


CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>OKORIE OKOROCHA (226658)</b> <b>CALIFORNIA LEGAL TEAM</b> <b>1055 E. COLORADO BLVD., FIFTH FLOOR</b> <b>PASADENA, CA 91106</b> TELEPHONE NO.: 626 792 1301 FAX NO.: 626 340 4141 ATTORNEY FOR (Name): <b>Rich Mc Lellan, M.D.</b>		<b>FOR COURT USE ONLY</b>  <b>ENDORSED-FILED</b> TEN MILE BRANCH  <b>MAY 25 2007</b>  CLERK OF MENDOCINO COUNTY SUPERIOR COURT OF CALIFORNIA 
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Mendocino STREET ADDRESS: 100 North State Street MAILING ADDRESS: same CITY AND ZIP CODE: Ukiah, CA 95482-4416 BRANCH NAME: Ukiah-Main		
CASE NAME: <b>Mc Lellan v. County of Mendocino</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)	<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: <b>SCUCYPT 07-99258</b>  JUDGE: DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Type of remedies sought (check all that apply):  
 a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive
4. Number of causes of action (specify):
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 24, 2007  
OKORIE OKOROCHA

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SUM-100

### SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

COUNTY OF MENDOCINO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, and DOES 1 through 20, inclusive.  
Respondents.

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

RICH MC LELLAN, M.D.,

Petitioner,

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**ENDORSED-FILED**  
TEN MILE BRANCH

MAY 25 2007

CLERK OF MENDOCINO COUNTY  
SUPERIOR COURT OF CALIFORNIA

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.*

The name and address of the court is:  
(El nombre y dirección de la corte es):  
Mendocino County Superior Courts  
100 North State Street  
Ukiah, CA 95482-4416

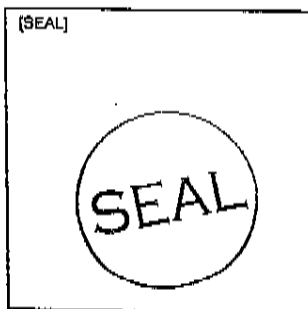
CASE NUMBER:  
(Número del Caso) **SCUKCVP07-09258**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Okorie Okorocho, Nick Okorocho, California Legal Team, 1055 E. Colorado Blvd, 5 Floor, Pasadena, Ca 91106. Phone: 626 792 1301

**BENJAMIN D. STOUGH**  
Clerk, by **PEGGY MELLO**, Deputy  
(Secretario) (Adjunto)

DATE: **MAY 29 2007**  
(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED: You are served**

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.80 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
4.  by personal delivery on (date):

1 OKORIE OKOROCHA (State Bar No. 226658)  
2 NICK OKOROCHA (State Bar No. 244281)  
3 CALIFORNIA LEGAL TEAM  
4 1055 E. Colorado Blvd. • Penthouse  
5 Pasadena, California 91101  
6 (626) 792-1301 Telephone  
7 (626) 340-4141 Facsimile

**ENDORSED-FILED**  
TEN MILE BRANCH

MAY 25 2007

CLERK OF MENDOCINO COUNTY  
SUPERIOR COURT OF CALIFORNIA



Attorneys for Petitioner

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF MENDOCINO**  
**UNLIMITED JURISDICTION**

RICH MC LELLAN, M.D.,

Petitioner,

vs.

COUNTY OF MENDOCINO, A POLITICAL  
SUBDIVISION OF THE STATE OF CALIFORNIA,  
and DOES 1 through 20, inclusive.

Respondents.

Case No.:

SCJKCVPT07-99258

**PETITION FOR WRIT OF  
MANDATE; COMPLAINT FOR  
DECLARATORY RELIEF;  
TEMPORARY RESTRAINING  
ORDER; PRELIMINARY  
INJUNCTION AND PERMANENT  
INJUNCTION;**

[CCP § 1085]

PETITIONER presents himself before this Court requesting relief afforded him pursuant to Code of Civil Procedure §1085. Petitioner further requests Declaratory Relief, Temporary Restraining Order, Preliminary Injunction, Permanent Injunction and alleges as follows:

**Introduction**

1. This case involves an on-going pattern and practice of abuse and failure to follow state law at the Animal Shelters in Mendocino County. Petitioner is asking that the County of Mendocino

**PETITION FOR WRIT OF MANDATE; COMPLAINT FOR DECLARATORY RELIEF;  
TEMPORARY RESTRAINING ORDER; PRELIMINARY INJUNCTION AND  
PERMANENT INJUNCTION;**

California Legal Team  
790 East Colorado Blvd., Penthouse  
Pasadena, California 91101  
(626) 240-0627

1 be ordered to follow state law as specified herein, to cease the practice of euthanizing owner  
2 relinquished pets before the expiration of the holding period required under state law.

