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7 CITY OF ALBANY

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 THE LIONS CLUB OF ALBANY,
CALIFORNIA, A Nonprofit Corporation,

12 Plaintiff,

13 v.

14 THE CITY OF ALBANY, a Charter City; and
15 DOES 1 through 25,

16 Defendants.

Case No. 3:22-cv-05377-WHO

**DECLARATION OF SCOTT W.
DITFURTH IN SUPPORT OF
DEFENDANT CITY OF ALBANY'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

[Filed concurrently with

- 1. Opposition to Plaintiff's Motion for Preliminary Injunction; and*
- 2. Request for Judicial Notice]*

Date: November 2, 2022
Time: 2:00 p.m.
Courtroom: 2, 17th Floor
Judge: Hon. William H. Orrick
Trial Date: None Set

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DECLARATION OF SCOTT W. DITFURTH

I, Scott W. Ditfurth, declare and state as follows:

1. I am an attorney with the law firm of Best Best & Krieger, LLP, attorneys of record for Defendant, City of Albany (“City”), in this matter. I have personal knowledge of the facts set forth below and, if called as a witness, I could testify competently to all of the facts set forth herein.

2. A true and correct copy of the Declaration of Jeff Bond in Support of the City’s Motion for Prejudgment Possession in the lawsuit pending in the Alameda County Superior Court, styled as *City of Albany v. Albany Lions Club, Lions International* (Case No. 22CV010822) (“*Lions Club I*”), is attached hereto as ***Exhibit A***.

3. A true and correct copy of the City’s Complaint in *Lions Club II* is attached hereto as ***Exhibit B***.

4. A true and correct copy of the Order Granting in Part and Denying in Part Cross-Motions for Summary Judgment in *Lions Club of Albany, California v. City of Albany*, 323 F.Supp.3d 1104 (N.D. Cal. 2018) (“*Lions Club I*”) is attached hereto as ***Exhibit C***.

5. True and correct copies of the City’s Motion for Prejudgment Possession and the Reply brief in support thereof, both of which were filed in *Lions Club II*, are attached hereto as ***Exhibit D***.

6. A true and correct copy of the Notice of Deposit of Probable Just Compensation in *Lions Club II* is attached hereto as ***Exhibit E***.

7. A true and correct copy of Plaintiff’s opposition to the City’s Motion for Prejudgment Possession in *Lions Club II* is attached hereto as ***Exhibit F***.

8. A true and correct copy of the court in *Lions Club II* granting the City’s Motion for Prejudgment Possession is attached hereto as ***Exhibit G***.

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

Executed on October 7, 2022, at Riverside, California.



Scott Ditfurth

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