

FILED BY FAX
ALAMEDA COUNTY
March 04, 2021
CLERK OF
THE SUPERIOR COURT
By Keisha Ghee, Deputy
CASE NUMBER:
RG21089893

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA, UNLIMITED JURISDICTION

HARRENS LAB INC., a California
corporation, and MING LI, an individual

Petitioners,

vs.

BUREAU OF CANNABIS CONTROL
(BCC); TAMARA COLSON, in her official
capacity as Acting Chief of the Bureau of
Cannabis Control; and Does 1-10,

Respondents.

Case No. RG21089893

**DECLARATION OF MING LI IN
SUPPORT OF REPLY TO OPPOSITION
TO EX PARTE APPLICATION FOR
TEMPORARY STAY ORDER AND
ORDER TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

Action Filed:
Trial Date:

Hearing Date: 03/04/2021
Reservation No.: N/A
Dept.: 17
Time: 3:30pm

I, Ming Li, declare as follows:

1. BCC Investigator Travis White (Mr. White) first contacted me on or about 5/21/20
by email and asked that I call him. I called him that same day. We communicated further by email
through May and June. I spoke with him again on or about June 11, 2020.

2. I have always fully cooperated and communicated with Mr. White. At no time did I ever lie to him. It might be that Mr. White misunderstood me because, as a speaker of English as a second language, my accent can be difficult for some native monolingual English speakers to understand.

3. I communicated to Mr. White with documentation, that I Harrens Lab did occasionally use third party carriers to transport cannabis samples to our laboratory in Hayward collected by our employee samplers from Southern California (Los Angeles area) distributor clients. This happened infrequently during late 2019 and early 2020 when there might be only 1 or 2 samples requiring immediate transportation.

4. After Mr. White notified us of this violation and its potential consequences around May or June of 2020, I Harrens Lab ceased that practice immediately. Neither Mr. White nor anyone else from BCC mentioned the issue again until February 4, 2021 when it was mentioned generally in the hand-delivered letter of revocation.

5. During Mr. White's communications with me in May of 2020 he brought to our attention some previously unknown inadequacies of our video surveillance recording system's storage capacity. I Harrens Lab corrected this deficiency by early July of 2020 by changing to a new video surveillance system. We noticed BCC via email.

6. Other issues regarding documentation of some samples have also been corrected.

7. At no time did BCC tell us that we were in danger of revocation. Often, their communications were opaque and their purpose was never explained. They would request that we provide immediate documentation of Chain of Custody for a sample or samples, of Certificates of Analysis, and when we sent it to them within hours of their request as demanded, we would hear no explanation or feedback. They did not give us the impression that they were working with us collaboratively to correct any specific deficiencies. Rather they seemed to be trying to catch us in some error of documentation with the goal of punishing us, not helping us improve.

8. In 2020 Harrens Lab passed extensive third party proficiency testing mandated by BCC in all of our testing modalities: microbiological, heavy metals, pesticides, cannabinoid content, residue of solvent, water activity and mycotoxins.

9. Throughout the licensing process over the past three years plus, and as part of the requirements to receive our provisional license, Harrens Lab has provided over 130 documents to BCC, including detailed Standard Operating Procedures for all aspects of our operations. A true and correct copy of that list is attached as **Exhibit A**.


10. Harrens Lab is a fully accredited analytical testing laboratory for both chemical and biological testing, see Accreditation Certificates, a true and correct copy of which is attached as **Exhibit B**.

11. Harrens Lab has always observed all proper testing protocols for the analysis of cannabis samples.

12. To my knowledge, an analytical testing laboratory such as Harrens Lab is permitted to test controlled substances under federal law.

13. Harrens Lab currently maintains a valid general liability insurance policy of \$1,000,000 with limits and coverages required by state law. Harrens Lab is willing to increase the policy limits to a \$5,000,000 combined single limit in lieu of bond if the court so orders.

I declare under penalty of perjury under the laws of the State of California that the foregoing declaration is true and correct. Executed March 4, 2021, in Oakland, California.



