THE SILVERSTEIN LAW FIRM
A Professional Corporation

215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504
PHONE: (626) 449-4200 FAX: (626) 449-4205
ROBERT@ROBERTSILVERSTEINLAW.COM
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February 23, 2015

VIA EMAIL Dianne@co.santa-barbara.ca.us
AND U.S. MAIL

Dianne Black
Assistant Director
Santa Barbara County Planning and Development
123 East Anapamu St.
Santa Barbara, CA 93101-2058

Re: Scheduling of Miramar Appeals

Dear Ms. Black:

This letter is in response to your February 18, 2015 email in which you emphatically stated that the May 5, 2015 date for the Miramar appeal that was repeatedly proposed to us by your own staff is NOT confirmed, and in which you continue to insist on the idea of an April 14, 2015 appeal hearing date at the Board of Supervisors despite having been previously provided with Los Angeles County Superior Court scheduling documents that attest to the fact that April 14, 2015 is impossible for us. (See enclosed emails string and Superior Court scheduling documents.) Frankly, we are at a loss to understand what is driving your apparent desire to preclude us from being able to attend and represent our clients at their own appeal.

To repeat, my firm represents the plaintiffs in the Millennium Hollywood earthquake fault case scheduled to go to trial on April 21, 2015. We also have a court-mandated brief filing on April 14, 2015 that is crucial to that case. This is a high-profile lawsuit that has been proceeding to trial since 2013. You can see in the enclosed court documents that both the trial date and the brief filing date were set by Judge James C. Chalfant in September 2014, before the Miramar case was even heard by the Montecito Planning Commission, much less when we appealed the decision.

Due process requires that the County of Santa Barbara provide all appellants the opportunity to be represented by legal counsel of their choice and that they be given adequate time to prepare their appeals. If you insist on setting the appeal hearing for April 14, 2015, you will effectively deprive my clients of their choice of representation and, therefore, also deprive them of due process. We, working with the dates proposed

by your own staff, agreed to May 5, 2015. We are ready and anxious to proceed with our appeal on that date.

The fact that you also copied Caruso Affiliated's Executive Vice President Matt Middlebrook into a long string of previously private email exchanges between your office and mine creates the impression that you are being pressured from his side to advance the hearing date and that you wanted to give him visibility on our correspondence. And disconcertingly, that supports the appearance of improper bias by you in trying to schedule the hearing on a date designed to deprive my clients of their legal representation. I can understand why he might try to do that, but your validation of such unfairness is unexpected.

If, in fact, we were the only appellant, I might understand Middlebrook's rush to get the hearing scheduled and over with. But Caruso Affiliated also appealed the Montecito Planning Commission's approval of their own project. We have spoken to people in the Supervisors' office who told us that in the case of dual appeals of land use decisions it is expected that the office of P&D will work with BOTH appellants to determine a date that works for BOTH sides. However, from what we are seeing, it looks as though you are working with one side to settle on a date that clearly does not work for the other side. If there is a problem with Caruso Affiliated that precludes them attending a May 5, 2015 hearing, we will be happy to accommodate their needs and pick a later date.

We have copied 1st District Supervisor Carbajal's office, since that is where the Miramar project is located, as well as the office of 2nd District Supervisor Janet Wolf, as she is the current Board Chair. It is our hope that they will help you to move toward May 5, 2015 or any other later available date that is acceptable to BOTH sides. Thank you.

Very truly yours,

Robert Silverstein / LM

ROBERT P. SILVERSTEIN
FOR
THE SILVERSTEIN LAW FIRM

RPS:lmp
Encls.
cc: Supervisor Salud Carbajal (via email and U.S. mail)
Supervisor Janet Wolf (via email and U.S. mail)
Mr. Glenn Russell (via email and U.S. mail)

Robert Silverstein - RE: Miramar Appeal Hearing Dates

From: "Black, Dianne" <Dianne@co.santa-barbara.ca.us>
To: 'Robert Silverstein' <robert@robertsilversteinlaw.com>, "Lieu, Nicole" <...
Date: 2/18/2015 3:53 PM
Subject: RE: Miramar Appeal Hearing Dates
CC: Christopher Price <cp@ppplaw.com>, 'Matt Middlebrook' <MMiddlebrook@Caru...

Mr. Silverstein,

May 5th is NOT confirmed. A hearing date will not be confirmed until it is set by the Board of Supervisors. At this point, given the disparate interests of the two appellants regarding dates, we plan to go to the Board of Supervisors in March (either 17th or 24th) with a request to set the appeal hearing. We will be offering April 14th and the alternative of May 5th with an explanation of both party's interests and constraints. We will provide you with the Board letter in advance. You will have an opportunity to address the Board of Supervisors regarding the hearing date in writing and/or at the hearing where the date is set for the appeals.

