Exempt from Filing Fees Pursuant to Government Code § 6103

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E-FILED
3/10/2023 2:37 PM
Superior Court of California
County of Fresno
By: I. Herrera, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

AY-NC-LP, OWNER.

Case No.: 23CECG00912

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

(Declaration of Jeremy Harrison; and [Proposed] Inspection Warrant and Order filed concurrently.)

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

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through the City of Reedley ("City"), hereby apply to this Court for issuance of a warrant authorizing the City to enter into the premises commonly known as 850 "I" Street, in the City of Reedley, County of Fresno, in the State of California, legally described as Assessor's Parcel Number 368-010-64S ("the Property"), for the purpose of inspecting the condition of the Property, and the extent of the hazards and violations of the State Building Code and City Municipal Code that currently exist and constitute a public nuisance. Issuance of a warrant to inspect the Property is proper as there is reason to believe that its conditions do not conform to health and safety standards. (Code of Civ. Proc., § 1822.52.)

This application for inspection warrant is based upon this Application, the Declaration of Building Official Jeremy Harrison, the [Proposed] Inspection Warrant and Order, and on such other evidence as may be presented prior to or at the time of the hearing on this matter.

I. FACTUAL SUMMARY

AY-NC-LP, is the owner of record of the Property. (Declaration of Jeremy Harrison ("Decl. of J. Harrison"), ¶ 6.) The Property consists of an industrial warehouse located within the City of Reedley. (*Id.*) The City's Code Enforcement Department has made multiple efforts to obtain voluntary consent from the Property owner to inspect the some of the locked portions of the Property for suspected code violations, but have been unable to get in contact with the owners or agents of the Property. (*Id.* at ¶ 11.)

On March 3, 2023, Building Official Jeremy Harrison accompanied City Code Enforcement personnel to investigate potential code violations suspected at the Property. (Decl. of J. Harrison, ¶ 7.) From the accessible (i.e., unlocked) portions of the Property, City staff witnessed multiple Building Code and municipal code violations. (*Id.*) There were multiple electrical circuits that were added to the facility that were not permitted or inspected by the City, an open/exposed electrical panel with new conduit and conductors added, an additional panel within the facility that is new and has multiple circuits running into a locked area at the south end of the building on the Property, a new compressor unit mounted upon a pallet feeding into a cold storage area that was also locked, there was a garden hose running attached to a service sink and feeding into the locked portion of the building through a hole in the rear wall, and there has also been a hole cut into the rear door to allow for ventilation from unknown equipment. (*Id.*, see also *Id.* at Exhibit A.) This hole cut into the door appears to ventilate a room containing lab mice, as a pungent odor of rodent excrement is present in the area. (*Id.*) None of these alterations have been permitted, nor do they comply with the state building regulations or the Municipal Code. (*Id.* at ¶ 9.)

When Code Enforcement officers first made contact with the Property owners, multiple building violations were witnessed by Code Enforcement Officer Jesalyn Harper, in the now-locked portion of the Property, as well as a fully operational lab. (Decl. of J. Harrison, ¶9.) Officer Harper was informed by staff at the Property that they are making pregnancy and Covid-19 tests. (*Id.*) No record of approval for these uses on this Property exists with City's Planning Department. (*Id.*) The last record of a building permit to perform any work on the facility was recorded on February 26, 2021, and was for miscellaneous electrical and building repairs. (*Id.*) According to the City's records, no inspections were performed, and this permit expired February 26, 2022. (*Id.*)

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Based on the foregoing evidence and observations, the City has probable cause to believe that multiple Building Code, municipal code, and Health and Safety Code violations are present in the locked portions of the building and must be inspected to ascertain the full extent of the violations contained within. (Decl. of J. Harrison, ¶11.) It appears that the owners and/or occupants of the Property may also be using various dangerous chemicals and/or materials in their unpermitted laboratory activities in the locked portion of the structure that may pose serious health and safety risks. (*Id.* at ¶10.) Law Enforcement and City Code Enforcement personnel need access to all areas of the Property and these materials in order to test what substances are present, and what health and safety risks may exist as a result, on the Property.

The structure was posted as "Unsafe to Occupy," by Building Official Harrison and Code Enforcement Officer Harper. (Decl. of J. Harrison, ¶11.) The owners or agents have not responded to the City's attempts to contact them further about these violations. (*Id.*)

II. LEGAL ARGUMENT

A. City has the Authority to Inspect the Property.

Section 1822.50 of the Code of Civil Procedure provides that an inspection warrant may be issued by a judge of a court of record, directed to a local official, "commanding him to conduct any inspection required or authorized by state or local law or regulation relating to building, fire, safety, plumbing, electrical, health, labor, or zoning." (Code Civ. Proc. § 1822.50.) Pursuant to the City Municipal Code section 4-2-9, sub. (B), the City may authorize personnel to enter any site or structure for the purpose of investigation and inspection of potential Code violations. Good cause shall be deemed to exist in support of issuing an inspection warrant where there is reason to believe a condition of nonconformity exists with respect to the particular place, dwelling, structure, or premises. (Code of Civ. Proc. § 1822.52.)

The City's previous inspection of the Property has satisfied the requirements for the issuance of an inspection warrant of the Property, as the Declaration of J. Harrison has demonstrated, there is reason to believe conditions of nonconformity exist.

B. It is Reasonably Necessary for the Inspection to be Executed in the Absence of the Property Owner.

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An inspection may not be executed in the absence of the Property owner unless the City can show that it is reasonably necessary to effectuate the purpose of the regulation being enforced. (Code of Civ. Proc. § 1822.56.) The City has attempted to gain the Owner's consent prior to seeking the warrant. (Code of Civ. Proc. § 1822.51; see Decl. of J. Harrison, ¶11.) Due to the Property owner's complete lack of concern or cooperation, the City finds it necessary to inspect both the interior and exterior of the Property. (*Id.*) Because Property owner has not responded to the City's attempts to gain voluntary consent to enter, it is reasonably necessary that the warrant be executed in the absence of the Property owner since the City could not otherwise effectively enforce its regulations relating to nuisance violations.

C. The City has Demonstrated Facts Sufficient to Authorize the use of Reasonable Force to Enter the Property for the Inspection.

Reasonable force to execute the inspection warrant may be authorized where the City can demonstrate that there is a reasonable suspicion of a violation of state or local law regarding building, fire, safety, plumbing, electrical, health, etc. that would constitute an immediate threat to health or safety. (Code of Civ. Proc., § 1822.56.) As set forth above, and in the accompanying declaration of J. Harrison, there is evidence that the Property owners or occupants are operating an unpermitted laboratory facility, including the use of potentially dangerous chemicals and rodents as test animals. (Decl. of J. Harrison, ¶¶7-10, see also Exhibit A.) These ongoing unlawful and unpermitted alterations and conditions constitute an immediate health and safety risk to any occupants or visitors to the Property as there are multiple Building Code violations and municipal code violations relating to unpermitted electrical outlets, and apparent improper ventilation of unknown chemicals and animal excrement. (*Id.*) Therefore, good cause exists for the Court to issue an inspection warrant allowing the City to use reasonable force to enter and inspect the Property for further violations of the Building Code, the City's Municipal Code, and the Health and Safety Code, including inspection and testing of potentially dangerous chemicals and materials located on the Property.

III. CONCLUSION

Based on the foregoing, City respectfully requests that this court issue an inspection warrant permitting City to enter the Property for the purpose of entering and inspecting for violations of the State

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Building Code, Health and Safety Code, and of the City's Municipal Code for a period not to exceed fourteen (14) days.

LOZANO SMITH

Dated: March 10, 2023

By: _____
Wiley R. Driskill
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 March 10, 2023, I served the attached: **APPLICATION FOR INSPECTION WARRANT AND ORDER AUTHORIZING ENTRY ON THE PROPERTY TO INSPECT 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

[X] (***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 10, 2023, at Fresno, California.

Veronica Banda

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

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IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

AY-NC-LP, OWNER.

Case No.: 23CECG00912

DECLARATION OF JEREMY HARRISON IN SUPPORT OF APPLICATION FOR INSPECTION WARRANT AND ORDER AUTHORIZING ENTRY ON THE PROPERTY TO INSPECT PUBLIC NUISANCE

(Application for Inspection Warrant and Order; and [Proposed] Inspection Warrant and Order Authorizing Entry onto the Property to Inspect for Public Nuisance filed concurrently.)

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

I, JEREMY HARRISON, declare as follows:

1. I am currently employed as the Building Official with the City of Reedley ("City"). I have been employed with the City as the Building Official since February 14, 2022.

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 Building Official 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.

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

5. Code Enforcement has been personally involved with the efforts to bring the property at 850 "I" Street, Reedley, California 93654 (Assessor's Parcel Number 368-010-64S) (the "Property") into compliance since March 3, 2023. To carry out my official duties as described herein, I propose to enter the Property, along with other qualified City staff, staff from the Department of Toxic Substances Control, and interested contractors and agents of the City, to inspect the grounds, interior, exterior, appurtenances, and any and all improvements of the Property.

6. It is my information and belief that the record owner of the Property is AY-NC-LP. The Property consists of a 1.73-acre parcel lot with an industrial warehouse.

7. On March 3, 2023, I accompanied City Code Enforcement staff to the Property to investigate potential building violations for the lab facility that was illegally set up within the structure of the Property. Upon entry, we witnessed multiple building and municipal code violations throughout the portions of the facility that were not locked. There were multiple electrical circuits that were added to the facility that were not permitted or inspected by the City. There was an open/exposed electrical panel with new conduit and conductors added. There was an additional panel within the facility that is new and has multiple circuits running into a locked area at the south end of the building. There was a new compressor unit mounted upon a pallet feeding into a cold storage area that was also locked. There was a garden hose running attached to a service sink and feeding into the locked portion of the building through a hole in the rear wall. There has also been a hole cut into the rear door to allow for ventilation from unknown equipment. It is my information and belief that this is used to ventilate the lab mice room as a pungent odor of rodent excrement is present in the area.

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8. Attached hereto as **Exhibit A** are true and correct copies of photographs taken during the March 3, 2023, inspection of the Property.

9. When code enforcement first made contact with the Property owners, multiple building violations were seen by City Code Enforcement Officer Jesalyn Harper in the locked portion as well as a fully operational lab. Officer Harper was informed by staff at the Property that they are making pregnancy and Covid-19 tests. No record of approval for these uses on this Property exists with City's Planning Department. The last record of a building permit to perform any work on the facility was recorded on February 26, 2021, and was for miscellaneous electrical and building repairs. According to the City's records, no inspections were performed. This permit expired February 26, 2022.

10. During the March 3, 2023 inspection of the Property, there also appeared to be various chemicals and materials being utilized by Property staff in their unpermitted laboratory activities. I have been in contact with various state and federal agencies regarding the City's investigation of the Property including the State Department of Toxic Substances Control, the Federal Bureau of Investigations, the State Department of Public Health, and the Fresno County Department of Public Health, due to the potential threat to public health and safety relating to these unknown substances.

11. It is my conclusion that further Building code, municipal code, and Health and Safety Code violations likely extend into the locked portions of the building on the Property and need to be inspected to ascertain the full extent of the violations contained within. The structure was posted as "Unsafe to Occupy," by Officer Harper and myself following our inspection on March 3, 2023. We have been unable to contact the owner or agent of the Property to provide a list of violations or remedies to fix them.

12. Based on the recent inspection of the Property, and due to the locked areas within the Property, a thorough inspection of the interior and exterior of the Property is now necessary to verify all of the known conditions, as well as to document the unknown conditions on the interior of the Property, and to determine the extent of repairs necessary to bring the Property into compliance with state and local laws.

13. Based on the facts above, the City is requesting that an Inspection Warrant be issued for an inspection of the Property at any hour between 8:00 a.m. and 6:00 p.m. on any Monday through

LOZANO SMITH
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Friday within fourteen (14) days of the issuance of such Inspection Warrant to determine the existence of violations of state and local building regulations.

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

DATED: March 10, 2023

/s/ Jeremy Harrison
Jeremy Harrison
Building Official
City of Reedley

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

EXHIBIT A


F5
F4
F3
F2







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 10, 2023, I served the attached: **DECLARATION OF JEREMY HARRISON IN SUPPORT OF APPLICATION FOR INSPECTION WARRANT AND ORDER AUTHORIZING ENTRY ON THE PROPERTY TO INSPECT 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

[X] (***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 March 10, 2023, at Fresno, California.

Veronica Banda

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Attorneys for Applicant, City of Reedley

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APN: 368-010-64S

AY-NC-LP, OWNER.

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

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

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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

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 are necessary to carry out code enforcement and inspection of potential public nuisances and public health concerns.

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

THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:

1. City of Reedley ("City") officials and 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 onto the Property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the purpose of inspecting the interior and exterior of the industrial warehouse, structures, and storage facilities, including any portions of those facilities that may be locked located on the Property for any existing violations of the Reedley Municipal Code, the California Building Code, and the California Health and Safety Code.

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

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

4. 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 enter and secure the Property, to allow for the inspection to take place, including the opening of any locked portions of the Property.

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

6. 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 requirement may be satisfied by posting said notice on the Property.

7. 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 inspecting all interior and exterior portions of the Property for nuisances and violations of the State Building Code, Reedley Municipal Code, and the California Health and Safety Code, to occur between _____, 2023 and _____, 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. This warrant may be executed in the absence of any responsible party(ies)/owner(s)/occupant(s) of the above-referenced Property.

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

IT IS SO ORDERED.

Dated: _____

_____
JUDGE OF THE SUPERIOR COURT

LOZANO SMITH
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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.

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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 March 10, 2023, at Fresno, California.

Veronica Banda

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Facsimile: 559-261-9366

Attorneys for Applicant, City of Reedley

Exempt from Filing Fees Pursuant to Government Code § 6103

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MAR 13 2023
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY ~~COURT~~ DEPUTY

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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

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 are necessary to carry out code enforcement and inspection of potential public nuisances and public health concerns.

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

THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:

1. City of Reedley ("City") officials and 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 onto the Property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the purpose of inspecting the interior and exterior of the industrial warehouse, structures, and storage facilities, including any portions of those facilities that may be locked located on the Property for any existing violations of the Reedley Municipal Code, the California Building Code, and the California Health and Safety Code.

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

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

4. 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 enter and secure the Property, to allow for the inspection to take place, including the opening of any locked portions of the Property.

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

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

6. 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 requirement may be satisfied by posting said notice on the Property.

7. 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 inspecting all interior and exterior portions of the Property for nuisances and violations of the State Building Code, Reedley Municipal Code, and the California Health and Safety Code, to occur between 3/10, 2023 and 3/24, 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. This warrant may be executed in the absence of any responsible 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

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

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 10, 2023, I served the attached: **[PROPOSED] INSPECTION WARRANT AND ORDER AUTHORIZING ENTRY ONTO THE PROPERTY TO INSPECT FOR 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

[X] (***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 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

Exempt from Filing Fees Pursuant to Government Code § 6103

Scott G. Cross, SNB 199116
Wiley R. Driskill, SBN 253913
LOZANO SMITH
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

Attorneys for City of Reedley

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT: 850 "I" Street Reedley, CA 93654 APN: 368-010-64S **AY-NC-LP, OWNER.**	**Case No.:** 23CECG00912 **RETURN OF THE INSPECTION WARRANT**

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

1. On March 13, 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 inspecting the Property for violations of the Reedley Municipal Code, California Building Code, and the California Health and Safety Code. The Warrant issued by the Court permitted entry onto the Property from March 10, 2023, through March 24, 2023, by the City's Code Enforcement Officers and Building Official and/or 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.

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

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

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

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

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

Dated: 3/27/2023

Jeremy Harrison
City of Reedley Building Official

APPROVED.

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

[X] (***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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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

Attorneys for Applicant, City of Reedley

Exempt from Filing Fees Pursuant to Government Code § 6103

FILED
APR - 4 2023
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY
RECEIVED
3/29/2023 5:25 PM
FRESNO COUNTY SUPERIOR COURT
By: A. Ramos, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

AY-NC-LP, OWNER.

Case No.: 23CECG00912.

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

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

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

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

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

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

THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:

1. City of Reedley ("City") officials and 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 onto the Property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the purpose of abating the public nuisance conditions therein by seizing and humanely euthanizing all mice being kept on the Property.

2. 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.

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

4. 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 enter and secure the Property, to allow for the inspection to take place, including the opening of any locked portions of the Property.

5. 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 requirement may be satisfied by posting said notice on the Property.

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

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 4/16, 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

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: **[PROPOSED] ABATEMENT WARRANT AND 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:

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

[X] (***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

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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

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 City of Reedley

FILED
APR 26 2023
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

AY-NC-LP, OWNER.

Case No.: 23CECG00912

RETURN OF THE ABATEMENT WARRANT AND ORDER

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

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

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

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

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

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

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

///

///

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

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

[X] (***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

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

Exhibit 1

LS Lozano Smith
ATTORNEYS AT LAW

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

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Exempt from Filing Fees Pursuant to Government Code § 6103

FILED
APR - 4 2023
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY
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:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

AY-NC-LP. OWNER.

Case No.: 23CECG00912.

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

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

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

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

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

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

THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:

1. City of Reedley ("City") officials and 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 onto the Property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the purpose of abating the public nuisance conditions therein by seizing and humanely euthanizing all mice being kept on the Property.

2. 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.

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

4. 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 enter and secure the Property, to allow for the inspection to take place, including the opening of any locked portions of the Property.

5. 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 requirement may be satisfied by posting said notice on the Property.

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

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

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: **[PROPOSED] ABATEMENT WARRANT AND 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:

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

[X] (***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\01032708.DOCX

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

[X] (*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.

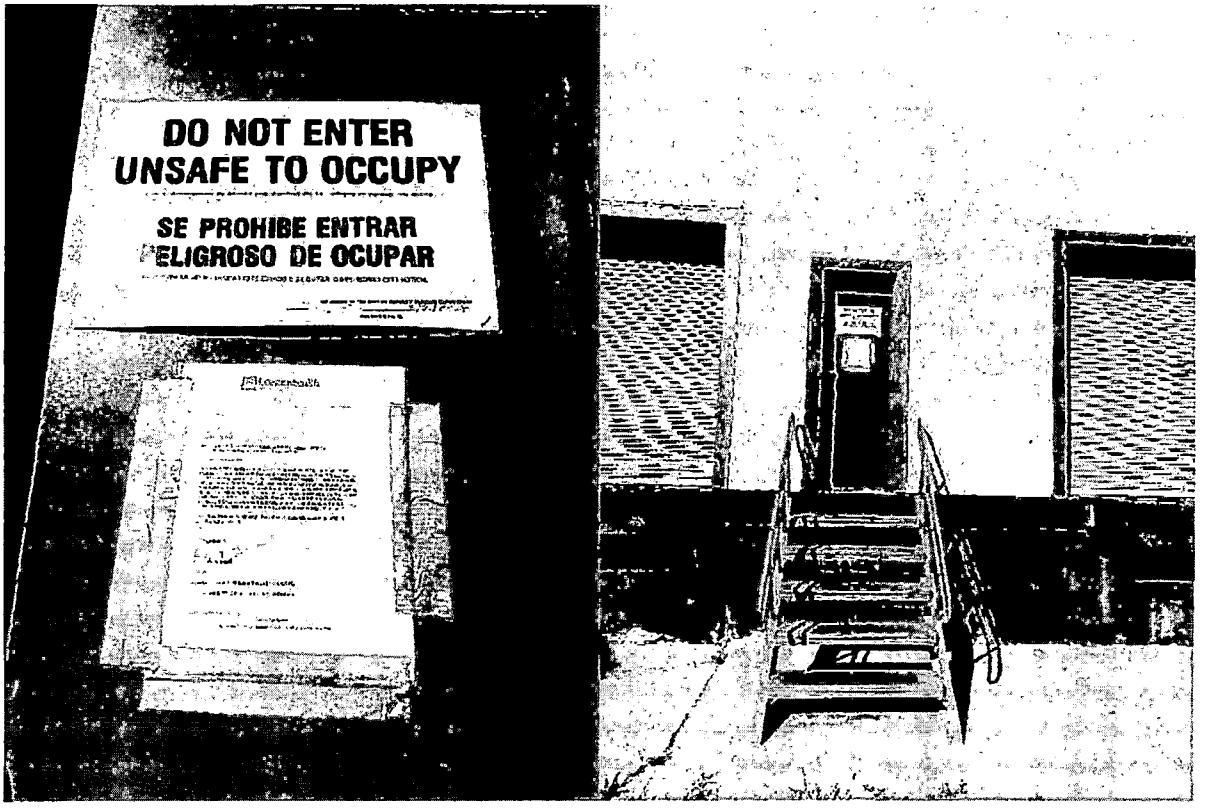
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 5, 2023, at Fresno, California.

Veronica Banda

Exhibit 2

Return of Warrant
April 12, 2023
Jesalyn Harper

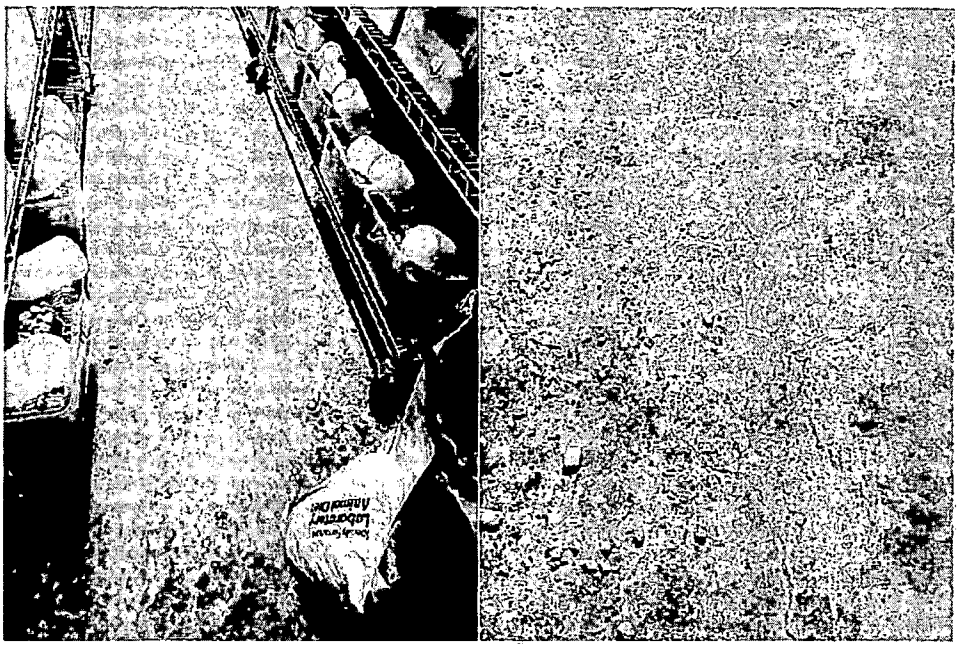
Property of 850 I Street, Reedley CA, 93654 was posted on April 10, 2023 at 5:00pm with documents reflecting the warrant to abate and destroy was issued and would be carried out within at least 24 hours of posting.



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.

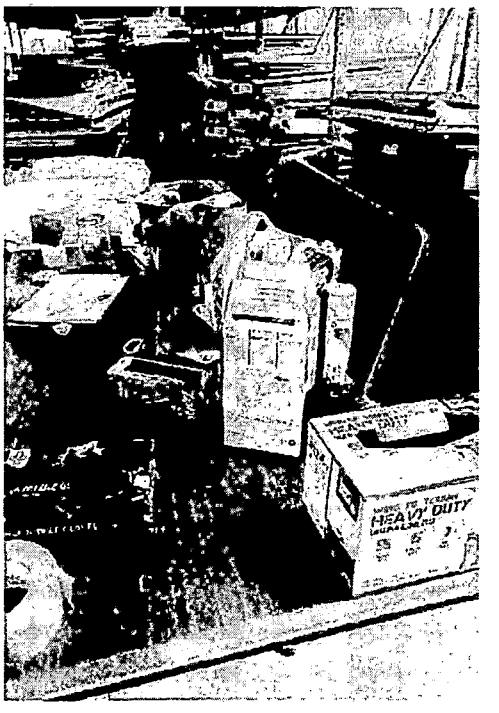


Dr. Hahn confirmed the mice were in server distress because of "barbering" taking place, the high number of visible carcasses in the cages, and the lack of "pinkies". Barbering is a social activity with mice consistent with over grooming. When under stress the dominant mice will begin to rip the hair 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 barbaring, 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
B4	15	0	mostly males, severe 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

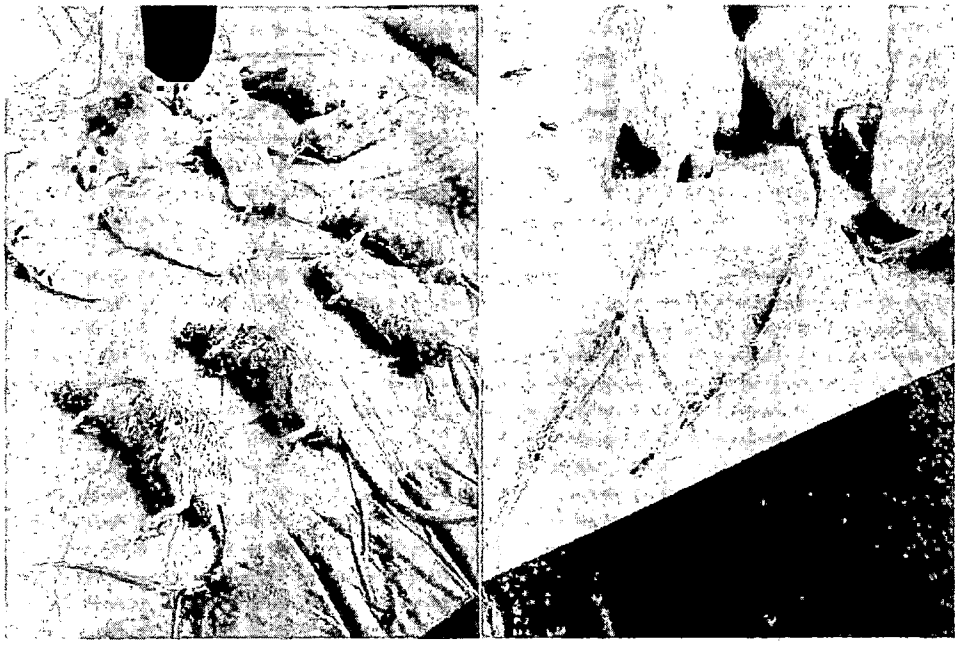
Total Euthanized	Total Deceased
773	178

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	

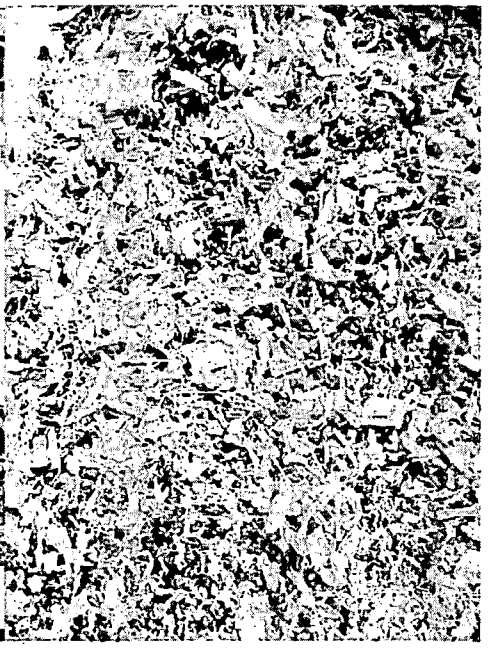
Multiple cages had signs of barbering, medical issues, and a large amount had mixed sexes. The mixture of the sexes shows that the animals breeding was not being regulated and that "pinkies" should have been present in the cages.

