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6 Attorneys for Defendant  
7 Lions Club of Albany, California

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF ALAMEDA

10  
11 CITY OF ALBANY, a charter city,

12  
13 Plaintiff,

14 v.

15  
16 ALBANY LIONS CLUB, LIONS  
INTERNATIONAL, a California Non-Profit  
17 Corporation; DOES 1-10, and ALL  
18 PERSONS UNKNOWN CLAIMING AN  
INTEREST IN THE PROPERTY,

19  
20 Defendants.

Case No. 22CV010822

Assigned for all purposes to:  
HON. SOMNATH RAJ CHATTERJEE

Department: 517

**DECLARATION OF RICHARD COVERT  
OPPOSING PREJUDGMENT  
POSSESSION**

Action Filed: May 4, 2022  
Trial Date: Not Set

DATE: July 28, 2022  
TIME: 1:30 p.m  
DEPT: 517

21  
22 I, Richard W. Covert, declare:

23 1. I am an attorney licensed to practice law in California.

24 2. My first employment was as a trial attorney for the State Division of  
25 Highways [now CalTRANS]. I was hired in 1964. At that time our office only did eminent  
26 domain/condemnation work.

27 3. Later in my career I represented the Contra Costa Water District, the  
28 Oakley Water District, the California Department of Water Resources, and the City of Santa

1 Barbara in eminent domain cases.

2 4. I've tried over fifty eminent domain cases and filled and settled  
3 hundreds.

4 5. In my experience it can take years between the time a public agency files  
5 an eminent domain action and the time it gets title to the property via a Final Order of  
6 Condemnation. When there is an urgent need to construct the public project, the agency applies  
7 for an Order of Possession so it can construct the project before it gets title to the property.

8 6. In my experience there were many times when an eminent domain  
9 action was filed years before anticipated construction. In these cases, the public agency never  
10 applied for an Order for Possession.

11 7. This case is the first time I have witnessed a public agency applying for  
12 an Order for Possession, where it has no physical project to construct.

13 I declare under the penalty of perjury under the laws of the state of California  
14 that the foregoing is true and correct and that this Declaration was executed on  
15 June 9, 2022 at San Francisco, California.

16  
17  
18 */s/ Richard W. Covert \**  
19 Richard W. Covert  
20 Attorney for  
21 Lions Club of Albany, California  
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27 \_\_\_\_\_  
28 \* The declarant, before filing, has physically signed a printed form of the document. By electronically filing the document, the electronic filer certifies that the original, signed document is available for inspection and copying at the request of the court or any other party. California Rule of Court 2.257(b)(2)