3 **Parties**

4  
5 2. Petitioner is a resident of Ukiah in Mendocino County, California, owns property there  
6 and is a tax payer in the County of Mendocino and therefore has standing as follows:

7 "... where the question is one of public right, and the writ would compel enforcement of a  
8 public duty, plaintiff need not show any special interest in the result. 'It is sufficient that he is  
9 interested as a citizen in having the laws executed and the duty in question enforced. Green v. Obledo,  
10 (1981) 29 C3d 126, 144, 172 CR 206, 216; Tobe v. City of Santa Ana (1995) 9 C4th 1069, 1116-  
11 1117, 40 CR2d 402, 430-431. Standing requirements may be liberalized for private individuals suing  
12 to enforce environmental protection statutes. Laidlaw Environmental Services, Inc., Local Assessment  
13 Comm. v. County of Kern (1996) 44 CA4th 346, 354, 51 CR2d 666, 670; see Kane v. Redevelopment  
14 Agency (1986) 179 CA3d 899, 904, 224 CR 922, 924.

15 3. Respondent County of Mendocino (hereinafter referred to as the "County") is a political  
16 subdivision of the state of California. The County operates essential services within its jurisdiction,  
17 including the Animal Care and Control Division.

18 4. The Animal Care and Control Division (hereinafter "Animal Control") is part of the  
19 Mendocino County Animal Control Department, and has primary responsibility for the operation of  
20 two County-owned animal shelters in Ukiah and Fort Bragg.

21 5. The parties designated herein as Does 1 through 20, inclusive, are presently unknown  
22 to Petitioner, but which are subdivisions or officers of the County who are responsible for the actions  
23 described herein or for carrying out the functions of the County and who may be affected by  
24 this litigation. Petitioner will amend this Petition to specifically identify each such Respondent as  
25 required and as the capacity and identity of each such Respondent becomes known.

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**Jurisdiction and Venue**

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6. This court has jurisdiction under §§ 1085 of the California Code of Civil Procedure.

7. Mendocino County is a proper venue for this Petition because the acts performed by the Respondents, including the violations of law and statute, took place in Mendocino County, and the impacts of the County's decisions, policies and practices have had and will continue to have severe adverse impacts upon Mendocino County, its citizens, and its animals, as further detailed herein.

**The Hayden Act is controlling State Law re Owner Relinquished Animals.**

8. Pursuant to Food and Agricultural Code §§ 31754, 31108 (The Hayden Law) the County of Mendocino is required to hold owner relinquished animals (dogs and cats) for the statutory holding period:

*"Except as provided in Section 17006, any animal relinquished by the purported owner that is of a species impounded by public or private shelters shall be held for the same holding periods, with the same requirements of care, applicable to stray dogs and cats in Sections 31108 and 31752, and shall be available for owner redemption or adoption for the entire holding period."*

**See Food and Agricultural Code § 31754.**

*"The required holding period for a stray cat impounded pursuant to this division shall be six business days, not including the day of impoundment..."*

**See Food and Agricultural Code § 31754.**

*"The required holding period for a stray dog impounded pursuant to this division shall be six business days, not including the day of impoundment..."*

**See Food and Agricultural Code § 31108.**

9. The County of Mendocino has purported to write its own ordinance which directly contradicts State law above and which purportedly allows it to lawfully euthanize owner relinquished animals at will as follows:

Sec. 10.24.010 Voluntary Surrender of Animal for Euthanasia: Not Impoundment.



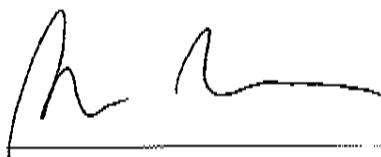


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1 C.C.P. Section 1021.5, in this proceeding; and

2 4. For such other and further relief as the Court deems just and proper.

4 DATED: May 25, 2007



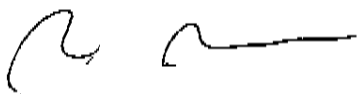
Okorie Okorocho  
Attorney for Petitioner

10 VERIFICATION

11  
12 I, RICH MC LELLAN, M.D. , have read the foregoing "PETITION FOR WRIT OF MANDATE;  
13 COMPLAINT FOR: 1.DECLARATORY RELIEF; 2. TEMPORARY RESTRAINING ORDER;  
14 3.PRELIMINARY INJUNCTION; 4.PERMANENT INJUNCTION; AND 5. DECLARATORY  
15 RELIEF" and know its contents. I am the Petitioner in this matter. The matters in this document are  
16 true of my own knowledge except as to those matters which are stated on information and belief, and  
17 as to those matters, I believe them to be true based on the documents in the possession of my attorney.

19 Executed on May 25, 2007, at, Pasadena, (City) California.

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



24 RICH MC LELLAN, M.D

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