue, Fresno 93720.

On July 18, 2023, I served the attached: **DECLARATION OF JESALYN HARPER IN SUPPORT OF APPLICATION FOR ABATEMENT WARRANT AND ORDER AUTHORIZING ENTRY ON THE PROPERTY TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

AY-NC-LP
225 Market St.
Oakland, CA 94607
Property Owner

Archibald M. Sam
500 Sansome Street
San Francisco, CA 92111
Agent for Property Owner

Barry Zhang CPA & Associates, LLC
3528 Wynn Road
Las Vegas, NV 89103
Agent for Prestige Biotech

Xiao Xiao Wang
1320 E. Fortune Avenue, Suite 102
Fresno, CA 93725
Agent for Universal Meditech, Inc.

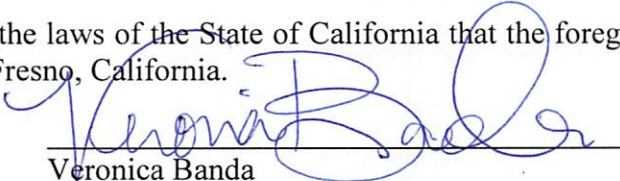
(**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

(**By Personal Service**) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 18, 2023, at Fresno, California.


Veronica Banda

**Exempt from Filing Fees Pursuant to
Government Code § 6103**

1 Laurie Avedisian-Favini, SBN 231129
2 Wiley R. Driskill, SBN 253913
3 Matthew M. Lear, SBN 316582
4 **LOZANO SMITH**
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

E-FILED
7/18/2023 4:46 PM
Superior Court of California
County of Fresno
By: I. Herrera, Deputy

5 Attorneys for Applicant, City of Reedley
6
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF FRESNO**

10
11 **IN RE PROPERTY LOCATED AT:**

12
13 850 "I" Street
14 Reedley, CA 93654

15 APN: 368-010-64S

16 **Property Owner:** AY-NC-LP
17 **Responsible Parties:** Prestige Biotech, Inc., a
18 Nevada Corporation; and Universal Meditech,
Inc., a California Corporation

Case No.: 23CECG00912

**DECLARATION OF JERRY ISAAK IN
SUPPORT OF APPLICATION FOR
ABATEMENT WARRANT AND ORDER
AUTHORIZING ENTRY ON THE
PROPERTY TO ABATE PUBLIC
NUISANCE**

**(Declaration of Jesalyn Harper; Application
for Abatement Warrant and Order; and
[Proposed] Abatement Warrant and Order
filed concurrently.)**

19
20 I, JERRY ISAAK, declare as follows:

21 1. I am currently, and at all times relevant have been, employed by the City of Reedley
22 ("City") as the Fire Chief and Code Enforcement Officer. I have personal knowledge of the matters
23 contained herein and could, if called upon, competently testify thereto. As to those matters asserted on
24 information and belief, I believe them to be true.

25 2. I am making this declaration in support of the City's Application for Abatement Warrant
26 and Order to authorize the City and other state and local agencies to enter on the property located at 850
27 "I" Street in the City of Reedley, Assessor's Parcel Number 368-010-64S (the "Property") to abate a
28 serious public nuisance.

1 1. My general responsibilities as the City’s Fire Chief and Code Enforcement Officer
2 require that I assist with code enforcement matters and remain knowledgeable of the Reedley
3 Municipal Code (“RMC”) provisions related to code enforcement and property maintenance standards.
4 My duties include enforcing, interpreting, and administering the RMC in code enforcement matters,
5 including but not limited to enforcing, interpreting, and administering RMC provisions related to
6 abatement of public nuisances, conditions constituting a public nuisance, and procedural notice and
7 hearing requirements.

8 3. In the course of my duties as they relate to code enforcement matters, I have reviewed
9 the City’s records related to the Property, inspected the Subject Property, and am familiar with the
10 conditions of the Property, including the actions taken by the City and other federal, state and local
11 agencies pursuant to the Inspection Warrant and Order issued by this Court on March 13, 2023, and the
12 Abatement Warrant and Order issued by this Court on April 4, 2023.

13 4. Although the City’s execution of the Abatement Warrant and Order on April 12, 2023
14 was successful in achieving its goal to seize and euthanize the hundreds of neglected, sick and injured
15 mice on the Property, serious health and safety issues remain. In a letter to the City Manager dated
16 April 25, 2023, I outlined areas of growing concern regarding the conditions of the Property, including
17 unmarked corrosive, toxic and/or highly flammable chemicals stored in the warehouse, a large fuel load
18 in the facility, and hazardous unpermitted electrical wiring creating a fire hazard. In the event that a fire
19 should occur, due to the potential inhalation and explosion hazards, an evacuation zone of at least one
20 city block would need to be established around the Property. In addition, a gas station is located next to
21 the warehouse, which could serve to increase the potential hazard. The potential evacuation zone would
22 include the City Police Department, City Hall, Kings Canyon Unified School District main office and
23 approximately twelve residential homes. A true and correct copy of this April 25, 2023 letter is attached
24 hereto as **Exhibit A** and incorporated herein by this reference.

25 5. On June 7, 2023, I signed a Notice and Order to Abate Public Nuisance (“Notice and
26 Order”) on behalf of the City, providing notice to the owners of the Property that the condition of the
27 Property constitutes a public nuisance in violation of the City Municipal Code. A true and correct copy
28 of this Notice and Order is attached hereto as **Exhibit B** and incorporated herein by this reference.

1 6. As outlined in the Notice and Order, the following conditions are found to exist on the
2 Property and are considered nuisances subject to abatement and cost recovery under the RMC:

- 3 • RMC § 4-2-3, subd. (C) [Property Nuisance]:
 - 4 ○ Unsanitary accumulations of garbage
 - 5 ○ Contaminated materials
 - 6 ○ Menace to the public (due to the Property's use as an unpermitted laboratory and
 - 7 the fire hazards identified throughout the Property)
 - 8 ○ Violations of the State Building Codes
 - 9 ○ Hazardous liquids and other substances
 - 10 ○ Safety hazard: maintenance of the Property in a manner that presents an
 - 11 imminent safety hazard and/or creates a present and immediate danger to life,
 - 12 property, health or public safety due to the fire hazards on the Property and the
 - 13 improper storage of hazardous substances
 - 14 ○ Fire, panic or life safety hazards: the improper installation of electrical wiring
 - 15 and improper storage of potentially explosive and flammable substances
- 16 • RMC § 9-1-1 [Adoption of Codes]: Pursuant to the City's adoption of and incorporation
- 17 of the California Building Code, Electrical Code, Mechanical Code and Abatement of
- 18 Dangerous Buildings Code, any violation of the above-referenced codes is a violation of
- 19 the City's ordinance.
- 20 • RMC § 10-25-4 [Use of Matrix, Office/Commercial]: the Property's zoning requires a
- 21 Conditional Use Permit (CUP) to operate a laboratory for medical testing and
- 22 diagnostics. No CUP was secured for the Property in violation of the City's zoning
- 23 ordinance.

24 7. As further outlined in the Notice and Order, the following substandard conditions are
25 found to exist on the Property, subject to abatement and cost recovery pursuant to Health and Safety
26 Code section 17920.3:

- 27 • Lack of, or improper operation of required ventilating equipment
- 28 • Lack of minimum amounts of natural light and ventilation

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

- 1 • Infestation of mice or other rodents
- 2 • Portions of the roof are partially collapsed due to multiple leaks, resulting in a partial
- 3 collapse of insulation panels and unknown damage to the supporting roof trusses
- 4 • Improperly installed electrical wiring
- 5 • Improperly stored combustible materials that in the opinion of the City's Fire Chief
- 6 creates a condition to cause a fire or explosion at the Property
- 7 • The building is an unsafe structure due to inadequate maintenance in accordance with
- 8 the Uniform Building Code.

9 8. The Notice and Order provided the Property owners ten days, until June 17, 2023, to
10 complete necessary demolition or repairs, advising them that if this deadline was not met, the City
11 would pursue any available remedies to abate the nuisance conditions.

12 9. I am informed and believe that the County of Fresno Department of Public Health
13 ("County") took action to for the abatement of the biological hazards on the Property pursuant to an
14 abatement order issued by the County and amended on June 8, 2023. Pursuant to this Order, the County
15 entered onto the Property and removed potentially hazardous and infectious biological specimens and
16 materials from the Property. Further abatement by the City and other state and local agencies is needed
17 in addition to the County's actions in order to remove potentially hazardous laboratory equipment and
18 furnishings, improperly stored chemicals and medical waste, abandoned appliances that pose a fire risk,
19 and other abandoned or discarded property such as furniture, shelving and other items that pose a risk
20 of obstructing egress from the structure. A true and correct copy of the County's "Ordered Closure and
21 Abatement" dated June 8, 2023, that was received by the City is attached hereto as **Exhibit C**.

22 10. During the pendency of the County's order, the City held its Notice and Order in
23 abeyance until the County completed its abatement of the hazardous and infectious biological specimen
24 and materials on the Property. (Attached hereto as **Exhibit D** is a true and correct copy of the City's
25 Notice of Abeyance.)

26 11. I am informed and believe that the County carried out its abatement of biological
27 specimen and materials pursuant to its order on or about July 7, 2023. After the County's abatement
28 was complete, the responsible parties had ten (10) days to comply with the City's Notice and Order to


LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 Abate. The City's Notice of Abeyance expired on July 17, 2023. As of the date of this Declaration,
2 none of the nuisance conditions have been remedied by the Property owners or other responsible
3 parties, and no attempt has even been made by the Property owners to begin to abate the nuisances.

4 12. Based on the facts above, the City is requesting that an Abatement Warrant be issued to
5 allow for the City staff and its designees to enter the Property and abate the hazardous conditions as
6 described above.

7
8 I declare under penalty of perjury under the laws of the State of California that the foregoing is
9 true and correct.

10
11 DATED: July 18, 2023

12 
13 Jerry Isaak
14 Fire Chief and Code Enforcement Officer
15 City of Reedley

16
17
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26
27
28

EXHIBIT A



REEDLEY FIRE DEPARTMENT
FIRE ADMINISTRATION
1060 D STREET, REEDLEY CA 93654
JERRY ISAAK, CHIEF



April 25, 2023

TO: Nicole Zieba, City Manager

RE: 850 I Street

Hello Nicole,

I needed to inform you of the growing concern at 850 I Street. As the contractors hired by DTSC and Public Health proceed with inventorying the items on site, they are finding many of the unmarked chemicals stored in the warehouse are corrosive, toxic, and/or highly flammable. Due to the lack of proper labeling of containers, it is difficult to identify exactly what chemicals they are but can only provide information on their pH and flammability. The inventory list provided this am is helpful, but there are also drums of chemicals being stored in the warehouse with merchandise materials, various products and other miscellaneous equipment placed on top of the drums. This is not only limiting the access of the contractors to test and inventory the chemicals, but is also contributing to the large fuel load in the facility.

The refrigerators and freezers are still on and operating at this time and because of the hazardous (unpermitted) electrical present in the building, there is a huge concern for a fire to occur.

In the event a fire should occur, and due to the potential inhalation and explosion hazards, we are having to plan an evacuation zone of 1 city block around the structure. With the large fuel load of chemicals and manufacturing materials this evacuation zone could increase. The Fresno County Emergency Command Center has been advised that no entry will be made by firefighters if a fire were to occur at this site. Another concern that could increase the evacuation zone is the gas station located next to the warehouse.

Please note, this evacuation zone includes the City of Reedley Police Department, City of Reedley City Hall, the Kings Canyon Unified School District main office, and approximately 12 residential homes. All of the residential homes are older homes and are more than likely not equipped with fire sprinklers and could be at a higher risk for loss of life and/or property.

I cannot stress enough the importance of addressing the violations at 850 I St in a prompt manner. As the timeline of this investigation lengthens the more hazards to the public we identify, and the concern increased of a potential disaster for our city.

Sincerely,

EXHIBIT B



City of Reedley

Community Development Department
1733 Ninth Street
Reedley, CA 93654
(559) 637-4200
<http://www.reedley.ca.gov>

June 7, 2023

AY-NC-LP
225 Market Street
Oakland, CA 94607

Archibald M. Sam
500 Sansome Street
San Francisco, CA 92111

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

Property Address: 850 "I" Street, Reedley, CA 93654
Fresno County APN: 368-010-64S
Legal Description: 1.73 AC SUR RT IN BLKS 69 & 70 ABND ST ADJ REEDLEY

NOTICE

NOTICE IS HEREBY GIVEN by the City of Reedley ("City") that the above-referenced property ("Property") constitutes a public nuisance in violation of the Reedley Municipal Code ("RMC"). From March 3, 2023 through May 15, 2023, the City conducted several inspections of the Property and the City's Code Enforcement Officers found and documented numerous violations of the RMC and California Health and Safety Code. Pursuant to these violations, the City is providing you with ten (10) days to abate the nuisance conditions at the Property.

The following conditions are found to exist on the Property and are considered nuisances subject to abatement and cost recovery pursuant to the RMC:

- RMC § 4-2-3, subd. (C) [Property Nuisance]:
 - 3. Unsanitary Accumulations of Garbage: there is an accumulation of garbage or combustible trash upon the Property and not contained within a proper trash receptacle.
 - 5. Contaminated Materials: the Property is full of trash, debris, and other materials that have been contaminated by animal excrement, urine, or other biological fluids and medical waste.
 - 10. Menace to Public: the Property's use as an unpermitted laboratory, and the fire hazards identified throughout the Property constitute a menace to public

health and safety.

- 11. Violations Of Uniform Code: Violations of the State Building Codes. (See **Exhibit A**, attached hereto.)
 - 12. Violations Of This Code: The property is being maintained in violation of the RMC.
 - 21. Hazardous Liquids and Other Substances: The Property contains numerous hazardous liquids and other substances that are not properly stored pursuant to law, including but not limited to 8 Cal. Code Regs. § 5160, et seq. (Hazardous Substances and Processes.)
 - 28. Safety Hazard: The maintenance of the Property is in a manner that presents an imminent safety hazard and/or creates a present and immediate danger to life, property, health or public safety due to the fire hazards on the Property and the improper storage of hazardous substances.
 - 33. Fire, Panic Or Life Safety Hazards: The improper installation of electrical wiring and the improper storage of potentially explosive and flammable substances presents a fire, panic, or life safety hazard. Further, due to the improper storage of materials within the Property, there is inadequate egress throughout the building.
- RMC § 9-1-1 [Adoption of Codes]: Pursuant to the provisions of Government Code section 50022.2, the City adopted and incorporated the provisions rules and regulations set forth in the California Building Code, Electrical Code, Mechanical Code, and Abatement of Dangerous Buildings Code. Any violation of the above-referenced State Building Codes is a violation of the City's ordinance.
 - RMC § 10-25-4 [Use Matrix, Office/Commercial]: The Property is zoned Light Industrial (RMC § 10-9A-1) which requires a Conditional Use Permit ("CUP") to operate a laboratory for medical testing and diagnostics. You have failed to secure a CUP in violation of the City's zoning ordinance.

The following violations of the California Building Code and Uniform Code for the Abatement of Dangerous Buildings were found on the Property:

(See **Exhibit A** – List of State Building Code Violations)

The following substandard conditions are found to exist on the Property, subject to abatement and cost recovery pursuant to the Health and Safety Code section 17920.3:

- (a)(7) Lack of, or improper operation of required ventilating equipment.
- (a)(8) Lack of minimum amounts of natural light and ventilation as required by the Health and Safety Code.
- (a)(12) There is an infestation of mice or other rodents on the Property.
- (b)(6) Portions of the roof are partially collapsed due to multiple roof leaks and has resulted in a partial collapse of the insulation panels and unknown damage to the

supporting roof trusses.

- (c) Nuisance conditions exist on the Property as referenced above.
- (d) Improperly installed electrical wiring.
- (h) The Property contains improperly stored combustible materials that in the opinion of the City's Fire Chief creates a condition to cause a fire or explosion at the Property.
- (k) The Property is an unsafe structure due to inadequate maintenance in accordance with the Uniform Building Code.

ORDER TO ABATE

Due to the immediate threat to health and safety from the fire hazards that presently exists at the Property, you are hereby ordered to remove all of the above identified nuisances on the Property and bring the Property into compliance with the RMC within **ten (10) days** of the date of this Notice and Order to Abate. In order to bring the Property into compliance, you must:

- Remove and dispose of any and all improperly stored hazardous materials, chemicals, and medical waste on the Property consistent with Federal, State, and local regulations.
- Remove all abandoned components and embargoed materials that poses a risk of inadequate egress throughout the Property.
- Remove all abandoned appliances that are posing a fire risk.
- Remove all abandoned and discarded property including but not limited to furniture, shelving, and other miscellaneous items that obstruct egress throughout the Property.
- Remove all non-permitted electrical work from the Property, or shut-off power to the Property.
- Following the removal of the above-referenced chemicals, medical waste, hazardous materials, and personal property impeding egress, a structural engineer must assess the Property to confirm the structural integrity of the main building on the Property.

If the necessary demolition or repair is not completed by **June 17, 2023**, ten (10) days from the date this Notice and Order is mailed and posted on the Property, the City will pursue any available remedies to abate the nuisance conditions.

Please contact the City of Reedley, Jerry Isaak (Fire Chief), at 559-637-4230, if you have any questions and to schedule a compliance inspection immediately following the deadline noted above.

FAILURE TO COMPLY

Additional consequences may result in enforcement actions, including but not limited to administrative abatement, civil penalties, appointment of a receiver, or the filing of a judicial action. As the owner of the Property, you shall be billed for any and all costs incurred by the City for abatement of the Property, including attorney's fees. (RMC § 1-12-9.) If you try to sell or transfer the Property during the period between the issuance of this Notice and Order and the abatement of the violation or any judicial actions related to the Notice and Order, you will be required to record a "Notice of Conveyance of Substandard Property" with the Fresno County Recorder's Office, and provide the City with contact information of the new owner(s) within five (5) business days of the sale or transfer. (H&S Code § 17991, subd. (c).)

Failure to abate all of the above referenced nuisances and substandard conditions also subjects you to administrative citations for each day that the Property remains unabated. (RMC § 1-12-8.) Furthermore, failure to abate the above-referenced nuisance conditions may also subject you to criminal prosecution. (Pen. Code § 373a; H&S Code § 17995; and RMC § 1-4-1.)

APPEAL

If you have any objections to this Notice and Order, you may file a written appeal in accordance with RMC section 1-12-6. The appeal must be in writing, filed with the City Manager (1733 9th Street, Reedley, CA 93654), and received no later than **ten (10) days** from the date of this Notice. The appeal must state the basis for the appeal with sufficient specificity so that the hearing officer can understand the basis for the appeal and must include the name, address, and telephone number of the person filing the appeal. Failure to file a timely appeal will result in the City proceeding with the abatement of the Property at your expense without further notice or hearing.

It should also be noted that a lessor may not retaliate against a lessee pursuant to Civil Code section 1942.5, and in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

If you have any questions or concerns please feel free to contact me.

Sincerely,

CITY OF REEDLEY


Jerry Isaak
Fire Chief

EXHIBIT A

(List of State Building Code Violations)

Regarding the property located at 850 "I" Street, Reedley, CA, below is a list of general violations cited from the 2022 California Title 24 Code of Regulations.

2022 CA Building Code

116.1 Unsafe Conditions.

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

1003.6 Means of Egress Continuity.

The path of egress travel along a means of egress shall not be interrupted by a building element other than a means of egress component as specified in this chapter. Obstructions shall not be placed in the minimum width or required capacity of a means of egress component except projections permitted by this chapter. The minimum width or required capacity of a means of egress system shall not be diminished along the path of egress travel.

