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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

02/13/2020 at 12:00:00 AM
Clerk of the Superior Court
By E- Filing, Deputy Clerk

6 Attorneys for proposed intervenor
7 KIM Investments, LLC

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN DIEGO –CENTRAL DIVISION**

10 CITRUS ST PARTNERS, LLC,

11 Plaintiff

12 v.

13 CITY OF LEMON GROVE; CITY
14 COUNCIL OF THE CITY OF LEMON
15 GROVE; AND DOES 1-10,

16 Respondents,

19 Does 11-20,

20 Real Parties In Interest.

21 KIM Investments, LLC,

22 Real Party In Interest-
23 Intervenor.

25 ///

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Case No: 37-2019-0064690-CU-MC-CTL

**PROPOSED INTERVENOR KIM
INVESTMENTS, LLC'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
OPPOSITION TO CITRUS STREET'S
FEBRUARY 13, 2020 EX PARTE
APPLICATION TO REASSIGN CASE**

[Imaged File]

Judge: Hon. Richard S. Whitney
Dept: C-68
Date: February 13, 2020
Time: 8:45 a.m.

Petition Filed: December 5, 2019

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Evidence Code section 452, proposed intervenor KIM Investments, LLC (“KIM”) respectfully requests that the Court take judicial notice of the following exhibits in ruling on KIM’s opposition to petitioner Citrus St Partners, LLC’s February 13, 2020 ex parte application to reassign this case:

1. Attached hereto as **Exhibit A** is a true and correct copy of the conformed temporary restraining order, signed by the Honorable Kenneth J. Medel on January 16, 2020. Pursuant to Evidence Code section 452(d), the Court may take judicial notice of records of any court of this state. KIM respectfully requests that the Court take judicial notice of Judge Medel’s signed temporary restraining order.

2. Attached hereto as **Exhibit B** is a true and correct copy of the conformed Peremptory Challenge, signed by the Honorable Kenneth J. Medel on January 29, 2020. Pursuant to Evidence Code section 452(d), the Court may take judicial notice of records of any court of this state. KIM respectfully requests that the Court take judicial notice of the conformed peremptory challenge filed by KIM and signed by Judge Medel.

Dated: January 6, 2020

Respectfully Submitted,

AUSTIN LEGAL GROUP, APC



By: Gina M. Austin/Tamara M. Leetham
Attorneys for Petitioner and Plaintiff La
Mesa Alternative Health, Inc.

Exhibit A

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FILED
Clerk of the Superior Court

JAN 16 2020

By: G. Mendoza , Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, CENTRAL COUNTY DIVISION**

CITRUS ST PARTNERS, LLC,

PETITIONER,

v.

**CITY OF LEMON GROVE; CITY
COUNCIL OF THE CITY OF LEMON
GROVE; AND DOES 1-10,**

RESPONDENTS.

) CASE No: 37-2019-00064690-CU-MC-CTL
)

) ~~PROPOSED~~ ORDER TO SHOW
) CAUSE RE PRELIMINARY
) INJUNCTION AND ORDER RE EX
) PARTE APPLICATION FOR
) TEMPORARY RESTRAINING ORDER
)

) Judge: Hon. Kenneth J. Medel
) Dept.: C-66
)

) Petition filed: November 25, 2019
)
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)

DOES 11-20,

REAL PARTIES IN INTEREST.

1 On January 14, 2020, at 8:30 a.m., the Ex Parte Application for Temporary Restraining
2 Order (TRO) and Order to Show Cause Re Preliminary Injunction filed by Petitioner CITRUS
3 ST PARTNERS, LLC came on for hearing in Department 66 of the above-entitled court. The Ex
4 Parte Application having been fully argued and considered and proof being made to the
5 satisfaction of the court that Petitioner has satisfied all requirements necessary for issuance of an
6 OSC re Preliminary Injunction and TRO:

7 **IT IS HEREBY ORDERED** that Respondents CITY OF LEMON GROVE and CITY
8 COUNCIL OF THE CITY OF LEMON GROVE (collectively, "City") be ordered to show cause
9 why a preliminary injunction should not issue enjoining the City and their respective agents,
10 instrumentalities, and assigns from taking any action, discretionary or ministerial, that would
11 disturb, extinguish, interfere with, or otherwise prejudice Zoning Clearance ZCM-180-0005 until
12 the resolution of the underlying litigation.

