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10 Attorneys for Give Back, LLC

11 **UNITED STATES BANKRUPTCY COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

13 In re

14 COLDWATER DEVELOPMENT, LLC,

15  
16 Debtor.

Case No. 2:21-bk-10335-BB

Chapter 11

Jointly Administered With:  
Case No. 2:21-bk-10336-BB

**DECLARATION OF STEVEN L.  
WEINBERG IN RESPONSE TO  
DECLARATION OF MOHAMED HADID  
IN SUPPORT OF DEBTORS AND  
DEBTORS IN POSSESSION'S  
RESPONSE TO THE COURT'S ORDER  
(I) DENYING APPLICATION FOR  
ORDER SETTING HEARING ON  
SHORTENED TIME AND (II) DIRECTING  
DEBTOR TO DISCLOSE ADDITIONAL  
INFORMATION CONCERNING  
PROPOSED BUYER**

DATE:  
TIME: [No Hearing Required]  
PLACE:

SulmeyerKupetz, A Professional Corporation  
333 SOUTH GRAND AVENUE, SUITE 3400  
LOS ANGELES, CALIFORNIA 90071-1406  
TEL. 213.626.2311 • FAX 213.629.4520

1	In re
2	LYDDA LUD, LLC,
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4	Debtor.
5	
6	<input checked="" type="checkbox"/> Affects Both Debtors
7	<input type="checkbox"/> Affects Coldwater Development, LLC only
8	<input type="checkbox"/> Affects Lydda Lud, LLC only
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**TO THE HONORABLE SHERI BLUEBOND, UNITED STATES BANKRUPTCY JUDGE,  
THE OFFICE OF THE UNITED STATES TRUSTEE, THE DEBTORS, AND ALL OTHER  
INTERESTED PARTIES:**

**PLEASE TAKE NOTICE** that, attached hereto as Exhibit "A", is the Declaration of Steven L. Weinberg in response to the declaration of Mohamed Hadid filed in support of the "Debtors and Debtors in Possession's Response to the Court's Order (i) Denying Application for Order Setting Hearing On Shortened Time and (ii) Directing Debtor to Disclose Additional Information Concerning Proposed Buyer" [Docket No. 98].

DATED: June 28, 2021

**SulmeyerKupetz**  
A Professional Corporation

By: /s/ Daniel A. Lev  
Daniel A. Lev  
Attorneys for Give Back, LLC

SulmeyerKupetz, A Professional Corporation  
333 SOUTH GRAND AVENUE, SUITE 3400  
LOS ANGELES, CALIFORNIA 90071-1406  
TEL. 213.626.2311 • FAX 213.629.4520

1 DATED: June 28, 2021

Law Offices of Ronald Richards & Associates, APC

2

3

By: /s/ Ronald Richards

4

Ronald Richards

5

Attorneys for Give Back, LLC

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**EXHIBIT A**

1 Steven L Weinberg, Esq. (SBN 159027)  
Wein Law Group, LLP  
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3 (310) 598-7005  
Steven@WeinLawGroup.com

4 Attorneys for HillSides Against Hadid.org

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**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION**

In re  
**COLDWATER DEVELOPMENT LLC**, a California limited liability company,  
Debtor and Debtor-in-Possession.

Lead CASE NO.: 2:21-bk-10335-BB  
Chapter 11  
[Jointly Administered with Case No. 2:21-bk-10335-BB]

**DECLARATION OF HILLSIDES AGAINST HADID**

In re  
**COLDWATER DEVELOPMENT LLC**, a California limited liability company,  
Debtor and Debtor-in-Possession.

- Affects both Debtors.
  - Affects Coldwater Dev. LLC only.
  - Affects Lydda Lud, LLC only.
- Debtors and Debtors-in-Possession.

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**DECLARATION OF HILLSIDES AGAINST HADID**

I, Steven L. Weinberg declare and state as follows:

1. I am an attorney licensed to practice in all courts in the State of California as well as the United States District Courts for Central and Eastern Districts of California, the United States Court of Appeals for the Ninth Circuit and the United States Court of Federal Claims. I make this declaration in response to Mohamed Hadid’s statements about me and HillSides Against Hadid.org in his declaration dated June 25, 2021. The facts stated herein are true of my own personal knowledge and I could and would competently testify thereto as follows.

**Formation of HillSides Against Hadid**

2. I am the founder and attorney for HillSides Against Hadid.org (“HillSides”). HillSides was formed in August 2020 by concerned neighbors following a series of public discussions appearing on the website known as “NextDoor.com” in June 2020. The NextDoor discussions were about a *blitzkrieg* like destruction of a prominent hillside in lower Coldwater Canyon by an army of construction workers and heavy equipment at 9650 Cedarbrook Drive, Beverly Hills, CA 90210 (“Cedarbrook”).

3. Given the size of the crew (and the speed of the devastation), the discussion centered on the neighborhood’s shock that the Los Angeles Department of Building & Safety (“LADBS”) would give permits for such a thing without any public notice or neighborhood hearings. Even worse, it was soon discovered that the permits issued for Cedarbrook were for a hotel-sized mansion, exceeding 75,000 square feet, including a 2000’ elevated roadway with 30’ high retaining walls.

4. I have been a resident of Coldwater Canyon since October 2001 and live nearby Cedarbrook. I have seen construction of homes in this area but have never witnessed the apocalypse that occurred in our neighborhood between June and August 2020. Attached hereto as **Exhibit “A”** are true and accurate photographs I took showing the devastation of the hillside caused by construction at Cedarbrook as of August, 2020. Attached hereto as **Exhibit “B”** are true and accurate photographs I took by aerial

1 photography of Cedarbrook as of August, 2020. Please also see aerial video footage that I  
2 shot of Cedarbrook from above, August 2020 at: <https://vimeo.com/453127256>. Prior to  
3 taking these photos and videos, the hillside and ridgeline were in their natural state with  
4 thick foliage, extensive trees and wildlife.

5 5. The discussion on NextDoor also revealed that the construction project  
6 destroying our neighborhood was owned and controlled by Mohamed Hadid, even though  
7 it was hidden with a fake name and owner.

8 6. Mohamed Hadid is a notorious public figure and had recently been in the  
9 worldwide press for destroying a hillside in Bel-Air at *Strada Vecchia*. Frightened  
10 neighbors shared articles reporting that at Strada Vecchia: (i) Hadid was convicted of  
11 criminal violations of the Los Angeles Building & Safety Codes (including building without  
12 permit, illegal use of land, violating the scope of issued permits and violating stop-work  
13 orders); (ii) Hadid was ordered to dismantle the dangerous and unpermitted structures that  
14 he illegally built by the Santa Monica Superior Court; and (iii) Hadid was responsible for a  
15 torrent of contentious civil litigation with neighbors and the City. Attached hereto  
16 collectively as **Exhibit C** are copies of the criminal complaint against Mr. Hadid, his  
17 sentencing memorandum (further describing his crimes) and a motion to revoke his  
18 probation for alleged violation of probation terms.

19 7. Given the extreme threat Hadid posed to our community, I formed HillSides  
20 with three main goals: (i) to gather and share information about Hadid's prior bad acts and  
21 his intentions for our community; (ii) to raise awareness of Hadid's plans and their resulting  
22 negative impacts on the environment, wildlife habitat and our community; and (iii) to work  
23 with our elected public officials and other community leaders to get meaningful laws  
24 passed, tailored to preserving and protecting our remaining hillsides and wildlife habitat  
25 from criminal developers like Hadid.

26 **No Relationship or Coordination with Give Back, LLC**

27 8. As founder and attorney for HillSides, I run HillSides and have knowledge and  
28 full control of its activities.

1           9.       I do not take direction or orders from any other party, including, without  
2 limitation, Give Back, LLC, its managers, members, attorneys or constituents (“Give  
3 Back”).

4           10.       Hillsides is completely independent from Give Back and I have never met  
5 with or “coordinated” any of Hillsides activities with Give Back regarding Mr. Hadid.

6           11.       Hillsides has never received any backing, money, donations or any other  
7 support or consideration from Give Back. Hillsides is chiefly self-funded out of my own  
8 pocket and my volunteered time.

9           12.       While Hillsides and Give back share a common interest in preserving Los  
10 Angeles hillside neighborhoods, ridgelines and public access to open-space (while we  
11 oppose Mr. Hadid’s plans to destroy these things), we do not, and have never worked  
12 jointly on any part of those missions.

13           13.       Hillsides only interaction with Give Back has been monitoring this bankruptcy  
14 proceeding (on behalf of Hillsides) and offering to provide a declaration to this Court when  
15 Mr. Hadid mentions Hillsides or purports to describe Hillsides’ activities/motives and does  
16 so falsely.

17           14.       Contrary to Paragraph 23 of Mr. Hadid’s declaration, Hillsides played no role  
18 in creating a “negative public opinion” of Mr. Hadid or damaging his reputation for any  
19 purpose. He has done that himself by being less than truthful, repeatedly breaking the law,  
20 failing to pay his taxes and creating a portfolio of unpaid judgments and liens tied to his  
21 risky business decisions nearing \$100 million. Attached hereto as **Exhibit D** is a true and  
22 correct copy of a recent New York Times Article describing some of Mr. Hadid’s most  
23 recent misadventures reported worldwide.

24           15.       In the same vein, since forming Hillsides in August 2020, I have become  
25 aware that Mr. Hadid has committed fraud and violated numerous building codes and  
26 safety laws in connection with obtaining permits and building at Cedarbrook. Among other  
27 things, I am informed and believe that:

28



- 1 a. Mr. Hadid submitted plans to LADBS under the fake name of a fake owner  
2 (“Mishel Munayyer”) to obscure his own ownership and avoid deserved  
3 scrutiny at LADBS for his criminal conduct at Strada Vecchia;
- 4 b. Mr. Hadid surreptitiously uprooted and destroyed hundreds of protected oak  
5 and walnut trees. Hadid secretly removed these trees to avoid CEQA review  
6 which would have triggered public hearings and likely stopped him from  
7 building anything at Cedarbrook;
- 8 c. Mr. Hadid submitted doctored surveys to LADBS to make it appear the  
9 building site conformed to laws when it did not;
- 10 d. Mr. Hadid padded square footage at the Cedarbrook site and leveled the  
11 ridge by secretly (and illegally) filling in depressions with a million cubic yards  
12 of soil; and
- 13 e. Mr. Hadid misrepresented the nature, extent and intended deployment of  
14 massive 30’ high concrete retaining walls. Hadid falsified these records to  
15 side-step strict hillside construction regulations which would have barred  
16 issuance of building permits.

17 **The Friends of Hastain Trail Case**

18 16. As part of my work with HillSides and otherwise, I discovered that Hadid  
19 intended to build a massive oversized house similar in scope to Cedarbrook (i.e.,  
20 exceeding 75,000 square feet) at 9650 Royalton (“Royalton Project”). The intended  
21 building site for the Royalton Project was the plateau of the Hastain Trail in Franklin  
22 Canyon Park.

23 17. Hastain Trail follows a historic fire road in the southern part of Franklin  
24 Canyon Park near the Doheny Ranch owned by the National Park Service and identified  
25 on area maps since the 1920s. The trail is a popular recreation destination used annually  
26 by thousands of Los Angeles area residents and tourists, and has been in use by the  
27 public since inception.

28

1 18. I am informed that over the last nearly two decades, Hadid has slowly  
2 purchased certain private undeveloped lands underlying portions of the Hastain Trail  
3 through shell companies, all while knowing about the hiking trail traversing the purchased  
4 land, as well as the extensive public use.

5 19. At present, five of the six Hadid owned parcels in this Bankruptcy Estate  
6 include portions of the Hastain Trail. Attached hereto as **Exhibit "E"** is plot map showing  
7 the intersections of the Hastain Trail with Hadid-owned parcels in this Bankruptcy Estate.

8 20. The location of the building site for the Royalton Project was the same  
9 location that Hadid graded and tried to develop a decade ago, triggering the "Friends of the  
10 Hastain Trail" litigation which proceeded from 2011–2016. See, *Friends of the Hastain*  
11 *Trail v. Coldwater Development LLC*, 1 Cal.App.5th 1013 (2016) ("Friends"). For the  
12 convenience of the Court, attached hereto as **Exhibit "F"** is a true and correct copy of the  
13 published opinion in *Friends* downloaded from Google Scholar.

14 21. In *Friends*, in 2011, Hadid installed gates blocking hikers on the Hastain Trail  
15 and then commenced grading. This prompted a coalition of community activists, together  
16 with the California Mountains Recreation and Conservation Authority ("MRCA") to file a  
17 lawsuit which sought to quiet title to portions of Mr. Hadid's property underneath the  
18 Hastain Trail permanently for hikers.

19 22. The action was based the legal theory of "implied public dedication" because  
20 there was proof of decades of uninterrupted public use as a hiking trail conforming to the  
21 California Supreme Court's decision in *Gion v. City of Santa Cruz* (1970) 2 Cal.3d 29.

22 23. Following two weeks of trial during which numerous "legacy hikers" testified  
23 about using the trail as children and young adults in the late 1960s and early 1970s (i.e.,  
24 the prescriptive period), the trial court entered judgment in favor of plaintiffs, awarding them  
25 a *permanent* easement over Hadid's properties for hiking set forth in "metes and bounds."

26 24. On appeal, the Court reversed. In ruling in favor of Mr. Hadid, the Court first  
27 observed that the Hastain Trail ran atop the "Hastain Fire Road" which had been known  
28

1 (and identified on maps) since the 1920s and that the Hastain Fire Road comprised a  
2 preexisting “public easement.”

3 25. Next, the Court ruled that at the time the Hastain Fire Road was created, “the  
4 property owners and the public could reasonably contemplate it would be used by hikers”  
5 and that when Mr. Hadid purchased the property, he: “took [the land] subject to whatever  
6 easements and encumbrances had been created by prior owners . . . [T]he public  
7 easement must be respected.”

8 26. On this record, the Court held that given the *preexisting public easement*, the  
9 trial court’s award of a permanent easement for hiking was not tenable under the law:

10 “[T]he parties could not reasonably contemplate the hikers’ use would become  
11 permanent, because transforming a temporary mutable easement into one that is  
12 permanent and immovable would substantially increase the burden on the servient  
13 tenement . . . Permissible use by the public of an easement the *public already owns*  
14 would not foretell a drastically expanded use, inconsistent with the pattern under  
15 which the easement was created.”

16 (Emphasis added.)

17 27. Thus, the *Friends* decision does not stand for the proposition that Hadid’s  
18 land is free of any public easement and he can close it anytime he wants (as he would like  
19 everyone to believe). To the contrary, the Court of Appeal ruled only that trial court erred  
20 by rendering the preexisting public easement *permanent* rather than temporal, which is its  
21 current status.

22 28. With regard to Mr. Hadid’s right to terminate the existing temporal public  
23 easement, the Court ruled that the Hastain Fire Road may be removed by the owner but  
24 that removal would be limited to “*when [the Fire Road] is no longer needed for fire*  
25 *protection.*”

26 29. It is my belief the decision as to whether the Hastain Fire Road is “no longer  
27 needed for fire protection” rests within the exclusive discretion of the Los Angeles Fire  
28 Department (not Mr. Hadid).

1           30.     At present, I am unaware of the Los Angeles Fire Department rendering any  
2 decision or finding that the Hastain Fire Road “is no longer needed for fire protection.”  
3 Given that the undeveloped land at issue is considered extreme high fire danger (plus, the  
4 added effects of climate change, drought conditions and the absence of any burn in  
5 Franklin Canyon for decades), I do not believe it likely the Fire Department will abandon  
6 such a valuable firefighting and prevention tool in the near future. So far, it has not.

7           **Hadid’s Attempts to Block or Interfere with the Public’s Right of Access to**  
8           **Hastain Trail are Illegal**

9           31.     As set forth above, the Court in *Friends* ruled there is a “preexisting public  
10 easement” for hiking on Hastain Trail which may be terminated only when the Fire  
11 Department determines it is: “*no longer needed for fire protection.*” To my knowledge, that  
12 has not occurred.

13           32.     As a consequence, it is my belief that Hadid may not interfere with the public  
14 easement and right of access by putting up gates, fences, trespassing signs or otherwise  
15 blocking the trail *unless and until* he obtains clearance from the Fire Department.

16           33.     Notwithstanding the absence of any legal right to block the trail, Mr. Hadid’s  
17 contentions regarding his supposed inability to “protect” the property and the vandalism of  
18 his gates, fences and signs do not withstand scrutiny.

19           34.     As the Court is aware, Mr. Hadid has resources available to him to protect  
20 land. At any time, (if legally allowed), Hadid could have built barriers capable of  
21 withstanding or preventing any passage. By way of example, at Cedarbrook, Mr. Hadid  
22 built 30’ high concrete retaining walls spanning hundreds of feet *on the side of a cliff.*  
23 Here, Mr. Hadid has erected only flimsy chain link gates. I suspect Hadid did this solely so  
24 he could have them torn down himself, take pictures of the staged vandalism and then cry  
25 about being a “victim.”

26           35.     I am informed that Mr. Hadid has operating security and surveillance  
27 cameras throughout Hastain Trail. As a consequence, if there were true instances of  
28

1 vandalism by third parties/hikers, it is reasonable to assume Mr. Hadid would have pictures  
2 to prove it, including pictures of the perpetrators.

3 36. Hadid, however, has produced no such pictures or evidence of vandalism  
4 despite having the ability to do so. Hadid has provided only what appear to me to be  
5 staged photos so that he can claim to be a victim. Hillside, obviously does not encourage  
6 or condone any form self-help in this matter, including without vandalism or trespass and  
7 has publicly discouraged that behavior.

8 **Hillside's "Yard Signs" and Hadid's Threats**

9 37. In order raise awareness about serious perils posed by Mr. Hadid's plans to  
10 develop the plateau of the Hastain Trail (and close it), in August 2020, I obtained  
11 permission to post yard signs alerting hikers and park visitors about Hadid's verified plans  
12 to build atop Hastain Trail and close it to the public based on pending building permits filed  
13 with the city ("Yard Signs"). Each of these Yard Signs was posted on public property. No  
14 Yard Sign was ever posted on Hadid-owned land. Despite the placement of Yard Signs  
15 only on public property, Hadid has repeatedly vandalized and/or removed them requiring  
16 me to expend time and expense to replace them.

17 38. Contrary to Mr. Hadid's contention at paragraph 23 of his Declaration and  
18 elsewhere, neither I, nor Hillside has ever worked in coordination with or aligned with any  
19 creditor of Hadid in connection with posting of the Yard Signs, including, without limitation  
20 Give Back. In fact, at the time I first posted the Yard Signs (August 2020), I was  
21 completely unaware that Hadid had even borrowed money which was secured by the his  
22 properties in Franklin Canyon Park or the existence of Give Back.

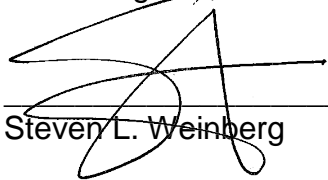
23 39. Contrary to Mr. Hadid's contention, Hillside's Yard Signs are neither false, nor  
24 defamatory. The Yard Signs merely alert the public about Mr. Hadid's plans to develop his  
25 property at Royalton (based on pending permits) and later close Hastain Trail to hikers,  
26 which he has in fact done repeatedly as shown in his own photos submitted to this court.

27 40. As demonstrated, Hadid prefers to operate in the shadows and has  
28 repeatedly tried to hide or obfuscate facts such as the instance he used a fake name and

1 falsified documents to obtain permits to build at Cedarbrook. In this proceeding, Hadid  
2 now seeks to hide the identity of his supposed buyer so that there is no possible  
3 transparency into his mischief. One of Hillside's core missions is to shine a light on Hadid  
4 so that our community and public officials can have warning before Hadid engages in his  
5 next round of mischief.

6 41. Not surprising, Hadid has repeatedly attempted to harass Hillside and  
7 silence Hillside's fully protected speech with false cease and desist letters and threats of  
8 lawsuits. Attached hereto as **Exhibit "G"** is Hadid's most recent threat letters to Hillside  
9 and its replies.

10 I declare the foregoing is true and correct under penalty of perjury of the laws of the  
11 United States. Executed this 28th day of June at Los Angeles, California.

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14 Steven L. Weinberg  
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# EXHIBIT A

9050 Cedarbrook



**Before Hadid**



**After Hadid**

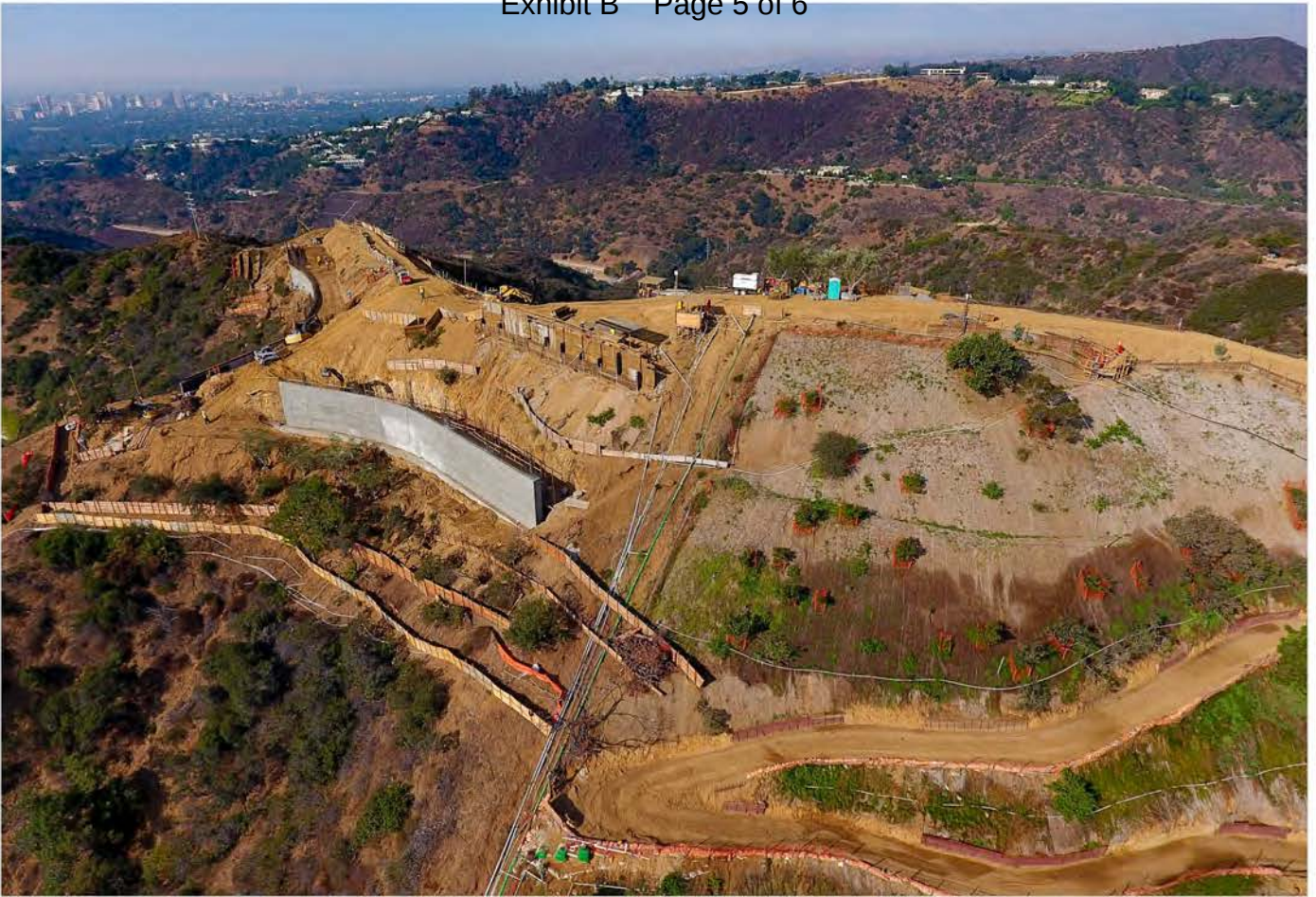


# EXHIBIT B











# EXHIBIT C

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 )  
 )  
 01 JAMES THOMAS ZELLOE )  
 02 901 STRADA LLC )  
 03 MOHAMED ANWAR HADID )  
 )  
 Defendant(s). )

CASE NO. 5PY03637

AMENDED MISDEMEANOR COMPLAINT

Date: December 9, 2015  
Dept: 103  
Time: 8:30 AM

FILED  
LOS ANGELES  
SHERIFF R. CARTER  
BY HAN ZHANG, DEPUTY

COMPLAINER SUMMARY

Ct	Charge	TCIS Code	Defendant(s)
1	L12.21A1A	12.21A1(A)/01	JAMES THOMAS ZELLOE 901 STRADA LLC MOHAMED ANWAR HADID
2	L91.8105	91.8105/01	JAMES THOMAS ZELLOE 901 STRADA LLC MOHAMED ANWAR HADID
3	L91.103.3	91.103.3/01	JAMES THOMAS ZELLOE 901 STRADA LLC MOHAMED ANWAR HADID

Comes now the undersigned and states that he is informed and believes, and upon such information and belief declares:

COUNT I

that on or about January 7, 2015 and continuing, at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit: a violation of Subsection A1(a) of Section 12.21 of the Los Angeles Municipal Code was committed by the above-named defendant(s), (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did unlawfully erect, reconstruct, structurally alter, enlarge, move, and maintain a building and structure, and use and design to be used a building, structure, and land for other than was permitted in the zone in which such building, structure, and land was located, without applying for and securing all permits and licenses required by all laws and ordinances.



COUNT II

For a further, separate and second cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges:

that on or about January 7, 2015 and continuing, at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit: a violation of Section 91.8105 of the Los Angeles Municipal Code was committed by the above-named defendant(s), (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, as the owner and person in control of a building, structure and portion thereof constructed without a building permit, did unlawfully fail to make such building conform to provisions of this Code and to demolish and remove such building, and, did fail to make conform to provisions of this Code and discontinue and remove a use and occupancy existing in such building.

COUNT III

For a further, separate and third cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges:

that on or about January 7, 2015 and continuing, at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit: a violation of Section 91.103.3 of the Los Angeles Municipal Code was committed by the above-named defendant(s), (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did unlawfully fail, refuse, and neglect to comply with an order issued by the Department of Building and Safety pursuant to the provisions of this Code.

DATE: December 9, 2015

Issued by  
MICHAEL N. FEUER, City Attorney

By   
Don Cocek  
Deputy City Attorney

Attorneys for Plaintiff  
PEOPLE OF THE STATE OF CALIFORNIA

ORIGINAL

MICHAEL N. FEUER, City Attorney, SBN 111529  
TINA HESS, Sr. Assistant City Attorney, SBN 143900  
DON COCEK, Deputy City Attorney, SBN 132570  
OFFICE OF THE LOS ANGELES CITY ATTORNEY  
CRIMINAL BRANCH, CODE ENFORCEMENT SECTION  
200 North Spring Street, 23<sup>rd</sup> Floor  
Los Angeles, California 90012-4131  
Telephone (213) 978-1870 / Facsimile (213) 978-1910

[NO FEE - Govt. Code § 6103]

**FILED**  
Superior Court of California  
County of Los Angeles

JUN 23 2017

Attorneys for Plaintiff, the People of the State of California

Sherrin K. ... Executive Officer/Clerk  
By Therese Zavala, Deputy  
Therese Zavala

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Case No.: 5PY03637

Plaintiff,

**SENTENCING MEMORANDUM:  
MOHAMED HADID**

vs.

JAMES THOMAS ZELLOE, 901 STRADA  
LLC, and MOHAMED ANWAR HADID

**DATE:** June 27, 2017  
**TIME:** 8:30 a.m.  
**DEPT.:** 113

Defendants

**TO THE HONORABLE ERIC P. HARMON, JUDGE:**

**PLEASE TAKE NOTICE** that the People respectfully submit this Sentencing Memorandum in support of its sentencing recommendation regarding the above captioned matter.

DATE: June 23, 2017

Respectfully submitted,

MICHAEL N. FEUER, City Attorney  
TINA HESS, Sr. Assistant City Attorney  
DON COCEK, Deputy City Attorney

By: Tina Hess  
TINA HESS  
Attorneys for Plaintiff  
PEOPLE OF THE STATE OF CALIFORNIA

1 The People file this Memorandum in support of its Proposed Sentencing Recommendation filed  
2 concurrently herewith.

3  
4 **I.**  
**INTRODUCTION**

5 The People respectfully request that this Court consider the five year history of legal non-  
6 compliance demonstrated by Defendant HADID as would have been established at trial. Defendants  
7 have been charged with violations of the Los Angeles Municipal Code (“LAMC”) enacted to ensure  
8 compliance with the State’s Building Codes and to ensure the safety and integrity of communities and  
9 neighborhoods in the City of Los Angeles. The Defendants have constructed a structure that, as it exists,  
10 bears little, if any, resemblance to the plans submitted to and approved by the Los Angeles Department  
11 of Building and Safety (“LADBS”) for a single family home.  
12

13  
14 It is essential that this Court appreciate the scale and magnitude of Defendant HADID’s project,  
15 in terms of the project’s non-conforming height and size, its unapproved design and uninspected  
16 construction, and most importantly, in terms of its threat to the surrounding neighbors.  
17

18 **II.**  
**PROJECT CONSTRUCTION HISTORY**

19 The Defendants’ project commenced long before the involvement of LADBS. In fact, but for the  
20 neighbors’ observations and reports, LADBS may never have known about the unlawful nature of the  
21 project or its potentially catastrophic deficiencies.  
22

23 Defendant HADID acquired 901 Strada Vecchia on January 28, 2011. After several transfers  
24 involving entities for which Defendants HADID and ZELLOE were managing partners (Bel Air  
25 Highlands, LLC; SynTra WVA, LLC), the property is ultimately came to be owned by 901 Strada LLC.  
26  
27  
28

1 LADBS' efforts at ensuring that Defendant HADID complied with the requirements of the  
2 LAMC begin shortly thereafter. The following reflects an abbreviated synopsis of Code enforcement  
3 efforts concerning the Strada Vecchia project:

4  
5 **February 24, 2011:** LADBS issued Order to Comply, #A-2709150, to Defendant HADID for  
6 demolishing the existing single family residence. The Order directed HADID to stop all work and  
7 obtain required building permits. The Order included a PENALTY WARNING: "Any person who  
8 violated or causes or permits another person to violate and provision of the Los Angeles Municipal Code  
9 is guilty of a misdemeanor which is punishable by a fine of not more that \$1000 and/or six (6) months  
10 imprisonment for each violation. Section 11 (m) LAMC." (Exhibit 1.)

11  
12 **March 9, 2011:** LADBS issued an Order to Comply, #BGO901-02STRADAVECCHUAO, for  
13 unauthorized grading, road cut, vertical cuts without required plans, permits and approvals. The Order  
14 directed HADID to stop work, install erosion control devices, submit soils investigation report, submit  
15 geology report, submit grading plans, submit plans and specifications..., amount of cut and fill, restore  
16 vegetative ground cover. It also directed "Do not resume work until inspection has been requested and  
17 performed..." The Order included the PENALTY WARNING. (Exhibit 2.)

18  
19 **February 7, 2012:** LADBS issued a Geology and Soils Report Approval Letter, including 61  
20 requirements relating to grading, excavation, etc.... It should be noted that this letter was issued based  
21 on calculations and topographical charts submitted by the Defendant that were later  
22 determined to be erroneous. (Exhibit 3.)

23  
24 **April 5, 2012:** Defendant HADID applied for a Building Permit, #11010-10000-00788. The description  
25 of work: NEW 2-STORY SFD W/HABITABLE BASEMENT & 6-CAR GARAGE.... (Exhibit 4.)

26  
27 **September 10, 2012:** LADBS issued Order to Comply, #BO091012-954, directing DEFENDANTS to  
28 stop all on the excavation... The Order included the PENALTY WARNING. (Exhibit 5.)

**October 31, 2012:** LADBS issued Defendants an Order to Comply, BO102112-954, directing owners to  
stop all work on excavation and submit erosion control plans. The Order included the PENALTY  
WARNING. (Exhibit 6.)

**January 31, 2013:** LADBS issued Defendants a Geology and Soils Report Approval Letter  
admonishing the owners to comply with the February 7, 2012 Approval Letter. (Exhibit 7.)

**March 19, 2014:** LADBS issued Defendants an Order to Comply, #Bo031914-954, directing  
Defendants to STOP WORK on all unapproved retaining walls, obtain registered land surveyor and  
survey property, obtain the written consent from adjacent property owner...if excavation or fill requires  
entry onto adjacent property for any reason, remove all gravity type retaining walls off slopes...under  
the guidance of the geotechnical engineer of record, ..."do not resume work until approval from the  
department has been obtained thru an inspection..." The Order included the PENALTY WARNING.  
(Exhibit 8.)

1 **July 14, 2014:** LADBS letter to Defendants, 'NOTICE TO STOP ALL CONSTRUCTION AND  
2 NOTICE OF INTENT TO REVOKE BUILDING PERMITS ... FOR THE PROPERTY LOCATED AT  
3 901 N. STRADA VECCHIA RD'. The letter states: "Since the issuance of this permit, LADBS has  
4 determined that the permits were issued in error as per the following facts: The height of this single  
5 family dwelling exceeds the height limit as permitted by the LAMC... The survey map that was part of  
6 the approved set of plans showed as built elevations in lieu of the required natural grade elevations of  
7 the site. The contours shown on the survey map were substantially higher than the natural grade. This  
8 has resulted in the building height that is higher than permitted by LAMC Section 12.21." "You are  
9 hereby ordered to immediately stop all construction work approved under Building Permits No. ..."  
10 (Exhibit 9.)

11 **July 15, 2014:** LADBS issued Order to Comply to Defendants, #JN07152014.1, ordering Defendants to  
12 STOP ALL WORK. "An inspection of this site on July 10, 2014 revealed several discrepancies with the  
13 City approved plans for permits No. ... The discrepancies at the site include but are not limited to:  
14 Topographical lines on approved set of plans do not match the City of Los Angeles Engineering  
15 Bureau's historical records; Pool deck structure is physical connected to the Single Family Dwelling, a  
16 10' separation is required as per the approved plans; and, 2 cantilevered decks have been added under  
17 the approved cantilevered deck of the pool deck structure." The Order included the PENALTY  
18 WARNING. (Exhibit 10.)

19 **July 18, 2014:** LADBS issued another Geology and Soils Report Correction letter, LOG #84324.,  
20 advising Defendants that Geology Report submitted by Defendants on May 21, 2014 "lack sufficient  
21 information to determine the stability or safety of the proposed development...Revise the Building Plans  
22 to meet the requirements of the Hillside Retaining Wall Ordinance or obtain a variance from the  
23 Planning Department. (Exhibit 11.)

24 **July 25, 2014:** LADBS Plan Check issued corrections to Defendants' amended plans. (Exhibit 12.)

25 **September 9, 2014:** LADBS issued letter to Defendants, REVOCATION OF BUILDING PERMIT  
26 NUMBERS...FOR THE PROPERTY LOCATED AT 901 STRADA VECCHIA RD. (Exhibit 13.)

27 **December 18, 2014:** LADBS issued Order to Comply: CLASS II SLOPE FAILURE. "Therefore  
28 mentioned slide has unearthed the slope supporting the non-code approved wood retaining walls around  
the trees in addition to soil and mud runoff down the slope and onto the private drive on Rocca Place.  
This failure affects the stability of yours and the adjacent properties and must be corrected in  
conformance with the Los Angeles Municipal Code...." The Order directed Defendants to remove  
wood retaining walls, submit a report prepared by a Soil Engineer and an Engineering Geologist address  
conditions, sequence of construction and corrective measures to restore site to its original contours and  
elevations." The Order included the PENALTY WARNING. (Exhibit 14.)

**December 31, 2014:** LADBS issued an Order to Comply to the Defendants, #BO123114-854, directing  
Defendants to submit erosion control plans to the Department of Public Works and, after approval,  
install temporary erosions control devices. The Order included the PENALTY WARNING. (Exhibit  
15.)

1 **April 8, 2015:** LADBS Issued Order to Comply, Supplemental with prior Order to Stop All work and  
2 Notice of Intent to Revoke permits. This order details extensive work that had been completed after the  
3 issuance of the previous Stop Work Orders; details of unapproved and unpermitted work including 2  
4 200' concrete decks, more than 100' unapproved retaining walls, an accessory pool deck structure, a 75'  
5 X 125' basement addition, a two story 8' X 25' addition, and much more. The Order also details  
6 multiple unapproved changes to the approved plans, including modifications to and additions of  
7 stairwells and fireplaces, additional interior partitions, the removal of walls, new exterior doors,  
8 increased height of each floor, and more. Defendants were again order to Stop all work, submit plans  
9 and obtain permits and approvals, expose all work that has been covered without the required  
10 inspections. The Order included the PENALTY WARNING. (Exhibit 16.)

11 **April 8, 2015:** LADBS issued another Order to Comply Stop Work to the Defendants, requiring  
12 Defendants to submit a geological report... "to address unauthorized vertical cuts created to construct  
13 entire basement story addition..." "Do not resume work until permits have been obtained..." The  
14 Order included the PENALTY WARNING. (Exhibit 17.)

15 **April 20, 2015:** Defendants filed "Request for Modification of Building Ordinances" requesting a  
16 determination that LADBS erred and/or abused its discretion in issuing April 8, 2015 Order to Comply  
17 or alternatively to request additional time to comply with the Order. (Exhibit 18.)

18 **June 10, 2015:** The Board of Building and Safety Commissioners denied the Defendants appeal, finding  
19 that LADBS did not err or abuse its discretion in its April 8, 2015 Order to Comply. The Board also  
20 denied with prejudice Defendants request for an extension of time. The Board made the following  
21 finding: "**The request does not meet the spirit and intent of the Code inasmuch as this is a self-**  
22 **imposed hardship, due to the fact that all the work in question was done outside the bounds of the**  
23 **permit and approved plans.**" (Exhibit 19.)

24 **August 19, 2015:** LADBS issued Order to Comply to Defendants requiring that they submit erosion  
25 control plans to the LADBS. (Exhibit 20.)