1997 Uniform Code for the Abatement of Dangerous Buildings

Section 302 – Dangerous Building

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

EXHIBIT C



County of Fresno
DEPARTMENT OF PUBLIC HEALTH
David Luchini, Director
Dr. Rais Vohra, Interim Health Officer

Amended 6-8-2023

Ordered Closure and Abatement

**HEALTH OFFICER ORDER FOR COUNTY OF FRESNO
TO CLOSE BUSINESS OPERATIONS AND ABATEMENT OF BIOLOGICALS
LOCATED AT 850 "I" STREET, REEDLEY, CA 93654**

Please read this Order carefully. Violations of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. Violators are also subject to civil enforcements actions including civil penalties of up to \$1,000 per violation per day, injunctive relief, and attorneys' fees and costs. (Health and Safety Code Section 120275; Penal Code Section 19; Government Code Section 25132.

Under the authority of California Health and Safety Code Section 120175, and 120275; Title 17 California Code of Regulations Section 2501; and Article XI of the California Constitution, The Health Officer of the County of Fresno ("Health Officer") Orders:

1. The business located at 850 "I" Street, Reedley, CA 93654, Assessors Parcel Number 368-010-64S ("Business") in the County of Fresno, whether public or private, and their ancillary use areas, which include but are not limited to parking areas, are hereby closed effective immediately and shall remain closed pending further Order of the Public Health Officer.

Entry to or use of Business, and their ancillary use areas, shall not be permitted by any person or group, regardless of membership status, admission cost, or party size.

2. This Order will permit the Fresno County Department of Public Health or its designee to abate all biologicals kept on premises of Business unless the following demands are met:
 - A. ~~Within seven (7) days~~ By June 11, 2023, the Business identified above must produce the names, titles, and contact information of all persons authorized by law to conduct business and assume financial responsibility of the Business in California. Such persons include corporate officers, directors, shareholders, or employees granted such abilities via board resolution.
 - B. ~~Within seven (7) days~~ By June 11, 2023, the Business identified above must produce a biological abatement and disposal plan for the transport of properly labeled and identified biological specimens consistent with Federal, State, and local regulations. This plan should include transporters with appropriate licensures and certifications as well as a demonstration of commitment from these vendors via a purchase order or binding commitment. All biological specimens in non-operating refrigerators, or specimens that are improperly labeled or unidentified shall be treated as medical waste and abated and disposed of as medical waste. Such transporters contact information must be provided for the Fresno County Department of Public Health to verify.
3. If the Fresno County Department of Public Health does not receive both of the above items or it does not approve the biological abatement plan, then they, or their designee, may immediately commence abatement of all biologicals found on the property.

Promotion, preservation and protection of the community's health

1221 Fulton Street /P. O. Box 11867, Fresno, CA 93775
(559) 600-3200 • FAX (559) 600-7687

The County of Fresno is an Equal Employment Opportunity Employer
www.co.fresno.ca.us • www.fcdph.org

4. This Order is issued as a result of the City of Reedley's attempts at gathering authorized representative contact information, repeated requests of complete lists of biologicals present, and an inspection pursuant to Health Officer Order dated April 21, 2023, which revealed biologicals in hazardous and non-compliant conditions, the presence of multiple infectious agents and pursuant to Title 17 California Code of Regulations Section 2500, and multiple City of Reedley building and fire code violations, including but not limited to, failing refrigeration, and documented out of compliance electrical additions.
5. Furthermore, the City of Reedley issued an Abatement Warrant on April 5, 2023, for the abatement of neglected laboratory mice, which revealed a persisting pest infestation at the premises.
6. This Order is issued based on evidence of increasing non-compliance with the City of Reedley by Business, and to protect the public from the risk of spread or of exposure to the identified infectious agents found on premises.
7. This order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code Sections 101030, et seq.; Health and Safety Code Sections 120100, et. Seq.; and Title 17 of the California Code of Regulations Section 2501.
8. To the extent necessary, pursuant to Government Code Sections 26602 and 41601 and Health and Safety Code Section 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order. Violators are also subject to civil enforcement actions including civil penalties of up to \$1,000 per violation per day, injunctive relief, and attorneys' fees and costs.
9. Copies of this Order shall promptly be (1) made available at the County of Fresno Department of Public Health office located at 1221 Fulton Mall, Fresno, CA 93721; (2) posted on the County of Fresno Public Health Department's website; and (3) provided to any member of the public requesting a copy of this Order.
10. Language Assistance Rights
The contents of this letter involve your property and may impact your legal rights. Your response to this letter is very important, failure to respond may have legal consequences. If you need language assistance to understand the contents of this letter, please immediately contact the County of Fresno – Department of Public Health by phone at (559) 600-3200 or by email at dph@fresnocountyca.gov to be connected with a translator.

本函内容涉及您的财产，可能会影响您的合法权利。您对这封信的回复非常重要，未能回复可能会产生法律后果。如果您需要语言帮助来理解这封信的内容，请立即通过电话（559）600-3200 或通过电子邮件 dph@fresnocountyca.gov 与翻译人员联系弗雷斯诺县代码执行部门。

11. The following shall constitute the notice of rights:
- a. If you object to this order, you have a right to arrange for your own legal representative.
 - b. You have a right to also file for judicial relief to seek release from the order.
 - c. All requests to contact the County Health Officer will be through FCDPH at (559) 600-3200 during normal business hours. After hours, weekends, and holidays notify FCDPH On-Call staff at (559) 352-7067. If no response, contact County Sheriff Dispatch at (559) 600-3111.

Rais Vohra MD

(Signature of Health Officer or Deputy Health Officer)

~~5/31/2023~~ 6/8/2023

(Date of Issuance of Order)

EXHIBIT D



City of Reedley

Community Development Department
1733 Ninth Street
Reedley, CA 93654
(559) 637-4200
<http://www.reedley.ca.gov>

June 22, 2023

AY-NC-LP
225 Market Street
Oakland, CA 94607

Archibald M. Sam
500 Sansome Street
San Francisco, CA 92111

NOTICE OF ABEYANCE OF PREVIOUSLY ISSUED NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

Property Address: 850 "I" Street, Reedley, CA 93654
Fresno County APN: 368-010-64S
Legal Description: 1.73 AC SUR RT IN BLKS 69 & 70 ABND ST ADJ REEDLEY

NOTICE

On June 7, 2023, the City of Reedley ("City") issued to the property owner(s) and all other parties with an interest in the above-referenced property ("Property") (hereinafter collectively referred to as "Parties") a Notice and Order to Abate Public Nuisance ("Notice and Order") for the violations to the City's Municipal Code, California Health and Safety Code, California Building Code, and the Code for the Uniform Code for the Abatement of Dangerous Buildings. The Notice required that abatement of the identified violations must be completed by no later than June 17, 2023. (A true and correct copy of the Notice and Order is attached hereto as **Exhibit 1.**)

On May 31, 2023, the Health Officer of the County of Fresno issued an order requiring the closure of the business and the abatement of biologicals located within the Property (hereinafter "Health Officer's Order"). The County subsequently issued an Amended Health Officer Order on June 8, 2023, providing the Parties with more time to comply.

Due to the Health Officer's Order preventing the Parties from entering the Property to abate the nuisance conditions identified in the City's Notice and Order within the timeframe provided, **NOTICE IS HEREBY GIVEN that the City's Notice and Order is hereafter held in abeyance until the County's Health Officer's Order is lifted.**

Accordingly, the Parties are required to abate the nuisance conditions identified by the City's Notice and Order within **ten (10) calendar days** from the date the Health Officer's Order is lifted. Failure to timely abate the nuisance conditions on the Property will result in the City pursuing any available remedies to abate the nuisance conditions at the Parties' expense.

FAILURE TO COMPLY

Additional consequences may result in enforcement actions, including but not limited to administrative abatement, civil penalties, appointment of a receiver, or the filing of a judicial action. As the responsible Parties of the Property, you shall be billed for any and all costs incurred by the City for abatement of the Property, including abatement and enforcement costs, as well as reasonable attorney's fees. (RMC §§ 1-12-9 and 4-2-11.) If you try to sell or transfer the Property during the period between the issuance of this Notice and Order and the abatement of the violation or any judicial actions related to the Notice and Order, you will be required to record a "Notice of Conveyance of Substandard Property" with the Fresno County Recorder's Office, and provide the City with contact information of the new owner(s) within five (5) business days of the sale or transfer. (H&S Code § 17991, subd. (c).)

Failure to abate all of the nuisances and substandard conditions as referenced in the City's Notice and Order also subjects the Parties to administrative citations for each day that the Property remains unabated. (RMC § 1-12-8.) Furthermore, failure to abate the above-referenced nuisance conditions may also subject you to criminal prosecution. (Pen. Code § 373a; H&S Code § 17995; and RMC § 1-4-1.)

APPEAL

If the Parties have any objections to the Notice and Order, the Parties may file a written appeal in accordance with RMC section 1-12-6. The appeal must be in writing, filed with the City Manager (1733 9th Street, Reedley, CA 93654), and received no later than **ten (10) calendar days** from the date the Health Officer's Order is lifted. The appeal must state the basis for the appeal with sufficient specificity so that the hearing officer can understand the basis for the appeal and must include the name, address, and telephone number of the person filing the appeal. Failure to file a timely appeal will result in the City proceeding with the abatement of the Property at the Parties' expense without further notice or hearing.

It should also be noted that a lessor may not retaliate against a lessee pursuant to Civil Code section 1942.5, and in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

850 "I" Street
June 22, 2023
Page 3

Please contact the City of Reedley, Jerry Isaak (Fire Chief), at 559-637-4230, if you have any questions and to schedule a compliance inspection immediately following the deadline noted above.

Sincerely,

CITY OF REEDLEY

Jerry Isaak
Fire Chief

EXHIBIT 1

[June 7, 2023 Notice and Order to Abate]



City of Reedley

Community Development Department
1733 Ninth Street
Reedley, CA 93654
(559) 637-4200
<http://www.reedley.ca.gov>

June 7, 2023

AY-NC-LP
225 Market Street
Oakland, CA 94607

Archibald M. Sam
500 Sansome Street
San Francisco, CA 92111

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

Property Address: 850 "I" Street, Reedley, CA 93654
Fresno County APN: 368-010-64S
Legal Description: 1.73 AC SUR RT IN BLKS 69 & 70 ABND ST ADJ REEDLEY

NOTICE

NOTICE IS HEREBY GIVEN by the City of Reedley ("City") that the above-referenced property ("Property") constitutes a public nuisance in violation of the Reedley Municipal Code ("RMC"). From March 3, 2023 through May 15, 2023, the City conducted several inspections of the Property and the City's Code Enforcement Officers found and documented numerous violations of the RMC and California Health and Safety Code. Pursuant to these violations, the City is providing you with ten (10) days to abate the nuisance conditions at the Property.

The following conditions are found to exist on the Property and are considered nuisances subject to abatement and cost recovery pursuant to the RMC:

- RMC § 4-2-3, subd. (C) [Property Nuisance]:
 - 3. Unsanitary Accumulations of Garbage: there is an accumulation of garbage or combustible trash upon the Property and not contained within a proper trash receptacle.
 - 5. Contaminated Materials: the Property is full of trash, debris, and other materials that have been contaminated by animal excrement, urine, or other biological fluids and medical waste.
 - 10. Menace to Public: the Property's use as an unpermitted laboratory, and the fire hazards identified throughout the Property constitute a menace to public

health and safety.

- 11. Violations Of Uniform Code: Violations of the State Building Codes. (See Exhibit A, attached hereto.)
 - 12. Violations Of This Code: The property is being maintained in violation of the RMC.
 - 21. Hazardous Liquids and Other Substances: The Property contains numerous hazardous liquids and other substances that are not properly stored pursuant to law, including but not limited to 8 Cal. Code Regs. § 5160, et seq. (Hazardous Substances and Processes.)
 - 28. Safety Hazard: The maintenance of the Property is in a manner that presents an imminent safety hazard and/or creates a present and immediate danger to life, property, health or public safety due to the fire hazards on the Property and the improper storage of hazardous substances.
 - 33. Fire, Panic Or Life Safety Hazards: The improper installation of electrical wiring and the improper storage of potentially explosive and flammable substances presents a fire, panic, or life safety hazard. Further, due to the improper storage of materials within the Property, there is inadequate egress throughout the building.
- RMC § 9-1-1 [Adoption of Codes]: Pursuant to the provisions of Government Code section 50022.2, the City adopted and incorporated the provisions rules and regulations set forth in the California Building Code, Electrical Code, Mechanical Code, and Abatement of Dangerous Buildings Code. Any violation of the above-referenced State Building Codes is a violation of the City's ordinance.
 - RMC § 10-25-4 [Use Matrix, Office/Commercial]: The Property is zoned Light Industrial (RMC § 10-9A-1) which requires a Conditional Use Permit ("CUP") to operate a laboratory for medical testing and diagnostics. You have failed to secure a CUP in violation of the City's zoning ordinance.

The following violations of the California Building Code and Uniform Code for the Abatement of Dangerous Buildings were found on the Property:

(See Exhibit A – List of State Building Code Violations)

The following substandard conditions are found to exist on the Property, subject to abatement and cost recovery pursuant to the Health and Safety Code section 17920.3:

- (a)(7) Lack of, or improper operation of required ventilating equipment.
- (a)(8) Lack of minimum amounts of natural light and ventilation as required by the Health and Safety Code.
- (a)(12) There is an infestation of mice or other rodents on the Property.
- (b)(6) Portions of the roof are partially collapsed due to multiple roof leaks and has resulted in a partial collapse of the insulation panels and unknown damage to the

supporting roof trusses.

- (c) Nuisance conditions exist on the Property as referenced above.
- (d) Improperly installed electrical wiring.
- (h) The Property contains improperly stored combustible materials that in the opinion of the City's Fire Chief creates a condition to cause a fire or explosion at the Property.
- (k) The Property is an unsafe structure due to inadequate maintenance in accordance with the Uniform Building Code.

ORDER TO ABATE

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- Remove and dispose of any and all improperly stored hazardous materials, chemicals, and medical waste on the Property consistent with Federal, State, and local regulations.
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If the necessary demolition or repair is not completed by **June 17, 2023**, ten (10) days from the date this Notice and Order is mailed and posted on the Property, the City will pursue any available remedies to abate the nuisance conditions.

Please contact the City of Reedley, Jerry Isaak (Fire Chief), at 559-637-4230, if you have any questions and to schedule a compliance inspection immediately following the deadline noted above.

FAILURE TO COMPLY

Additional consequences may result in enforcement actions, including but not limited to administrative abatement, civil penalties, appointment of a receiver, or the filing of a judicial action. As the owner of the Property, you shall be billed for any and all costs incurred by the City for abatement of the Property, including attorney's fees. (RMC § 1-12-9.) If you try to sell or transfer the Property during the period between the issuance of this Notice and Order and the abatement of the violation or any judicial actions related to the Notice and Order, you will be required to record a "Notice of Conveyance of Substandard Property" with the Fresno County Recorder's Office, and provide the City with contact information of the new owner(s) within five (5) business days of the sale or transfer. (H&S Code § 17991, subd. (c).)

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APPEAL

If you have any objections to this Notice and Order, you may file a written appeal in accordance with RMC section 1-12-6. The appeal must be in writing, filed with the City Manager (1733 9th Street, Reedley, CA 93654), and received no later than **ten (10) days** from the date of this Notice. The appeal must state the basis for the appeal with sufficient specificity so that the hearing officer can understand the basis for the appeal and must include the name, address, and telephone number of the person filing the appeal. Failure to file a timely appeal will result in the City proceeding with the abatement of the Property at your expense without further notice or hearing.

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If you have any questions or concerns please feel free to contact me.

Sincerely,

CITY OF REEDLEY


Jerry Isaak
Fire Chief

EXHIBIT A
(List of State Building Code Violations)

Regarding the property located at 850 "I" Street, Reedley, CA, below is a list of general violations cited from the 2022 California Title 24 Code of Regulations.

2022 CA Building Code

116.1 Unsafe Conditions.

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

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1997 Uniform Code for the Abatement of Dangerous Buildings

Section 302 – Dangerous Building

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

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PROOF OF SERVICE

I, **Jesalyn Harper**, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 1060 D St, Reedley CA 93654.

On June 23, 2023 I served the attached: **NOTICE AND ORDER TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

Archibald M Sam
500 Sansome St
San Francisco, CA 94111

AY-NC-LP
225 Market St
Oakland, CA 94607

(*Certified and First Class U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(*By Facsimile Machine*) on all parties in said action by transmitting a true and correct copy thereof from our office facsimile machine to the facsimile machine numbers shown in this proof of service and/or the attached list. Following transmission, a Transmission Report was received from our fax machine indicating that the transmission had been transmitted without error.

(*By Electronic Mail*) on all parties in said action by transmitting a true and correct to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(*By Personal Service*) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 23, 2023 at Fresno, California.



Jesalyn Harper

7021 2720 0003 1075 8229

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Oakland, CA 94607	
Certified Mail Fee \$4.15	0654 01 Postmark Here 06/23/2023
Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$4.75 <input type="checkbox"/> Return Receipt (electronic) \$0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$0.00 <input type="checkbox"/> Adult Signature Required \$0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.87	
Total Postage and Fees \$8.37	
Sent To AY-NC-LP Street and Apt. No., or PO Box No. 225 Market St City, State, ZIP+4® Oakland, CA 94607	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7021 2720 0003 1075 8236

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
San Francisco, CA 94111	
Certified Mail Fee \$4.15	0654 01 Postmark Here 06/23/2023
Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$4.75 <input type="checkbox"/> Return Receipt (electronic) \$0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$0.00 <input type="checkbox"/> Adult Signature Required \$0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.87	
Total Postage and Fees \$8.37	
Sent To Archibald M. Sam Street and Apt. No., or PO Box No. 500 Sansome St. City, State, ZIP+4® San Francisco, CA 94111	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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PROOF OF SERVICE

I, **Jesalyn Harper**, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 1060 D St, Reedley CA 93654.

On June 23, 2023 I served the attached: **NOTICE AND ORDER TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

850 I Street
Reedley, CA 93654

(*Certified and First Class U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(*By Facsimile Machine*) on all parties in said action by transmitting a true and correct copy thereof from our office facsimile machine to the facsimile machine numbers shown in this proof of service and/or the attached list. Following transmission, a Transmission Report was received from our fax machine indicating that the transmission had been transmitted without error.

(*By Electronic Mail*) on all parties in said action by transmitting a true and correct to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(*By Personal Service*) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 23, 2023 at Fresno, California.



Jesalyn Harper

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PROOF OF SERVICE

I, **Jesalyn Harper**, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 1060 D St, Reedley CA 93654.

On June 27, 2023 I served the attached: **NOTICE AND ORDER TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

Xiuqin Yao
jituanguanli@126.com

Prestibio2021@gmail.com
Info.1320pbi@gmail.com

(*Certified and First Class U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(*By Facsimile Machine*) on all parties in said action by transmitting a true and correct copy thereof from our office facsimile machine to the facsimile machine numbers shown in this proof of service and/or the attached list. Following transmission, a Transmission Report was received from our fax machine indicating that the transmission had been transmitted without error.

(*By Electronic Mail*) on all parties in said action by transmitting a true and correct to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(*By Personal Service*) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 27, 2023 at Fresno, California.



Jesalyn Harper

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding Avenue, Fresno 93720.