Barbering



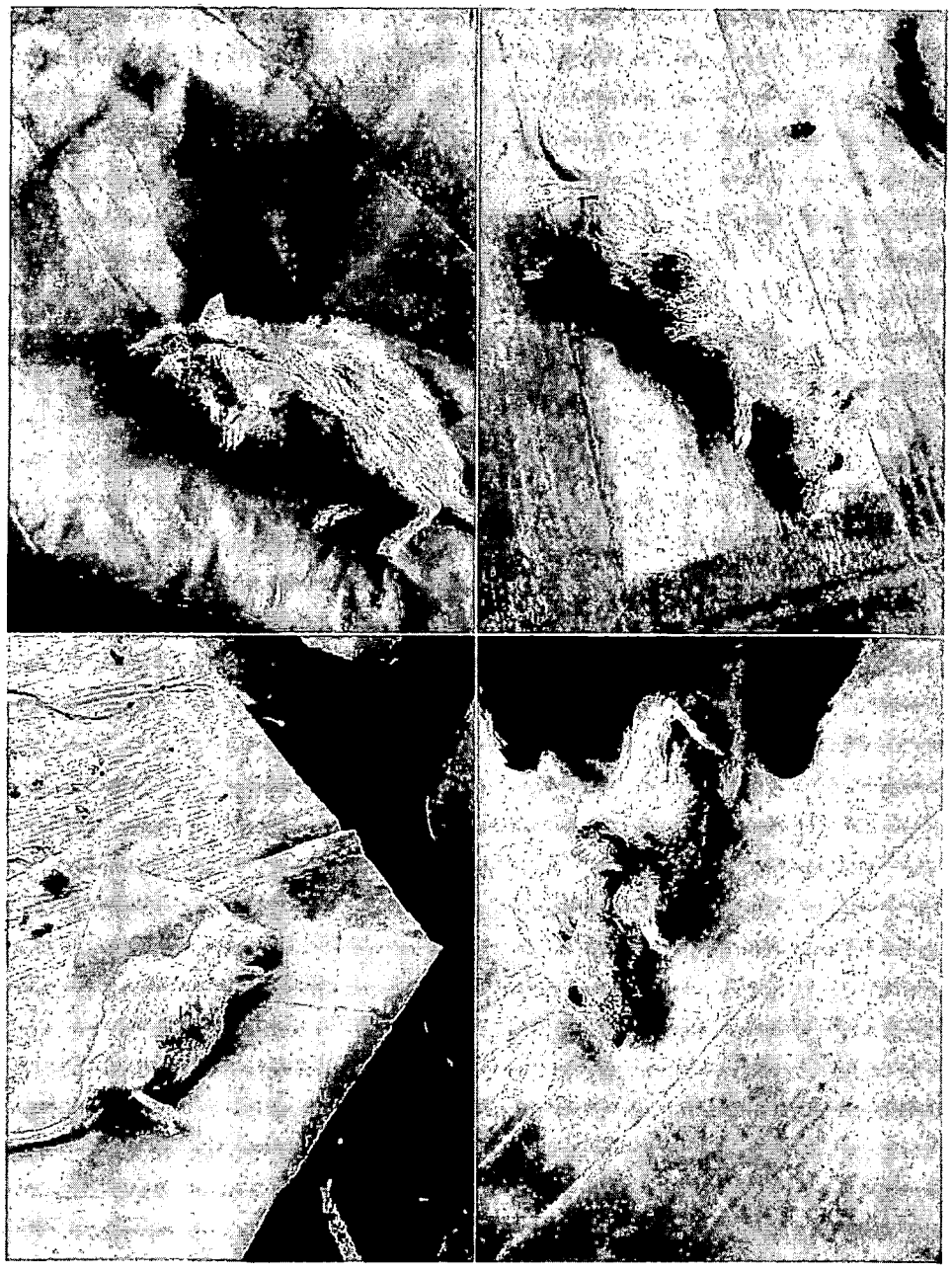
Carcasses







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.



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FILED
JUN 23 2023
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY

RECEIVED
6/15/2023 3:49 PM
FRESNO COUNTY SUPERIOR COURT
By: C. York, Deputy

Exempt From Filing Fees Pursuant To Government Code Section 6103

Attorneys for FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CIVIL UNLIMITED DIVISION

IN RE PROPERTY LOCATE AT 850 "I" STREET, REEDLEY, CALIFORNIA 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	Case No. 23CECG00912 **[~~PROPOSED~~] FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH'S ABATEMENT WARRANT (Code Civ. Proc. § 1822.50 et seq)** [Proposed Abatement Warrant filed concurrently]

INSPECTION AND ABATEMENT WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA, TO ANY FRESNO COUNTY PUBLIC HEALTH STAFF, HEALTH OFFICER, HEALTH OFFICE, SHERIFF DEPUTY, OTHER COUNTY OF FRESNO PERSONNEL, AND PEACE OFFICER OF IN THE CITY OF REEDLEY:

UPON GOOD CAUSE SHOWN TO THE COURT by the declaration Humero Prado and the documentary evidence presented to the Court.

AT THE PREMISES LOCATED ON: 850 "I" Street, Reedley, California 93654, located in the incorporated area of the City of Reedley, further identified as Assessor's Parcel

Number 368-010-64S (hereinafter the "Property")

YOU ARE AUTHORIZED to enter the warehouse on premises to conduct a complete abatement of the conditions present by the following actions: (1) dispose of all biological material, including but not limited to, blood, tissue and other bodily fluid samples; serums; (2) dispose of all biological material deemed to be medical waste; (3) dispose of all infectious agent; (4) dispose of all containers, vials, boxes, bags, laboratory equipment and other storage devices that store or have been contaminated by biological material, medical waste and/or infections agents.

All items present that are in violation of Fresno County Health Officer Orders, California Medical Waste Management Act, California Health and Safety Code section 117600, *et seq.*, infectious agents pursuant to Health and Safety Code section 117675, and other biological material shall be removed from the Property and disposed of appropriately in order to thoroughly abate potential sources of the communicable diseases, pursuant to California Health and Safety Code section 120175, and public nuisance and dangerous conditions on the Property.

THE INSPECTION AND ABATEMENT shall be made pursuant to Code of Civil Procedure sections 1822.55-56. The inspection and abatement shall be conducted any time between 8:00 a.m. and 6:00 p.m., within fourteen days from the date of this warrant after providing at least 24-hour notice (1) an agent of the owner of the Property AY-NC-LP; and (2) representative for Prestige Biotech, Inc., as the tenant in possession of the warehouse on the Property.

Pursuant to Code of Civil Procedure section 1822.56, sufficient cause ___has /___has not been shown for the execution of the warrant in the absence of the Owner and Prestige Biotech, Inc.

Pursuant to Code of Civil Procedure section 1822.56, sufficient cause ___has /___has not been shown for the execution of the warrant by means of forcible entry through the use of reasonable force.

County of Fresno Health Officials, Administrative Office personnel, Attorneys, Legal Investigators, Sheriff Deputies and any contractors hired by the County of Fresno, City of

Reedley Code Enforcement Officers, City of Reedley Building Officials, and/or their designees, representatives, including officials form the California Department of Toxic Substances Control, the California Department of Public Health, the United States Food & Drug Administration, the United States Centers for Disease Control and Prevention, and their agents may accompany County of Fresno Public Health staff at the time of execution of the warrant for the purpose of investigating, documenting, and enforcing applicable sections of the Health and Safety Code and abating violations of the Health and Safety Code.

AY-NC-LP and Prestige Biotech, Inc., shall forfeit all legal right to possession and any ownership interest in any materials the Fresno County Public Health removes from the Property for the purposes of abating biological material, medical waste and infectious agents stored within the warehouse on the Property.

Fresno County Sheriff's Deputies may accompany County of Fresno Public Health staff, inspectors and representatives, and any contractors hired by the County of Fresno at the time of execution of the warrant for the purpose of keeping the peace. The willful refusal of an inspection authorized by this warrant is a misdemeanor.

After making the inspection and completing the abatement activity authorized by this warrant, you are directed to make a return to this court according to section 1822.55 of the Code of Civil Procedure. This warrant will be effective from the date hereto for a period not to exceed fourteen (14) days, and authority for re-entry pursuant to this warrant shall continue until the inspection and abatement activity are completed. This warrant shall be returned upon execution.

Dated: 6/23, 2023

JUDGE OF THE SUPERIOR COURT

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
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Facsimile: 559-261-9366

Attorneys for Applicant, City of Reedley

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

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

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.)

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

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

This application for inspection warrant is based upon this Application, the Declaration of Code Enforcement Officer Jesalyn Harper ("Decl. of J. Harper"), the Declaration of Jerry Isaak ("Decl. of J. Isaak"), the [Proposed] Abatement Warrant and Order, and on such other evidence as may be presented 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

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

J. Harper, ¶ 11.)

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

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

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

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

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

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

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

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

II. LEGAL ARGUMENT

A. City has the Authority to Inspect the Property.

The legislative body of a city may declare what constitutes a nuisance. (Gov. Code, § 38771.) The California Civil Code provides that a city may remedy a public nuisance through abatement. (Civ. Code, §§ 3491, 3494.) The City's code expressly authorizes the abatement of properties in violation of 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

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

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

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

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

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

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

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

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

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

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

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

As demonstrated in the Declarations of Jesalyn Harper and Jerry Isaak submitted herewith, the City has demonstrated that there is a condition of non-conformity existing within Property. (Decl. of J. Harper, ¶¶ 12-15.). After inspecting the Property, the Property was found to be in violation of RMC section 4-2-3, subdivision (C), for the presence of unsanitary accumulations of garbage, contaminated materials, menace to the public (due to the Property's use as an unpermitted laboratory and the fire hazards identified throughout the Property), violations of State Building Codes, hazardous liquids and other substances, safety hazard (maintenance of the Property 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), and fire, panic or life safety hazards (due to the improper installation of electrical wiring and improper storage of potentially explosive and flammable substances). (Decl. of J. Isaak, ¶ 6.) The Property was also found to be in violation of RMC section 9-1-1 which provides that a violation of the California Building Code, Electrical Code, Mechanical Code and Abatement of Dangerous Buildings Code is a violation of the City's 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.*)

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

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

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

III. CONCLUSION

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

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

LOZANO SMITH

Dated: July 18, 2023

Matthew M. Lear
Attorney for the City of Reedley

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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.*

[X] (***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

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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

Attorneys for Applicant, City of Reedley

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

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

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.)

I, JERRY ISAAK, declare as follows:

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

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

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

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

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

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

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

- RMC § 4-2-3, subd. (C) [Property Nuisance]:
  - Unsanitary accumulations of garbage
  - Contaminated materials
  - Menace to the public (due to the Property's use as an unpermitted laboratory and the fire hazards identified throughout the Property)
  - Violations of the State Building Codes
  - Hazardous liquids and other substances
  - Safety hazard: maintenance of the Property 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
  - Fire, panic or life safety hazards: the improper installation of electrical wiring and improper storage of potentially explosive and flammable substances
- RMC § 9-1-1 [Adoption of Codes]: Pursuant to the City's adoption of and incorporation of the California Building Code, Electrical Code, Mechanical Code and Abatement of Dangerous Buildings Code, any violation of the above-referenced codes is a violation of the City's ordinance.
- RMC § 10-25-4 [Use of Matrix, Office/Commercial]: the Property's zoning requires a Conditional Use Permit (CUP) to operate a laboratory for medical testing and diagnostics. No CUP was secured for the Property in violation of the City's zoning ordinance.

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

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

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- Infestation of mice or other rodents
- Portions of the roof are partially collapsed due to multiple leaks, resulting in a partial collapse of insulation panels and unknown damage to the supporting roof trusses
- Improperly installed electrical wiring
- 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
- The building is an unsafe structure due to inadequate maintenance in accordance with the Uniform Building Code.

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

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

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

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

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

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

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

DATED: July 18, 2023

Jerry Isaak
Fire Chief and Code Enforcement Officer
City of Reedley

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

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 illegeal 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.

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.

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

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 illegeal 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.

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

[X] (***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

Jesalyn Harper

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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

OFFICIAL USE

Certified Mail Fee $4.15	0654 01
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) $ $0.00	Postmark Here
☐ Return Receipt (electronic) $ $0.00	
☐ Certified Mail Restricted Delivery $ $0.00	
☐ Adult Signature Required $ $0.00	
☐ Adult Signature Restricted Delivery $	
Postage $0.87	06/23/2023
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

OFFICIAL USE

Certified Mail Fee $4.15	0654 01
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) $ $0.00	Postmark Here
☐ Return Receipt (electronic) $ $0.00	
☐ Certified Mail Restricted Delivery $ $0.00	
☐ Adult Signature Required $ $0.00	
☐ Adult Signature Restricted Delivery $	
Postage $0.87	06/23/2023
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

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.

[X] (***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.

[X] (***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

Jesalyn Harper

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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
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.

[X] (***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

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

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

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

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

IN RE PROPERTY LOCATED AT:

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

Case No.: 23CECG00912

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

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

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

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

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

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

8. 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. The City documented several building and safety code violations. CDPH documented embargoed items being stored in the Property and made an inventory of the contents of the

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

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

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

11. Based on the facts above, the City applied for an Abatement Warrant to allow for the City staff and its designees to enter the Property and seize the laboratory mice so that they could be humanely euthanized. The Abatement Warrant and Order was issued by this Court on April 4, 2023. On April 12, 2023, along with Dr. Hahn, I 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.

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

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

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

15. The condition of the Property fails to provide a safe means of egress, in violation of California Code of Regulations, title 8, section 3215. 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. (Cal. Code Regs., tit. 8, § 3215, subd.

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(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. (Cal. Code Regs., tit. 8, § 3215, subd. (e).)

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

17. Attempts have been made to identify the chemical and biologicals being stored on the Property with the assistance of the California Department of Toxic Substance Control, Fresno County Department of Public Health and the federal Centers 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 in violation of California Code of Regulations, title 8, section 5194, subdivisions (e), (f) and (g) create a health and 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 the removal of all chemicals and medical waste from the Property. It is my understanding that the Fresno County Department of Public Health has removed the hazardous biological material from the site pursuant to a separate abatement warrant and order filed in this matter. However, the other hazards identified in paragraphs 12 through 15 remain unabated.

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

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

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

DATED: July 18, 2023

Jesalyn Harper
Code Enforcement Officer
City of Reedley

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

EXHIBIT A

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

Clean Up Reedley's Environment

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

Clean Up Reedley's Environment

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(c)**.

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(c), 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

Jesalyn Harper

EXHIBIT B



Appliances posing fire risk.



Appliances posing fire risk.



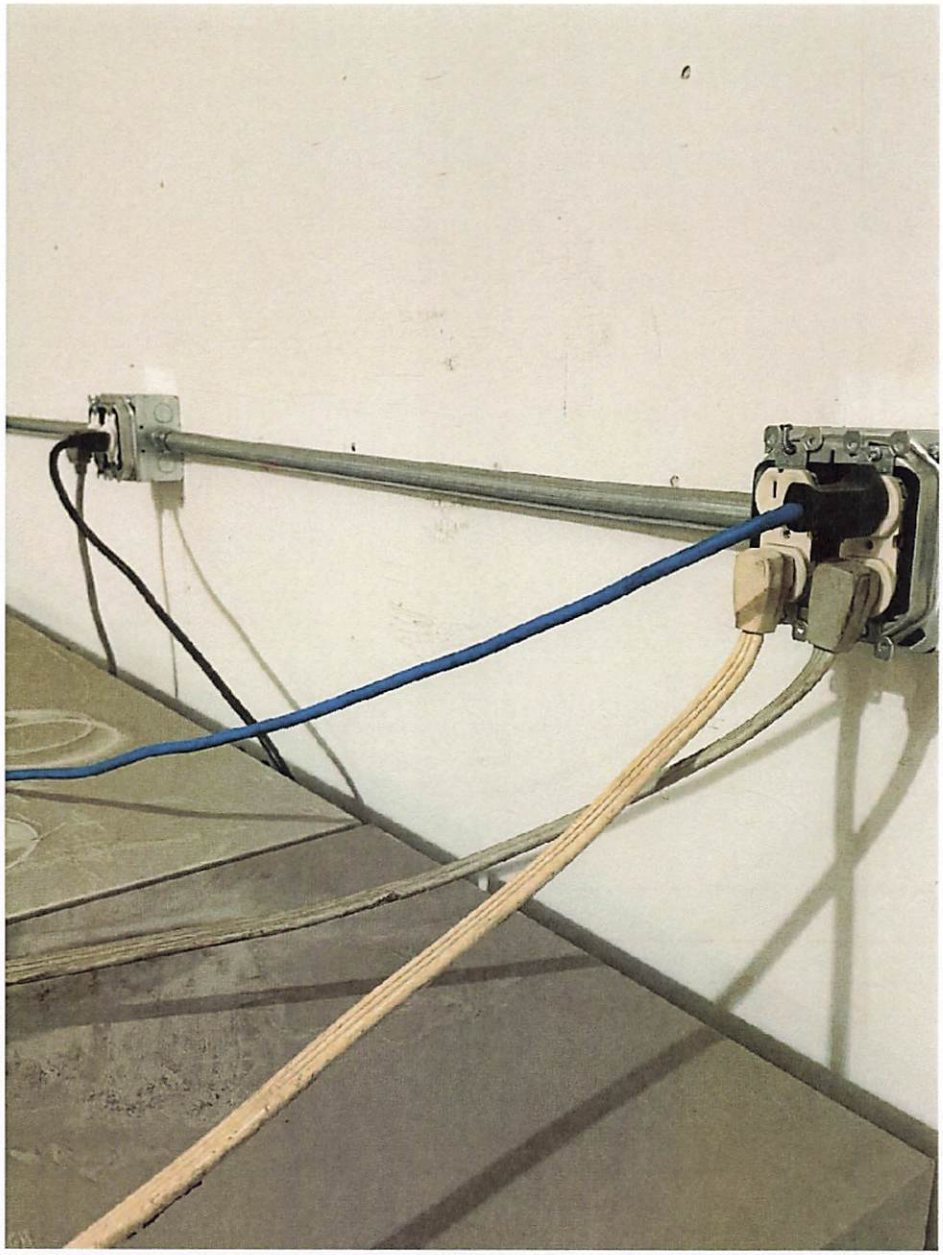
Egress photo.



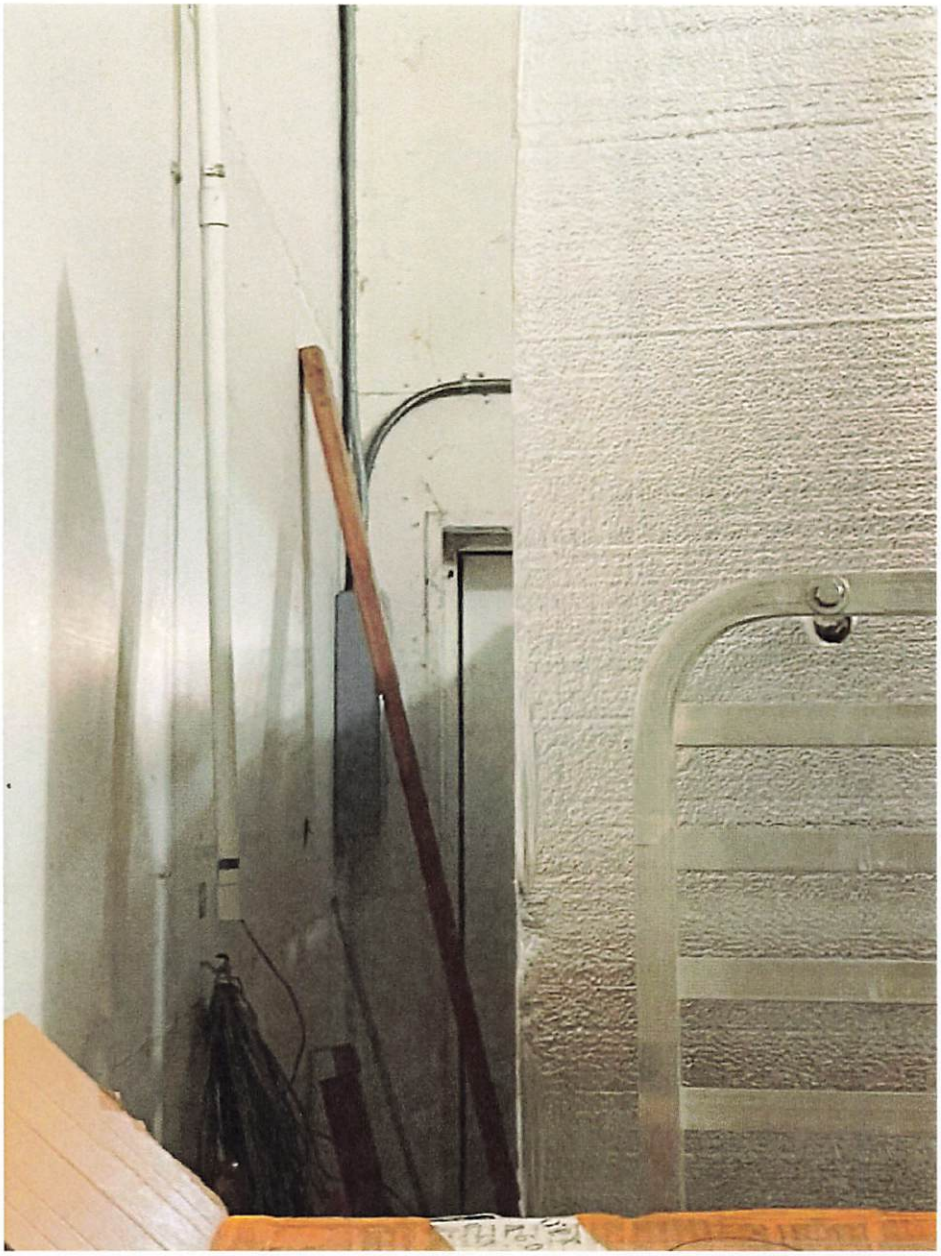
Furniture, chemicals, and devices improperly stored.



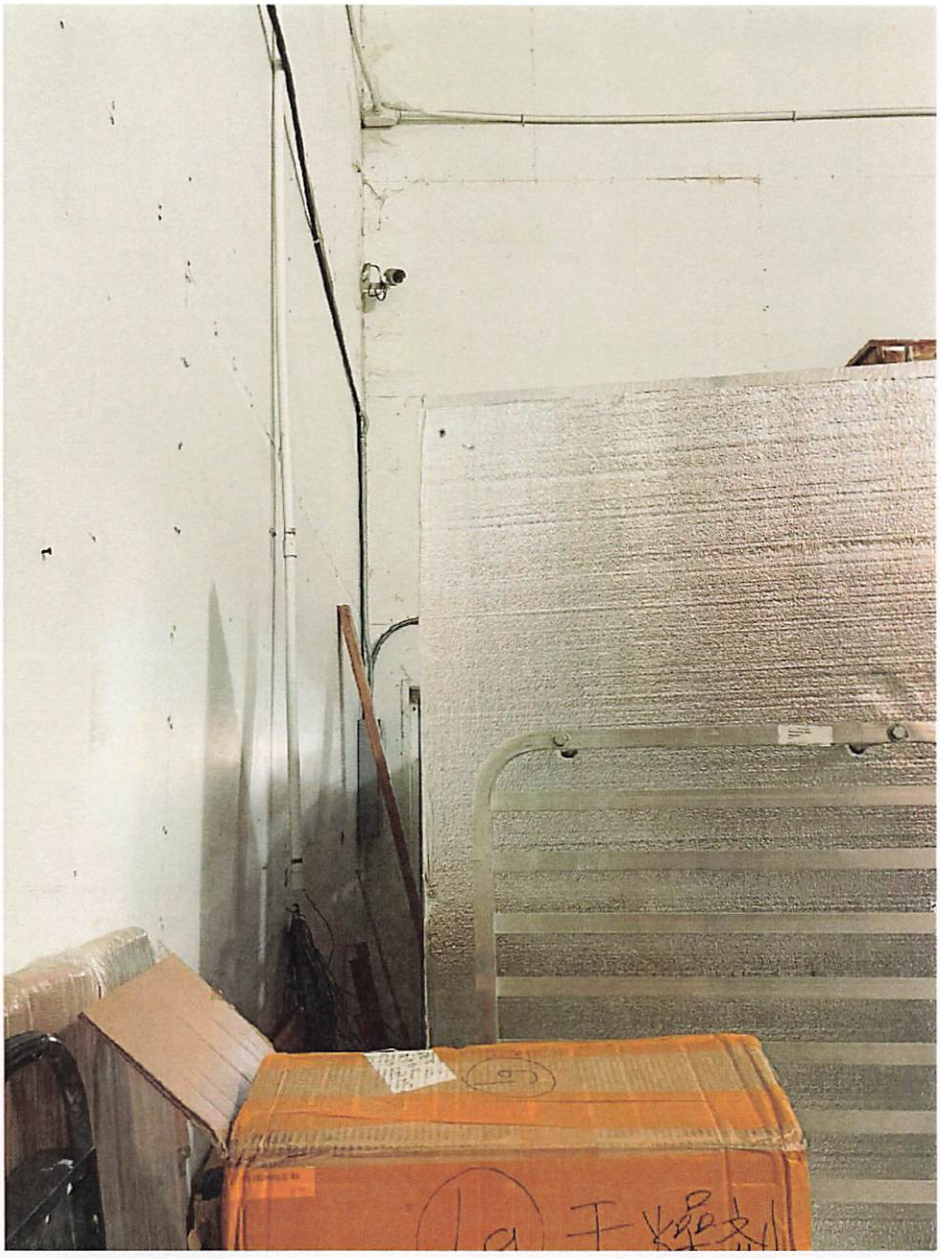
Machinery and furniture improperly stored.



Nonpermitted electrical appliances.



Side exit egress.



Side exit egress.



Side exit improper egress.

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.

[X] (***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 July 18, 2023, at Fresno, California.

Veronica Banda

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

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

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

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

Case No.: 23CECG00912

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

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

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

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,

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

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

THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:

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

2. 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.

3. To protect the safety of City employees and their authorized designees and agents, the 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

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

4. 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 enter and secure the Property, to allow for the inspection to take place, including the opening of any locked portions of the Property.

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

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, the EPA, and the Fresno County Department of Public Health and their agents may enter the warehouse on the Property legally described as APN 368-010-64S, for the above-stated purposes, to occur between _____, 2023 and _____, 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, and authority for re-entry pursuant to this warrant shall continue until the inspection and abatement activity are completed.

7. Any property that is removed from the Property 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.

///

///

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

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

IT IS SO ORDERED.

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 Avenue, Fresno 93720.

On July 18, 2023, I served the attached: **[PROPOSED] ABATEMENT WARRANT AND 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:

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.

