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7 Attorney for Plaintiff and Petitioner
8 Better Neighborhoods, Inc.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

OCT 11 2018

A. Rangel 

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF RIVERSIDE**

12 BETTER NEIGHBORHOODS INC,
13 a California Corporation,

14 Plaintiff and Petitioner,

15 vs.

16 CITY OF BLYTHE, a municipal corporation;
17 and the CITY COUNCIL OF THE CITY OF
18 BLYTHE, and DOES 1-10

19 Defendants and Respondents.

20 PALO VERDE CENTER LLC, a California
21 limited liability company; and DOES 11-20

22 Real Party in Interest

CASE NO. **RIC 1820822**

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

1. California Environmental Quality Act ("CEQA") Public Resources Code Section 21000, *et seq.*;
2. Code Civ. Proc. § 1094.5
3. Denial of Due Process

1 Plaintiff and Petitioner, Better Neighborhoods Inc., a California corporation (“Petitioner”)
2 alleges against the City of Blythe (“Blythe”), and the City Council of the City of Blythe (the “City
3 Council;” (Blythe and the City Council being collectively referred to as “Respondents” or the
4 “City”), as follows:

5 **INTRODUCTION**

6 1. This action challenges the decisions by the City in connection with the approvals for
7 the “Palo Verde Center Project” located at the Northeast corner of South Intake Boulevard and 14th
8 Avenue, in the City of Blythe. The Project involves the construction and operation of 600,000
9 square feet of indoor cannabis cultivation facilities on 78.41 acres, to include four one-story
10 buildings, each of which consists of 150,000 square feet. Each of the four buildings will provide for
11 cultivation spaces ranging from under 10,000 square-feet up 22,000 square-feet, approximately
12 2,000 square-feet of trimming area, and 1,000 square-feet of office and storage space (the “Project”).
13 The approvals included a General Plan Amendment and zoning change that would apply “General
14 Commercial” designations to the property to replace the existing “Specific Plan Resort”
15 designations.

16 2. Petitioner challenges the City’s actions and approvals and the adoption of the
17 Mitigated Negative Declaration under the California Environmental Quality Act and the CEQA
18 Guidelines (all of the foregoing, the “Project Approvals”).

19 3. Petitioner alleges that the City’s actions in giving the Project Approvals violate
20 provisions of the California Environmental Quality Act, Public Resources Code Section 21000, *et*
21 *seq.* (“CEQA”).

22 **PARTIES**

23 4. Petitioner is a California corporation established to help people present their
24 objections and help them shape local developments in pending municipal planning decisions, so that
25 such community members will be heard equally to that of the city staff and the developer. Petitioner
26 also encourages smart growth and real planning that is consistent with the needs of the residents of
27 the community, to protect the natural environment, to support affordable housing, and to balance the
28 needs for growth while preserving the elements of livability in our cities.

1 11. The Respondent, City of Blythe, is located in Riverside County. Venue is proper in
2 the County of Riverside pursuant to Code of Civil Procedure Section 394, subdivision (a).

3 12. Petitioner has a direct and beneficial interest in the granting of this writ of mandate,
4 as well as the requested injunctive relief. Petitioner has appeared at the public hearings held in
5 connection with granting the Approvals, and Petitioner has objected to the approval of the Project
6 prior to the City's adoption of the Approvals.

7 13. Petitioner has exhausted all available administrative remedies before Respondent, the
8 City, by objecting to the approval of the Project, as required by the provisions of Public Resources
9 Code Section 21177.

10 14. Petitioner has complied with the requirements of Public Resources Code
11 Section 21167.5 by mailing (and emailing) a written notice of the commencement of this action to
12 Respondent, the City, on September 13, 2018. A copy of the Intent to Sue letter is attached to this
13 Petition as Exhibit "A."

14 15. Petitioner hereby notifies Respondent, the City, to prepare the complete record of
15 Respondents' proceedings relating to this action, subject to all rights and procedures for Petitioner to
16 elect to prepare, itself, the administrative record in this matter after Petitioner receives and reviews
17 Respondents' Preliminary Notification and cost estimate. A copy of the Petitioner's notice of
18 election to prepare the record is filed concurrently with this Petition.