26 **III.**  
27 **DEFENDANT HADID'S CONDUCT WARRANTS PROBATION CONDITIONS**  
28 **TO SECURE COMPLIANCE WITH LAMC**

The structure that Defendant HADID has built bears no resemblance to the plans for a 2-story plus basement, 14,000 square foot single family home he submitted to LADBS. Instead, the illegal, over-sized, over-height, 30,000+ square foot structure that he has built on a hill he destabilized, without necessary engineering, without required plans and without necessary inspections towers over an idyllic residential neighborhood. Instead of the two story single family home, neighbors are faced with 6 story, colossal structure built without any oversight on geologically destabilized hillside.


1 Despite four years of continuous regulatory scrutiny by the Los Angeles Department of Building  
2 and Safety, and despite repeated orders to "STOP WORK" or take some immediate remedial action to  
3 ensure the safety of adjacent homes and neighbors, Defendant HADID continued in defiance and  
4 pursued his blatantly, illegal construction project. Despite repeated written admonishments by the  
5 LADBS that failure to comply with its Orders could result in criminal prosecution, Defendant HADID  
6 now asks this Court to impose the most minimum of sanctions.

8 Justice, and this community, demand that this court exercise its discretion in sanctioning  
9 Defendant HADID appropriately for his five years long illegal course of conduct. And further, the  
10 People request that this Court exercise its authority to protect this community in light of Defendant  
11 Hadid's complete and utter disregard of the City's grading requirements, particularly in light of the  
12 chronicled history of landslides in this area, which has resulted in the destabilization of the hillside  
13 posing a potentially dangerous condition for neighbors.

15 Based on the foregoing and further argument which may be presented, the People respectfully  
16 request that this Court imposed conditions of probation as delineated in the People's Proposed  
17 Sentencing Order filed concurrently.

19  
20 DATE: June 23, 2017

21  
22 Respectfully submitted,  
23 MICHAEL N. FEUER, City Attorney  
24 TINA HESS, Sr. Assistant City Attorney  
25 DON COCK, Deputy City Attorney

26 By   
27 TINA HESS  
28 Sr. Assistant City Attorney

Attorneys for Plaintiff  
PEOPLE OF THE STATE OF CALIFORNIA

(Page 2 of 3)

RECORDED & INDEXED

BOARD OF BUILDING AND SAFETY COMMISSIONERS

- MARSHA L. BROWN, PRESIDENT; VAN AMBATIELOS, VICE-PRESIDENT; VICTOR H. CUIVAS, HELENA JUBANY, ELBNORE A. WILLIAMS

CITY OF LOS ANGELES CALIFORNIA



ANTONIO R. VILLARAIGOSA, MAYOR

DEPARTMENT OF BUILDING AND SAFETY, 201 NORTH FIGUEROA STREET, LOS ANGELES, CA 90012

ROBERT R. "BIN" DVROM, GENERAL MANAGER; RAYMOND S. CHAN, C.E., S.E., EXECUTIVE OFFICER

ORDER TO COMPLY AND NOTICE OF FEE

HADID MOHAMMED, 630 NIMES RD, LOS ANGELES, CA 90077

CASE #: 406520, ORDER #: A-2709150, EFFECTIVE DATE: February 24, 2011, COMPLIANCE DATE: February 24, 2011

FEB 27 2011

OWNER OF: SITE ADDRESS: 901 N STRADA VECCHIA ROAD, ASSESSORS PARCEL NO.: 4370-022-014, ZONE: RE20; Min. Lot 20,000 Sq. Ft.

THIS ORDER REQUIRES IMMEDIATE ACTION.

An inspection has revealed that the property (Site Address) listed above is in violation of the Los Angeles Municipal Code (L.A.M.C.) sections listed below. You are hereby ordered to correct the violation(s) and contact the inspector listed in the signature block at the end of this document for a compliance inspection by the compliance date listed above.

FURTHER, YOU ARE ORDERED TO PAY THE CODE VIOLATION INSPECTION FEE (C.V.I.F.) OF \$ 336.00 WHICH WILL BE BILLED TO YOU SEPARATELY. Section 98.042) L.A.M.C.

NOTE: FAILURE TO PAY THE C.V.I.F. WITHIN 30 DAYS OF THE INVOICE DATE OF THE BILL NOTED ABOVE WILL RESULT IN A LATE CHARGE OF TWO (2) TIMES THE C.V.I.F. PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF \$1,176.00.

Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of one percent per month.

The inspection has revealed that the property is in violation of the Los Angeles Municipal Code as follows:

VIOLATION(S):

- 1. Stop all Work. Construction work is being performed without the required permits, DEMOLISHION OF A SINGLE FAMILY RESIDENCE.

You are therefore ordered to: 1) Stop all work being performed without the required permit(s). 2) Obtain all required permits and approvals prior to commencing any work.

Code Section(s) in Violation: 91.104.2.4, 91.106.1.1, 93.0310A, 94.102.2.3 and 95.108.5 of the L.A.M.C.

Location: 901 Strada Vecchia Rd.

- 2. A permit is required for the work performed, DEMOLISHION OF A SINGLE FAMILY RESIDENCE.

You are therefore ordered to: Obtain all required building permits.

Code Section(s) in Violation: 91.106.1.1, 91.103.1, 12.21A.1.(a) of the L.A.M.C.

Location: Residence at 901 Strada Vecchia Rd.



CODE ENFORCEMENT BUREAU, For routine City business and non-emergency services: Call 3-1-1, www.ladbs.org

Page 1 of 2

CERTIFIED TO BE A TRUE COPY, By: [Signature], Dept. of Bldg. & Safety, Date: 1-30-11



(Page 3 of 5)

3. Grading was performed without first obtaining a permit.

You are therefore ordered to: Obtain all required grading permits and approvals.

Code Section(s) in Violation: 91.106.1.2, 91.103.1, 12.21A.1 (A) of the L.A.M.C.

Location: 901 Strada Vecchia Rd.

**NON-COMPLIANCE FEE WARNING:**

In addition to the C.V.I.F. noted above, a proposed noncompliance fee in the amount of \$550.00 may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or request for slight modification is filed within 15 days of the compliance date.

If an appeal or request for slight modification is not filed within 15 days of the compliance date or extensions granted therefrom, the determination of the department to impose and collect a non-compliance fee shall be final. Section 98.0411 L.A.M.C.

**NOTE: FAILURE TO PAY THE NON-COMPLIANCE FEE WITHIN 30 DAYS AFTER THE DATE OF MAILING THE INVOICE, MAY RESULT IN A LATE CHARGE OF TWO (2) TIMES THE NON-COMPLIANCE FEE PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF \$1,925.00.**

Any person who fails to pay the non-compliance fee, late charge and collection fee shall also pay interest. Interest shall be calculated at the rate of one percent per month.

**PENALTY WARNING:**

Any person who violates or causes or permits another person to violate any provision of the Los Angeles Municipal Code (L.A.M.C.) is guilty of a misdemeanor which is punishable by a fine of not more than \$1000.00 and/or six (6) months imprisonment for each violation. Section 11.00 (m) L.A.M.C.

**INVESTIGATION FEE REQUIRED:**

Whenever any work has been commenced without authorization by a permit or application for inspection, and which violates provisions of Articles 1 through 8 of Chapter IX of the Los Angeles Municipal Code (L.A.M.C.), and if no order has been issued by the department or a court of law requiring said work to proceed, a special investigation fee which shall be double the amount charged for an application for inspection, license or permit fee, but not less than \$400.00, shall be collected on each permit, license or application for inspection. Section 98.0402 (a) L.A.M.C.

**APPEAL PROCEDURES:**

There is an appeal procedure established in this city whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine error or abuse of discretion, or requests for slight modification of the requirements contained in this order when appropriate fees have been paid. Section 98.0403.1 and 98.0403.2 L.A.M.C.

If you have any questions or require any additional information please feel free to contact me at (213)252-3048. Office hours are 7:00 a.m. to 3:30 p.m. Monday through Thursday.

Inspector:

*Jack Mattillo*  
JACK MATTILLO  
3550 WILSHIRE BLVD. SUITE 1800  
LOS ANGELES, CA 90010  
(213) 712-3048

Date: February 16, 2011



CODE ENFORCEMENT BUREAU  
For routine City business and non-emergency services: Call 3-1-1  
www.lalbs.org

BOARD OF BUILDING AND SAFETY COMMISSIONERS  
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CITY OF LOS ANGELES  
CALIFORNIA



S.E.  
ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF BUILDING AND SAFETY  
741 HORN FIGUEROA STREET  
LOS ANGELES, CA 90012

ROBERT R. 'BUD' GENERAL MANAGER  
RAYMOND S. CHAN, C.E.  
EXECUTIVE OFFICER

March 9, 2011

Mohamed Hadid  
11301 W. Olympic Blvd.  
L.A., CA. 90064

*CPJ*  
Order #: BGO0901-025 TRADA VECCHIA RD  
APN#: 4370-022-014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Rd.

Compliance Date: May 9, 2011

An inspection of the site referenced above on March 8, 2011 revealed that unauthorized grading, road cut and an unsupported vertical cut work has commenced at the southwest facing descending slope of the property without the required plans, permits and approvals by this Department. Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before May 9, 2011

- 1. Stop all work immediately upon receipt of this notice. 91.104.2.4 L.A.M.C.
- 2. No person shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit therefor from the Department. 91.106.1.2 L.A.M.C.
- 3. Discontinue the removal or destruction of the vegetative ground cover on the watershed in a designated hillside area and not pursuant to work authorized under a valid grading permit. 91.7005.3 L.A.M.C.
- 4. As required by sections 91.7007.1 and 91.02 of the Los Angeles Municipal Code temporary erosion control devices are required to be installed by October 1 and maintained through April 15. You are therefore further ordered to install the temporary erosion control devices acceptable to the department on or before March 11, 2011. 91.02; 91.103.1; 91.104.2.4; 91.106.6; & 91.7007.1 L.A.M.C.
- 5. Submit a soils investigation report prepared by a California licensed Geotechnical Engineer to the Department of Building and Safety for review and approval. 91.7006.3.1 L.A.M.C.
- 6. Submit a engineering geology report prepared by a California licensed Geologist to the Department of Building and Safety for review and approval. 91.7006.3.2 L.A.M.C.

Page 1 of 2

SPRINT (916) 662-2270

CERTIFIED TO BE A TRUE COPY  
By: *[Signature]*  
Dept. of Bldg. & Safety  
Date: 1-30-17

Page 2

7. Within 60 days of the date of this notice submit plans and calculations to obtain the required Grading permit for Site Grading and Retaining Wall Backfill for the unsupported vertical excavations that were created as a result of non permitted grading activity.  
91.106.3, 91.7006.1, 91.7006.2, L.A.M.C.

8. Plans and specifications submitted to the department shall include a contour map showing the present and proposed contours of the land, the location of the grading, the location of top and toe of all cuts and fills, the location of all "daylight" lines; the amount of cut and fill, the details and location of any proposed drainage and diversion structures, retaining walls, cribbing and surface protection, or to restore the excavated portion to a condition of stability and safety.  
91.106.3.2; 91.7006.1 L.A.M.C.

9. Restore the vegetative ground cover, shrubs and/or trees removed from the slope in a designated hillside area without first having secured the required permit for lawful grading.  
91.7005.3 L.A.M.C.

10. Do not resume work until inspection has been requested and performed by the authorized representative of the department.  
91.108.3; 91.108.9.1 L.A.M.C.

11. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Superintendent of Building.  
91.108.4 L.A.M.C.

12. Pay the required Investigation Fee for the work commenced without a permit  
L.A.M.C. 98.0402


**WARNING:** A citation requiring your appearance in court may be issued if compliance is not obtained with this order. This may result in a fine up to \$1000.00 and/or six months in jail.  
L.A.M.C. 11.00 (m) & 98.0408 (a)

No person shall fail, refuse or neglect to comply with all orders issued by the department pursuant to the provisions of this division. Any person violating this subsection shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both. The Department shall collect investigation fees.  
LAMC 91.7005.8.1 ; 11.00 (m) & 91.107.5.1

This Order is issued pursuant to the provisions of LAMC 91.7005.7. If this substandard condition is not eliminated within the specified time limit, this Department will record a "Certificate of Substandard Property" with the Office of the County Recorder.

Appeals to this order may be made pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

If you fail to comply with this order within 15 days of the due date of compliance or of any extension of time granted by the Department, you then may be subject to a noncompliance fee. LAMC 98.0411(a)

Brian Olson   
Inspector Brian Olson Building Inspector, Grading Section  
11620 Wilshire Bl, #1100  
Los Angeles, Ca 90026  
(310) 914-3936

Date: 3/16/2011

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

BOARD OF  
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DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

ROBERT R. "BUD" OVROM  
GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.  
EXECUTIVE OFFICER

**GEOLOGY AND SOILS REPORT APPROVAL LETTER**

February 7, 2012

LOG # 73916-02  
SOILS/GEOLOGY FILE - 2  
LAN

Bel Air Highland LLC  
11301 W. Olympic Blvd., #537  
Los Angeles, CA 90064

TRACT: Bel Air (MP 113-9/17)  
LOT(S): PT LT 1 (arb-232)  
LOCATION: 901 N. Strada Vecchia Road

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Soils Report	5276	11/29/2011	Calwest Geotechnical
Oversized Doc(s).	"	"	"
Geology Report	JH7949	11/18/2011	Mountain Geology
Oversized Doc(s).	"	"	"
<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Request for Modification	20419	01/18/2012	LADBS - Grading
Dept. Correction Letter	73916-01	09/28/2011	LADBS - Grading
Soils Report	5276	08/01/2011	Calwest Geotechnical
Geology/Soils Report	JH7959	07/21/2011	Mountain Geology, Inc.
Dept. Correction Letter	73916	06/14/2011	LADBS - Grading
Soils Report	5276	04/20/2011	Calwest Geotechnical
Geology Report	JH7959	04/18/2011	Mountain Geology
Dept. Approval Letter	63110-02	09/11/2008	LADBS - Grading
Geology Report	JH6785	08/13/2008	Mountain Geology, Inc.
Soils Report	4997	08/04/2008	Calwest Geotechnical
Dept. Correction Letter	63110-01	07/22/2008	LADBS - Grading
Soils Report	4997	05/29/2008	Calwest Geotechnical
Geology Report	JH6785	05/28/2008	Mountain Geology, Inc.
Dept. Correction Letter	63110	05/15/2008	LADBS - Grading
Soils Report	4997	02/05/2008	Calwest Geotechnical
Geology Report	JH6785	01/07/2008	Mountain Geology, Inc.

The referenced reports dated November 29, 2011, November 18, 2011, August 1, 2011, July 21, 2011, April 20, 2011, and April 18, 2011, concerning the proposed pile supported new single family residence with basement, swimming pool, pool deck, water features, and retaining walls has been reviewed by the Grading Division of the Department of Building and Safety.

Page 2  
901 N. Strada Vecchia Road

The proposed pile supported residence and pad area will be underlain by engineered certified artificial fill while surrounding area to the west will be certified fill over uncertified compacted fill supported by soldier piles, as depicted on the geologic maps and geologic cross sections, as recommended. A minimum of 10 feet of certified fill shall be placed over the uncertified fill at a gradient of 2(H):1(V).

A Request for Modification of Building Ordinances was reviewed and approved by the Grading Division of the Department of Building and Safety to allow existing uncertified fill to be allowed to remain in place on the lower slope below the proposed residence. In addition, the placement of new engineered compacted artificial fill over existing uncertified fill is approved by the Department in the area of the uncertified fill on the lower slope.

The consultants note that slot cuts are not proposed for the subject property, and therefore slot cut recommendations are not a part of this approval letter.

It is not clear how the proposed swimming pool will be supported. According to the report dated 04/20/2011 the proposed swimming pool is to be supported by natural soils. However, it appears from cross-section B, that the pool will be elevated above ground.

The site is located in a designated seismically induced landslide hazard zone as shown on the "Seismic Hazard Zones" map issued by the State of California.

The earth materials at the subsurface exploration locations consist of up to 10 to 40 feet deep of uncertified fill underlain by uncertified fill overlying Modelo Formation and Santa Monica Slate Formation Bedrock.

The consultants recommend to support the proposed structures on conventional and/or drilled-pile foundations bearing on competent bedrock.

As of January 1, 2011 the City of Los Angeles was required to adopt the new 2010 California Building Code. Because every site in the City of Los Angeles is classified as a Seismic Design Category D or higher, those requirements include the determination of lateral pressure on basement and retaining walls due to earthquake motions, and the analysis and mitigation for liquefaction and seismic induced slope stability. In addition, the LABC requires that basement walls and other walls in which horizontal movement is restricted at the top be designed for at-rest lateral earth pressure. These requirements apply to all projects where the permit application submittal date is after January 1, 2011. Some exceptions may apply (please refer to P/BC 2008-113).

Please be informed that retaining wall permit applications filed on or after 03/09/2005, will be subject to the requirements of the Retaining Walls in Hillside Areas, Ordinance No. 176, 445. The Ordinance limits the number of retaining walls detached from the building planned in hillside areas to either one retaining wall with an exposed wall height no greater than 12 feet or, two walls separated by a minimum horizontal distance of 3 feet with the exposed wall height of each wall to be no higher than 10 feet.

The referenced reports dated November 29, 2011, November 18, 2011, August 1, 2011, July 21, 2011, April 20, 2011, and April 18, 2011, are acceptable, provided the following conditions are complied with during site development:

(Note: Numbers in parenthesis ( ) refer to applicable sections of the 2011 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. All conditions of approval of the Modification Request File #20419, dated 01/18/2012 shall apply.
2. Final plans shall comply with the hillside retaining wall Ordinance No. 176.445, regarding the number and heights of retaining walls allowed. Alternatively, a variance may be filed to obtain

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approval from the Zoning Administrator for any exceptions.

3. The proposed pile supported residence will be underlain by engineered certified artificial fill while the surrounding area to the west will be compacted fill over the existing uncertified fill supported by soldier piles, as depicted on the geologic maps and geologic cross sections, as recommended.
4. Proposed grading of the ascending slope above the driveway access retaining wall shall be placed/trimmed to a 2(H):1(V) gradient as recommended.
5. All friction pile drilling and installation shall be performed under the continuous inspection and approval of the soils engineer.
6. All new graded slopes shall be no steeper than 2H:1V (fill slopes) and 1.5H:1V (bedrock slopes) (7010.2 & 7011.2).
7. Existing rock and mortar veneer shall be removed from the slope and not remain on the subject site, as recommended.
8. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports. (7006.1)
9. All recommendations of the reports which are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
10. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit. (7006.1)
11. A grading permit shall be obtained for all structural fill and retaining wall backfill. (106.1.2)
12. Prior to the issuance of any permit, an accurate volume determination shall be made and included in the final plans, with regard to the amount of earth material to be exported from the site. For grading involving import or export of more than 1000 cubic yards of earth materials within the grading hillside area, approval is required by the Board of Building and Safety. Application for approval of the haul route must be filed with the Grading Division. Processing time for application is approximately 8 weeks to hearing plus 10-day appeal period.
13. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density (D1556). Placement of gravel in lieu of compacted fill is allowed only if complying with Section 91.7011.3 of the Code. (7011.3)
14. The consultants shall demonstrate during the placement of certified fill over uncertified fill that shear strength characteristics of the new fill is no less than 480psf cohesion and angle of internal friction no less than 33 degrees.
15. Subdrains must be installed in all natural drainage courses within which compacted fill is to be placed. (7013.8)
16. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction. (7013.12)

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- 17. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cu yd. (7007.1)  
1828 Sawtelle Blvd., 3<sup>rd</sup> Floor, West LA (310) 575-8388
- 18. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored. (7005.3)
- 19. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety. (3301.1)
- 20. The soils engineer shall review and approve the shoring plans prior to issuance of the permit. (3307.3.2)
- 21. Prior to the issuance of the permits, the soils engineer and/or the structural designer shall evaluate the surcharge loads used in the report calculations for the design of the retaining walls and shoring. If the surcharge loads used in the calculations do not conform to the actual surcharge loads, the soil engineer shall submit a supplementary report with revised recommendations to the Department for approval.
- 22. Unsurcharged temporary excavations over 5 feet exposing soil shall be trimmed back at a gradient not exceeding 1(H):1(V), as recommended.
- 23. Shoring shall be designed for a minimum EFP of 38 PCF for retaining cuts up to 45 feet high; all surcharge loads shall be included into the design, as recommended. Total lateral load on shoring piles shall be determined by multiplying the recommended EFP by the pile spacing.
- 24. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.
- 25. All foundations shall derive entire support from competent bedrock, as recommended and approved by the geologist and soils engineer by inspection.
- 26. The building design shall incorporate provisions for anticipated differential settlements in excess of one-fourth inch.
- 27. Foundations adjacent to a descending slope steeper than 3:1 (H:V) in gradient shall be a minimum distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the footing bottom to the face of the slope (1808.7.2)
- 28. Buildings adjacent to ascending slopes steeper than 3:1 (H:V) in gradient shall be set back from the toe of the slope a level distance equal to one-half the vertical height of the slope, but need not exceed 15 feet (1808.7.1)
- 29. Pile caisson and/or isolated foundation ties are required by Code Sections 1809.13 and/or 1810.3.13. Exceptions and modification to this requirement are provided in Information Bulletin P/BC 2002-30.
- 30. Pile and/or caisson shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to fill, soil and weathered bedrock. (P/BC 2008-50)
- 31. The design passive pressure shall be neglected for a portion of the pile with a set back distance (horizontal set back) less than five feet from fill, soil or weathered bedrock contact plane with

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competent bedrock.

32. Existing uncertified fill shall not be used for lateral support of deep foundation. (1810.2.1)
33. When water over 3 inches in depth is present in drilled pile holes, a concrete mix with a strength of 1000 p.s.i. over the design p.s.i. shall be tremied from the bottom up; an admixture that reduces the problem of segregation of paste/aggregates and dilution of paste shall be included. (1808.8.3)
34. Slab on uncertified fill shall be designed as a structural slab. (7011.3)
35. Concrete floor slabs placed on expansive soil shall be placed on a 4-inch fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least 3½ inches thick and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced maximum of 16 inches on center each way. Slabs placed on approved compacted fill shall be at least 4 inches thick and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced maximum of 16 inches on center each way. Vapor barriers shall be utilized as recommended.
36. The seismic design shall be based on a Site Class C as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.
37. Retaining walls shall be designed for a minimum loads as specified on page 4 of the November 29, 2011, referenced report. All surcharge loads shall be incorporated into the design. The design of soldier pile wall shall comply also with "Retaining Wall Soldier Pile Design Summary" attached to the current report. Total lateral load on soldier piles shall be determined by multiplying the recommended EFP by the pile spacing.
38. A supplemental report shall be submitted to the Department upon commencement of drilling for soldier piles providing information of the depth of fill. Note, that the consultants calculations of the lateral forces acting on soldier piles are based on assumed depth of fill in the vicinity of the soldier piles walls. A supplemental report shall address possible revised lateral forces calculations in the event the depth of fill is larger than assumed in the current report.
39. Retaining walls at the base of ascending slopes shall be provided with a minimum freeboard of 12 inches, as recommended.
40. The recommended equivalent fluid pressure (EFP) for the proposed retaining wall shall apply from the top of the freeboard to the bottom of the wall footing.
41. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device. (7013.11)
42. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soil report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record. (1805.4)
43. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector. (108.9)
44. Basement walls and floors shall be waterproofed/damp-proofed with an L.A. City approved "Below-grade" waterproofing/damp-proofing material with a research report number. (1704.2)
45. Prefabricated drainage composites (Miradrain) (Geotextiles) may be only used in addition to



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traditionally accepted methods of draining retained earth.

- 46. The pool shall be designed for expansive soil conditions in accordance with Information Bulletin P/BC 2002-14.
- 47. The proposed swimming pool shall be designed for a freestanding condition.(1808.7.3)
- 48. Pool deck drainage shall be collected and conducted to an approved location via a non-erosive device. (7013.10)
- 49. Pools adjacent to ascending slopes shall be set back from the toe of the slope a level distance equal to one-fourth the vertical height of the slope, but need not exceed 7.5 feet (1808.7.3).
- 50. Pool foundations adjacent to a descending slope steeper than 3H:1 V in gradient shall be a minimum distance of one-sixth the vertical height of the slope but need not exceed 20 feet measured horizontally from the footing bottom to the face of the slope (1808.7.3).
- 51. All deck drainage shall be collected and conducted to an approved location in a non-erosive device. (7013.10)
- 52. The structure shall be connected to the public sewer system. (P/BC 2008-27)
- 53. A sump pump and a bedrock-supported back-up dispersal wall are required and are not a part of this approval.  
  
Note: Approval will be considered upon submittal to the Grading Division of a Request for Modification by the applicant that includes the following: a map showing the final location of the sump pump; the proposed location and length of the bedrock-supported back-up dispersal wall; and, a professional opinion from the consultants that drainage from the dispersal wall will not contribute to any instability, erosion or nuisance conditions on the descending slope.
- 54. All roof and pad drainage shall be conducted to the street in an acceptable manner; water shall not be dispersed on to descending slopes without specific approval from the Grading Section and the consulting geologist and soils engineer. (7013.10)
- 55. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LADBS. (7013.10)
- 56. Any recommendations prepared by the geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Grading Division of the Department for approval prior to utilization in the field. (7008.3)
- 57. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading. (7008 & 1704.7)
- 58. All friction pile or caisson drilling and installation shall be performed under the continuous inspection and approval of the geologist and soils engineer. The geologist shall indicate the distance that friction piles or caissons penetrate into competent bedrock in a written field memorandum to the City Building Inspector. (1803.5.5, 1704.9)
- 59. Prior to the pouring of concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the LADBS Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report.

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Date *1-30-17*

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but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Grading Division of the Department upon completion of the work. (108.9 & 7008.2)

- 60. Prior to excavation, an initial inspection shall be called with LADBS Inspector at which time sequence of shoring, protection fences and dust and traffic control will be scheduled. (108.9.1)
- 61. Installation of shoring excavations shall be performed under the continuous inspection and approval of the soils engineer and deputy grading inspector. (1704.7)
- 62. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the LADBS Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be included in the final compaction report filed with the Grading Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Division of the Department upon completion of the compaction. In addition, an Engineer's Certificate of Compliance with the legal description as indicated in the grading permit and the permit number shall be included. (7011.3)
- 63. No footing/slab shall be poured until the compaction report is submitted and approved by the Grading Division of the Department.

*Jeffrey T. Wilson*  
JEFFREY T. WILSON  
Engineering Geologist I

*Andrzej T. Szpikowski*  
ANDRZEJ T. SZPIKOWSKI  
Geotechnical Engineer II

JTW/ATS:jtw/ats  
Log No. 73916-02  
213-482-0480

cc: Kimberlina Whettam & Associates, Applicant  
Calwest Geotechnical, Project Consultant  
Mountain Geology, Project Consultant  
WLA District Office



1-g-New GREEN - MANDATORY City of Los Angeles - Department of Building and Safety Issued on: 04/05/2012  
2 Family Dwelling APPLICATION FOR BUILDING PERMIT Last Status: Permit Revoked  
Regular Plan Check AND CERTIFICATE OF OCCUPANCY Status Date: 09/10/2014  
Plan Check

1. TRACT	BLOCK	LOTS	ARE	COUNTY/MAP REF #	PARCEL ID # (PER #)	2. ASSESSOR PARCEL #
BEL-AIR		LT 1	232	MB 113-9/17 (SHTS 6-14144B153	713	4370 - 022 - 014
BEL-AIR		LT 1	206	MB 113-9/17 (SHTS 6-14144B153	739	4370 - 023 - 024

3. PARCEL INFORMATION

Area Planning Commission - West Los Angeles	Census Tract - 2621.00	Hillside Ordinance - YES
LADBS Branch Office - WLA	District Map - 144B153	Earthquake-Induced Landslide Area - Yes
Council District - 5	Energy Zone - 9	Lot Cut Date - 05/18/1951
Certified Neighborhood Council - Bel Air - Beverly Crest	Fire District - VHFHSZ	Near Source Zone Distance - 0
Community Plan Area - Bel Air - Beverly Crest	Hillside Grading Area - YES	Thomas Brothers Map Grid - 592-A6

ZONES(S): RE20-1-H

4. DOCUMENTS

ORD - ORD-132416	CPC - CPC-1986-829-GPC
ORD - ORD-167564-SA3140	
HLSAREA - Yes	
CPC - CPC-18760	

5. CHECKLIST ITEMS

Special Inspect - Anchor Bolts	Special Inspect - Field Welding	Special Inspect - Structural Observation
Special Inspect - Concrete>2.5ksi	Special Inspect - Grade Beam/Caisson	Fabricator Req'd - Precast Concrete Panel
Special Inspect - Epoxy Bolts	Special Inspect - H/S Bolt	Fabricator Req'd - Structural Steel

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s):  
SYNTRA WVA LLC 11350 RANDOM HILLS RD NO 700 FAIRFAX VA 22030  
SYNTRA WVA LLC 11350 RANDOM HILLS RD NO 700 FAIRFAX VA 22030  
Tenant:

Applicant (Relationship: Agent for Owner)  
- KIMBERLINA WHETTAM & ASSOCI/ 22845 VENTURA BLVD. # 521 WOODLAND HILLS, CA 91364 (818) 427-2154

7. EXISTING USE	PROPOSED USE	8. DESCRIPTION OF WORK
	(01) Dwelling - Single Family (07) Garage - Private (23) Recreation Room	NEW 2-STORY SFD W/ HABITABLE BASEMENT & 6-CAR GARAGE TYPE V-B CONSTRUCTION WITH AUTOMATIC FIRE SPRINKLR SYSTEM PROVIDED (INSTALLED UNDER SEPARATE PERMIT). ATTACHED WALKWAY BRIDGE AT ENTRANCE OF BLDG. PROJECTED water feature OFF SECOND STORY AT REAR of

9. # Bldgs on Site & Use: 1 OF 3, T.V. = \$ 3,200,000

10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Albert Servin	DAS PC By:
OK for Cashier: Albert Servin	Coord. OK:
Signature:	Date:

For inspection requests, call toll-free (888) LA4BUILD (524-2845).  
Outside LA County, call (213) 482-0000 or request inspections via  
[www.ladbs.org](http://www.ladbs.org). To speak to a Call Center agent, call 311. Outside  
LA County, call (213) 473-3231.

For Cashier's Use Only W/O #: 11000788

11. PROJECT VALUATION & FEE INFORMATION Final Fee Period

Permit Valuation:	PC Valuation:	
\$2,700,000		
FINAL TOTAL Bldg-New	87,848.13 Sys. Surcharge	2,292.63
Permit Fee Subtotal Bldg-New	10,338.00 Planning Surcharge	632.69
Energy Surcharge	Planning Surcharge Misc Fee	10.00
Electrical	Planning Gen Plan Maint Surchar	316.34
(VAC	School District Residential Level 2	45,013.80
Lumbing	Dwelling Unit Construction Tax	200.00
Plan Check Subtotal Bldg-New	0.00 Residential Development Tax	300.00
Off-hour Plan Check	0.00 CA Bldg Std Commission Surchar	108.00
Plan Maintenance	206.76 Green Building	
Fire Hydrant Refuse-To-Pay	Permit Issuing Fee	0.00
Q. Instrumentation	270.00	
Stigation-CE	20,676.00	
Surcharge	764.21	
Power Cap ID:	Total Bond(s) Due:	

Permit Revoked

ATTACHMENTS

Owner-Builder Declaration  
Site Plan



**13. STRUCTURE INVENTORY** (Note: Numeric measurement of the format "number/number" implies "change in numeric value/total existing numeric value")

- (P) Basement (ZC): +1 Levels / 1 Levels
- (P) Floor Area (ZC): +11310 Sqft / 11310 Sqft
- (P) Height (BC): +36 Feet / 36 Feet
- (P) Height (ZC): +36 Feet / 36 Feet
- Length: +156 Feet / 156 Feet
- Stories: +2 Stories / 2 Stories
- (P) Width: +75 Feet / 75 Feet
- (P) Dwelling Unit: +1 Units / 1 Units
- (P) NFPA-13D Fire Sprinklers Thru-out
- (P) R3 Occ. Group: +12368 Sqft / 12368 Sqft
- (P) U Occ. Group: +645 Sqft / 645 Sqft
- (P) Parking Req'd for Bldg (Auto+Bicycle): +5 Stalls / 5
- (P) Provided Standard for Bldg: +6 Stalls / 6 Stalls
- (P) Total Provided Parking for Site: +6 Stalls / 6 Stalls
- (P) Type V-B Construction
- (P) Floor Construction - Concrete Slab on Grade
- (P) Foundation - Concrete Grade Beam
- (P) Foundation - Concrete Pile
- (P) Foundation - Continuous Footing
- (P) Roof Construction - Concrete Deck
- (P) Wall Construction - Concrete
- (P) Wall Construction - Metal Stud

**14. APPLICATION COMMENTS:**

\*\* Approved Seismic Gas Shut-Off Valve may be required \*\* site is less than 60,000 sf. 30-day notice sent on 2-14-12 to adjoining properties per tracking number 8987-6425-8079 (633 w. 5th st), 8987-6425-8057 (940 strada vecchia), 8987-6425-8068 (208 s. la salle st)

**15. BUILDING RELOCATED FROM:**

16. CONTRACTOR, ARCHITECT & ENGINEER NAME	ADDRESS	CLASS	LICENSE #	PHONE #
(E) KHATCHADOURIAN, VICKEN	1221 N CEDAR ST,	GLENDALE, CA 92107	S3141	
(E) LISTON, LEONARD IRVIN	889 PIERCE QT STE 101,	THOUSAND OAKS, CA 91	C31902	
(E) PATEL, RAJESH MANUBHAI	4201 SCANDIA WAY,	LOS ANGELES, CA 90065	C21967	
(G) HOLT, JACOB WILLIAM	5158 COCHRAN ST,	SIMI VALLEY, CA 93063	EG2282	
(O) OWNER-BUILDER			0	

1011005201253168

BOARD OF BUILDING AND SAFETY COMMISSIONERS

HELENA JUBANY PRESIDENT

MARSHA L. BROWN VICE-PRESIDENT

VAN AMBATIELOS VICTOR H. CUEVAS SEPAND SAMZADEH

CITY OF LOS ANGELES CALIFORNIA



ANTONIO R. VILLARAIGOSA MAYOR

DEPARTMENT OF BUILDING AND SAFETY 201 NORTH FIGUEROA STREET LOS ANGELES, CA 90012

ROBERT R. "BUD" OVROM GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E. EXECUTIVE OFFICER

INSPECTION BUREAU

ISSUE DATE: September 10, 2012

SYNTRA WVA LLC 11350 Random Hills Rd. #700 Fairfax, VA. 22030 USA

ORDER NO: B0091012-954 APN: 4370022014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: September 17, 2012

An inspection of the property at the above job address on August 17, 2012 revealed that the requirements of the soils/geologic reports by Calwest Geotechnical and approved by Department approval letter dated February 7, 2012 log# 73916-02 were not being followed. Corrections were issued for violations at time of inspection and given to contractor on site.

Non-conforming vertical cuts along the southern property line have been made thus removing lateral support from adjacent properties that are unshored and in violation of Sections.

91.3301.2.3.1, 91.106.3.3.2 and 91.7010.2 L.A.M.C.

Follow up inspections made on August 24, 2012 & September 4, 2012 revealed violations still existed.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before September 17, 2012

1) Stop all work on the excavation at the above job address except that work which will be required to restore lateral support to the adjacent property to the south under the guidance of the soils/geotechnical engineer of record. 91.104.2.4; 91.3301, 91.7005.8.1 L.A.M.C.

2) Trim back all vertical cuts exceeding 5'-0" to a grade not exceeding 1:1 as required in department approval letter and provide shoring to stabilize the unsupported excavation along south property line. 91.3301. 91.3301.2.3.2 L.A.M.C.

Handwritten signature and date: 9/19/12

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3) Implement recommendations of approved soils/geotechnical reports and approved plans or Submit revised recommendations relating to conditions differing from the department's approval letter to the Grading Department for review. 91.106.3.2.6, 91.106.3.3.2, 91.108.10 L.A.M.C.

**DESCRIPTION OF VIOLATION AND L.A.M.C. SECTION(S)**

Further, you are ordered to pay the Code Violation Inspection Fee (C.V.I.F.) of \$336.00, which will be billed to you separately (Section 98.0421 L.A.M.C.). This is not the bill. Wait for the invoice before contacting the Department regarding the C.V.I.F. only. For all other matters, you may contact the inspector at the bottom of this Order to Comply at any time.

Note: Failure to pay the C.V.I.F. within 30 days of the invoice date of the bill noted above will result in a late charge of two (2) times the C.V.I.F. plus a 50% collection fee, for a total of \$1,176.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of 1% per month.

**Non-Compliance Fee Warning:**

In addition to the C.V.I.F. noted above, a proposed Non-Compliance fee of \$1000.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$2500.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60<sup>th</sup> day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

**Investigation Fee Warning:**

Whenever any work has been commenced without authorization by a permit or application of inspection which violates provisions of the L.A.M.C. and if no order has been issued by the Department or a court of law requiring said work to proceed, a special investigation shall be made prior to the issuance of any permit, license or application for inspection (Section 98.0402(a) L.A.M.C.).

Note: An Investigation Fee shall be double the amount charged for an application for inspection, license or permit fee, shall be collected on each permit, license or application for inspection so investigated. In no event shall the Investigation Fee be less than \$400.00 (Section 98.0402(a) L.A.M.C.).

**Penalty Warning:**

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

1011005201253168

**Appeal Procedures:**

There is an appeal procedure established in this City whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine err or abuse of discretion, or requests for slight modification of the requirements contained in this Order when appropriate fees have been paid (Section 98.0403.1 and 98.0403.2 L.A.M.C.)

If you have any questions or require any additional information, please feel free to contact me at the phone number below.

Inspector: Brian Olson  
Grading Division  
11620 Wilshire Bl. #1100  
Los Angeles, CA. 90025  
310-914-3936



Date: 9/10/2012

1011005201253168

# CITY OF LOS ANGELES

DEPARTMENT OF  
BUILDING AND SAFETY



GRADING  
INSPECTION

Syntra WVA, LLC C/O James T. Zelloe

11350 Random Hills Rd. # 700

Fairfax, VA. 22030

**ORDER TO  
COMPLY**  
NON-COMPLIANCE FEE  
NOTICE

**Job Address: 901 N. Strada Vecchia Rd.**

Your attention is directed to Order to Comply, #BO091012-954 dated September 10, 2012 which was issued by the Grading Division. The date for compliance is September 14, 2012

On September 28, 2012 the order will be forwarded to the Investigations Division for legal enforcement and to the Financial Services Section for collection processing. The assessment of the noncompliance fee does not stop the Department from proceeding with legal enforcement of any order nor from collection of any other fee(s) specified elsewhere in the Los Angeles Municipal Code. Payment of the noncompliance fee does not exempt any cited owner from compliance with the provisions of the Los Angeles Building Code nor from any penalty prescribed by law.