On July 18, 2023, I served the attached: **DECLARATION OF JERRY ISAAK IN SUPPORT OF APPLICATION FOR ABATEMENT WARRANT AND ORDER AUTHORIZING ENTRY ON THE PROPERTY TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

AY-NC-LP	Archibald M. Sam
225 Market St.	500 Sansome Street
Oakland, CA 94607	San Francisco, CA 92111
<i>Property Owner</i>	<i>Agent for Property Owner</i>

Barry Zhang CPA & Associates, LLC	Xiao Xiao Wang
3528 Wynn Road	1320 E. Fortune Avenue, Suite 102
Las Vegas, NV 89103	Fresno, CA 93725
<i>Agent for Prestige Biotech</i>	<i>Agent for Universal Meditech, Inc.</i>

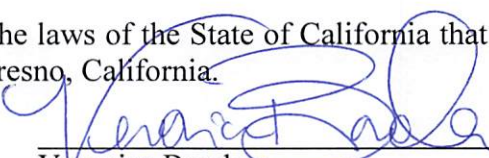
(**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

(**By Personal Service**) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 18, 2023, at Fresno, California.



Veronica Banda

J:\wdocs\01910\030\PLD\01045880.DOCX

Exempt from Filing Fees Pursuant to
Government Code § 6103

FILED
JUL 26 2023

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY

1 Laurie Avedisian-Favini, SBN 231129
2 Wiley R. Driskill, SBN 253913
3 Matthew M. Lear, SBN 316582
4 **LOZANO SMITH**
5 7404 N. Spalding Avenue
6 Fresno, CA 93720-3370
7 Telephone: 559-431-5600
8 Facsimile: 559-261-9366

RECEIVED
7/18/2023 4:46 PM
FRESNO COUNTY SUPERIOR COURT
By: I. Herrera, Deputy

9 Attorneys for Applicant, City of Reedley

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **IN AND FOR THE COUNTY OF FRESNO**

12 **IN RE PROPERTY LOCATED AT:**

Case No.: 23CECG00912

13 850 "I" Street
14 Reedley, CA 93654

**[PROPOSED] ABATEMENT WARRANT
AND ORDER AUTHORIZING ENTRY
ONTO THE PROPERTY TO ABATE
PUBLIC NUISANCE**

15 **APN: 368-010-64S**

**(Declarations of Jesalyn Harper and Jerry
Isaak; and the Application for Abatement
Warrant and Order were filed concurrently.)**

16 **Property Owner: AY-NC-LP**
17 **Responsible Parties: Prestige Biotech, Inc., a
18 Nevada Corporation; and Universal Meditech,
19 Inc., a California Corporation**

20 **THE PEOPLE OF THE STATE OF CALIFORNIA TO:**

21 CODE ENFORCEMENT OFFICERS AND BUILDING OFFICIALS OF THE CITY OF
22 REEDLEY AND THEIR AUTHORIZED REPRESENTATIVES, AGENTS, AND ANY SHERIFF, OR
23 PEACE OFFICER IN THE CITY OF REEDLEY:

24 Proof by duly executed declarations by Jerry Isaak, Fire Chief and Code Enforcement Officer for
25 the City of Reedley dated July 18, 2023, and Jesalyn Harper, Code Enforcement Officer for the City of
26 Reedley, dated July 18, 2023, and submitted to the Court.

27 The Court hereby finds that there is reason to believe that there exists at the warehouse located at
28 850 "I" Street, in the City of Reedley, County of Fresno, State of California (Assessor's Parcel Number
368-010-64S) ("Property"), conditions in violation of the Reedley Municipal Code and Health and Safety
Code that constitute a public nuisance that may be abated pursuant to Civil Code sections 3491 and 3494,
and that entry upon the Property by the City of Reedley Code Enforcement Officers, Building Officials,

[PROPOSED] ABATEMENT WARRANT AND ORDER

In Re Property Located at 850 "I" Street
Reedley, CA 93654

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 and/or their designees, representatives, including officials from the California Department of Toxic
2 Substances Control, the California Department of Public Health, the U.S. Environmental Protection
3 Agency ("EPA"), and the Fresno County Department of Public Health and their agents are necessary to
4 carry out code enforcement and abatement of the public nuisance.

5 The conditions on the Property have been determined to constitute a public nuisance in violation
6 of the Reedley Municipal Code sections 4-2-3, subdivision (C), 9-1-1, and 10-25-4, and Health and Safety
7 Code section 17920.3.

8 **THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:**

9 1. City of Reedley ("City") officials and their authorized designees and agents, including
10 officials from the California Department of Toxic Substances Control, the California Department of
11 Public Health, the EPA, and the Fresno County Department of Public Health and their agents may enter
12 onto the Property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California
13 (Assessor's Parcel Number 368-010-64S) ("Property"), for the purpose of abating the public nuisance
14 conditions therein by: (1) remove and dispose of all improperly stored hazardous materials, chemicals
15 and medical waste; (2) remove all abandoned components and embargoed material that pose a risk of
16 inadequate egress; (3) remove all abandoned appliances, including medical devices and their components
17 posing a fire risk; (4) remove all abandoned and discarded property such as furniture, equipment, shelving
18 and other miscellaneous items that pose of risk of obstructing egress; (5) remove all abandoned
19 appliances including medical testing machines, refrigerators and freezers that are not permitted to operate
20 on the Property; (6) remove all non-permitted electrical work from the Property, or shut off power to the
21 Property; (7) move any business documents found during the course of the abatement into a safe location
22 within the Property; and (8) following the removal of the above-referenced chemicals, medical waste,
23 hazardous materials, and personal property impeding egress, to have a structural engineer assess the
24 Property to confirm the structural integrity of the main building on the Property.

25 2. The responsible party(ies)/owner(s)/occupant(s) of the above-referenced Property are
26 hereby ordered not to interfere with the abatement of the nuisance conditions thereon.

27 3. To protect the safety of City employees and their authorized designees and agents, the
28 Reedley Police Department and/or the Fresno County Sheriff's Office is authorized to use reasonable

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 force to secure the Property, including restraint of any occupants, and/or person on the Property before
2 and during the inspection.

3 4. To ensure that this warrant can be executed as ordered herein, the Reedley Police
4 Department and/or the Fresno County Sheriff's Office is expressly authorized to use reasonable force to
5 enter and secure the Property, to allow for the inspection to take place, including the opening of any
6 locked portions of the Property.

7 5. City officials and/or their authorized designees and agents, shall provide notice of this
8 warrant to the owner of the Property AY-NC-LC, and the representative for Prestige Biotech, Inc., as the
9 tenant in possession of the warehouse at least twenty-four (24) hours prior to its execution. This notice
10 requirement may be satisfied by posting said notice on the Property.

11 6. The Code Enforcement Officer and Building Official for the City of Reedley and/or their
12 authorized designees and agents including officials from the California Department of Toxic Substances
13 Control, the Federal Bureau of Investigations, the California Department of Public Health, the EPA, and
14 the Fresno County Department of Public Health and their agents may enter the warehouse on the Property
15 legally described as APN 368-010-64S, for the above-stated purposes, to occur between
16 7/26, 2023 and 8/9 ~~W~~, 2023, excluding the hours between 6:00 p.m. and 8:00
17 a.m., on any given day. The persons authorized herein may enter onto the Property on any particular day
18 within the time period described herein, but not to exceed these fourteen (14) days, and authority for re-
19 entry pursuant to this warrant shall continue until the inspection and abatement activity are completed.

20 7. Any property that is removed from the Property in accordance with this Order may be
21 collected for testing and preserved as evidence by any associated law enforcement or regulatory agencies
22 for further investigation relating to the activities that were occurring on the Property.

23 8. This warrant may be executed in the absence of any responsible
24 party(ies)/owner(s)/occupant(s) of the above-referenced Property.

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LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

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9. This warrant shall expire at 6:00 p.m. on 8/9th, 2023, and the return must be executed no later than 8/10th, 2023 at 5:00 p.m.

IT IS SO ORDERED.

Dated: 7/26/23



JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE**

2 I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age
3 of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding
4 Avenue, Fresno 93720.

5 On July 18, 2023, I served the attached: **[PROPOSED] ABATEMENT WARRANT AND
6 ORDER AUTHORIZING ENTRY ONTO THE PROPERTY TO ABATE PUBLIC NUISANCE**
on the interested parties in said cause, by causing delivery to be made by the mode of service indicated
below:

7 AY-NC-LP
8 225 Market St.
9 Oakland, CA 94607
Property Owner

Archibald M. Sam
500 Sansome Street
San Francisco, CA 92111
Agent for Property Owner

10 Barry Zhang CPA & Associates, LLC
11 3528 Wynn Road
12 Las Vegas, NV 89103
Agent for Prestige Biotech

Xiao Xiao Wang
1320 E. Fortune Avenue, Suite 102
Fresno, CA 93725
Agent for Universal Meditech, Inc.

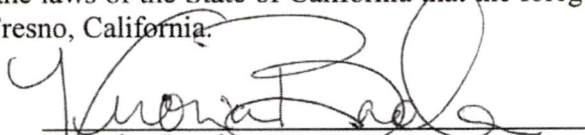
13 (**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure
14 Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a
15 designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail
16 placed in that designated area is given the correct amount of postage and is deposited at the Post
Office that same day, in the ordinary course of business, in a United States mailbox in the County
of Fresno.

17 (**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with
18 Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a
19 sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano
20 Smith, which mail placed in that designated area is given the correct amount of postage and is
deposited that same day, in the ordinary course of business, in a United States mailbox in the
County of Fresno.

21 (**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct
22 copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully
paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

23 (**By Personal Service**) by causing to be personally delivered a true copy thereof to the
24 addressee above.

25 I declare under penalty of perjury under the laws of the State of California that the foregoing is
26 true and correct. Executed on July 18, 2023, at Fresno, California.

27 
28 Veronica Banda

J:\wdocs\01910\030\PLD\01046280.DOCX

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

Laurie Avedisian-Favini, SBN 231129
Wiley R. Driskill, SBN 253913
Matthew M. Lear, SBN 316582
LOZANO SMITH
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

RECEIVED
4/21/2023 3:20 PM
FRESNO COUNTY SUPERIOR COURT
By: C. York, Deputy

Attorneys for City of Reedley

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO**

IN RE PROPERTY LOCATED AT:

Case No.: 23CECG00912

850 "I" Street
Reedley, CA 93654

**RETURN OF THE ABATEMENT
WARRANT AND ORDER**

APN: 368-010-64S

AY-NC-LP, OWNER.

The City of Reedley ("City") hereby files its Return of the Abatement Warrant previously issued herein and declares as follows:

- On April 4, 2023, the Court issued an Abatement Warrant and Order ("Warrant") authorizing the City to enter onto the property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California, legally described as APN 368-010-64S ("Property") for the purpose of abating the public nuisance conditions therein by seizing and humanely euthanizing all mice being unlawfully kept on the Property. The Warrant issued by the Court permitted entry onto the Property from April 6, 2023, through April 20, 2023, by the City's Code Enforcement Officers and Building Official and/or authorized designees and agents including officials from the California Department of

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

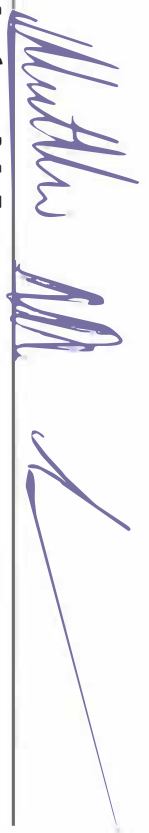
On April 10, 2023, at approximately 5:00 p.m., the City's Code Enforcement Officer, posted the Notice of Issuance of Abatement Warrant in a conspicuous location on the , with a copy of the Court's issued Abatement Warrant. (A true and correct copy of the enforcement Officer's Report relating to executing the Abatement Warrant is attached **Exhibit 2.**)

On April 12, 2023, at approximately 12:45 p.m., Officer Harper and City's contracted Dr. Nina Hahn, executed the Abatement Warrant and entered the Property and examined Hahn confirmed that the mice were in distress. There were a large number of dead mice and many injuries and deformities to the mice were observed. Due to the observed animals and lack of the ability to provide adequate housing and care for the mice, it was recommended that they be euthanized. (See **Exhibit 2**, p. 4.)

Dr. Hahn humanely euthanized the living mice that were being kept in cages in the could be noted that Dr. Hahn euthanized 773 mice, but there were 178 mice found in already deceased at the time of executing the Abatement Warrant. (See **Exhibit 2**, pp.

The deceased mice were collected and safely discarded through one of the City's the incinerated. In accordance with the Abatement Warrant, ten (10) of the mice were the discard pile and placed as evidence in the custody of the City Police Department. (p. 10.) Due to the lack of running water onsite and due to the severity of the filth s, the City disposed of the cages where the mice were kept. (*Id.*)

1 21, 2023



Matthew M. Lear
Deputy City Attorney
For the City of Reedley

VED.

JUDGE OF THE SUPERIOR COURT

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Mariela Cantoriano, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding, Fresno, CA 93720.

On April 21, 2023, I served the attached: **RETURN OF INSPECTION ORDER** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

AY-NC-LP
225 Market St.
Oakland, CA 94607

(**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

(**By Personal Service**) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 21, 2023, at Fresno, California.



Mariela Cantoriano

J:\wdocs\01910\030\PLD\01036580.DOCX

Exhibit 1



Matthew M. Lear

E-mail: mlear@lozanosmith.com

April 5, 2023

AY-NC-LP
225 Market Street
Oakland, CA 94607

Re: Notice of Abatement Warrant Issued to Remove Nuisance Conditions
Fresno County Superior Court Case No. 23CECG00912

To whom it may concern:

On March 29, 2023, the City of Reedley ("City") applied to the court for the issuance of an abatement warrant to allow for the City to enter your property located at 850 "I" Street, Reedley, CA 93654, bearing Assessor's Parcel Number 368-010-64S ("Property") in order to remove the nuisance conditions thereon, specifically to seize and euthanize the neglected laboratory mice being housed on the Property. On April 4, 2023, the court issued an abatement warrant allowing the City's code enforcement officers and/or their authorized designees to enter the Property from April 6, 2023 to April 20, 2023, between the hours of 8:00 a.m. to 6:00 p.m. to abate the nuisance conditions and violations of the Reedley Municipal Code that exist within the Property. (Attached hereto is a true and correct copy of the abatement warrant issued by the court.)

This Notice of Issuance of Abatement Warrant is made in accordance with Code of Civil Procedure section 1822.56.

Sincerely,

LOZANO SMITH



MATTHEW M. LEAR

MML/mc

Enclosure: Copy of Abatement Warrant (23CECG00912)

cc: Jesalyn Harper, City of Reedley – Code Enforcement

J:\wdocs\01910\030\NOT\1033825.DOCX

Limited Liability Partnership

7404 N. Spalding Avenue Fresno, California 93720-3370 Tel 559-431-5600 Fax 559-261-9366

Exempt from Filing Fees Pursuant to
Government Code § 6103

FILED

APR - 4 2023

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
RECEIVED
BY _____ DEPUTY
3/29/2023 4:25 PM

FRESNO COUNTY SUPERIOR COURT
By: A. Ramos, Deputy

Laurie Avedisian-Favini, SBN 231129
Wiley R. Driskill, SBN 253913
Matthew M. Lear, SBN 316582
LOZANO SMITH
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

Attorneys for Applicant, City of Reedley

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

Case No.: 23CECG00912.

850 "T" Street
Reedley, CA 93654

**[REDACTED] ABATEMENT WARRANT
AND ORDER AUTHORIZING ENTRY
ONTO THE PROPERTY TO ABATE
PUBLIC NUISANCE**

APN: 368-010-64S

**(Declaration of Jesalyn Harper; and
Application for Abatement Warrant and
Order filed concurrently.)**

AY-NC-LP. OWNER.

THE PEOPLE OF THE STATE OF CALIFORNIA TO:

CODE ENFORCEMENT OFFICERS AND BUILDING OFFICIALS OF THE CITY OF
REEDLEY AND THEIR AUTHORIZED REPRESENTATIVES, AGENTS, AND ANY SHERIFF, OR
PEACE OFFICER IN THE CITY OF REEDLEY:

Proof by duly executed declaration by Jesalyn Harper, Code Enforcement Officer for the City of
Reedley, dated March 29, 2023, and submitted to the Court.

The Court hereby finds that there is reason to believe that there exists at 850 "T" Street, in the City
of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"),
conditions in violation of the Reedley Municipal Code and Penal Code that constitute a public nuisance
that may be abated pursuant to Civil Code sections 3491 and 3494, and that entry upon the Property by
the City of Reedley Code Enforcement Officers, Building Officials, and/or their designees,
representatives, including officials from the California Department of Toxic Substances Control, the

[PROPOSED] ABATEMENT WARRANT AND ORDER

In Re Property Located at 850 "T" Street
Reedley, CA 93654

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

City Municipal Code section 5-3-8, subdivisions (C) and (H), and Penal Code section 597.1, a)(1).

COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:

City of Reedley ("City") officials and their authorized designees and agents, including the California Department of Toxic Substances Control, the Federal Bureau of Investigation, the California Department of Public Health, and the Fresno County Department of Public Health, their agents may enter onto the Property located at 850 "I" Street, in the City of Reedley, Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the purpose of inspecting the public nuisance conditions therein by seizing and humanely euthanizing all mice on the Property.

The responsible party(ies)/owner(s)/occupant(s) of the above-referenced Property are hereby ordered not to interfere with the abatement of the nuisance conditions thereon.

To protect the safety of City employees and their authorized designees and agents, the Fresno Department and/or the Fresno County Sheriff's Office is authorized to use reasonable force to enter the Property, including restraint of any occupants, and/or person on the Property before the inspection.

To ensure that this warrant can be executed as ordered herein, the Reedley Police Department and/or the Fresno County Sheriff's Office is expressly authorized to use reasonable force to secure the Property, to allow for the inspection to take place, including the opening of any doors and windows of the Property.

City officials and/or their authorized designees and agents, shall provide notice of this warrant to the owner of the Property at least twenty-four (24) hours prior to its execution. This notice may be satisfied by posting said notice on the Property.

for the purpose of seizing all mice being kept on the Property so that they may be humanely
o occur between 4/6, 2023 and 4/20, 2023, excluding the
n 6:00 p.m. and 8:00 a.m., on any given day. The persons authorized herein may enter onto
on any particular day within the time period described herein, but not to exceed these
days.

Any mice that are seized and humanely euthanized in accordance with this Order may be
testing and preserved as evidence by any associated law enforcement or regulatory agencies
investigation relating to the activities that were occurring on the Property.

This warrant may be executed in the absence of any responsible
ner(s)/occupant(s) of the above-referenced Property.

This warrant shall expire at 6:00 p.m. on 4/20, 2023, and the return must
no later than 4/21, 2023 at 5:00 p.m.

SO ORDERED.

4/23


JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE**

2 I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age
3 of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding
4 Avenue, Fresno 93720.

5 On March 29, 2023, I served the attached: **[PROPOSED] ABATEMENT WARRANT
6 AND ORDER AUTHORIZING ENTRY ONTO THE PROPERTY TO ABATE PUBLIC
7 NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of
8 service indicated below:

9 AY-NC-LP
10 225 Market St.
11 Oakland, CA 94607

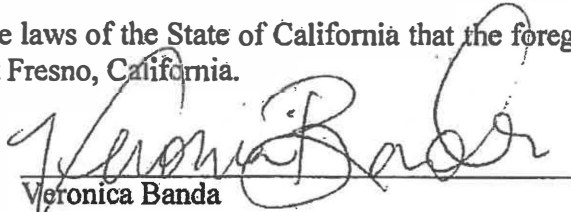
12 (*Regular U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure
13 Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a
14 designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail
15 placed in that designated area is given the correct amount of postage and is deposited at the Post
16 Office that same day, in the ordinary course of business, in a United States mailbox in the County
17 of Fresno.