19 16. Petitioners have no adequate remedy at law unless this Court grants the requested writ
20 of mandate and thereby orders the City to set aside the Approvals of the Project. In the absence of
21 such remedy, (a) the Approvals of the Project will remain in effect, in violation of State
22 environmental laws and planning laws; (b) the Project, lacking adequate environmental review, will
23 be in violation of CEQA; and (c) Petitioners and members of the public in the community in which
24 the Project would be developed will suffer irreparable harm.

25 17. There is a significant probability that Petitioners will prevail on the merits in this
26 matter. The Court should issue a temporary restraining order, preliminary injunction and permanent
27 injunction ordering Respondents to suspend all activities implementing the Project (including
28 without limitation processing or granting any permits for development of the Project) until the Court,

1 by way of return writ, adjudicates that the City has fully complied with all requirements of the
2 California Environmental Quality Act.

3 ///

4 **FACTS**

5 18. The Project involves the construction and operation of 600,000 square feet of indoor
6 cannabis cultivation facilities on 78.41 acres, to include four one-story buildings, each of which
7 consists of 150,000 square feet. The approvals included a General Plan Amendment and zoning
8 change that would apply "General Commercial" designations to the property to replace the existing
9 "Specific Plan Resort" designations.

10 19. On or about September 5, 2018, during the public review period, Petitioner submitted
11 written comments to the City Manager and City Clerk via email with regard to the Project, to be
12 considered prior to and during the discussion at the City Council hearing scheduled for September
13 11, 2018. (See, Exhibit "B"). In this comment letter, Petitioner raised all of the CEQA issues
14 included in this Petition.

15 20. On September 11, 2018, the City Council of the City held a public hearing to consider
16 the Project. During this hearing, the City Council heard from concerned members of the public with
17 regard to environmental issues and other policy matters relating to the Project, including from
18 Petitioner, and together they raised each of the legal deficiencies asserted in this Petition.

19 21. Prior to the September 11 public hearing, City staff recommended that the City
20 Council adopt a mitigated negative declaration (the "MND") for the Project, and all other approvals
21 for the Project.

22 22. At the September 11 hearing, counsel for Petitioner tried to present evidence that the
23 Project would result in several significant environmental impacts, which were either not considered
24 in the MND or were not properly mitigated by the mitigation measures in the MND. These
25 identified impacts included the following: (i) several goals and policies of the City's general plan
26 with which the Project stands in direct conflict; (ii) excessive water demands; (iii) excessive energy
27 demands and related noise created by gas generators; (iv) contamination of storm water and sanitary
28 sewer discharge; (v) contamination of air quality; (vi) negative effects on public health, putting

1 significant strain on local medical facilities; (vii) significant effects on traffic safety; and (viii)
2 significant increases in local crime and pressure on police resources.

3 23. Petitioner, on information and belief, understands that certain members of the City
4 Council attempted to interrupt, shout-down, obstruct and/or intimidate counsel for Petitioner as he
5 was giving his presentation.

6 24. The City Council approved the MND for the Project, and all other approvals for the
7 Project, all at the September 11, 2018 hearing, without any meaningful discussion among the
8 members of the City Council regarding the extensive and substantial evidence presented by
9 Petitioner in its September 5 comment letter and its presentation at the September 11 public hearing.

10 25. Petitioner has performed all conditions imposed by law precedent to filing this action;
11 including complying with the requirement of Public Resources Code Section 21167.5 by mailing
12 notice to the City that this action would be filed. (See, Exhibit A).

13 26. Petitioner will also serve a copy of this Petition on the California Attorney General as
14 required by law.

15 27. Petitioner has a substantial interest in ensuring that the City's decisions are in
16 conformity with the requirements of law, and in having those requirements properly executed and
17 the public duties of the City enforced. Petitioner and members of the public will be adversely
18 affected by impacts resulting from the City's actions and approvals, and Petitioner and such
19 members of the public are aggrieved by the acts, decisions, and omissions of the City as alleged in
20 this petition and complaint. Petitioner brings this action on its behalf, and on behalf of others who
21 will be affected in the City of Blythe, as well as citizens of the City of Blythe.