Regards,

Dianne Black
Assistant Director
Planning and Development
(805) 568-2086

From: Robert Silverstein [robert@robertsilversteinlaw.com]
Sent: Wednesday, February 18, 2015 3:40 PM
To: Black, Dianne; Lieu, Nicole
Cc: Christopher Price
Subject: RE: Miramar Appeal Hearing Dates

Hi Nicole:

I assume May 5, 2015 is confirmed, but we haven't heard back specifically. Obviously the date matters for the time estimate because if the County intends to proceed with April 14 or 21, 2015, then my time estimate would be zero because no one from my office would be able to attend. Please confirm May 5th and then we can respond to your question below. Thank you.

Robert P. Silverstein, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Robert@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com
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From: "Lieu, Nicole" <nlieu@co.santa-barbara.ca.us>
To: 'Robert Silverstein' <robert@robertsilversteinlaw.com>
Date: 2/18/2015 1:33 PM
Subject: RE: Miramar Appeal Hearing Dates

Hi Robert,

For your appeal presentation, can you give me an estimate for the amount of time you will need? It should be somewhere between 3 and 15 minutes. We provide a hearing time estimate for Board items so that they can manage the agenda accordingly.

Thank you,

Nicole Lieu
Senior Planner
Development Review Division
County of Santa Barbara

Phone: (805) 884-8068
Fax: (805) 568-2030
Address: 123 E. Anapamu St., Santa Barbara, CA 93101
Email: nlieu@countyofsb.org

From: Robert Silverstein [mailto:robert@robertsilversteinlaw.com]
Sent: Wednesday, February 11, 2015 9:10 AM
To: Lieu, Nicole
Cc: Almy, Anne; Black, Dianne; Christopher Price
Subject: Re: Miramar Appeal Hearing Dates

Nicole and Dianne:

Thank you. Please contact me with any questions or if you need further information. Again, May 5, 2015 works for the Pachulskis and their counsel. April dates do not.

Robert P. Silverstein, Esq.
The Silverstein Law Firm, APC

215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Robert@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com
==========

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From: "Lieu, Nicole" <nlieu@co.santa-barbara.ca.us>
To: Robert Silverstein <robert@robertsilversteinlaw.com>
CC: "Black, Dianne" <Dianne@co.santa-barbara.ca.us>, "Almy, Anne" <Anne@co.santa-barbara.ca.us>, Christopher Price <cp@ppplaw.com>
Date: 2/11/2015 8:47 AM
Subject: Re: Miramar Appeal Hearing Dates

Dear Robert,

I apologize for any confusion. As a staff member, I can receive confirmation dates from applicants/appellants and can pass on information about schedule conflicts. However, ultimately, the Board of Supervisors will determine when they hear a project. Prior to yesterday, I had not received confirmation that both you and the Pachulski family could attend any of the hearing dates. Regarding April 14th, I originally thought it was not possible due to the fact that it is scheduled to be in Santa Maria. However, I now understand that the Board has the authority to move hearings from Santa Maria to Santa Barbara as appropriate. I will ensure that your schedule conflicts (which you have documented) are passed on, along with your confirmation that your group can make May 5.

Thank you,

Nicole

Sent from my Verizon Wireless 4G LTE DROID

Robert Silverstein <robert@robertsilversteinlaw.com> wrote:

Hello Dianne and Nicole:

As a follow up to the emails below (and another which I am attaching for Dianne's convenience), since September 2014 I have been under a trial and briefing schedule in L.A. County Superior Court which makes both April 14 and 21, 2015 impossible in Santa Barbara.

When Nicole offered May 5 and 12, 2015, we stated that although May 12 was preferable, May 5 would work. I then cleared that with my clients and Chris Price (who is cc'd here; pls keep him in our email loop).

I am perplexed that this is all coming up now. Originally Nicole informed us that April 21, 2015 was the *earliest* date possible given the docket schedule for her staff report. Indeed, less than two hours before the 4:59 p.m. email from Nicole yesterday regarding the new proposed April 14, 2015 date, at **3:12 p.m. yesterday**, Nicole wrote:

> Dear Robert and Chris,
>
> I believe May 5th would be most appropriate as it is a Santa Barbara hearing (rather than Santa Maria). Can you provide confirmation that May 5th will work for you and the Pachulskis?
>
> Alternatively, if May 5th won't work, can you confirm May 12th?

