

Exhibit DD  
Writ of Mandate

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

MICHAEL P. ACOSTA, ESQ #200443  
4050 CEDAR STREET EUREKA, CA 95503

TELEPHONE NO.: 707-572-8932 FAX NO. (Optional):

E-MAIL ADDRESS: MICHAELPACOSTA01@GMAIL.COM

ATTORNEY FOR (Name): GERALD MCGUIRE

FOR COURT USE ONLY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT**

STREET ADDRESS: 825 FIFTH STREET

MAILING ADDRESS:

CITY AND ZIP CODE: EUREKA, CA 95501

BRANCH NAME:

CASE NAME:

*Gerald McGuire v. County of Humboldt*

**CIVIL CASE COVER SHEET**

**Unlimited**  
(Amount demanded exceeds \$25,000)

**Limited**  
(Amount demanded is \$25,000 or less)

**Complex Case Designation**

Counter  Joinder

Filed with first appearance by defendant  
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:

DEPT.:

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

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

**Auto Tort**

- Auto (22)
- Uninsured motorist (46)

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

- Asbestos (04)
- Product liability (24)
- Medical malpractice (45)
- Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**

- Business tort/unfair business practice (07)
- Civil rights (08)
- Defamation (13)
- Fraud (16)
- Intellectual property (19)
- Professional negligence (25)
- Other non-PI/PD/WD tort (35)

**Employment**

- Wrongful termination (36)
- Other employment (15)

**Contract**

- Breach of contract/warranty (06)
- Rule 3.740 collections (09)
- Other collections (09)
- Insurance coverage (18)
- Other contract (37)

**Real Property**

- Eminent domain/Inverse condemnation (14)
- Wrongful eviction (33)
- Other real property (26)

**Unlawful Detainer**

- Commercial (31)
- Residential (32)
- Drugs (38)

**Judicial Review**

- Asset forfeiture (05)
- Petition re: arbitration award (11)
- Writ of mandate (02)
- Other judicial review (39)

**Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)**

- Antitrust/Trade regulation (03)
- Construction defect (10)
- Mass tort (40)
- Securities litigation (28)
- Environmental/Toxic tort (30)
- Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**

- Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

- RICO (27)
- Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

- Partnership and corporate governance (21)
- Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a.  Large number of separately represented parties
- b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c.  Substantial amount of documentary evidence
- d.  Large number of witnesses
- e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): 3

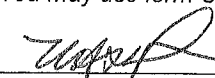
5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 10/26/23

MICHAEL P. ACOSTA

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

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

Page 1 of 2

1 Michael P. Acosta, Esq.  
2 State Bar No. 200443  
3 4050 Cedar Street  
4 Eureka, CA 95503  
5 Phone: 707-572-8932  
6 michaelpacosta01@gmail.com

7 Attorney for Petitioner  
8 Gerald McGuire

9 SUPERIOR COURT OF CALIFORNIA  
10 IN AND FOR THE COUNTY OF HUMBOLDT

<p>11 12 13 14 Gerald McGuire 15 Petitioner/Plaintiff, 16 v. 17 County of Humboldt, 18 Respondent/Defendant.</p>	<p>Case No. _____</p> <p>PETITION FOR WRIT OF MANDATE [C.C.P. §1086] AND PROHIBITION [C.C.P. § 1103] AND VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF [Gov Code §11350, C.C.P §1060]; EX PARTE APPLICATION FOR A RESTRAINING ORDER PROHIBITING SEIZURE [4TH Amendment of theU.S Constitution]</p> <p>IMMEDIATE STAY REQUESTED</p>
--	---

19  
20  
21  
22  
23 Petitioner/Plaintiff Gerald McGuire, a beneficially interested party, petitions this Court for  
24 a statutory writ of mandate per C.C.P. §1086 and/or a statutory writ of prohibition per C.C.P.  
25 §1103 directing the County of Humboldt, through is elected Board of Supervisors to a) vacate its  
26 Decision and Orders entered on September 26, 2023 revoking Petitioner's Coastal Development

27  
28  
1  
PETITION FOR WRIT OF MANDATE [C.C.P. §1086] AND PROHIBITION [C.C.P. § 1103]  
AND VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF [Gov Code  
§11350, C.C.P §1060]; EX PARTE APPLICATION FOR A RESTRAINING ORDER  
PROHIBITING SEIZURE [4TH Amendment of theU.S Constitution]

1 Permit and ordering the total demolition of the remaining structure, clearing, and non-use of  
2 Petitioner's property located at 6766 West Avenue Fields Landing, CA 95537 (hereinafter  
3 referred to as "the Premises.").

4 Petitioner also by this Petition and Complaint seeks injunctive relief per Government Code  
5 §11350 and declaratory relief per C.C.P §1060 enjoining the Respondent County of Humboldt  
6 and its employees, contractors, and agents from demolishing the remaining structures and seizing  
7 valuable building materials and other personal property from said Premises.

8 Petitioner is further requesting an ex parte restraining order and/or immediate stay of  
9 execution against any and all actions by the Respondent and its employees, contractors, and  
10 agents on the Premises. The Petitioner has no plain and speedy remedy at law that would avoid  
11 irreparable harm to his civil liberties and private property, necessitating this Petition and  
12 Complaint and Ex Parte Application for a Restraining Order or Immediate Stay. The Petitioner's  
13 direct appeal remedy would be inadequate because the Respondent County of Humboldt's  
14 decision to revoke his Coastal Development Permit, its directive to County staff to oversee or  
15 facilitate the demolition of the remaining structure on the Premises and clear the property, and its  
16 Order that Petitioner not use the Premises in any manner to store any valuable personal property  
17 place the Petitioner's personal property and quiet enjoyment or private real property at risk of  
18 immediate loss.