**If you fail to comply with that order within 15 days of September 17, 2012 or any extension granted by the Department prior to that date, you may then be subject to a Non-Compliance Fee. L.A.M.C Section 98.0411**

If a non compliance fee is imposed, an invoice will be sent to you. If the fee is not paid within 30 days after the mailing date of the invoice, the Department shall impose a late charge equal to two times the non-compliance fee and a collection fee equal to 50 percent of the original non-compliance fee. Any person who fails to pay the assessed non-compliance fee, late charge, or collection fee shall also pay interest from the 60th day after the date of mailing the notice of non-compliance until the date of payment.

You are hereby notified of your appeal rights pursuant to L.A.M.C. SEC. 98.0403.2. Please contact the Inspector indicated below to obtain specific information regarding your appeal rights.

Grading Inspector Brian Olson  
Direct: (310) 914-3936  
Fax: (310) 914-3865

*Brian Olson*

Date 9/10/2012

*[Signature]*  
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**CITY OF LOS ANGELES**  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

**BOARD OF  
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DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

ROBERT R. "BUD" QVROM  
GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.  
EXECUTIVE OFFICER

**INSPECTION BUREAU**

ISSUE DATE: October 31, 2012

901 STRADA LLC  
C/O James T. Zelloe  
910 King ST.  
Alexandria, VA. 22314-3019  
USA

ORDER NO: BO103112-954  
APN: 4370022014

**ORDER TO COMPLY**

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: November 7, 2012

This Order to Comply supersedes previous Order to Comply number BGO0901STRADAVECCHUAO Dated March 7, 2012.

An inspection of the property at the above job address on August 17, 2012 revealed that the requirements of the soils/geologic reports by Calwest Geotechnical and approved by Department approval letter dated February 7, 2012 log# 73916-02 were not being followed. Correction notice # 15255780 was issued for violations at time of inspection on August 20, 2012 and given to contractor on site.

Non-conforming vertical cuts along the southern property line have been made thus removing lateral support from adjacent properties that are un shored and in violation of Sections 91.3301.2.3.1, 91.106.3.3.2 and 91.7010.2 L.A.M.C.

Follow up inspections made on August 23, 2012, September 4, 13 & 28/ 2012 revealed violations still existed.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before November 7, 2012

1) Stop all work on the excavation at the above job address except that work which will be required to restore lateral support to the adjacent property to the south under the guidance of the soils/geotechnical engineer of record. 91.104.2.4; 91.3301, 91.7005.8.1 L.A.M.C.

101115201249

2) Trim back all vertical cuts exceeding 5'-0" to a grade not exceeding 1:1 as required in department approval letter and provide shoring to stabilize the unsupported excavation along the south property line. 91.3301, 91.3301.2.3.2 L.A.M.C.

3) Implement recommendations of approved soils/geotechnical reports and approved plans or Submit revised recommendations relating to conditions differing from the department's approval letter to the Grading Department for review. 91.106.3.2.6, 91.106.3.3.2, 91.108.10 L.A.M.C.

4) Submit erosion control plans to the Department of Building and Safety or the Department of Public Works, Bureau of Engineering and after approval install the temporary erosion control devices in accordance with the approved plans. 91.101.3, 91.7005.8, 91.7007.1 L.A.M.C.

5) Do not resume work until inspection has been requested and performed by the authorized representative of the department. 91.108.3; 91.108.9.1 L.A.M.C.

**DESCRIPTION OF VIOLATION AND L.A.M.C. SECTION(S)**

Further, you are ordered to pay the Code Violation Inspection Fee (C.V.I.F.) of \$336.00, which will be billed to you separately (Section 98.0421 L.A.M.C.). This is not the bill. Wait for the invoice before contacting the Department regarding the C.V.I.F. only. For all other matters, you may contact the inspector at the bottom of this Order to Comply at any time.

Note: Failure to pay the C.V.I.F. within 30 days of the invoice date of the bill noted above will result in a late charge of two (2) times the C.V.I.F. plus a 50% collection fee, for a total of \$1,176.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of 1% per month.

**Non-Compliance Fee Warning:**

In addition to the C.V.I.F. noted above, a proposed Non-Compliance fee of \$1000.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$2500.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60<sup>th</sup> day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

**Investigation Fee Warning:**

Whenever any work has been commenced without authorization by a permit or application of inspection which violates provisions of the L.A.M.C. and if no order has been issued by the Department or a court of law requiring said work to proceed, a special investigation shall be made prior to the issuance of any permit, license or application for inspection (Section 98.0402(a) L.A.M.C.).

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**Note:** An Investigation Fee shall be double the amount charged for an application for inspection, license or permit fee, shall be collected on each permit, license or application for inspection so investigated. In no event shall the Investigation Fee be less than \$400.00 (Section 98.0402(a) L.A.M.C.).

**Penalty Warning:**

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

**Substandard Warning:**

Failure to comply with the above by the specified date will result in a "Certificate of Substandard Condition" being recorded with the Office of the County Recorder in accordance with Section 91.7005.7 L.A.M.C. and instituting action to revoke the Certificate of Occupancy for the building under provisions in Section 91.109.6 L.A.M.C.

**Appeal Procedures:**

There is an appeal procedure established in this City whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine error or abuse of discretion, or requests for slight modification of the requirements contained in this Order when appropriate fees have been paid (Section 98.0403.1 and 98.0403.2 L.A.M.C.)

If you have any questions or require any additional information, please feel free to contact me at the phone number below.

Inspector: Brian Olson  
Grading Division  
11620 Wilshire Bl. #1100  
Los Angeles, CA. 90025  
310-914-3936



Date: 10/31/2012

BOARD OF  
BUILDING AND SAFETY  
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CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

ROBERT R. "BUD" OVROM  
GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.  
EXECUTIVE OFFICER

**GEOLOGY AND SOILS REPORT APPROVAL LETTER**

January 31, 2013

LOG # 79409  
SOILS/GEOLOGY FILE - 2  
LAN

Bei Air Highland LLC  
11301 W. Olympic Blvd., #537  
Los Angeles, CA 90064

TRACT: Bel Air (MP 113-9/17)  
LOT(S): PT LT 1 (arb-232)  
LOCATION: 901 N. Strada Vecchia Road

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soils Report	2BEL091	01/08/2013	Sassan Geosciences, Inc.

<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Dept. Correction Notice	15684097	01/08/2013	LADBS - Inspection
Dept. Approval Letter	79022	11/21/2012	LADBS
Responsibility Letter	2BEL091	06/29/2012	Sassan Geosciences, Inc.
Dept. Approval Letter	73916-02	02/07/2012	LADBS
Soils Report	5276	11/29/2011	Calwest Geotechnical
Geology Report	JH7949	11/18/2011	Mountain Geology
Request for Modification	20419	01/18/2012	LADBS - Grading
Dept. Correction Letter	73916-01	09/28/2011	LADBS - Grading
Soils Report	5276	08/01/2011	Calwest Geotechnical
Geology/Soils Report	JH7959	07/21/2011	Mountain Geology, Inc.
Dept. Correction Letter	73916	06/14/2011	LADBS - Grading
Soils Report	5276	04/20/2011	Calwest Geotechnical
Geology Report	JH7959	04/18/2011	Mountain Geology
Dept. Approval Letter	63110-02	09/11/2008	LADBS - Grading
Geology Report	JH6785	08/13/2008	Mountain Geology, Inc.
Soils Report	4997	08/04/2008	Calwest Geotechnical
Dept. Correction Letter	63110-01	07/22/2008	LADBS - Grading
Soils Report	4997	05/29/2008	Calwest Geotechnical
Geology Report	JH6785	05/28/2008	Mountain Geology, Inc.
Dept. Correction Letter	63110	05/15/2008	LADBS - Grading
Soils Report	4997	02/05/2008	Calwest Geotechnical
Geology Report	JH6785	01/07/2008	Mountain Geology, Inc.

Page 2  
901 N. Strada Vecchia Road

The Grading Division of the Department of Building and Safety has reviewed the referenced report dated January 8, 2013, providing updated recommendations addressing the nonconforming excavation at the subject that resulted in a Correction Notice being issued by the Department as part of the construction for the previously Department approved pile supported new single family residence with basement, swimming pool, pool deck, water features, and retaining walls in a letter dated February 7, 2012 Log #73916-02. The existing excavation is approximately 16 feet in vertical height with a 2(H):1(V) gradient slope above.

The Department previously conditionally approved the above referenced report dated June 29, 2012, for the change of consultant in a letter dated November 21, 2012, Log #79022.

The referenced report dated January 8, 2013, is acceptable, provided the following conditions are complied with during site development:

(Note: Numbers in parenthesis ( ) refer to applicable sections of the 2011 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. The Department Approval Letter dated February 7, 2012, Log # 73916-02, remains in effect unless specifically revised herein.
2. The temporary excavation of approximately 16 feet vertical with a 2(H):1(V) slope may remain as is during construction, as recommended.
3. A registered grading deputy inspector approved by and responsible to the geotechnical engineer shall be required to provide continuous inspection until completion of the proposed retaining wall, as recommended. (1704.7)

*Jeffrey T. Wilson*  
JEFFREY T. WILSON  
Engineering Geologist I

*Pascal Challita*  
PASCAL CHALLITA  
Geotechnical Engineer II

JTW/PC:jtw/pc  
Log No. 79409  
213-482-0480

cc: Sassan Geosciences, Inc., Project Consultant  
WLA District Office

CERTIFIED TO BE A  
TRUE COPY  
By *[Signature]*  
Dept. of Bldg. & Safety  
Date 1-5-17

**CITY OF LOS ANGELES**  
**DEPARTMENT OF BUILDING AND SAFETY**  
 Grading Section

wL	79409
District	Log No.

**APPLICATION FOR REVIEW OF TECHNICAL REPORTS AND IMPORT-EXPORT ROUTES**

**INSTRUCTIONS**

- A. Address all communications to the Grading Section, LADBS, 201 N. Figueroa St., 3<sup>rd</sup> Fl., Los Angeles, CA 90012 Telephone No. (213)482-0480.
- B. Submit 3 copies (4 for fault study zone) of reports and 3 copies of application with items "I" through "IO" completed.
- C. Check should be made to the City of Los Angeles.

<p>1. LEGAL DESCRIPTION                  Tract <u>Bel Air (MP 113-9/17)</u>                  Block <u>1</u> Lots <u>1(arb-232)</u></p> <p>3. OWNER <u>Strada LLC</u>                  Address <u>901 N. Strada Vecchia Road</u>                  City <u>Los Angeles</u> Zip <u>90077</u>                  Phone (Daytime) <u>(661) 373-1981</u></p>	<p>2. PROJECT ADDRESS:  <u>901 N. Strada Vecchia Road, Los Angeles</u></p> <p>4. APPLICANT <u>SASSAN Geosciences, Inc.</u>                  Address <u>1290 North Lake Avenue, Suite 204</u>                  City <u>Pasadena, CA</u> Zip <u>91104-2869</u>                  Phone (Daytime) <u>(626) 345-1819</u> Fax <u>(626) 345-1820</u></p>
5. Report(s) Prepared by: <u>SASSAN Geosciences, Inc.</u>	
6. Report Date(s): <u>01/08/2013</u>	
7. Status of project: <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Under Construction <input type="checkbox"/> Storm Damage	
8. Previous site reports? <input checked="" type="checkbox"/> Yes if yes, give date(s) of report(s) and name of company who prepared report(s) <u>See Enclosures</u>	
9. Previous Department actions? <input type="checkbox"/> if yes, provide dates and attach a copy to expedite processing. Dates _____	
10. Applicant Signature: <u>[Signature]</u> Position: <u>Project Engineer</u>	

**(DEPARTMENT USE ONLY)**

REVIEW REQUESTED	FEES	REVIEW REQUESTED	FEES
<input checked="" type="checkbox"/> Soils Engineering		<input type="checkbox"/> Import-Export Route	
<input type="checkbox"/> Geology		<input type="checkbox"/> Division of Land	
<input type="checkbox"/> Combined Soils Engr. & Geol.		<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> Supplemental	<u>363</u>	Sub-total	<u>363</u>
<input type="checkbox"/> Combined Supplement		One-Stop Surcharge	<u>78.97</u>
		<b>TOTAL FEE</b>	<b><u>441.97</u></b>

Fee Due \$ 441.97  
 Fee Verified By: [Signature] Date: 1/9/13  
 (Cashier Use Only)

**ACTION BY:**

THE REPORT IS:  NOT APPROVED  
 APPROVED WITH CONDITIONS SEE:  BELOW  ATTACHED

For Geology \_\_\_\_\_ Date \_\_\_\_\_  
 For Soils \_\_\_\_\_ Date \_\_\_\_\_

**DISTRIBUTION:**  Soil Engr  Board Files  Owner  Geologist  Tract File  Applicant

**Inspection:**  LA  WLA  BI  VN  SP/WLA  BMI

[Signature]

**CERTIFIED TO BE A TRUE COPY**  
 By [Signature]  
 Dept. of Bldg. & Safety  
 Date 1-5-13

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CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
SUPERINTENDENT OF BUILDING  
INTERIM GENERAL MANAGER

BOARD OF  
BUILDING AND SAFETY  
COMMISSIONERS

HELENA JUBANY  
PRESIDENT

VAN AMBATIELOS  
VICE-PRESIDENT

E. FELICIA BRANNON  
VICTOR H. CUEVAS  
GEORGE HOVAGUIMIAN

INSPECTION BUREAU

ISSUE DATE: March 19, 2014

901 STRADA LLC  
C/O James T. Zelloe  
910 King St.  
Alexandria, VA 22314-3019

ORDER NO: B0031914-954  
APN: 4370022014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: April 19, 2014

An inspection of the site referenced above on March 11, 2014 and revealed unsecured open excavations, stock piling of soils and retaining walls constructed of unapproved materials on slopes. In addition grading, excavating and the stock piling of materials and debris on the adjacent properties without the required written consent from the owner.

The afore mentioned conditions affects the protection of life and limb in addition to the safety and stability of adjacent properties and must be corrected in conformance with the Los Angeles Municipal Code, (LAMC), as described herein.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before April 19, 2014

1) You are hereby ordered to STOP WORK on all further construction of unapproved gravity type retaining walls. Grading, stock piling of materials and debris on the adjacent properties, except that work which will be required to remove materials, debris from the adjacent properties and secure the area to a point of safety and stability.

91.104.2.4 LAMC

Page 1 of 3

S.V.

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2) Obtain the services of a registered land surveyor to stake all property corners, provide reference points at site and prepare a survey map of the property to verify that current grading activity and wall construction does not encroach on adjacent properties. Survey shall also contain reference points that clearly shows location of wall under construction along drive and east property line. 91.108.8 L.A.M.C.

3) Obtain the written consent from the adjacent property owner or the owner's authorized representative if excavation or fill requires entry onto adjacent property for any reason. The signature on such written consent shall be notarized and shall file a copy of said consent with the department. In the event contours on adjacent properties are permanently changed, structures or drainage devices are added or modified, and/or the work done requires a grading permit under Section 106.1.2, a separate permit shall be required for each such affected adjoining property in addition to the consent letter. Furthermore, the adjacent owner shall acknowledge his/her consent on plans showing such work. 91.7006.6 L.A.M.C.

4) Remove all gravity type retaining walls off slopes and grade to a slope as recommended in department approval letter dated February 7, 2012 log# 73916-02 under the guidance of the geotechnical engineer of record, or Submit three(3) copies of a foundation investigation report by a registered geotechnical engineer and engineering geologist to the Grading Division for review and approval and, Obtain all required permits to construct wall(s) in accordance with the Los Angeles Municipal Code. 91.7006.1, 91.7006.3.2 , 91.106.1.1, 91.106.1.2 L.A.M.C.

5) Remove all excess excavation spoils off slopes as to prevent runoff onto adjacent properties. 91.7007, 91.7007.1, 91.3306.9, 91.3307 LAMC

6) Do not resume work until approval from the department has been obtained thru an inspection that has been performed and granted by the authorized representative of the department. 91.108.1, 91.108.5, 91.108.4, L.A.M.C.

Further, you are ordered to pay the Code Violation Inspection Fee (C.V.I.F.) of \$336.00, which will be billed to you separately (Section 98.0421 L.A.M.C.). This is not the bill. Wait for the invoice before contacting the Department regarding the C.V.I.F. only. For all other matters, you may contact the inspector at the bottom of this Order to Comply at any time.

Note: Failure to pay the C.V.I.F. within 30 days of the invoice date of the bill noted above will result in a late charge of two (2) times the C.V.I.F. plus a 50% collection fee, for a total of \$1,176.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of 1% per month.

**Non-Compliance Fee Warning:**

A proposed Non-Compliance fee of \$1386.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee for a total of \$4851.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60<sup>th</sup> day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

S.V.

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**Investigation Fee Warning:**

Whenever any work has been commenced without authorization by a permit or application of inspection which violates provisions of the L.A.M.C. and if no order has been issued by the Department or a court of law requiring said work to proceed, a special investigation shall be made prior to the issuance of any permit, license or application for inspection (Section 98.0402(a) L.A.M.C.).

Note: An Investigation Fee shall be double the amount charged for an application for inspection, license or permit fee, shall be collected on each permit, license or application for inspection so investigated. In no event shall the Investigation Fee be less than \$400.00 (Section 98.0402(a) L.A.M.C.).

**Penalty Warning:**

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

This Order is issued pursuant to the provisions of LAMC 91.7005.7. If this substandard condition is not eliminated within the specified time limit, this Department will record a "Certificate of Substandard Property" with the Office of the County Recorder.

Appeals to this order may be made pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

**Appeal Procedures:**

There is an appeal procedure established in this City whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine error or abuse of discretion, or requests for slight modification of the requirements contained in this Order when appropriate fees have been paid (Section 98.0403.1 and 98.0403.2 L.A.M.C.)

If you have any questions or require any additional information, please feel free to contact me at the phone number below.

Inspector: Brian Olson



Date:

3/19/2014

Grading Division  
11620 Wilshire Blvd. Suite 1100  
Los Angeles, Ca. 90025  
310-914-3936

Received \_\_\_\_\_

Date \_\_\_\_\_

S.V.

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CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

BOARD OF  
BUILDING AND SAFETY  
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INTERIM PRESIDENT

E. FELICIA BRANNON  
JOSELYN GEAGA-ROSENTHAL  
GEORGE HOVAGUIMIAN  
JAVIER NUNEZ

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

July 14, 2014

901 Strada LLC  
c/o James Zelloe  
910 King St.  
Alexandria, VA 22314

Syntra Wva LLC  
11350 Random Hills Rd., No. 700  
Fairfax, VA 22030

**NOTICE TO STOP ALL CONSTRUCTION AND NOTICE OF INTENT TO REVOKE BUILDING PERMITS NO. 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, AND 11047-10000-00339 FOR THE PROPERTY LOCATED AT 901 N. STRADA VECCHIA RD**

On April 5, 2012, the Department of Building and Safety (LADBS) issued Building Permits No. 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339 for the construction of a single family home with accessory retaining walls, swimming pool, detached deck and related grading work for the property located at 901 N. Strada Vecchia Rd.

Since the issuance of this permit, LADBS has determined that the permits were issued in error as per the following facts:

- o The Height of the single family dwelling exceeds the height limit as permitted by the Los Angeles Municipal Code (LAMC) Section 12.21.1. The survey map that was part of the approved set of plans showed as built elevations in lieu of required natural grade elevations of the site. The contours shown on the survey map were substantially higher than the natural grade. This has resulted in the building height that is higher than permitted by LAMC Section 12.21.1.
- o As per the inspection records, as built construction does not reflect the approved construction shown on the approved set of plans.

July 14, 2014  
Page 2

**NOTICE TO STOP ALL CONSTRUCTION AND NOTICE OF INTENT TO REVOKE BUILDING PERMITS NO. 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, AND 11047-10000-00339 FOR THE PROPERTY LOCATED AT 901 N. STRADA VECCHIA RD**

Therefore, it is the intent of the Los Angeles Department of Building and Safety to revoke the above-mentioned permits. The authority to revoke permits is contained in Los Angeles Municipal Code, Section 98.0601, which reads:

*"The Department shall have the authority to revoke any permit, slight modification or determination whenever such action was granted in error or in violation of other provisions of the code and conditions are such that the action should not have been allowed."*

Hereby, you are ordered to immediately stop all construction work approved under Building Permits No. 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339.

You have until July 30, 2014 to call Mr. Peter Kim of my staff at (213) 482-0454 to address this matter and provide reasons why these permits should not be revoked; otherwise, Building Permits No. 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339 will be revoked on July 30, 2014.



Colin Kumabe, Chief  
Metro Plan Check Division  
Engineering Bureau

- c: Ifa Kashefi, Engineering Bureau Chief, LADBS
- Bob Steibach, Inspection Bureau Chief, LADBS
- Ken Gill, LADBS
- Peter Kim, LADBS
- Larry Galstian, LADBS
- Jeff Napier, LADBS

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# CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

ROBERT R. "BUD" OVROM  
GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.  
EXECUTIVE OFFICER

July 15, 2014

901 Strada Vecchia LLC  
C/O James Zelloe  
910 King St.  
Alexandria, VA 22314

ORDER# JN07152014.1  
APN# 4370022014

## ORDER TO COMPLY

ADDRESS: 901 Strada Vecchia Rd.

COMPLIANCE DATE: August 15, 2014

An inspection of this site on July 10, 2014 revealed several discrepancies with the City approved plans for permits, 11010-10000-00788, 11020-10000-00742 and 11047-10000-00339. The discrepancies at the site include but are not limited to:

- Topography lines on the approved set of plans do not match the City of Los Angeles Engineering Bureau's historical records.
- Pool Deck structure/building is physically connected to the Single Family Dwelling; a 10' separation is required between buildings as per the approved plans.
- 2 cantilevered decks have been added under the approved cantilevered deck of the Pool Deck structure.

**\*See Notice to Stop All Construction and Notice of Intent to Revoke Letter issued July 15, 2014**

Therefore, you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before **August 15, 2014**.

1. STOP ALL WORK as of **July 15, 2014**. Section 91.104.2.4 of the L.A.M.C
2. Return to plan check to verify as built conditions are in conformance with the City approved plans. Sections 91.106.3, 91.103.1 and 12.21A.1.a of the L.A.M.C
3. Make all work conform to Code and according to the City approved plans or demolish and remove any unapproved work as determined AFTER a full plan check review of existing and current conditions. Sections 91.8105, 91.103.1, 91.103.4 and 12.21A.1.a of the L.A.M.C.

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4. Prior to commencing work, call for inspection to verify compliance with this order. Sections 91.104.2.4 and 12.21.A.1.a of the L.A.M.C.

**Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. 11.00 (m) & 98.0408 (a)**

No person shall fail, refuse or neglect with all orders issued by the Department pursuant to this division. Any person violating this subsection shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both. In addition, the Department shall collect investigative fees. LAMC 11.00(m) & 91.103.3 & 91.107.51

Appeals to this order may be pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

A proposed noncompliance fee may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or slight modification is filed within 15 days after the compliance date. LAMC98.0411(a)



Jeff Napier  
Principal Inspector/Inspection Division  
11620 W Wilshire Bl. #1100  
Los Angeles, Ca. 90025  
310-914-3904

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARDETTI  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

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VICE PRESIDENT

JOSELYN BEAGA-ROSENTHAL  
GEORGE HOVAGUIMIAN  
JAVIER NUNEZ

INSPECTION BUREAU

ISSUE DATE: August 19, 2015

901 STRADA LLC  
C/O James T. Zelloe  
11350 Random Hills Rd.  
Fairfax, VA. 22030  
USA

ORDER NO: BO081915-1-954  
APN: 4370022014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: October 1, 2015

An inspection of the property at the above job address on August 18, 2105 reveals that temporary erosion control devices have not been adequately installed as required by sections 91.7007.1 and 96.02 of the Los Angeles Municipal Code. Temporary erosion control devices are required to be installed by October 1, 2015 and maintained through April 15, 2016.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before October 1, 2015

- 1) Submit erosion control plans to the Department of Building and Safety or the Department of Public Works, Bureau of Engineering and after approval install the temporary erosion control devices in accordance with the approved plans. 91.7007.1 L.A.M.C.

Non-Compliance Fee Warning

A proposed Non-Compliance fee of \$1000.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Page 1 of 2

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Dept. of Bldg. & Safety

Date: 1-30-17

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**Note:** Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$2500.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60<sup>th</sup> day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

**Investigation Fee Warning:**

Whenever any work has been commenced without authorization by a permit or application of inspection which violates provisions of the L.A.M.C. and if no order has been issued by the Department or a court of law requiring said work to proceed, a special investigation shall be made prior to the issuance of any permit, license or application for inspection (Section 98.0402(a) L.A.M.C.).

**Note:** An Investigation Fee shall be double the amount charged for an application for inspection, license or permit fee, shall be collected on each permit, license or application for inspection so investigated. In no event shall the Investigation Fee be less than \$400.00 (Section 98.0402(a) L.A.M.C.).

**Penalty Warning:**

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

**Citation Warning:**

**Warning:** A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a)

**Substandard Warning:**

Failure to comply with the above by the specified date will result in a "Certificate of Substandard Condition" being recorded with the Office of the County Recorder in accordance with Section 91.7005.7 L.A.M.C. and instituting action to revoke the Certificate of Occupancy for the building under provisions in Section 91.109.6 L.A.M.C.

**Appeal Procedures:**

There is an appeal procedure established in this City whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine error or abuse of discretion, or requests for slight modification of the requirements contained in this Order when appropriate fees have been paid (Section 98.0403.1 and 98.0403.2 L.A.M.C.)

If you have any questions or require any additional information, please feel free to contact me at the phone number below.

Inspector: Brian Olson  
Grading Division  
11620 Wilshire Bl. #1100  
Los Angeles, CA. 90025  
310-914-3936

Date: 08/19/2015

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By:   
Dept. of Bldg. & Safety  
Date: 1-30-17

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901 STRADA VECCHIA EROSION OTC 08-19-2015 901 STRADA LLC C-O  
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BUILDING AND SAFETY  
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ERIC GARCETTI  
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BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

**GEOLOGY AND SOILS REPORT CORRECTION LETTER**

July 18, 2014

LOG # 84324  
SOILS/GEOLOGY FILE - 2  
LAN-Exempt

Strada LLC  
901 N Strada Vecchia Road  
Los Angeles, CA 90077

TRACT: Bel Air (MP 113-9/17)  
LOT: PT LT 1 (arb-232)  
LOCATION: 901 N. Strada Vecchia Road

<u>CURRENT REFERENCE</u>	<u>REPORT</u>	<u>DATE(S) OF</u>	<u>PREPARED BY</u>
<u>REPORT/LETTER(S)</u>	<u>NO.</u>	<u>DOCUMENT</u>	
Geology/Soils Report	2BEL091	05/21/2014	Sassan Geosciences, Inc.
Oversized Document	"	"	"

<u>PREVIOUS REFERENCE</u>	<u>REPORT</u>	<u>DATE(S) OF</u>	<u>PREPARED BY</u>
<u>REPORT/LETTER(S)</u>	<u>NO.</u>	<u>DOCUMENT</u>	
Dept. Approval Letter	79409	01/31/2013	LADBS
Geology/Soils Report	2BEL091	01/08/2013	Sassan Geosciences, Inc.
Dept. Correction Notice	15684097	01/08/2013	LADBS - Inspection
Dept. Approval Letter	79022	11/21/2012	LADBS
Responsibility Letter	2BEL091	06/29/2012	Sassan Geosciences, Inc.
Dept. Approval Letter	73916-02	02/07/2012	LADBS
Request for Modification	20419	01/18/2012	LADBS - Grading
Soils Report	5276	11/29/2011	Calwest Geotechnical
Geology Report	JH7949	11/18/2011	Mountain Geology
Dept. Correction Letter	73916-01	09/28/2011	LADBS - Grading
Soils Report	5276	08/01/2011	Calwest Geotechnical
Geology/Soils Report	JH7959	07/21/2011	Mountain Geology, Inc.
Dept. Correction Letter	73916	06/14/2011	LADBS - Grading
Soils Report	5276	04/20/2011	Calwest Geotechnical
Geology Report	JH7959	04/18/2011	Mountain Geology
Dept. Approval Letter	63110-02	09/11/2008	LADBS - Grading
Geology Report	JH6785	08/13/2008	Mountain Geology, Inc.
Soils Report	4997	08/04/2008	Calwest Geotechnical
Dept. Correction Letter	63110-01	07/22/2008	LADBS - Grading

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By: *[Signature]*  
Dept. of Bldg. & Safety

Date: 7-5-17



901 N. Strada Vecchia Road

Soils Report	4997	05/29/2008	Calwest Geotechnical
Geology Report	JH6785	05/28/2008	Mountain Geology, Inc.
Dept. Correction Letter	63110	05/15/2008	LADBS - Grading
Soils Report	4997	02/05/2008	Calwest Geotechnical
Geology Report	JH6785	01/07/2008	Mountain Geology, Inc.

The Grading Division of the Department of Building and Safety has reviewed the current referenced report dated May 21, 2014, providing recommendations for the proposed slope repair and pile supported retaining walls. According to the report, the repair is to portions of the slope damaged in the heavy rains of March 2014. The repair will include a removal and recompaction of the existing fill on the north side of the property to a 2:1 gradient benched into competent bedrock, and new pile-supported retaining walls along the northern property line and the northern half of the western property line at the subject site. According to the report, the total height of the slopes where the failures occurred is approximately 20 to 25 feet high, however, Section A-A' shows the slope to be over 80 feet high.

Previously, the Grading Division of the Department of Building and Safety had reviewed and approved (log #79409, dated 01/31/2013) the referenced report dated January 8, 2013, providing updated recommendations addressing the nonconforming excavation at the subject that resulted in a Correction Notice being issued by the Department as part of the construction for the previously Department approved pile supported new single family residence with basement, swimming pool, pool deck, water features, and retaining walls in a letter dated February 7, 2012, Log #73916-02. The existing excavation is approximately 16 feet in vertical height with a 2(H):1(V) gradient slope above.

The earth materials at the subsurface exploration locations consist of loose fill and soils overlying Santa Monica Slate Bedrock. The consultant recommends supporting the proposed retaining walls on drilled-pile foundations bearing on competent bedrock.

The site is located in a designated seismically induced landslide hazard zone, as shown on the "Seismic Hazard Zones" map issued by the State of California, however, proposed retaining walls are exempt from the Code requirements for evaluation of seismically induced landslide hazards. (P/BC 2011-044)

The review of the subject reports cannot be completed at this time as they lack sufficient information to determine the stability or safety of the proposed development. The review will be continued upon submittal of an addendum to the reports which includes, but need not be limited to, the following:

(Note: Numbers in parenthesis ( ) refer to applicable sections of the 2011 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. Revise the Building Plans to meet the requirements of the Hillside Retaining Wall Ordinance or obtain a variance from the Planning Department.
2. The site plan shows a residence under construction. Clarify the nature of the walls that failed on a site with a new residence under construction.
3. Provide a topography map based on a current survey that accurately locates the slope failures.

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Dept. of Bldg. & Safety  
Date: 7-5-17

- any grading to date, all proposed retaining walls, and other features that would affect slope stability analyses.
4. Clarify the nature of the landslide. No slide debris or landslide planes are identified in Section A-A' nor on the test pit logs.
  5. Test Pit No. 1 shows a steep 60° cut some 20 feet high, daylighting foliation planes in the Santa Monica Slate. The other test pit sections show natural soils and talus layers underlying the fill also inclined out-of-slope. Provide appropriate slope stability analysis for retaining wall support of daylighted foliation planes and weak soil layers and fill. Consideration of adverse foliation should consider planes that surcharge the wall and planes passing under the retaining wall, destabilizing wall or weakening resistance of bedrock to support vertical and lateral retaining wall loads.
  6. Section A-A' does not indicate that the wall will be supporting adversely oriented foliation planes. Correct the section to indicate this condition and show the maximum proposed height of the wall. Extend the cross-section upslope to include other retaining/basement walls that would affect stability analyses.
  7. The site plan shows two walls up slope of the lower wall. Provide a cross-section through these walls, and for evaluation.
  8. The wall in Section A-A' is shown to be in excess of 12 feet high, and the retaining wall design values presented cannot be utilized without justifying analysis. Provide justifying analysis.
  9. Where the along-foliation shear strength is required for slope stability or retaining wall analyses, it shall be based on the saturated *residual* shear strength of the weakest foliated material sheared along the foliation plane (P/BC 2011-049). The laboratory data shall clearly indicate the number of reshears and the strength of each reshear to demonstrate that the *residual* shear strength was reached. The results shall clearly state that the weakest foliated material sheared along the foliation plane was tested. The saturated *residual* shear strength of any potentially weak clayey soil layers shall also be determined for use in analyses.
  10. Where pile supported retaining walls are located above and below each other, provide recommendations for the spacing of rows of piles so the passive wedges of the upper rows do not overlap the passive wedged of the lower rows. Otherwise, provide appropriate recommendations for reductions of the passive capacity based on the spacing.
  11. According to Section A-A', the pile supported retaining walls are on a descending slope with a gradient of 40°, with increasing height to the south. Provide justification for the recommended passive capacity on the descending slope supported by analysis, considering the adverse orientation of foliation.

The geologist and soil engineer shall prepare a report containing the corrections indicated in this letter. The report shall be in the form of an itemized response. It is recommended that once all correction items have been addressed in a response report, to contact the report review engineer and/or geologist to schedule a verification appointment to demonstrate compliance with all the corrections. Do not schedule an appointment until all corrections have been addressed. Bring three

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By [Signature]  
Dept. of Bldg. & Safety  
Date 1-5-17 97

copies of the response report, including one unbound wet-signed original for microfilming in the event that the report is found to be acceptable.

*Jeffrey T. Wilson*  
JEFFREY T. WILSON  
Engineering Geologist I

*Curtis Dietz*  
CURTIS DIETZ  
Geotechnical Engineer I

Log No. 84324

cc: Sassan Geosciences  
WLA District Office

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By *[Signature]*  
Dept. of Bldg. & Safety  
Date 1-5-17



SINGLE FAMILY DWELLING/DUPLEX  
PLAN CHECK CORRECTION SHEETS (2014 LARC)

Plan Check Submittal Date: 7/25/14  
Plan Check #: B14SL00962 Permit App.# 11010-70001-00788  
Job Address: 901 N. STRADA VECCHIA ED.  
Applicant: CRAIG FRYE Phone: (626) 665-9525  
Plan Check Engineer: AUBERT SERVIN Phone: (323) 789-2824  
Plan Check Supervisor: WESLEY FARREL Phone: ( )

E-mail: firstname.lastname@lacity.org

Your feedback is important, please visit our website to complete a Customer Survey at [www.ladbs.org/LADBSWeb/customer-survey.laf](http://www.ladbs.org/LADBSWeb/customer-survey.laf).

If you have any questions or need clarification on any plan check matters, please contact the plan check supervisor or call our Customer Hotline at (213) 482-0056.

INSTRUCTIONS FOR PROCEEDING WITH THE PLAN CHECK (PC) PROCESS:

1. Review corrections circled on this Plan Check Correction Sheet and on the plans and calculation sheets.
2. Provide a written response or reference to details pursuant to the corrections. The location of any revisions on the plans shall be identified as part of your responses. For any questions related to the PC corrections, email or call the Plan Check Engineer.
3. Phone or email the PC engineer for a verification appointment after you have addressed the corrections.
4. Verification of corrections is only done by appointment.
5. Complete item #2 above and bring the originally checked set of plans and calculations to the meeting along with this plan correction sheet. Unprepared responses with incomplete plans or calculations may result in cancellation of the meeting.
6. During the appointment, the plan check engineer will go over the corrections and comments.
7. Once all the items have been corrected to comply with the code requirements and clearances are obtained, the permit will be ready to be issued.

IMPORTANT ITEMS TO READ:

1. Your early attention is suggested to the approval process from other Departments as listed in the Clearance Summary Worksheet due to possible delays resulting from a public hearing or other processes required by other Departments. The City Planning Department, the Community Redevelopment Agency, and others may have requirements that could significantly affect the final design of the project.
2. The permit application will expire 18 months from the plan check submittal date.
3. Please be advised that the permit will be issued upon verification of compliance with the corrections included herein. The approval of plans does not permit the violation of any section of the Building Code, Zoning Code, other ordinance, or state law.
4. Numbers in the parenthesis refer to Code Sections of the 2014 Edition of the Los Angeles Codes or the current Zoning Code.
5. Code references with prefix R refer to 2014 LARC (example: R302).

PC/STR/Corr.Lst.20 (Rev. 1/1/2014)

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By: [Signature]  
Dept. of Bldg. & Safety  
Date: 7-30-14

THE FOLLOWING SUPPLEMENTAL CORRECTION SHEETS ARE ATTACHED AND SHALL BE CONSIDERED A PART OF THIS REVIEW. COMPLIANCE WITH THESE CORRECTIONS MUST BE OBTAINED PRIOR TO THE ISSUANCE OF THE PERMIT.

Supplemental Correction sheets attached:

- Fire District
- Flood Hazard
- Methane Seepage Regulation
- Storm Water Requirements
- Energy Conservation
- High wind area
- Grading
- Security Requirements
- Sound Insulation near Airport
- Sound requirements between units
- Supplemental Plan Correction Sheet for LA Residential Code Prescriptive Design
- Structural - General
- Mansionization Ordinance
- Hillside Ord. and Seismic Design (slope >3:1)
- Pools

Review the following checked information bulletins and forms. Revise plans to show compliance (Copies can be obtained at [www.ladbs.org](http://www.ladbs.org)).

