

Exhibit EE

Filed

Writ of Mandate

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

OCT 27 2023

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

COUNTY OF HUMBOLDT

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

GERALD MCGUIRE

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court, County of Humboldt
825 Fifth Street Eureka, CA 95501

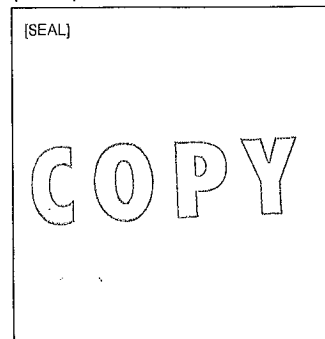
CASE NUMBER:
(Número del Caso) CV 2301707

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Michael P. Acosta, 4050 Cedar Street Eureka, CA 95503

DATE: 10-27-2023
(Fecha)

Clerk, by Aja Szazama, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of *(specify)*:
3. on behalf of *(specify)*:
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other *(specify)*:
4. by personal delivery on *(date)*:

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

FILED

OCT 27 2023

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

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 17 v. 18 County of Humboldt, 19 Respondent/Defendant.</p>	<p>Case No. <u>CV 2301707</u></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 the U.S Constitution]</p> <p>IMMEDIATE STAY REQUESTED</p>
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22 Petitioner/Plaintiff Gerald McGuire, a beneficially interested party, petitions this Court for
23 a statutory writ of mandate per C.C.P. §1086 and/or a statutory writ of prohibition per C.C.P.
24 §1103 directing the County of Humboldt, through its elected Board of Supervisors to a) vacate its
25 Decision and Orders entered on September 26, 2023 revoking Petitioner's Coastal Development
26

28 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 the U.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

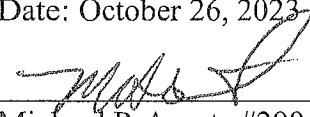
19. Petitioner/Plaintiff alleges the following facts:

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 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

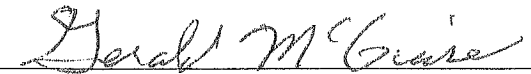
10 
11 _____
12 Michael P. Acosta #200443
13 Attorney for Petitioner/Plaintiff
14 Gerald McGuire

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 **PROOF OF SERVICE**

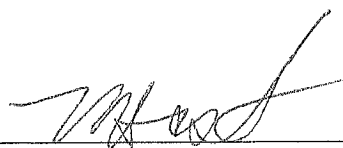
3
4 The undersigned declares:

5 I am a citizen of the United States. I am over the age of eighteen years and not a party to
6 the within action. On October 26, 2023, I caused a true copy of the Petitioner's PETITION FOR
7 WRIT OF MANDATE [C.C.P. §1086] AND PROHIBITION [C.C.P. § 1103] AND VERIFIED
8 COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF [Gov Code §11350, C.C.P
9 §1060]; EX PARTE APPLICATION FOR A RESTRAINING ORDER PROHIBITING
10 SEIZURE [4TH Amendment of theU.S Constitution]

11 to be served on the following parties personally:

12
13 County of Humboldt
14 County Counsel. First Floor
15 825 Fifth Street
Eureka, CA 95501

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

18
19 
20 _____
21 MICHAEL P. ACOSTA
22 4050 Cedar Street
23 Eureka, CA 95503
24
25
26