#### 18 STATEMENT OF FACTS

19 Petitioner/Plaintiff alleges the following facts:

- 20 1) Petitioner/Plaintiff, Gerald McGuire, is a resident of the County of Humboldt with mailing  
21 address of P.O. Box 322 Fields Landing, CA 95537;
- 22 2) Plaintiff is the record owner of a parcel of real estate located at 6766 West Avenue Fields  
23 Landing, CA 95537 ("the Premises");
- 24 3) Respondent/Defendant, County of Humboldt, is a political subdivision of the state or  
25 California, governed by an elected Board of Supervisors;

- 1 4) Jurisdiction and venue are proper as both parties reside or are located in the County of  
2 Humboldt, State of California;
- 3 5) On or about September 26, 2023, the Respondent County of Humboldt revoked  
4 Petitioner's Coastal Development permit at a duly held meeting of the Board of  
5 Supervisors of the County of Humboldt;
- 6 6) As part of that revocation on September 26, 2023, Respondent/Defendant ordered  
7 Petitioner/Plaintiff to abate and remove all personal property, including valuable building  
8 materials, from the Premises within 30 days;
- 9 7) Petitioner/Plaintiff will suffer irreparable injury to his personal property stored on the  
10 premises if Respondent is allowed to seize his valuable personal property, including but  
11 not limited to thousands of dollars worth of new lumber located on the Premises.
- 12 8) There is a remaining structure on the Premises which Petitioner/Plaintiff is informed and  
13 believes still qualifies as a "nonconforming structure" but which is at risk of irreparable  
14 harm, including demolition, by Respondent/Defendant who has declared that said  
15 remaining structure has lost its "nonconforming" status; and
- 16 9) Petitioner has exhausted his administrative remedies and seeks judicial review of these  
17 issues.

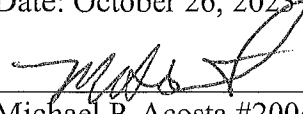
18 PRAYER

19 WHEREFORE Petitioner prays that a writ of mandate and prohibition issue from this  
20 Court commanding the Respondent County of Humboldt to vacate its September 26, 2023  
21 decision to vacate Petitioner's Coastal Development permit, cease, enjoining the Respondent  
22 from any demolition of the remaining structures on the Premises, enjoining Respondent from  
23 removal of Petitioner's valuable personal property situated on the Premises, and declaring and  
24 defining Petitioner's right to use his real property in some useful manner and to keep personal  
25 property in some non-nuisance manner on the Premises.

1           Petitioner further prays that the Court issue a stay of execution, or grant this application for  
2 an ex parte restraining order to keep the status quo on the Premises during the pendency of this  
3 Petition and Complaint.

4           Petitioner requests that the Court direct the clerk to schedule an evidentiary hearing in the  
5 matter on the Petitioner's request for a preliminary injunction and/or on Petitioner's ex parte  
6 application for a restraining order. A separate Memorandum of Points and Authorities and  
7 Declaration of Petitioner/Plaintiff Gerald McGuire in support of the above remedies will be filed  
8 and served on the parties shortly..

9 Date: October 26, 2023,


10   
11 \_\_\_\_\_  
12 Michael P. Acosta #200443  
13 Attorney for Petitioner/Plaintiff  
14 Gerald McGuire

15 ///

16 VERIFICATION

17           I am the Petitioner in this case. I have read the foregoing Petition and know its contents.  
18 The facts alleged within the Petition are within my own knowledge and I know and hereby verify  
19 the facts stated as true, except for those statements based on information and belief, and as to  
20 those I believe them to be true..

21           I declare under penalty of perjury that the foregoing is true and correct and that this  
22 verification was executed on this 26th day of October 2023 at Eureka, CA.

23   
24 \_\_\_\_\_  
25 Gerald McGuire, Petitioner/Plaintiff

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROOF OF SERVICE

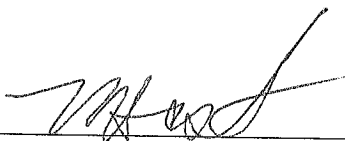
The undersigned declares:

I am a citizen of the United States. I am over the age of eighteen years and not a party to the within action. On October 26, 2023, I caused a true copy of the Petitioner's PETITION FOR WRIT OF MANDATE [C.C.P. §1086] AND PROHIBITION [C.C.P. § 1103] AND VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF [Gov Code §11350, C.C.P §1060]; EX PARTE APPLICATION FOR A RESTRAINING ORDER PROHIBITING SEIZURE [4TH Amendment of theU.S Constitution]

to be served on the following parties personally:

County of Humboldt  
County Counsel. First Floor  
825 Fifth Street  
Eureka, CA 95501

I declare under penalty of perjury that the foregoing is true and correct,  
and that this declaration was executed on October 26, 2023, at Eureka, California.

  
\_\_\_\_\_

MICHAEL P. ACOSTA

4050 Cedar Street  
Eureka, CA 95503