22 28. Petitioner has no plain, speedy or adequate remedy available in the ordinary course of
23 law to redress the claims alleged in this petition. Petitioner and the public generally will suffer
24 irreparable harm if this court does not issue a writ to compel the City to comply with CEQA and to
25 vacate and set aside the above-described approvals related to the Project.

26 ///

27

28

1 **FIRST CAUSE OF ACTION**

2 **(Violation of CEQA and CEQA Guidelines; MND Does Not Comply with CEQA)**

3 29. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs
4 1 through 28 inclusive in this Petition.

5 30. CEQA requires a lead agency for a project to prepare a Mitigated Negative
6 Declaration that complies with the requirements of CEQA. The lead agency must provide for public
7 review and comment on the project and related environmental documentation. A Mitigated Negative
8 Declaration must provide sufficient environmental analysis so that decision makers can intelligently
9 consider environmental impacts that a proposed project may create.

10 31. The City's actions in adopting the MND for the Project constitute a prejudicial abuse
11 of discretion, because the City failed to proceed in the manner required by law and the City failed to
12 support its decision to grant the approvals with substantial evidence. Among other failings by the
13 City, the City:

14 (a) Should have prepared, circulated for review and comment and adopted an
15 environmental impact report that analyzed and mitigated all of the significant environmental impacts
16 raised by Petitioner and other members of the public prior to and during the public hearings;

17 (b) Failed to adequately disclose or analyze the significant environmental impacts
18 that will result from the development of the Project, including but not limited to the environmental
19 impacts from the following: (i) failure of the Project to be consistent with the general plan; excessive
20 water demands; (iii) excessive energy demands; (iv) contamination of storm water and sanitary
21 sewer discharge; (v) contamination of air quality; (vi) significant impacts on public health, putting
22 significant strain on local medical facilities; (vii) significant impacts on traffic safety; and (viii)
23 significant increases in local crime and pressure on police resources. In addition, the MND did not
24 study any cumulative impacts, and Petitioner alleges that if an environmental impact report is
25 required, there will also be several cumulatively considerable impacts by the Project on all of the
26 above identified environmental impacts.

27 (c) Improperly deferred the analysis of impacts and the definition of and
28 implementation of mitigation measures;

1 (d) Failed to adopt all feasible mitigation measures and failed to adequately
2 mitigate environmental impacts from the development of the Project; and

3 (e) Failed to adopt legally adequate findings as required by law with regard to the
4 approvals.

5 32. CEQA requires every lead agency to provide a good faith, reasoned analysis in
6 response to comments received on a mitigated negative declaration, to address (in detail)
7 recommendations and objections raised by comments submitted to the lead agency, and to explain
8 why specific comments and objections, especially those of experts, were not accepted by the lead
9 agency. The MND fails to respond adequately to comments made by Petitioner and other members
10 of the public to the MND. Moreover, the City Council in denying the appeal failed entirely to
11 consider the substantial evidence of significant impacts presented by Petitioner in its September 5,
12 2018 letter and at the September 11 City Council meeting.

13 33. The written and oral testimony of Petitioner constitute a fair argument that there is a
14 reasonable probability that the Project will create several significant environmental impacts.

15 34. As a result of the City's violations of CEQA, Petitioner and the public have been
16 harmed, because, prior to the City's approval of the Project and adoption by the City of the MND,
17 Petitioner and other members of the public were not fully informed about the significant
18 environmental impacts that could occur from the development of the Project.

19 35. Petitioner and members of the public will suffer irreparable harm if the relief
20 requested in this Petition is not granted by this Court, and the Project is constructed in the absence of
21 an environmental impact report for the Project that complies with the applicable provisions of CEQA
22 and other applicable laws.

23 **SECOND CAUSE OF ACTION**

24 **(Violation of CEQA and CEQA Guidelines; Inadequate Findings)**

25 36. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs
26 1 through 35 inclusive in this Petition.

27 37. CEQA requires that the findings made by a lead agency in connection with the
28 approval of a project must be supported by substantial evidence in the administrative record. CEQA

1 further requires that a lead agency provide an explanation of how the evidence in the record supports
2 the conclusions it has made.

