

**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

**PETITIONERS' OBJECTIONS TO  
RESPONDENTS' EVIDENCE  
SUBMITTED IN OPPOSITION TO EX  
PARTE APPLICATION FOR  
TEMPORARY STAY ORDER AND  
ORDER TO SHOW CAUSE WHY  
PRELIMINARY INJUNCTION  
SHOULD NOT ISSUE**

Action Filed: 02/26/2021

Trial Date: N/A

Hearing Date: 03/04/2021

Reservation No.: N/A

Dept.: 17

Time: 3:30pm

## **PETITIONERS' OBJECTIONS TO RESPONDENTS' EVIDENCE**

### **I. INTRODUCTION**

Pursuant to section 437c of the Code of Civil Procedure and Rule 3.1354 of the California Rules of Court, Petitioners HARRENS LAB INC. ("Harrens Lab") and MING LI respectfully submit their objections to the evidence submitted by Respondents' BUREAU OF CANNABIS CONTROL ("BCC") and TAMARA COLSON in their Opposition to Ex Parte Application for Temporary Stay Order and Order to Show Cause Why Preliminary Injunction Should Not Issue.

The declarations of Travis White and Juan Ordaz submitted by Respondents in furtherance of their opposition contain speculation; unsupported factual assumptions; improper legal conclusions; improper opinions; and misleading characterizations of the content included in their exhibits. These evidentiary defects result in the declarations' failure to comply with section 437c of the Code of Civil Procedure, which requires that declarations set forth admissible evidence testified to by a person with knowledge who is competent to testify to such matters.

#### **A. Declaration of Travis White**

Because declarations are required to set forth admissible evidence (see Code Civ. Proc., § 437c, subd. (d)), matters that would be excluded at trial are equally objectionable in declarations made in support or opposition to motions and ex parte applications. Declarations must show the declarant's personal knowledge and competency to testify, *state facts* and not just conclusions, and not include inadmissible hearsay or opinion. (*Towns v. Davidson* (2007) 147 Cal.App.4th 461, 472.) Outlined in our specific evidentiary objections below, Petitioners respectfully requests that the Court sustain its objections to Travis White's declaration, as identified herein, on the grounds that it contains inadmissible evidence including opinions based on speculation, inadmissible hearsay, and factual conclusions lacking in foundation.

**B. Declaration of Juan Ordaz**

As detailed in the following objections, the declaration of Juan Ordaz runs afoul of the foregoing rules, and contains inadmissibly evidence including factual conclusions lacking in foundation, speculation, improper legal conclusions, and irrelevant testimony, and provides improper expert opinion and misstates the representations of others.

**II. OBJECTIONS TO DECLARATION OF TRAVIS WHITE**

Material Objected to:	Grounds for Objection:	Ruling on the Objection:
<b>1. Declaration of Travis White, ¶ 3, Lines 21-23</b>  “As an example, when asked about sending cannabis and cannabis products through third party couriers and any knowledge of this, Ming Li initially denied that cannabis and cannabis products were being sent through third party couriers and any knowledge of it.”	The statement of fact, on its face, is vague, ambiguous, and unintelligible on the basis that it purports to state that Ming Li simultaneously stated that samples were not being sent through courier and that he had no knowledge of products being sent through courier. Such a statement is logically impossible and the statement of fact should be struck from the court record.	Sustained <input type="checkbox"/>  Overruled <input type="checkbox"/>  Judge
<b>1. Declaration of Travis White, ¶ 5, Lines 19-28</b>  “While serving the revocation notice, ongoing and continuing violations of the laws, rules, and regulations governing commercial cannabis testing laboratory licensees were either observed or described by witnesses present. Specifically, these violations included, but were not limited to Cannabis goods stored in unlicensed premises;  • Cannabis waste not being properly discarded;  • Cannabis samples not properly labeled;	The statement of fact, on its face, states information that is not within the personal knowledge of declarant specifically all facts that were “described by witnesses present.” All statement of fact based on observations of such witnesses is inadmissible hearsay. On the basis of the foregoing, the Court should strike this paragraph 5 <i>in toto</i> , or such portions thereof as are based on the personal knowledge and statements of persons other than the declarant.	Sustained <input type="checkbox"/>  Overruled <input type="checkbox"/>  Judge

- A third-party courier service was still being used to transport cannabis samples; and,
- Improper testing protocols.”

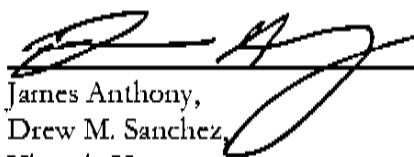
### III. OBJECTIONS TO DECLARATION OF JUAN ORDAZ

Material Objected to:	Grounds for Objection:	Ruling on the Objection:
<b>1. Declaration of Juan Ordaz, ¶ 3, Lines 13-16</b>  “On February 5, 2021, I received an email from Daniel R. Hess, Quality Assurance Manager with Harrens Lab Inc., stating that Harrens Lab Inc., understood why its Testing Lab Provisional License was revoked. Attached hereto as Exhibit A is a true and correct copy of the email from Daniel R. Hess dated February 5, 2021.”	The statement of fact, on its face, misstates the record and misstates the representations of another. Further the statement of fact provides improper opinion as to the meaning Daniel Hess’s email. Further the statement of fact provides improper legal opinion as to the significance of Mr. Hess’s statement.	Sustained <input type="checkbox"/>  Overruled <input type="checkbox"/>  Judge

Respectfully submitted,

Date: March 4, 2021

ANTHONY LAW GROUP, PC

  
James Anthony,  
Drew M. Sanchez,  
Victoria Vertner,  
Attorneys for Petitioners,  
Harrens Lab Inc., and Ming Li, an individual.

**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:

**PETITIONERS' OBJECTIONS TO RESPONDENTS' EVIDENCE SUBMITTED  
IN 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  
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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