[X] (***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

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DANIEL C. CEDERBORG
County Counsel – SBN 124260
KYLE R. ROBERSON
Senior Deputy County Counsel – SBN 285735
FRESNO COUNTY COUNSEL
2220 Tulare Street, 5th Floor
Fresno, California 93721
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E-FILED
7/20/2023 1:12 PM
Superior Court of California
County of Fresno
By: I. Herrera, Deputy

Exempt From Filing Fees Pursuant To Government Code Section 6103

Attorneys for FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CIVIL UNLIMITED DIVISION

IN RE PROPERTY LOCATE AT 850 "I" STREET, REEDLEY, CALIFORNIA 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	Case No. 23CECG00912 **RETURN OF FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH'S ABATEMENT WARRANT (Code Civ. Proc. § 1822.50 et seq)**

The COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH ("Fresno County Public Health"), acting as the health department for the City of Reedley, returns the Fresno County Department of Public Health's Abatement Warrant, attached hereto as **Exhibit A,** as fully executed. Fresno County Public Health provides the Court a summary of the abatement work undertaken pursuant to the Abatement Warrant.

On July 5, 2023, Fresno County Public Health staff executed the Abatement Warrant to enter the premises commonly known as 850 "I" Street, in the City of Reedley, County of Fresno, in the State of California, further identified as Assessor's Parcel Number 368-010-64S (hereinafter the "Property") and abated and disposed the following: (1) biological material, including blood, tissue, serum, and bodily fluid samples; (2) medical waste; (3) infectious

agents, and (4) containers, vials, boxes, bags, laboratory equipment and other storage devices that were contaminated by biological material, medical waste, and/or infectious agents. The County of Fresno ("County") contracted with T&M Hazardous Waste Management to perform the abatement work ("County's Contractor"). T&M Hazardous Waste Management subcontracted with ACTenviro as the licensed medical waste transporter. The County's Contractor and City of Reedley Code Enforcement staff accompanied Fresno County Public Health staff during the execution of the Abatement Warrant.

This abatement activity pursuant to the Abatement Warrant was conducted from July 5, 2023, through July 7, 2023. The abatement work did not begin until 8 AM and was concluded by 3 PM each day of abatement activity. The abatement activity was fully concluded on July 7, 2023.

On July 5, 2023, Fresno County Public Health staff and the County's Contractor entered the warehouse located on the Property at 8:00 AM. Abatement activity concluded at 2:45 PM that same day. A walk-thru of the facility was conducted prior to the start of the abatement work to check the status of the power to the refrigerators and freezers. 35 separate refrigerators and freezers were identified that contained the following: (1) biological material, including blood, tissue, serum, bodily fluid samples; (2) medical waste; (3) infectious agents; and (4) containers, vials, boxes, bags, laboratory equipment and other storage devices that were contaminated by biological material, medical waste, and/or infectious agents. At the conclusion of the abatement work on July 5, 2023, 48 containers (approximately 44 gallons per container) full of biological material and medical waste were removed from the Property. Because of the scope of the abatement work, the County's contractor needed to return to the Property the next day.

On July 6, 2023, Fresno County Public Health staff and the County's Contractor returned to the Property and entered the warehouse at 8:00 AM. A walk-thru of the facility was conducted prior to the start of the abatement work. Electrical power to the refrigerators and freezers was lost. Electrical power could not be restored to the refrigerators and freezers because of a faulty breaker. Despite the power being lost, the items in the freezers were still frozen and the County's Contractor determined that the biological material could be safely removed from the Property.

The County's contractor was concerned that the thawing of the biological material carried the risk that any infectious agents could become air borne and possibly transmittable. Abatement work was concluded at approximately 1:00 PM this same day, and 48 containers (approximately 44 gallons per container) of biological material and medical waste were removed from the Property. At the conclusion of the abatement work, the County's Contractor determined that it must return the next day to complete the removal and abatement of the remaining biological material and medical waste on the Property and sanitize the refrigerators and freezers where biological material and medical waste were stored.

On July 7, 2023, Fresno County Public Health staff and the County's Contractor returned to the Property and entered the warehouse at 8:15 AM to begin the abatement work. The County's contractor completed the abatement work at 12:35 PM that same day, and 31 containers (approximately 44 gallons per container) of biological and pathological waste were removed from the Property. The County's Contractor disinfected all refrigerators and freezers kept in the warehouse. All individuals present onsite assisting with the abatement during each of the days were wearing the necessary personal protective equipment. At the conclusion of the abatement work, Fresno County Public Health staff completed a walk-thru of the warehouse to confirm the County's Contractor completed all necessary abatement work under the Abatement Warrant and removed all biological material and medical waste from the Property and disinfected all storage units where biological material was stored. At approximately 1:15 PM, Fresno County Public Health staff completed their evaluation and confirmed that the County's contractor completed all abatement work under the Abatement Warrant. With all abatement work completed, Fresno County Public Health staff and the County's Contractor vacated the Property. No further entry under the warrant was necessary.

Dated: July 20, 2023

DANIEL C. CEDERBORG
County Counsel

By: /s/ Kyle Roberson
KYLE R. ROBERSON, Sr. Deputy
Attorneys for, COUNTY OF FRESNO
DEPARTMENT OF PUBLIC HEALTH

EXHIBIT “A”

DANIEL C. CEDERBORG
County Counsel – SBN 124260
KYLE R. ROBERSON
Deputy County Counsel – SBN 285735
FRESNO COUNTY COUNSEL
2220 Tulare Street, 5th Floor
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kroberson@fresnocoutyca.gov
Telephone: (559) 600-3479
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FILED
JUN 23 2023
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY

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FRESNO COUNTY SUPERIOR COURT
By: C. York, Deputy

Exempt From Filing Fees Pursuant To Government Code Section 6103

Attorneys for FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CIVIL UNLIMITED DIVISION

IN RE PROPERTY LOCATE AT 850 "I" STREET, REEDLEY, CALIFORNIA 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	Case No. 23CECG00912 **[~~PROPOSED~~] FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH'S ABATEMENT WARRANT (Code Civ. Proc. § 1822.50 et seq)** [Proposed Abatement Warrant filed concurrently]

INSPECTION AND ABATEMENT WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA, TO ANY FRESNO COUNTY PUBLIC HEALTH STAFF, HEALTH OFFICER, HEALTH OFFICE, SHERIFF DEPUTY, OTHER COUNTY OF FRESNO PERSONNEL, AND PEACE OFFICER OF IN THE CITY OF REEDLEY:

UPON GOOD CAUSE SHOWN TO THE COURT by the declaration Humero Prado and the documentary evidence presented to the Court.

AT THE PREMISES LOCATED ON: 850 "I" Street, Reedley, California 93654, located in the incorporated area of the City of Reedley, further identified as Assessor's Parcel

Number 368-010-64S (hereinafter the "Property")

YOU ARE AUTHORIZED to enter the warehouse on premises to conduct a complete abatement of the conditions present by the following actions: (1) dispose of all biological material, including but not limited to, blood, tissue and other bodily fluid samples; serums; (2) dispose of all biological material deemed to be medical waste; (3) dispose of all infectious agent; (4) dispose of all containers, vials, boxes, bags, laboratory equipment and other storage devices that store or have been contaminated by biological material, medical waste and/or infections agents.

All items present that are in violation of Fresno County Health Officer Orders, California Medical Waste Management Act, California Health and Safety Code section 117600, *et seq.*, infectious agents pursuant to Health and Safety Code section 117675, and other biological material shall be removed from the Property and disposed of appropriately in order to thoroughly abate potential sources of the communicable diseases, pursuant to California Health and Safety Code section 120175, and public nuisance and dangerous conditions on the Property.

THE INSPECTION AND ABATEMENT shall be made pursuant to Code of Civil Procedure sections 1822.55-56. The inspection and abatement shall be conducted any time between 8:00 a.m. and 6:00 p.m., within fourteen days from the date of this warrant after providing at least 24-hour notice (1) an agent of the owner of the Property AY-NC-LP; and (2) representative for Prestige Biotech, Inc., as the tenant in possession of the warehouse on the Property.

Pursuant to Code of Civil Procedure section 1822.56, sufficient cause ___has /___has not been shown for the execution of the warrant in the absence of the Owner and Prestige Biotech, Inc.

Pursuant to Code of Civil Procedure section 1822.56, sufficient cause ___has /___has not been shown for the execution of the warrant by means of forcible entry through the use of reasonable force.

County of Fresno Health Officials, Administrative Office personnel, Attorneys, Legal Investigators, Sheriff Deputies and any contractors hired by the County of Fresno, City of

Reedley Code Enforcement Officers, City of Reedley Building Officials, and/or their designees, representatives, including officials form the California Department of Toxic Substances Control, the California Department of Public Health, the United States Food & Drug Administration, the United States Centers for Disease Control and Prevention, and their agents may accompany County of Fresno Public Health staff at the time of execution of the warrant for the purpose of investigating, documenting, and enforcing applicable sections of the Health and Safety Code and abating violations of the Health and Safety Code.

AY-NC-LP and Prestige Biotech, Inc., shall forfeit all legal right to possession and any ownership interest in any materials the Fresno County Public Health removes from the Property for the purposes of abating biological material, medical waste and infectious agents stored within the warehouse on the Property.

Fresno County Sheriff's Deputies may accompany County of Fresno Public Health staff, inspectors and representatives, and any contractors hired by the County of Fresno at the time of execution of the warrant for the purpose of keeping the peace. The willful refusal of an inspection authorized by this warrant is a misdemeanor.

After making the inspection and completing the abatement activity authorized by this warrant, you are directed to make a return to this court according to section 1822.55 of the Code of Civil Procedure. This warrant will be effective from the date hereto for a period not to exceed fourteen (14) days, and authority for re-entry pursuant to this warrant shall continue until the inspection and abatement activity are completed. This warrant shall be returned upon execution.

Dated: 6/23, 2023

JUDGE OF THE SUPERIOR COURT

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

Attorneys for Applicant, City of Reedley

FILED
JUL 26 2023
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY

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FRESNO COUNTY SUPERIOR COURT
By: I. Herrera, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

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

Case No.: 23CECG00912

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

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

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

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,

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

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

THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:

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

2. 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.

3. To protect the safety of City employees and their authorized designees and agents, the 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

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

4. 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 enter and secure the Property, to allow for the inspection to take place, including the opening of any locked portions of the Property.

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

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, the EPA, and the Fresno County Department of Public Health and their agents may enter the warehouse on the Property legally described as APN 368-010-64S, for the above-stated purposes, to occur between 7/26, 2023 and 8/9 ~~M~~, 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, and authority for re-entry pursuant to this warrant shall continue until the inspection and abatement activity are completed.

7. Any property that is removed from the Property 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.

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

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

IT IS SO ORDERED.

Dated: 7/26/23

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, 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: **[PROPOSED] ABATEMENT WARRANT AND 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:

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.

[X] (***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

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

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 City of Reedley

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

AY-NC-LP, OWNER.

Case No.: 23CECG00912

RETURN OF THE ABATEMENT WARRANT AND ORDER

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

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

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

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

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

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

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

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

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: _____

_____
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

[X] (***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

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

Exhibit 1

LS Lozano Smith
ATTORNEYS AT LAW

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\01033825.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

Attorneys for Applicant, City of Reedley

Exempt from Filing Fees Pursuant to Government Code § 6103

FILED
APR - 4 2023
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

AY-NC-LP. OWNER.

Case No.: 23CECG00912.

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

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

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

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

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

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

THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:

1. City of Reedley ("City") officials and 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 onto the Property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the purpose of abating the public nuisance conditions therein by seizing and humanely euthanizing all mice being kept on the Property.

2. 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.

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

4. 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 enter and secure the Property, to allow for the inspection to take place, including the opening of any locked portions of the Property.

5. 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 requirement may be satisfied by posting said notice on the Property.

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

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

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: **[PROPOSED] ABATEMENT WARRANT AND 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:

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

[X] (***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\01032708.DOCX

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

[X] (*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

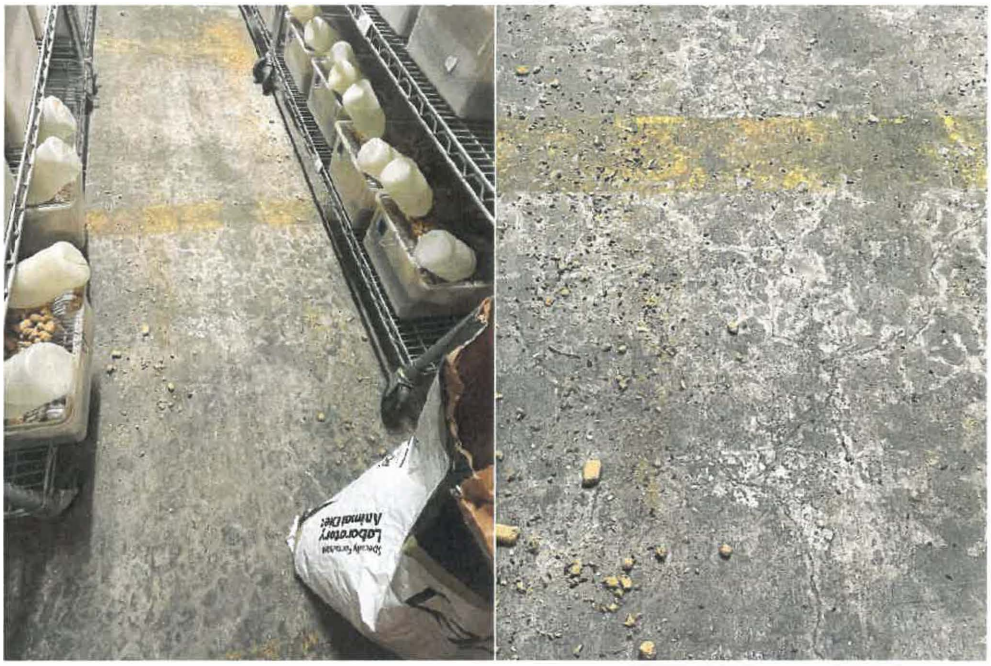
Property of 850 I Street, Reedley CA, 93654 was posted on April 10, 2023 at 5:00pm with documents reflecting the warrant to abate and destroy was issued and would be carried out within at least 24 hours of posting.



At 12:45pm, Code Enforcement and Dr. Nina Hahn approached and entered the property at 850 I Street. Code Enforcement and Hahn wore Tywek 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 barbaring, 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
B4	15	0	mostly males, severe 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.



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6/15/2023 3:49 PM
Superior Court of California
County of Fresno
By: C. York, Deputy

Exempt From Filing Fees Pursuant To Government Code Section 6103

Attorneys for FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CIVIL UNLIMITED DIVISION

IN RE PROPERTY LOCATE AT 850 "I" STREET, REEDLEY, CALIFORNIA 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	Case No. 23CECG00912 **FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH'S APPLICATION FOR ABATEMENT WARRANT; DECLARATIONS OF HUMERO PRADO IN SUPPORT (Code Civ. Proc. § 1822.50 et seq)** [Proposed Abatement Warrant filed concurrently]

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH ("Fresno County Public Health"), acting as the health department for the City of Reedley, hereby applies to this Court for a warrant, pursuant to Code of Civil Procedure section 1822.50 *et seq*., authorizing Fresno County Public Health to enter upon the premises commonly known as 850 "I" Street, in the City of Reedley, County of Fresno, in the State of California, further identified as Assessor's Parcel Number 368-010-64S (hereinafter the "Property"). Fresno County Public Health has attempted but has been unable to obtain the cooperation from the property owner AY-NC-LP ("Owner"), and Prestige Biotech, Inc. ("Prestige Biotech"), the commerical tenant in possession, to comply with valid health officer orders issued by Dr. Rais Vohra, Interim Health Officer of

the County of Fresno ("Health Officer") on May 31, 2023, and June 9, 2023, to abate biological materials and infectious agents that, given the unsafe and unsanitary conditions of the Property may, if left unabated, be a source of the spread of communicable diseases and therefore, constitute a public nuisance. By this warrant, Fresno County Public Health seeks to abate potential sources of communicable diseases and public nuisance conditions as follows: all biological material, blood, blood product, serums, other bodily fluids, cultures, viral, bacterial and parasitic agents, human and animal tissue; vials, containers, equipment, fabric, and other materials contaminated with blood, serum, bodily fluids, or infectious agents.

Fresno County Public Health contends that it is now necessary to abate the source of communicable diseases, infectious agents, and other biological material stored on the Property that are a threat to public health and safety and constitute a public nuisance. This Application is based upon the Memorandum of Points and Authorities, the declaration of Humero Prado, included herein with this Application; the Court's file in Fresno County Superior Court case number 23CECG00912; and upon other documentary evidence and oral testimony, which may be presented to the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Fresno County Public Health respectfully requests this Court (1) issue an Abatement Warrant for entry into the warehouse located at 850 "I" Street, Reedley, California 93654, located in the incorporated area of the City of Reedley, further identified as Assessor's Parcel Number 368-010-64S (hereinafter the "Property") (Declaration of Humero Prado ("Prado Decl."), ¶ 4), and (2) that the warrant provide for abatement in the Owner's, Prestige Biotech's and UMI"s absence and for the use of reasonable force to open any locked door or storage device within the warehouse to effectuate the warrant.

The known and noticed violations of state law include the following: (1) the operation of an unlicensed and unregulated laboratory; (2) the storage of biological material, medical waste, and infectious agents in an unsafe and unsanitary manner and within a building unfit for storge of

such biological materials; (3) the unsafe maintenance of infectious agents that potentially cause human mortality; and (4) the disposal of medical waste in violation of the California Medical Waste Management Act.

The Owner and Prestige Biotech have had ample opportunities and a reasonable time to correct the violations and abate the unsafe, unsanitary, hazardous and nuisance conditions present. (Prado Decl., ¶¶ 38-55.) Therefore, Fresno County Public Health seeks an order from this Court to permit Fresno County Public Health, its employees, and any contractors hired by the County to enter onto the Property for the purpose to abate the biological material, medical waste and infectious agents stored in the warehouse on the Property.

II.

STATEMENT OF FACTS

The Property is located within the incorporated area of the City of Reedley ("City") and is subject to an open code violation by the City. (Prado Decl., ¶ 4) Fresno County Public Health operates as the health department within the incorporated area of the City of Reedley, and Dr. Rais Vohra acts as the health officer for the City. (*Id*., at ¶ 5.) Since October 2022, Universal Meditech, Inc. ("UMI"), and Prestige Biotech has been operating an unlicensed and unregulated laboratory within a large warehouse located on the Property. (*Id.*, at ¶ 7.) Prestige Biotech is the successor to UMI, a California corporation, which is now defunct and going through the bankruptcy process. (*Id.*, at ¶ 8.) UMI transferred biological material and laboratory equipment from a previous site located in the City of Fresno. (*Ibid*.) The warehouse is patently unfit for this purpose. During its code enforcement investigation, the City noted substandard building conditions including, unpermitted and faulty electrical installations, building code violations, inadequate water supply, inadequate ventilation, fire hazards, storage of hazardous and combustible materials, and pest infestation. (*Id*., at ¶ 10.) However, the City had grave concerns over what appeared to be the laboratory operation on site, storage and use of biological material, and experimentation on laboratory mice. The City contacted Fresno County Public Health to assist in the City's enforcement efforts because unknown biological material and toxic chemicals were discovered on the Property. (*Ibid*.) The City also contacted the California Department of

Toxic Substance Control ("DTSC"), the California Department of Public Health ("CDPH"), and the Federal Bureau of Investigations ("FBI"). (*Id*., at ¶ 6.)

On March 3, 2023, City staff conducted an inspection of the warehouse and observed electrical, fire, building, municipal and Health and Safety Code violations. Due to the extent of these violations, the City posted the warehouse on the Property "Unsafe to Occupy." (Prado Decl., ¶¶ 10-11.) With the City posting the warehouse as "Unsafe to Occupy," all employees of the business entities operating the unlicensed laboratory have vacated the building. Employees, agents, and principals of the operators of the unlicensed laboratory are not permitted to enter the building without authorization from City officials. As a result, the City maintains control and access to the building. (*Id*., at ¶ 11.)

On March 16, 2023, the City returned to the Property and inspected the warehouse pursuant to the City's first inspection warrant. Fresno County Public Health staff and CDPH staff accompanied the City during this inspection. The City documented several building and safety code violations, including but not limited to electrical issues. (Prado Decl., ¶ 14.))CDPH documented embargoed medical devices, e.g. COVID tests and pregnancy tests, believed to be developed on site. Certain rooms of the warehouse were found to contain several vessels of liquid and various apparatus. In open view during this inspection, Fresno County Public Health staff also observed blood, tissue and other bodily fluid samples; serums; and thousands of vials of unlabeled fluids and suspected biological material. (*Ibid*.) Various laboratory equipment was also found to include a biological safety cabinet and centrifuge. Cold temperature storage units were also observed, which included 2 ultralow temperature freezer units (-80 and -60 degrees C) and 29 refrigerators/freezers (-20 degrees C). (*Ibid*.) Ultralow temperature freezers raised concerns that infectious agents were stored on site. During this inspection a room was found housing hundreds of laboratory mice. (*Ibid.)* A person associated with Prestige Biotech and who appeared to be in control of the Property, informed the investigators that these mice were genetically engineered to catch and carry the COVID-19 virus. (*Id*., at ¶ 15.) The mice held in the warehouse appeared to be in distress and were kept in inadequate conditions in overcrowded cages and there was a lack of food and water for the animals. (*Id*., at ¶ 19.)

On April 12, 2023, the City returned to inspect the warehouse under an abatement warrant to remove and, if necessary, euthanize the laboratory mice held in inhumane conditions. With the assistance of a veterinarian, the City euthanized 773 mice with 178 mice found to be already deceased at the time of execution of the abatement warrant. (Prado Decl., ¶ 21.)

On April 21, 2023, Fresno County Public Health staff conducted an inspection of the Property pursuant to the Order of the Health Officer of the County of Fresno for the Inspection of Facility Located at 850 "I" Street, Reedley, California 93654 ("Inspection HOO"). (Prado Decl., ¶¶ 24-25.) During this inspection, Fresno County Public Health staff observed biologicals stored and kept in hazardous and non-compliant conditions, the presence of multiple infectious agents (confirmed by CDC) and pursuant to Title 17 California Code of Regulations Section 2500. Fresno County Public Health staff also observed the 32 refrigerators and freezers. A number of these refrigerators and freezers had either stopped functioning or were failing due to an inadequate power supply. (*Id*., at ¶ 25.)

On May 1, 2023, CDPH conducted a medical waste management investigatory inspection at the Property. (Prado Decl., ¶ 27.) CDPH staff observed 32 refrigerators and freezers. CDPH staff also observed several pieces of laboratory equipment, such as incubators and centrifuges. 30 of the 32 refrigerators and freezers were visually inspected. The two uninspected storage units were the minus 80C freezer and a refrigerators/freezer that CDPH staff was advised not to open due to biologicals stored within. In several freezers CDPH staff observed containers labeled as serum or plasma (of unknown origin) and/or with the name of an infectious agent. (*Ibid*.) A substantial number of the containers were unlabeled and CDPH staff was unable to discern the contents of these containers. Many of the indecipherable containers appeared to contain blood, or a blood product, such as serum, or other bodily fluids. In several of the refrigerators and freezers, CDPH staff observed numerous vials of pharmaceuticals. (*Ibid*.) CDPH staff also observed what appeared to be a biohazardous waste container shrink wrapped to a pallet. (*Id*., at ¶ 28.) The container was inaccessible due to safety concerns and CDPH staff was unable to inspect the container or its contents. This container appeared to have been moved from another location to this facility. CDPH staff also observed a wire metal storage rack with a box that contained one

unused red biohazard autoclave bag and a box of unused orange biohazard autoclave bags. The red biohazard bag was not marked and certified.(*Ibid*.)

At all times during the UMI's and/or Prestige Biotech's operation of the laboratory at the Property, it has failed to comply with the requirements of proper medical waste transport and disposal pursuant to the Medical Waste Management Act ("MWMA"). (Prado Decl. ¶¶ 16, 22-23, 27.) Prestige Biotech was disposing of deceased laboratory mice, considered to be medical waste, without the use of a licensed medical waste hauler. (*Id*., at ¶ 16.)

From May 2 through May 4, 2023, staff from CDC's Division of Select Agents and Toxins inspected the Property. (Prado Decl., ¶ 31.) CDC staff determined that at least 20 potentially infectious agents of risk group 2 and risk group 3 were present as follows:

Potentially Infectious bacterial agents present:

- Chlamydia trachomatis
- E. coli (recombinant strains)
- Mycobacterium tuberculosis
- Mycoplasma pneumoniae and general Mycoplasma species
- Neisseria meningitidis
- Nostoc species
- Sphingobacterium heparinum
- Streptococcus pneumoniae and Streptococcus species
- Toxoplasma gondii

Potentially Infectious viral agents present:

- Hepatitis B virus
- Hepatitis C virus
- Dengue virus
- Human Immunodeficiency Virus 1 and 2
- Human Herpes virus 1 (Herpes simplex virus)
- Human Herpes virus 5 (Human Cytomegalovirus)
- Respiratory Syncytial virus

- Rubella virus
- Serve Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2)

Potentially Infectious parasites present:

- Malaria (believed to be *P. falciparum* from Nigeria from the year 2000. (*Id*., at ¶ 33.)

CDC staff communicated their concerns to Fresno County Public Health staff that the infectious agents listed above were stored in the warehouse on the Property (*Id*. at ¶¶ 35-36.)

The Health Officer and Fresno County Public Health staff are gravely concerned about the storage of potentially infectious bacterial, viral, and parasitic agents present at the Property and the health and safety risk to the public by these infectious agents. (Prado Decl., ¶ 37.)

In response to the inspections by the City, CDPH, CDC and Fresno County Public Health staff's own observations, the Health Officer issued Health Officer Order for County of Fresno to Close Business Operations and Abatement Biologicals Located at 850 "I" Street, Reedley, CA 93654 ("Second HOO"). (Prado Decl., ¶ 38.) The Second HOO demanded that Prestige Biotech abate all biological materials stored in the warehouse on the Property. The Second HOO was issued as result of the City's attempts at gathering contact information for Prestige Biotech's authorized representatives, repeated requests for complete lists of all biologicals present, and an inspection pursuant to the Inspection HOO dated April 21, which revealed biologicals in hazardous and non-compliant conditions, the presence of multiple infectious agents, and multiple City building and fire code violations, including failing refrigeration, and documented out of compliance electrical additions, pest infestation at the premises, and evidence of increasing non-compliance, and to protect the public from the spread or exposure to the identified infectious agents found on the Property. (*Ibid*.) The Second HOO demanded the Operators undertake the following actions: (1) identify an authorized agent on behalf of Prestige Biotech who is authorized to conduct business in California; and (2) produce a biological abatement and disposal plan for the transport of properly labeled and identified biological specimens consistent with Federal, State and local regulations and properly dispose of all medical waste in compliance with the MWMA. (*Id*., at ¶ 39.)

David He, who held himself out to be associated with Prestige Biotech, attempted to communicate with Fresno County Public Health in response the Second HOO. (Prado Decl., 41.) However, Mr. He failed to provide an adequate response to the Second HOO and did not provide a satisfactory biological abatement and disposal plan. Most concerning was that Mr. He disputed that infectious agents were stored on the Property despite the clear documentation by the CDC. (*Id*., at ¶¶ 42-45.)