Ming Li
CEO of Harrens Lab
Plaintiff

EXHIBIT A

Cannabis - Testing Laboratory Application
License C8-18-0000103-APP

Name	Type	File Size	Status	Latest Update
Harrens Breakwater Property and Premise.pdf	Premises Diagram	2.11 MB	Returned for Revision	10/30/2020
Driver's license.pdf	Government-Issued Identification	277.27 KB	Uploaded	3/13/2019
Jinbo Driver's license front.jpg	Government-Issued Identification	115.94 KB	Uploaded	3/27/2019
C-19-0006413-OWN .Jinbo.Liu.Owner.Submittal.hard.copy.pdf	Other	829.56 KB	Uploaded	5/24/2019
FW_ Notification of Receipt of Proficiency Testing Results.msg	Notification and Request Form, Other	378.50 KB	Uploaded	11/2/2020
DEA registration.pdf	Local Authorization	287.08 KB	Uploaded	4/19/2018
<u>consent letter and lease.pdf</u>	Evidence of Legal Right to Occupy the Proposed Location	14.51 MB	Uploaded	4/19/2018
Forms_and_Letters\Denial_of_Temporary_License_20180510_161249.pdf	Other	245.43 KB	Uploaded	5/10/2018
2018.06.21 Harrens Lab Approved Application Letter.pdf	Local Authorization	366.44 KB	Uploaded	6/21/2018

C8-18-0000103-APP.CEQA.Exemption.fo rm.pdf	CEQA	164.93 KB	Review Complete	10/30/2020
C8-18-0000103-APP.BCC-LIC-011 - Premises Diagram.pdf	Premises Diagram	157.92 KB	Returned for Revision	10/30/2020
premise diagram.pdf	Premises Diagram	88.03 KB	Returned for Revision	10/30/2020
HARRENS LAB INC. C8-18-0000103-APP .msg	Corresponde nce	270.00 KB	Uploaded	10/30/2020
C8.18.0000103.APP.HARRENS.LAB.INC.60DAY.E MAIL.103020.pdf	Other	775.50 KB	Uploaded	10/30/2020
<u>C8-18-0000103-APP.HL237 Analysis of Heavy Metal Residues in Cannabis by PF7 20181215 V1.docx</u>	Operating Procedures	1.31 MB	Uploaded	5/24/2019
<u>C8-18-0000103-APP .HL317 Detection of Aspergillus species by qPCR (PathogINDICAtor) in Flower and Concentrate Samples 20181029 V2.docx</u>	Operating Procedures	3.92 MB	Uploaded	5/24/2019
Harrens Lab (C8-18-0000103-APP) SOPs Status Letter 5-15-20.pdf	Other	156.90 KB	Uploaded	5/27/2020

C8-18-0000103-APP.consent letter and lease.pdf	Right to Occupy and Use the Proposed Location	14.52 MB	Review Complete	8/24/2020
FW_ Newly Approved Scopes of Accreditation for Harrens Lab Inc_.msg	Notification and Request Form, Other	1.67 MB	Uploaded	9/8/2020
<u>C8-18-0000103-APP.HL238</u> <u>Water Activity 20181211</u> <u>V1.docx</u>	Operating Procedures	28.48 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.HL240</u> <u>Analysis of Mycotoxin</u> <u>Residues in Cannabis by</u> <u>LCMSMS 20190306 V1.docx</u>	Operating Procedures	37.86 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.HL231</u> <u>Determination of Residual</u> <u>Solvents by Headspace GC-</u> <u>FID 20180905 V2.docx</u>	Operating Procedures	39.60 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.HL230</u> <u>Determination of Terpenes</u> <u>by Headspace GC-FID</u> <u>20180924.docx</u>	Operating Procedures	37.64 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP .HL316</u> <u>qPCR testing for presence of</u> <u>Salmonella E.coli Shiga</u> <u>Toxin and Aspergillus from</u> <u>Flower Samples V2</u> <u>20181029.docx</u>	Operating Procedures	1.61 MB	Uploaded	5/24/2019

C8-18-0000103-APP .HL324

Detection of Filth and
Foreign Material in
Cannabis Plant or Flower
Samples 20181129 V3.docx

Operating
Procedures

22.28
KB

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5/24/2019

C8-18-0000103-

APP.HL217.1 Moisture
content testing on inhalable
cannabis product
20180124.docx

Operating
Procedures

25.33
KB

Uploaded

5/24/2019

C8-18-0000103-

APP.HL110.3 Chain of
Custody of Cannabis
Product 20171212.docx

Operating
Procedures

47.86
KB

Uploaded

5/24/2019

C8-18-0000103-APP .HL323

Detection of Filth and
Foreign Material in
Cannabis Concentrate and
Edible Products 20181129
V3.docx