18 (*By Certified Mail - Return Receipt Requested*) on all parties in said action in accordance with
19 Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a
20 sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano
21 Smith, which mail placed in that designated area is given the correct amount of postage and is
22 deposited that same day, in the ordinary course of business, in a United States mailbox in the
23 County of Fresno.

24 (*By Federal Express/Overnight Mail*) on all parties in said action by depositing a true and correct
25 copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully
26 paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

27 (*By Personal Service*) by causing to be personally delivered a true copy thereof to the
28 addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct. Executed on March 29, 2023, at Fresno, California.


Veronica Banda

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LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding Avenue, Fresno 93720.

On April 5, 2023, I served the attached: **NOTICE OF ABATEMENT WARRANT ISSUED TO REMOVE NUISANCE CONDITIONS** (Code of Civ. Proc., § 1822.56) on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

**AY-NC-LP
225 Market St.
Oakland, CA 94607**

- (*Regular U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.
- (*By Certified Mail - Return Receipt Requested*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.
- (*By Federal Express/Overnight Mail*) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.
- (*By Personal Service*) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 5, 2023, at Fresno, California.


Veronica Banda

Exhibit 2

Return of Warrant

April 12, 2023

Jesalyn Harper

Property of 850 I Street, Reedley CA, 93654 was posted on April 10, 2023 at 5:00pm with documents reflecting the warrant to abate and destroy was issued and would be carried out within at least 24 hours of posting.



At 12:45pm, Code Enforcement and Dr. Nina Hahn approached and entered the property at 850 I Street. Code Enforcement and Hahn wore Tyvek suits, gloves, booties, and N95 masks to enter the building. Upon entering the mice room, it was observed that wild mice had chewed through and were accessing bags of food in the facility.



Upon entering the mouse room, Code Enforcement and Dr. Hahn observed a large amount of mice feces on the floor. It was undeterminable if the feces were from wild mice or if the mice in the cages had begun to kick up feces out of the cages, but photos of the feces were taken regardless because according to Dr. Hahn it was very likely a mixture of both.



Dr. Hahn confirmed the mice were in server distress because of “barbering” taking place, the high number of visible carcasses in the cages, and the lack of “pinkies”. Barbering is a social activity with mice consistent with over grooming. When under stress the dominant mice will begin to rip the hair and skin off the less dominant mice. The lack of pinkies can be related to starvation or stress, because Code Enforcement had been trying to provide adequate food and water it is believed the cannibalism is due to stress.

Dr. Hahn recommended euthanasia due to the animal’s suffering and the lack of ability to provide adequate care for the animals.

Dr. Hahn and Code Enforcement utilized a large cart with wheels to transport the mice. To prevent further stress of the animals they were kept in their cages. The cages were removed and placed in large trash bags to prevent possible escape and to limit light exposure because of the breed being sensitive to light. The cart with the cages was transported outside of the large warehouse to allow for better ventilation.



Dr. Hahn used Aerrane (isoflurane, USP) by placing cotton balls and the Isoflurane in a sealed glass jar. The isoflurane is used as an anesthetic, the cotton balls were placed on top of the cages in the garbage bags. The bags were then sealed to allow the isoflurane to be inhaled by the caged mice. Once the mice were unconscious. Once they were unconscious, Dr. Hahn removed them from the cage and to confirm death, performed a cervical dislocation.



Once all the mice in the cage were deceased, Dr. Hahn counted approximately how many mice carcasses were present in the cage and how many had been euthanized. Please note, due to the severity of filth in the cages only an approximation of carcasses could be made. Exact numbers of how many mice were euthanized were documented and recorded from which cage. Dr. Hahn also assessed the mice to sex them, evidence of barbering, or evidence of tumors or other medical issues.

ABATEMENT WARRANT

Wednesday, April
12, 2023

Cage	Euthanized	Deceased	Notes
B1	8	1	
B9	13	5	
B8	23	5	
B11	21	2	mostly males, severe barbering
B5	21	5	
A12	7	1	mostly males
B6	12	21	severe barbering
E4	30	0	Mostly Female mostly males, severe barbering
B4	15	0	barbering
A8	3	4	mixed sexes
Baby	23	0	
A6	11	12	
Pregnant Females	33	3	mixed sexes
D6	5	4	
C2	7	1	
Female & Baby	11	32	
A7	3	2	
Male	16	10	
A11	10	0	
A5	21	0	
D3	13	1	
A10	10	1	
B10	46	0	Mostly female, 1 confirmed male

Total Euthanized	Total Deceased
773	178

Approximate total of mice at facility
951

E5	21	1	
E3	6	3	tumor present
D8	10	1	Mostly female
B7	22	1	
E6	8	4	
E1	15	3	Mostly female
E2	13	2	
B13	4	6	
B12	9	1	
E9	9	3	
B14	20	1	
E7	31	2	
C1	7	1	
C7	4	2	
E10	22	0	
C5	18	8	
C9	9	1	
D4	4	2	
D9	8	1	
D1	16	2	
C4	7	6	
C8	9	2	
C6	33	3	
D2	17	1	
D5	8	2	
D11	7	1	
D7	15	2	
C12	7	1	
D12	5	0	
C11	12	2	
D10	13	2	
C10	22	1	

Multiple cages had signs of barbering, medical issues, and a large amount had mixed sexes. The mixture of the sexes shows that the animals breeding was not being regulated and that “pinkies” should have been present in the cages.

Barbering



Carcasses



Tumors and evidence of lack of veterinarian care



There was no evidence on site that the mice were being injected or tested. It was determined it would be safe to discard the mice through the City of Reedley Animal Shelter contractors. 10 mice were removed from the discard pile. 5 females and 5 males were removed and placed as evidence into the custody of the Reedley Police Department. The other mice will be incinerated.



Once the mice were documented and discarded, it was determined that the cages would be discarded as well because of the severity of filth and the lack of water on site to be able to clean and disinfect the cages. The discarded cages and materials utilized for the euthanasia procedure were disposed of through Public Works trash services.



1 Laurie Avedisian-Favini, SBN 231129
2 Wiley R. Driskill, SBN 253913
3 Matthew M. Lear, SBN 316582
4 **LOZANO SMITH**
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

RECEIVED
3/29/2023 5:25 PM
FRESNO COUNTY SUPERIOR COURT
By: A. Ramos, Deputy

5 Attorneys for Applicant, City of Reedley

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

7 **IN AND FOR THE COUNTY OF FRESNO**

8
9 **IN RE PROPERTY LOCATED AT:**

Case No.: 23CECG00912.

10
11 850 "I" Street
12 Reedley, CA 93654

**[PROPOSED] ABATEMENT WARRANT
AND ORDER AUTHORIZING ENTRY
ONTO THE PROPERTY TO ABATE
PUBLIC NUISANCE**

13 APN: 368-010-64S

**(Declaration of Jesalyn Harper; and
Application for Abatement Warrant and
Order filed concurrently.)**

14
15 **AY-NC-LP, OWNER.**

16
17 **THE PEOPLE OF THE STATE OF CALIFORNIA TO:**

18 CODE ENFORCEMENT OFFICERS AND BUILDING OFFICIALS OF THE CITY OF
19 REEDLEY AND THEIR AUTHORIZED REPRESENTATIVES, AGENTS, AND ANY SHERIFF, OR
20 PEACE OFFICER IN THE CITY OF REEDLEY:

21 Proof by duly executed declaration by Jesalyn Harper, Code Enforcement Officer for the City of
22 Reedley, dated March 29, 2023, and submitted to the Court.

23 The Court hereby finds that there is reason to believe that there exists at 850 "I" Street, in the City
24 of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"),
25 conditions in violation of the Reedley Municipal Code and Penal Code that constitute a public nuisance
26 that may be abated pursuant to Civil Code sections 3491 and 3494, and that entry upon the Property by
27 the City of Reedley Code Enforcement Officers, Building Officials, and/or their designees,
28 representatives, including officials from the California Department of Toxic Substances Control, the

1 Federal Bureau of Investigations, the California Department of Public Health, and the Fresno County
2 Department of Public Health and their agents are necessary to carry out code enforcement and abatement
3 of the public nuisance.

4 The conditions on the Property have been determined to constitute a public nuisance in violation
5 of the Reedley Municipal Code section 5-3-8, subdivisions (C) and (H), and Penal Code section 597.1,
6 subdivision (a)(1).

7 **THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:**

8 1. City of Reedley ("City") officials and their authorized designees and agents, including
9 officials from the California Department of Toxic Substances Control, the Federal Bureau of
10 Investigations, the California Department of Public Health, and the Fresno County Department of Public
11 Health and their agents may enter onto the Property located at 850 "I" Street, in the City of Reedley,
12 County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the
13 purpose of abating the public nuisance conditions therein by seizing and humanely euthanizing all mice
14 being kept on the Property.

15 2. The responsible party(ies)/owner(s)/occupant(s) of the above-referenced Property are
16 hereby ordered not to interfere with the abatement of the nuisance conditions thereon.

17 3. To protect the safety of City employees and their authorized designees and agents, the
18 Reedley Police Department and/or the Fresno County Sheriff's Office is authorized to use reasonable
19 force to secure the Property, including restraint of any occupants, and/or person on the Property before
20 and during the inspection.

21 4. To ensure that this warrant can be executed as ordered herein, the Reedley Police
22 Department and/or the Fresno County Sheriff's Office is expressly authorized to use reasonable force to
23 enter and secure the Property, to allow for the inspection to take place, including the opening of any
24 locked portions of the Property.

25 5. City officials and/or their authorized designees and agents, shall provide notice of this
26 warrant to the owner of the Property at least twenty-four (24) hours prior to its execution. This notice
27 requirement may be satisfied by posting said notice on the Property.
28

1 6. The Code Enforcement Officer and Building Official for the City of Reedley and/or their
2 authorized designees and agents including officials from the California Department of Toxic Substances
3 Control, the Federal Bureau of Investigations, the California Department of Public Health, and the Fresno
4 County Department of Public Health and their agents may enter the Property legally described as APN
5 368-010-64S, for the purpose of seizing all mice being kept on the Property so that they may be humanely
6 euthanized, to occur between _____, 2023 and _____, 2023, excluding the
7 hours between 6:00 p.m. and 8:00 a.m., on any given day. The persons authorized herein may enter onto
8 the Property on any particular day within the time period described herein, but not to exceed these
9 fourteen (14) days.

10 7. Any mice that are seized and humanely euthanized in accordance with this Order may be
11 collected for testing and preserved as evidence by any associated law enforcement or regulatory agencies
12 for further investigation relating to the activities that were occurring on the Property.

13 8. This warrant may be executed in the absence of any responsible
14 party(ies)/owner(s)/occupant(s) of the above-referenced Property.

15 9. This warrant shall expire at 6:00 p.m. on _____, 2023, and the return must
16 be executed no later than _____, 2023 at 5:00 p.m.

17
18 **IT IS SO ORDERED.**

19
20 Dated: _____

JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE**

2 I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age
3 of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding
4 Avenue, Fresno 93720.

5 On March 29, 2023, I served the attached: **[PROPOSED] ABATEMENT WARRANT
6 AND ORDER AUTHORIZING ENTRY ONTO THE PROPERTY TO ABATE PUBLIC
7 NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of
8 service indicated below:

9 AY-NC-LP
10 225 Market St.
11 Oakland, CA 94607

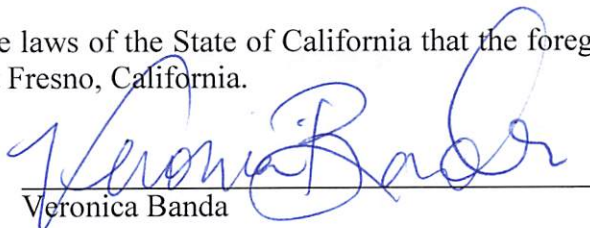
12 (**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure
13 Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a
14 designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail
15 placed in that designated area is given the correct amount of postage and is deposited at the Post
16 Office that same day, in the ordinary course of business, in a United States mailbox in the County
17 of Fresno.

18 (**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with
19 Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a
20 sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano
21 Smith, which mail placed in that designated area is given the correct amount of postage and is
22 deposited that same day, in the ordinary course of business, in a United States mailbox in the
23 County of Fresno.

24 (**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct
25 copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully
26 paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

27 (**By Personal Service**) by causing to be personally delivered a true copy thereof to the
28 addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct. Executed on March 29, 2023, at Fresno, California.


Veronica Banda

J:\wdocs\01910\030\PLD\01032708.DOCX

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

Exempt from Filing Fees Pursuant to
Government Code § 6103

FILED

MAR 13 2023

1 Scott G. Cross, SBN 199116
2 Wiley R. Driskill, SBN 316582
3 **LOZANO SMITH**
4 7404 N. Spalding Avenue
5 Fresno, CA 93720-3370
6 Telephone: 559-431-5600
7 Facsimile: 559-261-9366

RECEIVED
3/10/2023 2:37 PM
FRESNO COUNTY SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
DEPUTY

Attorneys for Applicant, City of Reedley By: I. Herrera, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

23CECG00912

IN RE PROPERTY LOCATED AT:

Case No.:

850 "I" Street
Reedley, CA 93654

**[PROPOSED] INSPECTION WARRANT
AND ORDER AUTHORIZING ENTRY
ONTO THE PROPERTY TO INSPECT FOR
PUBLIC NUISANCE**

APN: 368-010-64S

**(Declaration of Jeremy Harrison; and
Application for Inspection Warrant and Order
filed concurrently.)**

AY-NC-LP, OWNER.

THE PEOPLE OF THE STATE OF CALIFORNIA TO:

CODE ENFORCEMENT OFFICERS AND BUILDING OFFICIALS OF THE CITY OF
REEDLEY AND THEIR AUTHORIZED REPRESENTATIVES, AGENTS, AND ANY SHERIFF, OR
PEACE OFFICER IN THE CITY OF REEDLEY:

Proof by duly executed declaration by Jeremy Harrison, Building Official for the City of Reedley,
dated March 10, 2023, and submitted to the Court.

The Court hereby finds that there is reason to believe that there exists at 850 "I" Street, in the City
of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"),
conditions in violation of the Reedley Municipal Code, State Building Code, and Health and Safety Code
that constitute a public nuisance that requires inspection of the Property pursuant to California Code of
Civil Procedure section 1822.50, et seq. and that entry upon the Property by the City of Reedley Code
Enforcement Officers, Building Officials, and/or their designees, representatives, including officials from

[PROPOSED] INSPECTION WARRANT AND ORDER

In Re Property Located at 850 "I" Street
Reedley, CA 93654

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 the California Department of Toxic Substances Control, the Federal Bureau of Investigations, the
2 California Department of Public Health, and the Fresno County Department of Public Health and their
3 agents are necessary to carry out code enforcement and inspection of potential public nuisances and
4 public health concerns.

5 The conditions on the Property as described in the declaration of Jeremy Harrison, provide that
6 there is sufficient reason to believe that conditions of nonconformity exist on the Property, in violation
7 of Reedley Municipal Code sections relating to the conditions of the Property and various health and
8 safety issues.

9 **THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:**

10 1. City of Reedley ("City") officials and their authorized designees and agents, including
11 officials from the California Department of Toxic Substances Control, the Federal Bureau of
12 Investigations, the California Department of Public Health, and the Fresno County Department of Public
13 Health and their agents may enter onto the Property located at 850 "I" Street, in the City of Reedley,
14 County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the
15 purpose of inspecting the interior and exterior of the industrial warehouse, structures, and storage
16 facilities, including any portions of those facilities that may be locked located on the Property for any
17 existing violations of the Reedley Municipal Code, the California Building Code, and the California
18 Health and Safety Code.

19 2. The responsible party(ies)/owner(s)/occupant(s) of the above-referenced Property are
20 hereby ordered not to interfere with the inspection of the Property.

21 3. To protect the safety of City employees and their authorized designees and agents, the
22 Reedley Police Department and/or the Fresno County Sheriff's Office is authorized to use reasonable
23 force to secure the Property, including restraint of any occupants, and/or person on the Property before
24 and during the inspection.

25 4. To ensure that this warrant can be executed as ordered herein, the Reedley Police
26 Department and/or the Fresno County Sheriff's Office is expressly authorized to use reasonable force to
27 enter and secure the Property, to allow for the inspection to take place, including the opening of any
28 locked portions of the Property.

1 5. Samples from the Property may be collected by staff from the California Department of
2 Toxic Substances Control as necessary and who are trained in the collection, preservation of evidence,
3 including safety requirements and will be under the direction of the California Department of Toxic
4 Substances Control. This may or may not include samples being provided to an approved laboratory for
5 testing and analysis on an as needed basis and only through chain of custody documentation under the
6 coordination of the California Department of Toxic Substances Control, Office of Criminal
7 Investigations. Samples of any hazardous waste defined by Title 22 of the California Code of
8 Regulations, or any material suspected of being a hazardous waste, including liquid and solid samples
9 from a storage, transportation and/or disposal site or suspected storage, transportation, and/or disposal
10 site may be collected. Additionally, soil or liquid samples in or on the ground and samples from any
11 tank, containers, apparatus, disposal location, and objects in contact with hazardous waste or suspected
12 hazardous waste from the Property may be collected.

13 6. City officials and/or their authorized designees and agents, shall provide notice of this
14 warrant to the owner of the Property at least twenty-four (24) hours prior to its execution. This notice
15 requirement may be satisfied by posting said notice on the Property.

16 7. The Code Enforcement Officer and Building Official for the City of Reedley and/or their
17 authorized designees and agents including officials from the California Department of Toxic Substances
18 Control, the Federal Bureau of Investigations, the California Department of Public Health, and the Fresno
19 County Department of Public Health and their agents may enter the Property legally described as APN
20 368-010-64S, for the purpose of inspecting all interior and exterior portions of the Property for nuisances
21 and violations of the State Building Code, Reedley Municipal Code, and the California Health and Safety
22 Code, to occur between 3/10, 2023 and 3/24, 2023, excluding the hours
23 between 6:00 p.m. and 8:00 a.m., on any given day. The persons authorized herein may enter onto the
24 Property on any particular day within the time period described herein, but not to exceed these fourteen
25 (14) days.

26 7. This warrant may be executed in the absence of any responsible
27 party(ies)/owner(s)/occupant(s) of the above-referenced Property.

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

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8. This warrant shall expire at 6:00 p.m. on 3/24, 2023, and the return must be executed no later than 3/30, 2023 at 5:00 p.m.

IT IS SO ORDERED.

Dated: 3/13/23



JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE**

2 I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age
3 of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding
4 Avenue, Fresno 93720.

5 On March 10, 2023, I served the attached: **[PROPOSED] INSPECTION WARRANT**
6 **AND ORDER AUTHORIZING ENTRY ONTO THE PROPERTY TO INSPECT FOR PUBLIC**
7 **NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of
8 service indicated below:

9 AY-NC-LP
10 225 Market St.
11 Oakland, CA 94607

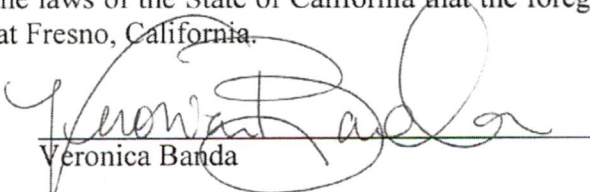
12 (**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure
13 Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a
14 designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail
15 placed in that designated area is given the correct amount of postage and is deposited at the Post
16 Office that same day, in the ordinary course of business, in a United States mailbox in the County
17 of Fresno.