Based on this attempted but insufficient response to the Second HOO, Fresno County Public Health extended the time for Prestige Biotech and UMI to provide a satisfactory response and plan to satisfy the Second HOO. (Prado Decl., ¶¶ 46-47.)

On June 9, 2023, the Health Officer issued Amended Health Officer Order for County of Fresno to Close Business Operations and Abatement Biologicals Located at 850 "I" Street, Reedley, CA 93654 ("Amended HOO"). (Prado Decl, ¶ 48.) The Amended HOO demanded the Operators undertake the following actions by June 11, 2023: (1) identify an authorized agent on behalf of Prestige Biotech who is authorized to conduct business in California; and (2) produce a biological abatement and disposal plan for the transport of properly labeled and identified biological specimens consistent with Federal, State and local regulations, and properly dispose of all medical waste in compliance with the MWMA. (*Id*., at ¶ 49.)

Prestige Biotech failed to provide a timely satisfactory response to the Second HOO and Amended HOO. Despite attempted communication by David He, Mr. He failed to provide legally sufficient documentation and Prestige Biotech and UMI have failed to produce legally sufficient documentation that Mr. He is an authorized agent or sufficiently identify any authorized to act on behalf and bind Prestige Biotech and/or UMI. Prestige Biotech and UMI has further failed to produce a biological abatement plan for the disposal and transport of the biological material, medical waste and infectious agents. Again, David He disputed that infectious agents were kept on the Property.

III.

ABSENT CONSENT, A WARRANT IS REQUIRED PRIOR TO ENTRY FOR PURPOSES OF INSPECTION AND ABATEMENT

A. Warrant Requirement

The Fourth Amendment generally requires that the government obtain an inspection warrant for a non-consensual entry onto private property to conduct an inspection and abate a public nuisance. (*Camara v. Municipal Court of City and County of San Francisco* (1967) 387 U.S. 523, 528-529; *Gleaves v. Waters* (1985) 175 Cal.App.3d 413, 418; see also *Conner v. City of Santa Ana* (9th Cir. 1990) 897 F.2d 1487, 1490.) Government officials engaged in the abatement of a public nuisance, in the absence of consent or exigent circumstance, must have a warrant to enter any private property where such entry would invade a constitutionally protected privacy interest. (*Gleaves,* at pp. 419-420; see also *Flahive v. City of Dana Point* (1999) 72 Cal.App.4th 241, 246.) However, the warrant requirement does not extend to all entries onto private property for nuisance abatement, only those which infringe upon constitutionally recognized expectations of privacy. (*Gleaves,* at pp. 419-420; *City and County of San Francisco v. City Investment Corp.* (1971) 15 Cal.App.3d 1031, 1039.)

B. Statutory Authority for Issuance of an Inspection Warrant

This Court is authorized to issue a warrant for inspection and abatement. Section 1822.50 of the Code of Civil Procedure[1] provides that:

> An inspection warrant is an order, in writing, in the name of the people, signed by a judge of a court of record, directed to a state or local official, commanding him to conduct any inspection required or authorized by state or local law or regulation relating to building, fire, safety, plumbing, electrical, health, labor, or zoning
>
> The inspection warrant shall issue under Section 1822.54,
>
> If the judge is satisfied that the proper standard for issuance of the warrant has been met, he or she shall issue the warrant particularly describing each place, dwelling, structure, premises, or vehicle to be inspected and designating on the warrant the purpose and limitations of the inspection, including the limitations required by this title.

In *City and County of San Francisco v. Municipal Court* (1985) 167 Cal.App.3d 712, 719, the court stated that a civil inspection warrant must be justified by reasonable government

[1] All future statutory references are to the Code of Civil Procedure unless otherwise stated.

interests. Where the governmental interest at stake is to enforce building standards and thereby prevent conditions that are hazardous to public health and safety, the test for determining reasonableness may vary with the municipal program being enforced. (*Id*.) Thus, the court authorized an inspection warrant to allow redevelopment officers to enter private property to determine whether that property complied with redevelopment standards. (*Ibid*.)

While there is no statutory procedure for issuance of a warrant authorizing entry into private property specifically to abate a public nuisance, case law clearly establishes the validity of the issuance of an abatement warrant. In *Conner v. City of Santa Ana*, the court held, "California courts have rejected, for purposes of the warrant requirement, any distinction between inspection and abatement of a declared public nuisance." (*Conner v. City of Santa Ana, supra*, 897 F.2d at p. 1491.) The courts in *Gleaves* and *Flahive* held that an abatement warrant procedure that follows the statutory requirements of an inspection warrant is sufficient to pass constitutional muster. (*Gleaves v. Waters, supra* 175 Cal.App.3d at p. 420; *Flahive v. City of Dana Point, supra,* 72 Cal.App.4th at p. 246.) Therefore, California has but one procedure for the issuance of a warrant to inspect and abate state or local law or regulation relating to building, fire, safety, plumbing, electrical, **health**, labor, or zoning, California Code of Civil Procedure section 1822.50 *et seq.* (Code Civ. Proc., § 1822.50 [emphasis added].)

C. Abatement is Authorized Under the County's Authority Under State Law

The Health Officer issued health officer orders under the authority granted to the Health Officer under California Health and Safety Code sections 120175 and 120275; Title 17 California Code of Regulations section 2501; and Article XI of the California Constitution. To prevent the spread of infectious or communicable disease, the Health and Safety Code section 120175 provides that "[e]ach health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the department, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his or her jurisdiction, shall take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases." Similarly, Title 17 Code of Regulations section 2501 authorizes

a local health officer to "take appropriate steps to prevent or control the spread of the disease."

By this warrant, Fresno County Public Health seeks to abate by destruction biological material, infectious agents, and medical waste in compliance with the Medical Waste Management Act ("MWMA"), California Health and Safety Code section 117600, *et seq*. An "infectious agent" is defined as "a type of microorganism, bacteria, mold, parasite, or virus, including, but not limited to, organisms managed as Biosafety Level II, III, or IV by the federal Centers for Disease Control and Prevention, that normally causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings." (Health & Safety Code § 117675.) "Medical waste" is defined as

> any biohazardous, pathology, pharmaceutical, or trace chemotherapy waste not regulated by the federal Resources Conversation and chemotherapy wastes generated in a health care setting in the diagnosis, treatment, immunization, or care of humans or animals; waste generated in autopsy or necropsy; waste generated during preparation of a body for final disposition such cremation or interment; waste generated in research pertaining to the production or testing of microbiological; waste generated in research using human or animal pathogens; sharps and laboratory waste that possess a potential risk of infection to humans; generated in the inoculation of animals in commerical farming operations; waste generated from the consolidation of home-generated sharps; and waste generated in the cleanup of trauma scenes. (Health & Safety Code § 117690, subd. (a).)

In addition to those materials that meet the definition of "medical waste" under the MWMA, items that meet the definition of "Regulated Waste" under the California Bloodborne Pathogen rule (Cal. Code Reg. tit. 8, § 5193) must be handled, stored, treated, and disposed of as medical waste. "'Regulated Waste' means waste that is any of the following: (1) Liquid or semi-liquid blood or OPIM; (2) Contaminated items that: (A) Contain liquid or semi-liquid blood, or are caked with dried blood or OPIM; and (B) Are capable of releasing these materials when handled or compressed; (3) Contaminated sharps; (4) Pathological and microbiological waste containing blood or OPIM; and (5) Regulated Waste include "medical waste" regulated by Health and Safety Code Sections 117600 and 118360." (Cal. Code Reg., tit. 8, § 5193.) The MMA requires that "[a]ll medical waste be hauled by a registered hazardous waste hauler." (Health & Safety Code § 118025.)

Violations of the HOO are a public nuisance subject to abatement by warrant. A public

nuisance is "anything which is **injurious to health** . . . or is indecent or offensive to the senses, or an obstruction of the free use of property, so as to interfere with the comfortable enjoyment of life or property," which affects a community or considerable number of persons. (Civ. Code, §§ 3479-3480.) Civil Code section 3491 authorizes abatement as a proper remedy for a public nuisance. Abatement proceedings for a public nuisance are thus authorized by state law and are within the police powers of the state. (*Scott v. City of Del Mar* (1997) 58 Cal.App.4th 1296, 1305; *City of Costa Mesa v. Soffer* (1992) 11 Cal.App.4th 378, 383.) Based on general law regarding the abatement of a public nuisance, pursuant to Civil Code 3491, and the broad authority of a local health officer to take any means necessary to prevent the spread of communicable disease, pursuant to Health and Safety Code section 120175, the abatement of the biological materials present on the Property are authorized by state law.

D. All Prerequisites for the Issuance of An Inspection and Abatement Warrant Are Met in the Instant Application

The procedural requirements for issuance of an inspection warrant are provided for in Section 1822.51 as follows:

> An inspection warrant shall be issued upon cause unless some other provision of state or federal law makes another standard applicable. An inspection warrant shall be supported by an affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be inspected and the purpose which the inspection is to be made.

This Application satisfies all prerequisites for the issuance of an inspection and abatement warrant. As required by Section 1822.54, the declaration of Humero Prado, in support of the warrant, describes each building, place, structure, or premises to be inspected. The warrant describes the purpose and limitations of the warrant to authorize the abatement of (1) all biological material, including but not limited to, blood, tissue and other bodily fluid sample, and serums; (2) all biological material deemed to be medical waste; (3) all infectious agents; (4) all containers, vials, boxes, bags, laboratory equipment and other storage devices that store or have been contaminated by biological material, medical waste and/or infections agents, and any other personal property contaminated by biological material, medical waste and/or infections agents.

Continued efforts to seek consent would be futile because Prestige Biotech and UMI have refused to provide a satisfactory response to the health officer orders and failed to provide a legally sufficient disposal and transportation plan for the biological material stored on site despite ample time to do so. Furthermore, the proposed Abatement Warrant is effective for not more than fourteen (14) days as required by Section 1822.55. Lastly, an entry pursuant to the proposed Abatement Warrant will not be made during the time prohibited by Section 1822.56 between 6:00 p.m., of any day and 8:00 a.m. of the succeeding day. However, reasonable circumstances exist that this inspection and abatement be made in the absence of an owner or responsible party and the warrant authorize the use of reasonable force to enter the Property and any locked rooms or storage device where biological material, medical waste and/or infectious agents may be kept. The proposed Abatement Warrant is filed concurrently with this Application.

1. Probable Cause Exists for Issuance of an Abatement Warrant

Section 1822.52 provides that:

> Cause shall be deemed to exist if either reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied with respect to the place, dwelling, structure, premises, or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the place, dwelling, structure, premises, or vehicle.

Ample documentation exists to show that Prestige Biotech continues to keep biological material, medical waste, and infectious agents within the warehouse on the Property. These materials are a serious threat to public health and safety. The infectious agents found in the warehouse are, by definition, cause or significantly contribute to the cause of increased morbidity or mortality of human beings. (Prado Decl., ¶ 33, 57; *see also* Health & Safety Code § 117675.) The Health Officer is empowered under the laws of this State to take measures as may be necessary to prevent the spread of infectious and communicable diseases. (Health and Safety Code § 120175.) Prestige Biotech and UMI have had ample time to bring its operations in to compliance with the law. Prestige Biotech's and UMI's history and pattern and practice of maintaining the premises in an unsafe and unsanitary manner and failure to follow federal and

state regulations on the handling of biological material, medical waste and infectious agents raises grave concerns as to public health and safety. (Prado Decl., ¶ 58.) The Health Officer by issuing the health officer orders now seeks to abate the biological material, medical waste and infectious agents kept within the warehouse on the Property as necessary action to prevent the spread of infectious and communicable diseases. (*Id*., at ¶ 59.)

2. Reasonable Circumstances for Failure to Seek Consent to Inspect

According to Section 1822.56, the affidavit or declaration in support of an inspection warrant must establish that "consent to inspect has been sought and refused or circumstances reasonably justifying the failure to seek such consent."

Prestige Biotech and UMI have failed to produce a satisfactory biological abatement and disposal plan to properly dispose and, if permissible, transport certain biological material kept at the Property. Despite Fresno County Public Health initially attempting to communicate with Prestige Biotech to take reasonable prudent steps to safeguard public health and safety in Prestige Biotech's and UMI's handling of the biological material, medical waste, and infectious agents it maintains, Prestige Biotech has consistently refused to take such reasonably prudent steps and conduct its operations in compliance with Federal and State regulations. (Prado Decl., ¶¶ 59-60.) In fact, individuals purported to be associated with Prestige Biotech have disputed that infectious agents are kept at the Property. (*Id*.., at ¶¶ 44-45, 52.) Fresno County Public Health is also concerned that Prestige Biotech will attempt to secret away and transport the biological materials, medical waste and infectious agents from the Property, in violation of applicable Federal and State regulations, to a new laboratory facility within the City of Fresno. Abatement by Fresno County Public Health is necessary to prevent a public health crisis based on the history of Prestige Biotech's reckless handling of the biological material kept on site. (*Id*., at ¶¶ 59-60.)

3. Inspection Must be Made in the Absence of the Owner and Should Allow Reasonable Force if Necessary

Pursuant to Section 1822.56, "[a]n inspection pursuant to this warrant may not be made . . . in the absence of an owner or occupant of the particular place, dwelling, structure, premises, or vehicle unless specifically authorized by the judge upon a showing that such authority is

reasonably necessary." Furthermore, this Section provides that the court "may expressly authorize forcible entry where facts are shown sufficient to create a reasonable suspicion of a violation of state or local law . . . which, if such a violation existed, would be an immediate threat to health and safety." (*Ibid*.)

The purpose of the health officer orders and the Health Officer's authority to take measures to prevent the spread of infectious and communicable diseases is for the protection of life, health, welfare, safety of the general public and surrounding community. (Health and Safety Code § 120175.) The warehouse on the Property is vacant and unoccupied with the City posting it "Unsafe to Occupy". (Prado Decl., ¶ 11.) However, Fresno County Public Health does not want its efforts to fully abate the biological material, medical waste and infectious agents to be thwarted by any locked doors or locked storge device. Therefore, good cause exists to authorize the use of reasonable force to open any such locked doors or storage devices. It is further impractical to allow the inspection and abatement to occur only if the Owner or Prestige Biotech's agents are physically present. In addition, the effectuation of the warrant will require coordination of multiple agencies and the County's contractors at public cost, and it is irresponsible to risk wasting those resources if the Owner, Prestige Biotech's representative, or UMI's representative is not present. Therefore, circumstances exist to justify execution of the warrant in the absence of an owner or occupant. (*Id*., at ¶ 61)

Similarly, the use of reasonable force to enter the property ensures that public resources will not be wasted, and the inspection and abatement required will not be frustrated by Owner, any occupants, or physical barriers of entry. Reasonable force will allow for a more organized and rapid inspection and abatement because it helps avoid or minimize unnecessary delay. (Prado Decl., ¶ 61.)

4. Appropriate Notice will be Provided to Owner

According to Section 1822.56, "notice that a warrant has been issued must be given at least 24 hours before the warrant is executed, unless the judge finds immediate execution is reasonably necessary in the circumstances shown."

Fresno County Public Health staff will attempt to contact an agent for the Owner and a

representative for Prestige Biotech at least 24-hours before execution of the warrant before any abatement activity is scheduled to occur on the Property pursuant to the requested warrant.

IV.

CONCLUSION

Based upon the foregoing and the declaration of Humero Prado attached hereto, Fresno County Public Health respectfully requests that the Court issue an Abatement Warrant to permit Fresno County Public Health to enter onto the Property, with at least 24-hours' notice to the Owner and Prestige Biotech prior to entry, and enter the warehouse on the Property to complete the following abatement activity: (1) dispose of all biological material, including but not limited to, blood, tissue and other bodily fluid samples, and serums; (2) dispose of all biological material deemed to be medical waste; (3) dispose of all infectious agents; (4) dispose of all containers, vials, boxes, bags, laboratory equipment and other storage devices that store or have been contaminated by biological material, medical waste and/or infections agents, and any other personal property contaminated by biological material, medical waste and/or infections agents. Fresno County Public Health and the Health Officer is authorized to abate the biological material, medical waste, and infectious agents pursuant to state law to prevent the spread of infectious and communicable diseases. Fresno County Public Health requests the Court authorize entry by Fresno County health officials, County attorneys, deputy sheriffs, and Fresno County contractors hired to perform the abatement work, City of Reedley officials and staff, and representatives with CDPH, CDC, and FDA, and FBI.

Dated: June 15, 2023

DANIEL C. CEDERBORG
County Counsel

By: /s/ Kyle Roberson
KYLE R. ROBERSON, Deputy
Attorneys for, COUNTY OF FRESNO
DEPARTMENT OF PUBLIC HEALTH

SUPPORTING DECLARATION OF HUMERO PRADO

I, Humero Prado, hereby declare:

1. I am over the age of 18 years and am a resident of the State of California.

2. I personally reviewed the file in this matter, and I am familiar with County of Fresno Department of Public Health ("Fresno County Public Health") records for the property located at 850 "I" Street, Reedley, California 93654, located in the incorporated area of the City of Reedley, further identified as Assessor's Parcel Number 368-010-64S (hereinafter the "Property"). All of the facts stated herein are within my personal knowledge, except for those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I would testify as to the truth of the matters stated herein.

3. I am currently employed by the County of Fresno as the Assistant Director of the County of Fresno Department of Public Health ("Fresno County Public Health"). As part of my duties, I consult with David Luchini, Director of the County of Fresno Department of Public Health ("Director"); and Dr. Rais Vohra, Interim Health Officer of the County of Fresno ("Health Officer"), on matters involving public health and threats to public health. I also supervise Fresno County Public Health staff in their duties to investigate and address potential public health risks.

City of Reedley's Code Enforcement Action and Investigation

4. The City of Reedley ("City") is currently engaged in efforts to bring the Property into compliance with the City ordinance code, building code, and health code violations since March 3, 2023. I am informed and believe, based on information provided by the City, that the owner of record of the Property is AY-NC LP, a California Limited Partnership. I am informed and believe that the tenant in possession of the Property is a business identified as Prestige Biotech, Inc. ("Prestige Biotech"), a Nevada corporation unregistered to conduct business in California. The Property consists of a 1.73-acre parcel lot with an industrial warehouse.

5. Fresno County Public Health operates as the health department within the incorporated area of the City of Reedley, and Dr. Rais Vohra acts as the health officer for the City of Reedley.

6. The City contacted Fresno County Public Health to assist in the City's enforcement efforts because unknown biological material and toxic chemicals were discovered on the Property. The City also contacted the California Department of Toxic Substance Control ("DTSC"), the California Department of Public Health ("CDPH"), and the Federal Bureau of Investigations ("FBI").

7. Prestige Biotech and Universal Meditech, Inc. ("UMI") have operated an unlicensed and unregulated laboratory on the Property since October 2022.

8. I am informed and believe that Prestige Biotech is the successor to UMI, a California corporation, which is now defunct and is going through the bankruptcy process. I am further informed and believed the UMI transferred biological material and laboratory equipment to the warehouse on the Property from a previous site located in the City of Fresno.

9. Beginning in December 2022, Fresno County Public Health multiple unsuccessful attempts to communicate with the operators of the unlicensed laboratory to ascertain the contents and items at the facility.

10. On March 3, 2023, City staff inspected the Property to investigate potential building violations for the laboratory facility that was established within the warehouse on the Property. City staff observed multiple building and municipal code violations throughout the facility. There were multiple electrical circuits that were added to the facility without permits. An open and exposed electrical panel with new conduits and conductors were added without permits. An additional electrical panel was added without permits that had multiple circuits running into locked areas of the building. A new compressor unit was observed mounted upon a pallet feeding into a cold storage area that was locked. There was a garden hose attached to a service sink that fed into the locked portion of the building through a hole in the rear wall. A hole had been cut into the rear door to allow for ventilation from the operation of unknown equipment. City staff believed that the hole was used to ventilate a room to house laboratory mice due to the pungent odor of rodent excrement in the area. City staff also found various chemicals and materials stored and utilized by employees at the Property. City staff contacted Fresno County Public Health, along with other state and federal agencies, regarding the

potential public health and safety threat presented by these unknown substances.

11. As a result of this March 3, 2023 inspection and the observations of the electrical, fire, building, municipal and Health and Safety Code violations, the City posted the warehouse on the Property as "Unsafe to Occupy." With the City posting the warehouse as "Unsafe to Occupy," all employees of the business entities operating the laboratory have vacated the building. Employees, agents, and principals of the operators of the laboratory are not permitted to enter the building without authorization from City officials. The City maintains control and access to the building.

12. On March 10, 2023, in Fresno Superior Court case number 23CECG00912, the City requested an inspection warrant due to concerns of the building code, electrical code and other unsafe conditions observed at the Property.

13. On March 13, 2023, the Court issued a First Inspection Warrant to authorize the City and representatives from Fresno County Public Health, DTSC, CDPH, and FBI to enter the Property and interior of the industrial warehouse and inspect for Health and Safety Code, Building Code, Municipal Code violations, and other violations of state and federal law and regulations.

14. On March 16, 2023, the City executed this First Inspection Warrant and carried out an inspection of the entirety of the warehouse on the Property. The City documented several building and safety code violations, including but not limited to electrical issues. CDPH documented embargoed medical devices, e.g. COVID tests and pregnancy tests, believed to be developed on site. Certain rooms of the warehouse were found to contain several vessels of liquid and various apparatus. Fresno County Public Health staff also observed blood, tissue and other bodily fluid samples and serums; and thousands of vials of unlabeled fluids and suspected biological material. Various laboratory equipment was also found to include a biological safety cabinet and centrifuge. Cold temperature storage units were also observed, which included 2 ultralow temperature freezer units (-80 and -60 degree C) and 29 refrigerators/freezers (-20 degrees C). Ultralow temperature freezers raised concerns that infectious agents were stored on site.

15. During this March 16, 2023 inspection, a room was found housing hundreds of laboratory mice. Wang Zhaloin, a person who appeared to be in control of the warehouse on the Property, informed the investigators that these mice were genetically engineered to catch and carry the COVID-19 virus.

16. I am informed and believe UMI and Prestige Biotech have not employed the services of a licensed medical waste hauler during the course of the operation of the warehouse at the Property. I am informed and believe that since December 2022, UMI and Prestige Biotech were disposing of deceased laboratory mice, considered to be medical waste, without the use of a licensed medical waste hauler.

17. On March 17, 2023, City staff engaged in email communication with Xiuquin Yao, who purported to be the President of Prestige Biotech. City staff requested Ms. Yao provide any licenses or certifications permitting the experimentation on and breeding of these mice. Ms. Yao and Prestige Biotech failed to provide any certifications or licenses from any state or federal agency for storage and experimentation on mice and other laboratory activities at the Property. City staff observed the mice were being kept in inadequate conditions in overcrowded cages and there was a lack of food and water for the animals. No plan was provided by Ms. Yao regarding the care for the mice or location where the mice would be moved since the building was red tagged following the City's inspection on March 16, 2023.

18. On March 29, 2023, the City, after consulting with a veterinarian, filed an application for an Abatement Warrant to remove the mice from the Property.

19. On March 31, City code enforcement staff communicated with Xiuqin Yao, the purported President of Prestige Biotech. Ms. Yao informed City staff that biological materials and laboratory mice stored on the Property belong to UMI and were hastily moved to the Reedley site from a previous laboratory site believed to have been located in the City of Fresno. According to Ms. Yao, UMI moved out of the City of Fresno location because UMI's landlord threatened eviction proceedings. I am informed and believe that UMI was operating an illegal laboratory similar to the Reedley site. Ms. Yao further informed City staff that UMI filed for bankruptcy and that Prestige Biotech was UMI's largest creditor. However, it was not clear to

City staff who owns the biological material, mice and other personal property stored in the warehouse on the Property. City staff and Fresno County Public Health staff have not been able to identify or communicate with any representatives of UMI. Because Prestige is merely UMI's creditor and has yet to provide an order from a court of competent jurisdiction to exercise dominion and control over UMI's assets, Fresno County Public Health does not believe Prestige Biotech may lawfully claim ownership and control of the biological material or other personal property stored on the Property.

20. On April 4, 2023, the Court issued the Abatement Warrant to authorize the City to seize and humanely euthanize the mice.

21. On April 12, 2023, the City executed the Abatement Warrant along with the assistance of a veterinarian. Pursuant to the Abatement Warrant and upon confirmation that the mice were in distress, the veterinarian euthanized 773 mice. 178 mice were found to be already deceased at the time of execution of the Abatement Warrant.

22. On April 7, 2023, City staff communicated with Ms. Yao to provide reference to, and the need to comply with the California Medical Waste Management Act and use a licensed medical waste hauler, federal Hazardous Materials Regulations, and the APHIS permitting and the labeling and packing requirements to transport the viable biological material not deemed medical waste.

23. Based on the observations by City staff regarding the conditions of the building and materials stored therein, Fresno County Public Health sought to inspect the warehouse on the Property to evaluate and confirm hazardous materials, biological specimens stored on site, and the operational practices used by the operators to ensure hazardous waste and medical waste were appropriately being disposed in compliance with all applicable regulations and requirements.

Fresno County Public Health, State and Federal Investigation of Infectious Agents

24. On April 21, 2023, the Health Officer issued an Order of the Health Officer of the County of Fresno for the Inspection of Facility Located at 850 "I" Street, Reedley, California 93654 ("Inspection HOO"). The Inspection HOO was issued in response to the

operators' failure to communicate with Fresno County Health Department staff regarding the storage and usage of hazardous materials, biological specimens, and operational practices to ensure safe hazardous waste and medical waste disposal in compliance with Federal and State regulations. The Property, UMI and Prestige Biotech were not listed as a licensed laboratory under the Clinical Laboratory Improvement Amendments ("CLIA") under the federal Centers for Disease Control and Prevention. A demand for an inspection of the Property was necessary in response to the City's observations of the storage of reagents, biological samples, and containers used to culture viruses, and multiple chemical containers. Urgency for such an inspection was due to the City's noted substandard building conditions, specifically, the limited power source supplying refrigerators and freezers to store the biological materials, including containers that appeared to be used to culture viruses. Fresno County Public Health staff were concerned how the biological materials, viruses, bacterial agents, and other infectious agents may react if the refrigerators and freezers failed and these infectious agents reached an ambient temperature. Reasonable concerns existed as to the lack of safety measures in an unlicensed laboratory and its operations on the Property based on statements from the employees on site that they were conducting laboratory research on mice for COVID related applications and the City's documented inhumane treatment of these same mice. A true and correct copy of the Order of the Health Officer of the County of Fresno for the Inspection of Facility Located at 850 "I" Street, Reedley, California 93654 issued on April 21, 2023, is attached hereto as **Exhibit A.**

25. On April 21, 2023, Fresno County Public Health staff conducted an inspection of the Property pursuant to the Inspection HOO. During this inspection, Fresno County Public Health staff observed biologicals stored and kept in hazardous and non-compliant conditions, the presence of multiple infectious agents (confirmed by CDC) and pursuant to Title 17 California Code of Regulations Section 2500. Fresno County Public Health staff also observed the 32 refrigerators and freezers. A number of these refrigerators and freezers had either stopped functioning or were failing due to an inadequate power supply. This was due to the unpermitted electrical additions documented by City code enforcement during their inspections on March 3, 2023, and March 16, 2023.