- P/IGI 2014-022 General Notes for Single-Family Dwellings
- P/IGI 2014-024 Recording Covenants with LA County
- P/IGI 2014-026 Copies of LA Ordinances (Planning's)
- P/BC 2014-001 Footings On or Adjacent to Slopes
- P/BC 2014-018 Dwellings in High Wind Velocity Areas
- P/BC 2014-021 Calculating building code's floor areas
- P/BC 2014-023 Fire retardant roof covering for walking deck
- P/BC 2014-027 Onsite Wastewater treatment system.
- P/BC 2014-038 Mezzanines in Residential buildings
- P/BC 2014-044 Alquist-Prilo EQ Fault Zoning Act
- P/BC 2014-047 Expansive soils
- P/BC 2014-080 90 days notification of Intent to excavate
- P/BC 2014-064 Flood Hazard Management Specific Plan
- P/BC 2014-065 Coastal Development Permit
- P/BC 2014-073 Policy on signed and wet Stamped plans
- P/BC 2014-074 Sound Insulation near Airport
- P/BC 2014- 096 6" concrete block masonry fences
- P/BC 2014 -101 Methane hazard Mitigation standard plan
- P/BC 2014-103 Sump Pumps for surface drainage
- P/BC 2014-113 Reports for submittal to Grading Division
- P/ZC 2002-002 Heights of Fences
- P/ZC 2002-004 Yard projection & height for decks
- P/ZC 2002-006 Projections in Yards
- P/ZC 2002-008 Zoning Code Building height
- P/ZC 2002-015 Prevailing setback for front yards
- P/ZC 2002-016 Retaining walls in Hillside Areas

**Forms and Affidavits:**

- Summary Clearance Worksheet (attached)
- Community Driveway for 2 Parcels: PC/STR/Aff.13
- Impact Hazard Glazing: PC/STR/Aff.18
- Protection of adjoining property: PC/GRAD/App.13
- Grading Bond: PC/GRAD/Bond 03 and 04
- Lot Tie: PC/STR/Aff.22
- Building Maintenance: PC/STR/Aff.23
- Drainage Easement: PC/GRAD/Aff.17
- Structural Observation
- Graffiti Removal: PC/STR/Aff.42

**PART I: GENERAL REQUIREMENTS**

**A. PERMIT APPLICATION**

1. Provide a fully dimensioned plot plan to scale, in ink and copy it to the PCIS application plot plan sheet
2. Valuation is revised to \$ \_\_\_\_\_  
Pay additional plan check fee of \$ \_\_\_\_\_
3. Provide complete and correct legal description (Tract, Lot, Block, Grant Deed). Provide complete information for applicant, owner, engineer, architect, and contractor.
4. Obtain separate application for the following items:
  - a. Retaining wall or block fence wall
  - b. Grading work
  - c. Swimming pool
  - d. A separate structure
  - e. Shoring
  - f. Demolition
5. The permit application must be signed by the property owner or licensed contractor or authorized agent at the time the permit is to be issued.

**C. ADMINISTRATION**

1. Each sheet of the architectural and structural plans must bear the signatures and registration of an architect or engineer registered in the State of California.
2. The address of the building, the name/address of the owner, and names/addresses of the consultants are required on their plans.
2. (Two) sets of plans will be required during permit issuance. (R106.3.2.2 & R106.3.3) Plans must be:
  - a. Quality blue or black line drawings with uniform and light background color.
  - b. Max 36" x 48" size with minimum 1/8" lettering size.
  - c. Sticky back details must produce prints without contrasting shades of background color.
4. For new buildings and additions, one additional copy of only the architectural set is required for the County Tax Assessor. (California Revenue and Taxation Section 72).
5. The final set of plans must be stamped by (City Planning Dept), (Fire Dept), ( )
6. Provide the following with each set of plans:

- Topography Survey Map
- Grading Plan
- Floor Plans
- Two Elevations
- Construction Section
- Foundation Plans
- Framing Plans
- Structural Details
- Grading Details

7. Provide a fully dimensioned plot plan to scale. Show the legal description, building lines, easements, lot size, zone boundaries, highway dedication lines, street center line, alley, and parking spaces and locations. Show number of stories and the use of all buildings. (R106.3.2.1)
8. Show the building area, use, number of stories, fire zone, lot size, lot area and height on the first sheet or title sheet of plans.
9. Show on site plans the natural and finish grade elevations around the perimeter of the building. Show elevations for all floors and top of roof. Survey Map must be signed by a licensed Surveyor or Civil Engineer. (R106.4.3.5)
10. Remove all plans, details or notes that do not pertain to the project.

**PART II: ZONING** (Allow time for discretionary approval process from City Planning if zoning requirements can't be met.)

1. Comply with the provisions of the Specific Plan. (12.22C20(l))
2. Zoning Information File # ( ) requires
3. Provide a copy of the Certificate of Occupancy and/or building permit with plot plan showing the legal existing use and parking.
4. Provide and dimension required Front Yard. Incorporate block plot and calculations on plans showing setbacks from the front property line of all buildings on the same side of the street to determine prevailing front yard. Where a prevailing front yard can't be established, provide ( ) ft as required in the ( ) zone (hillside ordinance). Go to www.LADBS.org web site for more information.
5. Provide and dimension on plan: ( ) Front Yard, ( ) Side Yard, and ( ) Rear Yard as required for Zone ( ).
6. Provide 30' minimum clear access around main building(s) and accessory living quarters.
7. Building exceeds ( 36 ) height for Zone ( PZO ). Show the height per PZO 2002-08.
8. Basement containing a habitable room shall be considered a story for side and rear yard and Height District's requirements. (12.21C1(l), 12.21.1A8)
9. A two-car garage/carport is required. (12.21A4(a))
10. Provide ( ) paved parking spaces. A minimum of one space per dwelling unit shall be a standard stall. (12.21A4(a),5(c)) (12.21C10(g)(1))
11. In A & R zones, parking is not permitted in the required Front Yard and a 5' Side Yard along the side street lot line of a corner lot (12.21A6(a))
12. Maximum driveway slope shall not exceed 20%. Grade details and transition slopes required where slope exceeds 12 1/2%. Maximum driveway cross slope is 10%. Maximum slope within parking area is 5%. 12.21A5(g), Information Bulletin # PZO 2002-001.

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 Dept. of Bldg. & Safety  
 Date: 6-30-17

similar rooms shall be provided natural ventilation or with mechanical ventilation capable of 50 cfm exhausted directly to the outside (R303.3)

- 16. Heater shall be capable of maintaining a minimum room temperature of 68°F at a point 3 feet above the floor and 2 feet from exterior walls in all habitable rooms at the design temperature. (R303.9)

**I. BUILDING ENVELOPE**

- 1. Provide a class A, B or C fire-retardant roof covering per Section R902.1.
- 2. Every dwelling unit shall be provided with a water closet, lavatory, bathtub or shower, and kitchen (R306.1 and R306.2).
- 3. Glazing in the following locations shall be safety glazing conforming to the human impact loads of Section R308.3 (see exceptions) (R308.4):
  - a. Fixed and operable panels of swinging, sliding and bi-fold door assemblies.
  - b. Glazing in an individual fixed or operable panel adjacent to a door where the nearest vertical edge is within a 24-inch arc of either vertical edge of the door in a closed position and whose bottom edge is less than 60 inches above the floor or walking surface.
  - c. Glazing in an individual fixed or operable panel that meets all of the following conditions:
    - 1) Exposed area of an individual pane greater than 9 square feet.
    - 2) Bottom edge less than 18 inches above the floor.
    - 3) Top edge greater than 36 inches above the floor.
    - 4) One or more walking surfaces within 36 inches horizontally of the glazing.
  - d. Glazing in railings.
  - e. Glazing in enclosures for or walls facing hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers where the bottom edge of the glazing is less than 60 inches measured vertically above any standing or walking surface.

- f. Glazing in walls and fences adjacent to indoor and outdoor swimming pools, hot tubs and spas where the bottom edge of the glazing is less than 60 inches above a walking surface and within 60 inches, measured horizontally and in a straight line, of the water's edge.
- g. Glazing where the bottom exposed edge of the glazing is less than 36 inches above the plane of the adjacent walking surface of stairways, landings between flights of stairs and ramps.
- h. Glazing adjacent to the landing at the bottom of a stairway where the glazing is less than 36 inches above the landing and within 60 inches horizontally of the bottom tread.
- 4. Skylights and sloped glazing shall comply with Section R308.6.
- 5. Lots shall be graded to drain surface water away from foundation walls with a minimum fall of 6 inches within the first 10 feet (R401.3).
- 6. Dampproofing, where required, shall be installed with materials and as required in Section R406.1.
- 7. Vehicular access doors shall comply with Section R612.4.
- 8. Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (R319.1)
- 9. Protection of wood and wood based products from decay shall be provided in the locations specified per Section R317.1 by the use of naturally durable wood or wood that is preservative-treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWPA U1.
- 10. Provide anti-Graffiti finish within the first 9 feet, measured from grade, at exterior walls and doors. *Exception: Maintenance of building affidavit is recorded by the owner to covenant and agree with the City of Los Angeles to remove any graffiti within 7-days of the graffiti being applied. (6308)*

ADDITIONAL CORRECTIONS:	
1. VERIFY	LOWEST POINT (NGD) w/ 5' of
BLDG.	PERIMETER of 828.5'

2. VERIFY BLDG. HEIGHT.

→ LOWEST ELEVATION (NG) = 828.5'

→ HIGHEST POINT AT ROOF = 865.67'

→ BLDG. HEIGHT = 37.17' (NO GOOD)

MAX. 36'-0"

PLANNING DEPARTMENT APPROVAL IS REQ'D FOR OVER HEIGHT BLDG.

3. PROVIDE ARCHITECTURAL ROOF PLAN w/ FINISHED ELEVATIONS.

4. BUILT-UP GRADE NOT ALLOWED w/in 10'-0" SEPARATION BETWEEN DWELLING & DECK.

5. VERIFY ELEVATION AT ROOF RIDGE AND PERIMETER. VERIFY NEW BLDG. OUTLINE SUPERIMPOSED ON SURVEY WAS DONE BY SURVEYOR.

6. SEE PLANS FOR ADD'L COMMENTS.

7. SUPERIMPOSE New Bldg. on Survey Map From PERMIT 08014-10000-01798

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 By *[Signature]*  
 Dept. of Bldg. & Safety  
 Date... 1-30-17



CITY OF LOS ANGELES

BOARD OF  
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INTERIM PRESIDENT

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JAVIER NUNEZ

CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

September 9, 2014

901 Strada LLC  
c/o James Zelloe  
910 King St  
Alexandria, VA 22314

Syntra Wva LLC  
11350 Random Hills Rd NO 700  
Fairfax, VA 22030

**REVOCATION OF BUILDING PERMIT NUMBERS 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, AND 11047-10000-00339 FOR THE PROPERTY LOCATED AT 901 N. STRADA VECCHIA RD**

On April 5, 2012, the Department of Building and Safety (LADBS) issued Building Permit Numbers 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339 for the construction of a single family home with accessory retaining walls, swimming pool, detached deck and related grading work for the property located at 901 N. Strada Vecchia Rd.

On July 14, LADBS issued a notice to stop of all work and notice of intent to revoke permits letter for the above mentioned permits (attached). In the letter, LADBS asked you to submit the reasons explaining why the building permits should not be revoked. Since then, your submitted information to LADBS is not sufficient to keep the permits valid.

Therefore, LADBS has revoked Building Permit Numbers 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339. The authority to revoke permits is contained in Los Angeles Municipal Code, Section 98.0601, which reads:

*"The Department shall have the authority to revoke any permit, slight modification or determination whenever such action was granted in error or in violation of other provisions of the code and conditions are such that the action should not have been allowed."*

September 9, 2014  
Page 2

**REVOCAION OF BUILDING PERMIT NUMBERS 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, AND 11047-10000-00339 FOR THE PROPERTY LOCATED AT 901 N. STRADA VECCHIA RD**

The determination of LADBS to revoke permits is appealable, in writing, to the Board of Building and Safety Commissioners and/or to the Department of City Planning. You may contact the Commission Office at (213) 482-0466 for further information. If you have questions, please call Peter Kim of my Staff at (213) 482-0454.



Ifa Kashefi, S. E., Ph. D.  
Engineering Bureau Chief

- c: Bob Steinbach, Inspection Bureau Chief, LADBS
- Colin Kumabe, LADBS
- Ken Gill, LADBS
- Peter Kim, LADBS
- Larry Galstian, LADBS
- Jeff Napier, LADBS

# CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI  
MAYOR

BOARD OF  
BUILDING AND SAFETY  
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JAVIER NUNEZ

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

## INSPECTION BUREAU

ISSUE DATE: December 18, 2014

First Corporate Solutions, Inc C/O David Silverburg  
914 S. Street  
Sacramento, CA. 95811  
USA

ORDER NO: BO1219014-954  
APN: 4370-022-014

# ORDER TO COMPLY

## CLASS II SLOPE FAILURE

Violation Address: 901 Strada Vecchia

Compliance Date: January 19, 2015

An inspection of the site referenced above on **December 17, 2014** reveals that a slope failure has occurred on the northwest descending slope your property. Therefore mentioned slide has unearthed the slope supporting the non-code approved type wood retaining walls around the trees in addition to soil and mud runoff down the slope and onto private drive on Rocca Place.

This failure affects the stability of yours and the adjacent properties and must be corrected in conformance with the Los Angeles Municipal Code, (LAMC), as described herein.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before **January 19, 2015**

1. You are hereby directed to remove the unsupported wood retaining walls, trees and the surrounding soil off the slope. **91.2304.11.7, 91.7005.7 LAMC**

2. Submit to this department three copies of a report, prepared by a Soil Engineer, and an Engineering Geologist, licensed by the State of California, addressing conditions, sequence of construction and corrective measures to restore the site to its original contours and elevations. **91.7006.2, 91.7006.3.1, 91.7006.3.2 LAMC**

Page 1 of 3

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TRUE COPY  
By *[Signature]*  
Dept. of Bldg. & Safety  
Date **1-5-16**

4. Upon receipt of a report approval letter issued by the Department of Building and Safety, Grading Section, you are further directed to submit corrective grading plans to the Department of Building and Safety, Plan Check Division, within fifteen days. **91.106.3 LAMC**

5. Within fifteen days of approval by the Department of Building and Safety Plan Check Division, obtain the permits necessary to restore the site to a safe and stable condition. Diligently pursue the work to completion. **91.106.1, 91.106.2 LAMC**

4. Call for all the required inspections **91.108.1, 91.108.5, 91.1. LAMC**

**Non-Compliance Fee Warning:**

A proposed Non-Compliance in the amount of \$ 2,779.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

**Note:** Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$ 9726.50 Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60<sup>th</sup> day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

**Penalty Warning:**

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

This Order is issued pursuant to the provisions of 91.7005.7. LAMC If this substandard condition in not eliminated within the specified time limit, this Department will record a "Certificate of Substandard Property" with the Office of the County Recorder.

Appeals to this order may be made pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

**Citation Warning:**

**Warning:** A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a)

**CERTIFIED TO BE A TRUE COPY**

By *[Signature]*  
Dept. of Bldg. & Safety

Date 080310 1-5-17 107

10206112015102196 901 STRADA VECCHIA OTC SLOPE FAIL FIRST CORP. 12-18-2014

**Appeal Procedures:**

There is an appeal procedure established in this City whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine error or abuse of discretion, or requests for slight modification of the requirements contained in this Order when appropriate fees have been paid (Section 98.0403.1 and 98.0403.2 L.A.M.C.)

If you have any questions or require any additional information, please feel free to contact me at the phone number below.

Inspector: Brian Olson *Brian Olson* Date: *12/18/2014*  
Grading Division  
11620 Wilshire Bl. #1100  
Los Angeles, CA. 90025  
310-914-3936

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TRUE COPY

By *S. Garcia*  
Dept. of Bldg. & Safety  
Date *1-5-17*

1051104201500206

# CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI  
MAYOR

## BOARD OF BUILDING AND SAFETY COMMISSIONERS

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DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

## INSPECTION BUREAU

ISSUE DATE: December 31, 2014

901 STRADA LLC  
C/O James T. Zelloe  
910 King ST.  
Alexandria, VA. 22314-3019  
USA

ORDER NO: BO123114-954  
APN: 4370022014

*8/19/2015*

## ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: January 5, 2015

*ORDER closed  
Brian Oh*

An inspection of the property at the above job address on **December 17, 2014** revealed that temporary erosion control devices have not been adequately installed as required by sections 91.7007.1 and 96.02 of the Los Angeles Municipal Code; and correction notice # 14DBX032387022 was issued to the effect at the time of inspection.

Temporary erosion control devices are required to be installed by October 1, 2014 and maintained through April 15, 2015.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before **January 5, 2015**.

- 1) Submit updated erosion control plans to the Department of Public Works, Bureau of Engineering and after approval install the temporary erosion control devices in accordance with the approved plans. **91.101.3, 91.7005.8, 91.7007.1 L.A.M.C.**
- 2) You are further ordered to install the temporary erosion control devices in accordance with the approved plans on or before **January 5, 2015**. **91.101.3, 91.7005.8, 91.7007.1 L.A.M.C.**
- 3) Call for inspection when work begins. **91.108.6 L.A.M.C.**

CERTIFIED TO BE A  
TRUE COPY

By *[Signature]*  
Dept. of Bldg. & Safety

Date *4.5.15*

105-104201500206

Further, you are ordered to pay the Code Violation Inspection Fee (C.V.I.F.) of \$336.00, which will be billed to you separately (Section 98.0421 L.A.M.C.). This is not the bill. Wait for the invoice before contacting the Department regarding the C.V.I.F. only. For all other matters, you may contact the inspector at the bottom of this Order to Comply at any time.

Note: Failure to pay the C.V.I.F. within 30 days of the invoice date of the bill noted above will result in a late charge of two (2) times the C.V.I.F. plus a 50% collection fee, for a total of \$1,176.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of 1% per month.

**Non-Compliance Fee Warning:**

In addition to the C.V.I.F. noted above, a proposed Non-Compliance fee of \$1000.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$2500.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60<sup>th</sup> day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

**Investigation Fee Warning:**

Whenever any work has been commenced without authorization by a permit or application of inspection which violates provisions of the L.A.M.C. and if no order has been issued by the Department or a court of law requiring said work to proceed, a special investigation shall be made prior to the issuance of any permit, license or application for inspection (Section 98.0402(a) L.A.M.C.).

Note: An Investigation Fee shall be double the amount charged for an application for inspection, license or permit fee, shall be collected on each permit, license or application for inspection so investigated. In no event shall the Investigation Fee be less than \$400.00 (Section 98.0402(a) L.A.M.C.).

**Penalty Warning:**

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

**Citation Warning:**

Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a)

CERTIFIED TO BE A TRUE COPY  
By: *[Signature]*  
Dept. of Bldg. & Safety  
Date: 6-5-21

105 104201500206

**Substandard Warning:**

Failure to comply with the above by the specified date will result in a "Certificate of Substandard Condition" being recorded with the Office of the County Recorder in accordance with Section 91.7005.7 L.A.M.C. and instituting action to revoke the Certificate of Occupancy for the building under provisions in Section 91.109.6 L.A.M.C.

**Appeal Procedures:**

There is an appeal procedure established in this City whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine err or abuse of discretion, or requests for slight modification of the requirements contained in this Order when appropriate fees have been paid (Section 98.0403.1 and 98.0403.2 L.A.M.C.)

If you have any questions or require any additional information, please feel free to contact me at the phone number below.

Inspector: Brian Olson  
Grading Division  
11620 Wilshire Bl. #1100  
Los Angeles, CA. 90025  
310-914-3936



Date: 12/31/2014

CERTIFIED TO BE A  
TRUE COPY

By:   
Dept. of Bldg. & Safety

Date: 1-5-17



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CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
261 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

April 8, 2015

901 Strada Vecchia LLC  
C/O James Zelloe  
910 King St.  
Alexandria, VA 22314

ORDER# JN07152014.2  
APN# 4370022014

**ORDER TO COMPLY  
SUPPLEMENTAL**

**VIOLATION ADDRESS: 901 Strada Vecchia Rd.**

**COMPLIANCE DATE: April 22, 2015**

This order is supplemental and in addition to Order to Comply# JN07152014.1 that was issued on July 15, 2014 to stop all work in conjunction with the "Notice of Intent to Revoke" letter that was issued on July 14, 2014.

On September 10, 2014 permit numbers 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742 and 11047-10000-00339 were all revoked.

**Section 1**

An inspection of this site on April 6, 2015 reveals that the following has been done in violation of the Stop all Work Order# JN07152014.1, including but not limited to:

1. An approximate 50' x 20' concrete slab placed at driveway
2. Conduit and electrical wiring completed in kitchen area.
3. Heating and Air ducting completed in kitchen area.
4. Ceiling and soffits in kitchen area.
5. Portion of ceiling finished in basement level at bottom of stairs.
6. Door installed on basement floor leading to room created in North corner of building.
7. Steel stud partitions in garage creating office and storage space.
8. Finish cabinetry installed in second floor family room at northwest corner of building.

## **Section 2**

In addition to the violation of the Stop Work order, the following unapproved, unpermitted construction was observed on April 6, 2015, including but not limited to:

1. **Two levels of approximate 20' x 200' irregular shaped concrete decks were added below the Accessory Pool Deck Structure.**
2. **The Accessory Pool Deck Structure is connected to the main Dwelling which creates an over height building.**
3. **Entire story has been created below basement level.**
4. **Two approximate 10' high x 40 linear feet and 10' high x 30 linear feet of retaining walls at the north east side of property connected to the building.**
5. **Approximate 12' high x 40' linear foot retaining wall attached to the building at southwest corner of the building which blocks access to the required covered parking.**
6. **Approximate 75' x 125' irregular shaped basement addition at east of building under the motor court for an unauthorized theater.**
7. **Approximate 8' x 25' two story addition added to first and second floor at southwest corner of building.**
8. **Approximate 23' x 14' basement addition to northeast corner of basement.**
9. **Stairway at entry extended to roof level.**
10. **Stairway adjacent to elevator shaft extended to roof level.**

## **Section 3**

A review of the approved plans and an inspection of the site on April 6, 2015 also revealed multiple changes to the floor plan including but not limited to:

1. **Stairwell adjacent to elevator shaft is not configured per approved plans.**
2. **Stairwell adjacent to entry of building is not configured per approved plans.**
3. **At basement level in Moroccan room, partition wall added to divide space into two rooms and an opening has been created at vestibule area.**
4. **Two exterior openings with doors at Moroccan room have been created.**
5. **Partition walls are removed at mechanical room - 2**
6. **12' x 7' high fireplace constructed in vestibule area.**
7. **Structural opening has been saw cut into garage exterior concrete wall at southwest corner of building.**
8. **Four fireplace openings created at first floor.**
9. **Two fireplaces have been omitted at first floor.**
10. **At second floor bedrooms, partition walls are not per approved plans.**
11. **The entire kitchen area partition walls on the first floor are not per approved plans.**
12. **The height of each floor of the main structure has been increased beyond the scope of approved plans.**

Therefore, you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before April 22, 2015.

- I. **Stop all Work. Section 91.104.2.4 of the L.A.M.C.**
- II. **Submit plans and obtain all necessary permits and approvals for any and all unauthorized, unapproved construction as listed above. Sections R106, R106.1.1, R106.3.1, R106.3.2, 12.21.A.1.a of the L.A.M.C.**
- III. **Comply with Order to Comply # BO040615-954, issued on April 8, 2015 by the Grading Division. Section R103.3 of the L.A.M.C.**
- IV. **Expose all work that has been covered without the required inspections and approvals. Section R104.2.2 L.A.M.C.**
- V. **Call for all required inspections. Sections R108.5, R108.6 and R108.9 of the L.A.M.C.**
- VI. **If no permits or approvals are obtained for the unauthorized, unapproved construction as mentioned in this order, then demolish and remove all unauthorized, unapproved construction and restore the site to its approved state. Sections R104.2.1, 98.0403.1, 91.8105, 106.4.4.3 and 12.21.A1.a of the L.A.M.C.**

Furthermore, you are ordered to pay the required Code Violation Inspection Fee (C.V.I.F.) of \$336.00 plus 6% surcharge(\$20.16) which will be billed to you separately (Section 98.0421 L.A.M.C.). This is not the bill. Wait for the invoice before contacting the Department regarding the C.V.I.F. only. For all other matters, you may contact the inspector listed below at any time.

**Note:** Failure to pay the C.V.I.F. within 30 days of the invoice date of the bill noted above will result in a late charge of two (2) times the Code Violation Inspection Fee plus a 50 percent (50%) collection fee for a maximum total of \$1,246.56 (\$1,176.00 plus a \$70.56 surcharge). Any person who fails to pay the fee, late charge and collection fee shall also pay interest. Interest shall be calculated at the rate of 1% per month.

No person shall fail, refuse or neglect to comply with all orders issued by the Department pursuant to this division. Any person violating this subsection shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both. In addition, the Department shall collect investigative fees.

**LAMC Sections 91.103.3, 91.107.51, & 98.0416**

Appeals to this order may be pursuant to LAMC Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

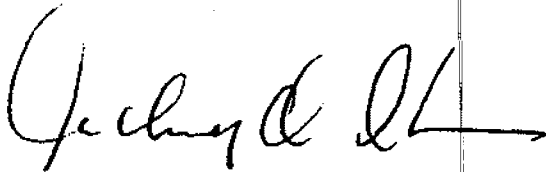
**Non-Compliance Fee Warning**

In addition to the C.V.I.F. noted above, a proposed noncompliance fee in the amount of \$550.00 may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or slight modification is filed

within 15 days after the compliance date. If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411(a) L.A.M.C.).

**Note:** Failure to pay the Non-Compliance Fee within 30 days after the date of mailing the invoice may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$1,925.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60<sup>th</sup> day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) l. L.A.M.C.).

**Warning:** A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a)



**Anthony Anderson**  
**Building Mechanical Inspector**  
**11620 W. Wilshire Bl. #1100**  
**Los Angeles, CA 90025**  
**310-914-3862**



BOARD OF  
BUILDING AND SAFETY  
COMMISSIONERS

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PRESIDENT

E. FELICIA BRANNON  
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CITY OF LOS ANGELES  
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ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

INSPECTION BUREAU

ISSUE DATE: April 08, 2015

First Corporate Solutions, Inc.  
C/O David Silverburg  
914 S Street  
Sacramento, Ca. 95811

ORDER NO: BO040615-954  
APN: 4370022014

ORDER TO COMPLY  
STOP WORK

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: April 22, 2015

An inspection of the site referenced above on April 6, 2015 revealed that retaining walls of unapproved materials have been constructed along west side of drive and on the westerly descending slopes below the structure at the violation address above. The afore mentioned conditions affects the protection of life and limb in addition to the safety and stability of adjacent properties and must be corrected in conformance with the Los Angeles Municipal Code, (LAMC), as described herein.

This Order to Comply incorporates by reference Order to Comply number BO1219014-954 dated December 18, 2014 and is an addendum thereto except as modified below with respect to compliance dates.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before April 22, 2015

1) You are ordered to STOP WORK on all further construction of unapproved gravity type retaining walls, grading and stock piling of materials as of April 8, 2015. 91.104.2.4 L.A.M.C.

2) Submit three (3) copies of a Geological/Soils report by a registered geotechnical engineer and engineering geologist to the Grading Division for review and approval to address unauthorized vertical cuts created to construct entire basement story addition under house and pool deck and to remove all unapproved gravity type retaining walls off the slopes and restore the slopes. Once reports have been approved, submit plans, obtain all required permits and complete work as recommended in the approved geotechnical reports, approved plans and in accordance with the Los Angeles Municipal Code. 91.7006.1, 91.7006.3.2, 91.106.1.1, 91.106.1.2 L.A.M.C.

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Page 1 of 3

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TRUE COPY

By: *[Signature]*  
Dept. of Bldg. & Safety  
Date: 4-30-15

3) Obtain the services of a registered land surveyor to stake all property corners, provide reference points at site and prepare a survey map of the property to verify that grading activity does not encroach on adjacent properties. Survey shall also contain reference points on site that clearly identifies property lines.  
91.108.8 L.A.M.C.

4) Do not resume work until permits have been obtained and approval from the department has been obtained thru an inspection that has been performed and granted by the authorized representative of the department.  
91.108.1, 91.108.5, 91.108.4, L.A.M.C.

Further, you are ordered to pay the Code Violation Inspection Fee (C.V.I.F.) of \$336.00, which will be billed to you separately (Section 98.0421 L.A.M.C.). This is not the bill. Wait for the invoice before contacting the Department regarding the C.V.I.F. only. For all other matters, you may contact the Inspector at the bottom of this Order to Comply at any time.

Note: Failure to pay the C.V.I.F. within 30 days of the invoice date of the bill noted above will result in a late charge of two (2) times the C.V.I.F. plus a 50% collection fee, for a total of \$1,176.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of 1% per month.

**Non-Compliance Fee Warning:**

A proposed Non-Compliance fee of \$1386.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee for a total of \$4851.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60<sup>th</sup> day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

**Investigation Fee Warning:**

Whenever any work has been commenced without authorization by a permit or application of inspection which violates provisions of the L.A.M.C. and if no order has been issued by the Department or a court of law requiring said work to proceed, a special investigation shall be made prior to the issuance of any permit, license or application for inspection (Section 98.0402(a) L.A.M.C.).

Note: An Investigation Fee shall be double the amount charged for an application for inspection, license or permit fee, shall be collected on each permit, license or application for inspection so investigated. In no event shall the Investigation Fee be less than \$400.00 (Section 98.0402(a) L.A.M.C.).

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COMMISSION

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By: *[Signature]*  
Dept. of Bldg. & Safety  
Date: 1-30-17

**Penalty Warning:**

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

This Order is issued pursuant to the provisions of LAMC 91.7005.7. If this substandard condition is not eliminated within the specified time limit, this Department will record a "Certificate of Substandard Property" with the Office of the County Recorder.

Appeals to this order may be made pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

**Citation Warning:**

Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a)

**Appeal Procedures:**

There is an appeal procedure established in this City whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine the err or abuse of discretion, or requests for slight modification of the requirements contained in this Order when appropriate fees have been paid (Section 98.0403.1 and 98.0403.2 L.A.M.C.)

If you have any questions or require any additional information, please feel free to contact me at the phone number below.

Inspector: Brian Olson  
Grading Division  
11620 Wilshire Blvd Suite 1100  
Los Angeles, Ca. 90025



Date: 4/8/2015

Received \_\_\_\_\_ Date \_\_\_\_\_

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2015 APR 20 PM 4:29  
BUILDING & SAFETY  
COMMISSION

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TRUE COPY  
By: [Signature]  
Dept. of Bldg. & Safety  
Date: 4-30-15



**REQUEST FOR MODIFICATION OF BUILDING ORDINANCES**  
 UNDER AUTHORITY OF L.A.M.C. SECTION 98.0403

PERMIT APP. #: 11010-10000-00768, 11030-10000-01853, 11020-10000-01575 & 11020-10000-00742	DATE: April 20, 2015
JOB ADDRESS: 901 N. Strada Vecchia Road, Los Angeles, CA 90077	
Tract: Bel-Air	Block: - Lot: Pl. Lot 1
Owner: 901 Strada, LLC	Petitioner: Kevin K. McDonnell of Jeffer, Mengels, Butler & Mitchell LLP
Address: 11350 Random Hills Road, Suite 700	Address: 1900 Avenue of the Stars, 7th Floor
City State Zip Phone Fairfax, VA 22030	City State Zip Phone Los Angeles CA 90067 310-201-3590
REQUEST (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)	CODE SECTIONS: 98.0403.1(b)2.
See attachment A.	
JUSTIFICATION (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)	
See attachment A.	
Kevin K. McDonnell	Kevin K. McDonnell
Owner/Petitioner Name (Print)	(Signature) Position

**FOR CITY DEPARTMENT'S USE ONLY BELOW THIS LINE**

Concurrences required from the following Department(s)	Print Name	Sign	Approved	Denied
<input type="checkbox"/> Los Angeles Fire Department			<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Public Works Bureau of Engineering			<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Department of City Planning			<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Department of County Health			<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other			<input type="checkbox"/>	<input type="checkbox"/>

**DEPARTMENT ACTION**

GRANTED  DENIED

Reviewed by: (Staff) (print) Col Johnson Sign Col Johnson Date 4/20/15  
 Action taken by: (Supervisor) (print) Michael Tharpe Sign Michael Tharpe Date 4/23/15

**NOTE: IN CASE OF DENIAL, SEE PAGE #2 OF THIS FORM FOR APPEAL PROCEDURES**

**CONDITIONS OF APPROVAL (Continued on Page 2):**

**FEE'S**

Appeal Processing Fee.. (No. of Items) =	2	X \$130 + \$39/addl	=	169.00
Inspection Fee ..... (No of Insp.) =		X \$ 84.00	=	0.00
Research Fee ... (Total Hours Worked) =	2	X \$104.00	=	208.00
Subtotal.....			=	377.00
Surcharge (One Stop)		X 2%	=	7.54
Surcharge (Systems Development)		X 6%	=	22.62
Total Fees			=	407.16

Fees verified by: Col Johnson / Col Johnson  
 Print and Sign

LA Dept of Building & Safety  
 (PROCESS ONLY WHEN FEES ARE VERIFIED)  
 LA 0031 103000900 4/20/2015 1:22:39 PM

BOARD APPLIC FEE	\$159.00
SYSTEMS DEV BURCH	\$10.14
ONE STOP BURCH	\$3.96

Sub Total: \$182.52

Receipt #: 0103426809

**CERTIFIED TO BE A TRUE COPY**

By: Col Johnson  
 Dept. of Bldg. & Safety  
 Date: 4-20-15



Permit App #: 11910-10000-06780, 11830-10000-01863, 11070-10000-01575 & 11020-10000-00742 Job Address: 901 N. Strada Vecchia Road, Los Angeles, CA 90077

CONDITIONS OF APPROVAL (Continued from Page 1)	

**CITY OF LOS ANGELES  
BOARD OF BUILDING AND SAFETY/DISABLED ACCESS  
COMMISSION APPEAL FORM**  
(Must be Attached to the Modification Request Form, Page 1)

**AFFIDAVIT – LADBS BOARD OF BUILDING AND SAFETY COMMISSIONERS – RESOLUTION NO. 832-93**

I, \_\_\_\_\_ do state and swear as follows:  
 (Print or Type Name of the Person Signing this Form)  
 1. The name and mailing address of the owner of the property (as defined in the resolution 832-93) at \_\_\_\_\_ as shown on the appeal application (LADBS Com 31) are correct, and  
 2. The owner of the property as shown on the appeal application will be made aware of the appeal and will receive a copy of the appeal.  
 I declare under PENALTY OF PERJURY that the foregoing is true and correct.

Owner's Name(s) \_\_\_\_\_  
(Please Type or Print) Please Type or Print  
 Owner's Signature(s) \_\_\_\_\_ (Two Officers' Signatures Required for Corporations)  
(Please Sign)  
 Name of Corporation \_\_\_\_\_  
(Please Print Name of Corporation) (Please Type or Print)  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT – SIGNATURE(S) MUST BE NOTARIZED**

State of \_\_\_\_\_ County of \_\_\_\_\_ on \_\_\_\_\_  
 before me, \_\_\_\_\_ personally appeared \_\_\_\_\_  
Name, Title of Officer (e.g. Jane Doe, Notary Public) Name(s) of Signer(s)  
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument in person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.  
 WITNESS my hand and official seal. \_\_\_\_\_ Signature  
 CERTIFIED TO BE A TRUE COPY  
 By: E. Garcia  
 Dept. of Bldg. & Safety  
 Date: 6-20-21

**APPEAL OF DEPARTMENT ACTION TO THE BOARD OF BUILDING AND SAFETY COMMISSIONERS/DISABLED ACCESS APPEALS COMMISSION**

Applicant's Name \_\_\_\_\_ Applicant's Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

FEES			
Board Fee (No. of Items)	2 X	\$ 254.00	= 291.00
Inspection Fee (No of Insp.) =	X	\$84.00	= 0.00
Research Fee (Total Hours Worked) =	2 X	\$104.00	= 208.00
Subtotal			= 499.00
Surcharge (Top) (No. of Items)	X	2%	= 9.98
Surcharge (Systems Development)	X	6%	= 29.92
Total Fees			= 538.92
Fees verified by	RECEIVED		
Print and Sign	CORA JOHNSON / <u>[Signature]</u>		

**For Castlers Use Only**  
 (PROCESS ONLY WHEN FEES ARE VERIFIED)

Job Appeal: \_\_\_\_\_

2583.92

291.00  
 17.95  
 95.82  
 5206.00  
 912.98  
 54.15

LA Department of Building and Safety  
 LA 0031 100  
 901 4/20/2015 4:24:47 PM

ATTACHMENT "A"

901 N. Strada Vecchia Road

April 20, 2015

REQUEST:

To determine the Department of Building and Safety ("DBS") erred and/or abused its discretion in its determination to issue Order to Comply No. JN07152014.2, dated April 8, 2015, and Order to Comply No. BO040615-954, Issue Date April 8, 2015. In the alternative, a request for an extension of time to comply with Order to Comply No. JN07152014.2, dated April 8, 2015, and Order to Comply No. BO040615-954, Issue Date April 8, 2015.

JUSTIFICATION:

901 Strada, LLC ("Owner") owns the site located at 901 Strada Vecchia Road, Los Angeles, 90077 ("Project Site"). On April 5, 2012, the Los Angeles Department of Building and Safety ("LADBS") issued Building Permit Numbers 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339 (the "Permits") for the construction of a single family home with accessory retaining walls, swimming pool, detached deck, and related grading work (the "Project").

The Owner has spent at least a million dollars in good faith reliance on the Permits and inspections. From approximately April 13, 2012 to July 10, 2014, at least 58 grading inspections were performed at the Project Site and from approximately January 16, 2013 to June 25, 2014, at least 98 inspections were performed on the single family home building alone.

Those inspections notwithstanding, DBS issued Stop Work Order No. JN07152014.1, dated July 15, 2014 (the "2014 Order") ordering work stopped and to return to plan check to verify as built conditions are in conformance with the approved plans. The Owner has complied with the 2014 Order and has been in frequent contact with DBS attempting to rectify issues associated with the 2014 Order. Now, DBS alleges unauthorized work has been performed on the Project Site since the 2014 Order was issued. This allegation is in error. The Owner performed limited work to the building and performed certain site work to minimize the potential for damage due to rain storms forecasted (and which occurred) since the 2014 Order was issued, all with the express authorization from DBS.

The Owner has every intention of continuing to work with DBS to address all issues of concern in plan check and to perform any corrective work at the Project Site as necessary. Therefore, the Owner requests that it be granted a reasonable extension of time to comply with all issues raised in the above referenced Orders to Comply.