Operating
Procedures

22.90
KB

Uploaded

5/24/2019

C8-18-0000103-APP.HL223

Quantitation of
Cannabinoids by HPLC
20181008 V9.docx

Operating
Procedures

47.89
KB

Uploaded

5/24/2019

<u>C8-18-0000103- APP.HL105.4 Test method selections verification and validation V3 20180105.docx</u>	Standard Operating Procedures	35.37 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL105.1 Technical Requirement 20160223.docx</u>	Operating Procedures	26.15 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL105.3 Accommodation and Environmental Conditions 20180110.docx</u>	Operating Procedures	544.78 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.2020.03.05 - A2LA Cert with Biological Scope 4074-01.pdf</u>	Other	202.25 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.2020.03.05 - A2LA Cert with Chemical Scope 4074-02.pdf</u>	Other	204.58 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL104.12 Preventive Action 20160219.docx</u>	Operating Procedures	37.38 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL104.13 Record Control V2 20160418.docx</u>	Operating Procedures	30.42 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL104.14 Internal Audit V2 20160418.docx</u>	Operating Procedures	41.51 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL104.15 Management Review 20171019.docx</u>	Operating Procedures	27.99 KB	Uploaded	5/24/2019

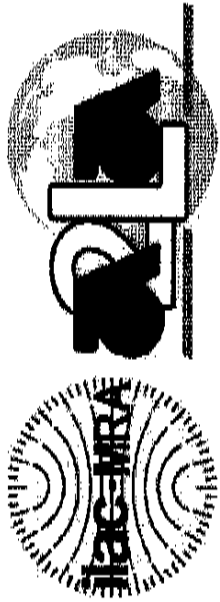
REVIEW 2017-2019.DOCX

<u>C8-18-0000103- APP.HL105.2 Personnel and Training V2 20160331.docx</u>	Operating Procedures	32.30 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL105.7 Sample Receiving 20171101.docx</u>	Operating Procedures	49.11 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL105.10 Result Reporting V6 20181214.docx</u>	Operating Procedures	50.33 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL105.9 Quality of Test and Calibration Result 20160301.docx</u>	Operating Procedures	31.03 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL105.8 Handling of Test Item 20170425.docx</u>	Operating Procedures	29.05 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL104.11 Corrective Action 20171012.docx</u>	Operating Procedures	31.69 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.OSHA Certificate George Pan.pdf</u>	Other	699.58 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.OSHA Training receipt.pdf</u>	Other	938.80 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.Cannabis License Bond.pdf</u>	Surety Bond	1.69 MB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL105.5 Equipment V3 20170719.docx</u>	Standard Operating Procedures	34.64 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.HL108 Handling of Medical Marijuana Waste and Sample Disposal 20161222.docx</u>	Waste Management Procedures	24.62 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL104.10 Improvement 20160218.docx</u>	Standard Operating Procedures	29.41 KB	Uploaded	5/24/2019
<u>C8-18-0000103- APP.HL104.6 Purchasing Services and Supplies 20160215.docx</u>	Standard Operating Procedures	41.80 KB	Uploaded	5/24/2019

<u>C8-18-0000103-APP.HL104.8 Complaint Handling 20160217.docx</u>	Standard Operating Procedures	38.94 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.HL104.3 Document Control 20170817.docx</u>	Standard Operating Procedures	44.23 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.Financial Information.pdf</u>	Financial Information Form	90.24 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.BCC-LIC-011 - Site Plan and Premises Diagram for Harrens Lab Breakwater Property 2019.04.22 V8.pdf</u>	Premises Diagram	1.80 MB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.HL104.2 Management System 20160212.docx</u>	Standard Operating Procedures	26.89 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.HL104.7 Customer Service 20160217.docx</u>	Standard Operating Procedures	29.22 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.HL104.1 Organization V5 20181214.docx</u>	Standard Operating Procedures	58.58 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.HL104.9 Control of Testing Nonconformance 20171012.docx</u>	Standard Operating Procedures	32.48 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.BCC-LIC-021 - Sampling.pdf</u>	Standard Operating Procedures	169.09 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.BCC-LIC-015 - Transportation Procedures V2.pdf</u>	Transportation Procedures Form	170.87 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.BCC-LIC-018 - Security Procedures V3.pdf</u>	Security Procedures Form	143.32 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.BCC-LIC-023 - Test Method Procedures.pdf</u>	Standard Operating Procedures	182.41 KB	Uploaded	5/24/2019
<u>C8-18-0000103-APP.BCC-LIC-022 - Sample Prep Procedures.pdf</u>	Standard Operating Procedures	133.05 KB	Uploaded	5/24/2019