3 38. The City violated CEQA by adopting findings that are inadequate as a matter of law,
4 because the findings are not supported by substantial evidence in the record, including but not
5 limited to the following:

6 (a) The determination that certain impacts would be less than significant and/or
7 that the adopted mitigation measures would avoid or lessen the Project's effects on the environment;

8 (b) The determination that the Project is not in conflict with the City's general
9 plan; and

10 (c) The proposed mitigation measures would reduce all identified significant
11 impacts to a level that is less than significant.

12 39. The MND does not discuss any impact on public safety or police resources, other
13 than to indicate that the Project will implement its own security measures.

14 40. As a result of the defects described above, the City prejudicially abused its discretion
15 by adopting findings that do not comply with the requirements of CEQA. Therefore, the City also
16 prejudicially abused its discretion by granting approvals for the Project based upon defective and
17 inadequate findings. Accordingly, the City's approval of the Project and its certification of the
18 MND must be set aside.

19 **THIRD CAUSE OF ACTION**

20 **(Denial of Petitioner's Due Process)**

21 41. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs
22 1 through 40 inclusive in this Petition.

23 42. Under the City's Municipal Code, due process and basic fairness all require that the
24 City Council hearing be conducted without hostile harassment and interruption by members of the
25 City Council during presentation of testimony and comments regarding the Project.

26 43. Fundamentally, the Constitutional principle of due process "requires reasonable
27 notice and an opportunity to be heard before deprivation of a significant property interest." (*Horn v.*
28 *County of Ventura* (1979) 24 Cal.3d 605, 617, 612.) "Due process is flexible and calls for such

1 procedural protections as the particular situation demands.” (Machado v. State Water Resources
2 Control Board (2001) 90 Cal.App.4th 720, 725.) Whether the administrative procedures provided
3 were constitutionally sufficient requires a balance of the government and private interests affected.
4 (*Id.*)

5 44. In this matter, the City Council effectively denied Petitioner the right to be heard at
6 the City Council meeting. Certain members of the City Council demonstrated a curious bias and
7 interest in opposing, interrupting and harassing Petitioner during Petitioner’s presentation before the
8 City Council. For example, one council member screamed “You have no business down here!!” as
9 Petitioner tried to discuss significant environmental impacts from the Project that need further study
10 or mitigation.

11 45. Compounding this act of denial of due process, the City Council then failed to
12 adequately deliberate on the issues raised by the public including by Petitioner, rapidly moving on
13 after Petitioner’s presentation to other agenda items without any discussion, and then coming back
14 some time later and approving the Project – again without any discussion at all of the significant
15 environmental impacts identified by Petitioner in its written and oral testimony that was before the
16 decision makers.

17 46. Petitioner was prejudiced by these actions of the City Council and their failure to
18 grant Petitioner the right to be heard without interruption, harassment and/or bias.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Petitioner respectfully prays for judgment against the Respondents, and each
21 of them, as follows:

22 1. For a peremptory writ of mandamus directing Respondents, the City and the City
23 Council, to vacate and set aside the approval of the Project, the actions adopting the MND, and all
24 related approvals.

25 2. That this court issue a writ of mandate suspending the authority of Respondents, the
26 City and the City Council, their officers, employees, agents, boards, commissions and other
27 subdivisions, to grant any authority, permits or entitlements as part of the Project (including without
28 limitation to any of the Real Party in Interest) until after the City requires the Developer to prepare a

1 full environmental impact report to fully analyze all significant environmental impacts from the
2 Project, consistent with the requirements of CEQA, the CEQA Guidelines, and all other applicable
3 laws, and until a full set of legally adequate findings are made by the City as required by law.

4 3. That this Court issue a temporary restraining order and a permanent injunction
5 enjoining Respondents, the City and the City Council, their officers, employees, agents, boards,
6 commissions and other subdivisions, as well as the Real Party in Interest, from undertaking any
7 activities, demolition, grading or construction pursuant to the City's approvals as described herein,
8 prior to the City's full compliance with CEQA, the City's municipal code, and other applicable laws.

9 4. For attorney's fees pursuant to Code of Civil Procedure Code section 1021.5.

10 5. For costs of suit; and

11 6. For such other and further relief as the Court may deem just and proper.