We reserve the right to supplement this filing with any additional information and evidence which may be presented before and during the public hearing before the Board of Building and Safety Commissioners.

2015 APR 20 PM 4: 29

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By: *[Signature]*  
Dept. of Bldg. & Safety

Date: 4-30-15

1061224201501448

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
GENERAL MANAGER

FRANK BUSH  
EXECUTIVE OFFICER

BOARD OF  
BUILDING AND SAFETY  
COMMISSIONERS  
  
VAN AMBATIELOS  
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E. FELICIA BRANNON  
VICE PRESIDENT  
  
JOSELYN GEAGA-ROSENTHAL  
GEORGE HOVAGUIMIAN  
JAVIER NUNEZ

June 10, 2015

BOARD FILE: 150040  
C.D.: 5

Kevin K. McDonnell  
Jeffer, Mangeis, Butler and Mitchell LLP  
1900 Avenue of the Stars, 7<sup>th</sup> Floor  
Los Angeles, CA 90067

JOB ADDRESS: 901 NORTH STRADA VECCHIA ROAD

On June 2, 2015, the Board of Building and Safety Commissioners considered your appeal regarding the property at the above referenced job address.

BOARD ACTION:

1. Determine that the Department of Building and Safety ("LADBS") DID NOT ERR OR ABUSE ITS DICRETION in its determination to issue Order to Comply No. JN07152014.2, dated April 08, 2015, and Order to Comply No. BO 040615-954, dated April 08, 2015.
2. DENY the request for an extension of time to comply with LADBS Order to Comply No. JN07152014.2, dated April 08, 2015, and Order to Comply No. BO 040615-954, dated April 08, 2015. Further, the Board's action shall be with PREJUDICE. The Department shall not accept another appeal on this matter.

(Continued on Page 2)

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TRUE COPY

By:   
Dept. of Bldg. & Safety  
Date: 6-5-17

Page 2  
Job Address: 901 NORTH STRADA VECCHIA ROAD  
Board File: 150040

FINDINGS (Adopted):

1. The request does not meet the spirit and intent of the Code inasmuch as this is a self-imposed hardship, due to the fact that all the work in question was done outside the bounds of the permit and approved plans.

  
 Van Ambatielos, President  
 BOARD OF BUILDING AND SAFETY COMMISSIONERS

Action By  
 the BOARD OF BUILDING AND SAFETY  
 COMMISSIONERS on  
 June 2, 2015

NOT VALID WITHOUT STAMP AND SIGNATURE

CJ:mct  
150040.fal

c: Sr. Inspector J. T. Christian  
 Bel Air Beverly Crest Neighborhood Council  
 Ann Beisch  
 Ron Hudson  
 Cynthia Yorkin  
 Todd Nelson  
 Maureen Levinson  
 Kirk Stamblis  
 Marcia Hobbs  
 Gareth Crites  
 901 Strada, LLC


Schwartz & Janzen, LLP  
 Alfred T. Wilkes  
 Kristen Lonner  
 Fred Rosen  
 Gina Gribow  
 Victor Del La Cruz  
 Beatriz Horacek  
 Joseph Horacek III  
 Steve Myers  
 Dennis Bolin

For further information call the Commission Office at (213) 482-0466.

The decisions of the Board are effective at the close of the meeting unless it is noted otherwise. The Board or the Superintendent may order a reconsideration of all or part of the case on its or his own motion, or on petition of any party. The power to order a reconsideration shall expire five days after the effective date of the decision (Section 98.0312 LAMC). If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.

Pursuant to Section 245 of Article II of the Charter of the City of Los Angeles, actions taken by this Board become final at the expiration of the next five (5) meeting days of the City Council during which the Council convenes in regular session, unless the City Council acts within that time by two-thirds vote to bring this action before it for consideration.

CERTIFIED TO BE A  
TRUE COPY

By   
 Dept. of Bldg. & Safety  
 Date 6-5-17

1061124201501448

City of Los Angeles  
REPORT ON APPEAL FROM LADBS DETERMINATION OF SUPERINTENDENT OF BUILDING  
REFERRED TO THE BSC WITHOUT RECOMMENDATION FROM THE COMMISSION STAFF

DEPARTMENT STAFF: J. T. Christian

OWNER:  
901 Strada, LLC  
11350 Random Hills Road, Suite 700  
Fairfax, VA 22030

BOARD FILE: 150040  
C.D.: 5 (Councilmember P. Koretz)  
PLANNING AREA: Bel Air  
OCCUPANCY: R3  
TYPE OF CONSTRUCTION: V-B  
STORIES: 2  
FIRE DISTRICT: VHFHSZ  
ZONE: RE-20-1-H  
STATUS: --  
BUREAU/DIV: INSPECTION  
DISTRICT OFFICE: Metro  
PRIOR BOARD ACTION: None  
ORDER: Yes

APPELLANT:  
Kevin K. McDonnell  
Jeffer, Mangeis, Butler and Mitchell LLP  
1900 Avenue of the Stars, 7<sup>th</sup> Floor  
Los Angeles, CA 90067

JOB ADDRESS: 901 NORTH STRADA VECCHIA ROAD

EXHIBITS:

- EXHIBIT A: LADBS Order to Comply Supplemental No. JN07152014.2, dated April 8, 2015.
- EXHIBIT B: LADBS Order to Comply-Stop Work No. BO 040615-954, dated April 8, 2015.
- EXHIBIT C: LADBS Permits (5) issued April 2012 for 901 N. Strada Vecchia Road.
- EXHIBIT D: LADBS Notice to Stop all Construction and Intent to Revoke, dated July 14, 2014.
- EXHIBIT E: LADBS Order to Comply No. JN07152014.1, dated July 15, 2014.
- EXHIBIT F: LADBS Revocation of Building Permits/Letter, dated September 9, 2014.
- EXHIBIT G: List of LADBS written Orders to Comply issued from 2011 to present.
- EXHIBIT H: List of unapproved construction, referenced from OTC. (Exhibit A)
- EXHIBIT I: Photographs of construction project.

APPENDIX: Appeal package with support documents as submitted by appellant.

CERTIFIED TO BE A  
TRUE COPY  
By *[Signature]*  
Dept. of Bldg. & Safety  
Date 5-17

Job address: 901 NORTH STRADA VECCHIA ROAD  
Board File: 150040

**APPEAL:**

**REQUEST NO. 1**

Determine if the Los Angeles Department of Building and Safety (LADBS) erred and/or abused its discretion in its determination to issue Order to Comply No. JN07152014.2, dated April 08, 2015, and Order to Comply No. BO 040615-954, dated April 08, 2015. (Exhibits A and B)

**STAFF RECOMMENDATION:**

REFERRED TO THE BBSC WITHOUT RECOMMENDATION FROM THE COMMISSION STAFF. THE POSITION OF THE DEPARTMENT WHEN AN APPEAL REGARDING ERROR OR ABUSE OF DISCRETION IS BROUGHT FORTH TO THE BOARD OF COMMISSIONERS, WILL ALWAYS UNEQUIVOCALLY BE THAT IT DID NOT COMMIT AN ERROR NOR ABUSED ITS DISCRETION IN THE ACTION APPEALED, OTHERWISE THAT ACTION WOULD HAVE BEEN CORRECTED AND THE APPEAL WITHDRAWN.

If request NO. 1 is denied:

**REQUEST NO. 2**

Request an extension of time to comply with the aforementioned Orders.

**STAFF RECOMMENDATION:**

Denial of the request.

Further, the Commission action shall be with PREJUDICE. LADBS shall not accept another appeal on this matter.

**FINDINGS:**

1. The request does not meet the spirit and intent of the Code inasmuch as this is a self-imposed hardship, due to the fact that all the work in question was done outside the bounds of the permit and approved plans; this work has not been approved nor is there any indication that it could be approved, further, no inspections have been conducted for this unauthorized work.

THE REPORT SUBMITTED HEREIN IS NOT AN OFFICIAL ACTION OF THE COMMISSION. ACTIONS BECOME OFFICIAL ONCE THE COMMISSION RENDERS A FINAL DECISION IN THE MATTER. DECISIONS ARE VERIFIED VIA SIGNED AND STAMPED COMMISSION ACTION LETTERS.

**BACKGROUND:**

The subject property was originally developed in 1952 with a single story home. The appellant acquired the property in 2011 with the intent to demolish and redevelop the property with a new structure.

CERTIFIED TO BE A  
TRUE COPY  
By *[Signature]*  
Dept. of Bldg. & Safety  
Date *1-5-17* 125

1061124201501448

Job address: 901 NORTH STRADA VECCHIA ROAD  
Board File: 150040

In April 2012, the Department issued permits for a new two-story, single-family-dwelling (SFD) with habitable basement and a six car garage. Other development permits included a swimming pool, deck, and various retaining walls. (Exhibit C)

Los Angeles Department of Building and Safety (LADBS) inspections began in 2012. During the property's development, LADBS received complaints from neighbors for various alleged violations of the building and zoning codes.

The Department responded by conducting an investigation of the numerous claims. As a result of the investigation, the Department issued a NOTICE TO STOP ALL CONSTRUCTION AND INTENT TO REVOKE BUILDING PERMITS, dated July 14, 2014 (Exhibit D) coupled with ORDER TO COMPLY No. JN07152014.1, dated July 15, 2014. (Exhibit E)

The Department ultimately revoked all building permits associated with the project. (Exhibit F)

**DISCUSSION:**

Hillside construction can be complex and challenging. In general, multiple inspections are required before a permit is finalized and a Certificate of Occupancy is granted. For this site, LADBS has conducted over 250 inspections and the project is approximately two thirds complete.

From the beginning, numerous corrective actions were necessary to keep the construction process within the bounds of the code. To date, LADBS has issued nine written orders and logged several significant correction notices against the developer for non-conformance to the approved plans and various code violations. A brief summary of these Orders are included in this report. (Exhibit G)

The Department issued an ORDER TO COMPLY (Order) dated July 15, 2014, (Exhibit E) with instructions to stop all work and return to plan check to address elements of construction that were not in conformance with the approved plans. The Department continued to receive complaints through December 2014, which demonstrated that construction had not stopped.

The Department assigned an inspector to make unannounced site visits to monitor the alleged violations of the Stop Work Order. This inspector documented over 60 inspection stops between July 2014 and April 2015, noting that various elements of the project had been completed, despite the Order.

Due to the problematic nature of this property and the severity of the purported zoning and building code violations, LADBS conducted a thorough site inspection on April 6, 2015. In attendance were ten Department managers, as well as the project contractor and developer, Mr. Hadid.

Department staff witnessed, documented, and photographed a multitude of anomalies inconsistent with the approved plans. As a result, two Orders to Comply were issued listing the numerous violations witnessed by Building and Safety personnel. These two Orders are being challenged by the appellant (Exhibits A and B).

The list of unapproved construction, as noted in Exhibit A, has been reproduced for reference. (Exhibit H)

Currently, the project has been suspended and may not go forward until all the items listed in the Orders have been addressed.

CERTIFIED TO BE A  
TRUE COPY  
By: *[Signature]*  
Dept. of Bldg. & Safety 126  
Date: 1-5-17

Job address: 901 NORTH STRADA VECCHIA ROAD  
Board File: 150040

**THE APPEAL**

Request No. 1

Determine if LADBS erred or abused its discretion in issuing Order to Comply No. JN07152014.2 and Order to Comply No. BO040615-954, issued April 8, 2015. (Exhibits A and B)

Justification for this appeal: The following paragraph is an excerpt from Appendix Attachment "A" of the appeal application provided by the owner's counsel.

*"The owner has spent at least a million dollars in good faith reliance on the Permits and inspections. From approximately April 13, 2012 to July 10, 2014, at least 58 grading inspections were performed at the Project Site and from approximately January 16, 2013 to June 25, 2014, at least 98 inspections were performed on the single family home building alone."*

**Department response:**

The statement's implication may refer to "vested rights."

The appellant makes reference to having spent at least a million dollars in permit and building fees. Many inspections have been conducted and substantial work has been completed. Both are factual statements. However, the owner has not invested in his project "in good faith reliance" on the permits issued by the Department. Collectively, if all of the aforementioned statements were true, this could establish vested rights. Because the project has been so deliberately altered from the approved plans, the "in good faith reliance" statement is disputable.

The following paragraph is an excerpt from Appendix Attachment "A" of the appeal application provided by the owner's counsel.

*"...Those inspections notwithstanding, DBS issued Stop Work Order No. JN07152014.1, dated July 15, 2014 (the 2014 Order) ordering work stopped and to return to plan check to verify as built conditions are in conformance with the approved plans. The Owner has complied with the 2014 Order and has been in frequent contact with DBS attempting to rectify issues associated with the 2014 Order. Now, DBS alleges unauthorized work has been performed on the Project Site since the 2014 Order was issued. This allegation is in error. The Owner performed limited work to the building and performed certain site work to minimize the potential for damage due to rain storms forecasted (and which occurred) since the 2014 Order was issued, all with the express authorization from DBS."*

To avoid confusion, the Orders referenced in this appeal (Exhibits A and B) are supplemental Orders to the originals issued in 2014, which remain in effect.

The appellant states they have complied with the 2014 Order which lists several violations and remedies. Claiming to be "in compliance" with the Order and then stating that they are in communication with the Department to rectify issues contained in the Order, is somewhat contradictory.

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By *[Signature]*  
Dept. of Bldg. & Safety  
Date 1-5-17



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Job address: 901 NORTH STRADA VECCHIA ROAD  
Board File: 150040

The Order demands compliance on several points.

1. STOP ALL WORK as of July 15, 2014.
2. Return to plan check to verify as-built conditions are in conformance with the approved plans.
3. Make all work conform to Code and the approved plans or demolish and remove any unapproved work etc.

**Department response:**

The Department has documented and witnessed additional work having been completed on the structure in violation of the 2014 Order.

There has been no re-submittal of plans to the Department to address the as-built conditions or the additional construction witnessed by our staff.

The Department disagrees with the appellant's claim that they are in compliance. This is why it was necessary to issue supplemental Orders on April 15, 2015. (Exhibit A and B)

The appellant states; *"Now, DBS alleges unauthorized work has been performed on the Project Site since the 2014 Order was issued."* This allegation is found in the recent Orders. (Exhibit A and B) Appellant states this allegation is in error and continues to state the owner performed limited work to the building and property to minimize the potential for damage due to rain.

The Department was aware of minor continuances of work, restricted only to reducing potential water damage from weather events. However, after the thorough inspection in April 2015, it was determined that more construction had been completed without inspections and most of this outside the parameters of the plan.

Interior carpentry, creating rooms under floors, electrical wiring and mechanical duct work are not elements typically needed to minimize storm damage.

**CONCLUSION:**

The project has clearly exceeded the scope of the permit and does not match the approved plans. The Department has acted within its authority to revoke all permits associated with this property until such time as the developer re-submits plans addressing the many changes and additions to the project or removes all unapproved construction and repairs any alterations to the site geology.

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By: *[Signature]*  
Dept. of Bldg. & Safety  
Date: 7-5-17

Job address: 901 NORTH STRADA VECCHIA ROAD  
Board File: 150040

**Regarding Request No. 2**

Should the Board deny request number 1, the owner requests a reasonable extension of time to comply with all issues enumerated in the Orders.

**Department Response:**

The Department is not in favor of granting time to comply. In the months following the Order to Comply, dated July 2014, substantial work was completed on the project in violation of the Order. The construction is beyond what was approved by permit. No new plans have been re-submitted addressing the alterations or additional square footage.

Attempts have been made by the appellant to re-submit the appropriate plot plans and topography map, however, our engineering staff has determined those to be inaccurate and unusable. There have been no subsequent submittals.

Eight months have passed since the July 2014 Orders were issued. There has not been enough momentum by the developer to indicate that they intend on moving forward in a timely manner. The Department does not believe granting more time to comply with the Orders will result in a different outcome. Therefore, the Department does not recommend granting additional time.

**CODE:**

**91.104.2.4. Authority to stop work.**

Whenever any construction work is being done contrary to the provisions of any law or ordinance enforced by the department, the department shall have the authority to issue a written notice to the responsible party to stop work on that portion of the work on which the violation has occurred.

The notice shall state the nature of the violation and no work shall be done on that portion until the violation has been rectified and approval obtained from the department.

**106.1. Permits required.**

**106.1.1. Building permits.** No person shall erect, construct, alter, repair, demolish, remove or move any building or structure, ... unless said person has obtained a permit from the department. (excerpt)

**106.1.2. Grading permits.** No person shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit from the Department. No person shall perform any grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request. Any grading project involving more than 100 cubic yards (76.5 m3) of excavation and involving an excavation in excess of 5 feet (1524 mm) in vertical depth at its deepest point measured from the original ground surface shall be done by a State of California licensed contractor who is licensed to perform the work described herein.

**CERTIFIED TO BE A TRUE COPY**

By: *[Signature]*  
Dept. of Bldg. & Safety  
Date: 1-5-17

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Job address: 901 NORTH STRADA VECCHIA ROAD  
Board File: 150040

**SECTION 108 INSPECTION**

**91.108.7. General.** All construction or work for which a permit is required shall be subject to inspection by authorized employees of the department, and certain types of construction shall have continuous inspection by Registered Deputy Inspectors as specified in Section 1704 of. Prior to the issuance of a Certificate of Occupancy as specified in Section 109, a final inspection shall be made by the department of all construction or work for which a permit has been issued.

**108.4. Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Superintendent of Building. The Superintendent, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Superintendent of the Building.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

**91.108.8. Surveys.** In the absence of any designation of the proper location of the lot on which a building is to be erected, for which building a permit has been issued, the department may require the owner to have the lot surveyed and staked by a registered land surveyor or registered civil engineer so that the proper location of the building on the lot may be determined.

**CONDITIONS PRECEDENT TO ISSUING A GRADING PERMIT**

**7006.1 Plans and specifications.** Application for a grading permit shall be accompanied by plans and specifications prepared and signed by an individual licensed by the State to prepare such documents. Plans shall be drawn to appropriate scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the plans will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

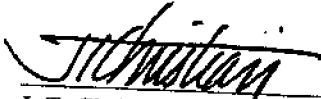
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By *[Signature]*  
Dept. of Bldg. & Safety  
Date 1-5-17

Job address: 901 NORTH STRADA VECCHIA ROAD  
Board File: 150040

**7006.3.2 Engineering geology report.** The engineering geology report required by Section 7006.2 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. In addition, all soils engineering and engineering geology reports for grading work in hillside areas shall also comply with rules and standards established by the department.

Raymond S. Chan, C.E., S.E.  
General Manager


Prepared by: Senior Inspector J. T. Christian  
Code Enforcement Bureau



J. T. Christian

Action By  
the BOARD OF BUILDING AND SAFETY  
COMMISSIONERS on  
*June 2, 2015*

May 21, 2015

CERTIFIED TO BE A  
TRUE COPY  
By   
Dept. of Bldg. & Safety  
Date *5-17*

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# EXHIBIT A

CERTIFIED TO BE A  
TRUE COPY

By *[Signature]*  
Dept. of Bldg. & Safety

Date *1-5-17*

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles. I am over the age of 18 and not a party to the within action; my business address is: Office of the City Attorney, 200 North Main Street, 500 City Hall East, Los Angeles, California 90012.

On June 23, 2017 I served a copy of the following document(s) described as: **SENTENCING MEMORANDUM: MOHAMED HADID** in the interested party(ies) in this action as follows:

SEE ATTACHED SERVICE LIST

**BY MAIL:** By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above and placing each for collection and mailing on that date following ordinary business practices. I am "readily familiar" with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in Los Angeles, California, in a sealed envelope with postage fully prepaid.

**BY PERSONAL SERVICE:** I personally delivered the documents to the attorneys listed on the attached service list at the Van Nuys Courthouse, Department 113, located at 14400 Erwin Street, Van Nuys, California 91401.

**BY OVERNIGHT DELIVERY:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed as above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**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 that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 23, 2017 at Los Angeles, California.

  
Charlotte Marlowe

**SERVICE LIST**  
**ATTACHMENT TO PROOF OF SERVICE**

*The People of the State of California v. James Thomas Zelloe,  
901 Strada LLC, and Mohamed Hadid*

**CASE NO.: 5PY03637**

**Donald M. Re, Esq.**  
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1 MICHAEL N. FEUER, City Attorney (SBN 111529)  
2 WILFREDO RIVERA, Assistant City Attorney (SBN 186890)  
3 MICHELLE MCGINNIS, Supv. Deputy City Attorney (SBN 221045)  
4 GRACE Y. LEE, Deputy City Attorney (SBN 310116)  
5 200 North Main Street, 500 City Hall East  
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7 Telephone: (213) 978-8074

**RECEIVED**  
SEP 13 2018

8 Attorneys for Plaintiff  
9 THE PEOPLE OF THE STATE OF CALIFORNIA  
10 **VAN NUYS**

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF LOS ANGELES**

<p>11 PEOPLE OF THE STATE OF CALIFORNIA,</p> <p>12 Plaintiff,</p> <p>13 vs.</p> <p>14 MOHAMED A. HADID,</p> <p>15 Defendant.</p>	<p>Case No.: 5PY03637</p> <p><b>PEOPLE'S NOTICE OF MOTION AND MOTION FOR PROBATION VIOLATION HEARING PURSUANT TO PENAL CODE SECTION 1203 ET SEQ; DECLARATION OF ERIC JAKEMAN; DECLARATION OF SHAHEN AKELYAN; EXHIBITS</b></p> <p>Date: September 13, 2018 Time: 10:30 a.m. Dept.: 113</p>
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16 **TO DEFENDANT AND DEFENDANT'S COUNSEL OF RECORD:**

17 PLEASE TAKE NOTICE that on September 13, 2018 at 10:30 a.m. or as soon thereafter as  
18 counsel may be heard in Department 113 of the Los Angeles County Superior Court located at 14400  
19 Erwin Street, Van Nuys, California, the People of the State of California will and hereby do move the  
20 court to revoke Defendant's probation and set a probation violation hearing.  
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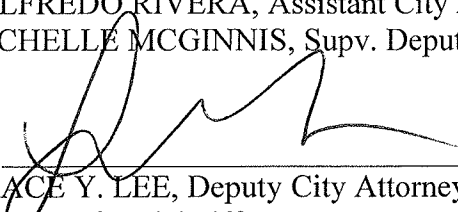


1 This Motion is made and based on this Notice, the attached Memorandum of Points and  
2 Authorities, the papers, pleading and records on file in this criminal action, and on such further  
3 evidence and oral argument as may be presented at the hearing.  
4

5 Date: September 12, 2018

Respectfully submitted,

6  
7 MICHAEL N. FEUER, City Attorney  
8 WILFREDO RIVERA, Assistant City Attorney  
9 MICHELLE MCGINNIS, Supv. Deputy City Attorney

10 By:   
11 GRACE Y. LEE, Deputy City Attorney  
12 Attorneys for Plaintiff  
13 PEOPLE OF THE STATE OF CALIFORNIA  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTUAL AND PROCEDURAL BACKGROUND**

Defendant was charged on December 9, 2015 with three violations of the Los Angeles Municipal Code (“LAMC”): one count of LAMC section 12.21(A)(1)(a) (unlawful construction without a permit or license); one count of LAMC section 91.8105 (building constructed without a building permit); and one count of LAMC section 91.103.3 (failure to comply with order issued pursuant to the Building Code). These incidents occurred at the property located at 901 Strada Vecchia Road, Los Angeles, California (“901 Strada Vecchia”) on or about January 7, 2015. On May 30, 2017, Defendant pleaded no contest to all counts. (See TCIS Docket for Case # 5PY03637-03, attached hereto as Exhibit A, pp. 9-10.) On July 20, 2017, Defendant was conditionally sentenced to three years of summary probation, which included: obeying all laws and orders of the court; serving 200 hours of community service by July 20, 2018; developing a slope stabilization design and plan (“SSDP”) approved by the Los Angeles Department of Building and Safety (“LADBS”); and either completing construction of 901 Strada Vecchia in accordance with all LADBS orders and directives, or demolishing the existing structure and stabilizing the slope pursuant to the SSDP. (See Exhibit A, pp. 11-16.)

On July 19, 2018, the court issued an order directing Defendant to submit architectural, structural, and grading plans with corrections for 901 Strada Vecchia to LADBS by August 10, 2018. (See Court Reporter’s Transcript of Proceedings on July 19, 2018, attached hereto as Exhibit B, pp. 50-51.) On that date, Defendant’s architect, Ignacio Rodriguez, testified and agreed to submit all three plans to LADBS by that date. (See Exhibit B, p. 51.)

1 II. ARGUMENT

2 **1. Defendant’s grant of probation is subject to fulfilment of the terms of the plea agreement.**

3 “Probation is an act of clemency and may be withdrawn if the privilege is abused.” (*In re Bine*  
4 (1957) 47 Cal.2d 814, 817.) Defendant accepted a grant of leniency from the court, pursuant to Penal  
5 Code section 1203(a), and was conditionally sentenced by the court upon the fulfilment of the terms of  
6 his plea agreement with the People. Penal Code section 1203(a) states in part: “As used in this code,  
7 ‘probation’ means the suspension of the imposition or execution of a sentence and the order of  
8 conditional and revocable release in the community subject to conditions established by the court...”  
9 Should Defendant violate any of the terms or conditions imposed by the court, the court “shall have  
10 the authority to modify and change any and all of the terms and conditions” and hold Defendant  
11 subject to the limitations of the offenses for which Defendant is liable. (Pen. Code, § 1203.1, subd.  
12 (j).)

13 **2. Defendant has violated the terms of his probation by failing to submit corrected plans to**  
14 **LADBS by August 10, 2018, thereby failing to obey all laws and orders of the court.**

15 As noted above, Defendant was ordered to obey all laws and orders of the court, including the  
16 court’s July 19, 2018 order that required Defendant to submit corrected plans for 901 Strada Vecchia  
17 to LADBS by August 10, 2018. (See Exhibit B, pp. 50-51.) Defendant did not comply with this  
18 order. Neither Defendant, Defendant’s counsel, nor Defendant’s architect submitted updated or  
19 corrected plans of any kind to LADBS by August 10, 2018. In fact, as of September 5, 2018, 26 days  
20 past the agreed-upon August 10, 2018 deadline, no one representing Defendant had even contacted  
21 LADBS regarding the plans. (See Declaration of Eric Jakeman.)

22 On September 5, 2018, Defendant’s counsel admitted that no plans for 901 Strada Vecchia had  
23 been submitted by the August 10, 2018 deadline, leading the court to set a probation violation hearing  
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1 setting for September 13, 2018. (See Exhibit A, pp. 18-19.) Defendant's counsel additionally stated  
2 that the plans for 901 Strada Vecchia would be submitted to LADBS on September 6, 2018. Although  
3 Defendant's design team did provide an updated set of plans to LADBS on September 6, 2018, the  
4 plans were not complete, failing LADBS's requirements for submission. (See Declaration of Shahen  
5 Akelyan.) On September 11, 2018, Defendant's design team made another submission attempt and  
6 provided an updated set of plans to LADBS. Once again, the plans were not complete, failing  
7 LADBS's requirements for submission. (See Declaration of Shahen Akelyan.)  
8

9  
10 By failing to provide the updated plans for 901 Strada Vecchia by the court-ordered date of  
11 August 10, 2018, Defendant violated the terms of his probation. Defendant's attempts to submit plans  
12 on September 6, 2018 and September 11, 2018 were not successful. There is no possibility that  
13 Defendant will have successfully submitted plans by September 13, 2018. (See Declaration of Shahen  
14 Akelyan.)  
15

16 **3. The People request a probation violation hearing at which to present witnesses and other**  
17 **evidence of Defendant's failure to comply with the terms of his probation.**

18 The People request a hearing at to call witnesses to testify to the Defendant's failure to comply  
19 with his probation obligations. The People intend to call Eric Jakeman, Assistant Bureau Chief of the  
20 LADBS Inspection Bureau, and Shahen Akelyan, Assistant Chief of the LADBS Permit and  
21 Engineering Bureau, to testify about Defendant's failure to timely submit corrected plans to LADBS,  
22 in violation of the court's July 19, 2018 order.  
23

24 The burden of proof at a probation violation hearing is by a preponderance of the evidence.  
25 (*People v. Rodriguez* (1990) 51 Cal.3d 437, 447.) Upon the People's prima facie showing of a  
26 probation violation, it is then Defendant's burden to rebut those claims.  
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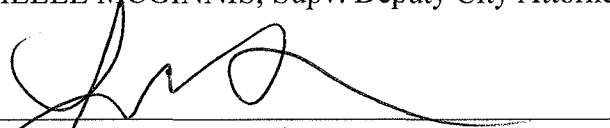
**III. PRAYER FOR RELIEF**

For the foregoing reasons, the People respectfully move the court to revoke probation and hold a probation violation hearing, through which the court may find the Defendant guilty of violating the terms of his probation. Defendant made a promise to the court and he must fulfill all of his obligations or be sentenced forthwith.

Dated: September 12, 2018

Respectfully submitted,

MICHAEL N. FEUER, City Attorney  
WILFREDO RIVERA, Assistant City Attorney  
MICHELLE MCGINNIS, Supv. Deputy City Attorney

By:   
GRACE Y. LEE, Deputy City Attorney  
Attorneys for Plaintiff  
PEOPLE OF THE STATE OF CALIFORNIA

DECLARATION OF ERIC JAKEMAN

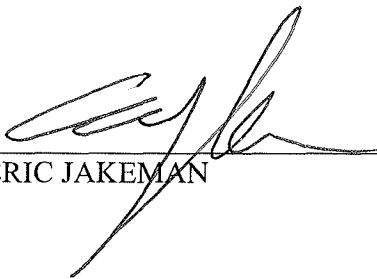
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I, ERIC JAKEMAN, am over 18 years old and if called upon to testify I could and would attest to the following:

1. I work for the City of Los Angeles as Assistant Bureau Chief of the Los Angeles Department of Building and Safety (“LADBS”) Inspection Bureau.
2. I am familiar with the property located at 901 Strada Vecchia Road, Los Angeles, California (“901 Strada Vecchia”), and the case *People v. Mohamed A. Hadid*, case number 5PY03637.
3. On September 5, 2018, I conducted a search of LADBS files pertaining to 901 Strada Vecchia. I found that no updated or corrected plans had been submitted to LADBS between July 19, 2018 and September 5, 2018.
4. To the best of my knowledge, between July 19, 2018 and September 5, 2018, there had been no contact from the Defendant, or anyone representing Defendant, with this office, regarding 901 Strada Vecchia.

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

Dated: September 12, 2018

  
ERIC JAKEMAN

DECLARATION OF SHAHEN AKELYAN

1  
2 I, SHAHEN AKELYAN, am over 18 years old and if called upon to testify I could and would  
3 attest to the following:

4  
5 1. I work for the City of Los Angeles as Assistant Chief of the Los Angeles Department of  
6 Building and Safety (“LADBS”) Permit and Engineering Bureau.

7  
8 2. The LADBS Permit and Engineering Bureau conducts plan checks for compliance with  
9 Zoning Code and Building Code requirements.

10  
11 3. As part of the plan check process for a typical project, the LADBS Permit and  
12 Engineering Bureau specifies the information that must be included for successful plans submission.

13  
14 4. I am familiar with the property located at 901 Strada Vecchia Road, Los Angeles,  
15 California (“901 Strada Vecchia”), and the case *People v. Mohamed A. Hadid*, case number  
16 5PY03637.

17  
18 5. Prior to July 19, 2018, LADBS provided the Defendant, through Defendant’s design  
19 team, with written, detailed corrections for all plans previously submitted by Defendant for 901 Strada  
20 Vecchia.

21  
22 6. As part of the corrections, LADBS specified what information would be required for  
23 successful plans submission on 901 Strada Vecchia.

24  
25 7. On September 6, 2018, members of Defendant’s design team met with LADBS and  
26 provided updated architectural, structural, and grading plans for 901 Strada Vecchia.

27  
28 8. The set of plans provided by Defendant’s design team on September 6, 2018 did not  
meet all of LADBS’s requirements for submission.

9. LADBS communicated to Defendant’s design team that September 6, 2018 set of plans  
were missing the following:

DECLARATION OF SHAHEN AKELYAN

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- a. Complete grading plans and grading quantity calculations
- b. Complete structural calculations for all of the structural elements
- c. Complete design of all of the structural connections
- d. Complete design of all of the earthquake resisting elements
- e. Complete design of the roof deck and the lower deck
- f. Complete design of the shear walls at the lower level
- g. Complete input/output of the computer-based calculations
- h. Design of the “media room” wall and foundation
- i. Plans and calculations for the pool deck and their support
- j. Design of all of the retaining walls

10. On September 11, 2018, members of Defendant’s design team met with LADBS and again provided updated architectural, structural, and grading plans for 901 Strada Vecchia.

11. The set of plans provided by Defendant’s design team on September 11, 2018 still did not meet all of LADBS’s requirements for submission.

12. LADBS communicated to Defendant’s design team that the September 11, 2018 set of plans were still missing the following:

- a. Complete input/output of the computer-based calculations
- b. Design of the “media room” wall and foundation
- c. Plans and calculations for the pool deck and their support

13. Following the September 11, 2018 meeting, Defendant’s design team informed LADBS that they planned to provide another set of updated plans for 901 Strada Vecchia by 9:00 a.m. on September 13, 2018.

//

DECLARATION OF SHAHEN AKELYAN

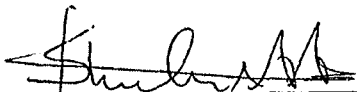


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14. On September 12, 2018, Defendant's design team informed LABDS that they would not be able to complete the outstanding elements of the plans on September 13, 2018, as previously communicated.

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

Dated: September 12, 2018

  
\_\_\_\_\_  
SHAHEN AKELYAN

DECLARATION OF SHAHEN AKELYAN

# EXHIBIT A

LAV TCIS - CASE SUMMARY JUD DIST LAV  
CASE# 5PY03637 DEF# 03 VIOL DT 010715 FILE DT 120915 TOTAL DEFTS 03  
FIRST MOHAMED MID ANWAR LAST HADID SUFX  
ADDR 630 NIMES ROAD CITY LOS ANGELES ZIP 90077 ST CA  
DOB 11061948 SEX M HAIR GRY EYES GRN HGT 511 WGT 170 RACE W  
ID#S: OLN B4944339 ST CA LPD SSN BKG  
VLN ST MAIN CII  
AKA FIRST MID LAST SUFX  
PROS ATTY MICHELLE MCGINNIS CA DEF ATTY ROBERT L. SHAPIRO PR  
PROBATION IN EFFECT

BAIL-WRT INFO UK \$

PREV EVENT PROGRESS REPORT ON 090518 IN VAN NUYS DPT 113  
NEXT EVENT POSSIBLE VIOL. OF PROBATION ON 091318 IN VAN NUYS DPT 113  
TOTAL DUE TO COURT \$ 10260.00 BALANCE DUE \$ 10260.00

--- CASE DISPOSITION ---

CT VIOL	TYPE	DG	PLEA	DATE	CODE	PROB	JAIL	A/O	FINE	SCH	LC
01 12.21A1(A) LAM	MB		NC	053017	CON	S036M			00001000		
02 91.8105 LAM	MB		NC	053017	CON	S036M			00001000		
03 91.103.3 LAM	MB		NC	053017	CON	S036M			00001000		

FOR DETAIL DOCKET PRESS ENTER  
PRINT DOCKET \_ NXT CASE# \_\_\_\_\_

ADDTL CHARGES PRESS PA1  
DEF# 01 \* MCA1 \*

NO. 8VW04059

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 09/04/18

DEFENDANT 01: ALEXANDRA MORGAN PRICE

LAW ENFORCEMENT AGENCY EFFECTING ARREST: LAPD - TOPANGA

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
06/07/18	\$30,000.00	05/14/18	2018DD009964	LEXINGTON NAT	INS COR

CASE FILED ON 06/07/18.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 05/11/18 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

- COUNT 01: 11350 H&S MISD
- COUNT 02: 11375(B)(2) H&S MISD
- COUNT 03: 11364(A) H&S MISD

NEXT SCHEDULED EVENT:

06/07/18 830 AM ARRAIGNMENT DIST VAN NUYS COURTHOUSE DEPT 100

ON 06/07/18 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 100

CASE CALLED FOR ARRAIGNMENT

PARTIES: NEETU S. BADHAN-SMITH (JUDGE) SHELLEY BUTZ (CLERK)  
DIANNA D. GOMEZ (REP) LISA C. MARKARIAN (CA)

DEFENDANT DEMANDS COUNSEL.

COURT REFERS DEFENDANT TO THE PUBLIC DEFENDER.

PUBLIC DEFENDER APPOINTED. MEREDITH SCHENSUL - P.D.

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MEREDITH SCHENSUL DEPUTY PUBLIC DEFENDER

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING RIGHTS: TRIAL BY JURY

- COUNT (01) : DISPOSITION: DIVERSION
- COUNT (02) : DISPOSITION: DIVERSION
- COUNT (03) : DISPOSITION: DIVERSION

COURT ORDERS AND FINDINGS:

-PRETRIAL DIVERSION IS GRANTED.

WAIVES TIME FOR SENTENCE.

NEXT SCHEDULED EVENT:

SENTENCING

AS TO COUNT (01), (02), (03):

COURT ORDERS CHARGE DIVERTED AS FOLLOWS:

FOR A PERIOD OF 018 MONTHS UNDER THE FOLLOWING TERMS AND CONDITIONS:

SERVE 001 DAYS IN LOS ANGELES COUNTY JAIL

LESS CREDIT FOR 1 DAYS

IN ADDITION:

- DO NOT USE OR POSSESS ANY NARCOTICS, DANGEROUS OR RESTRICTED DRUGS OR ASSOCIATED PARAPHERNALIA, EXCEPT WITH A VALID PRESCRIPTION AND STAY AWAY FROM PLACES WHERE USERS OR SELLERS CONGREGATE. DO NOT ASSOCIATE WITH DRUG USERS OR SELLERS UNLESS ATTENDING A DRUG TREATMENT PROGRAM.
- PARTICIPATE IN A PROGRAM OF EDUCATION, TREATMENT OR

REHABILITATION AIMED AT DRUG ABUSE, AS DIRECTED BY PROBATION OFFICER.