26. On April 25, 2023, Jerry Isaak, Chief of the City of Reedley Fire Department, issued a letter to Nicole Ziebra, City Manager of the City of Reedley, regarding the fire danger and explosion hazards created by the corrosive, toxic, and highly flammable chemicals stored within the warehouse on the Property. Chief Isaak stressed the need for a plan to have an evacuation zone of one city block around the warehouse on the Property. Given the fuel load of chemicals and manufacturing materials, Chief Isaak opined that this evacuation zone could likely increase. The proposed evacuation zone would include the City of Reedley Police Department, City Hall, the Kings Canyon Unified District main office, and approximately 12 residential homes. A true and correct copy of the letter dated April 25, 2023 from Jerry Isaak, Chief of the City of Reedley Fire Department, issued to Nicole Ziebra, City Manager of the City of Reedley, is attached hereto as **Exhibit B.**

27. I am informed that on May 1, CDPH conducted a medical waste management investigatory inspection at the Property. I received a copy of the CDPH's letter dated May 9, 2023, to Xiuqin Yao, the President of Prestige Biotech, Inc., to summarize CDPH's investigation of medical waste management and the Department's May 1, 2023, inspection. During this inspection, CDPH staff observed 32 refrigerators and freezers. CDPH staff also observed several pieces of laboratory equipment, such as incubators and centrifuges. 30 of the 32 refrigerators and freezers were visually inspected. The two uninspected storage units were the -80C freezer and a refrigerators/freezer that CDPH staff was advised not to open due to biologicals stored within. In several freezers CDPH staff observed containers labeled as serum or plasma (of unknown origin) and/or with the name of an infectious agent. A substantial number of the containers were unlabeled and CDPH staff was unable to discern the contents of these containers. Many of the indecipherable containers appeared to contain blood, or a blood product, such as serum, or other bodily fluids. In several of the refrigerators and freezers, CDPH staff observed numerous vials of pharmaceuticals. CDPH referenced that all items at the Property that contain human blood or human blood fluids and all items that contain an infectious agent must be contained, labeled, stored, transported, treated, and disposed of as medical waste when these biological materials become waste per the requirements of the

Medical Waste Management Act ("MWMA"). CDPH also noted that any items that meet the definition of a "Regulated Waste" in the California Bloodborne Pathogen rule (Tile 8, California Code of Regulations, Section 5193) must be handled, stored, treated, and disposed as medical waste when they become waste. A true and correct copy of CDPH's letter dated May 9, 2023, to Xiuqin Yao, the President of Prestige Biotech, Inc., to summarize CDPH's investigation of medical waste management and the Department's May 1, 2023, inspection. is attached hereto as **Exhibit C.**

28. CDPH staff also observed what appeared to be a biohazardous waste container shrink wrapped to a pallet. The container was inaccessible due to safety concerns and CDPH staff was unable to inspect the container or its contents. This container appeared to have been moved from another location to this facility. CDPH staff also observed a wire metal storage rack with a box that contained one unused red biohazard autoclave bag and a box of unused orange biohazard autoclave bags. The red biohazard bag was not marked and certified. CDPH stated that Orange biohazard bags were not permissible for containment of medical waste in California. CDPH demanded that all waste inside a biohazardous container must be stored, transported, treated, and disposed of per the requirements of the MWMA.

29. Medical waste is required to be transported by a registered hazardous waste hauler. Medical waste may only be transported to a permitted medical waste treatment facility or transfer station or another registered generator for the purpose of consolidation before treatment and disposal. The latter transportation option is restricted to 35.2 pounds of medical waste and received facility is required to maintain documentation. Medical waste transported out of state must be consigned to a permitted medical waste treatment facility in the receiving state.

30. CDPH found that Prestige Biotech, Inc., is not registered with the CDPH as a medical waste generator. Registration and payment of the annual fee are required with the appropriate medical waste enforcement agency prior to the commencement of the generation of medical waste. CDPH is the appropriate medical waste enforcement agency for all medical waste generators in Fresno County. CDPH also found that Universal Meditech, Inc., was not

registered with CDPH as a medical waste generator.

31. I am informed that from May 2 through May 4, 2023, the CDC conducted an inspection of the Property.

32. From May 2 through May 4, 2023, staff from CDC's Division of Select Agents and Toxins inspected the Property along with staff from the City, Fresno County Public Health, CDPH, U.S. FDA, and FBI. CDC's staff inspected 33 storage units and reviewed the storage spaces held by Prestige Biotech inside the warehouse on the Property. The storage units inspected included: 2 ultralow temperature freezers (-80 and -60 degrees C) and 29 refrigerators/freezers (-20 degrees C). CDC staff also observed laboratory equipment as follows: 1 biological cabinet (last certified in 2009) and 1 floor model centrifuge. CDC staff observed thousands of vials that had unclear labeling, coded labeling, or no identification. There was evidence that the entity labeled items they believed to be dangerous. The 33 storage units were poorly organized and not all units were functional.

33. CDC staff determined that at least 20 potentially infectious agents of risk group 2 and risk group 3 were present as follows:

a. Potentially Infections bacterial agents present:

- Chlamydia trachomatis
- E. coli (recombinant strains)
- Mycobacterium tuberculosis (Risk Group 3)
- Mycoplasma pneumoniae and general Mycoplasma species
- Neisseria meningitidis
- Nostoc species
- Sphingobacterium heparinum
- Streptococcus pneumoniae and Streptococcus species
- Toxoplasma gondii

b. Potentially Infections viral agents present:

- Hepatitis B virus
- Hepatitis C virus

- Dengue virus
- Human Immunodeficiency Virus 1 and 2
- Human Herpes virus 1 (Herpes simplex virus)
- Human Herpes virus 5 (Human Cytomegalovirus)
- Respiratory Syncytial virus
- Rubella virus
- Serve Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (Risk Group 3)

c. Potentially Infectious parasites present:

- Malaria (believed to be *P. falciparum* from Nigeria from the year 2000.

34. The CDC found the inventory (e.g., freezers and refrigerators) at the warehouse of Prestige Biotech is currently in storage and some material may not be stored in a safe manner. CDC recommended that if biological materials are located, local agencies should ensure professionals or subject matter experts move the inventory to ensure that there is no potential exposure to individuals or the environment.

35. Fresno County Public Health staff accompanied CDC staff during the inspection for infectious agents stored in the warehouse on the Property from May 2 through May 4, 2023. CDC staff communicated their concerns to Fresno County Public Health staff that the infectious agents listed above were stored in the warehouse on the Property.

36. I received a copy of the CDC's letter dated June 6, 2023, to summarize its support of California State Department of Health and the U.S. Food and Drug Administration during the Prestige Biotech Investigation. A true and correct copy of the CDC's letter dated June 6, 2023, is attached hereto as **Exhibit D**.

37. The Health Officer and Fresno County Public Health staff are gravely concerned about the storage of potentially infectious bacterial, viral, and parasitic agents present at the Property and the health and safety risk to the public by these infectious agents

May 31, 2023 Health Officer Order for Ordered Closure and Abatement

38. In response to the inspections by the City, CDPH, CDC and the Fresno County Public Health staff's own observations, the Health Officer issued Health Officer Order for County of Fresno to Close Business Operations and Abatement Biologicals Located at 850 "I" Street, Reedley, CA 93654 ("Second HOO"). On May 31, 2023, the Health Office issued the Second HOO to demand that the operators abate all biological materials stored in the warehouse on the Property. The Second HOO was issued as a result of the City's attempts at gathering authorized representatives contact information, repeated requests of complete lists of biologicals present, and an inspection pursuant to the Inspection HOO dated April 21, which revealed biologicals in hazardous and non-compliant conditions, the presence of multiple infectious agents, and multiple City building and fire code violations, including failing refrigeration, and documented out of compliance electrical additions, pest infestation, and to protect the public from the spread or exposure to the identified infectious agents found on the Property. The Second HOO was sent to the principals of Prestige Biotech, Inc. A true and correct copy of the Second HOO issued on May 31, 2023, is attached hereto as **Exhibit E.**

39. The Second HOO demanded the Prestige Biotech undertake the following actions:

a. "Within seven (7) days, the business located at 850 "I" Street, Reedley, CA 93654, Assessors Parcel Number 368-010-64S ("Business") 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." (Exh. D, Second HOO, 2.A.)

b. "Within seven (7) days, the Business 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 form 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 transporter contact information must be

provided for the Fresno County Department of Public Health to verify." (Exh. D, Second HOO, 2.B.)

40. On May 31, 2023, the Second HOO was emailed to Xiuquin Yao, purported to be the President of Prestige Biotech; Michael Lin, UMI's bankruptcy attorney, and other emails purported to be associated with Prestige Biotech. Addition to service on Prestige Biotech and UMI representatives, the Second HOO was posted on the Fresno County Public Health's building located at 1221 Fulton Mall, Fresno, CA 93721; posted on the Fresno County Public Health's publicly available website; available upon request to any member of the public; and posted on the Property.

41. On June 3, 2023, David He, who purported to be a representative for Prestige Biotech and UMI, contacted me via email to respond to the Second HOO. My initial concern was that David He did not provide any documentation satisfactory to Fresno County Public Health that he was an authorized agent of either Prestige Biotech or UMI. Since Fresno County Public Health staff became aware of the illegal laboratory at the Property in December 2022, Fresno County Public Health staff has made repeated attempts to request the identities and contact information for the principals and/or authorized agents of Prestige Biotech and UMI. These attempts have thus far been futile. David He's communication similarly failed to provide the necessary documentation of authorization by Prestige Biotech and UMI that David He was an authorized agent. Thus, David He's communication failed to satisfy paragraph 2.A of the Second HOO.

42. David He's June 3, 2023, email also failed to provide an adequate biological abatement and disposal plan as required by paragraph 2.B of the Second HOO. First, David He proposed to use Dimension Waste Services ("Dimension") as Prestige Biotech's contractor to transport the biological material. However, Fresno County Public Health staff determined that Dimension did not have the required state and federal registration and certification to haul medical waste or transport infectious agents. Second, David He provided only an unsigned estimate from Dimension, which did not satisfy the requirement of the Second HOO of a binding commitment from such a contractor. Third, David He failed to provide any information on the

transportation and labeling of the infectious agents present on the Property in compliance with applicable Federal and State regulation of infectious agents and other biological material. I was deeply concerned with the desire to move the infectious agents to a purported new facility in the City of Fresno.

43. On June 5, 2023, I responded to David He's email, and included Xiuquin Yao, Michael Lin, and other emails purported to be associated with Prestige Biotech in my response. In my email response, I provided a point-by-point list of the deficiencies in David He's attempted response to the Second HOO. True and correct copies of my June 5, 2023, email response to David He's June 3, 2023 email are attached hereto as **Exhibit F.**

44. On June 7, 2023, David He responded via email to my June 5, 2023, communication detailing the deficiencies in the response to the Second HOO. In his latest response, David He stated that Prestige Biotech will prepare a board resolution to identify an authorized agent. However, I was taken aback by Mr. He's statement that he disputed that infectious agents were kept on the Property. A true and correct copy David He's June 7, 2023 email is attached hereto a**s Exhibit G.**

45. On June 8, 2023, I responded to David He's June 7, 2023, email and provided a list of all identified infectious agents found on the Property. This list corresponds with the listed infections agents at *supra* paragraph 32 of this declaration. Mr. He's purported lack of knowledge of infectious agents on the Property raise serious concerns with the lack of safety protocols and direction offered by Prestige Biotech and other business entities handling of these infections agents as a serious threat to public health and safety.

46. In response to David He's communication in response to Second HOO and explanation to David He on the substantial deficiencies in Prestige Biotech's response and inadequate biological abatement and disposal plan, the Health Officer issued an amended health officer order to provide additional time for the Prestige Biotech to address the deficiencies.

47. On June 8, 2023, I sent an email correspondence to David He, Xiuquin Yao, Michael Lin, and other emails purported to be associated with Prestige Biotech to extend time for Prestige Biotech to respond to the health officer order for closure and abatement to June 11,

2023.

June 9, 2023 Amended Health Officer Order for Ordered Closure and Abatement

48. On June 9, 2023, the Health Officer issued Amended Health Officer Order for County of Fresno to Close Business Operations and Abatement Biologicals Located at 850 "I" Street, Reedley, CA 93654 ("Amended HOO") to demand that the Prestige Biotech abate all biological materials stored in the warehouse on the Property. TA true and correct copy of the Amended HOO issued on June 9, 2023, is attached hereto as **Exhibit H.**

49. The Amended HOO demanded the Prestige Biotech undertake the following actions:

a. "By June 11, 2023, the business located at 850 "I" Street, Reedley, CA 93654, Assessors Parcel Number 368-010-64S ("Business") 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." (Exh. H, Amended HOO, para. 2.A.)

b. By June 11, 2023, the Business 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 form 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 transporter contact information must be provided for the Fresno County Department of Public Health to verify. (Exh. H, Amended HOO, para. 2.B.)

50. The Amended HOO declared the storage of biologicals in an unsafe and unsanitary conditions constitutes a public nuisance. (Exh. H, Amended HOO, para. 4.)

51. On June 9, 2023, the Amended HOO was emailed to David He, Xiuquin Yao, Michael Lin, and other emails purported to be associated with Prestige Biotech. Addition to

service on Prestige and UMI representatives, the Amend HOO was posted on the Fresno County Public Health's building located at 1221 Fulton Mall, Fresno, CA 93721; posted on Fresno County Public Health's publicly available website; available upon request to any member of the public; and posted on the Property. A true and correct copy of my email dated June 9, 2023 to provide a copy of the Amended HOO to David He, Xiuquin Yao, Michael Lin, and other emails purported to be associated with Prestige Biotech is attached hereto as **Exhibit I**.

52. On June 9, 2023, David He responded to my email sent on June 8, 2023, where he again disputed that the identified infectious agents were found on the Property. Mr. He only conceded that UMI possessed recombinant *E. Coli* and disputed that the unlawful and unpermitted storage of biological materials on the Property presented a threat to public health.

53. On June 10, 2023, David He emailed me in response to the Amended HOO and provided the contact information for Xiuqin Yao and Xiaoxiao Wang, which included telephone numbers and addresses in China. However, this information failed to communicate and identify a representative for Prestige Biotech or UMI authorized to do business in California.

54. On June 10, 2023, I promptly responded to David He's email to inform him that Prestige and UMI have not complied with Amended HOO. In response to his demand to identify what information has not been provided, I responded and provided a point-by-point list of the deficiencies in Prestige Biotech's response to the Second HOO and Amended HOO. A true and correct copy of my email dated June 10, 2023 to David He is attached hereto as **Exhibit J.**

55. On June 13, 2023, I provided David He with a follow-up email to again state that Prestige Biotech and UMI have failed to comply with the requirements of the Second HOO and Amended HOO. In regard to paragraph 2.A of the Second HOO and Amended HOO, I explained that no viable California address was provided for the identified individual representatives. For example, UMI designated Xiaoxiao Wang as UMI's authorized agent to assume financial responsibility for the business operation at the Property. UMI listed 1320 E. Fortune Avenue, Suite 102, Fresno, California 93727 as Xiaoxiao Wang's address. The Fortune address in the City of Fresno is the same address that UMI previously operated its unlicensed laboratory that it hastily transferred the biologicals, laboratory equipment, and mice to the Property in Reedley

upon threats of eviction from the owner of the Fortune Avenue property. I contacted the owner of the Fortune Avenue property and he confirmed that UMI was not a tenant and that he previously took action to evict UMI. The other addresses provided for identified authorized agents were either empty offices or addresses in China that could not be verified. I further explained that the responses thus far failed to satisfy paragraph 2.B of the Second HOO and Amended HOO, and that Fresno County Public Health staff cannot communicate directly with any contractors retained by either Prestige Biotech and UMI, and that Fresno County Public Health must work directly through representatives of Prestige Biotech and/or UMI. Critically, Prestige Biotech and UMI failed to provide a biological abatement plan for the transport of the biologicals in compliance with applicable Federal, State, and local regulations. A true and correct copy of my follow-up email dated June 13, 2023 to David He is attached hereto as **Exhibit K.**

Prestige Biotech and UMI's Failure to Comply with Health Officer Orders

56. As of the date of this declaration, Prestige Biotech and UMI have failed to provide sufficient responses to the Second HOO and Amended HOO. Prestige Biotech and UMI have failed to provide a biological abatement and disposal plan for the transport of properly labeled and identified biological specimens consistent with Federal, State and local regulation; identify a registered and authorized medical waste hauler, and a plan to properly dispose of medical waste. Prestige Biotech's and UMI's time to comply with Amended HOO has lapsed.

57. The continued presence of biological material, medical waste, and infectious agents pose a serious and substantial risk to public health and safety. The failures by Prestige Biotech, its officers, directors, representatives and employees to employ adequate safety protocols as to the storage and disposal of these biological materials, medical waste, and infectious agents; the unsanitary and unsafe conditions of the warehouse including the unpermitted electrical additions and failure of the cold storage units; and infestation of pests create a dangerous environment and increases the likelihood of exposure to the surrounding community, residents of the City of Reedley, and the public at large to the infectious agents present and may result in the spread of these communicable diseases. For example, a mosquito could feed on a sample of tissue or blood exposed to Malaria stored on the Property and become

a vector to spread Malaria. Alternatively, the documented infestation of rats and other pests on the Property could become vectors if exposed to anyone of the numerous infectious agents that, as a matter of law, cause or significantly contributes to the cause of morbidity or mortality of human beings.

58. As of the date of this declaration, Prestige Biotech and UMI have failed to take reasonable steps to abate the hazardous conditions on the Property and lawfully abate the biological material, medical waste and infectious agents found on the Property despite ample time to do so and numerous warnings and demands from local enforcement agencies. Furthermore, Prestige Biotech and UMI have failed to timely provide a sufficient response to the Second HOO and Amended HOO. The time to respond and take the required actions has passed. Prestige Biotech and UMI have failed and refused to lawfully abate the biological material, medical waste, and infectious agents. Thus, to seek any further consent to enter and abate from Prestige Biotech, UMI and other responsible parties would be futile.

59. The conditions described above are a threat to the health and safety of the occupants and surrounding community. The biological material, medical waste, and infectious agents are considered to be sources of infectious and communicable diseases for which the Health Officer is legally authorized to take any action to prevent the spread of such communicable diseases. Given the history of the poor maintenance of the Property and the unlawful storage and handling of biological materials, abatement by destruction of all biological material, medical waste and infectious agents is now the reasonable and prudent course of action to prevent the spread of the infectious and communicable diseases found on the Property.

60. The conditions described above are a threat to the health and safety of the public. These conditions violate Federal and State regulations regarding the storage, transport, and disposal of infectious agents. Fresno County Public Health staff and any of the County of Fresno's contractors must enter the Property to lawfully dispose of all biological material, medical waste, and infectious agents to abate the violations of Federal, State, and local law declared to be a public nuisance and prevent the potential spread of communicable diseases.

61. Execution of this warrant and the abatement activity needed will require

coordination among the Fresno County Department of Public Health, Fresno County Administrative Office, Fresno County Sheriff's Office, Fresno County Office of County Counsel, the County's hired contractor, City of Reedley staff, City of Reedley Police Department and other participating state and federal agencies. This coordination and abatement work will be at a significant public cost and will require the marshalling of public resources. Any delays caused by the actions or inactions by the Owner, any occupants, or physical barriers on the Property will only result in the increase of this public cost and waste limited public resources.

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

Executed this 15 day of June 2023, in Fresno, California.

Humero Prado, declarant

EXHIBIT “A”

County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Luchini, Director

Dr. Rais Vohra, Interim Health Officer

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF FRESNO FOR THE INSPECTION OF A FACILITY LOCATED AT 850 I STREET REEDLEY, CA 93654

April 21, 2023

Purusant to California Health and Safety Code Sections 120175.5 (b) & 101070 (b), the Health Officer of the County of Fresno orders as follows:

1. This order is issued as a result of multiple attempts to communicate with Universal MediTech Inc, Prestige Biotech Inc ("business owners") currently leasing space located at 850 I Street, Reedley, CA 93654 to confirm hazardous materials, biological specimens, and operational practices to ensure hazardous waste and medical waste are appropriately being disposed of in compliance with Federal and State requirements.
2. Attempts to communicate with business owners in regards to facility located at 850 I Street, Reedley, CA 93654 since December 19, 2022 from City of Reedley and other public agencies to ascertain contents and items at the facility have been unsucessful.
3. City of Reedley building officials posted on March 3, 2023 an Unsafe to Occupy Notice in front of the building. Building has limited power source supplying refrigerators and freezers that are storing reagents, biological samples, appearance of containers used to culture virus(es), and multiple chemical containers. Items documented by City of Reedley officials.
4. Preliminary investigation into the business owners does not list them as a licensed laboratory under Clinical Laboratory Improvement Amendments (CLIA) under the federal Centers for Disease Control and Prevention (CDC).
5. City of Reedley reports business owners statements that they are conducting laboratory research on mice for COVID.
6. City of Reedley has documented inhumane treatment of mice on site.
7. U.S. Food and Drug Administration (FDA) and California Department of Public Health, Food and Drug Branch (FDB) have been investigating the facility and business owners and have embargoed clinical testing kits at the facility due to non-compliance.
8. CDC has interest in the reagents being stored in the refrigerator/freezer that have been imported from outside of the United States which will require a federal permit which the business does not currently possess.

The Health Officer hereby orders an inspection, search, identification, and categorization of all chemicals, biological specimens, reagents, and other hazardous materials or biological materials to ascertain an inventory of items that may be a potential harm to the public if not handled and/or stored or transported appropriately in compliance with Federal and State regulations on April 21, 2023 and any necessary subsequent visits up to May 6, 2023.

I, as Interim Health Officer for the County of Fresno, encourage voluntary compliance with this Health Officer's Order. However, violation of this order is subject to fine, imprisonments or both (California Health and Safety Code Section 120295.)

Violation of or failure to comply with this Order is punishable by fine, imprisonment or both under various criminal statutes:

Cal. Penal Code section 148 makes it a misdemeanor to resist, delay, or obstruct a public officer, in the discharge of his or her duty. Sheriff deputies and city police officers are authorized to enforce health orders in the discharge of his or her duty.

Cal. Penal Code section 69 may be charged as a felony for the attempt, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed by law, or to knowingly resist, by the use of force or violence, the officer, in the performance of the officer's duty. Sheriff deputies and city police officers are authorized to enforce health orders in the discharge of his or her duty.

Cal. Penal Code section 409.5 allows the health officer to close an area where a calamity has created an immediate menace to public health.

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; and (2) provided to any member of the public requesting a copy of this Order.

Rais Vohra MD

4/21/2023

_____ _____

Rais Vohra, Fresno County Health Officer Date of Issuance of Order

NOTICE OF RIGHTS

1. If you object to this order, you have a right to arrange for your own legal representative.

2. You have a right to also file for judicial relief to seek release from the order.

3. All requests to contact the County Health Officer will be through the Fresno County Department of Public Health at (559) 600-3332 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.

EXHIBIT “B”

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 “C”

May 9, 2023

Ms. Xiuqin Yao
President
Prestige Biotech Inc.
850 I Street
Reedley, CA 93654

c/o Zhaoyan Wang
4381 W Flamingo Road #5122
Las Vegas, NV 89103

MEDICAL WASTE MANAGEMENT INVESTIGATION OF PRESTIGE BIOTECH INC

Dear Ms. Yao:

On May 1, 2023, the California Department of Public Health, Medical Waste Management Program (Department) conducted a medical waste management investigatory inspection at the Prestige Biotech facility located at 850 "I" Street, Reedley, CA per California Health and Safety Code (HSC) Section 118335. The purpose of the Department's inspection was to ensure that the facility is in compliance with the requirements of the Medical Waste Management Act (MWMA).
The observations and recommendations from the Department's investigation are provided below.

1. The visible contents of 30 of the 32 refrigerators and freezers at the facility were visually inspected. The two uninspected were the -80C freezer and a fridge/freezer that the Department was advised to not open due to the chemicals stored within. In several freezers the Department observed containers labeled as serum or plasma (of unknown origin) [example depicted in Figure A] and/or with the name of an infectious agent [example depicted in Figure B]. Many more containers were unlabeled or were labeled with indecipherable words or information. The Department was unable to discern the contents of these containers. Many of the indecipherable containers appeared to contain blood, or a blood product, such as serum, or another bodily fluid [example depicted in Figure

C]. In several of the refrigerators and freezers the Department observed numerous vials of pharmaceuticals [example depicted in Figure D]. The Department did not observe any item or container within the refrigerators or freezers clearly labeled as a waste.



Figure A.



Figure B.



Figure C.



Figure D.

2. All items at this facility that contain human blood or human blood fluids and all items that contain an infectious agent must be contained, labeled, stored, transported, treated, and disposed of as a medical waste when they become a waste. Additionally, any items at this facility that meet the definition of a medical waste when they become a waste must be properly contained, labeled, stored, transported, treated, and disposed of per the MWMA. A copy of the MWMA can be viewed on the Department's website: https://www.cdph.ca.gov/Programs/CEH/DRSEM/CDPH%20Document%20Library/EMB/MedicalWaste/MedicalWasteManagementAct.pdf.

3. For reference, "infectious agent" [HSC Section 117675] is defined in the MWMA as:
a type of microorganism, bacteria, mold, parasite, or virus, including, but not limited to, organisms managed as Biosafety Level II, III, or IV by the federal Centers for Disease Control and Prevention, that normally causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings.

Medical waste is defined in HSC Section 117690. For reference, subsection (a) states:
(a) "Medical waste" means any biohazardous, pathology, pharmaceutical, or trace chemotherapy waste not regulated by the federal Resource Conservation and Recovery Act of 1976 (Public Law 94-580), as amended; sharps and trace chemotherapy wastes generated in a health care setting in the diagnosis, treatment, immunization, or care of humans or animals; waste generated in autopsy or necropsy; waste generated during preparation of a body for final disposition such as cremation or interment; waste generated in research pertaining to the production or testing of microbiologicals; waste generated in research using human or animal pathogens; sharps and laboratory waste that poses a potential risk of infection to humans generated in the inoculation of animals in commercial farming operations; waste generated from the consolidation of home-generated sharps; and waste generated in the cleanup of trauma scenes. Biohazardous, pathology, pharmaceutical, sharps, and trace chemotherapy wastes that meet the conditions of this section are not subject to any of the hazardous waste requirements found in Chapter 6.5 (commencing with Section 25100) of Division 20.

4. In addition to the requirements of the MWMA, any items that meet the definition of a “Regulated Waste” in the California Bloodborne Pathogen rule (Title 8 California Code of Regulations, Section 5193) must be handled, stored, treated, and disposed of as a medical waste when they become a waste. A copy of the Bloodborne Pathogen rule can be viewed on the Department of Industrial Relation’s website: https://www.dir.ca.gov/title8/5193.html.

5. The Department observed what appeared to be a biohazardous waste container shrink wrapped to a pallet that also held filing cabinets or storage shelves [Figure E]. The container was inaccessible due to safety concerns and the Department was unable to inspect the container or its contents, if any. This container appeared to have been moved from another location to this facility. All waste inside a biohazardous container must be stored, transported, treated, and disposed of per the requirements of the MWMA.



Figure E.