18 (**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with
19 Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a
20 sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano
21 Smith, which mail placed in that designated area is given the correct amount of postage and is
22 deposited that same day, in the ordinary course of business, in a United States mailbox in the
23 County of Fresno.

24 (**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct
25 copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully
26 paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

27 (**By Personal Service**) by causing to be personally delivered a true copy thereof to the
28 addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct. Executed on March 10, 2023, at Fresno, California.


Veronica Banda

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LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 Laurie Avedisian-Favini, SBN 231129
2 Wiley R. Driskill, SBN 253913
3 Matthew M. Lear, SBN 316582
4 **LOZANO SMITH**
5 7404 N. Spalding Avenue
6 Fresno, CA 93720-3370
7 Telephone: 559-431-5600
8 Facsimile: 559-261-9366

E-FILED
3/29/2023 5:25 PM
Superior Court of California
County of Fresno
By: A. Ramos, Deputy

9 Attorneys for Applicant, City of Reedley

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **IN AND FOR THE COUNTY OF FRESNO**

12 **IN RE PROPERTY LOCATED AT:**

13 850 "I" Street
14 Reedley, CA 93654

15 **APN: 368-010-64S**

16 **AY-NC-LP, OWNER.**

Case No.: 23CECG00912

**APPLICATION FOR ABATEMENT
WARRANT AND ORDER AUTHORIZING
ENTRY ONTO PROPERTY TO ABATE
PUBLIC NUISANCE
(Code of Civ. Proc., § 1822.50, et seq.)**

**(Declaration of Jesalyn Harper; and
[Proposed] Abatement Warrant and Order
filed concurrently.)**

17
18 THE PEOPLE OF THE STATE OF CALIFORNIA, by and through the City of Reedley ("City"),
19 hereby apply to this Court for issuance of a warrant authorizing the City to enter into the premises
20 commonly known as 850 "I" Street, in the City of Reedley, County of Fresno, in the State of California,
21 legally described as Assessor's Parcel Number 368-010-64S ("the Property"), for the purpose of abating
22 conditions on the Property that constitute a public nuisance. Abatement of these conditions is expressly
23 authorized under Civil Code section 3494 and Reedley Municipal Code ("RMC") section 4-2-8.

24 This application for inspection warrant is based upon this Application, the Declaration of Code
25 Enforcement Officer Jesalyn Harper ("Decl. of J. Harper"), the [Proposed] Abatement Warrant and
26 Order, and on such other evidence as may be presented prior to or at the time of the hearing on this matter.

27 **I. FACTUAL SUMMARY**

28 AY-NC-LP is the owner of record of the Property, and tenant of the Property is Prestige Bio Tech.

1 (Decl. of J. Harper, ¶5.) The Property consists of an industrial warehouse located within the City. (*Id.*)
2 On March 13, 2023, this Court issued an Inspection Warrant which authorized the City’s Code
3 Enforcement Officers and agents from the City Fire Department, City Police Department, California
4 Department of Toxic Substances Control, the Federal Bureau of Investigations, the California
5 Department of Public Health, and the Fresno County Department of Public Health to enter the Property
6 and inspect for state Health and Safety Code, Building Code, and Municipal Code violations.

7 On March 16, 2023, at approximately 11:00 a.m., the City served the Inspection Warrant on Wang
8 Zhaolin, the individual responsible for the Property at the time of the inspection and carried out an
9 inspection of the entirety of the Property along with agents from the above-referenced state and local
10 agencies. (Decl. of J. Harper, ¶8.) The City and the assisting agencies discovered multiple building and
11 safety violations within the Property. (*Id.*) City staff was informed by Xiuqin Yao, alleged president of
12 Prestige Bio Tech, that the Property was being used to store bio-medical supplies related to developing
13 diagnostic testing kits. (*Id.* at Exhibit B.) Also kept on site are several hundred mice that are used for
14 testing relating to immunology and oncology and have been genetically modified to catch and carry the
15 COVID-19 virus. (*Id.*) During the inspection, State Veterinarian Nina Hahn noted several violations
16 relating to the welfare regulations and standard of care for these mice, including being kept in
17 overcrowded cages, the mice being exposed to 24 hours of lighting despite being nocturnal, and improper
18 sanitation. (*Id.* at Exhibit C.)

19 Between March 19, 2023, to March 27, 2023, City staff was in contact with the tenant of the
20 Property in an attempt to obtain adequate housing or care for the mice. (Decl. of J. Harper, ¶10.) The
21 City has taken over providing food and water to the mice since the tenant of the Property has been
22 unwilling to provide suitable care or relocation of the mice. (*Id.* 11.) The tenant has been unable to
23 provide evidence of any state or federal licenses or certifications that would permit the breeding and
24 experimentation being conducted on these mice. (*Id.*, at ¶10.) Accordingly, to prevent further harm to
25 these mice, the City is seeking an Abatement Warrant to enter the Property, seize the mice, and euthanize
26 them humanely.

27 ///

28 ///

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1
2 **II. LEGAL ARGUMENT**

3 **A. City has the Authority to Inspect the Property.**

4 The legislative body of a city may declare what constitutes a nuisance. (Gov. Code § 38771.) The
5 California Civil Code provides that a city may remedy a public nuisance through abatement. (Civ. Code
6 §§ 3491 and 3494.) The City’s code expressly authorizes the abatement of properties in violation of the
7 RMC. (See RMC §§ 1-12-1(D); 4-2-3(B); 4-2-8(B); 4-2-11; 10-16-9; and 10-16-11.) Therefore, the
8 City is authorized to request an abatement warrant from the Court to allow the City to enter onto the
9 Property and seize and humanely euthanize these laboratory mice.

10 **B. This Court has Authority to Issue an Abatement Warrant.**

11 The California Code of Civil Procedure provides that an action may be brought by a city attorney
12 when directed to do so by the city’s legislative authority, to abate a nuisance property. (Code Civ. Proc.,
13 § 731.) But, “in the absence of consent or exigent circumstances, government officials engaged in the
14 abatement of a public nuisance must have a warrant to enter any private property where such entry would
15 invade a constitutionally protected privacy interest.” (*Gleaves v. Waters* (1985) 175 Cal.App.3d 413,
16 419.)

17 Although section 1822.50 of the Code of Civil Procedure provides the procedure for a public
18 agency to receive a warrant to enter a private property to inspect it, there is not a statutory procedure for
19 entry by a public agency to abate a nuisance. However, several cases have held that the procedures for
20 an inspection warrant should mirror those for an agency seeking an abatement warrant. In *Connor v.*
21 *City of Santa Ana*, the court held, “California courts have rejected, for purposes of the warrant
22 requirement, any distinction between inspection and abatement of a declared public nuisance.” (*Connor*
23 *v. City of Santa Ana* (9th Cir., 1990) 897 F.2d 1487, 1490.)

24 This point is further explored in *Flahive v. City of Dana Point*, wherein the court of appeals held
25 that the procedures employed by the City of Dana Point “passed constitutional muster because it mirrored
26 the statutory requirements of other types of warrants.” (*Flahive v. City of Dana Point* (1999) 72
27 Cal.App.4th 241, 246, fn. 8.) The court noted that the City of Dana Point’s warrant was issued pursuant
28 to probable cause, shown by an affidavit particularly describing the place to be inspected, and the
abatement demanded was authorized by appropriate law. (*Id.*)

1 **C. City has Satisfied all Requirements for Issuance of an Abatement Warrant.**

2 Pursuant to the holdings in *Flahive*, *Gleaves*, and *Connor*, the appropriate procedures for the
3 issuance of an abatement warrant, as requested in this matter, should follow the statutory procedures set
4 forth in Code of Civil Procedure §§1822.50, et seq. Section 1822.50 provides that an inspection warrant
5 may be issued by a judge of a court of record, directed to a local official, “commanding him to conduct
6 any inspection required or authorized by state or local law or regulation relating to building, fire, safety,
7 plumbing, electrical, health, labor, or zoning.” (Code Civ. Proc., § 1822.50.) Section 1822.51 states the
8 requirements for issuance of an inspection warrant as follows:

9 “An inspection warrant shall be issued upon cause... An inspection warrant shall
10 be supported by an affidavit, particularly describing the place, dwelling, structure,
11 premises, or vehicle to be inspected and the purpose for which the inspection is
12 made... [T]he affidavit shall contain either a statement that consent to inspect has
13 been sought and refused or facts or circumstances reasonably justifying the failure
14 to seek such consent.” (Code Civ. Proc., § 1822.51.)

15 **i. City has Demonstrated Good Cause Exists for Issuance of Abatement Warrant.**

16 Section 1822.52 of the Code of Civil Procedure provides in pertinent part that good cause exists
17 for the issuance of a warrant if: (1) “reasonable legislative or administrative standards for conducting a
18 routine or area inspection are satisfied with respect to the particular place, dwelling, structure, [or]
19 premises...” or (2) “there is reason to believe that a condition of nonconformity exists with respect to the
20 particular place, dwelling, structure, [or] premises.” (Code Civ. Proc., § 1822.52.)

21 As demonstrated in the Declaration of Jesalyn Harper, submitted herewith, the City has
22 demonstrated that there is a condition of non-conformity existing within Property. (Decl. of J. Harper,
23 ¶¶10-11.). After inspecting the Property, the Property was found to be in violation of RMC section 5-3-
24 8, subdivisions (C) and (H), for keeping the laboratory mice with inadequate shelter, food, and drink, as
25 well as for the unsanitary conditions that the mice are being kept in. Furthermore, the conditions the
26 mice are being kept in and the lack of adequate food, water and sanitation being provided would also
27 violate Penal Code section 597.1, subdivision (a)(1). Accordingly, good cause exists to issue an
28 abatement warrant to the City.

ii. The Owners or responsible parties have refused to correct the issues relating to the conditions of the mice.

1 Section 1822.51 of the Code of Civil Procedure requires that before a warrant may be issued, “the
2 affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or
3 circumstances reasonably justifying the failure to seek such consent.” (Code Civ. Proc., § 1822.51.) The
4 City had to apply to the Court for an inspection of the Property since the tenant of the Property refused
5 to permit staff to inspect the entirety of the Property. (Decl. of J. Harper, ¶7.) The City has attempted to
6 work with the tenant of the Property to secure adequate housing and care for the mice, but the tenant has
7 failed to do so. (*Id.* at ¶¶10-11.) Pursuant to the declaration of Ms. Harper, the City has met its obligation
8 of attempting to acquire consent with facts that reasonably justify its inability to obtain such consent due
9 to the tenant’s refusal to provide evidence of any licenses or certifications permitting them to breed or
10 experiment on the mice, and for their failure to provide adequate care for the mice.

11 **III. CONCLUSION**

12 Based on the foregoing, City respectfully requests that this court issue an Abatement Warrant
13 permitting City to enter the Property for the purpose of entering the Property for a period not to exceed
14 fourteen (14) days and seizing all the laboratory mice therein so that they may be humanely euthanized.

15
16 **LOZANO SMITH**

17
18 

19 Dated: March 29, 2023

20 Matthew M. Lear
21 Attorney for the City of Reedley

1 **PROOF OF SERVICE**

2 I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age
3 of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding
4 Avenue, Fresno 93720.

5 On March 21, 2023, I served the attached: **APPLICATION FOR ABATEMENT**
6 **WARRANT AND ORDER AUTHORIZING ENTRY ONTO THE PROPERTY TO ABATE**
7 **PUBLIC NUISANCE (Code of Civ. Proc., § 1822.50, et seq.)** on the interested parties in said cause,
8 by causing delivery to be made by the mode of service indicated below:

9 AY-NC-LP
10 225 Market St.
11 Oakland, CA 94607

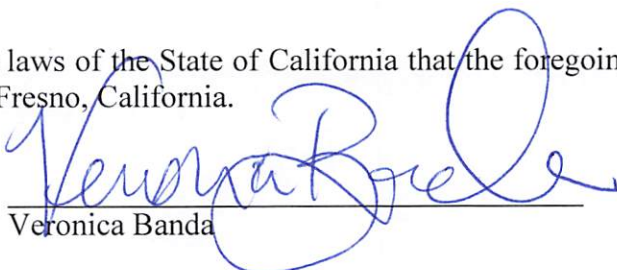
12 [X] (**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure
13 Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a
14 designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail
15 placed in that designated area is given the correct amount of postage and is deposited at the Post
16 Office that same day, in the ordinary course of business, in a United States mailbox in the County
17 of Fresno.

18 [] (**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with
19 Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a
20 sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano
21 Smith, which mail placed in that designated area is given the correct amount of postage and is
22 deposited that same day, in the ordinary course of business, in a United States mailbox in the
23 County of Fresno.

24 [] (**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct
25 copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully
26 paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

27 [] (**By Personal Service**) by causing to be personally delivered a true copy thereof to the
28 addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct. Executed on March 21, 2023, at Fresno, California.


Veronica Banda

J:\wdocs\01910\030\PLD\01032527.DOCX

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 Scott Cross, SBN 199116
2 Wiley R. Driskill, SBN 253913
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7 Facsimile: 559-261-9366

E-FILED
3/29/2023 5:25 PM
Superior Court of California
County of Fresno
By: A. Ramos, Deputy

Attorneys for Applicant, City of Reedley

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

Case No.: 23CECG00912

850 "I" Street
Reedley, CA 93654

**DECLARATION OF JESALYN HARPER IN
SUPPORT OF APPLICATION FOR
ABATEMENT WARRANT AND ORDER
AUTHORIZING ENTRY ON THE
PROPERTY TO ABATE PUBLIC
NUISANCE**

APN: 368-010-64S

**(Application for Abatement Warrant and
Order; and [Proposed] Abatement Warrant
and Order filed concurrently.)**

AY-NC-LP, OWNER.

I, JESALYN HARPER, declare as follows:

1. I am currently, and at all times relevant have been, employed as a Code Enforcement Officer with the City of Reedley ("City").

2. I have personal knowledge of the matters contained herein and could, if called upon, competently testify thereto. As to those matters asserted on information and belief, I believe them to be true.

3. My general responsibilities as a Code Enforcement Officer are inspecting properties to ensure that they are in compliance with state and local building regulations as well as responding to complaints from the citizens in our community and enforcing the City Municipal Code with special attention to Substandard Housing and Public Nuisance properties.

1 4. Through various certification requirements and continuing education, I have extensive
2 training and experience in the enforcement of the City Municipal Code. I am trained and familiar with
3 the State housing law, the California Health and Safety Code (“H&S”), the California Building
4 Standards Code (“CBSC”), the California Building Code (“CBC”), the California Residential Code
5 (“CRC”), the California Fire Code (“CFC”), the California Electrical Code (“CEC”), the California
6 Plumbing Code (“CPC”), the Uniform Code for the Abatement of Dangerous Buildings (“UCADB”),
7 the Uniform Housing Code (“UHC”), other local building codes, and the Reedley Municipal Code
8 (“RMC”).

9 5. Code Enforcement has been personally involved with the efforts to bring the property at
10 850 “I” Street, Reedley, California 93654 (Assessor’s Parcel Number 368-010-64S) (the “Property”)
11 into compliance since March 3, 2023. It is my information and belief that the record owner of the
12 Property is AY-NC-LP, and the tenant of the Property is a business called Prestige Biotech, Inc. The
13 Property consists of a 1.73-acre parcel lot with an industrial warehouse.

14 6. Due to the City’s knowledge that the Property was being used to store various unknown
15 chemicals, the City involved the California Department of Toxic Substances Control (“DTSC”), the
16 Federal Bureau of Investigations, the California Department of Public Health (“CDPH”), and the
17 Fresno County Department of Public Health in its investigation of the Property.

18 7. After the tenants of the Property refused to permit City staff to inspect all portions of the
19 Property, the City applied to the Court for an Inspection Warrant. On March 13, 2023, the Court issued
20 an Inspection Warrant allowing the City, and agents from the above-referenced agencies, to enter the
21 Property and inspect for Health and Safety Code, Building Code, and Municipal Code violations.

22 8. On March 16, 2023, at approximately 11:00 a.m., the City served the Inspection Warrant
23 on Wang Zhaolin, the individual responsible for the Property at the time of the inspection and carried
24 out an inspection of the entirety of the Property. The City documented several building and safety code
25 violations. CDPH documented embargoed items being stored in the Property and made an inventory of
26 the contents of the lab. DTSC inspected how the tenant was disposing of toxic substances and tested
27 the air to ensure it was safe to breathe. One of the rooms was found to contain several vessels of
28 liquids and various apparatus that made it potentially unsafe to enter.

1 9. During the inspection, we found a room housing hundreds of laboratory mice. Wang
2 Zhaolin informed us that these mice were genetically engineered to catch and carry the COVID-19
3 virus. (Attached hereto as **Exhibit A**, is a true and correct copy of photos of the mice.)

4 10. On March 17, 2023, I received an email from a Xiuquin Yao, who indicated that they
5 were the President of Prestige Biotech, Inc. I exchanged emails with Yao from March 19 to March 27,
6 2023, and inquired as to whether they could provide any licenses or certifications permitting the
7 experiments and breeding of these mice. They never provided any certifications or licenses from any
8 state or federal agency that permitted the activities being conducted on the Property. I informed them
9 that the mice were being kept in inadequate conditions in overcrowded cages and there was a lack of
10 food and water for the mice. No plan was given by Yao regarding a plan to care for the mice, or where
11 the mice would be moved since the building was red tagged following the City's inspection. (Attached
12 hereto as **Exhibit B** are true and correct copies of my email correspondence with Xiuquin Yao from
13 March 17 to March 27, 2023.)

14 11. Yao had provided names of individuals who were supposed to provide food and water to
15 the mice but they have not returned any of my calls or have claimed to not be employees of Prestige
16 Biotech, Inc. Due to the lack of response from the tenants of the Property, the City has had to take over
17 providing care for the mice left on Property that would otherwise be left without food or water.

18 12. On March 27, 2023, I received an email from Dr. Nina Hahn, a veterinarian who also
19 inspected the Property. She indicated that the mice are being housed in conditions that are far outside of
20 all animal welfare regulations and standards of care. The issues include the cages being overcrowded,
21 improper sanitation, exposure to wild rodents, and being exposed to lights 24 hours a day despite the
22 mice being nocturnal. Dr. Hahn recommends that the mice either be removed from the location by the
23 tenants or that the City seize the mice to prevent any further mistreatment of the animals. (Attached
24 hereto as **Exhibit C** is a true and correct copy of Dr. Hahn's email.)

25 ///

26 ///

27 ///

28 ///

EXHIBIT A

Mice

850 | St

Inadequate housing and ventilation



Dr. Hahn stated this breed of mice is sensitive to light. The light is left on 24/7 and is causing severe distress to the mice.



Over crowding



EXHIBIT B

Harper, Jesalyn

From: Harper, Jesalyn
Sent: Monday, March 27, 2023 5:32 PM
To: 'Jessezhu'
Cc: info.1320pbi; prestibio2021
Subject: RE: Mice and Freezer Update

Good evening,

Again, you are unable to clearly answer our questions or provide valid information to resolve the issue. Please see my responses below. We need your companies cooperation to be able to get the information and licenses to be able to operate legally.

1, Who will be providing care for the mice and are they trained in PPE and in how to properly and ethically handle the mice?

...Raising mice is a relatively simple task. Just add water and food on time and clean the bedding with same UMI procedures. No breeding and experiments until find an official site.