- ENROLL IN AND COMPLETE A PLAN FOR DRUG ABUSE COUNSELING, TREATMENT AND REHAB
- DEFENDANT TO BE RELEASED ONLY TO AN AUTHORIZED REPRESENTATIVE OF THAT PROGRAM AND IS TO COMPLY WITH ALL PROGRAM TERMS AND CONDITIONS. IF THE DEFENDANT LEAVES OR IS DISCHARGED FROM THE PROGRAM FOR ANY REASON PRIOR TO COMPLETION, DEFENDANT IS TO REPORT TO COURT ON THE NEXT DAY COURT IS IN SESSION.
- ATTEND AT LEAST 5 NA/AA MEETINGS PER WEEK UNTIL ENROLLED
- DO NOT DRIVE A MOTOR VEHICLE WITHOUT PUBLIC LIABILITY AND PROPERTY DAMAGE AUTO INSURANCE.
- IF YOU ARE DEPORTED FROM OR OTHERWISE LEAVE THE UNITED STATES, NOTIFY THE COURT (AND PROBATION) IN WRITING OF YOUR ADDRESS AND TELEPHONE NUMBER OUTSIDE THE UNITED STATES WITHIN 72 HOURS OF DEPORTATION OR DEPARTURE. CONTINUE TO PAY ALL OF YOUR FINANCIAL OBLIGATIONS TO THE COURT (AND TO PROBATION) WHILE OUTSIDE THE UNITED STATES.

-OBEY ALL LAWS AND ORDERS OF THE COURT.

DEFENDANT IS TO SHOW PROGRESS OF THE DRUG TREATMENT PROGRAM ON 07-19-18 DEPT 100.

ALL FINE/FEEES WAIVED.

JURY TRIAL WAIVER HEARD.

DEFENDANT ACKNOWLEDGES THAT HE/SHE UNDERSTANDS AND ACCEPTS THE TERMS AND CONDITIONS OF DEJ.

MINUTES BY MSOTELO

COUNT (01): DISPOSITION: DIVERSION

COUNT (02): DISPOSITION: DIVERSION

COUNT (03): DISPOSITION: DIVERSION

DEFENDANT WAIVES STATUTORY TIME.

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

07/19/18 830 AM DISPOSITION AND RESETTNG DIST VAN NUYS COURTHOUSE DEPT 100

06/07/18 EXONERATED, # 2018DD009964

CUSTODY STATUS: BAIL EXONERATED

CUSTODY STATUS: ON DIVERSION

ON 07/19/18 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 100

CASE CALLED FOR DISPOSITION AND RESETTNG

PARTIES: NEETU S. BADHAN-SMITH (JUDGE) ARMINE AGESIAN (CLERK)

ENEDINA GONZALES (REP) LISA C. MARKARIAN (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MEREDITH SCHENSUL DEPUTY PUBLIC DEFENDER

THE COURT READS AND CONSIDERS THE CLIENT ENGAGEMENT AND NAVIGATION SERVICES REPORT FILED THIS DATE.

LETTER FROM AEGIS TREATMENT CENTER AND ADP TREATMENT PROGRAM INTAKE NOTICE ARE BOTH FILED THIS DATE.

THE MATTER IS CONTINUED TO AUGUST 23, 2018, AT 8:30 A.M., IN  
DEPARTMENT 100 FOR DISPOSITION AND RESETTING/PROGRESS REPORT  
ON DIVERSION AS DAY 0 OF 45.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

08/23/18 830 AM DISPOSITION AND RESETTING DIST VAN NUYS COURTHOUSE DEPT  
100  
DAY 00 OF 45

CUSTODY STATUS: ON DIVERSION

ON 08/23/18 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 100

CASE CALLED FOR DISPOSITION AND RESETTING

PARTIES: NEETU S. BADHAN-SMITH (JUDGE) TATEVIK MKITARYAN (CLERK)

ALISIA LEWIS (REP) LISA C. MARKARIAN (CA)

THE DEFENDANT FAILS TO APPEAR, WITHOUT SUFFICIENT EXCUSE AND NOT REPRESENTED BY  
COUNSEL

DIVERSION TERMINATED FOR COUNT (01), (02), (03) AND CRIMINAL PROCEEDINGS  
REINSTATED.

AS TO COUNT (01), (02), (03):

DEFENDANT FAILS TO APPEAR FOR PROGRESS REPORT.

PRETRIAL DIVERSION PROGRAM TERMINATED AND CRIMINAL PROCEEDINGS  
REINSTATED.

BENCH WARRANT IN THE AMOUNT OF \$26,000.00 (TWENTY SIX THOUSAND)  
DOLLARS IS ORDERED AND ISSUED.

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

BENCH/WARRANT TO ISSUE

08/23/18 BENCH WARRANT IN THE AMOUNT OF \$26,000.00 BY ORDER OF JUDGE NEETU S.  
BADHAN-SMITH ORDERED/ISSUED. (08/23/18).

NO. 5PY03637

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 09/12/18

DEFENDANT 03: MOHAMED ANWAR HADID

LAW ENFORCEMENT AGENCY EFFECTING ARREST: DEPT OF BUILDING AND SAFETY

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 12/09/15.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 01/07/15 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 12.21A1(A) LAM MISD

COUNT 02: 91.8105 LAM MISD

COUNT 03: 91.103.3 LAM MISD

NEXT SCHEDULED EVENT:

12/09/15 830 AM ARRAIGNMENT DIST VAN NUYS COURTHOUSE DEPT 101

ON 12/09/15 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 101

CASE CALLED FOR ARRAIGNMENT

PARTIES: BERNARD J. KAMINS (JUDGE) HARUT YEDALYAN (CLERK)

DEBBIE WOLLMAN (REP) KENNETH D. TSO (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY NONE PRIVATE COUNSEL

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

DEFENDANT ADVISED OF THE FOLLOWING RIGHTS ORALLY:

DEFENDANT ADVISED OF THE FOLLOWING RIGHTS VIA AUDIO CASSETTE:

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 12.21A1(A) LAM.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 91.8105 LAM.

DEFENDANT PLEADS NOT GUILTY TO COUNT 03, 91.103.3 LAM.

COURT ORDERS AND FINDINGS:

-OBEY ALL LAWS AND ORDERS OF THE COURT.

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

MATTER IS SET IN DEPARTMENT 113 FOR ALL PURPOSES.

LAST DAY FOR TRIAL: 01/25/16.

MINUTE ORDER IS PREPARED BY AGREEN

NEXT SCHEDULED EVENT:

12/14/15 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113

ON 12/14/15 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: LAWRENCE P. RIFF (JUDGE) THERESE ZAVALA (CLERK)

ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY DONALD RE PRIVATE COUNSEL

PRETRIAL HEARING IS CONTINUED TO JANUARY 20, 2016 IN THIS

DEPARTMENT AS DAY 0 OF 30.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

CASE NO. 5PY03637  
DEF NO. 03

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FILE NO. 2  
DATE PRINTED 09/12/18

01/20/16 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 30

ON 01/20/16 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING  
PARTIES: ERIC P. HARMON (JUDGE) HEDY EVANGELISTA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)  
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL  
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL  
COURT AND COUNSEL CONFER IN CHAMBERS.  
PRETRIAL HEARING IS CONTINUED ON MARCH 15, 2016 IN THIS  
DEPARTMENT. DAY 0/30  
WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:  
03/15/16 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 03/15/16 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING  
PARTIES: ERIC P. HARMON (JUDGE) HEDY EVANGELISTA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)  
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL  
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL  
COURT AND COUNSEL CONFER IN CHAMBERS.  
PRETRIAL HEARING IS CONTINUED ON JUNE 17, 2016 IN THIS  
DEPARTMENT. DAY 0/30  
WAIVES STATUTORY TIME.  
NEXT SCHEDULED EVENT:

UPON MOTION OF DEFENDANT  
06/17/16 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 06/17/16 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER  
IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID  
MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE  
TO REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER.  
CASE CALLED FOR PRETRIAL HEARING  
PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)  
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL  
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY



DONALD RE PRIVATE COUNSEL  
PRETRIAL HEARING IS CONTINUED TO SEPTEMBER 8, 2016 IN THIS  
DEPARTMENT AS DAY 0 OF 30.  
WAIVES STATUTORY TIME.  
NEXT SCHEDULED EVENT:  
09/08/16 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 09/08/16 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING  
PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)  
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL  
PURSUANT TO THE STIPULATION OF THE PARTIES, PRETRIAL HEARING IS  
CONTINUED TO OCTOBER 13, 2016, AT 8:30 A.M. IN THIS DEPARTMENT  
AS DAY 0 OF 30.

WAIVES STATUTORY TIME.  
NEXT SCHEDULED EVENT:  
10/13/16 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 10/13/16 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING  
PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
JENNIFER HOLMES (REP) DON COCEK (CA)  
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL  
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

DONALD RE PRIVATE COUNSEL  
PRETRIAL HEARING IS CONTINUED TO NOVEMBER 4, 2016, AT 8:30 A.M.  
IN THIS DEPARTMENT AS DAY 0 OF 30.  
WAIVES STATUTORY TIME.  
NEXT SCHEDULED EVENT:  
UPON MOTION OF DEFENDANT  
11/04/16 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 11/04/16 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING  
PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)  
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL  
ROBERT L. SHAPIRO IS PRESENT REPRESENTING THE DEFENDANT.

COURT AND COUNSEL CONFER REGARDING OUTSTANDING DISCOVERY AND  
MOTIONS.

PRETRIAL HEARING AND MOTION FOR SEVERANCE ARE CONTINUED TO  
NOVEMBER 16, 2016, AT 8:30 A.M. IN THIS DEPARTMENT AS DAY  
12 OF 30.

A BODY ATTACHMENT FOR RUSSELL ALLEN LINCH IS ORDERED ISSUED IN  
THE AMOUNT OF \$26,000 (TWENTY-SIX THOUSAND) AND HELD TO  
NOVEMBER 16, 2016. LOS ANGELES CITY ATTORNEY'S OFFICE SUBPOENA  
IS FILED THIS DATE.

NEXT SCHEDULED EVENT:

11/16/16 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 12 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 11/16/16 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL  
DEPUTY CITY ATTORNEY, DAVID SHEPHARD, IS PRESENT.

PRETRIAL HEARING AND MOTION FOR SEVERANCE ARE CONTINUED TO  
NOVEMBER 30, 2016, AT 8:30 A.M. IN THIS DEPARTMENT AS DAY  
0 OF 30.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

11/30/16 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113

DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 11/30/16 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL  
DEPUTY CITY ATTORNEY, DAVID SHEPHERD, IS PRESENT TO ARGUE THE  
MOTION.

MOTION FOR SEVERANCE IS CALLED FOR HEARING.

THE COURT HAS READ AND CONSIDERED DEFENDANT'S MOTION FOR SEVERANCE OF DEFENDANTS FILED OCTOBER 25, 2016, PEOPLE'S POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANT'S MOTION FOR SEVERANCE OF DEFENDANTS FILED NOVEMBER 10, 2016, AND PEOPLE'S AMENDED POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANT'S MOTION FOR SEVERANCE OF DEFENDANTS FILED NOVEMBER 16, 2016.

DEFENDANT'S MOTION IS HEARD, ARGUED AND DENIED.

PRETRIAL HEARING IS CONTINUED TO JANUARY 09, 2017, AT 8:30 A.M. IN THIS DEPARTMENT AS DAY 0 OF 10.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

01/09/17 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/09/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY DONALD RE PRIVATE COUNSEL

PRETRIAL HEARING IS CONTINUED TO JANUARY 24, 2017, AT 8:30 A.M. IN THIS DEPARTMENT AS DAY 0 OF 10.

A BODY ATTACHMENT IN THE AMOUNT OF \$26,00 IS ORDERED ISSUED AND HELD AGAINST RUSSELL LINCH.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

01/24/17 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/24/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY DONALD RE PRIVATE COUNSEL

PRETRIAL HEARING IS CONTINUED TO FEBRUARY 6, 2017, AT 8:30 A.M. IN THIS DEPARTMENT AS DAY 0 OF 10.

BODY ATTACHMENT IS ORDERED ISSUED AND HELD AGAINST RUSSELL YNCH LYNCH TO FEBRUARY 6, 2017.

MARYLINE FOSTER IS ORDERED TO RETURN.

CASE NO. 5PY03637  
DEF NO. 03

Exhibit C Page 102 of 170

PAGE NO. 6  
DATE PRINTED 09/12/18

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

02/06/17 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 02/06/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL  
DAVID SHEPHERD, SCOTT MARCUS, TINA HESS, AND GABRIEL DERMER ARE

PRESENT REPRESENTING THE OFFICE OF THE CITY ATTORNEY.

THE COURT HAS READ AND CONSIDERED DEFENDANT'S MOTION TO RECUSE  
THE OFFICE OF THE CITY ATTORNEY FOR THE CITY OF LOS ANGELES  
FILED JANUARY 26, 2017; PEOPLE'S POINTS AND AUTHORITIES IN  
OPPOSITION TO DEFENDANT'S MOTION TO RECUSE THE OFFICE OF THE  
CITY ATTORNEY FOR THE CITY OF LOS ANGELES FILED FEBRUARY 3,  
2017; PEOPLE'S MEMORANDUM OF POINTS AND AUTHORITIES IN  
OPPOSITION TO DEFENDANT'S MOTION FOR PRETRIAL DISCOVERY; AND  
PEOPLE'S EX PARTE MOTION TO QUASH THE SUBPOENA/SUBPOENA DUCES  
TECUM TO THE CITY ATTORNEY FOR THE CITY OF LOS ANGELES FILED  
FEBRUARY 6, 2017.

COUNSEL FOR THE DEFENDANT'S ORAL REQUEST FOR A CONTINUANCE OF  
THE MOTION TO RECUSE IS HEARD AND DENIED.

COURT'S EXHIBITS A (ONE PAGE EMAIL DATED OCTOBER 16, 2016) AND  
B (EIGHT PAGE DOCUMENT TITLED "PROPOSED SENTENCING ORDER") ARE  
MARKED FOR IDENTIFICATION.

DEFENDANT'S MOTION TO RECUSE THE OFFICE OF THE CITY ATTORNEY  
IS HEARD, ARGUED AND DENIED.

PEOPLE'S EX PARTE MOTION TO QUASH THE SUBPOENA/SUBPOENA DUCES  
TECUM TO THE CITY ATTORNEY FOR THE CITY OF LOS ANGELES IS  
HEARD, ARGUED AND GRANTED.

COUNSEL FOR THE DEFENDANT STIPULATES TO TIME QUALIFYING A PANEL  
OF PROSPECTIVE JURORS.

PRETRIAL HEARING IS CONTINUED TO FEBRUARY 28, 2017, AT 8:30 A.M.  
IN THIS DEPARTMENT AS DAY 0 OF 10.

BODY ATTACHMENT FOR RUSSELL LYNCH IS HELD TO FEBRUARY 28, 2017.  
WAIVES STATUTORY TIME.  
NEXT SCHEDULED EVENT:

02/28/17 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 02/28/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) JADE LAVERTY (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL  
COURT AND COUNSEL CONFER IN CHAMBERS.

THE MATTER IS CONTINUED TO MARCH 21, 2017 AT 8:30 A.M. IN

DEPARTMENT 113 FOR PRETRIAL HEARING.

BODY ATTACHMENT FOR RUSSEL LYNCH IS HELD TO MARCH 21, 2017.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

03/21/17 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 20

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 03/21/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

DONALD RE PRIVATE COUNSEL

ROBERT SHAPIRO IS PRESENT REPRESENTING THE DEFENDANT.

PRETRIAL HEARING IS CONTINUED TO APRIL 11, 2017, AT 8:30 A.M.

IN THIS DEPARTMENT AS DAY 0 OF 30.

BODY ATTACHMENT REMAINS HELD.

NEXT SCHEDULED EVENT:

04/11/17 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/11/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
CHERYL D. FRANCK (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE

COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL  
ROBERT SHAPIRO IS PRESENT REPRESENTING THE DEFENDANT.

PRETRIAL HEARING IS CONTINUED TO APRIL 20, 2017, AT 8:30 A.M. IN  
THIS DEPARTMENT AS DAY 9 OF 30.

NEXT SCHEDULED EVENT:

04/20/17 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 09 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/20/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)

ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL

ROBERT SHAPIRO IS APPEARING ON BEHALF OF THE DEFENDANT.

PRETRIAL HEARING IS CONTINUED TO MAY 09, 2017, AT 8:30 A.M. IN  
THIS DEPARTMENT AS DAY 0 OF 10.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

05/09/17 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113  
DAY 00 OF 10

ON 05/09/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)

ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE  
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
DONALD RE PRIVATE COUNSEL

TINA HESS IS PRESENT WITH DON COCEK REPRESENTING THE OFFICE OF  
THE CITY ATTORNEY.

ROBERT SHAPIRO IS PRESENT WITH DONALD RE REPRESENTING THE  
DEFENDANT.

PRETRIAL HEARING IS CONTINUED TO MAY 30, 2017, AT 8:30 A.M. IN  
THIS DEPARTMENT AS A STIPULATED DAY 7 OF 10.

BODY ATTACHMENT IN THE AMOUNT OF \$26,000 IS ORDERED ISSUED AND  
HELD AGAINST RUSSELL A. LYNCH.

BIBI HORCHEK IS ORDERED TO RETURN.

MEDIA REQUESTS TO PHOTOGRAPH, RECORD, OR BROADCAST ARE SIGNED AND FILED THIS DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

05/30/17 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 113 DAY 07 OF 10

ON 05/25/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR ADVANCEMENT

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK) ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE

COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY DONALD RE PRIVATE COUNSEL

ROBERT SHAPIRO IS APPEARING ON BEHALF OF THE DEFENDANT.

COUNSEL FOR THE DEFENDANT'S REQUEST TO ADVANCE THIS MATTER FROM MAY 30, 2017 TO THIS DATE IS HEARD AND DENIED.

NEXT SCHEDULED EVENT:

MATTER PREV SET/REMAIN ON CLDR

ON 05/30/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PRETRIAL HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK) ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY DONALD RE PRIVATE COUNSEL

DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING RIGHTS:

WRITTEN ADVISEMENT OF RIGHTS AND WAIVERS FILED, INCORPORATED BY REFERENCE HEREIN

TRIAL BY COURT AND TRIAL BY JURY

- CONFRONTATION AND CROSS-EXAMINATION OF WITNESSES;
- SUBPOENA OF WITNESSES INTO COURT TO TESTIFY IN YOUR DEFENSE;
- AGAINST SELF-INCRIMINATION;

DEFENDANT ADVISED OF THE FOLLOWING:

- THE NATURE OF THE CHARGES AGAINST HIM, THE ELEMENTS OF THE OFFENSE IN THE COMPLAINT, AND POSSIBLE DEFENSES TO SUCH CHARGES;
- THE POSSIBLE CONSEQUENCES OF A PLEA OF GUILTY OR NOLO CONTENDERE, INCLUDING THE MAXIMUM PENALTY AND ADMINISTRATIVE SANCTIONS AND THE POSSIBLE LEGAL EFFECTS AND MAXIMUM PENALTIES INCIDENT TO SUBSEQUENT CONVICTIONS FOR THE SAME OR SIMILAR OFFENSES;
- THE EFFECTS OF PROBATION;
- IF YOU ARE NOT A CITIZEN, YOU ARE HEREBY ADVISED THAT A CONVICTION OF THE

OFFENSE FOR WHICH YOU HAVE BEEN CHARGED WILL HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES. COUNSEL FOR THE DEFENDANT JOINS IN THE WAIVERS AND CONCURS IN THE PLEA. COURT FINDS THAT EACH SUCH WAIVER IS KNOWINGLY, UNDERSTANDINGLY, AND EXPLICITLY MADE;

THE DEFENDANT PERSONALLY WITHDRAWS PLEA OF NOT GUILTY TO COUNT 01 AND PLEADS NOLO CONTENDERE WITH THE APPROVAL OF THE COURT TO A VIOLATION OF SECTION 12.21A1(A) LAM IN COUNT 01. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (01) : DISPOSITION: CONVICTED

THE DEFENDANT PERSONALLY WITHDRAWS PLEA OF NOT GUILTY TO COUNT 02 AND PLEADS NOLO CONTENDERE WITH THE APPROVAL OF THE COURT TO A VIOLATION OF SECTION 91.8105 LAM IN COUNT 02. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (02) : DISPOSITION: CONVICTED

THE DEFENDANT PERSONALLY WITHDRAWS PLEA OF NOT GUILTY TO COUNT 03 AND PLEADS NOLO CONTENDERE WITH THE APPROVAL OF THE COURT TO A VIOLATION OF SECTION 91.103.3 LAM IN COUNT 03. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (03) : DISPOSITION: CONVICTED

COURT ORDERS AND FINDINGS:

-TAHL WAIVER IS ORDERED FILED.

COURT FINDS THAT THERE IS A FACTUAL BASIS FOR DEFENDANT'S PLEA, AND COURT ACCEPTS PLEA.

TINA HESS IS PRESENT REPRESENTING THE OFFICE OF THE CITY ATTORNEY.

ROBERT SHAPIRO IS PRESENT REPRESENTING THE DEFENDANT.

THE COURT HAS READ AND CONSIDERED MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST FILED BY DAILYMMAIL.COM.

THERE BEING NO OBJECTIONS, THE ORDER ON MEDIA REQUEST TO PERMIT COVERAGE IS SIGNED AND FILED THIS DATE.

NOTARIZED TAHL WAIVER IS FILED THIS DATE.

PROBATION AND SENTENCING IS SET JUNE 27, 2017, AT 8:30 A.M. IN THIS DEPARTMENT AS DAY 0 OF 5.

DEFENDANT REMAINS ON HIS OWN RECOGNIZANCE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

06/27/17 830 AM PROBATION AND SENTENCE HEARING DIST VAN NUYS COURTHOUSE DEPT 113

ON 06/27/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROBATION AND SENTENCE HEARING

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DONALD RE PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY DONALD RE PRIVATE COUNSEL

ROBERT SHAPIRO IS PRESENT REPRESENTING THE DEFENDANT.

PROBATION AND SENTENCING IS CONTINUED TO JULY 20, 2017, AT



8:30 A.M. IN THIS DEPARTMENT AS DAY 0 OF 5.

ORDER ON MEDIA REQUEST FOR KTLA-NEWS AND DAILYMMAIL.COM ARE  
SIGNED AND FILED THIS DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

07/20/17 830 AM PROBATION AND SENTENCE HEARING DIST VAN NUYS COURTHOUSE  
DEPT 113

ON 07/20/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROBATION AND SENTENCE HEARING

PARTIES: ERIC P. HARMON (JUDGE) TATEVIK MKITARYAN (CLERK)

ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT L. SHAPIRO  
PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
ROBERT L. SHAPIRO PRIVATE COUNSEL

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE  
WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING  
JUDGMENT:

AS TO COUNT (01):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 036 MONTHS UNDER THE FOLLOWING TERMS AND CONDITIONS:

PAY A FINE OF \$1,000.00

PLUS A STATE PENALTY FUND ASSESSMENT OF \$2,900.00

PLUS \$40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

\$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

\$600.00 CRIMINAL FINE SURCHARGE (PURSUANT TO 1465.7 P.C.)

DEFENDANT TO PAY FINE TO THE COURT CLERK

PERFORM 200 HOURS OF COMMUNITY SERVICE

DEFENDANT SHALL PAY A RESTITUTION FINE IN THE AMOUNT OF \$150.00 TO THE COURT

TOTAL DUE: \$4,720.00

-MAKE RESTITUTION TO VICTIM AS STATED IN THE SENTENCING ORDER:

MOHAMED HADID (FILED JUNE 23, 2017) ITEM NUMBER 7 PURSUANT TO  
PC SECTION 1202.4(F).

IN THE STIPULATED SUM OF \$ 14,191.00 .

-DEFENDANT IS ORDERED TO PAY A PROBATION REVOCATION RESTITUTION

FINE PURSUANT TO PENAL CODE SECTION 1202.44, IN THE AMOUNT OF

\$ 150.00. THIS FINE SHALL BECOME EFFECTIVE UPON THE REVOCATION  
OF PROBATION.

COURT ORDERS AND FINDINGS:

-OBEY ALL LAWS AND ORDERS OF THE COURT.

-DEFENDANT ACKNOWLEDGES TO THE COURT THAT THE DEFENDANT

UNDERSTANDS AND ACCEPTS ALL THE PROBATION CONDITIONS, AND

DEFENDANT AGREES TO ABIDE BY SAME.

ANY MANDATORY AND NON-PUNITIVE FEES OR ASSESSMENTS ORDERED IN THIS CASE ARE NOT  
CONDITIONS OF PROBATION

COUNT (01): DISPOSITION: CONVICTED

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

SENTENCING

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING JUDGMENT:

AS TO COUNT (02):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 036 MONTHS UNDER THE FOLLOWING TERMS AND CONDITIONS:

PAY A FINE OF \$1,000.00

PLUS A STATE PENALTY FUND ASSESSMENT OF \$2,900.00

PLUS \$40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

\$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

DEFENDANT TO PAY FINE TO THE COURT CLERK

TOTAL DUE: \$3,970.00

IN ADDITION:

-MAKE RESTITUTION TO VICTIM AS STATED IN THE SENTENCING ORDER:

MOHAMED HADID (FILED JUNE 23, 2017) ITEM NUMBER 7 PURSUANT TO M

PC SECTION 1202.4(F).

IN THE STIPULATED SUM OF \$ 14,191.00 .

ANY MANDATORY AND NON-PUNITIVE FEES OR ASSESSMENTS ORDERED IN THIS CASE ARE NOT CONDITIONS OF PROBATION

COUNT (02): DISPOSITION: CONVICTED

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

PROBATION AND SENTENCE HEARING

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING JUDGMENT:

AS TO COUNT (03):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 036 MONTHS UNDER THE FOLLOWING TERMS AND CONDITIONS:

PAY A FINE OF \$1,000.00

PLUS A STATE PENALTY FUND ASSESSMENT OF \$2,900.00

PLUS \$40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

\$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

DEFENDANT TO PAY FINE TO THE COURT CLERK

TOTAL DUE: \$3,970.00

IN ADDITION:

-MAKE RESTITUTION TO VICTIM AS STATED IN THE SENTENCING ORDER:

MOHAMED HADID (FILED JUNE 23, 2017) ITEM NUMBER 7 PURSUANT TO M

PC SECTION 1202.4(F).

IN THE STIPULATED SUM OF \$ 14,191.00 .

COURT ORDERS AND FINDINGS:

-OBEY ALL LAWS AND ORDERS OF THE COURT.

-DEFENDANT ACKNOWLEDGES TO THE COURT THAT THE DEFENDANT

UNDERSTANDS AND ACCEPTS ALL THE PROBATION CONDITIONS, AND

DEFENDANT AGREES TO ABIDE BY SAME.

ANY MANDATORY AND NON-PUNITIVE FEES OR ASSESSMENTS ORDERED IN THIS CASE ARE NOT CONDITIONS OF PROBATION

TINA HESS IS PRESENT REPRESENTING THE OFFICE OF THE CITY ATTORNEY.

DONALD RE IS PRESENT REPRESENTING THE DEFENDANT.

THE COURT HAS READ AND CONSIDERED PEOPLE'S VICTIM IMPACT STATEMENTS; SENTENCING MEMORANDUM: MOHAMED HADID; SENTENCING ORDER: MOHAMED HADID; AND DECLARATION OF SR. ASSISTANT CITY ATTORNEY TINA HESS FILED JUNE 23, 2017; DEFENDANT'S SENTENCING MEMORANDUM OF MOHAMED HADID; AND SOCIAL HISTORY OF MOHAMED HADID FILED JULY 14, 2017.

THE MEDIA ORDERS FOR KTLA-NEWS; LOS ANGELES TIMES; DAILYMAIL.COM; KABC TV; AND KCAL 9/CBS 2 NEWS OR RTNA ARE SIGNED AND FILED THIS DATE.

SHAEN AKELYAN IS PLACED UNDER OATH AND TESTIFIES ON BEHALF OF THE PEOPLE.

THE COURT MAKES ITS ORDER REGARDING SENTENCING AS FOLLOWS AND AS INDICATED IN THE SENTENCING ORDER: MOHAMED HADID FILED JUNE 23, 2017, AND INCORPORATED HEREIN BY REFERENCE:

-DEFENDANT, OR IN HIS CAPACITY AS SOLE MANAGING MEMBER OF 901 STRADA LLC, IS ORDERED NOT TO TRANSFER ANY OWNERSHIP INTEREST IN THE PROPERTY LOCATED AT 901 STRADA VECCHIA, LOS ANGELES WITHOUT PROVIDING AT LEAST 30 DAYS WRITTEN NOTICE TO THE COURT AND TO THE OFFICE OF THE LOS ANGELES CITY ATTORNEY, (ATTN: DCA DON COCEK) SUPERVISOR CODE ENFORCEMENT UNIT, UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED.

-DEFENDANT IS ORDERED TO ADVISE THE LOS ANGELES CITY ATTORNEY'S OFFICE, CODE ENFORCEMENT SECTION (ATTENTION: DCA DON COCEK) AND THE LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY (ATTENTION: CHIEF INSPECTOR LUKE ZAMPERINI) OF ANY RESIDENTIAL OR COMMERCIAL PROJECT LOCATED IN THE CITY OF LOG ANGELES IN WHICH DEFENDANT HOLDS ANY INTEREST IN OR PARTICIPATED IN DURING THE TERM OF PROBATION.

FOR PURPOSE OF SENTENCING, "PARTICIPATE" SHALL INCLUDE, BUT IS NOT LIMITED TO: DESIGN, MANAGE, OVERSEE, OR SECURE FUNDING FOR. FOR PURPOSE OF THIS TERM, "ANY INTEREST" SHALL INCLUDE, BUT IS NOT LIMITED TO: ANY MANAGERIAL, OWNERSHIP OR FINANCIAL INTEREST.

-THE COURT ORDERS DEFENDANT LIABLE FOR COSTS OF THE LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY, FOR THE AMOUNT OF \$14,191 AND THE LOS ANGELES DEPARTMENT OF WATER AND POWER, IN AN AMOUNT TO BE DETERMINED, FOR THE INSPECTION, INVESTIGATION, AND EMERGENCY RESPONSE RELATED TO THE CONSTRUCTION PROJECT LOCATED AT 901 STRADA VECCIA AND THE RELATED CRIMINAL CASE, LOS ANGELES SUPERIOR COURT CASE NUMBER 5PY03637.

PAYMENT OF COSTS TO DATE SHALL BE MADE TO EACH DEPARTMENT WITHIN FIVE WORKING DAYS OF IMPOSITION OF SENTENCE. PROOF OF PAYMENT SHALL BE PROVIDED TO THIS COURT AND TO THE OFFICE OF THE LOS ANGELES CITY ATTORNEY, ATTENTION: DCA DON COCEK, WITHIN TEN BUSINESS DAYS OF IMPOSITION OF SENTENCE.

ANY ADDITIONAL COSTS INCURRED BY THE LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY, THE LOS ANGELES DEPARTMENT OF WATER AND POWER, OR ANY OTHER CITY DEPARTMENT AS A RESULT OF THE ILLEGAL GRADING AND CONSTRUCTION AT THE PROPERTY SHALL BE PAID WITHIN TEN DAYS OF RECEIPT OF BILLING.

-DEFENDANT IS ORDERED TO REIMBURSE THE LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY FOR THE SALARY AND RELATED COSTS INCURRED BY LADBS TO MAINTAIN A BUILDING AND SAFETY FOR THE SALARY AND RELATED COSTS INCURRED BY LADBS TO MAINTAIN A BUILDING INSPECTOR ON SITE AT THE PROPERTY AT ALL TIMES AFTER THE ISSUANCE OF A BUILDING PERMIT UP TO AND UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE WITH THE LOS ANGELES MUNICIPAL CODE AND THE LADBS HAS ISSUED A CERTIFICATE OF OCCUPANCY.

PAYMENT SHALL BE MADE ON A MONTHLY BASIS (FOR THE PRIOR MONTH) AND SHALL BE DUE ON THE 15TH OF EACH MONTH.

-WITHIN SEVEN (7) DAYS, DEFENDANT IS ORDERED TO RETAIN THE SERVICES OF A LICENSED GEOTECHNICAL ENGINEER TO DEVELOP A SLOPE STABILIZATION DESIGN AND PLAN ("SSDP"). THE SELECTION GEOTECHNICAL ENGINEER SHALL BE SUBJECT OF THE APPROVAL BY THE LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY.

-DEFENDANT IS ORDERED TO DELIVER TO LADBS, THE GEOTECHNICAL ENGINEER'S PROPOSED SLOPE STABILIZATION DESIGNED AND PLAN REPORT. THE SSDP SHALL INCLUDE THE SLOPE AND SOILS ANALYSIS, PROPOSED DESIGN, AND COST ESTIMATE TO STABILIZE THE HILLSIDE OF THE PROPERTY. THE SSDP SHALL BE DELIVERED TO LADBS NO LATER THAN 60 DAYS FROM TODAY'S DATE.

IN THE EVENT THE SINGLE FAMILY HOME IS COMPLETED, IT SHALL BE COMPLETED IN COMPLIANCE WITH THE SSDP AND ALL ORDERS AND DIRECTIVES OF THE LADBS.

IN THE EVENT THE SINGLE FAMILY HOME IS NOT COMPLETED, THE EXISTING STRUCTURE SHALL BE DEMOLISHED AND THE SLOPE TO BE STABILIZED PURSUANT TO THE SSDP AS DETERMINED BY THE CITY.

(THE TERMS OF THE SENTENCE ARE CONTINUED TO JULY 20, 2017 AT 9:00 A.M.)

COUNT (03): DISPOSITION: CONVICTED

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

09/18/17 830 AM PROGRESS REPORT DIST VAN NUYS COURTHOUSE DEPT 113

NEXT SCHEDULED EVENT:

07/20/18 900 AM PROOF OF COMPLETION/FINE DIST VAN NUYS COURTHOUSE DEPT CLK

CUSTODY STATUS: ON PROBATION

CUSTODY STATUS: ON PROBATION

CUSTODY STATUS: ON PROBATION

ON 07/20/17 AT 900 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROBATION AND SENTENCE HEARING

PARTIES: ERIC P. HARMON (JUDGE) TATEVIK MKITARYAN (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT L. SHAPIRO  
PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
ROBERT L. SHAPIRO PRIVATE COUNSEL  
(SENTENCING IS CONTINUED FROM JULY 20, 2017 AT 8:30 A.M.)

-WITHIN 60 DAYS OF LADBS' APPROVAL OF SSDP, THE DEFENDANT IS  
ORDERED TO SUBMIT CORRECTED PLANS TO MAKE ALL NECESSARY REPAIRS  
AND CORRECTIVE ACTIONS REQUIRED PURSUANT TO THE SSDP. DEFENDANT  
IS ORDERED TO OBTAIN TIMELY INSPECTIONS AND APPROVALS TO COMPLY  
WITH THE SSDP. DEFENDANT IS ORDERED TO COMMENCE WORK TO  
STABILIZE THE HILLSIDE PURSUANT TO THE SSDP.

DEFENDANT IS ORDERED TO SUBMIT PLANS, OBTAIN PERMITS TO MAKE ALL  
NECESSARY REPAIRS AND CORRECTIVE ACTIONS, OBTAIN TIMELY  
INSPECTIONS AND APPROVALS TO COMPLETE A SINGLE-FAMILY HOME AT  
THE PROPERTY.

ALTERNATIVELY, THE DEFENDANT IS ORDERED TO SUBMIT PLANS, OBTAIN  
PERMITS, INSPECTIONS AND APPROVALS FOR ALL WORK TO STABILIZE THE  
SLOPE AND DEMOLISH AND REMOVE THE SINGLE FAMILY HOME CURRENTLY  
UNDER CONSTRUCTION AT THE PROPERTY.

-IF THE DEFENDANT FAILS TO COMPLETE THE WORK DESCRIBED IN THE  
SSDP WITHIN THE PERIOD DETERMINED BY LADBS OR FAILS TO COMPLETE  
THE TIMELY CONSTRUCTION OR DEMOLITION OF THE STRUCTURE AT THE  
PROPERTY AS DETERMINED BY LADBS, DEFENDANT WILL AGREE TO THE  
APPOINTMENT OF A RECEIVER FOR THE PROPERTY.

-DEFENDANT IS ORDERED TO COMPLY WITH ALL DIRECTIVES AND ORDERS  
ISSUED BY LADBS WITHIN TIME FRAMES SET BY LADBS WITH RESPECT TO  
THE PROPERTY LOCATED AT 901 STRADA VECCHIA, LOS ANGELES OR ANY  
OTHER PROJECT THAT THE DEFENDANT MAY BE INVOLVED WITH LOCATED IN  
THE CITY OF LOS ANGELES.

-DEFENDANT IS ORDERED TO ALLOW LADBS ACCESS TO THE PROPERTY  
WITHOUT ADVANCE NOTICE AT ANY TIME. DEFENDANT IS ORDERED TO  
INSTRUCT HIS CONTRACTORS, EMPLOYEES, SECURITY PERSONNEL, AND ANY  
OF HIS AGENTS TO ALLOW LADBS PERSONNEL TO ACCESS THE PROPERTY AT  
ANY TIME.

-DEFENDANT IS ORDERED TO OBEY ALL LAWS, RULES, AND ORDERS OF THE  
COURT.

THE COURT SHALL CONSIDER THE FOLLOWING AT A LATER DATE:

PEOPLE'S REQUEST THAT THE DEFENDANT SHALL RETAIN A LICENSED  
CONTRACTOR WHO MUST SECURE A COMPLETION BOND TO COMPLETE THE  
SSDP AND THE DEMOLITION OF ANY STRUCTURES ON THE PROPERTY,  
INCLUDING THE INCOMPLETE SINGLE-FAMILY RESIDENCE; THE AMOUNT OF  
THE BOND SHALL INCLUDE THE COSTS FOR COMPLETING THE SSDP AND  
DEMOLITION OF THE EXISTING STRUCTURE IN THE EVENT DEFENDANT IS  
UNABLE OR UNWILLING TO COMPLY WITH THE SSDP AND COMPLETE  
CONSTRUCTION OF THE SINGLE-FAMILY HOME AT THE PROPERTY; AND IN

THE EVENT THE DEFENDANT IS UNABLE TO OR FAILS TO COMPLETE WORK DESCRIBED IN THE SSDP WITHIN A PERIOD AS DETERMINED BY LADBS, DEFENDANT SHALL NOTIFY THE BOND SURETY OF ITS REQUIREMENT TO COMPLETE THE WORK REQUIRED BY THE SSDP TO STABILIZE THE HILLSIDE AND DEMOLISH THE EXISTING STRUCTURE AT THE PROPERTY.