6. On a wire metal storage rack, the Department observed a box that contained one unused red biohazard autoclave bag and a box of unused orange biohazard autoclave bags [Figure F]. The red biohazard bag was not marked and certified. Orange biohazard bags are not permissible for containment of medical waste in California. The Department recommends disposal of the orange autoclave biohazard bags as a biohazardous waste to prevent alarm at solid waste facilities. See the HSC Section 117630 for more information regarding biohazard bags.



Figure F.

7. The Department did not observe a steam sterilizer (autoclave) at the facility; however, the presence of the autoclave bags may indicate the presence of an autoclave. The Department notes that onsite treatment of medical waste is permissible, but only after the autoclave is validated for efficacy under the Department's supervision and an onsite treatment permit has been issued. Prestige Biotech, Inc. does not have an onsite treatment permit issued by the Department. Pretreatment to inactivate infectious agents prior to disposal as a medical waste does not require a permit.

8. The Department observed several pieces of laboratory equipment, such as incubators and centrifuges [example depicted in Figure G]. This equipment could not be opened to examine the interior, so the contents, if any, are unknown. Given the appearance that all the items in the refrigerators and freezers were transported to the location while inside the refrigerators and freezers, the Department notes the possibility that there may be items that were transported inside of the laboratory equipment as well. As notated previously, if there are any contents that are to be disposed of and meet the definition of a medical waste, they must be properly contained, labeled, stored, transported, treated, and disposed of per the requirements of the MWMA.



Figure G.

9. Medical waste is required to be transported by a registered hazardous waste hauler. Medical waste may only be transported to a permitted medical waste treatment facility or transfer station or another registered generator for the purpose of consolidation before treatment and disposal. The latter transportation option is restricted to 35.2 pounds of medical waste and the receiving facility is required to maintain documentation. Medical waste transported out of state shall be consigned to a permitted medical waste treatment facility in the receiving state.

10. Prestige Biotech Inc. is not registered with the Department as a medical waste generator. Registration and payment of the annual fee are required with the appropriate medical waste enforcement agency prior to the commencement of the generation of medical waste. The Department is the appropriate medical waste enforcement agency for all medical waste generators in Fresno County.
Note that the associated facility, Universal Meditech Inc. (UMI), located at 1320 E Fortune Ave, Suite 102 Fresno, CA 93725 was not registered with the Department as a medical waste generator. However, a review of the hauling reports from medical waste haulers revealed that UMI generated medical waste. A map, list of medical waste enforcement agencies and pertinent contact information can be found on the Department's website: https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/EMB/MedicalWaste/Local-Enforcement-Agencies.aspx. The current fee schedule and generator application for the Department's enforcement areas, including Fresno County, may also be found on the Department's website: https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/EMB/MedicalWaste/Generators.aspx.

If you have any questions regarding the investigation report or require further assistance, please contact me at (916) 210-8533 or Thomas.Horner@cdph.ca.gov.

Sincerely,

Digitally signed by Thomas Horner
Date: 2023.05.09 22:06:31 -07'00'

Thomas Horner
Senior Environmental Scientist - Supervisory
Chief, Medical Waste Management Program

cc: David Luchini
Director
Fresno County Public Health Department

Joe Prado
Assistant Director
Fresno County Public Health Department

Nicole Zieba
City Manager
City of Reedley

Jesalyn Harper
Code Enforcement Officer
City of Reedley

Chris Pace
Environmental Program Manager II
Chief, Environmental Management Branch

Sheetal Singh
Environmental Program Manager I
Chief, Emergency, Restoration and
Waste Management Section

Dale Parks
Environmental Scientist
Inspector, Medical Waste Management Program

EXHIBIT “D”

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30329-4027

June 6, 2023

CDC DSAT Support of the California State Department of Health and the U.S. Food and Drug Administration during the Prestige Biotech Investigation

REQUEST: On March 29, 2023, CDC was requested to provide onsite support of a joint investigation into Prestige Biotech. On April 21, 2023, CDC senior leadership requested that CDC's Division of Select Agents and Toxins (CDC/DSAT) lead CDC's response in the request for assistance from California's federal, state, and local partners. CDC/DSAT was asked to provide assistance to investigate the contents of numerous freezers at a warehouse owned by Prestige Biotech believed to hold biologics and possibly infectious materials, in violation of the Select Agent Regulations (42 CFR 73) and the Import Permit Regulations (42 CFR 71.54).

Entity Background and Overview

- Warehouse located at the intersection of I Street and 9th Street in Reedley, CA 93654 (see figure 1).
- The warehouse was found to have numerous building code violations as identified by the City of Reedley's Life Safety and Code Officer.
- During the initial investigation by the City of Reedley, it was found that there was laboratory equipment and the housing of laboratory mice within the warehouse.
- Prestige Biotech reportedly manufactured and distributed COVID-19 diagnostic tests in violation of U.S. Food and Drug Administration regulations (see figure 2)
    - Animal housing room for mice (see figure 5)

Summary of CDC Onsite Support

Dates of Onsite Support: May 2-4, 2023
CDC Support Team:

- Von McClee, Branch Chief
- Thomas Cremer, Supervisory Microbiologist
- David Wang, Senior Microbiologist

Local, State and Federal Participants

- City of Reedley – Jesalyn Harper (Onsite liaison)
- Fresno County Department of Public Health
- California Department of Public Health
- Food and Drug Administration
- Federal Bureau of Investigation

Observations

- CDC DSAT staff audited 33 storage units and reviewed the storage spaces held by Prestige Biotech inside the warehouse:
    - Cold temperature Storage units (see figure 3)
        - 2 ultralow temperature freezers (-80 and -60 degrees C)
        - 29 refrigerators/freezers (-20 degrees C)
    - Laboratory equipment (see figure 4)
        - 1 biological safety cabinet – Last certified in 2009
        - 1 floor model centrifuge

- Thousands of vials had unclear labeling, coded labeling, or no identifications (see figures 8-10).
    - 200 series samples are believed to be various recombinant *Escherichia coli* strains encoding for various antigens to make the diagnostic tests. The Prestige Biotech representative provided a limited key that was reported to contain proprietary or trade secret information. Various stocks of competent *E. coli* cells were found with these 200 series materials (see figures 11-12).
    - 500 series samples were not identified and no key was provided.
- There was evidence that the entity labeled items they believe to be dangerous (see figure 13).
- The 33 storage units were poorly organized and not all units are functional (see figures 14-47)
- There was no evidence of select agents or toxins or evidence of non-compliance with 42 CFR 73.
- There was no conclusive evidence of violations of 42 CFR 71.54 for the importation of infections agents, substances or vectors. Some of the infectious agents could have come from Nigeria (*Plasmodium falciparum* from the year 2000) or Canada, but there were no import or shipping records available at the time of the visit.
- At least 20 potentially infectious agents of risk group 2 and risk group 3 agents were present (see figure 6).
    - Many agent stocks were provided by American Type Culture Collection (ATCC) based on the labeling present.
    - Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) and *Mycobacterium tuberculosis* (RG3 agents) appears to be diagnostic specimens, not isolates or culture.

Potentially Infectious bacterial agents present:

- *Chlamydia trachomatis*
- *E. coli* (recombinant strains)
- *Helicobacter pylori*
- *Mycobacterium tuberculosis* **(RG3)**
- *Mycoplasma pneumoniae* and general *Mycoplasma* species, but no evidence of select agents
- *Neisseria meningitidis*
- *Nostoc* species
- *Sphingobacterium heparinum*
- *Streptococcus pneumoniae* and *Streptococcus* species
- *Toxoplasma gondii*

Potentially Infectious viral agents

- Hepatitis B virus
- Hepatitis C virus
- Dengue virus
- Human Immunodeficiency Virus 1 and 2
- Human Herpes virus 1 (Herpes simplex virus)
- Human Herpes virus 5 (Human Cytomegalovirus)
- Respiratory Syncytial virus
- Rubella virus
- Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) **(RG3)**

Potentially Infectious parasites

- Malaria (believed to be *P. falciparum* from Nigeria from the year 2000)

Recommendations

- The California State Department of Health and the City of Reedley should consider requesting all records of importation for infectious agents:
    - Employees or owners of Prestige Biotech previously operated in Canada. During the move to the U.S., infectious material may have been imported into the U.S. Request clarification from the owner.
- The inventory (e.g., freezers and refrigerators) at the warehouse of Prestige Biotech is currently in storage and some material may not be stored in a safe manner. The California State Department of Health and the City of Reedley should ensure work only occurs in the warehouse once proper safety measures are in place. If the material is relocated, the California State Department of Health and the City of Reedley should ensure professionals or subject matter experts move the inventory to ensure there is no potential exposure to individuals or the environment.

CDC/DSAT will:

- Issue an Import Permit advisement letter to Prestige Biotech to ensure they know the Import Permit Regulations for importing infectious substances into the U.S.
- Add Prestige Biotech and associated entity names to the CDC Import Permit Program watch list in case the entity attempts to apply for a CDC Import Permit. If submitted, the application will be reviewed carefully, considering previous observations, and the program will inspect the facility before issuing any permit.
- Issue a Federal Select Agent Program advisement letter to Prestige Biotech informing them of the requirements for possession, use, and transfer of select agents and toxins if the entity decides to possess them.

Conclusion: Prestige Biotech or various owners of the materials present in the warehouse have yet to cooperate with document requests from multiple partner agencies fully. However, there is insufficient evidence at this time to conclude that there has been a violation of 42 CFR 71.54 or 42 CFR part 73.

EXHIBIT “E”

County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Luchini, Director

Dr. Rais Vohra, Interim Health Officer

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, 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, 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.

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

(Date of Issuance of Order)

EXHIBIT “F”

From:	Prado, Joe
To:	davidmeditech@gmail.com; ml; clin; 集团管理; prestibio2021@gmail.com; info.1320pbi
Cc:	Luchini, David; Vohra, Rais; Mendes, Vincent; Nicole.Zieba; Dhillon, Simranjit
Subject:	RE: Second Fresno County Health Officer Order
Date:	Monday, June 5, 2023 4:30:12 PM
Attachments:	FW Mice care.msg HO Closure Abatement Order 053123.pdf image001.png

---

To All Representatives,

We have received and reviewed your response. The response is insufficient and does not meet the requirements set forth in the Health Officer Order dated 5-31-2023 (HOO). Thus actions will continue as stated in the HOO (attached). Here are the deficiencies in the email response from davidmeditech@gmail.com dated June 3rd, 2023 at 11:30pm (Email):

1. HOO Section 2.A. has not been complied to due to a Board resolution not being attached. Email attachment contained email statements only not a Board resolution. In addition Section 2.A. requested authorized individuals to conduct business in CA and persons that assume financial responsibilities. No documents presented addressed request in Section 2.A.
2. Section 2.B. requires
    a. Biological abatement, disposal plan, or transport of properly labeled and identified biological agents –
        i. Email attachment labeled EPSON149 is the Medical Waste application plan for the proposed new City of Fresno address. Not applicable to our request.
        ii. Email attachment labeled Dimension Service Order Prestige Bio (Assessment) speaks to destruction and is an assessment only. The plan does not speak to following the appropriate packaging and shipping requirements for transporting infectious agents for transport to City of Fresno address. Scope of Work should be inclusive of both medical waste and transport of biological infectious agents. It appears the scope of work omits the transport of infectious agents to the City of Fresno address.
        iii. Email number (2.), speaks to transferring refrigerators and freezers with the contents to new site. This statement demonstrates intention to move refrigerated and frozen contents to a new site which cannot be done by just moving contents with refrigerators/freezers inside of them. This method is not consistent with Packaging and Shipping requirements of infectious agents. Thus this does not meet requirements. Applicable federal and state regulations were provided to representatives on April 7, 2023 (email attached).
        iv. In addition, Section 2.A. was not complied with thus this plan even if complete cannot be accepted.
    b. Transporters have appropriate certification –
        i. The Department is confirming whether Dimension is utilizing a subcontractor to meet federal and State regulations and identify the subcontractor to confirm appropriate certification.
            1. Dimension does not have appropriate certification for transporting medical waste but may use a subcontractor.

2. Dimension does not have appropriate certification for packaging and shipping of infectious agents but may use a subcontractor.

b. Transporters should have binding commitment
   i. Email had attached quote but no binding commitment was provided. Binding commitment may be a purchase order or agreement with the vendor.
   ii. In addition, Section 2.A. was not complied with thus even a signed agreement or purchase order would not comply with our request.

In accordance with the HOO, representatives have seven (7) days from receipt of HOO to provide the necessary documentation. The representatives have until June 7, 2023 to provide the County of Fresno additional documentation that meet the requirements set forth in HOO. The items noted above are based on documentation included in Email. If additional documentation is submitted for consideration please continue to do so as stated in HOO.

Thank you

From: davidmeditech@gmail.com <davidmeditech@gmail.com>
Sent: Saturday, June 03, 2023 11:30 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: 集团管理 <jituanguanli@126.com>; ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: Re: Second Fresno County Health Officer Order

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Joe Prado

I am David He. As a special representative, I am authorized to manage and deal with the related work of 850 temporary warehouse. Attachment 1 are the authorization documents for your reference.

In the previous period, I had good communication and cooperation with officials at all levels of the federal government, state government and municipal government, and has achieved phased results. After receiving your email and attachment order this Wednesday, we take it very seriously. After three days preparation, I give you a brief report on our previous and current work as following:

As for the disposal plan of 850 items, I sent a detail plan to the local municipal officer 10 days ago. Now I send you the plan officially again with updated information.
1. Background
① Clean up and transfer of the goods in the 850 temporary warehouse as soon as possible to completely eliminate potential risks for fire and safety hazards. The finished diagnostic kits that have been identified will be destroyed.

②Government officials recommended good handling and destruction professional companies （Dimension Waste Services）. Full service can be carried out according to the plan we have formulated, including warehouse clean up , fully licensed transportation and movement and destruction services.
③The brand new Factory with 18,000 square feet building, located in 3900 N Blattella Ln. Fresno CA 93724, will be powered on around June 10th. The final city inspection will be completed within one or two week after that, and the occupancy permit will be issued. However, the final approval is subject to PBI obtain the license of biohazard. The lease contract are doing the final review.
2. Transfer all the refrigerators and freezers with the contents to the new site. Remove temporary electricity and water to completely eliminate the risk of fire and flood by listened electrician. This work will be completed around June 19-20.
3. Transfer potentially dangerous chemical reagents and solutions to the new site. Completely eliminate potential safety hazards for 850. This work will be completed around June 20-23.
4. PBI do the best to apply for the CDPH Medical Waste Registration License according to the regulation of the state government. Formal application documents and cheques have been sent by express mail on this Tuesday. A scanned copy of the full set of document in Attachment 2. We hope this license will be approved next week
5. If necessary, the isolation area in the new factory can be set up and the chemical and biological reagents with potential safety risks transported by 850 can be temporarily isolated and blocked by your department officer and waiting for further component confirmation or harmless inspection results.
6. Clean up and move general items and equipment. Those with value in use are moved to a new site, and those with no value in use are put into recycling trailers for recycling. This work will be completed around June 26-30th.
7. Disposal of embargoed finished products. Since most of the embargoed finished products are placed at the end of the temporary warehouse, it is necessary to wait until all the items are cleared and moved out before they can be shipped out for destruction. When all of these embargoed items are ready to be shipped, choose a suitable day to move out under the supervision of California government officials. This will be completed Early July.
8. I received a quote from Dimension company yesterday. Please see the quotation in Attachment 3 and 4 from this company. For this quotation, we have been discussing it over and over again this week with Ben, the manager in charge for this project. We have great confidence the Dimension company. They have full listens for the transportation, handling and destruction of chemical, biological and medical materials. We'd like to start the cooperation as soon as the price is confirmed.

Please give further advice after reviewing the above plan and arrangement. If you have any questions, please feel free to contact me. If possible, I would like to visit you at your office in afternoon of June 9. In this way, we can have a more in-depth discussion on many detailed technical issues and get your guidance. At the same time, I can submit a set of important documents regarding UMI chemical and biological reagents secure coding and labeling, so that you can have a more comprehensive and in-depth understanding of the biochemical and medical reagents stored in the refrigerator.

Best regard and have a nice weekend.

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

davidmeditech@gmail.com

邮箱：davidmeditech@gmail.com

---- Replied Message ----

From	Prado, Joe<jprado@fresnocountyca.gov>
Date	05/31/2023 10:54
To	davidmeditech@gmail.com、jituanguanli@126.com、prestibio2021@gmail.com、info.1320pbi@gmail.com、ml@linlawgroup.com、clin@linlawgroup.com
Cc	Luchini, David<dluchini@fresnocountyca.gov>、Vohra, Rais<rvohra@fresnocountyca.gov>、Mendes, Vincent<vmendes@fresnocountyca.gov>、Harper, Jesalyn<Jesalyn.Harper@reedley.ca.gov>、Nicole Zieba, Reedley<Nicole.Zieba@reedley.ca.gov>、Dhillon, Simranjit<sidhillon@fresnocountyca.gov>
Subject	Second Fresno County Health Officer Order

Good Morning Representatives,

I am delivering to you Fresno County's Health Officer Order. This second order requires action on your part within 7 days. Please submit all requested documentation to dph@fresnocountyca.gov within 7 days for County's review and consideration. There is a Notice of Rights included in the Order if you have further inquiries. Thank you

Joe Prado, Assistant Director
Department of Public Health
Tel: (559) 600-6402
jprado@fresnocountyca.gov

This Email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender without using reply Email and destroy all copies of the original message.

EXHIBIT “G”



From: davidmeditech@gmail.com <davidmeditech@gmail.com>
Sent: Wednesday, June 07, 2023 2:53 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: 回复： Second Fresno County Health Officer Order

Dear Joe Predo

We will prepare the official document of the board resolution as soon as we receive your reply email on Monday. I have now received the documents from two companies. Please see the attachments.

At the same time, I have repeatedly communicated with the responsible manager of Dimension company. They have been working hard these two days to meet the requirements you put forward in the mail. They said they would email the file to me and maybe call you later this afternoon. They said that the time you gave was really too short because there are many factors involved in this project and there are different subcontracts involvedand. It would be better to give an extension of two or three days.

Another very important key point is that 230531-HOO clearly mentioned the existence of Infectious Agents in the 850 temporary warehouse. We take this very seriously. Please give us the relevant findings and evidence as soon as possible. Because in the list of items and information we have, we have not get any infectious agents harmful to public health. We would be very grateful if you could pay special attention to this point.

If there is anything else I can help, please feel free to contact me.

Sincerely yours

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

davidmeditech@gmail.com

邮箱: davidmeditech@gmail.com

---- 回复的原邮件 ----

发件人	Prado, Joe<jprado@fresnocountyca.gov>
日期	2023年06月05日 16:28
收件人	davidmeditech@gmail.com、ml<ml@linlawgroup.com>、clin<clin@linlawgroup.com>、集团管理<jituanguanli@126.com>、prestibio2021@gmail.com、info.1320pbi<info.1320pbi@gmail.com>
抄送至	Luchini, David<dluchini@fresnocountyca.gov>、Vohra, Rais<rvohra@fresnocountyca.gov>、Mendes, Vincent<vmendes@fresnocountyca.gov>、Nicole.Zieba<Nicole.Zieba@reedley.ca.gov>、Dhillon, Simranjit<sidhillon@fresnocountyca.gov>
主题	RE: Second Fresno County Health Officer Order

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Subject: Re: Second Fresno County Health Officer Order

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3. Transfer potentially dangerous chemical reagents and solutions to the new site. Completely eliminate potential safety hazards for 850. This work will be completed around June 20-23.

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5. If necessary, the isolation area in the new factory can be set up and the chemical and biological reagents with potential safety risks transported by 850 can be temporarily isolated and blocked by your department officer and waiting for further component confirmation or harmless inspection results.

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Best regard and have a nice weekend.

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

davidmeditech@gmail.com

邮箱：davidmeditech@gmail.com

---- Replied Message ----

From	Prado, Joe<jprado@fresnocountyca.gov>
Date	05/31/2023 10:54
To	davidmeditech@gmail.com、jituanguanli@126.com、prestibio2021@gmail.com、info.1320pbi@gmail.com、ml@linlawgroup.com、clin@linlawgroup.com
Cc	Luchini, David<dluchini@fresnocountyca.gov>、Vohra, Rais<rvohra@fresnocountyca.gov>、Mendes, Vincent<vmendes@fresnocountyca.gov>、Harper, Jesalyn<Jesalyn.Harper@reedley.ca.gov>、

Nicole Zieba, Reedley<Nicole.Zieba@reedley.ca.gov> Dhillon, Simranjit<sidhillon@fresnocountyca.gov>

Subject Second Fresno County Health Officer Order

Good Morning Representatives,

I am delivering to you Fresno County's Health Officer Order. This second order requires action on your part within 7 days. Please submit all requested documentation to dph@fresnocountyca.gov within 7 days for County's review and consideration. There is a Notice of Rights included in the Order if you have further inquiries. Thank you

Joe Prado, Assistant Director
Department of Public Health
Tel: (559) 600-6402
jprado@fresnocountyca.gov

This Email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender without using reply Email and destroy all copies of the original message.

EXHIBIT “H”

Amended 6-9-2023

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. 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. 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.

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. The storage of biologicals in unsafe and unsanitary conditions constitutes a public nuisance.
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)

6/9/2023

(Date of Issuance of Order)

EXHIBIT “I”

From:	Prado, Joe
To:	He David
Cc:	ml; clin; 集团管理; info.1320pbi; Luchini, David; Vohra, Rais; Mendes, Vincent; Nicole.Zieba; Dhillon, Simranjit; prestibio2021
Subject:	RE: 回复：Second Fresno County Health Officer Order
Date:	Friday, June 9, 2023 8:47:45 PM
Attachments:	AmendedFresnoCountyHOO6-9-23.pdf

David,

I'm attaching a further amended Health Officer Order dated 6-9-23.

To date, PBI/UMI have failed to provide an adequate response to the Health Officer Order. We direct you to the Health Officer Order and the need to comply with all of this Order's requirements by June 11, 2023. The presence of infectious agents at the 850 I Street warehouse is beyond dispute. Additionally please provide updated addresses and phone numbers of Xiaoxiao Wang and Xiuqin Yao.

From: He David <davidmeditech@gmail.com>
Sent: Friday, June 09, 2023 12:45 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: Re: 回复 ：Second Fresno County Health Officer Order

Dear Joe Prado

Your email of yesterday evening has been received. Thank you very much for giving us an extension to June 11.

After receiving your email, I immediately forwarded it to Dimension manager in charge. We had a telephone discussion this morning. He had been calling you several times, but couldn't get through. We are particularly concerned about now is what documents need to be supplemented. You'd better give us a detailed explanation.

The important is whether your department can accept Dimension as the General Contractor for transportation and clearance and destruction of this project. If you agree, please give us a written reply ASAP, so we can plan all the details we need to work together for the further operation. If you think this company is not good enough, then we need to looking for another company quickly, so we need more time to extend.

More importantly, you mentioned in the email that Finding and Evidence of infectious agents in the email on April 7. I did not receive this email, and I also consulted the relevant people, but no one receive such email either. They said the email received on April 7 was sent by Ms.Harper, which only

gave explanation and four attachments for guidance of State Regulation and Transportation Reference. Therefore, you still haven't give the solid evidence about the infectious agents. If you have more information, please send to me immediately. We pay special attention to this, which is also closely related to the detailed further operation of the items in the 850 temporary warehouse.

After I told the former staff about the infectious agents in your email, all of them are very surprise. There must be a huge misunderstanding because the infectious agents you mentioned have never been exposed in UMI research and production except recombinant E. coli, which is commonly used in most biological laboratories, and it will certainly not have any impact on public health. I did not see any similar infectious agents in the list of all items and refrigerator contents provided by UMI. Please provide all the information you have today, so we can continue to hard work over the weekend and reply to you on Monday to meet your order deadline of June 11.

Thank you very much for your special attention.

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

Prado, Joe <jprado@fresnocountyca.gov> **于** 2023**年**6**月**8**日周四** 19:37**写道**：

> To All Representatives,
>
> I’m attaching a Revised Health Officer Order that has provided additional time, till June 11, 2023 to complete providing the missing documentation requested in the Health Officer Order dated 5-31-2023 and Revised Order dated 6-8-2023.
>
> Your email dated June 7, 2023 requested our findings related to infectious agents. The items listed below is only an example of the infectious agents found onsite and is not a complete exhaustive list:
> Chlamydia trachomatis
> E. coli (recombinant strains)
> Helicobacter pylori
> Mycoplasma pneumoniae and general Mycoplasma species
> Neisseria meningitidis
> Nostoc species
> Sphingobacterium heparinum
> Streptococcus pneumoniae Streptococcus species
> Toxoplasma gondii
> Hepatitis B virus
> Hepatitis C virus
> Dengue virus
> Human Immunodeficiency Virus 1 and 2

Human Herpes virus 1
Human Herpes virus 5
Respiratory Syncytial virus
Rubella virus
Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (RG3)

The infectious agents fall under the packaging and shipping requirements included in correspondence provided on April 7, 2023.

Please provide the remaining documentation by June 11, 2023.

From: davidmeditech@gmail.com <davidmeditech@gmail.com>
Sent: Wednesday, June 07, 2023 2:53 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: 回复： Second Fresno County Health Officer Order

Dear Joe Predo

We will prepare the official document of the board resolution as soon as we receive your reply email on Monday. I have now received the documents from two companies. Please see the attachments.

At the same time, I have repeatedly communicated with the responsible manager of Dimension company. They have been working hard these two days to meet the requirements you put forward in the mail. They said they would email the file to me and maybe call you later this afternoon. They said that the time you gave was really too short because there are many factors involved in this project and there are different subcontracts involvedand. It would be better to give an extension of two or three days.

Another very important key point is that 230531-HOO clearly mentioned the existence of Infectious Agents in the 850 temporary warehouse. We take this very seriously. Please give us the relevant findings and evidence as soon as possible. Because in the list of items and information we have, we have not get any infectious agents harmful to public health. We would be very grateful if you could pay special attention to this point.

If there is anything else I can help, please feel free to contact me.

Sincerely yours

David He

Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

davidmeditech@gmail.com

邮箱：davidmeditech@gmail.com

---- 回复的原邮件 ----

发件人	Prado, Joe<jprado@fresnocountyca.gov>
日期	2023年06月05日 16:28
收件人	davidmeditech@gmail.com、ml<ml@linlawgroup.com>、clin<clin@linlawgroup.com>、集团管理<jituanguanli@126.com>、prestibio2021@gmail.com、info.1320pbi<info.1320pbi@gmail.com>
抄送至	Luchini, David<dluchini@fresnocountyca.gov>、Vohra, Rais<rvohra@fresnocountyca.gov>、Mendes, Vincent<vmendes@fresnocountyca.gov>、Nicole.Zieba<Nicole.Zieba@reedley.ca.gov>、Dhillon, Simranjit<sidhillon@fresnocountyca.gov>
主题	RE: Second Fresno County Health Officer Order

To All Representatives,

We have received and reviewed your response. The response is insufficient and does not meet the requirements set forth in the Health Officer Order dated 5-31-2023 (HOO). Thus actions will continue as stated in the HOO (attached). Here are the deficiencies in the email response from davidmeditech@gmail.com dated June 3rd, 2023 at 11:30pm (Email):

1. HOO Section 2.A. has not been complied to due to a Board resolution not being attached. Email attachment contained email statements only not a Board resolution. In addition Section 2.A. requested authorized individuals to conduct business in CA and persons that assume financial responsibilities. No documents presented addressed request in Section 2.A.
2. Section 2.B. requires

    a. Biological abatement, disposal plan, or transport of properly labeled and identified biological agents –

        i. Email attachment labeled EPSON149 is the Medical Waste application plan for the proposed new City of Fresno address. Not applicable to our request.

        ii. Email attachment labeled Dimension Service Order Prestige Bio (Assessment) speaks to destruction and is an assessment only.