There are regulations and standards for keeping mice. You are not meeting these at standards at a state or local level. You have yet to provide us with the UMI procedures that would outline your care plan for these mice. I need you to send me the UMI procedures.

2, How will you be disposing of the PPE and the waste?

...The operation in this respect is carried out in accordance with the procedure of UMI guidance. The dead and the experimental mice will be frozen in the refrigerator below -20°C degrees. It is regularly recycled by recycling companies with special qualifications. The normal padding are replaced, put into thickened garbage bags, discarded in the usual way like normal bedding for pets.

Again, we have not been given anything referencing the UMI guidance. It is our understanding that these mice are being currently disposed of in the general trash services, not in freezers. If you have contracted a recycling company, we will require their information.

3, Is there a specific diet these mice require? We ask this because there is no food present on the site.

...Yes, these pure and precious mice need special foods which purchased from the laboratory animal feed company. Lynn or Jose will bring the whole bags of feed to show you or take pictures today or tomorrow for the packing model and specification.

Lynn Warner has repeatedly told the City of Reedley and other agencies that she is not affiliated with your company and not an employee or representative. Jose has refused to return our calls and come to the site to care for the mice during regular business hours. Anyone caring for the mice are required to wear and properly dispose of the PPE and to follow the standards and regulations for keeping mice. Our contracted Veterinarian has visited the site and looked over the mice. There is great concern for the way the mice are being kept and cared for. With the building in the condition, it currently is, staff needs to be aware of the dangers and PPE requirements. Are there other employees that are associated with PBT that can care for the mice during regular business hours?

4, How will you be providing water to the mice? We ask this because there are no water services turned on at the site.

...Ordinary tap water can be used without special experiments. There are two places with tap water in 850 site, one is the Washroom, and the other is in the Electrical control room (It should be on the opposite side of the 850 entrance)

The washroom and the electrical control room are in high dangerous locations of the building due to the hazardous and illegal electrical work done and the structure being compromised.

5, Could you provide any form of license you might have possessed for the breeding and testing of mice in the 6 years you have possessed them?

...The setup of these particular purebred mice was done by the original UMI experts in biology. They bought and raised them with the permission of the Tulare county (UMI was founded in Tulare in 2015) and the instruction of the Veterinarian in local. After the population is established, it is managed by the UMI's technicians.

You did not answer my question. Was there at any point of time, a government licensing body that oversaw the creation of these mice? Do you have paperwork from Tulare County stating they were aware of the mice and that you could perform tests on them? The population has clearly been established, you have approximately 1000 mice. We need the names and credentials of the UMI technicians that are managing this population.

6, We also looked at the freezers that you had mentioned in prior correspondence. One freezer was set at -70 and the other was -59. Could you provide for us the information that Environmental and Public Health have requested?

...These freezers are hundreds of species cell lines that produce monoclonal antibodies and specific biological factors. These cells and substances are non-toxic and non harmful. No special license has been applied by UMI. It is the core technical material for the future industrialization and the establishment of diagnostic production which Made in the United States.

Again, you have provided a vague answer that will not assist with us getting you properly licensed to operate. You need to send any form of paperwork you had that gave you authorization at some point of time to operate the lab. We need to know what types of monoclonal antibodies. Are these being used for research with COVID or cancer? Public Health and Environmental health specialists are the ones that will determine if they are non-toxic and harmless. They cannot determine this until they are made aware of what is being done, and you definitely will not be licenses to do any form of production if we cannot get this information.

7, An itemized listed of what chemicals and biological samples are being stored on site?

...This part of the information is being sorted out. Because of the large number and variety, it is very confusing when moving, so there is no good list now. If you allowed our creditors to conduct a detailed inspection and classification of the goods inside, it should take two weeks to complete.

No one is allowed into the building to do any form of inspection or classification because of the hazards associated with the building. If the UMI filed for bankruptcy and liquidated all assets to PBT, then there should be a list of all itemized items involved with the liquidation. Please consult the UMI attorney that is handling the bankruptcy about providing a list of items.

8, Have you found a location to relocate to?

...We have found two new factories which are ideal bases for the production of in vitro diagnostic manufacturer. It is expected to be moved in May. Before signing the formal lease agreement, we must wait for your local government to allow us to move out. The lease of 850 I st. expires in May.

We will require the addresses for these locations. Environmental and Public Health must confirm these sites can be licensed or you will not be able to operate there. You also will not be able to move or access the building until the agencies regulating your line of work have received the information, we are all requiring and we have established representatives associated with PBT to move. The building at this time is too dangerous for individuals to be inside move items around.

Furthermore, I have spoken with Katelyn Gomez from the State Public Health and she has still not received a response in regards to the embargoed products on site. Please review the information she provided you and form a response. You are currently running out of time, as they require a response within 10 days of the letter being issued.

Jesalyn Harper

Life Safety/Code Officer
City of Reedley Fire Department
1060 D Street
Reedley CA 93654
(559)637-4230
Jesalyn.Harper@reedley.ca.gov



From: Jessezhu <jituanguanli@126.com>
Sent: Monday, March 27, 2023 4:32 PM
To: Harper, Jesalyn <Jesalyn.Harper@reedley.ca.gov>
Cc: info.1320pbi <info.1320pbi@gmail.com>; prestibio2021 <prestibio2021@gmail.com>
Subject: Re: Mice and Freezer Update

External

Dear Ms. Harper

I am very happy and grateful to see your reply email when I woke up today.

First of all, I immediately asked Lynn to contact Jose, ask him or his wife to arrive at 850 today or tomorrow to take care of the mice.

Following, I will try my best to answer your subordinates' questions:

1, Who will be providing care for the mice and are they trained in PPE and in how to properly and ethically handle the mice?

...Raising mice is a relatively simple task. Just add water and food on time and clean the bedding with same UMI procedures. No breeding and experiments until find an official site.

2, How will you be disposing of the PPE and the waste?

...The operation in this respect is carried out in accordance with the procedure of UMI guidance. The dead and the experimental mice will be frozen in the refrigerator below -20°C degrees. It is regularly recycled by recycling companies with special qualifications. The normal padding are replaced, put into thickened garbage bags, discarded in the usual way like normal bedding for pets.

3, Is there a specific diet these mice require? We ask this because there is no food present on the site.

...Yes, these pure and precious mice need special foods which purchased from the laboratory animal feed company. Lynn or Jose will bring the whole bags of feed to show you or take pictures today or tomorrow for the packing model and specification.

4, How will you be providing water to the mice? We ask this because there are no water services turned on at the site.

...Ordinary tap water can be used without special experiments. There are two places with tap water in 850 site, one is the Washroom, and the other is in the Electrical control room (It should be on the opposite side of the 850 entrance) .

5, Could you provide any form of license you might have possessed for the breeding and testing of mice in the 6 years you have possessed them?

...The setup of these particular purebred mice was done by the original UMI experts in biology. They bought and raised them with the permission of the Tulare county (UMI was founded in Tulare in 2015) and the instruction of the Veterinarian in local. After the population is established, it is managed by the UMI's technicians.

6, We also looked at the freezers that you had mentioned in prior correspondence. One freezer was set at -70 and the other was -59. Could you provide for us the information that Environmental and Public Health have requested?

...These freezers are hundreds of species cell lines that produce monoclonal antibodies and specific biological factors. These cells and substances are non-toxic and non harmful. No special license has been applied by UMI. It is the core technical material for the future industrialization and the establishment of diagnostic production which Made in the United States.

7, An itemized listed of what chemicals and biological samples are being stored on site?

...This part of the information is being sorted out. Because of the large number and variety, it is very confusing when moving, so there is no good list now. If you allowed our creditors to conduct a detailed inspection and classification of the goods inside, it should take two weeks to complete.

8, Have you found a location to relocate to?

...We have found two new factories which are ideal bases for the production of in vitro diagnostic manufacturer. It is expected to be moved in May. Before signing the formal lease agreement, we must wait for your local government to allow us to move out. The lease of 850 I st. expires in May.

Thank you very much for your special attention.

Best regards.

Xiuqin Yao
President of PBI

---- Replied Message ----

From [Harper, Jesalyn<Jesalyn.Harper@reedley.ca.gov>](mailto:Jesalyn.Harper@reedley.ca.gov)
Date 03/27/2023 10:15
To Jessezhu<jituanguanli@126.com>
Cc info.1320pbi<info.1320pbi@gmail.com>、prestibio2021<prestibio2021@gmail.com>
Subject Mice and Freezer Update

Good morning,

On March 24, 2023, Code Enforcement, Environmental Health, and a contracted Veterinarian visited the site to check on the welfare of the mice. They were able to confirm the mice are alive, and were able to provide water and distribute food. They were unable to clean the bedding. However, there are some concerns for the wellbeing and care of the mice.

We are in need of further information so we can determine how the mice need to be cared and provided for.

1. Who will be providing care for the mice and are they trained in PPE and in how to properly and ethically handle the mice?
2. How will you be disposing of the PPE and the waste?
3. Is there a specific diet these mice require? We ask this because there is no food present on the site.
4. How will you be providing water to the mice? We ask this because there are no water services turned on at the site.
5. Could you provide any form of license you might have possessed for the breeding and testing of mice in the 6 years you have possessed them?

We would be willing to allow Jose and his wife to enter the building today at 1:00pm to care for the mice.

We also looked at the freezers that you had mentioned in prior correspondence. One freezer was set at -70 and the other was -59. Could you provide for us the information that Environmental and Public Health have requested?

An itemized list of what chemicals and biological samples are being stored on site?

Have you found a location to relocate to?

I want to thank you for your cooperation, please let me know as soon as possible if they will be able to feed and care for the mice today.

Thank you,

Jesalyn Harper

Life Safety/Code Officer

City of Reedley Fire Department

1060 D Street

Reedley CA 93654

(559)637-4230

Jesalyn.Harper@reedley.ca.gov



From: Jessezhu <jituanguanli@126.com>

Sent: Monday, March 27, 2023 8:48 AM

To: Harper, Jesalyn <Jesalyn.Harper@reedley.ca.gov>

Cc: info.1320pbi <info.1320pbi@gmail.com>; prestibio2021 <prestibio2021@gmail.com>; Katelyn.Gomez

<Katelyn.Gomez@cdph.ca.gov>; Zenobia.Bradley <Zenobia.Bradley@cdph.ca.gov>; csauls <csauls@fresnocountyca.gov>
Subject: Re: 850 goods and technical materials

External

Dear Ms. Harper

I heard Lynn say that the mice has not been taken care of in time. It's been 10 days as of today. Some of the mice may have died. I make a particularly urgent appeal here, Please ask you and the relevant government officials to allow our designated personnel to go in and check, even for an hour or two.

These mice are very precious. They are a special purebred population that took six years to build up. It is of special significance in the study of immunology and oncology. The value of its biological assets is likely to be hundreds of thousands or even one million.

By all means, please let someone go in and take care of it today. It doesn't matter whether Jose, Lynn or Steven.

I would like to express my sincere thanks.

Sincerely

Xiuqin Yao

President of PBI

--- Replied Message ---

From Harper, Jesalyn<Jesalyn.Harper@reedley.ca.gov>
Date 03/22/2023 16:58
To Jessezhu<jituanguanli@126.com>
Cc info.1320pbi<info.1320pbi@gmail.com>、prestibio2021<prestibio2021@gmail.com>、Katelyn.Gomez<Katelyn.Gomez@cdph.ca.gov>、Zenobia.Bradley<Zenobia.Bradley@cdph.ca.gov>
Subject RE: 850 goods and technical materials

Good evening,

After discussing the health and safety concerns of the property, the security of the embargoed property, and the security of the property of Alliance, we have agreed to allow Jose to come and tend to the mice. However, Jose will be the only one allowed inside the building. We will also have him check the temperatures on the freezers and refrigerators and I will send an email when all is complete.

Since I am unable to speak with you over the phone or meet with you, I need verification that I am speaking with the CEO of Prestige Bio Tech. Can you please provide a photo of your ID? I also want to verify, if PBT has found a new location to operate?

This information could help speed up the process, we appreciate any and all cooperation.

Jesalyn Harper

Life Safety/Code Officer

City of Reedley Fire Department

1060 D Street

Reedley CA 93654

(559)637-4230

Jesalyn.Harper@reedley.ca.gov



From: Jessezhu <jituanguanli@126.com>

Sent: Wednesday, March 22, 2023 7:25 AM

To: Katelyn.Gomez <Katelyn.Gomez@cdph.ca.gov>; Zenobia.Bradley <Zenobia.Bradley@cdph.ca.gov>; Harper, Jesalyn <Jesalyn.Harper@reedley.ca.gov>

Cc: info.1320pbi <info.1320pbi@gmail.com>; prestibio2021 <prestibio2021@gmail.com>
Subject: Fw: 850 goods and technical materials

External

To whom it may concern

I sent two emails to the Mrs Harper in the last week. The background of the goods stored at 850 I St. was described in detail. Special emphasis was placed on the thousands of mice in need of urgent care. This is a very valuable biological asset. It took Universal Meditech Inc seven years to develop. There has been no physical supply of water and foods or replacement of bedding for a week now.

Given that thousands of mice are dying, once again, I urgently appeal to the heads of government, today or tomorrow, allowed stuffs who raise mice can go in and take care for about three hours. If having any concerns, You can find a suitable supervisor to accompany. In fact, We don't think the related court order has stopped people taking care of the mice. Therefore, it is reasonable to send caretakers to spend a little time on emergency care of mice, which will not affect public safety and health, especially under supervision.

I have officially delegated Lynn and Steven, on behalf of all the creditors of UMI, go to various departments of the related local government for consultation in order to negotiate an emergency rescue plan today or tomorrow. Please give good reception and discussion.

The lawyer in charge of UMI's bankruptcy liquidation is Michael Lin. You can contact him if necessary. His email address and telephone contact information are as follows:

Michael M. Lin, D.C., Esq.
Lin Law Group, P.C.
5288 Spring Mtn. Rd.
Suite 103
Las Vegas, NV 89146
Telephone: 702-871-9888
Facsimile: 702-648-0888
Email: ml@linlawgroup.com
www.linlawlv.com
www.linlawgroup.com

I deeply thank the responsible director of various local government departments for special attention and support to this matter.

Sincerely yours.

Xiuqin Yao
President of PBI

--- Forwarded Message ---

From Jessezhu<jituanguanli@126.com>
Date 03/19/2023 18:04
To jesalyn.harper<jesalyn.harper@reedley.ca.gov>
Cc
Subject Re: 850 goods and technical materials

Dear Ms. Harper

I sent you a long email on Friday about the background of the temporary storage of goods, and hope you have received it.

On Friday afternoon, I received a message from Lynn that you told her that the electricity had not been cut off, so all the refrigerators were working normally. On behalf of the all creditors, I would like to express my heartfelt thanks to you. I would like to ask you again about the care of mice. Since a notice has now been posted on the door, our caretakers are not allowed to enter. But there has been no water and no food for three days. And the padding should be replaced immediately. Please do find a way to get our caretakers in on Monday.

Otherwise, thousands of precious mice will die Soon!

Our bankruptcy lawyer specifically warned us: Because our personnel can not enter to check, we need to install a video monitor to monitor the low-temperature refrigerator. Because the cryogenic refrigerator needs to be kept powered on at all times to ensure that the temperature must be below -75 摄氏度, otherwise the monoclonal antibody cells inside will die. The monitor is now in the temporary factory building, but it needs Lidia to set up. Please do grant this request. In this case, once the temperature is abnormal or the power is cut off unexpectedly, we will contact you immediately and take emergency measures.

Thank you very much for your special attention.

Xiuqin Yao
President, PBI

---- Replied Message ----

From Jessezhu<jituanguanli@126.com>
Date 03/17/2023 08:33
To jesalyn.harper@reedley.ca.gov
Cc
Subject 850 goods and technical materials

Dear Ms. Harper

My name is Xiuqin Yao. I am the President of Prestige Biotech Inc. Our company is registered in Las Vegas, Nevada.

Numerous goods currently stored at 850 I St. Reedly has caused trouble to you and your colleagues in administration, First of all, I would like to express my deep apologies.

In fact, these goods mainly come from Universal Meditech Inc 魏斤拷UMI魏斤拷. This company's capital chain was broken due to its own business problems. It has now entered bankruptcy and liquidation proceedings. My company has

lent a lot of money to UMI in the past two years. So my company must be the biggest creditor of UMI.

After UMI had no money to support the company's continued operation and had a bad relationship with the original landlord, all the creditors had to scramble to find a temporary warehouse where we could store all of UMI's goods and technical assets. But in Fresno area, it is very difficult to find a Warehouse that can be stored for less than one year. One of my friend in Fresno happened to introduce to 850 I street, we felt that the price and the place were suitable, so we quickly entrusted the moving company to move here.

Because all of Creditor don't have employees in Fresno, and we can only manage UMI goods temporarily through friends. Among them, Lidia and Lynn are both from Qingdao, and we are from the same hometown. They are all very good, but they has been in the United States for a relatively short time and has no good experience in social and English. Of course they are timid and unwilling to take responsibility. If you think there is something inappropriate about their performance, please understand and forgive them.

I am now applying for a visa to come to the United States. The number of people applying for visas to the United States increased sharply at the US Embassy in Beijing. Now the interview has been lined up until July. I'm going through an expedited procedure to see if I can get to the United States before May to attend the creditors' meeting. If I can make the trip soon, I will visit you and your colleagues right away.

If you and your colleagues want to know more details about the above background, please feel free to send me an email. I'll try to answer all of them.

Yesterday Lynn reported to me that you and your colleagues have obtained an investigation order from the court to inspect the goods, which I fully support. If you have any questions about these goods, you can contact me by mail. At the same time, I'll report to the bankruptcy attorney in Las Vegas. In this way, we can discuss relevant solutions together.

Here I implore you to care two things in particular:

1, Don't turn off the power to the refrigerator, In particular, there are two Ultra-low temperature freezer. Because there are many monoclonal antibody cell lines and many biological agents that are particularly sensitive to temperature. These are of great significance and value to the future development of many diagnostic products. It is the most important part for our major creditors. If some adjustments need to be made in terms of electrification, Please feel free to talk to me by email, I will do my best and cooperate well.

2, There are more than 1000 pure mice, It is a very precious variety that has been cultivated for seven years by UMI. I beg you to allow the feeding stuffs shall regularly add water, food and change the materials. Do not cause these precious mice to die because of artificial restrictions.

Our creditors rented this temporary warehouse for half a year. Should be moving somewhere else in May. We are looking for suitable plant to rebuild in vitro rapid diagnostic test kits for human and veterinary use. If you have a suitable place in the Fresno area, please recommend it to us. I have full confidence in the establishment of a brand new medium-sized production base for in vitro diagnostic reagents in this region. This can partly change the situation that most of the products are imported from outside the United States, and truly Made in USA. I sincerely hope to get the understanding, support and help from you and your colleagues.

Once again, I would like to thank you and your colleagues for your special care and support.

Best regards.

Xiuqin Yao

EXHIBIT C

Harper, Jesalyn

From: Nina Hahn <nhahn@dvm.com>
Sent: Monday, March 27, 2023 2:22 PM
To: Harper, Jesalyn
Subject: Fwd: Suspicious Message Follow-up

External

Hi Jesalyn,

I wanted to follow up with you after my "assessment" visit to 850 I street.

Mice in privately funded California research are required to register with the California Department of Public Health (<https://www.cdph.ca.gov/Programs/OSPHLD/LCS/Pages/LaboratoryAnimalUseApprovalProgram.aspx>) and follow the standards outlined by the Guide for Care and Use of Laboratory Animals.