Also yesterday, Nicole left a VM for my paralegal Esther stating:

> *"Esther, I am calling re the Miramar appeal. I wanted to confirm that Mr. Silverstein and the Pachulskis are available for the Board of Supervisors hearing on May 5. If they are unable to attend on May 5, I was wondering if you (they) can make it on the 12th. May 5 would be preferable because it is located in Santa Barbara and would allow the other interested neighbors to attend the hearing. The 12th hearing would be in Santa Maria. Hope you can confirm for May 5. Thank you. My number is (805) 884-8068."*

We have cooperated and promptly replied with our April 2015 scheduling conflicts. At Nicole's request, we also sent her Word versions of our objection letters to facilitate her work. We need a similar reasonable accommodation because both April dates are impossible, Nicole on several occasions provided May 5 as available and sought to confirm, and we accepted that.

Dianne: Chris Price and I are available to discuss with you tomorrow, Wed., if you believe a call to further explain my trial briefing and trial hearing schedule is necessary. If it is, please let us know what time would be good for your after about 11:00 a.m. Assuming it is not necessary, please confirm the appeal hearing date of May 5, 2015. Thank you in advance.

Robert P. Silverstein, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Robert@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com

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From: "Lieu, Nicole" <nlieu@co.santa-barbara.ca.us>
To: 'Robert Silverstein' <robert@robertsilversteinlaw.com>
CC: "Almy, Anne" <Anne@co.santa-barbara.ca.us>
Date: 2/10/2015 10:11 AM
Subject: RE: Miramar Appeal Hearing Dates

Hi Robert,

Yes, first let me clarify that P&D staff can indicate preferences for hearing dates to the Board of Supervisors (BOS), but, ultimately, it is the BOS discretion as to when they hear projects. Also, I want to clarify that I did not "confirm" May 5th, but was attempting to secure a date that your group could confirm attendance for.

Dianne's email address is: Dianne@countyofsb.org

Thank you-Nicole

From: Robert Silverstein [mailto:robert@robertsilversteinlaw.com]
Sent: Tuesday, February 10, 2015 9:34 AM
To: Lieu, Nicole
Cc: Almy, Anne; Christopher Price
Subject: RE: Miramar Appeal Hearing Dates

Nicole:

Thank you. Could you pls also send me Dianne Black's email address.

Robert P. Silverstein, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Robert@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com
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From: "Lieu, Nicole" <nlieu@co.santa-barbara.ca.us>
To: 'Robert Silverstein' <robert@robertsilversteinlaw.com>
CC: "Almy, Anne" <Anne@co.santa-barbara.ca.us>
Date: 2/10/2015 9:29 AM
Subject: RE: Miramar Appeal Hearing Dates

Dear Robert,

Understood. I will pass this information on to my supervisors and to the project applicant. Regarding your previous commitments, would also you please contact my Assistant Director (Dianne Black) at 805-568-2086 to explain that the two dates are already reserved to file your brief and to attend the trial? Dianne is tasked with helping to schedule appropriate dates for appeals to the Board of Supervisors.

Note: I had previously indicated to all parties that you were in trial on the 21st but in "trial prep" (rather than filing your brief) on the 14th.

Thank you,

Nicole Lieu
Senior Planner
Development Review Division
County of Santa Barbara

Phone: (805) 884-8068
Fax: (805) 568-2030
Address: 123 E. Anapamu St., Santa Barbara, CA 93101
Email: nlieu@countyofsb.org

From: Robert Silverstein [mailto:robert@robertsilversteinlaw.com]
Sent: Monday, February 09, 2015 5:26 PM
To: Lieu, Nicole
Cc: Almy, Anne; Christopher Price

Subject: Re: Miramar Appeal Hearing Dates
Importance: High

Nicole:

In reliance on your prior emails I have already confirmed with my clients that they (and this office) can do May 5, 2015. We need to stay with that. Both dates in April are impossible. The April 14, 2015 date that you now are mentioning is the date we are filing our reply trial brief in the huge trial I have on April 21, 2015. That date has been sent by the Los Angeles County Superior Court since September 9, 2014. Please see attached document.

Part of this appeal process also must be due process for all involved. Given my pre-existing trial and briefing schedule in the Millennium towers case, if the appeal hearing were set for April 14, 2015, my clients would effectively be denied their representation, and as a result, due process.

Please confirm May 5, 2015, which we had already calendared in reliance on the communications between our offices. Thank you.

Robert P. Silverstein, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email:
Website: www.RobertSilversteinLaw.com
==========

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From: "Lieu, Nicole" <nlieu@co.santa-barbara.ca.us>
To: 'Robert Silverstein' <robert@robertsilversteinlaw.com>
CC: "Almy, Anne" <Anne@co.santa-barbara.ca.us>
Date: 2/9/2015 4:59 PM
Subject: Miramar Appeal Hearing Dates

Dear Robert,

We are tasked with resolving appeals and processing cases in a timely manner. For that reason, we must ask that you and the Pachulskis choose between April 14th and April 21st for a Board of Supervisors hearing date. Since you are in trial on April 21st, we expect that the hearing date will be April 14th. However, can you please confirm?