The plan does not speak to following the appropriate packaging and shipping requirements for transporting infectious agents for transport to City of Fresno address. Scope of Work should be inclusive of both medical waste and transport of biological infectious agents. It appears the scope of work omits the transport of infectious agents to the City of Fresno address.

iii. Email number (2.), speaks to transferring refrigerators and freezers with the contents to new site. This statement demonstrates intention to move refrigerated and frozen contents to a new site which cannot be done by just moving contents with refrigerators/freezers inside of them. This method is not consistent with Packaging and Shipping requirements of infectious agents. Thus this does not meet requirements. Applicable federal and state regulations were provided to representatives on April 7, 2023 (email attached).

iv. In addition, Section 2.A. was not complied with thus this plan even if complete cannot be accepted.

b. Transporters have appropriate certification –

i. The Department is confirming whether Dimension is utilizing a subcontractor to meet federal and State regulations and identify the subcontractor to confirm appropriate certification.

1. Dimension does not have appropriate certification for transporting medical waste but may use a subcontractor.
2. Dimension does not have appropriate certification for packaging and shipping of infectious agents but may use a subcontractor.

c. Transporters should have binding commitment

i. Email had attached quote but no binding commitment was provided. Binding commitment may be a purchase order or agreement with the vendor.

ii. In addition, Section 2.A. was not complied with thus even a signed agreement or purchase order would not comply with our request.

In accordance with the HOO, representatives have seven (7) days from receipt of HOO to provide the necessary documentation. The representatives have until June 7, 2023 to provide the County of Fresno additional documentation that meet the requirements set forth in HOO. The items noted above are based on documentation included in Email. If additional documentation is submitted for consideration please continue to do so as stated in HOO.

Thank you

From: davidmeditech@gmail.com <davidmeditech@gmail.com>
Sent: Saturday, June 03, 2023 11:30 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: 集团管理 <jituanguanli@126.com>; ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: Re: Second Fresno County Health Officer Order

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Joe Prado

I am David He. As a special representative, I am authorized to manage and deal with the related work of 850 temporary warehouse. Attachment 1 are the authorization documents for your reference.

In the previous period, I had good communication and cooperation with officials at all levels of the federal government, state government and municipal government, and has achieved phased results. After receiving your email and attachment order this Wednesday, we take it very seriously. After three days preparation, I give you a brief report on our previous and current work as following:

As for the disposal plan of 850 items, I sent a detail plan to the local municipal officer 10 days ago. Now I send you the plan officially again with updated information.
1. Background
① Clean up and transfer of the goods in the 850 temporary warehouse as soon as possible to completely eliminate potential risks for fire and safety hazards. The finished diagnostic kits that have been identified will be destroyed.
②Government officials recommended good handling and destruction professional companies （Dimension Waste Services）. Full service can be carried out according to the plan we have formulated, including warehouse clean up , fully licensed transportation and movement and destruction services.
③The brand new Factory with 18,000 square feet building, located in 3900 N Blattella Ln. Fresno CA 93724, will be powered on around June 10th. The final city inspection will be completed within one or two week after that, and the occupancy permit will be issued. However, the final approval is subject to PBI obtain the license of biohazard. The lease contract are doing the final review.
2. Transfer all the refrigerators and freezers with the contents to the new site. Remove temporary electricity and water to completely eliminate the risk of fire and flood by listened electrician. This work will be completed around June 19-20.
3. Transfer potentially dangerous chemical reagents and solutions to the new site. Completely eliminate potential safety hazards for 850. This work will be completed around June 20-23.
4. PBI do the best to apply for the CDPH Medical Waste Registration License according to the regulation of the state government. Formal application documents and cheques have been sent

by express mail on this Tuesday. A scanned copy of the full set of document in Attachment 2. We hope this license will be approved next week
5. If necessary, the isolation area in the new factory can be set up and the chemical and biological reagents with potential safety risks transported by 850 can be temporarily isolated and blocked by your department officer and waiting for further component confirmation or harmless inspection results.
6. Clean up and move general items and equipment. Those with value in use are moved to a new site, and those with no value in use are put into recycling trailers for recycling. This work will be completed around June 26-30th.
7. Disposal of embargoed finished products. Since most of the embargoed finished products are placed at the end of the temporary warehouse, it is necessary to wait until all the items are cleared and moved out before they can be shipped out for destruction. When all of these embargoed items are ready to be shipped, choose a suitable day to move out under the supervision of California government officials. This will be completed Early July.
8. I received a quote from Dimension company yesterday. Please see the quotation in Attachment 3 and 4 from this company. For this quotation, we have been discussing it over and over again this week with Ben, the manager in charge for this project. We have great confidence the Dimension company. They have full listens for the transportation, handling and destruction of chemical, biological and medical materials. We'd like to start the cooperation as soon as the price is confirmed.

Please give further advice after reviewing the above plan and arrangement. If you have any questions, please feel free to contact me. If possible, I would like to visit you at your office in afternoon of June 9. In this way, we can have a more in-depth discussion on many detailed technical issues and get your guidance. At the same time, I can submit a set of important documents regarding UMI chemical and biological reagents secure coding and labeling, so that you can have a more comprehensive and in-depth understanding of the biochemical and medical reagents stored in the refrigerator.

Best regard and have a nice weekend.

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

davidmeditech@gmail.com

邮箱：davidmeditech@gmail.com

---- Replied Message ----

From	Prado, Joe<jprado@fresnocountyca.gov>
Date	05/31/2023 10:54
To	davidmeditech@gmail.com、jituanguanli@126.com、prestibio2021@gmail.com、info.1320pbi@gmail.com、ml@linlawgroup.com、clin@linlawgroup.com
Cc	Luchini, David<dluchini@fresnocountyca.gov>、Vohra, Rais<rvohra@fresnocountyca.gov>、Mendes, Vincent<vmendes@fresnocountyca.gov>、Harper, Jesalyn<Jesalyn.Harper@reedley.ca.gov>、Nicole Zieba, Reedley<Nicole.Zieba@reedley.ca.gov>、Dhillon, Simranjit<sidhillon@fresnocountyca.gov>
Subject	Second Fresno County Health Officer Order

Good Morning Representatives,

I am delivering to you Fresno County's Health Officer Order. This second order requires action on your part within 7 days. Please submit all requested documentation to dph@fresnocountyca.gov within 7 days for County's review and consideration. There is a Notice of Rights included in the Order if you have further inquiries. Thank you

Joe Prado, Assistant Director
Department of Public Health
Tel: (559) 600-6402
jprado@fresnocountyca.gov

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EXHIBIT “J”

From:	Prado, Joe
To:	He David
Cc:	ml; clin; 集团管理; info.1320pbi; Luchini, David; Vohra, Rais; Mendes, Vincent; Nicole.Zieba; Dhillon, Simranjit; prestibio2021
Subject:	RE: 回复：Second Fresno County Health Officer Order
Date:	Saturday, June 10, 2023 3:11:04 PM

David,
Health Officer Order Section 2.A. – I am waiting for County Counsel to decide whether or not the additional information submitted today was sufficient.

Health Order Section 2.B. –

1. Section 2.B. requires
    a. Biological abatement, disposal plan, or transport of properly labeled and identified biological agents –
        i. Email attachment labeled EPSON149 is the Medical Waste application plan for the proposed new City of Fresno address. Not applicable to our request.
        ii. Email attachment labeled Dimension Service Order Prestige Bio (Assessment) speaks to destruction and is an assessment only. The plan does not speak to following the appropriate packaging and shipping requirements for transporting infectious agents for transport to City of Fresno address. Scope of Work should be inclusive of both medical waste and transport of biological infectious agents. It appears the scope of work omits the transport of infectious agents to the City of Fresno address.
            1. No plan has been submitted packaging and shipping of infectious agents and the protocols that will be followed.
            2. The attachment from Dimension speaks more to disposal and assessment. This plan is sufficient for disposal only.
        iii. Email from David He speaks to transferring refrigerators and freezers with the contents to new site. This statement demonstrates intention to move refrigerated and frozen infectious agents to a new site which cannot be done by just moving contents with refrigerators/freezers inside of them. This method is not consistent with Packaging and Shipping requirements of infectious agents. Thus this does not meet requirements as a sufficient plan for packaging and shipping of infectious agents. Applicable federal and state regulations were provided to representatives on April 7, 2023 (email attached).
    b. Transporters have appropriate certification –
        i. The Department is confirming whether Dimension is utilizing a subcontractor to meet federal and State regulations and identify the subcontractor to confirm appropriate certification.
            1. Dimension does not have appropriate certification for transporting medical waste but may use a subcontractor. Initial subcontractor proposed had an expired certificate.
            2. Dimension does not have appropriate certification for packaging and shipping of infectious agents but may use a subcontractor. No packaging and shipping certification of infectious agents have been provided or a

plan on transporting infectious agents.

b. Transporters should have binding commitment
    i. Email had attached quote but no binding commitment was provided. Binding commitment may be a purchase order or agreement with the vendor.

From: He David <davidmeditech@gmail.com>
Sent: Saturday, June 10, 2023 2:28 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>; prestibio2021 <prestibio2021@gmail.com>
Subject: Re: 回复： Second Fresno County Health Officer Order

Hello Joe
Could you clearly indicate what other documents have not been provided?
David

Prado, Joe <jprado@fresnocountyca.gov> 于 2023年6月10日周六 13:59写道：

> To All Representatives,
>
> The Health Officer has not been complied with. Previous email noted the discrepancies and there are still outstanding documentation.
>
> Sent via the Samsung Galaxy S21+ 5G, an AT&T 5G smartphone
> Get Outlook for Android
>
> ---
>
> **From:** He David <davidmeditech@gmail.com>
> **Sent:** Saturday, June 10, 2023 12:52:05 PM
> **To:** Prado, Joe <jprado@fresnocountyca.gov>
> **Cc:** ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>; prestibio2021 <prestibio2021@gmail.com>
> **Subject:** Re: 回复： Second Fresno County Health Officer Order
>
> Hello Joe
>
> Thank you very much for your reminder. The addresses and telephone numbers of Xiaoxiao Wang and Xiuqin Yao are updated information as following:
>
> Xiuqin Yao
> 87 Zhuzhou Road, Nancun Town, Qingdao City, Shandong Province, China.

Tel: 18661707755

Xiaoxiao Wang
404 Wanggezhuang Street, Laoshan District, Qingdao City, Shandong Province, China
Tel: 13255326066

The official registered address of the company has been listed in the Letter of Board Resolution from both company.

Universal Meditech has formally hired a representative lawyer this year, and the contact information is 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

Please see if we have fully met all the document requirements for HOO-06/09/23. If still missing something, Please feel free to contact me any time.

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

Prado, Joe <jprado@fresnocountyca.gov> 于 2023年6月9日周五 20:47写道：

> David,
>
> I'm attaching a further amended Health Officer Order dated 6-9-23.
>
> To date, PBI/UMI have failed to provide an adequate response to the Health Officer Order. We direct you to the Health Officer Order and the need to comply with all of this Order's requirements by June 11, 2023. The presence of infectious agents at the 850 I Street warehouse is beyond dispute. Additionally please provide updated addresses and phone numbers of Xiaoxiao Wang and Xiuqin Yao.

From: He David <davidmeditech@gmail.com>
Sent: Friday, June 09, 2023 12:45 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: Re: 回复 ：Second Fresno County Health Officer Order

Dear Joe Prado

Your email of yesterday evening has been received. Thank you very much for giving us an extension to June 11.

After receiving your email, I immediately forwarded it to Dimension manager in charge. We had a telephone discussion this morning. He had been calling you several times, but couldn't get through. We are particularly concerned about now is what documents need to be supplemented. You'd better give us a detailed explanation.

The important is whether your department can accept Dimension as the General Contractor for transportation and clearance and destruction of this project. If you agree, please give us a written reply ASAP, so we can plan all the details we need to work together for the further operation. If you think this company is not good enough, then we need to looking for another company quickly, so we need more time to extend.

More importantly, you mentioned in the email that Finding and Evidence of infectious agents in the email on April 7. I did not receive this email, and I also consulted the relevant people, but no one receive such email either. They said the email received on April 7 was sent by Ms.Harper, which only gave explanation and four attachments for guidance of State Regulation and Transportation Reference. Therefore, you still haven't give the solid evidence about the infectious agents. If you have more information, please send to me immediately. We pay special attention to this, which is also closely related to the detailed further operation of the items in the 850 temporary warehouse.

After I told the former staff about the infectious agents in your email, all of them are very surprise. There must be a huge misunderstanding because the infectious agents you mentioned have never been exposed in UMI research and production except recombinant E. coli, which is commonly used in most biological laboratories, and it will certainly not

have any impact on public health. I did not see any similar infectious agents in the list of all items and refrigerator contents provided by UMI. Please provide all the information you have today, so we can continue to hard work over the weekend and reply to you on Monday to meet your order deadline of June 11.

Thank you very much for your special attention.

David He

Representative for PBI/UMI

TEL 909-682-9518

EMAIL davidmeditech@gmail.com

Prado, Joe <jprado@fresnocountyca.gov> 于 2023年6月8日周四 19:37写道：

> To All Representatives,
>
> I'm attaching a Revised Health Officer Order that has provided additional time, till June 11, 2023 to complete providing the missing documentation requested in the Health Officer Order dated 5-31-2023 and Revised Order dated 6-8-2023.
>
> Your email dated June 7, 2023 requested our findings related to infectious agents. The items listed below is only an example of the infectious agents found onsite and is not a complete exhaustive list:
>
> Chlamydia trachomatis
>
> E. coli (recombinant strains)
>
> Helicobacter pylori
>
> Mycoplasma pneumoniae and general Mycoplasma species
>
> Neisseria meningitidis
>
> Nostoc species
>
> Sphingobacterium heparinum

Streptococcus pneumoniae Streptococcus species

Toxoplasma gondii

Hepatitis B virus

Hepatitis C virus

Dengue virus

Human Immunodeficiency Virus 1 and 2

Human Herpes virus 1

Human Herpes virus 5

Respiratory Syncytial virus

Rubella virus

Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (RG3)

The infectious agents fall under the packaging and shipping requirements included in correspondence provided on April 7, 2023.

Please provide the remaining documentation by June 11, 2023.

From: davidmeditech@gmail.com <davidmeditech@gmail.com>
Sent: Wednesday, June 07, 2023 2:53 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: 回复： Second Fresno County Health Officer Order

Dear Joe Predo

We will prepare the official document of the board resolution as soon as we receive your reply email on Monday. I have now received the documents from two companies.

Please see the attachments.

At the same time, I have repeatedly communicated with the responsible manager of Dimension company. They have been working hard these two days to meet the requirements you put forward in the mail. They said they would email the file to me and maybe call you later this afternoon. They said that the time you gave was really too short because there are many factors involved in this project and there are different subcontracts involvedand. It would be better to give an extension of two or three days.

Another very important key point is that 230531-HOO clearly mentioned the existence of Infectious Agents in the 850 temporary warehouse. We take this very seriously. Please give us the relevant findings and evidence as soon as possible. Because in the list of items and information we have, we have not get any infectious agents harmful to public health. We would be very grateful if you could pay special attention to this point.

If there is anything else I can help, please feel free to contact me.

Sincerely yours

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

davidmeditech@gmail.com

邮箱：davidmeditech@gmail.com

---- 回复的原邮件 ----

发件人	Prado, Joe<jprado@fresnocountyca.gov>
日期	2023年06月05日 16:28
收件人	davidmeditech@gmail.com ml<ml@linlawgroup.com> clin<clin@linlawgroup.com> 集团管理<jituanguanli@126.com> prestibio2021@gmail.com info.1320pbi<info.1320pbi@gmail.com>
抄送至	Luchini, David<dluchini@fresnocountyca.gov> Vohra, Rais<rvohra@fresnocountyca.gov> Mendes, Vincent<vmendes@fresnocountyca.gov> Nicole.Zieba<Nicole.Zieba@reedley.ca.gov> Dhillon, Simranjit<sidhillon@fresnocountyca.gov>
主题	RE: Second Fresno County Health Officer Order

To All Representatives,

We have received and reviewed your response. The response is insufficient and does

not meet the requirements set forth in the Health Officer Order dated 5-31-2023 (HOO). Thus actions will continue as stated in the HOO (attached). Here are the deficiencies in the email response from davidmeditech@gmail.com dated June 3rd, 2023 at 11:30pm (Email):

1. HOO Section 2.A. has not been complied to due to a Board resolution not being attached. Email attachment contained email statements only not a Board resolution. In addition Section 2.A. requested authorized individuals to conduct business in CA and persons that assume financial responsibilities. No documents presented addressed request in Section 2.A.
2. Section 2.B. requires

    a. Biological abatement, disposal plan, or transport of properly labeled and identified biological agents –

        i. Email attachment labeled EPSON149 is the Medical Waste application plan for the proposed new City of Fresno address. Not applicable to our request.

        ii. Email attachment labeled Dimension Service Order Prestige Bio (Assessment) speaks to destruction and is an assessment only. The plan does not speak to following the appropriate packaging and shipping requirements for transporting infectious agents for transport to City of Fresno address. Scope of Work should be inclusive of both medical waste and transport of biological infectious agents. It appears the scope of work omits the transport of infectious agents to the City of Fresno address.

        iii. Email number (2.), speaks to transferring refrigerators and freezers with the contents to new site. This statement demonstrates intention to move refrigerated and frozen contents to a new site which cannot be done by just moving contents with refrigerators/freezers inside of them. This method is not consistent with Packaging and Shipping requirements of infectious agents. Thus this does not meet requirements. Applicable federal and state regulations were provided to representatives on April 7, 2023 (email attached).

        iv. In addition, Section 2.A. was not complied with thus this plan even if complete cannot be accepted.

    b. Transporters have appropriate certification –

        i. The Department is confirming whether Dimension is utilizing a subcontractor to meet federal and State regulations and identify the subcontractor to confirm appropriate certification.

            1. Dimension does not have appropriate certification for transporting medical waste but may use a subcontractor.

2. Dimension does not have appropriate certification for packaging and shipping of infectious agents but may use a subcontractor.

c. Transporters should have binding commitment

i. Email had attached quote but no binding commitment was provided. Binding commitment may be a purchase order or agreement with the vendor.

ii. In addition, Section 2.A. was not complied with thus even a signed agreement or purchase order would not comply with our request.

In accordance with the HOO, representatives have seven (7) days from receipt of HOO to provide the necessary documentation. The representatives have until June 7, 2023 to provide the County of Fresno additional documentation that meet the requirements set forth in HOO. The items noted above are based on documentation included in Email. If additional documentation is submitted for consideration please continue to do so as stated in HOO.

Thank you

From: davidmeditech@gmail.com <davidmeditech@gmail.com>
Sent: Saturday, June 03, 2023 11:30 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: 集团管理 <jituanguanli@126.com>; ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: Re: Second Fresno County Health Officer Order

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Joe Prado

I am David He. As a special representative, I am authorized to manage and deal with the related work of 850 temporary warehouse. Attachment 1 are the authorization documents for your reference.

In the previous period, I had good communication and cooperation with officials at all levels of the federal government, state government and municipal government, and has achieved phased results. After receiving your email and attachment order this Wednesday, we take it very seriously. After three days preparation, I give you a brief report on our previous and current work as following:

As for the disposal plan of 850 items, I sent a detail plan to the local municipal officer 10 days ago. Now I send you the plan officially again with updated information.

1. Background

Clean up and transfer of the goods in the 850 temporary warehouse as soon as possible to completely eliminate potential risks for fire and safety hazards. The finished diagnostic kits that have been identified will be destroyed.

Government officials recommended good handling and destruction professional companies （Dimension Waste Services）. Full service can be carried out according to the plan we have formulated, including warehouse clean up , fully licensed transportation and movement and destruction services.

The brand new Factory with 18,000 square feet building, located in 3900 N Blattella Ln. Fresno CA 93724, will be powered on around June 10th. The final city inspection will be completed within one or two week after that, and the occupancy permit will be issued. However, the final approval is subject to PBI obtain the license of biohazard. The lease contract are doing the final review.

2. Transfer all the refrigerators and freezers with the contents to the new site. Remove temporary electricity and water to completely eliminate the risk of fire and flood by listened electrician. This work will be completed around June 19-20.

3. Transfer potentially dangerous chemical reagents and solutions to the new site. Completely eliminate potential safety hazards for 850. This work will be completed around June 20-23.

4. PBI do the best to apply for the CDPH Medical Waste Registration License according to the regulation of the state government. Formal application documents and cheques have been sent by express mail on this Tuesday. A scanned copy of the full set of document in Attachment 2. We hope this license will be approved next week

5. If necessary, the isolation area in the new factory can be set up and the chemical and biological reagents with potential safety risks transported by 850 can be temporarily isolated and blocked by your department officer and waiting for further component confirmation or harmless inspection results.

6. Clean up and move general items and equipment. Those with value in use are moved to a new site, and those with no value in use are put into recycling trailers for recycling. This work will be completed around June 26-30th.

7. Disposal of embargoed finished products. Since most of the embargoed finished products are placed at the end of the temporary warehouse, it is necessary to wait until all the items are cleared and moved out before they can be shipped out for destruction. When all of these embargoed items are ready to be shipped, choose a suitable day to move out under the supervision of California government officials. This will be completed Early July.

8. I received a quote from Dimension company yesterday. Please see the quotation in Attachment 3 and 4 from this company. For this quotation, we have been discussing it over and over again this week with Ben, the manager in charge for this project. We have great confidence the Dimension company. They have full listens for the transportation, handling and destruction of chemical, biological and medical materials. We'd like to start the cooperation as soon as the price is confirmed.

Please give further advice after reviewing the above plan and arrangement. If you have any questions, please feel free to contact me. If possible, I would like to visit you at your office in afternoon of June 9. In this way, we can have a more in-depth discussion on many detailed technical issues and get your guidance. At the same time, I can submit a set of important documents regarding UMI chemical and biological reagents secure coding and labeling, so that you can have a more comprehensive and in-depth understanding of the biochemical and medical reagents stored in the refrigerator.

Best regard and have a nice weekend.

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

davidmeditech@gmail.com

邮箱：davidmeditech@gmail.com

---- Replied Message ----

From	Prado, Joe<jprado@fresnocountyca.gov>
Date	05/31/2023 10:54
To	davidmeditech@gmail.com jituanguanli@126.com prestibio2021@gmail.com info.1320pbi@gmail.com ml@linlawgroup.com clin@linlawgroup.com
Cc	Luchini, David<dluchini@fresnocountyca.gov> Vohra, Rais<rvohra@fresnocountyca.gov> Mendes, Vincent<vmendes@fresnocountyca.gov> Harper, Jesalyn<Jesalyn.Harper@reedley.ca.gov> Nicole Zieba, Reedley<Nicole.Zieba@reedley.ca.gov> Dhillon, Simranjit<sidhillon@fresnocountyca.gov>
Subject	Second Fresno County Health Officer Order

Good Morning Representatives,

I am delivering to you Fresno County's Health Officer Order. This second order requires action on your part within 7 days. Please submit all requested documentation to dph@fresnocountyca.gov within 7 days for County's review and consideration. There is a Notice of Rights included in the Order if you have further inquiries. Thank you

Joe Prado, Assistant Director

Department of Public Health
Tel: (559) 600-6402
jprado@fresnocountyca.gov

This Email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender without using reply Email and destroy all copies of the original message.

EXHIBIT “K”

From:	Prado, Joe
To:	He David
Cc:	ml; clin; 集团管理; info.1320pbi; Luchini, David; Vohra, Rais; Mendes, Vincent; Nicole.Zieba; Dhillon, Simranjit; prestibio2021
Subject:	RE: 回复： Second Fresno County Health Officer Order
Date:	Tuesday, June 13, 2023 5:29:54 PM

Dear David,

The Fresno County Department of Health sent you a revised Health Officer Order on Friday June 9, 2023 which extended your response time per your own request. In that order it made it clear that you, as the representative for Universal Meditech Inc. and Prestige Biotech Inc. were to send us information that complied with the order. To date, neither 2A nor 2B have been completed and the time to respond to the Health Order has lapsed.

Regarding 2A, no viable California address has been provided, which violates California Corporations Code Section 1700. Per that section, a California address must be provided that is a street address and has someone available at that address . First you responded with the addresses of empty offices, and when we asked for clarification you provided addresses in China that do not appear to correlate with any maps of the area. The Department is trying to work with you but it is increasingly difficult when it appears that you are not wanting to provide real information. This viable address and phone number requirement pertains to both Universal Meditech Inc., a California corporation, and Prestige Biotech Inc., a Nevada corporation doing business in California.

Regarding 2B, it is the obligation of Universal Meditech Inc. and or Prestige Biotech Inc. to respond to the Health Order, not their contractors. The company or companies that own the materials located at 850 “I” Street, Reedley, CA 93654 are the entities obligated to respond to the Fresno County Department of Public Health’s requests. You requested additional time to respond and we provided that time. We told you exactly what parts of the health order were not yet met and still neither company that you represent has addressed those missing portions.

As stated above, the time to respond to the health officer order has lapsed. The Department is now assessing how to abate the matter since it appears that neither Universal Meditech Inc. or Prestige Biotech Inc. have an interest in working with the Department in addressing the biologicals located at 850 “I” Street in Reedley, CA.

I would like to also to let you know we have been in contact with California Department of Public Health – Food & Drug Branch (CDPH-FDB) and you have indicated you are willing to accept the responsibility and manage the destruction of unlicensed medical devices from the warehouse at 850 I street. The contractors for Universal Meditech Inc. and or Prestige Biotech Inc. may enter the site to only remove the medical devices. Please work with City of Reedley and CDPH-FDB to work out the logistics for destruction of medical devices. To ensure clarity, this action does not fulfill the requirements of the Health Officer Order.

From: He David <davidmeditech@gmail.com>

Sent: Saturday, June 10, 2023 3:40 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>; prestibio2021 <prestibio2021@gmail.com>
Subject: Re: 回复： Second Fresno County Health Officer Order

All right.
Then I'll wait for your further Instruction.

Prado, Joe <jprado@fresnocountyca.gov> 于 2023年6月10日周六 15:11写道：

> David,
> Health Officer Order Section 2.A. – I am waiting for County Counsel to decide whether or not the additional information submitted today was sufficient.
>
> Health Order Section 2.B. –
>
> 1. Section 2.B. requires
>
> a. Biological abatement, disposal plan, or transport of properly labeled and identified biological agents –
>
> i. Email attachment labeled EPSON149 is the Medical Waste application plan for the proposed new City of Fresno address. Not applicable to our request.
>
> ii. Email attachment labeled Dimension Service Order Prestige Bio (Assessment) speaks to destruction and is an assessment only. The plan does not speak to following the appropriate packaging and shipping requirements for transporting infectious agents for transport to City of Fresno address. Scope of Work should be inclusive of both medical waste and transport of biological infectious agents. It appears the scope of work omits the transport of infectious agents to the City of Fresno address.
>
> 1. No plan has been submitted packaging and shipping of infectious agents and the protocols that will be followed.
> 2. The attachment from Dimension speaks more to disposal and assessment. This plan is sufficient for disposal only.
>
> iii. Email from David He speaks to transferring refrigerators and freezers with the contents to new site. This statement demonstrates intention to move refrigerated and frozen infectious

agents to a new site which cannot be done by just moving contents with refrigerators/freezers inside of them. This method is not consistent with Packaging and Shipping requirements of infectious agents. Thus this does not meet requirements as a sufficient plan for packaging and shipping of infectious agents. Applicable federal and state regulations were provided to representatives on April 7, 2023 (email attached).

b. Transporters have appropriate certification –

i. The Department is confirming whether Dimension is utilizing a subcontractor to meet federal and State regulations and identify the subcontractor to confirm appropriate certification.