12 DATED: October 11, 2018

13 LAW OFFICE OF GURJIT SINGH

14 By: Gurjit Singh
15 Gurjit Singh

EXHIBIT A

Law Office of Gurjit Singh
REAL ESTATE LAW

399 N. Garey Ave., Second Floor Pomona, CA 91767

Telephone (818) 396-6841

Singh@lawsingh.com

September 13, 2018

Mallory Crecelius
Interim City Manager & City Clerk
235 N. Broadway
Blythe, CA 92225
Email: msutterfield@cityofblythe.ca.gov

VIA EMAIL AND FED-EX

Re: Notice of Intent to Sue
Palo Verde Center Cannabis (the "Project")

Dear Ms. Crecelius,

This office represents Better Neighborhoods Inc. with respect to the above-referenced Project.

Please take notice that, under Public Resources Code Section 21167.5, Better Neighborhoods intends to file a petition, inter alia, under the provisions of the California Environmental Quality Act against respondent the City of Blythe in connection with the Project.

Very truly yours,



Gurjit Singh, Esq.

EXHIBIT B



17901 Von Karman Ave, Suite 600
Irvine, CA 92614
(949) 556-8714
www.better-neighborhoods.com/

September 5, 2018

Mallory Crecelius
Interim City Manager & City Clerk
235 N. Broadway
Blythe, Ca 92225
Via email: msutterfield@cityofblythe.ca.gov

Re: Palo Verde Center Cannabis (the "Project")

Dear Ms. Crecelius,

Thank you for the opportunity to provide questions and comments regarding the above-referenced proposed Project.

Better Neighborhoods Inc. is an organization established to help people have a voice in local development decisions that can be heard equally to that of the planners and developers, to encourage smart growth that is consistent with the needs of the community, to protect the natural environment and our places of historical and esthetic significance, to support affordable housing, and to balance the needs for growth and livable cities.

The Project

The Applicant, Palo Verde Center LLC, is proposing to develop a massive indoor pot cultivation facility on 78.41 acres, to include four one-story buildings, each of which consists of 150,000 square feet. Each of the four buildings will provide for cultivation spaces ranging from under 10,000 square-feet up 22,000 square-feet, approximately 2,000 square-feet of trimming area, and 1,000 square-feet of office and storage space. The proposed General Plan Amendment (GPA) and

zoning change (ZC) would apply “General Commercial” designations to the property to replace the existing “Specific Plan Resort” designations.

We have some questions and concerns, as discussed in more detail below. In short, we believe that additional study is necessary on several issues to determine whether they might create significant environmental impacts resulting from the Project, and whether feasible mitigation measures can be implemented that would reduce the identified significant impacts to a less than significant level.

Land Use and Planning

It doesn't appear that the City can make the findings required by CEQA regarding land use. The report ignores several policies in the City's General Plan with which the proposed Project conflicts, including those relating to water resources, wastewater, and energy conservation.

Electricity and GHG

There are many documented reports and studies that have shown that indoor cannabis facilities such as the Project cause significant environmental impacts, including that they are the most energy-intensive agricultural product in the U.S., that they require an extraordinary amount of electricity to operate -- which always leads to greenhouse gas (GHG) pollution that increases carbon emissions and, by extension, global warming.

The city has not studied or addressed the potential impact the Project will have on the grid and on any corresponding impact to local residents and businesses, nor has it adequately studied and mitigated the increased GHG and carbon emissions from this gigantic grow facility.

Notably, page 6 of the MND reveals that the Applicant originally wanted to construct a much larger Project on the site, but had to scale down to the present size due to inadequate electrical power supply! Nevertheless, we discover, also on Page 6, that there is presently not enough capacity to support the current Project right now or in the future – and that Applicant plans to develop its own power supply!

“The [Applicant is] in the process of consulting with SCE and the Southern California Gas Company regarding power needs and, due to capacity limitations, plan[s] to develop electrical power using gas-fired generators (28 MW capacity) on-site rather than connecting to the SCE system.”

Does this mean the entire Project will be supported by a massive industrial complex of gas-fired generators? Or only partially? Does the City have any idea what will be the scale and impact of such gas-fired generators? Gas or diesel? Has this been studied? It appears not.