Thank you,

Nicole Lieu
Senior Planner
Development Review Division
County of Santa Barbara

Phone: (805) 884-8068
Fax: (805) 568-2030
Address: 123 E. Anapamu St., Santa Barbara, CA 93101
Email: nlieu@countyofsb.org

Robert Silverstein - Re: Miramar Appeal Hearing Dates

From: Robert Silverstein
To: Nicole Lieu
Date: 2/9/2015 5:26 PM
Subject: Re: Miramar Appeal Hearing Dates
CC: Anne Almy; Price, Christopher
BC: Robert Silverstein
Attachments: 1-20-15 [Scan] Signed Order re Modified Brief Lengths.PDF

Nicole:

In reliance on your prior emails I have already confirmed with my clients that they (and this office) can do May 5, 2015. We need to stay with that. Both dates in April are impossible. The April 14, 2015 date that you now are mentioning is the date we are filing our reply trial brief in the huge trial I have on April 21, 2015. That date has been sent by the Los Angeles County Superior Court since September 9, 2014. Please see attached document.

Part of this appeal process also must be due process for all involved. Given my pre-existing trial and briefing schedule in the Millennium towers case, if the appeal hearing were set for April 14, 2015, my clients would effectively be denied their representation, and as a result, due process.

Please confirm May 5, 2015, which we had already calendared in reliance on the communications between our offices. Thank you.

Robert P. Silverstein, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Robert@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com
==========

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From: "Lieu, Nicole" <nlieu@co.santa-barbara.ca.us>

To: 'Robert Silverstein' <robert@robertsilversteinlaw.com>
CC: "Almy, Anne" <Anne@co.santa-barbara.ca.us>
Date: 2/9/2015 4:59 PM
Subject: Miramar Appeal Hearing Dates

Dear Robert,

We are tasked with resolving appeals and processing cases in a timely manner. For that reason, we must ask that you and the Pachulskis choose between April 14th and April 21st for a Board of Supervisors hearing date. Since you are in trial on April 21st, we expect that the hearing date will be April 14th. However, can you please confirm?

Thank you,

Nicole Lieu
Senior Planner
Development Review Division
County of Santa Barbara

Phone: (805) 884-8068
Fax: (805) 568-2030
Address: 123 E. Anapamu St., Santa Barbara, CA 93101
Email: nlieu@countyofsb.org

THE SILVERSTEIN LAW FIRM, APC
ROBERT P. SILVERSTEIN (State Bar No. 185105)
DANIEL E. WRIGHT (State Bar No. 144490)
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
E-mail: Robert@RobertSilversteinLaw.com

Attorneys for STOPTHEMILLENNIUMHOLLYWOOD.COM; COMMUNITIES UNITED FOR REASONABLE DEVELOPMENT; BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION; AND GEORGE ABRAHAMS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

STOPTHEMILLENNIUMHOLLYWOOD.COM and COMMUNITIES UNITED FOR REASONABLE DEVELOPMENT, California unincorporated associations; BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION, a California corporation; GEORGE ABRAHAMS, individually,

Petitioners and Plaintiffs,

vs.

CITY OF LOS ANGELES, a municipal corporation; LOS ANGELES CITY COUNCIL; and DOES 1 through 20, inclusive,

Respondents and Defendants

MILLENNIUM HOLLYWOOD, LLC, a Delaware limited liability company; and ROES 1 through 20, inclusive,

Real Parties in Interest.

Case No. BS 144606
[Related to Case No. BS 144491]

STIPULATION AND [~~PROPOSED~~] ORDER RE MODIFIED BRIEF LENGTHS

Trial: April 21, 2015
Time: 1:30 p.m.
Dept.: 85

[Hon. James C. Chalfant]

1. WHEREAS, on September 9, 2014, the Court, the Hon. James C. Chalfant, allowed 60 pages (30 and 30) for the opening memoranda of points and authorities as between Petitioners STOPTHEMILLENNIUMHOLLYWOOD.COM, et al. ("STMH"), and HEI/GC HOLLYWOOD AND VINE CONDOMINIUMS LLC ("HEI"), in the two related cases, BS 144606 ("STMH case") and BS 144491 ("HEI case"). The Court also allowed 60 pages for a single, combined opposition memorandum of points and authorities by the City and Real Party, and 36 pages (18 and 18) for reply points and authorities by STMH and HEI.