Harrens Lab - CA Cannabis Lab Testing bond.pdf	Surety Bond	498.31 KB	Uploaded	10/18/2018
Driver's license.pdf	Government-Issued Identification	277.27 KB	Uploaded	3/13/2019
Jinbo Driver's license front.jpg	Government-Issued Identification	115.94 KB	Uploaded	3/27/2019
<u>C8-18-0000103-APP.HL110.2 Sampling Transportation and Security Procedures for Cannabis Products 20181213 V6.docx</u>	Standard Operating Procedures	40.36 KB	Uploaded	5/24/2019
C8-18-0000103-APP.BCC-LIC-016 - Inventory Procedures V2.pdf	Inventory Procedures Form	136.10 KB	Uploaded	5/24/2019
<u>HL108 Handling of Medical Marijuana Waste and Sample Disposal 20161222.pdf</u>	Cannabis Waste Procedures	177.90 KB	Uploaded	10/18/2018
<u>2018-3507 Harrens Lease Agreement.pdf</u>	Evidence of Legal Right to Occupy the Proposed Location	3.37 MB	Uploaded	10/18/2018
financial_information_for m.pdf	Financial Information Form	72.44 KB	Uploaded	10/18/2018
CompanyInformation.pdf	Business Formation Documents	112.68 KB	Uploaded	10/18/2018
<u>SOPs.pdf</u>	Standard Operating Procedures	7.72 MB	Uploaded	10/18/2018

EXHIBIT B



Accredited Laboratory

A2LA has accredited

HARRENS LAB INC.

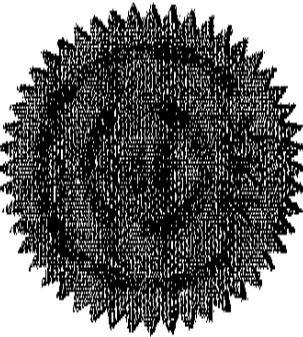
Hayward, CA

for technical competence in the field of

Chemical Testing

This laboratory is accredited in accordance with the recognized International Standard ISO/IEC 17025:2017 General requirements for the competence of testing and calibration laboratories. This laboratory also meets the requirements of R243 – Specific Requirements – Cannabis Testing Laboratory Accreditation Program, containing the Americans for Safe Access (ASA) Laboratory Requirements. This accreditation demonstrates technical competence for a defined scope and the operation of a laboratory quality management system (refer to joint ISO-ILAC-IAF

Communiqué dated April 2017).



Presented this 20th day of August 2020.

A handwritten signature in dark ink, appearing to be 'A. ...'.

Vice President, Accreditation Services
For the Accreditation Council
Certificate Number 4074.02
Valid to September 30, 2022

For the tests to which this accreditation applies, please refer to the laboratory's Chemical Scope of Accreditation.



Accredited Laboratory

A2LA has accredited

HARRENS LAB INC.

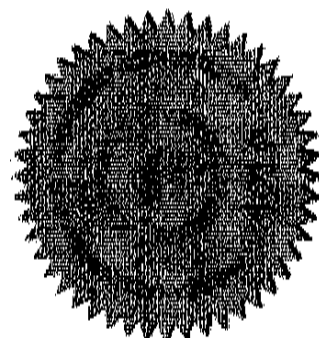
Hayward, CA

for technical competence in the field of

Biological Testing

This laboratory is accredited in accordance with the recognized International Standard ISO/IEC 17025:2017 General requirements for the competence of testing and calibration laboratories. This laboratory also meets the requirements of A2LA R204 – Specific Requirements – Food and Pharmaceutical Testing Laboratory Accreditation Program and R243 – Specific Requirements – Cannabis Testing Laboratory Accreditation Program, containing the Americans for Safe Access (ASA) Laboratory Requirements. This accreditation demonstrates technical competence for a defined scope and the operation of a laboratory quality management system (refer to joint ISO-ILAC-IAF Communiqué dated April 2017).

Presented this 20th day of August 2020.



A handwritten signature in dark ink, appearing to be 'A. M.', written over a horizontal line.

Vice President, Accreditation Services
For the Accreditation Council
Certificate Number 4074.01
Valid to September 30, 2022

For the tests to which this accreditation applies, please refer to the laboratory's Biological Scope of Accreditation.

PROOF OF SERVICE

I, Hannah K. Young declare: I am over the age of 18 years, and am not a party to this action.

On March 4, 2021, I served the following documents:

**DECLARATION OF MING LI IN SUPPORT OF REPLY TO OPPOSITION TO
EX PARTE APPLICATION FOR TEMPORARY STAY ORDER AND ORDER TO
SHOW CAUSE WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

☐ **VIA U.S. MAIL** – CCP § 1013(a) I caused the above documents to be placed in an envelope with postage thereon fully prepared to be placed in the United States Postal Service with postage fully prepaid and addressed to Plaintiff's counsel; and

☒ **VIA ELECTRONIC MAIL** The documents were transmitted in PDF format to each of the email addresses as indicated on the service list.

Attorney General of California
C/O Harinder K. Kapur
C/O Patrick Boyne
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Harinder.Kapur@doj.ca.gov
Patrick.Boyne@doj.ca.gov

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

Executed on March 4, 2021 at Oakland, California.



Hannah K. Young