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8 *Attorneys for Plaintiff,*
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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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18 **THE LIONS CLUB OF ALBANY,**
19 **CALIFORNIA, A Nonprofit Corporation,**

20 **Plaintiff,**

21 **v.**

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25 **THE CITY OF ALBANY, a Charter City; and**
26 **DOES 1 through 25;**

27 **Defendants.**

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Case No. 3:22-cv-05377-WHA
Related to 3:17-CV-05236

**DECLARATION OF RICHARD COVERT
IN SUPPORT OF: MOTION FOR
PRELIMINARY INJUNCTION**

Date: March 8, 25023

Time: 11:00 A.M.

Courtroom: 12, 19th Floor

Judge: Honorable William H Alsup

Trial Date: None Set

1 I, Richard W. Covert, declare:

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

3 2. My first employment was as a trial attorney for the State Division of Highways (now
4 CalTRANS). I was hired in 1964. At that time our office only did eminent domain / condemnation
5 work.

6 3. Later in my career I represented the Contra Costa Water District, the Oakley Water
7 District, the California Department of Water Resources, and the City of Santa Barbara in eminent
8 domain cases.

9 4. I have tried over fifty eminent domain cases and, filled and settled hundreds.

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

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

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

19 I declare under the penalty of perjury under the laws of the State of California and the laws
20 of the United States that the foregoing is true and correct, and that this Declaration is executed on
21 this 6th day of March, 2023, at San Francisco, California.

22 */S/ Richard W. Covert*

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24 RICHARD W. COVERT