2. WHEREAS on or about December 9, 2014, HEI requested dismissal of and the Court dismissed the HEI case.

3. WHEREAS to avoid any ambiguity about brief lengths, to adjust for the departure of HEI from the litigation, to accommodate certain overlapping issues between the STMH case and HEI case that HEI had planned to entirely or largely present, but which now STMH intends to present, and to avoid burdening the Court with motion or ex parte practice, the Parties to the litigation have met and conferred and agree to stipulate to the following modified brief lengths: 40 for STMH's opening memorandum of points and authorities; 40 for a single, combined opposition memorandum of points and authorities by the City and Real Party, and 25 for STMH's reply memorandum of points and authorities. In addition, the briefing schedule previously ordered by the Court of January 28, 2015 for opening; March 13, 2015 for opposition; and April 14, 2015 for reply shall remain unchanged.

4. WHEREAS, the Parties agree that this stipulation may be signed in counterparts by facsimile or scan;

5. NOW THEREFORE the Parties, by and through their attorneys of record, stipulate to the following modified brief lengths: 40 for STMH's opening memorandum of points and authorities; 40 for a single, combined opposition memorandum of points and authorities by the City and Real Party, and 25 for STMH's reply memorandum of points

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

and authorities; and further stipulate that the briefing schedule previously ordered by the Court of January 28, 2015 for opening; March 13, 2015 for opposition; and April 14, 2015 for reply shall remain unchanged.

DATED: January 16, 2015 **THE SILVERSTEIN LAW FIRM, APC**

By: _____
ROBERT P. SILVERSTEIN
DANIEL E. WRIGHT
Attorneys for Petitioners
STOPTHEMILLENNIUMHOLLYWOOD.COM; COMMUNITIES UNITED FOR REASONABLE DEVELOPMENT; BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION; AND GEORGE ABRAHAMS

DATED: January ___, 2014 **MICHAEL FEUER, City Attorney**

By: _____
TIMOTHY MCWILLIAMS
SIEGMUND SHYU
MICHAEL J. BOSTROM
Attorneys for Respondents CITY OF LOS ANGELES and LOS ANGELES CITY COUNCIL

DATED: January 16, 2015 **COX, CASTLE & NICHOLSON**

By: _____
DAVID P. WAITE
Attorneys for Real Party in Interest
MILLENNIUM HOLLYWOOD, LLC

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

and authorities; and further stipulate that the briefing schedule previously ordered by the Court of January 28, 2015 for opening; March 13, 2015 for opposition; and April 14, 2015 for reply shall remain unchanged.

DATED: January ___, 2014 **THE SILVERSTEIN LAW FIRM, APC**

By: _____
ROBERT P. SILVERSTEIN
DANIEL E. WRIGHT
Attorneys for Petitioners
STOPTHEMILLENNIUMHOLLYWOOD.COM; COMMUNITIES UNITED FOR REASONABLE DEVELOPMENT; BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION; AND GEORGE ABRAHAMS

DATED: January 16, ~~2014~~ 2015 **MICHAEL FEUER, City Attorney**

By: _____
TIMOTHY MCWILLIAMS
SIEGMUND SHYU
MICHAEL J. BOSTROM
Attorneys for Respondents CITY OF LOS ANGELES and LOS ANGELES CITY COUNCIL

DATED: January ___, 2015 **COX, CASTLE & NICHOLSON**

By: _____
DAVID P. WAITE
Attorneys for Real Party in Interest
MILLENNIUM HOLLYWOOD, LLC

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

ORDER

Upon reading the Stipulation of the Parties and good cause appearing therefor, IT IS SO ORDERED.

DATED: JAN 2 0 2015

/s/ JAMES C. CHALFANT

The Honorable James C. Chalfant
Judge of the Superior Court

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

PROOF OF SERVICE

I, LILLIAN MANZELLA, declare:

I am a resident of the state of California and over the age of eighteen years, and not a party to the within action; my business address is The Silverstein Law Firm, 215 North Marengo Ave, Third Floor, Pasadena, California 91101-1504. On January 16, 2015, I served the within document(s):

STIPULATION AND [PROPOSED] ORDER RE MODIFIED BRIEF LENGTHS

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Pasadena, California addressed as set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit

☒ by transmitting the document(s) listed above via e-mail to the person(s) named below at the respective e-mail addresses.

CASE NAME:	**STOPTHEMILLENNIUMHOLLYWOOD.COM, ET AL. V. CITY OF LOS ANGELES, ET AL.**
CASE No.:	**BS144606 [Related to Case No. BS144491]**

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 16, 2015, at Pasadena, California.