<https://www.ncbi.nlm.nih.gov/books/NBK54050/>

In summary, the mice are housed under conditions far outside all animal welfare regulations and standard of care.

Non-compliant findings include cages overcrowded, improper sanitation, exposure to wild rodents, lights on 24 hours (mice are nocturnal need dark to sleep), no PPE for husbandry staff, no water source for washing, no appropriate place to dump soiled bedding, no evidence of routine daily checks.

My advise is as follows; For the short term mice be fed and provided water on a temporary basis by someone who is appropriately trained to work safely in this building. The mice should be move by the business owners as soon as possible to a location where they can be cared for according to standard. If that can not occur within a given time the mice should be considered abandoned and taken charge by the city or county. I can help should that last out come be necessary.

I am attaching a link to the UC Davis Mouse Biology Program- (https://mbp.mousebiology.org/services_products/) if these are valuable genetically modified mice the business may be interested in sending some of these mice so they can be preserved, and brought back into production when they are ready.

Thank you for all your work on this!

Nina

--

Nina Hahn DVM, PhD, DACLAM

19 Boronda Rd
Carmel Valley CA 93924

103 Elsie St
San Francisco CA 94110

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding Avenue, Fresno 93720.

On March 29, 2023, I served the attached: **DECLARATION OF JESALYN HARPER IN SUPPORT OF APPLICATION FOR ABATEMENT WARRANT AND ORDER AUTHORIZING ENTRY ON THE PROPERTY TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

AY-NC-LP
225 Market St.
Oakland, CA 94607

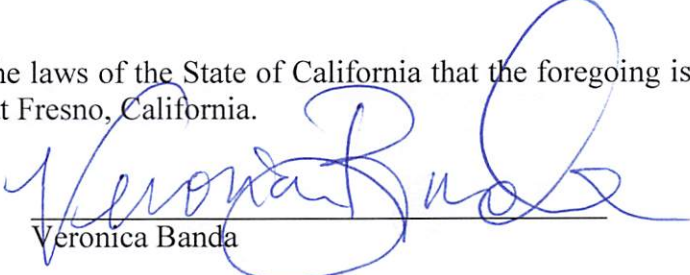
(**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

(**By Personal Service**) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct. Executed on March 29, 2023, at Fresno, California.


Veronica Banda

J:\wdocs\01910\030\PLD\01032663.DOCX

Exempt from Filing Fees Pursuant to
Government Code § 6103

FILED

APR - 4 2023

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
RECEIVED

3/29/2023 5:25 PM

FRESNO COUNTY SUPERIOR COURT

By: A. Ramos, Deputy

Laurie Avedisian-Favini, SBN 231129
Wiley R. Driskill, SBN 253913
Matthew M. Lear, SBN 316582
LOZANO SMITH
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

Attorneys for Applicant, City of Reedley

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

Case No.: 23CECG00912.

850 "I" Street
Reedley, CA 93654

**[REDACTED] ABATEMENT WARRANT
AND ORDER AUTHORIZING ENTRY
ONTO THE PROPERTY TO ABATE
PUBLIC NUISANCE**

APN: 368-010-64S

**(Declaration of Jesalyn Harper; and
Application for Abatement Warrant and
Order filed concurrently.)**

AY-NC-LP, OWNER.

THE PEOPLE OF THE STATE OF CALIFORNIA TO:

CODE ENFORCEMENT OFFICERS AND BUILDING OFFICIALS OF THE CITY OF
REEDLEY AND THEIR AUTHORIZED REPRESENTATIVES, AGENTS, AND ANY SHERIFF, OR
PEACE OFFICER IN THE CITY OF REEDLEY:

Proof by duly executed declaration by Jesalyn Harper, Code Enforcement Officer for the City of
Reedley, dated March 29, 2023, and submitted to the Court.

The Court hereby finds that there is reason to believe that there exists at 850 "I" Street, in the City
of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"),
conditions in violation of the Reedley Municipal Code and Penal Code that constitute a public nuisance
that may be abated pursuant to Civil Code sections 3491 and 3494, and that entry upon the Property by
the City of Reedley Code Enforcement Officers, Building Officials, and/or their designees,
representatives, including officials from the California Department of Toxic Substances Control, the

[PROPOSED] ABATEMENT WARRANT AND ORDER

In Re Property Located at 850 "I" Street
Reedley, CA 93654

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 Federal Bureau of Investigations, the California Department of Public Health, and the Fresno County
2 Department of Public Health and their agents are necessary to carry out code enforcement and abatement
3 of the public nuisance.

4 The conditions on the Property have been determined to constitute a public nuisance in violation
5 of the Reedley Municipal Code section 5-3-8, subdivisions (C) and (H), and Penal Code section 597.1,
6 subdivision (a)(1).

7 **THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:**

8 1. City of Reedley ("City") officials and their authorized designees and agents, including
9 officials from the California Department of Toxic Substances Control, the Federal Bureau of
10 Investigations, the California Department of Public Health, and the Fresno County Department of Public
11 Health and their agents may enter onto the Property located at 850 "I" Street, in the City of Reedley,
12 County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the
13 purpose of abating the public nuisance conditions therein by seizing and humanely euthanizing all mice
14 being kept on the Property.

15 2. The responsible party(ies)/owner(s)/occupant(s) of the above-referenced Property are
16 hereby ordered not to interfere with the abatement of the nuisance conditions thereon.

17 3. To protect the safety of City employees and their authorized designees and agents, the
18 Reedley Police Department and/or the Fresno County Sheriff's Office is authorized to use reasonable
19 force to secure the Property, including restraint of any occupants, and/or person on the Property before
20 and during the inspection.

21 4. To ensure that this warrant can be executed as ordered herein, the Reedley Police
22 Department and/or the Fresno County Sheriff's Office is expressly authorized to use reasonable force to
23 enter and secure the Property, to allow for the inspection to take place, including the opening of any
24 locked portions of the Property.

25 5. City officials and/or their authorized designees and agents, shall provide notice of this
26 warrant to the owner of the Property at least twenty-four (24) hours prior to its execution. This notice
27 requirement may be satisfied by posting said notice on the Property.
28

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 6. The Code Enforcement Officer and Building Official for the City of Reedley and/or their
2 authorized designees and agents including officials from the California Department of Toxic Substances
3 Control, the Federal Bureau of Investigations, the California Department of Public Health, and the Fresno
4 County Department of Public Health and their agents may enter the Property legally described as APN
5 368-010-64S, for the purpose of seizing all mice being kept on the Property so that they may be humanely
6 euthanized, to occur between 4/6, 2023 and 4/20, 2023, excluding the
7 hours between 6:00 p.m. and 8:00 a.m., on any given day. The persons authorized herein may enter onto
8 the Property on any particular day within the time period described herein, but not to exceed these
9 fourteen (14) days.

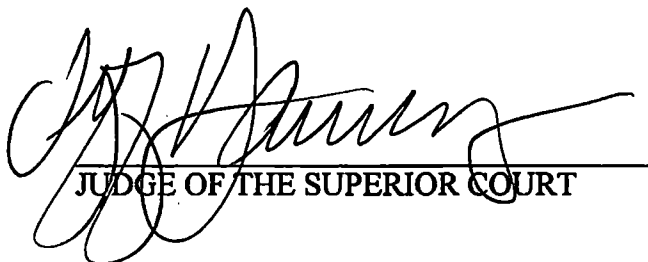
10 7. Any mice that are seized and humanely euthanized in accordance with this Order may be
11 collected for testing and preserved as evidence by any associated law enforcement or regulatory agencies
12 for further investigation relating to the activities that were occurring on the Property.

13 8. This warrant may be executed in the absence of any responsible
14 party(ies)/owner(s)/occupant(s) of the above-referenced Property.

15 9. This warrant shall expire at 6:00 p.m. on 4/20, 2023, and the return must
16 be executed no later than 4/21, 2023 at 5:00 p.m.

17
18 **IT IS SO ORDERED.**

19
20 Dated: 4/4/23

21 
22 _____
23 JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE**

2 I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age
3 of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding
4 Avenue, Fresno 93720.

5 On March 29, 2023, I served the attached: **[PROPOSED] ABATEMENT WARRANT
6 AND ORDER AUTHORIZING ENTRY ONTO THE PROPERTY TO ABATE PUBLIC
7 NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of
8 service indicated below:

9 AY-NC-LP
10 225 Market St.
11 Oakland, CA 94607

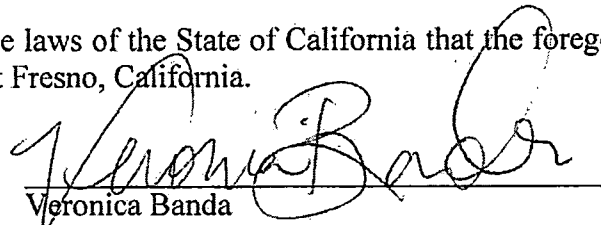
12 (**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure
13 Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a
14 designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail
15 placed in that designated area is given the correct amount of postage and is deposited at the Post
16 Office that same day, in the ordinary course of business, in a United States mailbox in the County
17 of Fresno.

18 (**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with
19 Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a
20 sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano
21 Smith, which mail placed in that designated area is given the correct amount of postage and is
22 deposited that same day, in the ordinary course of business, in a United States mailbox in the
23 County of Fresno.

24 (**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct
25 copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully
26 paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

27 (**By Personal Service**) by causing to be personally delivered a true copy thereof to the
28 addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct. Executed on March 29, 2023, at Fresno, California.


Veronica Banda

J:\wdocs\01910\030\PLD\01032708.DOCX

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

**Exempt from Filing Fees Pursuant to
Government Code § 6103**

1 Scott G. Cross, SNB 199116
2 Wiley R. Driskill, SBN 253913
3 **LOZANO SMITH**
4 7404 N. Spalding Avenue
5 Fresno, CA 93720-3370
6 Telephone: 559-431-5600
7 Facsimile: 559-261-9366

E-FILED
3/27/2023 4:27 PM
Superior Court of California
County of Fresno
By: S. Garcia, Deputy

8 Attorneys for City of Reedley

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF FRESNO**

11 **IN RE PROPERTY LOCATED AT:**

Case No.: 23CECG00912

12 850 "T" Street
13 Reedley, CA 93654

**RETURN OF THE INSPECTION
WARRANT**

14 APN: 368-010-64S

15 **AY-NC-LP, OWNER.**

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

16
17
18 The City of Reedley ("City") hereby files its Return of the Abatement Warrant previously
19 issued herein and declares as follows:

20 1. On March 13, 2023, the Court issued an Abatement Warrant and Order ("Warrant")
21 authorizing the City to enter onto the property located at 850 "T" Street, in the City of Reedley, County
22 of Fresno, State of California, legally described as APN 368-010-64S ("Property") for the purpose of
23 inspecting the Property for violations of the Reedley Municipal Code, California Building Code, and
24 the California Health and Safety Code. The Warrant issued by the Court permitted entry onto the
25 Property from March 10, 2023, through March 24, 2023, by the City's Code Enforcement Officers and
26 Building Official and/or authorized designees and agents including officials from the California
27 Department of Toxic Substances Control, the Federal Bureau of Investigations, the California
28 Department of Public Health, and the Fresno County Department of Public Health.

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366


1 2. On March 16, 2023, at approximately 11:00 a.m., Code Enforcement Officer Jesalyn
2 Harper and I served the Warrant on Wang Zhaolin, the person responsible for the Property at the time.

3 3. Other departments involved inspection of the Property were the City Fire Department,
4 the City Police Department, the California Department of Public Health ("CDPH"), the Fresno County
5 Department of Public Health, the Department of Toxic Substance Control ("DTSC").

6 4. During the inspection, I identified and documented multiple building and safety
7 violations within the Property. CDPH documented embargoed items and inventoried the contents of
8 the lab. DTSC investigated the disposal of toxic substances that were present and tested the air to
9 ensure it was safe to breathe. DTSC identified a room with multiple vessels of liquid, apparatus, and
10 other items that were potentially unsafe, so we did not enter that room. All of the various safety
11 concerns and code violations on the Property were documented by the agencies involved in the
12 inspection.

13 5. The City has complied with the process specified and authorized in the Warrant.

14
15
16 Dated: 3/27/2023



Jeremy Harrison
City of Reedley Building Official

17
18
19 APPROVED.

20
21 Dated: _____

JUDGE OF THE SUPERIOR COURT

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding, Fresno, CA 93720.

On March 27, 2023, I served the attached: **RETURN OF INSPECTION ORDER** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

AY-NC-LP
225 Market St.
Oakland, CA 94607

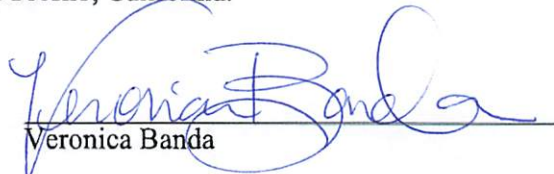
(**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

(**By Personal Service**) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 27, 2023, at Fresno, California.


Veronica Banda

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**Exempt from Filing Fees Pursuant to
Government Code § 6103**

Laurie Avedisian-Favini, SBN 231129
Wiley R. Driskill, SBN 253913
Matthew M. Lear, SBN 316582
LOZANO SMITH
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

FILED

APR 26 2023

RECEIVED SUPERIOR COURT OF CALIFORNIA
4/21/2023 3:20 PM BY COUNTY OF FRESNO
FRESNO COUNTY SUPERIOR COURT DEPUTY
By: C. York, Deputy

Attorneys for City of Reedley

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO**

IN RE PROPERTY LOCATED AT:

Case No.: 23CECG00912

850 "I" Street
Reedley, CA 93654

**RETURN OF THE ABATEMENT
WARRANT AND ORDER**

APN: 368-010-64S

AY-NC-LP, OWNER.

The City of Reedley ("City") hereby files its Return of the Abatement Warrant previously issued herein and declares as follows:

1. On April 4, 2023, the Court issued an Abatement Warrant and Order ("Warrant") authorizing the City to enter onto the property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California, legally described as APN 368-010-64S ("Property") for the purpose of abating the public nuisance conditions therein by seizing and humanely euthanizing all mice being unlawfully kept on the Property. The Warrant issued by the Court permitted entry onto the Property from April 6, 2023, through April 20, 2023, by the City's Code Enforcement Officers and Building Official and/or authorized designees and agents including officials from the California Department of

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

LOZANO SMITH
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Tel 559-431-5600 Fax 559-261-9366

1 Toxic Substances Control, the Federal Bureau of Investigations, the California Department of Public
2 Health, and the Fresno County Department of Public Health.

3 2. On April 5, 2023, the City served the record owners of the Property a Notice of Issuance
4 of an Abatement Warrant, with a copy of the Court's issued Abatement Warrant, in accordance with
5 Code of Civil Procedure section 1822.56. (A true and correct copy of the notice is attached hereto as
6 **Exhibit 1.**)

7 3. On April 10, 2023, at approximately 5:00 p.m., the City's Code Enforcement Officer,
8 Jesalyn Harper, posted the Notice of Issuance of Abatement Warrant in a conspicuous location on the
9 Property, along with a copy of the Court's issued Abatement Warrant. (A true and correct copy of the
10 City's Code Enforcement Officer's Report relating to executing the Abatement Warrant is attached
11 hereto as **Exhibit 2.**)

12 4. On April 12, 2023, at approximately 12:45 p.m., Officer Harper and City's contracted
13 veterinarian, Dr. Nina Hahn, executed the Abatement Warrant and entered the Property and examined
14 the mice. Dr. Hahn confirmed that the mice were in distress. There were a large number of dead mice
15 in the cages, and many injuries and deformities to the mice were observed. Due to the observed
16 suffering of the animals and lack of the ability to provide adequate housing and care for the mice, it was
17 Dr. Hahn's recommendation that they be euthanized. (See **Exhibit 2**, p. 4.)

18 5. Dr. Hahn humanely euthanized the living mice that were being kept in cages in the
19 Property. It should be noted that Dr. Hahn euthanized 773 mice, but there were 178 mice found in
20 cages that were already deceased at the time of executing the Abatement Warrant. (See **Exhibit 2**, pp.
21 6-7.)

22 6. The deceased mice were collected and safely discarded through one of the City's
23 contractors to be incinerated. In accordance with the Abatement Warrant, ten (10) of the mice were
24 removed from the discard pile and placed as evidence in the custody of the City Police Department.
25 (See **Exhibit 2**, p. 10.) Due to the lack of running water onsite and due to the severity of the filth
26 within the cages, the City disposed of the cages where the mice were kept. (*Id.*)

27 ///

28 ///

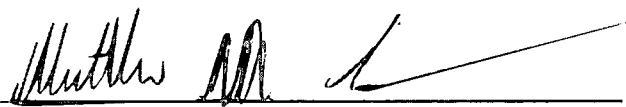
LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

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7. The City and its contracted veterinarian seized and humanely euthanized the mice that were being unlawfully kept on the Property. The nuisance conditions affecting the Property as referenced in the Abatement Warrant have hereby been abated.

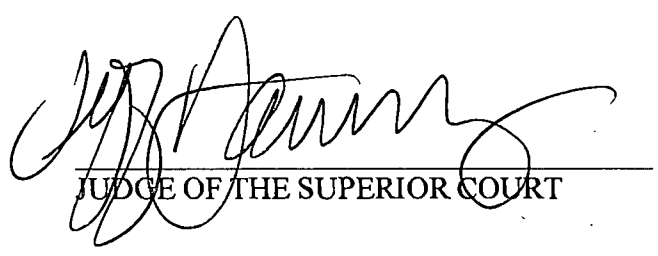
8. The City has complied with the process specified and authorized in the Abatement Warrant.

Dated: April 21, 2023


Matthew M. Lear
Deputy City Attorney
For the City of Reedley

APPROVED.

Dated: 4/26/23


JUDGE OF THE SUPERIOR COURT

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Mariela Cantoriano, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding, Fresno, CA 93720.

On April 21, 2023, I served the attached: **RETURN OF INSPECTION ORDER** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

AY-NC-LP
225 Market St.
Oakland, CA 94607

(**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

(**By Personal Service**) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 21, 2023, at Fresno, California.



Mariela Cantoriano

J:\wdocs\01910\030\PLD\01036580.DOCX

Exhibit 1



Matthew M. Lear

E-mail: mlear@lozanosmith.com

April 5, 2023

AY-NC-LP
225 Market Street
Oakland, CA 94607

Re: Notice of Abatement Warrant Issued to Remove Nuisance Conditions
Fresno County Superior Court Case No. 23CECG00912

To whom it may concern:

On March 29, 2023, the City of Reedley ("City") applied to the court for the issuance of an abatement warrant to allow for the City to enter your property located at 850 "I" Street, Reedley, CA 93654, bearing Assessor's Parcel Number 368-010-64S ("Property") in order to remove the nuisance conditions thereon, specifically to seize and euthanize the neglected laboratory mice being housed on the Property. On April 4, 2023, the court issued an abatement warrant allowing the City's code enforcement officers and/or their authorized designees to enter the Property from April 6, 2023 to April 20, 2023, between the hours of 8:00 a.m. to 6:00 p.m. to abate the nuisance conditions and violations of the Reedley Municipal Code that exist within the Property. (Attached hereto is a true and correct copy of the abatement warrant issued by the court.)

This Notice of Issuance of Abatement Warrant is made in accordance with Code of Civil Procedure section 1822.56.

Sincerely,

LOZANO SMITH

A handwritten signature in black ink, appearing to read 'Matthew M. Lear', written over a horizontal line.

