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9 Attorney for NOMAD VILLAGE MOBILE HOME PARK
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12 ARBITRATION PROCEEDINGS UNDER THE SANTA BARBARA COUNTY
13 MOBILEHOME RENT CONTROL ORDINANCE
14

15 IN RE NOMAD VILLAGE MOBILE HOME PARK)
16)
17)
18) [Stephen Biersmith,
19) Esq., Arbitrator]
20)
21) Date: September 19-20 2011
22) Time: 9:00 A.M.
23) Location: Board of
24) Supervisors Hearing Rm
25)
26)
27)
28)

02-10-12A11:19 RCVD

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OBJECTIONS BY NOMAD VILLAGE MOBILE HOME PARK MANAGEMENT TO HOMEOWNERS' RESPONSE TO
PETITION FOR REVIEW

COPY

1 Park Management of Nomad Village Mobile Home Park hereby
2 objects to the Homeowners' Response to its Petition for Review
3 ("Response"), on the grounds that the Response is not based upon
4 the record and improperly purports to be based upon matters from
5 outside of the Record, in violation of the Mobilehome Rent
6 Control Rules for Hearing ("Rules") adopted pursuant to the
7 Santa Barbara County Mobilehome Rent Control Ordinance
8 ("Ordinance").

9 The Rules (Rule 23(b)) require that the Board make its
10 determination based upon the arbitration "record alone"
11 ("Record") (and also provides that the Board may also "elect to
12 hear oral argument by the parties, their representatives, and/or
13 their attorneys").

14 The Arbitration Proceedings have an extensive Record. The
15 appointed Arbitrator, attorney Steven Biersmith, Esq., conducted
16 a 2-day Arbitration Hearing, at which testimony and exhibits
17 were offered and admitted. The exhibits are listed in the
18 Arbitration Award and are part of the Record. The Arbitration
19 Hearing was reported and transcribed by a court reporter, the
20 reporter's transcript is part of the Record. In addition, the
21 parties, through counsel, submitted extensive post-hearing
22 briefing, which is also part of the Record. The Record shows
23 that the homeowners had a full and complete opportunity, through
24 their attorney and expert witness, to offer testimony, exhibits,
25 and argument. The Record shows that the homeowners were
26 represented throughout these arbitration proceedings by an
27 experienced attorney who specializes in mobilehome law. The
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1 homeowners also proffered at the Arbitration Hearing an expert
2 witness, mobilehome attorney Kenneth Barr. The homeowners have
3 since discharged their attorney, and are not represented. Their
4 failure to be represented does not allow them to disregard the
5 Rules.

6 The Response improperly is based upon, and injects, new
7 matters not appeared in the Record. The Response is devoid of a
8 single reference to the Record. The Response references
9 purported "Attachments", and improperly attaches purported
10 "Attachments" which are **not from the Record** of the Arbitration
11 Hearing. (Attachment 2 appears to include an exhibit from the
12 Arbitration Hearing and other documents not from the Arbitration
13 Hearing, and the homeowners appear to be attempting to compare
14 the Arbitration exhibit to matters outside of the Record, which
15 is improper.) The other purported "attachments" are entirely
16 outside of the Record. All purported "attachments" must be
17 disregarded.

18 In addition to the improper references to the purported
19 "attachments", the Response is replete with claims, contentions,
20 and assertions from outside of the Record in this case. The
21 Response is devoid of any citations to the Record, and therefore
22 is not based on the Record in any way.

23 The Response is essentially an effort by the homeowners to
24 reargue this case, and argue it differently than it was
25 presented by the homeowners' legal counsel and expert witness at
26 the arbitration hearing. Park Management is deprived of an
27 opportunity to respond to the "attachments" and claims newly
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1 submitted by the homeowners outside of the Record. The fact
2 that the claims now made by the homeowners in their Response are
3 false, without foundation, or inapplicable is irrelevant—the
4 claims in their Response are not based upon the Record, and
5 therefore under the Rules governing this proceeding **cannot** be
6 considered.

7 Accordingly, the homeowners Response, including the
8 purported "attachments" thereto, are directly contrary to Rule
9 23(b), and therefore may not be considered by the Board.

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11 Dated: February 10, 2012

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15 JAMES P. BALLANTINE
16 Attorney for NOMAD VILLAGE
17 MOBILE HOME PARK
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DECLARATION OF SERVICE BY PERSONAL DELIVERY
[CCP §§ 1011, 2015.5]

State of California)
)
County of Santa Barbara)

I, LISA M. PAIK, declare:

I am a resident of the State of California and am employed in the County of Santa Barbara. I am, and was at the time of the service hereinafter mentioned, over the age of 18 years and not a party to the within action. My business address is 329 East Anapamu Street, Santa Barbara, CA 93101.

On February 10, 2012, I served: OBJECTIONS BY NOMAD VILAGE MOBILE HOME PARK MANAGEMENT TO HOMEOWNERS' RESPONSE TO PETITION FOR REVIEW on the interested parties in this action by causing to be delivered a true and correct copy thereof addressed as follows:

Clerk of the Board
County of Santa Barbara
105 East Anapamu Street, Fourth Floor
Santa Barbara, California 93101

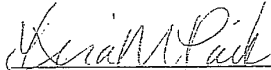
Margo Wagner
Sharon Friedrichsen
Community Services Department
County of Santa Barbara
105 East Anapamu Street, Suite 105
Santa Barbara, California 93101

I caused to be delivered said document to the addressee as set forth herein.

 X (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ (Federal) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 10, 2012, at Santa Barbara, California.



DECLARATION OF SERVICE BY U.S. MAIL

I, LISA M. PAIK, declare:

I am, and was at the time of the service hereinafter mentioned, over the age of 18 years and not a party to the within action. My business address is 329 East Anapamu Street, Santa Barbara, California 93101; and I am a resident of Santa Barbara County, California.

On February 10, 2012, I served the foregoing document described as OBJECTIONS BY NOMAD VILAGE MOBILE HOME PARK MANAGEMENT TO HOMEOWNERS' RESPONSE TO PETITION FOR REVIEW on the interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Debra Hamrick
Nomad Village Homeowners Representative
4326 Calle Real, #33
Santa Barbara, California 93111

I caused such document to be mailed in a sealed envelope, by first-class mail, postage fully prepaid. I am readily familiar with the firm's business practices with respect to the collection and the processing of correspondence, pleadings, and other notices for mailing with the United States Postal Service. In accordance with that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Santa Barbara, California in the ordinary course of business.

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

Executed on February 10, 2012, at Santa Barbara, California.