LILLIAN MANZELLA

SERVICE LIST

Michael N. Feuer, City Attorney Timothy McWilliams, Deputy City Attorney Siegmund Shyu, Deputy City Attorney Michael J. Bostrom, Deputy City Attorney 200 North Main Street, 701 City Hall East Los Angeles, CA 90012-4131 Fax: (213) 978-8090 Siegmund.shyu@lacity.org Michael.bostrom@lacity.org	*Attorneys for Respondents/Defendants CITY OF LOS ANGELES and LOS ANGELES CITY COUNCIL*
Arthur J. Friedman, Esq. Alexander L Merritt, Esq. Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center, 17th Floor San Francisco, CA 94111 Fax: (415) 403-6042 afriedman@sheppardmullin.com amerritt@sheppardmullin.com	*Attorneys for Real Party in Interest MILLENNIUM HOLLYWOOD, LLC*
Alfred Fraijo, Jr., Esq. Sheppard, Mullin, Richter & Hampton LLP 333 South Hope Street, 43rd Floor Los Angeles, CA 90071-1422 Fax: (213) 443-2855 afraijo@sheppardmullin.com	*Attorneys for Real Party in Interest MILLENNIUM HOLLYWOOD, LLC*
David P. Waite, Esq. Michael H. Zischke, Esq. Alexander M. DeGood, Esq. Cox, Castle & Nicholson, LLP 2049 Century Park East, 28th Floor Los Angeles, CA 90067 Fax: (310) 277-7889 dwaite@coxcastle.com mzischke@coxcastle.com adegood@coxcastle.com	*Attorneys for Real Party in Interest MILLENNIUM HOLLYWOOD, LLC*

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

Case Summary

Please make a note of the Case Number.

Click here to access document images for this case.
If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page.

Case Number: BS144606
STOPTHEMILLENNIUMHOLLYWOOD.COM VS. CITY OF LOS ANGELES,ET AL

Filing Date: 08/28/2013
Case Type: Writ - Administrative Mandamus (General Jurisdiction)
Status: Pending

Cases Related: BS144491 on 02/27/2014

Future Hearings

04/21/2015 at 01:30 pm in department 85 at 111 North Hill Street, Los Angeles, CA 90012
Hearing--Writ of Mandate(2) Motion to Augment)

Documents Filed | Proceeding Information

Parties

ABRAHAMS GEORGE - Plaintiff/Petitioner

BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION - Plaintiff/Petitioner

BOSTROM MICHAEL J. DEPUTY CITY ATTY - Attorney for Respondent

COMMUNITIES UNITED FOR REASONABLE DEVE- - Plaintiff/Petitioner

DOES 1 THROUGH 20 - Defendant/Respondent

LOS ANGELES CITY COUNCIL - Defendant/Respondent

LOS ANGELES CITY OF - Defendant/Respondent

MILLENNIUM HOLLYWOOD LLC - Real Party in Interest

ROES 1 THROUGH 20 - Real Party in Interest

STOPTHEMILLENNIUMHOLLYWOOD.COM - Plaintiff/Petitioner

THE SILVERSTEIN LAW FIRM APC - Attorney for Plaintiff/Petitioner

ZISCHKE MICHAEL - Attorney for Respondent

Case Information | Party Information | Proceeding Information

Documents Filed (Filing dates listed in descending order)

Click on any of the below link(s) to see documents filed on or before the date indicated:
02/13/2014

01/28/2015 Request for Judicial Notice
Filed by Attorney for Plaintiff/Petitioner

01/28/2015 Points and Authorities (OPENING)
Filed by Attorney for Plaintiff/Petitioner

01/28/2015 Motion-Augment
Filed by Attorney for Plaintiff/Petitioner

01/20/2015 Stipulation and Order (re modified brief lengths)
Filed by Attorney for Pltf/Petnr

11/21/2014 Answer
Filed by Attorney for Real Pty in Interest

11/13/2014 Notice (OF ORDER ON STIPULATION RE FILING FIRST AMENDED PETITION)
Filed by Attorney for Plaintiff/Petitioner

11/10/2014 Answer
Filed by Attorney for Respondent

11/07/2014 Stipulation and Order (re filing first amd petn)
Filed by Attorney for Pltf/Petnr

09/05/2014 Amended Petition (VERIFIED FIRST)
Filed by Attorney for Plaintiff/Petitioner

08/29/2014 Miscellaneous-Other (CERTIFICATIONS OF THE RECORD OF PR OCEEDINGS)
Filed by Attorney for Respondent

07/21/2014 Request for Certified Copy
Filed by Defendant

07/17/2014 Order (TENTATIVE DECISION)
Filed by Court

07/10/2014 Brief-Reply (JOINT REPLY BRIEF, DECLARATION OF ALEXANDER M. DEGOOD IN SUPPORT THE REOF)
Filed by Attorney for Real Pty in Interest

07/10/2014 Reply/Response (IN SUPPORT OF THE MOTION FOR ORDER ; 1) EXCLUDING FROM THE ADMINISTRA TIVE RECORD DOCUMENTS IMPROPERLY S OUGHT TO BE INCLUDED BY THE CITY, AND 2) INCLUDING SPECIFIED DOCUMEN TS IN THE ADMINISTRATIVE RECORD)
Filed by Attorney for Petitioner

