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Attorney for Plaintiff,  
**DUNN ENTERPRISES, INC. DBA ICETOWN**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

DUNN ENTERPRISES, INC. DBA  
ICETOWN, a California Corporation,

Plaintiff,

vs.

GAVIN NEWSOM, in his official  
capacity as Governor of California;  
CITY OF RIVERSIDE, a California  
Governmental Agency; COUNTY OF  
RIVERSIDE, a California  
Governmental Agency,

Defendants.

**CASE NO.: 5:21-cv-00048 JWH  
(SHKx)**

**DECLARATION OF CHUCK  
CONDER**

I, Chuck Conder, declare as follows:

1. I am a Councilmember for the City of Riverside. I have personal knowledge of the matters stated in this Declaration, and if called upon to do so, would competently testify to the facts stated herein.

2. I am aware that the Defendant CITY OF RIVERSIDE previously filed suit against Plaintiff DUNN ENTERPRISES, INC. DBA ICETOWN ("Icetown") in the Superior Court for the County of Riverside and obtained an injunction against

1 Icetown shutting down the business' operations until the State of California allows  
2 them to reopen.

3 3. My six fellow Councilmembers for the City of Riverside and I have  
4 had weekly meetings over the past several months in which Icetown's closure,  
5 among others, has been openly discussed. During those meetings, I urged my fellow  
6 Councilmembers to (1) allow Icetown to reopen its business and (2) forgive all rent  
7 which has been charged to Icetown during the time that the business has been shut  
8 down due to the Covid-19 pandemic and by the Superior Court via an injunction. I  
9 have made this request on behalf of Icetown and every other business occupying  
10 facilities owned by the City of Riverside who have been forced to close upon City  
11 orders.

12 4. My proposals have been rejected and I was the only Councilmember in  
13 favor of these actions while the remaining six refused to allow Icetown to reopen, as  
14 well as refused to forgive any rent that has been charged to Icetown during the time  
15 the business has been shut down.

16 5. It has been acknowledged that in fact, that Icetown is the only business  
17 in the City of Riverside which is currently under an injunction from the courts.  
18 Furthermore, staff and my fellow Councilmembers acknowledged the fact that there  
19 were other businesses in the City of Riverside which were defying the State's  
20 orders, however none of those businesses were being legally forced to shut down or  
21 having lawsuits filed against them just as Icetown faced.

22 6. Additionally, Icetown is being treated differently than other businesses  
23 in the City of Riverside because "they were going to make an example out of  
24 Icetown." It is clear to me that Icetown has been unfairly targeted and is not being  
25 treated similarly to other businesses in the City of Riverside. The Councilmembers  
26 are aware of other businesses in the City of Riverside which are not complying with  
27 the State's orders, however refuse to do anything against them and rather continue to  
28 single out Icetown.

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

3 Executed this 25 day of January, 2021, at Riverside, California.

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6 Chuck Conder  
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