13 The following deadlines shall apply with respect to the OSC:

- 14 1. The hearing on the OSC Re Preliminary Injunction shall be held on February 14, 2020 at
15 10:00 a.m. in Department 66 of the above-entitled Court.
- 16 2. Respondents' opposition papers shall be filed on or before 5:00 p.m. on January 30, 2020
17 and shall be served electronically via One Legal at the time of filing.
- 18 3. Kim Investments, LLC's intervention and opposition papers shall be filed on or before
19 5:00 p.m. on January 30, 2020 and shall be served electronically via One Legal at the
20 time of filing.
- 21 4. Petitioner's reply papers to Respondents' and Kim Investments, LLC's opposition, and
22 opposition papers to Kim Investments, LLC's intervention, shall be filed on or before
23 5:00 p.m. on February 7, 2020 and shall be served electronically via One Legal at the
24 time of filing.

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26 [ORDER CONTINUES BELOW]
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IT IS HEREBY FURTHER ORDERED that a Temporary Restraining Order (TRO) binding on Respondents CITY OF LEMON GROVE and CITY COUNCIL OF THE CITY OF LEMON GROVE shall issue as follows:

1. To prohibit Respondents and their respective agents, instrumentalities, and assigns from finally approving conditional use permit CUP-190-0002 to establish a medical marijuana dispensary at 3515 Harris Street, Lemon Grove, California until a final determination on the OSC Re Preliminary Injunction.
2. To further prohibit Respondents and their respective agents, instrumentalities, and assigns from issuing any building permits or certificates of occupancy for a day care facility at 3468 Citrus Street, Lemon Grove, California until a final determination on the OSC Re Preliminary Injunction.

The TRO shall expire at the time the Court issues a final Ruling on the Order to Show Cause Re Preliminary Injunction.

IT IS SO ORDERED.

Dated: 1-16, 2020

Kenneth J. Medel

Hon. Kenneth J. Medel
Judge of the Superior Court
County of San Diego

Exhibit B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GINA M. AUSTIN (SBN 246833) TAMARA M. LEETHAM (SBN 234419) AUSTIN LEGAL GROUP, APC 3990 Old Town Ave, Ste A-101, San Diego, CA 92110 TELEPHONE NO.: (619) 924-9600 FAX NO.(Optional): (619) 881-0045 EMAIL ADDRESS (Optional): Admin@austinlegalgroup.com ATTORNEY FOR (Name): KIM Investments, LLC	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">ELECTRONICALLY FILED Superior Court of California, County of San Diego</p> <p style="text-align: center;">01/28/2020 at 11:45:00 AM Clerk of the Superior Court By Tamara Parra, Deputy Clerk</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input checked="" type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123 <input type="checkbox"/> CENTRAL DIVISION, JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
PLAINTIFF(S)/PETITIONER(S) CITRUS ST PARTNERS, LLC	JUDGE Hon. Kenneth J. Medel
DEFENDANT(S)/RESPONDENT(S) CITY OF LEMON GROVE; CITY COUNCIL OF THE CITY OF LEMON GROVE	DEPT C-66
IN THE MATTER OF Citrus St Partners LLC vs. City of Lemon Grove, et al.	CASE NUMBER 37-2019-00064690-CU-MC-CTL
PEREMPTORY CHALLENGE	

Gina M. Austin, is a party an attorney for a party in the above-entitled case and declares that Hon. Kenneth J. Medel, the judicial officer to whom this case is assigned, is prejudiced against the party or the party's attorney or the interests of the party or the party's attorney such that the said party or parties believe(s) that a fair and impartial trial or hearing cannot be had before such judicial officer.

WHEREFORE, pursuant to the provisions of Code Civ. Proc. §170.6, I respectfully request that this court issue its order reassigning said case to another, and different, judicial officer for further proceedings.

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

Date: January 28, 2020

Gina M Austin

 Signature

ORDER

GRANTED – The court finds the challenge is timely filed and the party's/attorney's above statement meets the requirements of Code of Civ. Proc. §170.6 (a)(4). The case will be reassigned and a notice will be mailed to the parties and/or counsel.

DENIED

IT IS SO ORDERED.

Date: 1/29/2020

Kenneth J. Medel

Judge Kenneth J. Medel

 Judge/Commissioner of the Superior Court

Date: 1/30/2020

Case is reassigned to Judge/Commissioner Richard S. Whitney