07/03/2014 Opposition Document
Filed by Attorney for Pltf/Petnr

07/03/2014 Opposition Points & Authorities
Filed by Attorney for Real Pty in Interest

06/24/2014 Motion for an Order (FOR ORDERS: 1) EXCLUDING FROM THE ADMINISTRATIVE RECORD DOCUMENTS IM PROPERLY SOUGHT TO BE INCLUDED BY THE CITY, AND 2) INCLUDING SPECIFI ED DOCUMENTS IN THE ADMINISTRATIVE RECORD; DECLARATIONS OF DANIEL E.)
Filed by Attorney for Petitioner

06/24/2014 Motion (TO RESOLVE DISPUTES REGARDING THE ADMINISTRATIVE RECORD AND CONSOLID ATION OF THE RELATED MANDATE PETIT IONS FOR TRIAL; MEMORANDUM OF POIN TS & AUTHORITIES, DECLARATION OF A LEXANDER M. DEGOOD IN SUPPORT THER)
Filed by Attorney for Petitioner

06/03/2014 Opposition Document
Filed by Attorney for Pltf/Petnr

06/03/2014 Ex-Parte Application (FOR ORD SETTING A HRG DATE)
Filed by Attorney for Pltf/Petnr

05/02/2014 Ex-Parte Application
Filed by Attorney for Real Pty in Interest

05/02/2014 Opposition Document
Filed by Attorney for Pltf/Petnr

04/18/2014 Notice of Trial Setting Conference
Filed by Attorney for Pltf/Petnr

04/17/2014 Notice of Trial Setting Conference
Filed by Attorney for Real Pty in Interest

04/11/2014 Notice (OF COURT ORDERS REGARDING CASE REA SSIGNMENT)
Filed by Attorney for Petitioner

04/08/2014 Notice of Trial Setting Conference
Filed by Clerk

03/13/2014 Ex-Parte Application (for order transferring related cases to hon. james chalfant dept 85)
Filed by Attorney for Petitioner

03/13/2014 Opposition Document (to ex parte application)
Filed by Attorney for Respondent

Click on any of the below link(s) to see documents filed on or before the date indicated:
TOP 02/13/2014

02/13/2014 Opposition Document (TO REAL PARTY IN INTEREST MILLENIU M HOLLYWOOD, LLC'S MOTION TO RELAT E AND TRANSFER)
Filed by Attorney for Petitioner

02/13/2014 Opposition Document (to motion to relate & transfer)
Filed by Attorney for Petitioner

01/15/2014 Notice (OF ELECTION TO PREPARE RECORD)
Filed by Attorney for Pltf/Petnr

11/21/2013 Request (for continuance)
Filed by Attorney for Deft/Respnt

11/21/2013 Request (for ceqa hearing)
Filed by Attorney for Pltf/Petnr

09/30/2013 Answer to Petition
Filed by Attorney for Defendant/Respondent

09/25/2013 Notice of Trial Setting Conference
Filed by Attorney for Deft/Respnt

09/25/2013 Notice (OF FILING PRFS OF SVC)
Filed by Attorney for Pltf/Petnr

09/19/2013 Notice of Trial Setting Conference
Filed by Clerk

09/18/2013 Reply/Response (AND PARTIAL NON-OBJECTION)
Filed by Attorney for Pltf/Petnr

09/18/2013 Notice (OF ACTION TO RESPONSIBLE AGENCIES)
Filed by Attorney for Pltf/Petnr

09/10/2013 Notice of Settlement Conference (Notice of Settlement Meeting)
Filed by Attorney for Respondent

09/10/2013 Notice-Related Cases (BS144491)
Filed by Attorney for Respondent

08/28/2013 Petition

08/28/2013 Summons Filed
Filed by Attorney for Petitioner

Click on any of the below link(s) to see documents filed on or before the date indicated:
TOP 02/13/2014

Case Information | Party Information | Documents Filed

Proceedings Held (Proceeding dates listed in descending order)

09/09/2014 at 01:30 pm in Department 85, James C. Chalfant, Presiding
Trial Setting Conference - **Trial Date Set**

07/17/2014 at 09:30 am in Department 85, James C. Chalfant, Presiding
Trial Setting Conference - **Matter is heard, matter continued**

06/03/2014 at 08:30 am in Department 85, James C. Chalfant, Presiding
Exparte proceeding - **Denied**

05/02/2014 at 08:30 am in Department 85, James C. Chalfant, Presiding
Exparte proceeding - **Denied**

04/07/2014 at 04:00 pm in Department 1, Daniel J. Buckley, Presiding
Court Order - **Completed**

03/21/2014 at 09:00 am in Department H, McKnew, Thomas I., Jr., Presiding
Court Order - **Completed**

12/03/2013 at 01:30 pm in Department 85, James C. Chalfant, Presiding
Trial Setting Conference - **Matter is heard, matter continued**

Case Information | Party Information | Documents Filed | Proceeding Information

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 85 HON. JAMES C. CHALFANT, JUDGE

HEI/GC HOLLYWOOD AND VINE CONDOMINIUMS, LLC,

PETITIONER,

vs.