MATTHEW M. LEAR

MML/mc

Enclosure: Copy of Abatement Warrant (23CECG00912)

cc: Jesalyn Harper, City of Reedley – Code Enforcement

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Limited Liability Partnership

7404 N. Spalding Avenue Fresno, California 93720-3370 Tel 559-431-5600 Fax 559-261-9366

Exempt from Filing Fees Pursuant to
Government Code § 6103

FILED

APR - 4 2023

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
RECEIVED
BY _____ 3/28/2023 4:21 PM DEPUTY

FRESNO COUNTY SUPERIOR COURT
By: A. Ramos, Deputy

1 Laurie Avedisian-Favini, SBN 231129
2 Wiley R. Driskill, SBN 253913
3 Matthew M. Lear, SBN 316582
4 **LOZANO SMITH**
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

5 Attorneys for Applicant, City of Reedley

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

7 **IN AND FOR THE COUNTY OF FRESNO**

9 **IN RE PROPERTY LOCATED AT:**

Case No.: 23CECG00912.

11 850 "T" Street
12 Reedley, CA 93654

**[PROPOSED] ABATEMENT WARRANT
AND ORDER AUTHORIZING ENTRY
ONTO THE PROPERTY TO ABATE
PUBLIC NUISANCE**

14 APN: 368-010-64S

**(Declaration of Jesalyn Harper; and
Application for Abatement Warrant and
Order filed concurrently.)**

15 **AY-NC-LP. OWNER.**

17 **THE PEOPLE OF THE STATE OF CALIFORNIA TO:**

18 **CODE ENFORCEMENT OFFICERS AND BUILDING OFFICIALS OF THE CITY OF**
19 **REEDLEY AND THEIR AUTHORIZED REPRESENTATIVES, AGENTS, AND ANY SHERIFF, OR**
20 **PEACE OFFICER IN THE CITY OF REEDLEY:**

21 **Proof by duly executed declaration by Jesalyn Harper, Code Enforcement Officer for the City of**
22 **Reedley, dated March 29, 2023, and submitted to the Court.**

23 **The Court hereby finds that there is reason to believe that there exists at 850 "T" Street, in the City**
24 **of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"),**
25 **conditions in violation of the Reedley Municipal Code and Penal Code that constitute a public nuisance**
26 **that may be abated pursuant to Civil Code sections 3491 and 3494, and that entry upon the Property by**
27 **the City of Reedley Code Enforcement Officers, Building Officials, and/or their designees,**
28 **representatives, including officials from the California Department of Toxic Substances Control, the**

[PROPOSED] ABATEMENT WARRANT AND ORDER

**In Re Property Located at 850 "T" Street
Reedley, CA 93654**

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 Federal Bureau of Investigations, the California Department of Public Health, and the Fresno County
2 Department of Public Health and their agents are necessary to carry out code enforcement and abatement
3 of the public nuisance.

4 The conditions on the Property have been determined to constitute a public nuisance in violation
5 of the Reedley Municipal Code section 5-3-8, subdivisions (C) and (H), and Penal Code section 597.1,
6 subdivision (a)(1).

7 **THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:**

8 1. City of Reedley ("City") officials and their authorized designees and agents, including
9 officials from the California Department of Toxic Substances Control, the Federal Bureau of
10 Investigations, the California Department of Public Health, and the Fresno County Department of Public
11 Health and their agents may enter onto the Property located at 850 "I" Street, in the City of Reedley,
12 County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the
13 purpose of abating the public nuisance conditions therein by seizing and humanely euthanizing all mice
14 being kept on the Property.

15 2. The responsible party(ies)/owner(s)/occupant(s) of the above-referenced Property are
16 hereby ordered not to interfere with the abatement of the nuisance conditions thereon.

17 3. To protect the safety of City employees and their authorized designees and agents, the
18 Reedley Police Department and/or the Fresno County Sheriff's Office is authorized to use reasonable
19 force to secure the Property, including restraint of any occupants, and/or person on the Property before
20 and during the inspection.

21 4. To ensure that this warrant can be executed as ordered herein, the Reedley Police
22 Department and/or the Fresno County Sheriff's Office is expressly authorized to use reasonable force to
23 enter and secure the Property, to allow for the inspection to take place, including the opening of any
24 locked portions of the Property.

25 5. City officials and/or their authorized designees and agents, shall provide notice of this
26 warrant to the owner of the Property at least twenty-four (24) hours prior to its execution. This notice
27 requirement may be satisfied by posting said notice on the Property.
28

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

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6. The Code Enforcement Officer and Building Official for the City of Reedley and/or their authorized designees and agents including officials from the California Department of Toxic Substances Control, the Federal Bureau of Investigations, the California Department of Public Health, and the Fresno County Department of Public Health and their agents may enter the Property legally described as APN 368-010-64S, for the purpose of seizing all mice being kept on the Property so that they may be humanely euthanized, to occur between 4/6, 2023 and 4/20, 2023, excluding the hours between 6:00 p.m. and 8:00 a.m., on any given day. The persons authorized herein may enter onto the Property on any particular day within the time period described herein, but not to exceed these fourteen (14) days.

7. Any mice that are seized and humanely euthanized in accordance with this Order may be collected for testing and preserved as evidence by any associated law enforcement or regulatory agencies for further investigation relating to the activities that were occurring on the Property.

8. This warrant may be executed in the absence of any responsible party(ies)/owner(s)/occupant(s) of the above-referenced Property.

9. This warrant shall expire at 6:00 p.m. on 4/20, 2023, and the return must be executed no later than 4/21, 2023 at 5:00 p.m.

IT IS SO ORDERED.

Dated: 4/4/23


JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE**

2 I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age
3 of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding
4 Avenue, Fresno 93720.

5 On March 29, 2023, I served the attached: **[PROPOSED] ABATEMENT WARRANT**
6 **AND ORDER AUTHORIZING ENTRY ONTO THE PROPERTY TO ABATE PUBLIC**
7 **NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of
8 service indicated below:

9 AY-NC-LP
10 225 Market St.
11 Oakland, CA 94607

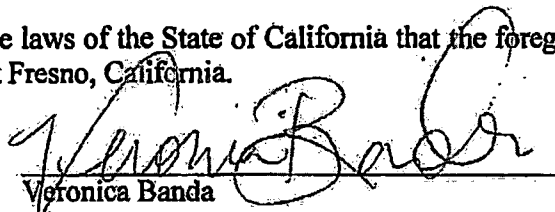
12 (*Regular U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure
13 Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a
14 designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail
15 placed in that designated area is given the correct amount of postage and is deposited at the Post
16 Office that same day, in the ordinary course of business, in a United States mailbox in the County
17 of Fresno.

18 (*By Certified Mail - Return Receipt Requested*) on all parties in said action in accordance with
19 Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a
20 sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano
21 Smith, which mail placed in that designated area is given the correct amount of postage and is
22 deposited that same day, in the ordinary course of business, in a United States mailbox in the
23 County of Fresno.

24 (*By Federal Express/Overnight Mail*) on all parties in said action by depositing a true and correct
25 copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully
26 paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

27 (*By Personal Service*) by causing to be personally delivered a true copy thereof to the
28 addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct. Executed on March 29, 2023, at Fresno, California.


Veronica Banda

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LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding Avenue, Fresno 93720.

On April 5, 2023, I served the attached: **NOTICE OF ABATEMENT WARRANT ISSUED TO REMOVE NUISANCE CONDITIONS** (Code of Civ. Proc., § 1822.56) on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

**AY-NC-LP
225 Market St.
Oakland, CA 94607**

- (*Regular U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.
- (*By Certified Mail - Return Receipt Requested*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.
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- (*By Personal Service*) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 5, 2023, at Fresno, California.

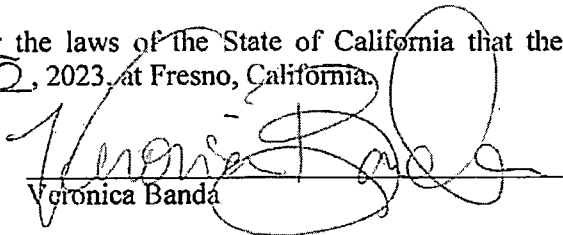
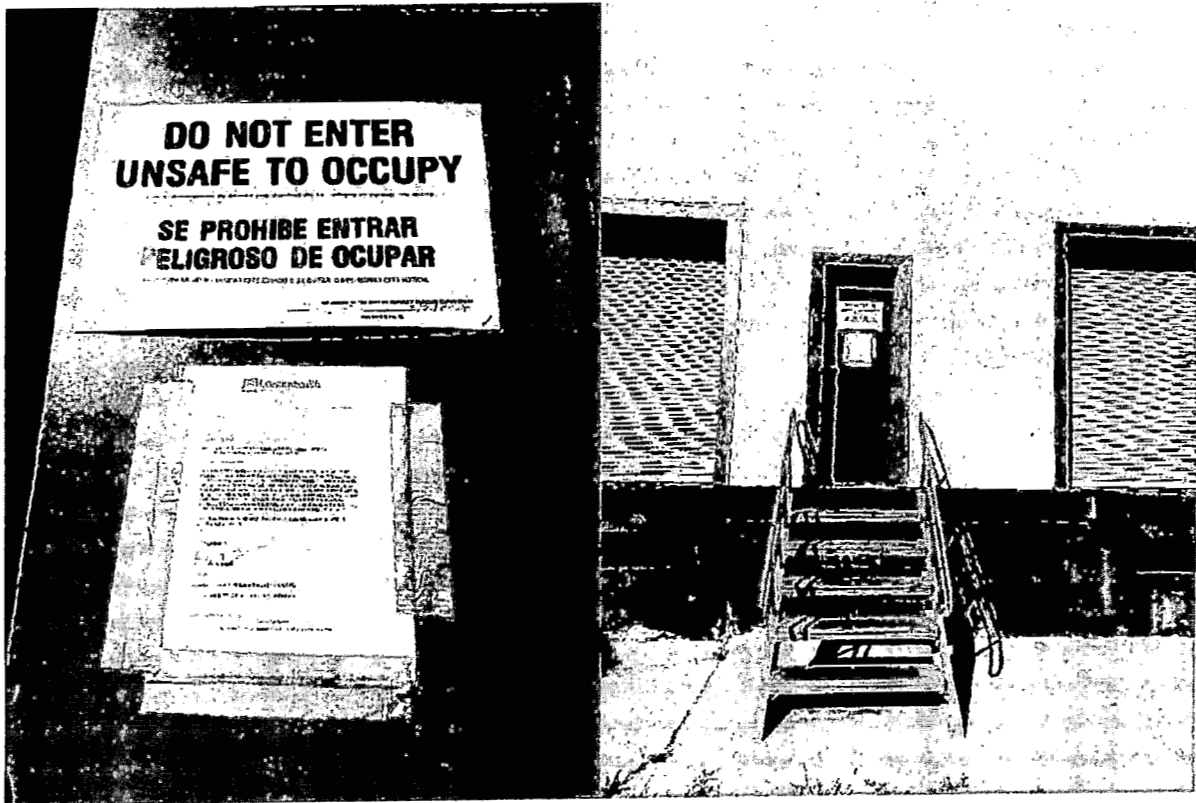

Veronica Banda

Exhibit 2

Return of Warrant
April 12, 2023
Jesalyn Harper

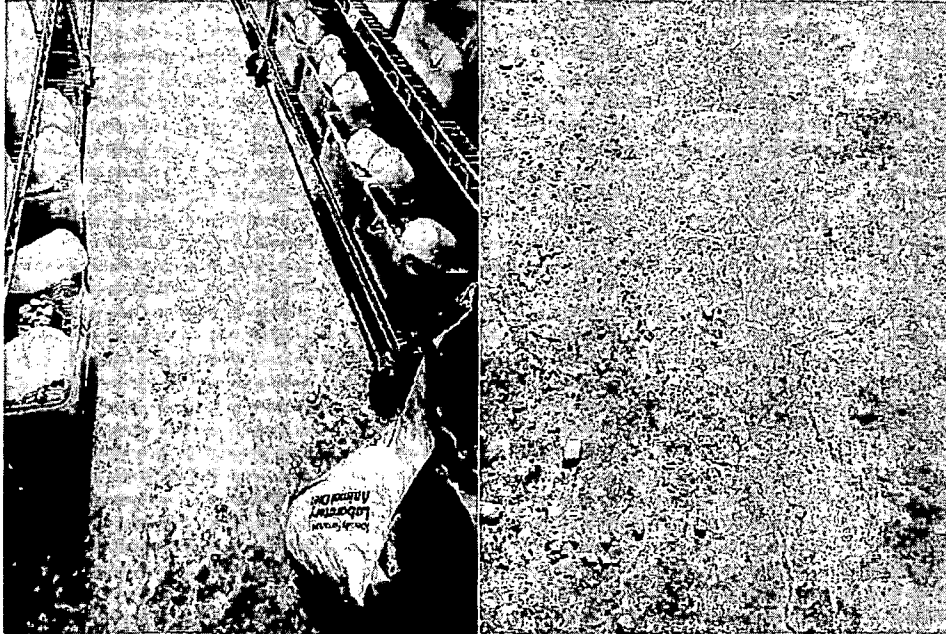
Property of 850 I Street, Reedley CA, 93654 was posted on April 10, 2023 at 5:00pm with documents reflecting the warrant to abate and destroy was issued and would be carried out within at least 24 hours of posting.



At 12:45pm, Code Enforcement and Dr. Nina Hahn approached and entered the property at 850 I Street. Code Enforcement and Hahn wore Tyvek suits, gloves, booties, and N95 masks to enter the building. Upon entering the mice room, it was observed that wild mice had chewed through and were accessing bags of food in the facility.



Upon entering the mouse room, Code Enforcement and Dr. Hahn observed a large amount of mice feces on the floor. It was undeterminable if the feces were from wild mice or if the mice in the cages had begun to kick up feces out of the cages, but photos of the feces were taken regardless because according to Dr. Hahn it was very likely a mixture of both.



Dr. Hahn confirmed the mice were in server distress because of “barbering” taking place, the high number of visible carcasses in the cages, and the lack of “pinkies”. Barbering is a social activity with mice consistent with over grooming. When under stress the dominant mice will begin to rip the hair and skin off the less dominant mice. The lack of pinkies can be related to starvation or stress, because Code Enforcement had been trying to provide adequate food and water it is believed the cannibalism is due to stress.

Dr. Hahn recommended euthanasia due to the animal’s suffering and the lack of ability to provide adequate care for the animals.

Dr. Hahn and Code Enforcement utilized a large cart with wheels to transport the mice. To prevent further stress of the animals they were kept in their cages. The cages were removed and placed in large trash bags to prevent possible escape and to limit light exposure because of the breed being sensitive to light. The cart with the cages was transported outside of the large warehouse to allow for better ventilation.



Dr. Hahn used Aerrane (isoflurane, USP) by placing cotton balls and the Isoflurane in a sealed glass jar. The isoflurane is used as an anesthetic, the cotton balls were placed on top of the cages in the garbage bags. The bags were then sealed to allow the isoflurane to be inhaled by the caged mice. Once the mice were unconscious. Once they were unconscious, Dr. Hahn removed them from the cage and to confirm death, performed a cervical dislocation.



Once all the mice in the cage were deceased, Dr. Hahn counted approximately how many mice carcasses were present in the cage and how many had been euthanized. Please note, due to the severity of filth in the cages only an approximation of carcasses could be made. Exact numbers of how many mice were euthanized were documented and recorded from which cage. Dr. Hahn also assessed the mice to sex them, evidence of barbering, or evidence of tumors or other medical issues.

ABATEMENT WARRANT			
Wednesday, April 12, 2023			
Cage	Euthanized	Deceased	Notes
B1	8	1	
B9	13	5	
B8	23	5	
B11	21	2	mostly males, severe barbering
B5	21	5	
A12	7	1	mostly males
B6	12	21	severe barbering
E4	30	0	Mostly Female mostly males, severe barbering
B4	15	0	barbering
A8	3	4	mixed sexes
Baby	23	0	
A6	11	12	
Pregnant Females	33	3	mixed sexes
D6	5	4	
C2	7	1	
Female & Baby	11	32	
A7	3	2	
Male	16	10	
A11	10	0	
A5	21	0	
D3	13	1	
A10	10	1	
B10	46	0	Mostly female, 1 confirmed male

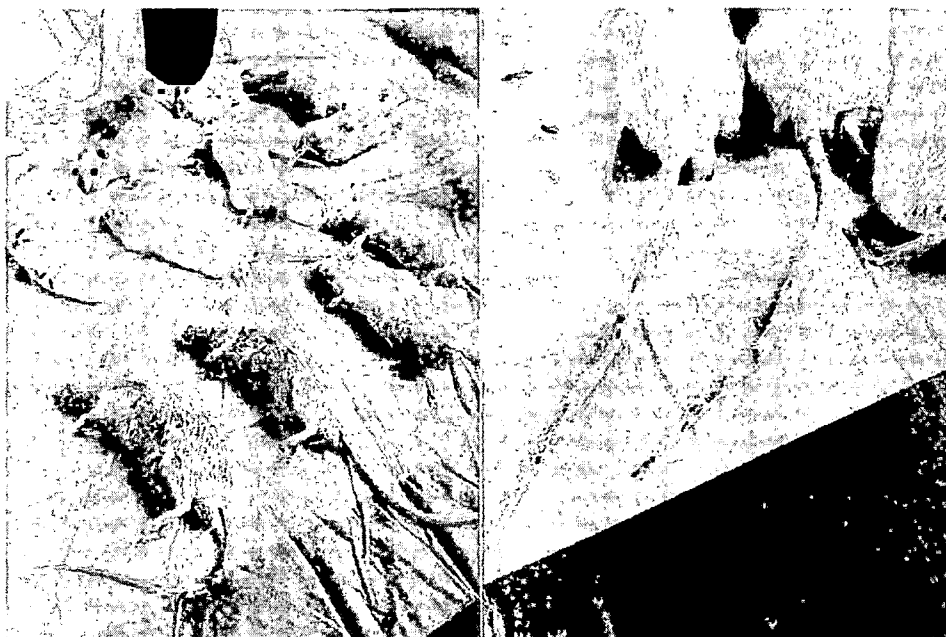
Total Euthanized	Total Deceased
773	178

Approximate total of mice at facility
951

E5	21	1	
E3	6	3	tumor present
D8	10	1	Mostly female
B7	22	1	
E6	8	4	
E1	15	3	Mostly female
E2	13	2	
B13	4	6	
B12	9	1	
E9	9	3	
B14	20	1	
E7	31	2	
C1	7	1	
C7	4	2	
E10	22	0	
C5	18	8	
C9	9	1	
D4	4	2	
D9	8	1	
D1	16	2	
C4	7	6	
C8	9	2	
C6	33	3	
D2	17	1	
D5	8	2	
D11	7	1	
D7	15	2	
C12	7	1	
D12	5	0	
C11	12	2	
D10	13	2	
C10	22	1	

Multiple cages had signs of barbering, medical issues, and a large amount had mixed sexes. The mixture of the sexes shows that the animals breeding was not being regulated and that "pinkies" should have been present in the cages.

Barbering



Carcasses



Tumors and evidence of lack of veterinarian care



There was no evidence on site that the mice were being injected or tested. It was determined it would be safe to discard the mice through the City of Reedley Animal Shelter contractors. 10 mice were removed from the discard pile. 5 females and 5 males were removed and placed as evidence into the custody of the Reedley Police Department. The other mice will be incinerated.



Once the mice were documented and discarded, it was determined that the cages would be discarded of as well because of the severity of filth and the lack of water on site to be able to clean and disinfect the cages. The discarded cages and materials utilized for the euthanasia procedure were disposed of through Public Works trash services.