Pollutants/Toxics

Heavy metal and toxins from lighting materials are an additional form of environmental risk from indoor cannabis cultivation. High-intensity discharge (HID) bulbs common in this industry are not recyclable and each bulb contains approximately 30 mg of mercury and other toxins. Mercury is a neurotoxin, and is recognized as extremely toxic, particularly in gaseous form. This potentially significant impact has not been addressed or mitigated.

Wastewater Discharge

Grow facilities such as the Project create massive amounts of polluted wastewater. There was no meaningful discussion or study of the sufficiency of nearby sewer capacity and downstream sewage treatment capacity that would be impacted by the Project. Merely stating that BMP's, or "Best Management Practices", will be utilized is not reassuring. Further, it is not at all clear whether wastewater discharge requirements related to water quality have been properly met by the Project Applicant. According to the State Water Resources Control Board, Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation, October 2017, these requirements are very complicated, and the record is not clear whether and how the Applicant has or will comply.

There also needs to be an analysis from public works confirming that the sewer capacity is adequate to handle the effluent from this Project.

Crime and Impact on Public Services

There are numerous studies and news reports showing that these facilities lead to more crime, more public health emergencies, and more strain on the police and fire departments, and that they put the public and law enforcement at serious risk. The city has not studied whether it has the resources needed to combat the anticipated level of crime and health emergencies the Project will create – let alone the cumulative impacts of all other similar facilities that may be planned in the future.

Public Health

It doesn't appear that the City has studied the potentially significant and detrimental impacts to public health that the facilities like the Project may create, specifically regarding reported increases in hospitalizations, exposure to children, workplace accidents, impaired drivers and increased traffic deaths.

Conclusion

To be clear, we are not asking that the City deny the Project outright, only that the City either (1) remand the Project back to the Planning Department to reconsider the issues we have raised, or (2) that the City defer consideration of the Project until the Applicant can show the City (and Better Neighborhoods) that none of the potentially substantial environmental impacts we have identified will occur.

Ms. Mallory Crecelius
Re: Palo Verde Center Project
September 5, 2018
Page 4

Sincerely,

A handwritten signature in black ink that reads "J. Michael Goolsby". The signature is written in a cursive, flowing style.

J. Michael Goolsby
President and CEO
Better Neighborhoods, Inc.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gurjit Singh (SBN # 316312) Law Office of Gurjit Singh 399 N. Garey Ave., Second Floor Pomona, CA 91767 TELEPHONE NO.: (818)396-6841 FAX NO.: ATTORNEY FOR (Name): Better Neighborhoods Inc.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 4050 Main Street MAILING ADDRESS: CITY AND ZIP CODE: Riverside, CA 92501 BRANCH NAME: Historic Courthouse	
CASE NAME: Better Neighborhoods v. City of Blythe, et. al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: RIC 1820822 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **3**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 10/11/2018
 Gurjit Singh

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
- Auto Subrogation
- Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
- Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal.

Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
- Declaratory Relief Only
- Injunctive Relief Only (*non-harassment*)
- Mechanics Lien
- Other Commercial Complaint Case (*non-tort/non-complex*)
- Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
- Other Civil Petition

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
30755-D Auld Road
Murrieta, CA 92563
www.riverside.courts.ca.gov

NOTICE OF STATUS CONFERENCE

BETTER NEIGHBORHOODS VS CITY OF BLYTHE

CASE NO. RIC1820822

The Status Conference is scheduled for:

DATE: 12/13/18
TIME: 8:30 a.m.
DEPT: S302

All matters including, but not limited to, Fast Track hearings, law and motion, and settlement conference hearings shall be heard by the assigned judge until further order of the Court.

Any disqualification pursuant to CCP 170.6 shall be filed in accordance with that section.

The plaintiff/cross-complainant shall serve a copy of this notice on all defendants/cross-defendants who are named or added to the complaint and file proof of service.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See CA Rules of Court, rule 1.100.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing Notice of Assignment To Department For Case Management Purposes and Status Conference on this date, by depositing said copy as stated above

Dated: 10/11/18

Court Executive Officer/Clerk

By: 
ANTHONY RANGEL, Deputy Clerk

ac:stch shw

Notice 'NOCAD' has been printed for the following Attorneys/Firms
or Parties for Case Number RIC1820822 on 10/11/18:

LAW OFFICE OF GURJIT SINGH
399 N GAREY AVE SECOND FL
POMONA, CA 91767