PROGRESS REPORT IS DUE ON SEPTEMBER 18, 2017, AT 8:30 A.M. IN THIS DEPARTMENT.

PROOF OF COMPLETION OF 200 HOURS COMMUNITY SERVICE AND PAYMENT OF COURT FINE/FEE'S IN THE AMOUNT OF \$12,660.00 ARE DUE JULY 20, 2018 AT THE CLERK'S OFFICE.

PROBATION IS IN EFFECT.

MINUTE ORDER IS PREPARED BY T. ZAVALA.

NEXT SCHEDULED EVENT:

MATTER PREV SET/REMAIN ON CLDR

08/04/17 ARREST DISPOSITION REPORT SENT VIA FILE TRANSFER TO DEPARTMENT OF JUSTICE

ON 09/18/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROGRESS REPORT

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT L. SHAPIRO  
PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
ROBERT L. SHAPIRO PRIVATE COUNSEL  
DONALD RE IS PRESENT REPRESENTING THE DEFENDANT.

PROGRESS IS STATED ON THE RECORD AND AS MORE FULLY REFLECTED IN THE NOTES OF THE OFFICIAL COURT REPORTER.

THE COURT FINDS THAT A SURETY BOND IS NOT NEEDED AT THIS TIME.

MATTER IS CONTINUED FOR FURTHER PROGRESS TO DECEMBER 04, 2017, AT 8:30 A.M. IN THIS DEPARTMENT.

PROBATION REMAINS IN EFFECT.

NEXT SCHEDULED EVENT:

12/04/17 830 AM PROGRESS REPORT DIST VAN NUYS COURTHOUSE DEPT 113

ON 12/04/17 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROGRESS REPORT

PARTIES: ERIC P. HARMON (JUDGE) ANNALIAH DOMIN (CLERK)  
ANN MARIE CIZIN (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT L. SHAPIRO  
PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
ROBERT L. SHAPIRO PRIVATE COUNSEL

PROOF OF 200 HOURS OF COMMUNITY SERVICE FILED THIS DATE.

MATTER IS CONTINUED FOR FURTHER PROGRESS REPORT ON THE DATE BELOW.

COURT ORDERS AND FINDINGS:

-ORIGINAL TERMS AND CONDITIONS OF PROBATION TO REMAIN IN FULL FORCE AND EFFECT.

NEXT SCHEDULED EVENT:

04/05/18 830 AM PROGRESS REPORT DIST VAN NUYS COURTHOUSE DEPT 113

CUSTODY STATUS: ON PROBATION

ON 04/05/18 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROGRESS REPORT

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
DOMINICA HOTCHKISS (REP) DON COCEK (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT L. SHAPIRO

PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT L. SHAPIRO PRIVATE COUNSEL  
DONALD RE IS PRESENT REPRESENTING THE DEFENDANT.

MATTER IS CONTINUED FOR PROGRESS REPORT TO MAY 24, 2018, AT 8:30 A.M. IN THIS DEPARTMENT.

PROBATION IS IN EFFECT.

NEXT SCHEDULED EVENT:

05/24/18 830 AM PROGRESS REPORT DIST VAN NUYS COURTHOUSE DEPT 113

ON 05/24/18 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROGRESS REPORT

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)  
HILDA GUTIERREZ (REP) MICHELLE MCGINNIS (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT L. SHAPIRO PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT L. SHAPIRO PRIVATE COUNSEL  
PROGRESS REPORT IS DUE JULY 19, 2018, AT 8:30 A.M. IN THIS DEPARTMENT.

PROBATION REMAINS IN EFFECT.

NEXT SCHEDULED EVENT:

07/19/18 830 AM PROGRESS REPORT DIST VAN NUYS COURTHOUSE DEPT 113

ON 07/19/18 AT 800 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROGRESS REPORT

PARTIES: ERIC P. HARMON (JUDGE) ANNALEAH DOMIN (CLERK)  
DOMINICA HOTCHKISS (REP) MICHELLE MCGINNIS (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT L. SHAPIRO PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

ROBERT L. SHAPIRO PRIVATE COUNSEL

APPEARING IN COURT FOR TODAY'S PROCEEDINGS ARE AS FOLLOWS:  
ATTORNEY SONEFF, IGNACIO RODRIGUEZ (ARCHITECT), MR. FRANK BUSH  
(GENERAL MANAGER OF LOS ANGELES DEPARTMENT OF BUILDING AND  
SAFETY), MR. RE AND SHAHEN AKELYAN.

MATTER IS CALLED FOR PROGRESS REPORT.

THE COURT IS IN RECEIPT OF SUPPLEMENTAL STATEMENT SUBMITTED BY  
HOMEOWNERS JOHN AND JUDITH BEDROSIAN AND JOSEPH AND  
BEATRIZ HORACEK, FILED JULY 16, 2018.

MR. SONEFF, COUNSEL FOR THE HOMEOWNERS JOHN AND JUDITH BEDROSIAN  
AND HORACEK ADDRESSES THE COURT.

COURT'S EXHIBIT A (BLOWN-UP PHOTO OF THE BUILDING STRUCTURE),  
COURT'S EXHIBIT B (BLOWN-UP PHOTO OF HORACEK'S RESIDENCE) ARE

MARKED FOR IDENTIFICATION BY REFERENCE ONLY AND ARE TO BE  
RETAINED BY SUBMITTING PARTY.

FRANK BUSH AND IGNACIO RODRIGUEZ AND SHAHEN AKELYAN ARE PLACED  
UNDER OATH AND ARE EXAMINED.

THE COURT STATES THAT IT IS LOOKING FOR IS TO FIND OUT IF  
DEFENDANT IS WITH THE CITY'S ORDERS. IN THE EVENT HE IS NOT IN  
COMPLIANCE, THE CITY SHOULD NOTIFY THE COURT EITHER BY WAY OF  
TESTIMONY OR SWORN AFFIDAVIT. ONLY THEN WILL THE COURT MAKE A  
DETERMINATION IF DEFENDANT IS IN VIOLATION OF PROBATION OR NOT.

AS STIPULATED BY ALL PARTIES, THIS MATTER IS CONTINUED FOR  
FURTHER HEARING ON DEFENDANT'S PROGRESS ON HIS PROBATION TO THE  
DATE OF SEPTEMBER 5, 2018, AT 10:30 A.M. IN THIS DEPARTMENT.

COURT ORDERS AND FINDINGS:

-ORIGINAL TERMS AND CONDITIONS OF PROBATION TO REMAIN IN FULL  
FORCE AND EFFECT.

NEXT SCHEDULED EVENT:

MATTER PREV SET/REMAIN ON CLDR

CUSTODY STATUS: ON PROBATION

ON 07/19/18 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROGRESS REPORT

PARTIES: ERIC P. HARMON (JUDGE) ANNALEAH DOMIN (CLERK)  
HILDA GUTIERREZ (REP) MICHELLE MCGINNIS (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT L. SHAPIRO  
PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
ROBERT L. SHAPIRO PRIVATE COUNSEL

MATTER IS CONTINUED TO SEPTEMBER 05, 2018, AT 10:30 A.M. IN THIS  
DEPARTMENT.

MINUTE ORDER ENTERED BY T. ZAVALA.

NEXT SCHEDULED EVENT:

09/05/18 1030 AM PROGRESS REPORT DIST VAN NUYS COURTHOUSE DEPT 113



ON 09/05/18 AT 1030 AM IN VAN NUYS COURTHOUSE DEPT 113

CASE CALLED FOR PROGRESS REPORT

PARTIES: ERIC P. HARMON (JUDGE) THERESE ZAVALA (CLERK)

ANN MARIE CIZIN (REP) MICHELLE MCGINNIS (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT L. SHAPIRO  
PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY  
ROBERT L. SHAPIRO PRIVATE COUNSEL  
DONALD RE IS PRESENT REPRESENTING THE DEFENDANT.

FURTHER PROCEEDINGS REGARDING PROBATION VIOLATION HEARING  
SETTING IS CONTINUED TO SEPTEMBER 13, 2018, AT 10:30 A.M. IN  
THIS DEPARTMENT.

PROBATION REMAINS IN EFFECT.

NEXT SCHEDULED EVENT:

09/13/18 1030 AM POSSIBLE VIOL. OF PROBATION DIST VAN NUYS COURTHOUSE  
DEPT 113

# EXHIBIT B

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 113 HON. ERIC HARMON, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA, )  
 )  
 PLAINTIFF, ) CASE 5PY03637-03  
 )  
 VS. )  
 )  
 MOHAMED A. HADID, )  
 )  
 DEFENDANT. )

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JULY 19, 2018

APPEARANCES:

FOR PLAINTIFF: OFFICE OF THE CITY ATTORNEY  
BY: MICHELLE H. MCGINNIS, DEPUTY  
CITY HALL EAST  
200 NORTH MAIN STREET, 5TH FLOOR  
LOS ANGELES, CALIFORNIA 90012

FOR RESPONDENT: GLASER WEIL  
BY: ROBERT L. SHAPIRO  
10250 CONSTELLATION BOULEVARD  
19TH FLOOR  
LOS ANGELES, CALIFORNIA 90067

LAW OFFICES OF DONALD M. RÉ  
BY: DONALD M. RÉ  
624 SOUTH GRAND AVENUE  
TWENTY SECOND FLOOR  
LOS ANGELES, CALIFORNIA 90017

FOR THIRD PARTIES: MANATT, PHELPS & PHILLIPS, LLC  
BY: GEORGE M. SONEFF  
JORDAN FERGUSON  
11355 WEST OLYMPIC BOULEVARD  
LOS ANGELES, CALIFORNIA 90064

HILDA GUTIERREZ, CSR 12714, RPR  
OFFICIAL COURT REPORTER

1 CASE NUMBER: 5PY03637-03  
2 CASE NAME: PEOPLE VS. MOHAMED A. HADID  
3 VAN NUYS, CALIFORNIA THURSDAY, JULY 19, 2018  
4 DEPARTMENT 113 HON. ERIC HARMON, JUDGE  
5 REPORTER: HILDA GUTIERREZ, CSR 12714, RPR  
6 APPEARANCES: (AS HERETOFORE MENTIONED)  
7 TIME: 9:34 A.M.

8  
9 (THE FOLLOWING PROCEEDINGS WERE  
10 HELD IN OPEN COURT:)

11  
12 THE COURT: THIS IS NUMBER 22; MOHAMED HADID,  
13 5PY03637. HE'S NOT HERE BUT HIS ATTORNEY IS HERE  
14 977(A).

15 ONE MOMENT.

16 HIS ATTORNEY IS NOW PRESENT; MR. SHAPIRO.

17 MS. SHAPIRO: AND MR. Ré.

18 THE COURT: AND MR. Ré.

19 MS. SHAPIRO: YES. HE IS PRESENT.

20 THE COURT: AND FOR THE PEOPLE?

21 MS. MCGINNIS: MICHELLE MCGINNIS FOR THE PEOPLE,  
22 YOUR HONOR.

23 THE COURT: ALL RIGHT. SO TODAY IS SET FOR A  
24 PROGRESS REPORT. I WOULD LIKE TO HEAR THAT PROGRESS  
25 REPORT.

26 AND THE COURT IS IN RECEIPT OF -- OF WHAT  
27 IS ENTITLED, "SUPPLEMENTAL STATEMENT SUBMITTED BY  
28 HOMEOWNERS JOHN AND JUDITH BEDROSIAN AND JOSEPH AND

1 BEATRIZ HORACEK." THAT WAS FILED JULY 16, 2018. I HAVE  
2 NOT READ IT IN ITS ENTIRETY.

3 DO BOTH SIDES HAVE THIS?

4 MS. SHAPIRO: WE DO, YOUR HONOR.

5 MS. MCGINNIS: YES, YOUR HONOR.

6 ATTORNEY SONEFF IS PRESENT IN COURT TODAY,  
7 AND HE IS ASKING TO BE HEARD. HE CAN PROBABLY WALK THE  
8 COURT THROUGH THAT DOCUMENT IN LESS THAN TEN MINUTES.

9 THE COURT: WHAT OTHER PROGRESS REPORTS ARE  
10 NECESSARY BEFORE WE GET TO THAT?

11 MS. SHAPIRO: I -- I THINK WE CAN BRING YOU UP TO  
12 DATE AS TO THE PROGRESS THAT WE'RE TRYING TO DO TO BRING  
13 THIS BUILDING INTO COMPLIANCE PURSUANT TO THE COURT  
14 ORDER. WE HAVE IGNACIO RODRIGUEZ HERE WHO IS THE  
15 ARCHITECT.

16 MS. MCGINNIS: YOUR HONOR, I --

17 I'M SORRY.

18 MS. SHAPIRO: AND THE BUILDING AND SAFETY PEOPLE  
19 ARE HERE.

20 MS. MCGINNIS: YOUR HONOR, I HAVE THE GENERAL  
21 MANAGER OF BUILDING AND SAFETY HERE, MR. FRANK BUSH.  
22 HE'S PREPARED TO GIVE THE COURT AN UPDATE AS WELL.

23 I HAVE BEEN MADE AWARE OF THE CURRENT  
24 STATUS, AND I CAN DELIVER THAT TO THE COURT IN  
25 RELATIVELY SHORT ORDER.

26 THE COURT: IN SHORT, IS THE CITY SATISFIED WITH  
27 THE PROGRESS BEING MADE?

28 MS. SHAPIRO: NO. NO. HERE IS WHAT'S HAPPENED.

1 THE CITY IS NOT SATISFIED. AND THERE IS A  
2 REASON FOR IT. AND THAT IS WHY WE NEED MR. RODRIGUEZ TO  
3 ADDRESS THE COURT.

4 THEY GAVE MR. RODRIGUEZ A WEEK TO SUBMIT A  
5 PLAN FOR REMOVING AN ENORMOUS AMOUNT OF DIRT AND  
6 REPLACING AN ENORMOUS AMOUNT OF DIRT ON THE SLOPE BEFORE  
7 ANYTHING CAN BE EVEN DISCUSSED ABOUT THE BUILDING. AND  
8 HE IS WORKING DILIGENTLY ON THAT, BUT HE WILL NOT HAVE  
9 THAT FOR ABOUT ANOTHER WEEK TO GET A PROPOSAL.

10 BUT BEYOND THAT, HERE IS WHAT IS REALLY  
11 GOING TO HAPPEN, YOUR HONOR. AND I DON'T THINK MR. BUSH  
12 OR ANYBODY ELSE IN THIS BUILDING IS GOING TO DISAGREE.  
13 NO MATTER WHAT COMES UP FROM THAT REPORT, NO MATTER WHAT  
14 THE CITY DOES, A VARIANCE IS GOING TO BE NEEDED. IN  
15 ORDER TO GET A VARIANCE, THERE HAS TO BE A HEARING.  
16 WHOEVER WINS THAT HEARING IS GOING TO APPEAL. WHICHEVER  
17 SIDE -- IF MR. HADID'S SIDE WINS, THE OTHER SIDE WILL  
18 APPEAL. IF THE OTHER SIDE WINS, MR. HADID WILL APPEAL.  
19 WE ARE THEN GOING OUT FOR ANOTHER THREE, FOUR -- FIVE  
20 YEARS OF APPELLATE LITIGATION.

21 THE STATUS OF THIS CASE, YOUR HONOR, IS --  
22 IS THIS. YOU HAVE DONE EVERYTHING IMAGINABLE. THE CITY  
23 HAS DONE EVERYTHING IMAGINABLE. WE BELIEVE MR. HADID  
24 HAS DONE EVERYTHING IMAGINABLE TO BRING EVERYTHING  
25 TOGETHER AND TO TRY TO GET THIS INTO COMPLIANCE. ALL  
26 THAT HAS HAPPENED IS EXACTLY WHAT I PREDICTED WHEN HIS  
27 PLEA WAS ENTERED: THIS MATTER IS GOING TO END UP IN  
28 CIVIL LITIGATION, THAT BOTH MR. HADID AND THE CITY ARE

1 GOING TO BE SUED, AND THAT'S WHAT HAPPENED. LAWSUITS  
2 HAVE BEEN FILED AGAINST MR. HADID AND THE CITY.

3 IT'S CLEAR TO ME AND IT'S ALMOST CLEAR  
4 FROM THE PAPERS THAT HAVE BEEN FILED ON BEHALF OF THE  
5 SUPPOSED VICTIMS IN THIS CASE OR ACTUALLY PARTIES IN  
6 INTEREST THAT THIS CASE IS NOT GOING TO GET RESOLVED BY  
7 YOU NO MATTER HOW HARD YOU TRY, NO MATTER HOW MANY TIMES  
8 WE COME BACK, NO MATTER WHAT YOU TRY TO DO. IT CAN'T  
9 GET DONE. THIS THING IS ONLY GOING TO BE RESOLVED IN  
10 THE CIVIL COURTS OVER A LENGTHY LITIGATION TO COME TO  
11 SOME CONCLUSION AS TO WHETHER OR NOT SOME TYPE OF  
12 COMPLIANCE CAN BE MADE OR WHETHER OR NOT THE CITY IS  
13 WILLING TO GIVE PERMITS TO DESTROY THE BUILDING. AND  
14 THAT IS NOTHING THAT YOU CAN DO, YOUR HONOR.

15 THE COURT: I FIND YOUR LACK OF FAITH DISTURBING.  
16 IT'S A CRIMINAL COURT. AND SO HE'S ON PROBATION TO ME.  
17 AND WE WOULD, OF COURSE, HAVE HEARINGS WHERE THE  
18 STANDARD OF PROOF IS A LITTLE BIT DIFFERENT AND THE  
19 ISSUE IS DIFFERENT.

20 HE'S AGREED TO BE ON PROBATION AND DO  
21 CERTAIN THINGS. IF THE PEOPLE FEEL AS THOUGH HE'S NOT  
22 DOING THOSE THINGS IN GOOD FAITH, THEY CAN FILE A  
23 REQUEST TO HAVE A HEARING. AT WHICH TIME WE WOULD TAKE  
24 TESTIMONY, AND I WOULD FIGURE OUT WHETHER HE'S  
25 PROCEEDING IN GOOD FAITH OR WHETHER HE'S WILLFULLY  
26 FAILING TO LIVE UP TO HIS PART OF THE BARGAIN. IF, AT  
27 THE END OF THAT, HE IS FOUND TO BE IN VIOLATION OF  
28 PROBATION, THEN HE WOULD GO TO JAIL.

1 MS. SHAPIRO: I UNDERSTAND THAT.

2 THE COURT: SO IT JUST DEPENDS ON HOW WE DEFINE  
3 "SOLVING THE THING." IF THE THING IS THE PROPERTY  
4 ITSELF, YOU ARE RIGHT. I HAVE VERY LITTLE ABILITY TO  
5 WAVE A MAGIC WAND AND MAKE THAT GO AWAY, BUT I DO HAVE  
6 POWER OVER HIM TO MAKE HIM DO THOSE THINGS THAT HE HAS  
7 AGREED TO DO.

8 I AM NOT PREJUDGING IT BECAUSE I DON'T  
9 KNOW THE STATE OF THIS RIGHT NOW, AND I WOULD LIKE TO  
10 HEAR FROM THE RELEVANT WITNESSES. AND I WOULD LIKE TO  
11 READ THROUGH THIS.

12 IT'S ABOUT 9:45 RIGHT NOW. I THINK I CAN  
13 READ THROUGH THIS. AND THEN, IF YOU WOULD LIKE, YOU CAN  
14 CALL WITNESSES. IT WOULDN'T BE A VIOLATION OF PROBATION  
15 HEARING TODAY.

16 MS. SHAPIRO: OKAY.

17 THE COURT: IT WOULD JUST BE THE WITNESSES, UNDER  
18 OATH, GIVING ME AN IDEA OF WHAT THE STATUS IS.

19 IF THE PEOPLE ALLEGE THAT THAT IS A  
20 VIOLATION, THEN HE WOULD BE ON NOTICE. AND WE WOULD  
21 HAVE A FULL-BLOWN PROBATION VIOLATION HEARING. IT CAN'T  
22 BE DONE RIGHT NOW BECAUSE I HAVE 30 OTHER CASES AND I  
23 HAVE A JURY TRIAL THAT IS ONGOING. BUT -- AND HE  
24 DESERVES NOTICE AS TO EXACTLY -- PRECISELY WHAT IT IS  
25 THAT HE'S -- HOW IT IS THAT HE'S IN VIOLATION OF  
26 PROBATION.

27 SO THE OTHER MINOR PROCEDURAL ISSUE IS  
28 THAT IT'S UNUSUAL FOR THE ATTORNEY FOR THIRD PARTIES TO



1 FILE SOMETHING FOR THE COURT TO CONSIDER. I AM HAPPY TO  
2 CONSIDER IT IF ALL PARTIES HAVE NOTICE. THEY DO. IF  
3 NOBODY IS OBJECTING, I WILL CONSIDER IT. I DON'T HAVE A  
4 PROBLEM WITH PEOPLE BEING HEARD AT ALL. I MIGHT BE ABLE  
5 TO CLEAR THE DECKS IN -- IN THE CALENDAR AREA, AND THEN  
6 HEAR FROM ALL THE LAWYERS AND THE WITNESSES.

7 MS. SHAPIRO: YOUR HONOR, BECAUSE OF THE  
8 RELATIVELY COMPLEX NATURE OF WHAT WOULD BE REQUIRED TO  
9 PUT ON A REASONABLE HEARING FOR YOU TO MAKE A  
10 DETERMINATION, WE WOULD SUGGEST THAT WE PUT THIS OVER TO  
11 ANOTHER DAY TO GET OUR WITNESSES TOGETHER, THE PEOPLE  
12 CAN GET THEIR WITNESSES TOGETHER, AND YOU CAN HEAR FROM  
13 EVERYONE AS TO WHAT THE STATUS IS AND WHAT EVERYBODY IS  
14 TRYING TO DO.

15 MS. MCGINNIS: IF I MAY, YOUR HONOR?

16 THE COURT: SURE.

17 MS. MCGINNIS: THE PEOPLE ARE READY. THE  
18 WITNESSES ARE HERE. IT WOULD TAKE ABOUT 15 MINUTES OF  
19 THE COURT'S TIME. IN RELATIVELY SHORT ORDER, BUILDING  
20 AND SAFETY WILL EXPLAIN. WE'RE A LOT MORE OPTIMISTIC  
21 AND, WE FELT, MUCH MORE CLOSER TO COMPLIANCE THAN  
22 DEFENSE COUNSEL FEELS.

23 AFTER THE MAY 23RD COURT DATE, THERE HAVE  
24 BEEN NO CORRECTED PLANS SUBMITTED. PRIOR TO THAT, THERE  
25 WERE THREE. IF THOSE PLAN CORRECTIONS ARE MADE AND THE  
26 SQUARE FOOTAGE IS, IN FACT, CUT DOWN TO 11,500  
27 APPROXIMATELY, THERE IS A COUPLE OF VARIANCES THAT ARE  
28 REQUIRED. BUT IF THOSE THINGS WERE ORDERED BY THE COURT

1 TO BE SUBMITTED WITHIN 30 DAYS, WE WOULD BE MAKING  
2 PROGRESS IN THIS CASE. IT'S JUST THAT NOTHING HAS BEEN  
3 SUBMITTED SINCE MAY 23RD,

4 THE COURT: I AM WILLING TO HEAR, ON A  
5 PRELIMINARY LEVEL, FROM PEOPLE RIGHT NOW. BUT I  
6 DON'T -- I DON'T WANT EVERYONE TO BELIEVE THAT ANY  
7 DECISION IS GOING TO BE MADE TODAY BECAUSE THE -- IN  
8 ORDER TO HAVE A FULL AND COMPLETE HEARING, IT'S  
9 NECESSARY THAT THE PEOPLE, REPRESENTED BY THE CITY  
10 ATTORNEY'S OFFICE, FILE A PROBATION VIOLATION HEARING  
11 SETTING. SO THEN ON THAT DATE I CAN BUDGET ENOUGH TIME  
12 TO ACTUALLY HEAR EVERYBODY.

13 SO WE MIGHT BE REPEATING OURSELVES IF WE  
14 TAKE A LITTLE BIT OF TESTIMONY TODAY, IF I HEAR FROM THE  
15 LAWYERS TODAY. I AM WILLING TO DO THAT SO LONG AS  
16 EVERYONE UNDERSTANDS THAT -- IT MIGHT NARROW DOWN THE  
17 ISSUES TOO AND IT MIGHT GET -- IT MIGHT HELP THE PARTIES  
18 UNDERSTAND WHAT MR. HADID NEEDS TO DO TO REMAIN IN GOOD  
19 STANDING WITH THE COURT.

20 WHY DON'T I HEAR FROM MR. SONEFF, IS IT?

21 MR. SONEFF: YES, YOUR HONOR.

22 THE COURT: GO AHEAD, SIR.

23 MR. SONEFF: THANK YOU.

24 I REPRESENT THE HOMEOWNERS WHO LIVE BELOW  
25 THIS, JOHN AND JUDITH BEDROSIAN AND JOHN AND BEATRIZ  
26 HORACEK IN THE BACK ROW THERE.

27 WE SUBMITTED THIS STATEMENT TO YOU BECAUSE  
28 I FELT THAT, AFTER REVIEWING THE ENTIRE CRIMINAL FILE,

1 MEETING WITH THE CITY ATTORNEY, AND GETTING ALL THE  
2 FACTS I COULD GET MY HANDS ON, THAT THIS COURT WAS NOT  
3 FULLY INFORMED A YEAR AGO TOMORROW -- IT WAS JULY 20 OF  
4 LAST YEAR -- WHERE YOU HAD A FAIRLY EXTENSIVE SENTENCING  
5 HEARING.

6 AND I READ THAT TRANSCRIPT. AND I FELT  
7 THAT -- I SAW THAT YOU HAD TWO PRIMARY CONCERNS: FIRST  
8 WAS FOR THE SAFETY OF THE RESIDENTS AND SECONDLY WAS TO  
9 BRING THIS PROPERTY INTO COMPLIANCE. AND THEN YOU ALSO  
10 NOTED THAT PUNISHMENT WAS SOMETHING THAT YOU HAD TO  
11 ADDRESS. PERFECTLY UNDERSTANDABLE. AND I APPRECIATE  
12 IT. I UNDERSTAND THAT.

13 AND I READ THE TRANSCRIPT. AND I KNOW  
14 THAT, AT THE TIME YOU ENTERED WHAT IS A FAIRLY EXTENSIVE  
15 SET OF TERMS FOR PROBATION THAT ARE REFLECTED IN THE  
16 DOCKET, THAT YOU WERE NOT PRESENTED WITH THE FACTS AS TO  
17 WHAT HAD HAPPENED THERE, WHAT FORMAL ACTIONS LA  
18 DEPARTMENT OF BUILDING AND SAFETY HAD ALREADY TAKEN.

19 AND SO I FILED THIS SUPPLEMENT TO -- TO,  
20 FIRST OF ALL, TO BRING THAT TO YOUR ATTENTION. I WOULD  
21 LIKE TO WALK THROUGH THAT BRIEFLY, AND THEN A COUPLE OF  
22 OTHER FACTS I HAVE ALSO LEARNED, AND THEY ARE THAT ON  
23 MARCH 23RD OF THIS YEAR, SO ROUGHLY EIGHT MONTHS AFTER  
24 YOU SENTENCED -- YOU IMPOSED SENTENCE, THE DEPARTMENT OF  
25 BUILDING AND SAFETY ISSUED AN ORDER TO COMPLY BECAUSE  
26 MR. HADID OR SOMEBODY ON HIS BEHALF HAD BEEN DOING  
27 UNPERMITTED FILL, MOVING IT INTO THE THEATER AREA, THE  
28 ILLEGAL THEATER AREA. AND THAT IS EXHIBIT A OF WHAT WE

1 HAVE ATTACHED HERE WHICH IS A MARCH 23, 2018, ORDER TO  
2 COMPLY, STATING THAT ON MARCH 21, 2018, IT WAS REVEALED  
3 TO THE DEPARTMENT THAT UNAUTHORIZED EXCAVATIONS AND  
4 REMOVAL OF PREVIOUSLY PLACED FILL IN THE UNPERMITTED  
5 THEATER AREA HAD COMMENCED.

6 AND THIS IS EMBLEMATIC OF BOTH INACTION  
7 AND MISACTION THAT'S BEEN TAKING PLACE WITH REGARD TO  
8 THIS SITE.

9 MY CLIENTS LIVE BELOW WHAT IS CONTINUING  
10 TO BE A VERY THREATENING AND DANGEROUS SITE. THE  
11 MAILMAN AND THE FEDEX MAN ARE AFRAID TO COME TO  
12 MR. HORACEK'S DOORSTEP BECAUSE OF WHAT IS EXISTING OUT  
13 THERE.

14 AND NOTHING HAS HAPPENED IN THE YEARS  
15 SINCE THE PERMITS HAVE BEEN PULLED.

16 THE SECOND THING I WOULD LIKE TO BRING TO  
17 YOUR ATTENTION IS EXHIBIT E IN THIS PACKAGE WHICH IS AN  
18 APRIL 8, 2015, ORDER TO COMPLY ISSUED BY THE CITY OF  
19 LOS ANGELES, DEPARTMENT OF BUILDING AND SAFETY. AND  
20 IF YOU CAN TURN TO THE SECOND PAGE OF THAT, YOU SEE IN  
21 SECTION 2 THERE IS WHERE THE BUILDING -- THIS WAS ISSUED  
22 TO MR. HADID. IT SAYS, "THE FOLLOWING UNAPPROVED,  
23 UNPERMITTED CONSTRUCTION WAS OBSERVED ON APRIL 6, 2015."  
24 AND THEY LIST IT. AND I WOULD LIKE TO JUST BRIEFLY SHOW  
25 YOU WHAT THAT IS.

26 IF I CAN ASK MR. FERGUSON TO BRING SOME  
27 PHOTOS UP HERE.

28 **NOTE TO REPORTER:** FERGUSON

1 I BELIEVE THE COURT HAS SEEN THIS  
2 PHOTOGRAPH BEFORE.

3 THE COURT: WHY DON'T WE DO THIS. WE CAN MARK  
4 THEM FOR REFERENCE ONLY. WE WILL SAY THAT ONE THAT YOU  
5 HAVE IN YOUR HAND IS --

6 ONE MOMENT.

7  
8 (CONVERSATION BETWEEN THE COURT AND THE CLERK.)

9  
10 THE COURT: ALL RIGHT. WE WILL CALL IT COURT'S  
11 EXHIBIT A. IF YOU WILL JUST NOTE THAT SOMEWHERE ON  
12 THERE SO THAT GOING FORWARD .... THESE WILL BE RETAINED  
13 BY YOU.

14 GO AHEAD.

15 MR. SONEFF: THANK YOU, YOUR HONOR.

16 COURT'S EXHIBIT A, I BELIEVE THE COURT HAS  
17 SEEN THIS BEFORE. THIS IS THE STRUCTURE THAT MR. HADID  
18 BUILT, MUCH OF WHICH IS ILLEGAL. THIS IS MR. HORACEK'S  
19 HOME, MY CLIENT. MR. AND MRS. HORACEK LIVE RIGHT HERE.  
20 SO WHEN YOU WALK OUT THEIR FRONT DOOR, THERE IS A ROAD  
21 THAT COMES HERE, THE PLACE WHERE THEY LIVE. IF YOU WALK  
22 OUT THEIR FRONT DOOR AND TURN TO THE LEFT, THIS WILL --  
23 WE WILL MARK THIS AS EXHIBIT B, COURT'S EXHIBIT B --  
24 THIS IS WHAT YOU SEE. THERE IS THIS HILLSIDE.

25 NOW SOME TARPS HAVE BEEN REMOVED, BUT THIS  
26 IS ALL STILL THERE. AND IT IS ENORMOUS -- TO GO OUT  
27 THERE -- THE PICTURES DON'T DO IT JUSTICE. THIS IS  
28 THREATENING. IT'S THREATENING TO ANYONE WHO -- WHO IS

1 THERE.

2 BUT I WOULD LIKE TO SPECIFICALLY WALK  
3 THROUGH THIS ORDER TO COMPLY AND WHAT WAS DEEMED TO BE  
4 ILLEGAL AND UNAUTHORIZED. AND THE REASON, TO WALK  
5 THROUGH THAT BRIEFLY, IS -- THERE IS THIS QUESTION ABOUT  
6 HOW DOES HE BRING THIS INTO COMPLIANCE. RIGHT? SO THE  
7 ORDER, EXHIBIT E, LISTS UNAUTHORIZED -- THIS  
8 UNAUTHORIZED CONSTRUCTION. AND THEN ON THE NEXT PAGE,  
9 IT SAYS, "YOU ARE HEREBY ORDERED TO COMPLY WITH THE  
10 FOLLOWING REQUIREMENTS ON OR BEFORE APRIL 22ND, 2015."

11 AND THIS IS PAGE 3 OF 4 OF THIS ORDER.

12 IF YOU LOOK THERE, "STOP ALL WORK,"  
13 "SUBMIT PLANS," "COMPLY WITH ORDERS." AND THEN ROMAN  
14 NUMERAL 6: "IF NO PERMITS OR APPROVALS ARE OBTAINED FOR  
15 THE UNAUTHORIZED, UNAPPROVED CONSTRUCTION AS MENTIONED  
16 IN THIS ORDER, THEN DEMOLISH AND REMOVE ALL  
17 UNAUTHORIZED, UNAPPROVED CONSTRUCTION AND RESTORE THE  
18 SITE TO ITS APPROVED STATE." SO THIS IS THE ORDER FROM  
19 THE CITY OF LOS ANGELES.

20 NOW THIS WAS APPEALED BY MR. HADID IN 2015  
21 SAYING THAT, "WELL, I DON'T" -- "YOU DON'T GIVE ME  
22 ENOUGH TIME. YOU ONLY GAVE ME A COUPLE OF WEEKS TO GET  
23 THE PERMITS OR TO DEMOLISH. THAT CAN'T BE RIGHT." AND  
24 HE APPEALED. AND THE APPEALS GO TO THE BOARD OF SAFETY  
25 COMMISSIONERS WITH THE CITY OF LOS ANGELES. AND  
26 EXHIBIT F IS THE DECISION OF THE BOARD OF SAFETY  
27 COMMISSIONERS DATED JUNE 10, 2015.

28 MS. SHAPIRO: YOUR HONOR, MAY I JUST CALL TO THE

1 COURT'S ATTENTION THIS IS THE REASON WE'RE IN COURT.  
2 THIS IS THE BASIS OF THE VIOLATION.

3 THE COURT: I UNDERSTAND YOU MIGHT HAVE SOMETHING  
4 TO SAY ABOUT WHAT HE'S REFERRING TO. I WILL GIVE YOU A  
5 CHANCE IN A MOMENT.

6 AND I AM KEEPING IT IN PROPER CONTEXT.  
7 THESE ARE THINGS THAT WERE -- WERE ORDERED TO HAVE BEEN  
8 DONE THREE YEARS AGO. AND HIS POINT IS THEY HAVE NOT  
9 YET BEEN DONE.

10 MR. SONEFF: THANK YOU, YOUR HONOR.

11 EXHIBIT F IS THE APPEAL DECISION OF  
12 MR. HADID'S APPEAL. YOU CAN SEE IT WAS -- ITEM 2 THERE,  
13 ON EXHIBIT F, IS "DENY THE REQUEST FOR EXTENSION OF TIME  
14 TO COMPLY. WITH PREJUDICE." AND THEY MADE ONE FINDING  
15 WHICH IS ON THE SECOND PAGE OF THE APPEAL.

16 "FINDING: THE REQUEST DOES NOT  
17 MEET THE SPIRIT AND INTENT OF THE  
18 CODE INASMUCH AS THIS IS A  
19 SELF-IMPOSED HARDSHIP DUE TO THE FACT  
20 THAT ALL OF THE WORK IN QUESTION WAS  
21 DONE OUTSIDE THE BOUNDS OF THE PERMIT  
22 AND APPROVED PLANS."

23 SO THAT'S THE STATUS OF THE LA DEPARTMENT  
24 OF BUILDING AND SAFETY OFFICIAL ACTION. IT WAS TO  
25 DEMOLISH BY APRIL 22, 2015, AND THE APPEAL WAS DENIED.

26 AND I WOULD LIKE MR. FERGUSON TO BRIEFLY  
27 POINT OUT WHAT IT IS THAT WAS ILLEGAL ABOUT IT, AS  
28 REFLECTED IN EXHIBIT E, BECAUSE THERE SEEMS TO BE --

1 THIS SEEMS TO BE MISSING FROM ANY DISCUSSION IN THIS  
2 CASE.

3 IF YOU LOOK AT PAGE 2, THE FIRST ITEM THAT  
4 WAS DEEMED TO BE UNAPPROVED, UNPERMITTED CONSTRUCTION IS  
5 TWO LEVELS OF APPROXIMATELY 20 BY 200 IRREGULAR-SHAPED  
6 CONCRETE DECKS THAT WERE ADDED BELOW THE ACCESSORY POOL  
7 STRUCTURE.

8 MR. FERGUSON: I THINK BOTH ARE HELPFUL.

9 MR. SONEFF: TWO LEVELS OF 20 BY 200-FOOT  
10 CONCRETE DECKS.

11 MR. FERGUSON: WE HAVE THESE TWO LEVELS --

12 THE COURT: HOLD ON A SECOND.

13 THE PERSON ADDRESSING THE COURT NOW IS?

14 MR. FERGUSON: JORDAN FERGUSON, YOUR HONOR.

15 MR. SONEFF: HE'S MY COLLEAGUE.

16 THE COURT: ALL RIGHT. GO AHEAD, SIR.

17 MR. FERGUSON: SO YOU CAN SEE HERE THE TWO LEVELS  
18 OF CONCRETE DECKS THAT WERE ORDERED TO BE REMOVED.

19 MR. SONEFF: THE NEXT ITEM --

20 THE COURT: THAT WAS WHAT -- THAT WAS --

21 MR. SONEFF: EXHIBIT B.

22 MR. FERGUSON: THIS IS COURT'S EXHIBIT B.

23 MR. SONEFF: OKAY. I AM GOING TO SKIP TO ITEM 3.  
24 IT SAYS, "AN ENTIRE STORY HAS BEEN CREATED BELOW  
25 BASEMENT LEVEL."