1. Dimension does not have appropriate certification for transporting medical waste but may use a subcontractor. Initial subcontractor proposed had an expired certificate.
2. Dimension does not have appropriate certification for packaging and shipping of infectious agents but may use a subcontractor. No packaging and shipping certification of infectious agents have been provided or a plan on transporting infectious agents.

c. Transporters should have binding commitment

i. Email had attached quote but no binding commitment was provided. Binding commitment may be a purchase order or agreement with the vendor.

From: He David <davidmeditech@gmail.com>
Sent: Saturday, June 10, 2023 2:28 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>; prestibio2021 <prestibio2021@gmail.com>
Subject: Re: 回复： Second Fresno County Health Officer Order

Hello Joe
Could you clearly indicate what other documents have not been provided?
David

Prado, Joe <jprado@fresnocountyca.gov> 于 2023年6月10日周六 13:59写道：

To All Representatives,

The Health Officer has not been complied with. Previous email noted the discrepancies and there are still outstanding documentation.

Sent via the Samsung Galaxy S21+ 5G, an AT&T 5G smartphone
Get Outlook for Android

From: He David <davidmeditech@gmail.com>
Sent: Saturday, June 10, 2023 12:52:05 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>; prestibio2021 <prestibio2021@gmail.com>
Subject: Re: 回复：Second Fresno County Health Officer Order

Hello Joe

Thank you very much for your reminder. The addresses and telephone numbers of Xiaoxiao Wang and Xiuqin Yao are updated information as following:

Xiuqin Yao
87 Zhuzhou Road, Nancun Town, Qingdao City, Shandong Province, China.
Tel: 18661707755

Xiaoxiao Wang
404 Wanggezhuang Street, Laoshan District, Qingdao City, Shandong Province, China
Tel: 13255326066

The official registered address of the company has been listed in the Letter of Board Resolution from both company.

Universal Meditech has formally hired a representative lawyer this year, and the contact information is 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

Please see if we have fully met all the document requirements for HOO-06/09/23. If still missing something, Please feel free to contact me any time.

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

Prado, Joe <jprado@fresnocountyca.gov> 于 2023年6月9日周五 20:47写道：

> David,
>
> I'm attaching a further amended Health Officer Order dated 6-9-23.
>
> To date, PBI/UMI have failed to provide an adequate response to the Health Officer Order. We direct you to the Health Officer Order and the need to comply with all of this Order's requirements by June 11, 2023. The presence of infectious agents at the 850 I Street warehouse is beyond dispute. Additionally please provide updated addresses and phone numbers of Xiaoxiao Wang and Xiuqin Yao.
>
> ---
>
> **From:** He David <davidmeditech@gmail.com>
> **Sent:** Friday, June 09, 2023 12:45 PM
> **To:** Prado, Joe <jprado@fresnocountyca.gov>
> **Cc:** ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
> **Subject:** Re: 回复 ： Second Fresno County Health Officer Order
>
> Dear Joe Prado
>
> Your email of yesterday evening has been received. Thank you very much for giving us an extension to June 11.
>
> After receiving your email, I immediately forwarded it to Dimension manager in charge. We had a telephone discussion this morning. He had been calling you several times, but couldn't get through. We are particularly concerned about now is what

documents need to be supplemented. You'd better give us a detailed explanation.

The important is whether your department can accept Dimension as the General Contractor for transportation and clearance and destruction of this project. If you agree, please give us a written reply ASAP, so we can plan all the details we need to work together for the further operation. If you think this company is not good enough, then we need to looking for another company quickly, so we need more time to extend.

More importantly, you mentioned in the email that Finding and Evidence of infectious agents in the email on April 7. I did not receive this email, and I also consulted the relevant people, but no one receive such email either. They said the email received on April 7 was sent by Ms.Harper, which only gave explanation and four attachments for guidance of State Regulation and Transportation Reference. Therefore, you still haven't give the solid evidence about the infectious agents. If you have more information, please send to me immediately. We pay special attention to this, which is also closely related to the detailed further operation of the items in the 850 temporary warehouse.

After I told the former staff about the infectious agents in your email, all of them are very surprise. There must be a huge misunderstanding because the infectious agents you mentioned have never been exposed in UMI research and production except recombinant E. coli, which is commonly used in most biological laboratories, and it will certainly not have any impact on public health. I did not see any similar infectious agents in the list of all items and refrigerator contents provided by UMI. Please provide all the information you have today, so we can continue to hard work over the weekend and reply to you on Monday to meet your order deadline of June 11.

Thank you very much for your special attention.

David He

Representative for PBI/UMI

TEL 909-682-9518

EMAIL davidmeditech@gmail.com

Prado, Joe <jprado@fresnocountyca.gov> 于 2023年6月8日周四 19:37写道：

To All Representatives,

I'm attaching a Revised Health Officer Order that has provided additional time, till June 11, 2023 to complete providing the missing documentation requested in the Health Officer Order dated 5-31-2023 and Revised Order dated 6-8-2023.

Your email dated June 7, 2023 requested our findings related to infectious agents. The items listed below is only an example of the infectious agents found onsite and is not a complete exhaustive list:

Chlamydia trachomatis

E. coli (recombinant strains)

Helicobacter pylori

Mycoplasma pneumoniae and general Mycoplasma species

Neisseria meningitidis

Nostoc species

Sphingobacterium heparinum

Streptococcus pneumoniae Streptococcus species

Toxoplasma gondii

Hepatitis B virus

Hepatitis C virus

Dengue virus

Human Immunodeficiency Virus 1 and 2

Human Herpes virus 1

Human Herpes virus 5

Respiratory Syncytial virus

Rubella virus

Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (RG3)

The infectious agents fall under the packaging and shipping requirements included in

correspondence provided on April 7, 2023.

Please provide the remaining documentation by June 11, 2023.

From: davidmeditech@gmail.com <davidmeditech@gmail.com>
Sent: Wednesday, June 07, 2023 2:53 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; 集团管理 <jituanguanli@126.com>; info.1320pbi <info.1320pbi@gmail.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: 回复： Second Fresno County Health Officer Order

Dear Joe Predo

We will prepare the official document of the board resolution as soon as we receive your reply email on Monday. I have now received the documents from two companies. Please see the attachments.

At the same time, I have repeatedly communicated with the responsible manager of Dimension company. They have been working hard these two days to meet the requirements you put forward in the mail. They said they would email the file to me and maybe call you later this afternoon. They said that the time you gave was really too short because there are many factors involved in this project and there are different subcontracts involvedand. It would be better to give an extension of two or three days.

Another very important key point is that 230531-HOO clearly mentioned the existence of Infectious Agents in the 850 temporary warehouse. We take this very seriously. Please give us the relevant findings and evidence as soon as possible. Because in the list of items and information we have, we have not get any infectious agents harmful to public health. We would be very grateful if you could pay special attention to this point.

If there is anything else I can help, please feel free to contact me.

Sincerely yours

David He
Representative for PBI/UMI

TEL 909-682-9518
EMAIL davidmeditech@gmail.com

davidmeditech@gmail.com

邮箱：davidmeditech@gmail.com

---- 回复的原邮件 ----

发件人	Prado, Joe<jprado@fresnocountyca.gov>
日期	2023年06月05日 16:28
收件人	davidmeditech@gmail.com ml<ml@linlawgroup.com> clin<clin@linlawgroup.com> 集团管理<jituanguanli@126.com> prestibio2021@gmail.com info.1320pbi<info.1320pbi@gmail.com>
抄送至	Luchini, David<dluchini@fresnocountyca.gov> Vohra, Rais<rvohra@fresnocountyca.gov> Mendes, Vincent<vmendes@fresnocountyca.gov> Nicole.Zieba<Nicole.Zieba@reedley.ca.gov> Dhillon, Simranjit<sidhillon@fresnocountyca.gov>
主题	RE: Second Fresno County Health Officer Order

To All Representatives,

We have received and reviewed your response. The response is insufficient and does not meet the requirements set forth in the Health Officer Order dated 5-31-2023 (HOO). Thus actions will continue as stated in the HOO (attached). Here are the deficiencies in the email response from davidmeditech@gmail.com dated June 3rd, 2023 at 11:30pm (Email):

1. HOO Section 2.A. has not been complied to due to a Board resolution not being attached. Email attachment contained email statements only not a Board resolution. In addition Section 2.A. requested authorized individuals to conduct business in CA and persons that assume financial responsibilities. No documents presented addressed request in Section 2.A.
2. Section 2.B. requires

    a. Biological abatement, disposal plan, or transport of properly labeled and identified biological agents –

        i. Email attachment labeled EPSON149 is the Medical Waste application plan for the proposed new City of Fresno address. Not applicable to our request.

        ii. Email attachment labeled Dimension Service Order Prestige Bio (Assessment) speaks to destruction

and is an assessment only. The plan does not speak to following the appropriate packaging and shipping requirements for transporting infectious agents for transport to City of Fresno address. Scope of Work should be inclusive of both medical waste and transport of biological infectious agents. It appears the scope of work omits the transport of infectious agents to the City of Fresno address.

iii. Email number (2.), speaks to transferring refrigerators and freezers with the contents to new site. This statement demonstrates intention to move refrigerated and frozen contents to a new site which cannot be done by just moving contents with refrigerators/freezers inside of them. This method is not consistent with Packaging and Shipping requirements of infectious agents. Thus this does not meet requirements. Applicable federal and state regulations were provided to representatives on April 7, 2023 (email attached).

iv. In addition, Section 2.A. was not complied with thus this plan even if complete cannot be accepted.

b. Transporters have appropriate certification –

i. The Department is confirming whether Dimension is utilizing a subcontractor to meet federal and State regulations and identify the subcontractor to confirm appropriate certification.

1. Dimension does not have appropriate certification for transporting medical waste but may use a subcontractor.
2. Dimension does not have appropriate certification for packaging and shipping of infectious agents but may use a subcontractor.

c. Transporters should have binding commitment

i. Email had attached quote but no binding commitment was provided. Binding commitment may be a purchase order or agreement with the vendor.

ii. In addition, Section 2.A. was not complied with thus even a signed agreement or purchase order would not comply with our request.

In accordance with the HOO, representatives have seven (7) days from receipt of HOO to provide the necessary documentation. The representatives have until June 7, 2023 to provide the County of Fresno additional documentation that meet the requirements set forth in HOO. The items noted above are based on documentation included in Email. If additional documentation is submitted for consideration please

continue to do so as stated in HOO.

Thank you

From: davidmeditech@gmail.com <davidmeditech@gmail.com>
Sent: Saturday, June 03, 2023 11:30 PM
To: Prado, Joe <jprado@fresnocountyca.gov>
Cc: 集团管理 <jituanguanli@126.com>; ml <ml@linlawgroup.com>; clin <clin@linlawgroup.com>; Luchini, David <dluchini@fresnocountyca.gov>; Vohra, Rais <rvohra@fresnocountyca.gov>; Mendes, Vincent <vmendes@fresnocountyca.gov>; Nicole.Zieba <Nicole.Zieba@reedley.ca.gov>; Dhillon, Simranjit <sidhillon@fresnocountyca.gov>
Subject: Re: Second Fresno County Health Officer Order

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Joe Prado

I am David He. As a special representative, I am authorized to manage and deal with the related work of 850 temporary warehouse. Attachment 1 are the authorization documents for your reference.

In the previous period, I had good communication and cooperation with officials at all levels of the federal government, state government and municipal government, and has achieved phased results. After receiving your email and attachment order this Wednesday, we take it very seriously. After three days preparation, I give you a brief report on our previous and current work as following:

As for the disposal plan of 850 items, I sent a detail plan to the local municipal officer 10 days ago. Now I send you the plan officially again with updated information.
1. Background
Clean up and transfer of the goods in the 850 temporary warehouse as soon as possible to completely eliminate potential risks for fire and safety hazards. The finished diagnostic kits that have been identified will be destroyed.
Government officials recommended good handling and destruction professional companies （Dimension Waste Services）. Full service can be carried out according to the plan we have formulated, including warehouse clean up , fully licensed transportation and movement and destruction services.
The brand new Factory with 18,000 square feet building, located in 3900 N Blattella Ln. Fresno CA 93724, will be powered on around June 10th. The final city inspection will be completed within one or two week after that, and the occupancy

permit will be issued. However, the final approval is subject to PBI obtain the license of biohazard. The lease contract are doing the final review.
2. Transfer all the refrigerators and freezers with the contents to the new site. Remove temporary electricity and water to completely eliminate the risk of fire and flood by listened electrician. This work will be completed around June 19-20.
3. Transfer potentially dangerous chemical reagents and solutions to the new site. Completely eliminate potential safety hazards for 850. This work will be completed around June 20-23.
4. PBI do the best to apply for the CDPH Medical Waste Registration License according to the regulation of the state government. Formal application documents and cheques have been sent by express mail on this Tuesday. A scanned copy of the full set of document in Attachment 2. We hope this license will be approved next week
5. If necessary, the isolation area in the new factory can be set up and the chemical and biological reagents with potential safety risks transported by 850 can be temporarily isolated and blocked by your department officer and waiting for further component confirmation or harmless inspection results.
6. Clean up and move general items and equipment. Those with value in use are moved to a new site, and those with no value in use are put into recycling trailers for recycling. This work will be completed around June 26-30th.
7. Disposal of embargoed finished products. Since most of the embargoed finished products are placed at the end of the temporary warehouse, it is necessary to wait until all the items are cleared and moved out before they can be shipped out for destruction. When all of these embargoed items are ready to be shipped, choose a suitable day to move out under the supervision of California government officials. This will be completed Early July.
8. I received a quote from Dimension company yesterday. Please see the quotation in Attachment 3 and 4 from this company. For this quotation, we have been discussing it over and over again this week with Ben, the manager in charge for this project. We have great confidence the Dimension company. They have full listens for the transportation, handling and destruction of chemical, biological and medical materials. We'd like to start the cooperation as soon as the price is confirmed.

Please give further advice after reviewing the above plan and arrangement. If you have any questions, please feel free to contact me. If possible, I would like to visit you at your office in afternoon of June 9. In this way, we can have a more in-depth discussion on many detailed technical issues and get your guidance. At the same time, I can submit a set of important documents regarding UMI chemical and biological reagents secure coding and labeling, so that you can have a more comprehensive and in-depth understanding of the biochemical and medical reagents stored in the refrigerator.

Best regard and have a nice weekend.

David He
Representative for PBI/UMI
TEL 909-682-9518
EMAIL davidmeditech@gmail.com

davidmeditech@gmail.com

邮箱：davidmeditech@gmail.com

---- Replied Message ----

From	Prado, Joe<jprado@fresnocountyca.gov>
Date	05/31/2023 10:54
To	davidmeditech@gmail.com jituanguanli@126.com prestibio2021@gmail.com info.1320pbi@gmail.com ml@linlawgroup.com clin@linlawgroup.com
Cc	Luchini, David<dluchini@fresnocountyca.gov> Vohra, Rais<rvohra@fresnocountyca.gov> Mendes, Vincent<vmendes@fresnocountyca.gov> Harper, Jesalyn<Jesalyn.Harper@reedley.ca.gov> Nicole Zieba, Reedley<Nicole.Zieba@reedley.ca.gov> Dhillon, Simranjit<sidhillon@fresnocountyca.gov>
Subject	Second Fresno County Health Officer Order

Good Morning Representatives,

I am delivering to you Fresno County's Health Officer Order. This second order requires action on your part within 7 days. Please submit all requested documentation to dph@fresnocountyca.gov within 7 days for County's review and consideration. There is a Notice of Rights included in the Order if you have further inquiries. Thank you

Joe Prado, Assistant Director

Department of Public Health
Tel: (559) 600-6402
jprado@fresnocountyca.gov

This Email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender without using reply Email and destroy all copies of the original message.

DANIEL C. CEDERBORG
County Counsel – SBN 124260
KYLE R. ROBERSON
Deputy County Counsel – SBN 285735
FRESNO COUNTY COUNSEL
2220 Tulare Street, 5th Floor
Fresno, California 93721
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RECEIVED
6/15/2023 3:49 PM
FRESNO COUNTY SUPERIOR COURT
By: C. York, Deputy

Exempt From Filing Fees Pursuant To Government Code Section 6103

Attorneys for FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CIVIL UNLIMITED DIVISION

IN RE PROPERTY LOCATE AT 850 "I" STREET, REEDLEY, CALIFORNIA 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	Case No. 23CECG00912 **[PROPOSED] FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH'S ABATEMENT WARRANT (Code Civ. Proc. § 1822.50 et seq)** [Proposed Abatement Warrant filed concurrently]

INSPECTION AND ABATEMENT WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA, TO ANY FRESNO COUNTY PUBLIC HEALTH STAFF, HEALTH OFFICER, HEALTH OFFICE, SHERIFF DEPUTY, OTHER COUNTY OF FRESNO PERSONNEL, AND PEACE OFFICER OF IN THE CITY OF REEDLEY:

UPON GOOD CAUSE SHOWN TO THE COURT by the declaration Humero Prado and the documentary evidence presented to the Court.

AT THE PREMISES LOCATED ON: 850 "I" Street, Reedley, California 93654, located in the incorporated area of the City of Reedley, further identified as Assessor's Parcel

Number 368-010-64S (hereinafter the "Property")

YOU ARE AUTHORIZED to enter the warehouse on premises to conduct a complete abatement of the conditions present by the following actions: (1) dispose of all biological material, including but not limited to, blood, tissue and other bodily fluid samples; serums; (2) dispose of all biological material deemed to be medical waste; (3) dispose of all infectious agent; (4) dispose of all containers, vials, boxes, bags, laboratory equipment and other storage devices that store or have been contaminated by biological material, medical waste and/or infections agents.

All items present that are in violation of Fresno County Health Officer Orders, California Medical Waste Management Act, California Health and Safety Code section 117600, *et seq*., infectious agents pursuant to Health and Safety Code section 117675, and other biological material shall be removed from the Property and disposed of appropriately in order to thoroughly abate potential sources of the communicable diseases, pursuant to California Health and Safety Code section 120175, and public nuisance and dangerous conditions on the Property.

THE INSPECTION AND ABATEMENT shall be made pursuant to Code of Civil Procedure sections 1822.55-56. The inspection and abatement shall be conducted any time between 8:00 a.m. and 6:00 p.m., within fourteen days from the date of this warrant after providing at least 24-hour notice (1) an agent of the owner of the Property AY-NC-LP; and (2) representative for Prestige Biotech, Inc., as the tenant in possession of the warehouse on the Property.

Pursuant to Code of Civil Procedure section 1822.56, sufficient cause ___has /___has not been shown for the execution of the warrant in the absence of the Owner and Prestige Biotech, Inc.

Pursuant to Code of Civil Procedure section 1822.56, sufficient cause ___has /___has not been shown for the execution of the warrant by means of forcible entry through the use of reasonable force.

County of Fresno Health Officials, Administrative Office personnel, Attorneys, Legal Investigators, Sheriff Deputies and any contractors hired by the County of Fresno, City of

Reedley Code Enforcement Officers, City of Reedley Building Officials, and/or their designees, representatives, including officials form the California Department of Toxic Substances Control, the California Department of Public Health, the United States Food & Drug Administration, the United States Centers for Disease Control and Prevention, and their agents may accompany County of Fresno Public Health staff at the time of execution of the warrant for the purpose of investigating, documenting, and enforcing applicable sections of the Health and Safety Code and abating violations of the Health and Safety Code.

AY-NC-LP and Prestige Biotech, Inc., shall forfeit all legal right to possession and any ownership interest in any materials the Fresno County Public Health removes from the Property for the purposes of abating biological material, medical waste and infectious agents stored within the warehouse on the Property.

Fresno County Sheriff's Deputies may accompany County of Fresno Public Health staff, inspectors and representatives, and any contractors hired by the County of Fresno at the time of execution of the warrant for the purpose of keeping the peace. The willful refusal of an inspection authorized by this warrant is a misdemeanor.

After making the inspection and completing the abatement activity authorized by this warrant, you are directed to make a return to this court according to section 1822.55 of the Code of Civil Procedure. This warrant will be effective from the date hereto for a period not to exceed fourteen (14) days, and authority for re-entry pursuant to this warrant shall continue until the inspection and abatement activity are completed. This warrant shall be returned upon execution.

Dated: _____, 2023

_____
JUDGE OF THE SUPERIOR COURT

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

Attorneys for Applicant, City of Reedley

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

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.)

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

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

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

I. FACTUAL SUMMARY

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

(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, at approximately 11:00 a.m., 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 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, alleged president of Prestige Bio Tech, that the Property was being used to store bio-medical supplies related to developing diagnostic testing kits. (*Id.* at Exhibit B.) Also kept on site are several hundred mice that are used for testing relating to immunology and oncology and have been genetically modified to catch and carry the COVID-19 virus. (*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. (*Id.* at Exhibit C.)

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

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

II. LEGAL ARGUMENT

A. City has the Authority to Inspect the Property.

The legislative body of a city may declare what constitutes a nuisance. (Gov. Code § 38771.) The California Civil Code provides that a city may remedy a public nuisance through abatement. (Civ. Code §§ 3491 and 3494.) The City's code expressly authorizes the abatement of properties in violation of 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 City is authorized to request an abatement warrant from the Court to allow the City to enter onto the Property and seize and humanely euthanize these laboratory mice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. CONCLUSION

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

LOZANO SMITH

Dated: March 29, 2023

Matthew M. Lear
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 March 29, 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

[X] (***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\01032527.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

Scott Cross, SBN 199116
Wiley R. Driskill, SBN 253913
LOZANO SMITH
7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

Attorneys for Applicant, City of Reedley

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

AY-NC-LP, OWNER.

Case No.: 23CECG00912

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

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

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

I, JESALYN HARPER, declare as follows:

1. I am currently, and at all times relevent 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.

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

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

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

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

8. On March 16, 2023, at approximately 11:00 a.m., 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. The City documented several building and safety code violations. CDPH documented embargoed items being stored in the Property and made an inventory of the contents of the lab. DTSC inspected how the tenant was disposing of toxic substances and tested the air to ensure it was safe to breathe. One of the rooms was found to contain several vessels of liquids and various apparatus that made it potentially unsafe to enter.

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

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

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

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

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

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

13. Based on the facts above, the City is requesting that an Abatement Warrant be issued to allow for the City staff and its designees to enter the Property and seize all of the laboratory mice so that they may be humanely euthanized.

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

DATED: March 29, 2023

/s/ Jesalyn Harper
Jesalyn Harper
Code Enforcement Officer
City of Reedley

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

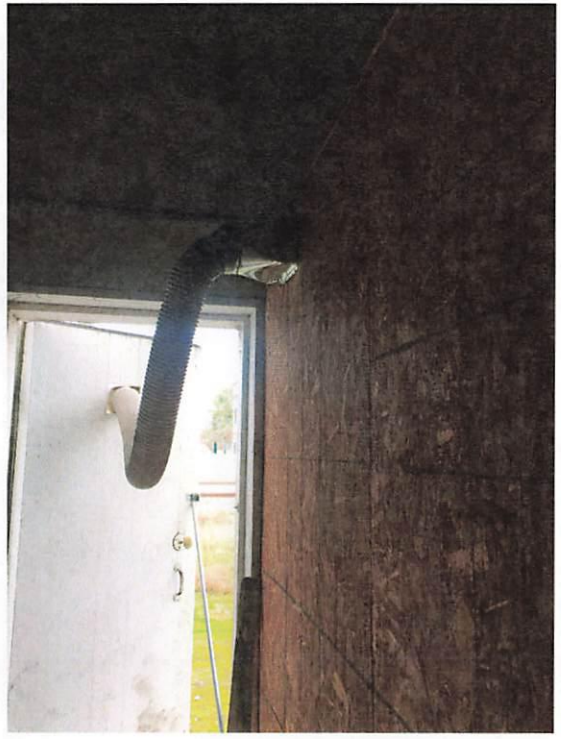
EXHIBIT A

Mice

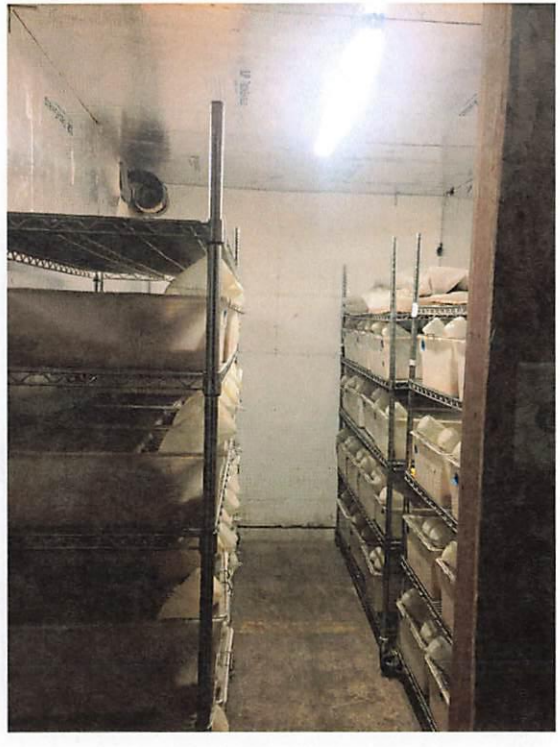
850 I St

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 harmless. 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 harmless. 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>
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 listed 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锟斤拷, 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锟斤拷UMI锟斤拷. 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 evidense 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

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

[X] (***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

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

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

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

IN RE PROPERTY LOCATED AT:

850 "I" Street
Reedley, CA 93654

APN: 368-010-64S

AY-NC-LP, OWNER.

Case No.: 23CECG00912.

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

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

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

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

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

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

THE COURT FINDS GOOD CAUSE EXISTS TO ORDER THAT:

1. City of Reedley ("City") officials and 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 onto the Property located at 850 "I" Street, in the City of Reedley, County of Fresno, State of California (Assessor's Parcel Number 368-010-64S) ("Property"), for the purpose of abating the public nuisance conditions therein by seizing and humanely euthanizing all mice being kept on the Property.

2. 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.

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

4. 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 enter and secure the Property, to allow for the inspection to take place, including the opening of any locked portions of the Property.

5. 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 requirement may be satisfied by posting said notice on the Property.

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

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 _____, 2023 and _____, 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 _____, 2023, and the return must be executed no later than _____, 2023 at 5:00 p.m.

IT IS SO ORDERED.

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 Avenue, Fresno 93720.

On March 29, 2023, I served the attached: **[PROPOSED] ABATEMENT WARRANT AND 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:

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

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Veronica Banda

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