CITY OF LOS ANGELES, ET AL.,

RESPONDENTS.

NO. BS144491

NO. BS144606

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, SEPTEMBER 9, 2014

FOR PETITIONER: MATTHEW HINKS, ATTORNEY AT LAW

FOR STOP THE MILLENNIUM: ROBERT SILVERSTEIN, ATTY AT LAW
DANIEL WRIGHT, ATTORNEY AT LAW

FOR REAL PARTY: MICHAEL ZISCHKE, ATTORNEY AT LAW
DAVID WAITE, ATTORNEY AT LAW
ALEX DEGOOD, ATTORNEY AT LAW
ARTHRUR FRIEDMAN, ATTORNEY AT LAW

FOR RESPONDENT: MICHAEL BOSTROM, DEPUTY CITY ATTORNEY

BUFORD J. JAMES
OFFICIAL REPORTER 9296
111 NORTH HILL STREET
LOS ANGELES, CALIFORNIA 90012

take discovery on it because if they don't contend it was before the decision maker, then, you know, it's not really a matter where discovery is necessary. But if it's disputed, fine, then take discovery on it.

MR. SILVERSTEIN: We will.

THE COURT: But I'm going to set trial, which is what you want; right?

MR. ZISCHKE: Correct.

MR. WAITE: Correct.

MR. SILVERSTEIN: Your Honor, with regard to the trial date, I just want to make sure that we have adequate time to do -- first of all --

THE COURT: I'm setting trials in April. *

MR. SILVERSTEIN: Okay. That's what I thought, given that the complexity of this, so I think that should allow us the time we need.

THE COURT: That's plenty of time.

MR. SILVERSTEIN: Okay.

THE COURT: I don't want to see any motions to compel. Not that I'm preventing you from you filing it, but I don't want to see it.

MR. SILVERSTEIN: I don't want to have to write a motion to compel or to strike. But, you know, if the real party and City would provide the information that this Court has already directed them to provide, I think that would be something we wouldn't be looking at. But what I am seeing and what we have encountered is a studious lack of information. Certainly a lack of clarity.

THE COURT: You are entitled to have clarity. Clarity is never a bad thing. It's always a good thing.

MR. SILVERSTEIN: By when will Mr. Shyu have to send us that confirmation. I have found dates are very important.

THE COURT: Is he available?

MR. ZISCHKE: He is.

MR. DEGOOD: I think he's returning from holiday on Thursday.

THE COURT: Okay. So how about 10 days from today. Will e-mail do?

MR. SILVERSTEIN: As long as it's in writing and as long as it is unambiguous. Because I think we all are in agreement that clarity is essential.

THE COURT: Clarity -- I don't know if clarity is essential, but it's a good thing.

MR. SILVERSTEIN: It's essential and a positive.

THE COURT: Definitely a positive. All right. So the trial date.

THE CLERK: Tuesday, April 21.

THE COURT: April 21. That would be at 1:30. Is that acceptable?

MR. ZISCHKE: Is there an earlier date, your Honor. I ask only because I am probably changing some foreign travel plans.

THE COURT: Early April?

MR. ZISCHKE: Yes, an earlier date in April.

THE COURT: I don't think so. You could have a

MR. SILVERSTEIN: Yes. Government agencies, as I recall, don't have to file verified. They still have to go paragraph by paragraph. Can't do a general denial.

THE COURT: This is my 19th year on the bench. In 19 years on the bench, I have never looked at or cared about an answer and what it says.

MR. SILVERSTEIN: I would say that in my 18 years, not on the bench but practicing, twice an answer has actually become outcome determinative.

THE COURT: Not affirmative defenses, but on denials or admissions.

MR. SILVERSTEIN: One was an affirmative defense, and one was a denial or admission.

MR. ZISCHKE: My experience, your Honor, is the same as yours, but they will be done on time.

THE COURT: Okay. So let me just set. I will just set it. All right. Let go backwards from April 21st. So the replies must be filed and served by April 14th. Let's say noon on April 14th. And the record -- you are going to give me an electronic record, joint appendix, and the notebook of briefs at the same time.

MR. SILVERSTEIN: Yes.

THE COURT: Opposition.

MR. ZISCHKE: May I make --

THE COURT: How about a month? A month to prepare the replies.

MR. SILVERSTEIN: That's fine, your Honor.

MR. WRIGHT: Yes.