26 WHERE IS THAT, MR. FERGUSON?

27 MR. FERGUSON: RIGHT HERE.

28 MR. SONEFF: POINTING TO EXHIBIT A.



1 MS. MCGINNIS: MICHELLE MCGINNIS, FOR THE RECORD.  
2 COURT'S EXHIBIT A.

3 MR. SONEFF: THANK YOU, MS. MCGINNIS.

4 TWO APPROXIMATE 10-FOOT HIGH BY 40 LINEAR  
5 FOOT AND 10-FOOT BY 30 LINEAR FEET OF RETAINING WALLS ON  
6 THE NORTHEAST SIDE OF THE PROPERTY.

7 CAN YOU POINT THOSE TO US.

8 MR. FERGUSON: YES. RIGHT DOWN HERE, AND RIGHT  
9 DOWN HERE.

10 MS. MCGINNIS: FOR THE RECORD, THE WITNESS  
11 IS TESTIFYING AND POINTING TO THE CENTER OF COURT'S  
12 EXHIBIT A.

13 MR. SONEFF: AND THEN A 12-FOOT HIGH BY 40-FOOT,  
14 LINEAR FOOT RETAINING WALL THAT WAS ATTACHED TO THE  
15 BUILDING AT THE SOUTHWEST CORNER, WHICH BLOCKS ACCESS TO  
16 THE REQUIRED COVERED PARKING. IT'S THAT WALL UP THERE  
17 ON EXHIBIT A.

18 ITEM 6, APPROXIMATELY 75-BY-125-FOOT  
19 IRREGULAR-SHAPED BASEMENT ADDITION AT THE EAST OF THE  
20 BUILDING, UNDER THE MOTOR COURT, FOR AN UNAUTHORIZED  
21 THEATER.

22 MR. FERGUSON: THIS IS A LITTLE DIFFICULT TO  
23 SEE HERE, BUT IT'S BEHIND THIS AREA OF THE HOME,  
24 BACK TOWARD THE -- THE MOTOR COURT COMES IN HERE, IN  
25 FRONT OF THE HOUSE.

26 MS. MCGINNIS: MICHELLE MCGINNIS, FOR THE RECORD.  
27 THE WITNESS IS POINTING TO THE UPPER THIRD  
28 PORTION OF COURT'S EXHIBIT A.

1 MR. SONEFF: OKAY. AND APPROXIMATELY -- ITEM 7  
2 IS APPROXIMATELY 8-FOOT BY 25-FOOT TWO-STORY ADDITION  
3 ADDED TO THE FIRST AND SECOND FLOOR OF THE SOUTHWEST  
4 CORNER OF THE BUILDING.

5 MR. FERGUSON: YOU CAN SEE IT HERE ON COURT'S  
6 EXHIBIT A, BUT IT'S EASIER TO POINT OUT OVER HERE.

7 MR. SONEFF: ON EXHIBIT B.

8 MR. FERGUSON: ON EXHIBIT B. YOU CAN SEE RIGHT  
9 HERE. THIS AREA.

10 MR. SONEFF: THERE ARE -- THERE ARE A FEW OTHER  
11 ITEMS HERE, YOUR HONOR.

12 AND THE POINT BEING THAT TO BRING THIS  
13 INTO COMPLIANCE WITH THE CODE AND THE LA DEPARTMENT OF  
14 BUILDING AND SAFETY ORDERS REQUIRES DEMOLITION OF  
15 STORIES OF THIS STRUCTURE, ENTIRE STORIES. NOT FILLING  
16 IT IN WITH DIRT. IT REQUIRES DEMOLITION. AND THAT HAS  
17 NOT BEEN -- NO PROGRESS HAS BEEN MADE TOWARD DEMOLITION.

18 I READ THE TRANSCRIPT WHERE SOMEONE  
19 SAID -- I THINK IT WAS MR. SHAPIRO WHO SAID, "WELL, IT  
20 WOULD BE DIFFICULT TO ACQUIRE A PERMIT AND THE HAUL  
21 ROUTE." I THINK WE CAN GET THOSE PERMITS. I THINK THE  
22 CITY CAN PROMPTLY COME UP WITH A DEMOLITION PLAN TO  
23 COMPLY WITH ITS ORDERS. AND THAT IS THE WAY TO BRING  
24 THIS INTO COMPLIANCE.

25 I ALSO READ THE DISCUSSION, RATHER LENGHTHY  
26 DISCUSSION THAT YOU HAD ON THE RECORD ABOUT A BOND AND  
27 THE APPOINTMENT OF A RECEIVER. BOTH OF THOSE THINGS  
28 ARE -- MAKE A LOT OF SENSE HERE. AND I WOULD ASK AT THE

1 APPROPRIATE TIME, WHETHER THIS MORNING OR MAYBE ON  
2 NOTICE AND FURTHER HEARING, THAT THE COURT CONSIDER  
3 REQUIRING THE DEFENDANT TO POST A BOND IN THE AMOUNT  
4 OF -- NECESSARY FOR DEMOLITION. HE'S CLAIMED IN HIS  
5 PAPERS THAT HE KNOWS WHAT THAT AMOUNT IS IN SUBMISSIONS  
6 TO THIS COURT, THAT HE'S CHECKED INTO DEMOLITION, AND  
7 THAT HE KNOWS WHAT THE AMOUNT IS. I WOULD LIKE THE  
8 COURT TO RECONSIDER AGAIN REQUIRING A BOND FOR  
9 DEMOLITION AND THE APPOINTMENT OF A RECEIVER TO OVERSEE  
10 THE ISSUANCE OF -- THE DEMOLITION PROCESS.

11 IN ADDITION, I THINK WHAT WOULD BE VERY  
12 USEFUL WOULD BE A SITE VISIT, IF THE COURT HAS ANY  
13 INCLINATION TO DO THAT. MY CLIENTS -- THE THING THAT I  
14 HEAR THE MOST IS "BOY, I WISH THE JUDGE COULD SEE WHAT  
15 WE LIVE UNDER." I DON'T KNOW IF THAT IS POSSIBLE. I AM  
16 NOT A CRIMINAL ATTORNEY. BUT IF IT WERE, WE WOULD DO  
17 WHATEVER WE COULD TO FACILITATE IT.

18 THE LAST POINT I WANT TO RAISE IS THE  
19 MATERIALS THAT WE HAVE SUBMITTED UNDER EXHIBITS B  
20 AND C.

21 MR. HADID CONTENDS THAT HE HAS FULFILLED  
22 HIS 200 HOURS OF COMMUNITY SERVICE. EXHIBIT B ARE THE  
23 LOGS FROM THE ASSISTANCE LEAGUE OF LOS ANGELES THAT  
24 PURPORT TO SET FORTH THE DATES ON WHICH HE PERFORMED  
25 THIS 200 HOURS OF COMMUNITY SERVICE IN ABOUT FOUR MONTHS  
26 AT THE COCHRAN AVENUE BAPTIST CHURCH IN SOUTH L.A.

27 EXHIBIT C ARE MR. HADID'S INSTAGRAM  
28 POSTINGS SHOWING HIS TRIP TO LUXEMBOURG AND PHOTOS OF

1 HIS EXCURSIONS IN LUXEMBOURG THAT TOOK PLACE BETWEEN  
2 OCTOBER 4 AND OCTOBER 6, 2017. AND THOSE ARE DATES ON  
3 WHICH HE PURPORTS TO HAVE BEEN AT THE COCHRAN AVENUE  
4 BAPTIST CHURCH PERFORMING COMMUNITY SERVICE ON THOSE  
5 VERY DATES, OCTOBER 5, 6, AND 7, 2017. WE SUBMIT  
6 THAT YOU CAN'T BE IN LUXEMBOURG AND SOUTH LA AT THE  
7 COCHRAN AVENUE BAPTIST CHURCH AT THE SAME TIME.

8 THE COURT: WHAT -- WHAT IS THAT ABOUT?

9 MS. SHAPIRO: ARE WE READY --

10 THE COURT: ADDRESS THAT FIRST. THAT'S --

11 MS. SHAPIRO: THAT'S --

12 THE COURT: -- CONCERNING.

13 MS. SHAPIRO: THOSE POSTINGS WERE DONE BY  
14 MR. HADID FOR A VERY SIMPLE REASON.

15 ON OCTOBER 9, IT WAS BELLA HADID'S  
16 BIRTHDAY PARTY. MR. HADID WANTED TO SURPRISE HIS  
17 DAUGHTER. IN ORDER TO SURPRISE HER, HE TOLD HER,  
18 "UNFORTUNATELY, I WILL NOT BE ABLE TO ATTEND BECAUSE I  
19 WILL BE OUT OF THE COUNTRY FOR YOUR BIRTHDAY." HE  
20 POSTED OLD PICTURES WHERE HE HAD BEEN IN OTHER PLACES ON  
21 HIS INSTAGRAM WHERE HE KNOWS HIS DAUGHTER FOLLOWS HIM.  
22 AND SHE RESPONDED, "I AM SO SORRY YOU ARE NOT GOING TO  
23 BE ABLE TO BE HERE."

24 IN FACT, MR. HADID WAS AT BELLA HADID'S  
25 BIRTHDAY PARTY. SHE WROTE HIM A LOVING NOTE, "THANK YOU  
26 SO MUCH. WHAT A SURPRISE. I DIDN'T THINK YOU WERE  
27 GOING TO BE ABLE TO BE HERE."

28 SO WE ALSO HAVE A CONFIRMING LETTER FROM

1 THE CHURCH CONFIRMING THAT THE TIME SHEETS ARE, IN FACT,  
2 ACCURATE AS TO THE DATES AND TIMES MR. HADID WAS THERE.  
3 I HAVE GIVEN THAT TO THE CITY ATTORNEY, AND I HAVE A  
4 COPY FOR THE COURT.

5 THE COURT: AS TO THE OTHER ISSUES THAT  
6 MR. SONEFF BROUGHT UP?

7 MS. SHAPIRO: THE FIRST ISSUE IS, SINCE HE SAID  
8 THAT A PERMIT CAN EASILY BE MADE FOR THE REMOVAL OF THE  
9 DIRT AND FOR A HAULING PERMIT, I ASK MR. BUSH, "IF YOU  
10 WILL GIVE US THAT PERMIT, WE WILL START TOMORROW."

11 MR. SONEFF: FOR DEMOLITION?

12 MS. SHAPIRO: NO. TO START TO GET INTO  
13 COMPLIANCE.

14 THE COURT: I THINK HIS POINT WAS THAT HIS  
15 CLIENTS WANT DEMOLITION OF THAT AREA. PREVIOUSLY, IT  
16 WAS INDICATED THAT THAT WOULD BE DIFFICULT BECAUSE THE  
17 PERMITS WOULDN'T BE READILY AVAILABLE. AND I THINK  
18 THAT'S WHAT HE'S REFERRING TO, DEMOLITION.

19 MS. MCGINNIS: YOUR HONOR, AT THE APPROPRIATE  
20 TIME, MR. BUSH WOULD LIKE TO BE HEARD. HE CAN CLARIFY  
21 MUCH OF WHAT HAS BEEN SAID RELATIVELY QUICKLY. IT'S A  
22 THREE-STEP MOVE FROM THIS POINT.

23 THE COURT: THAT IS FINE. IF HE IS A WITNESS,  
24 THEN HE NEEDS TO BE CALLED AND BE SWORN IF YOU WANT TO  
25 CALL HIM AT THIS TIME.

26 LET ME LET MR. SHAPIRO FINISH. AND WE CAN  
27 LET THE ARCHITECT TOO.

28 MR. SHAPIRO: OKAY.

1 THE COURT: I CAN'T DO THIS ALL MORNING THIS  
2 MORNING. WHAT I AM WILLING TO DO IS HEAR FROM EVERYBODY  
3 NOW, SET THE ISSUES FOR THE NEXT TIME, AND THEN LITIGATE  
4 THEM FULLY AT THAT TIME.

5 THE -- THE DIFFICULT ASPECT OF THIS IS  
6 THAT WE HAVE FOUR DIFFERENT PARTIES: WE HAVE THE  
7 DEFENSE. WE HAVE THE CITY ATTORNEY'S OFFICE. WE HAVE  
8 THE PEOPLE WHO ARE ORDERING THE DEFENDANT TO COMPLY,  
9 BUILDING AND SAFETY. AND THEN WE HAVE NOW MR. SONEFF  
10 AND HIS CLIENTS.

11 IDEALLY, THE ENTITY THAT WOULD SPEAK ON  
12 BEHALF OF THE PEOPLE WOULD BE THE CITY ATTORNEY'S  
13 OFFICE. THEIR INTEREST DO NOT APPEAR TO BE TOTALLY  
14 ALIGNED WITH THE OTHER TWO PEOPLE WHO THEY ARE THE  
15 MOUTHPIECE FOR. SO I NEED TO HEAR FROM THEM.

16 IDEALLY GOING FORWARD, IF MR. SONEFF AND  
17 HIS CLIENTS HAD AN ISSUE WITH EITHER COMPLIANCE OR  
18 COMMUNITY SERVICE, THAT WOULD BE SOMETHING THAT THE CITY  
19 ATTORNEY WOULD BRING TO MY ATTENTION. THEY'RE THE  
20 PROSECUTORIAL AGENCY INVOLVED IN THIS.

21 SIMILARLY, IF THE PEOPLE ARE NOT SATISFIED  
22 THAT BUILDING AND SAFETY IS DOING THEIR JOB, THEN THEY  
23 WOULD TELL ME THAT. IF -- I KNOW THAT MR. SONEFF'S  
24 CLIENTS ARE NOT SATISFIED THAT BUILDING AND SAFETY ARE  
25 DOING THEIR JOB, FROM WHAT I AM HEARING. AND I KNOW  
26 THEY'RE NOT SATISFIED WITH THE CITY ATTORNEY'S OFFICE  
27 FOR FAILING TO HOLD HIS FEET TO THE FIRE, SO TO SPEAK,  
28 ON THE THINGS THAT HE HAS AGREED TO.

1 BY THE BOOK, WHICH IS HOW I FUNCTION, HOW  
2 I RUN THIS COURT, THERE IS NO OTHER WAY BECAUSE THAT'S  
3 THE WAY IT IS, IF YOU ARE ASKING ME TO REVOKE HIS  
4 PROBATION AND TO TAKE ACTION AND ORDER HIM TO DO  
5 SOMETHING FURTHER, IT SHOULD BE A WRITTEN MOTION THAT  
6 SAYS "ONE OF THE TERMS HE AGREED TO LAST YEAR WAS X.  
7 IT'S COME TO OUR ATTENTION THAT HE HAS NOT DONE X. AND  
8 WE FIND THIS TO BE A WILLFUL VIOLATION. AND WE,  
9 THEREFORE, RESPECTFULLY REQUEST THAT HIS PROBATION BE  
10 REVOKED, THAT SENTENCE BE IMPOSED OR MODIFIED." AND  
11 PART OF THAT IS --

12 LET ME JUST LEAVE IT AT THAT.

13 MR. RÉ: YOUR HONOR, THE COURT IS SPEAKING ABOUT  
14 WHAT THE CITY ATTORNEY WOULD BE DOING?

15 THE COURT: RIGHT.

16 MR. RÉ: THE THIRD PARTIES.

17 THE COURT: NO. THE THIRD PARTY CANNOT ASK ME TO  
18 REVOKE PROBATION. THEY DON'T HAVE STANDING.

19 MR. RÉ: I UNDERSTAND.

20 THE COURT: THEY'RE A REAL PARTY IN INTEREST.  
21 ARGUABLY, THEY MAY BE A VICTIM UNDER MARCI'S LAW AND  
22 UNDER THE INTERPRETATION OF THE CALIFORNIA CONSTITUTION.  
23 MAYBE. I AM NOT SURE. I WILL HEAR FROM THEM. IT'S  
24 ONLY FAIR.

25 BUT IF YOU ARE ASKING ME TO USE MY POWER,  
26 IT HAS TO COME AFTER A NOTICE AND FULLY LITIGATED  
27 HEARING.

28 SO WHO -- YOU WANT TO CALL THE PERSON --

1 MS. MCGINNIS: I DO, YOUR HONOR, BUT I WOULD LIKE  
2 THE OPPORTUNITY TO RESPOND TO THAT.

3 THE PEOPLE RECEIVED THE DOCUMENT THE COURT  
4 WAS PRESENTED A DAY OR SO AGO. THAT DOCUMENT REQUIRES  
5 AN INVESTIGATION BY AN INVESTIGATION -- INVESTIGATIVE  
6 AGENCY. THE PEOPLE STARTED THAT PROCESS TO FIND OUT WHO  
7 WOULD INVESTIGATE A POTENTIALLY PENAL CODE 115 VIOLATION  
8 IF THESE DOCUMENTS HAVE BEEN SUBMITTED TO THE COURT.  
9 AND IT TAKES SOME TIME, ENERGY AND --

10 THE COURT: NOT -- I AM NOT FAULTING.

11 MS. MCGINNIS: WE'RE NOT PREPARED TODAY AT ALL TO  
12 MOVE FORWARD WITH THAT.

13 THE COURT: I WOULDN'T EXPECT YOU TO BE.

14 MS. MCGINNIS: IF THE COURT WERE INCLINED -- AND  
15 WE WERE, FRANKLY, LOOKING FOR AN INDICATION FROM THE  
16 COURT. AFTER HEARING WHAT MR. SONEFF PRESENTED AND  
17 MR. SHAPIRO PRESENTED, IF THE COURT WERE INCLINED TO  
18 HEAR MORE ABOUT THAT OR BELIEVE THAT THERE IS AN ISSUE  
19 THERE THAT WE NEED TO INVESTIGATE AFTER HEARING THAT,  
20 THE PEOPLE STAND READY TO DO THAT.

21 THE COURT: THE COMMUNITY SERVICE PART?

22 MS. MCGINNIS: THE COMMUNITY SERVICE PART.

23 THE COURT: YOU MEAN TODAY OR AT A DIFFERENT  
24 TIME?

25 MS. MCGINNIS: AT A DIFFERENT TIME. IF THE  
26 COURT --

27 THE COURT: YEAH.

28 MS. MCGINNIS: IF THE COURT WANTS TO HEAR MORE



1 ABOUT THAT, WE CAN REFER --

2 THE COURT: IT SEEMS AS THOUGH THERE'S BEEN, AT  
3 LEAST, A PRIMA FACIE SHOWING THAT THERE IS AN  
4 INCONSISTENCY. THE -- THE EXPLANATION GIVEN BY  
5 MR. SHAPIRO MIGHT BE SATISFACTORY IN THE END IF THAT CAN  
6 BE -- IF THAT'S WHAT HE'S ALLEGING. BUT ON ITS FACE IT  
7 LOOKS FISHY. PICTURES OF HIM AT LUXEMBOURG AT THE TIME  
8 HE SAID HE WAS IN SOUTH LA? THAT LOOKS FISHY. BUT I  
9 DON'T KNOW. I AM NOT AN INVESTIGATOR. I ONLY MAKE  
10 THESE CALLS AFTER A FULLY LITIGATED HEARING.

11 IT'S IMPORTANT THAT I NOT JUMP TO ANY  
12 CONCLUSIONS BECAUSE THERE MIGHT BE A TOTALLY INNOCUOUS  
13 REASON FOR IT.

14 MS. MCGINNIS: FOR THE RECORD, YOUR HONOR, THE  
15 PEOPLE HAVE --

16 THE COURT: I HAVE SEEN A LOT OF THINGS IN MY  
17 TIME.

18 MS. MCGINNIS: RIGHT.

19 FOR THE RECORD, YOUR HONOR, THE PEOPLE,  
20 ONCE WE RECEIVED THE INFORMATION FROM MR. SONEFF, WE  
21 REACHED OUT TO FIND OUT WHO THE INVESTIGATIVE AGENCY IS  
22 AND HOW THEY WORK, AND WE DID REFER IT TO THE  
23 INVESTIGATIVE AGENCY. WE JUST DON'T HAVE ANY  
24 CONCLUSIONS. WE'RE IN A SIMILAR POSITION TO THE COURT.

25 THE COURT: SO NOTED.

26 IF YOU BELIEVE HE'S IN VIOLATION OF  
27 PROBATION FOR THAT REASON OR THAT HE'S COMMITTED A NEW  
28 OFFENSE, THEN I WILL LET YOU DO WHAT YOU NEED TO DO IN

1 TERMS OF NOTICE AND FURTHER PROSECUTION.

2 LET'S GET DOWN TO WHAT I THINK PEOPLE CARE  
3 ABOUT WHICH IS THE PROPERTY ITSELF AND IS IT SAFE AND IS  
4 HE DOING THE THINGS HE NEEDS TO DO.

5 RIGHT NOW, YOU WANT TO CALL A WITNESS?

6 MS. SHAPIRO: YOUR HONOR, CAN I MAKE A  
7 SUGGESTION? SINCE -- SINCE WE'RE NOT HAVING A FORMAL  
8 HEARING, WE HAVE NO OBJECTION TO MR. BUSH OR ANY OF THE  
9 OTHER PEOPLE FROM BUILDING AND SAFETY TO ADDRESS THE  
10 COURT, MR. IGNACIO TO ADDRESS THE COURT WITHOUT THE  
11 FORMALITY OF CROSS-EXAMINATION.

12 THE COURT: THEY DON'T HAVE TO TAKE THE STAND.  
13 BUT IF THEY DO ADDRESS THE COURT WITH A FACTUAL  
14 ASSERTION, THEN I WOULD JUST HAVE THE JUDICIAL ASSISTANT  
15 PLACE THEM UNDER OATH.

16 MR. SHAPIRO: OKAY. THAT IS FINE.

17 MR. RÉ: WE JUST THOUGHT IT MIGHT BE A LITTLE  
18 QUICKER IF THEY JUST MADE A PRESENTATION TO THE COURT.

19 THE COURT: YES. LET'S HAVE THEM MAKE A  
20 PRESENTATION, BUT THEY SHOULD TAKE THE OATH.

21 MS. MCGINNIS: THE PEOPLE WOULD CALL MR. FRANK  
22 BUSH, THE GENERAL MANAGER OF THE LOS ANGELES DEPARTMENT  
23 OF BUILDING AND SAFETY.

24 THE COURT: LET ME ASK THE PARTIES THIS. DO YOU  
25 BELIEVE THAT THE SEQUENCE OF THE WITNESSES MATTERS?

26 MR. SHAPIRO: YES.

27 THE COURT: WHY?

28 MR. SHAPIRO: I BELIEVE THAT WE CAN VERY QUICKLY

1 PUT INTO PERSPECTIVE OUR POSITION WITH -- WITHIN THE  
2 NEXT THREE OR FOUR MINUTES.

3 MS. MCGINNIS: BUT THE PEOPLE ARE CALLING FRANK  
4 BUSH.

5 MR. SHAPIRO: FINE.

6 THE COURT: LET'S SEE. MR. BUSH CAN TESTIFY.

7 WHERE ARE YOU, SIR? YOU WANT TO COME  
8 AROUND HERE AND -- YOU CAN STAND AT THE PODIUM.

9 PLEASE RAISE YOUR RIGHT HAND AND BE SWORN.

10 THE CLERK: DO YOU SOLEMNLY STATE THAT THE  
11 TESTIMONY YOU MAY GIVE IN THE MATTER NOW PENDING BEFORE  
12 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND  
13 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

14 MR. BUSH: I DO.

15 THE CLERK: THANK YOU.

16 PLEASE STATE AND SPELL YOUR FULL NAME FOR  
17 THE RECORD.

18 MR. BUSH: MY NAME IS FRANK BUSH. IT'S  
19 F-R-A-N-K, B-U-S-H.

20 THE COURT: ALL RIGHT. YOU WANT TO DO A QUESTION  
21 AND ANSWER, OR DO YOU WANT HIM TO JUST DO A NARRATIVE?

22 MS. MCGINNIS: HE JUST WANTS TO MAKE A NARRATIVE  
23 STATEMENT.

24 THE COURT: OKAY. GO AHEAD.

25 MR. BUSH: GOOD MORNING. THANK YOU FOR THE  
26 OPPORTUNITY TO BE HERE THIS MORNING.

27 ONE OF THE THINGS I WANTED TO MENTION  
28 ABOUT THE PERMITS -- WE HAVE BEEN WORKING ALONG WITH

1 THEM SINCE THEY SUBMITTED THEIR PLANS. THEY HAVE  
2 SUBMITTED THREE PLANS TO US. WE HAVEN'T SEEN ANYTHING  
3 SINCE, I BELIEVE, MAY 23RD. IT WAS THE LAST ONE.

4 INITIALLY, THEIR IDEA WAS TO KEEP THE  
5 HOUSE LIKE IT WAS FROM THE VERY BEGINNING. WE'VE HELD  
6 THE POSITION THAT IT'S NOT GOING TO BE ABLE TO STAY THAT  
7 WAY.

8 THE LAST TIME WE HAD -- THE LAST PLANS  
9 THAT WE REVIEWED IN MAY ARE SHOWING THE HOUSE BEING  
10 REDUCED WITH THE TOP FLOOR BEING REMOVED AND PART OF THE  
11 SECOND FLOOR. IT WAS DOWN TO APPROXIMATE 11,500 SQUARE  
12 FEET.

13 SOME OF THE REQUIREMENTS ARE GOING TO BE  
14 HERE. WE HAVE BEEN VERY OPEN WITH THEM ABOUT. WE TOLD  
15 THEM DIRECTLY IN ALL OF OUR MEETINGS WITH THEM. THEY  
16 ARE GOING -- IT APPEARS THEY ARE GOING TO HAVE TO OBTAIN  
17 A VARIANCE FOR THE GRADING, AND THEY WILL HAVE TO APPLY  
18 FOR HAUL-OUTS. THEY MAY OR MAY NOT, DEPENDING ON THE  
19 FINAL VERSION THAT COMES TO US, HAVE TO APPLY FOR SOME  
20 OTHER VARIANCES THROUGH THE DEPARTMENT OF CITY PLANNING.  
21 WE HAVE BEEN VERY CLEAR ABOUT THAT.

22 WE HAVE TAKEN THIS CASE VERY SERIOUSLY.  
23 WE HAVE HANDLED THIS CASE ON WRITE AND ORDER. IF THEY  
24 DON'T COMPLY, OUR MOVE IS TO GET IT TO THE CITY ATTORNEY  
25 WHICH THEY THEN FILE A CRIMINAL CASE. WE DEAL WITH  
26 HUNDREDS OF THESE AND HANDLE THEM THIS WAY EVERY YEAR.

27 THIS ONE HAS BEEN OF PARTICULAR IMPORTANCE  
28 AND A PROBLEM IN THERE. AND SO I HAVE HAD TWO

1 HIGH-LEVEL MANAGERS WHO HAVE BEEN DEALING DIRECTLY. ONE  
2 IS FOR PLAN CHECKS AND ONE FOR INSPECTIONS SPECIFICALLY.  
3 AND WE DON'T NATURALLY DO THAT. BEEN VERY INVOLVED IN  
4 IT AND STAYING ON TOP OF IT.

5 AND THE LAST PLAN THAT WE SAW, WHEN WE  
6 GAVE CORRECTIONS TO, IF THEY RETURN TO US WITH THEIR  
7 FINAL DECISIONS -- SOME DECISIONS THAT NEED TO BE MADE  
8 ARE ON THEM, NOT ON THE CITY. SO THEY MAKE SOME  
9 DECISIONS BASED ON THE LAST SET OF PLANS THAT WE SEE,  
10 WHAT THEY WANT TO DO AND HOW THEY WANT TO DO IT. THAT  
11 WILL DETERMINE WHAT ACTIONS THEY WILL HAVE TO TAKE.  
12 WE'RE AT THIS POINT.

13 RIGHT NOW, AS FAR AS BUILDING AND SAFETY  
14 IS CONCERNED, WE'RE WAITING FOR THEM TO MAKE THE  
15 DECISIONS, COME BACK WITH THEIR FINAL VERSION, AND SAY  
16 "THIS IS WHAT WE'RE GOING TO."

17 WE HAVE BEEN VERY CLEAR WITH THE  
18 ARCHITECT. WE'VE HAD A LOT OF CONVERSATIONS WITH THE  
19 ARCHITECT AND EVERYBODY INVOLVED IN THIS CASE.

20 WE WILL EXPEDITIOUSLY ISSUE THE PERMIT  
21 ONCE WE GET TO THAT POINT, ONCE WE'RE THERE AND  
22 EVERYTHING IS READY TO GO.

23 SO WE -- WE HAVE EXHAUSTED A LOT OF TIME  
24 AND EFFORTS IN THIS CASE, IN PARTICULAR GIVING OUR  
25 ADVICE AND WHAT NEEDS TO BE DONE IN HERE. THIS HOUSE IS  
26 WAY TOO BIG. THERE ARE A LOT OF THINGS THAT NEED TO BE  
27 DONE.

28 ONE OF THE THINGS I WANTED TO CLEAR UP I

1 HEARD IN TESTIMONY HERE A FEW MINUTES AGO, THAT WE WERE  
2 NOTICED ABOUT THEM REMOVING SOME GRADING OR SOME SOIL  
3 OFF THERE AND WE HAD TO TAKE ACTION. WE ACTUALLY WERE A  
4 PART OF THE MOVEMENT OF THAT. WHEN THEY DUG THE  
5 FOUNDATIONS FOR THIS CONSTRUCTION AND SOME OF IT THAT  
6 ISN'T APPROVED, THEY LAID SOME -- I CALL IT "FLUFF."  
7 THEY LAID LOOSE DIRT ON TOP OF THE HILLSIDE. THERE WERE  
8 CONCERNS FROM THE NEIGHBORS FOR THE LAST COUPLE OF YEARS  
9 IN THE RAINY SEASON, IN OCTOBER TO APRIL. WE REQUIRE  
10 THAT THEY DO CONTROL, WHICH IS PUT PLASTIC ON THE HILL.  
11 THEY DID THAT THE FIRST YEAR.

12 PRIOR TO DOING THAT, WE THOUGHT IT WOULD  
13 BE SAFER TO MOVE SOME OF THAT LOOSE DEBRIS AND PUT IT IN  
14 A HOLE THAT IS THERE. WE'RE NOT ALLOWING THEM TO KEEP  
15 IT THERE. THEY DON'T GET TO KEEP IT THERE. THEY'RE NOT  
16 GETTING ANY CREDIT FOR ANYTHING. BUT IT WOULD MAKE IT  
17 SAFER FOR THE PROPERTIES DOWN BELOW. THAT WAS DONE AT  
18 OUR REQUEST. IT DIDN'T REQUIRE A PERMIT TO DO WHAT WE  
19 WERE DOING.

20 THERE WAS AN APPEAL FILED TO OUR BOARD OF  
21 BUILDING AND SAFETY COMMISSIONER. THEY DETERMINED THE  
22 SAME THING, WE DIDN'T ABUSE, ON AN APPEAL THAT WAS  
23 FILED. THAT WAS FOR SAFETY FACTOR. THEN THE PLASTIC  
24 WAS PUT ON IT. NOTHING ELSE HAS HAPPENED.

25 ANOTHER ORDER THAT YOU HEARD ABOUT THAT  
26 THEY TALKED ABOUT, BECAUSE THEY WERE DOING SOME WORK ON  
27 THE HOLE, THE DIRT THAT THEY -- WE TOLD THEM TO FILL IN,  
28 THEY WERE DIGGING IT TO TEST IT FOR SOME REASON. THAT'S

1 WHAT THEY SAID. WE DON'T KNOW. BUT THAT HASN'T  
2 STOPPED. WE'RE NOT AWARE OF WORK THAT'S BEING DONE.  
3 AND WE HAVE PEOPLE GOING BY THIS PROPERTY ON A REGULAR  
4 BASIS, KEEPING AN EYE ON IT TO INSURE THEY'RE NOT. AND  
5 IF THEY DO, WE WILL IMMEDIATELY REPORT IT TO THE CITY  
6 ATTORNEY SO WE CAN DO WHAT NEEDS TO BE DONE.

7 BUT WE'RE READY TO WORK WITH THEM AND  
8 ISSUE -- WE'RE WAITING FOR THE PLANS TO COME BACK. THEY  
9 HAVE TO MAKE SOME DETERMINATIONS ON WHAT -- WHAT  
10 DIRECTION THEY'RE GOING TO GO. ONCE THAT IS DONE AND  
11 IT'S IN COMPLIANCE, WE WILL ISSUE A PERMIT. BEING IN  
12 COMPLIANCE MEANS THEY HAVE TO GO TO CITY PLANNING AND  
13 GET VARIANCES.

14 THE COURT: DO YOU BELIEVE THEY ARE WORKING IN  
15 GOOD FAITH TO BRING THE PROPERTY INTO COMPLIANCE?

16 MR. BUSH: BASED ON THE CORRECTIONS AND THE  
17 INFORMATION THAT I HAVE RECEIVED FROM MY STAFF, WE ARE  
18 SURPRISED THAT WE HAVEN'T SEEN SOME DECISION MADE SINCE  
19 MAY 23RD. SO I -- I THINK IF WE -- IF WE CAN GET THE  
20 DECISIONS MADE, WE CAN SIT DOWN AND WORK ON GETTING THE  
21 PERMITS ISSUED.

22 THE COURT: DO YOU BELIEVE THAT THERE IS A --  
23 THAT THE PROPERTY, AS IT IS RIGHT NOW, POSES A THREAT TO  
24 THE NEIGHBORS PHYSICALLY?

25 MR. BUSH: I KNOW IT'S VISUALLY, BUT WE HAVE NOT  
26 OBSERVE ANY STRUCTURAL HAZARDS THAT ARE THERE. IF SO,  
27 WE WOULD HAVE DEALT WITH THEM.

28 THE POSSIBLE ISSUES OF THE LOOSE FLUFF AS

1 I CALLED IT THAT WAS ON TOP OF WHAT WE WANTED TO REMOVE  
2 AND PUT IN THE HOLE IS SECURED. THERE IS STILL SOME OF  
3 IT LAYING THERE. WE STOPPED THEM AND MADE THEM PUT THE  
4 PLASTIC ON IT WHEN IT GOT TO THE RAINY SEASON. SO WE'RE  
5 NOT LETTING THEM DO ANY MORE OF THAT UNTIL WE GET  
6 PERMITS.

7 THE COURT: YOU ARE THE HEAD OF THE WHOLE THING?

8 MR. BUSH: I AM THE GENERAL MANAGER OF THE  
9 DEPARTMENT OF BUILDING AND SAFETY. YES.

10 THE COURT: THIS HAS BEEN -- IT'S ON YOUR DESK.  
11 YOU ARE PAYING ATTENTION TO THIS?

12 MR. BUSH: VERY CLOSELY.

13 THE COURT: AND IS THERE A LIST OF THINGS THAT  
14 NEED TO BE DONE, IN WRITING, THAT CAN BE GIVEN TO THE  
15 COURT SO THAT I KNOW, WITHOUT GETTING TOO TECHNICAL  
16 RIGHT NOW, XYZ NEEDS TO BE DONE?

17 MR. BUSH: WE HAVE A CORRECTION LIST THAT WAS  
18 ISSUED DURING THE LAST PLAN CHECK MEETING.

19 THE COURT: HAS THAT BEEN GIVEN TO MR. SONEFF,  
20 MS. MCGINNIS, AND MR. SHAPIRO?

21 MR. BUSH: I DON'T KNOW.

22 MR. SONEFF: NO.

23 THE COURT: LET'S MAKE SURE --

24 MS. BUSH: I KNOW IT'S BEEN GIVEN TO THE  
25 ARCHITECT.

26 MR. SONEFF: NO.

27 MR. RODRIGUEZ: I CAN COMMENT ON THAT.

28 THE COURT: HOLD ON A SECOND.



1 ANYTHING ELSE, SIR?

2 MR. BUSH: THAT'S IT.

3 THE COURT: ANY QUESTIONS FROM EITHER SIDE?

4 MR. SHAPIRO: NO.

5 MR. SONEFF: YOUR HONOR, I HAVE A COUPLE OF  
6 QUESTIONS, IF I MAY.

7 THE COURT: OKAY. GO AHEAD.

8 MR. SHAPIRO: WAIT. WAIT. YOUR HONOR, HE HAS NO  
9 STANDING WHATSOEVER.

10 THE COURT: I WILL TELL YOU WHAT. ASK ME WHAT IT  
11 IS THAT YOU WANT TO ASK, AND I WILL DETERMINE IF IT'S  
12 RELEVANT.

13 MR. SONEFF: THANK YOU, YOUR HONOR.

14 I WANTED TO ASK HIM ABOUT THE DEMOLITION  
15 ORDER THAT I SHOWED THAT IS EXHIBIT E, IF THAT IS  
16 STILL -- IF THAT'S BEEN MODIFIED, IF THAT IS STILL IN  
17 EXISTENCE, IF IN FACT THE -- ANY PLANS THAT ARE GOING  
18 TO BE APPROVED OR EVALUATED WILL NEED TO BE IN  
19 COMPLIANCE WITH THE REQUIREMENT THAT THAT LIST OF  
20 THINGS IN SECTION 2 BE DEMOLISHED. IS THAT STILL  
21 EXTANT?

22 THE COURT: THAT IS PROPER.

23 GO AHEAD.

24 MR. BUSH: THE ORDER TO COMPLY ADDRESSES ALL OF  
25 THE UNAPPROVED CONSTRUCTION THAT WAS ON THERE. WHATEVER  
26 CAN'T BE LEGALIZED WILL HAVE TO BE DEMOLISHED. I THINK  
27 I EXPLAINED THAT A MINUTE AGO WHEN I SAID IT APPEARS  
28 THAT THE WHOLE TOP FLOOR IS COMING OFF, PORTIONS OF THE

1 SECOND.

2 I AM NOT FAMILIAR WITH ALL THE PLANS,  
3 MYSELF, IN DETAIL. BUT THERE IS DEMOLITION THAT WILL  
4 HAVE TO TAKE PLACE. YES.

5 THE COURT: I EXPECT YOU ARE A BUSY PERSON, BUT  
6 IS IT POSSIBLE THAT YOU CAN APPEAR THE NEXT TIME WE HAVE  
7 A HEARING ON THE MATTER?

8 MR. BUSH: YES.

9 THE COURT: GREAT. THANK YOU VERY MUCH.

10 ANYTHING ELSE THAT YOU WANTED TO ADD FROM  
11 BUILDING AND SAFETY?

12 MR. BUSH: NO. THAT'S IT.

13 THE COURT: THANK YOU.

14 MS. MCGINNIS: THE PEOPLE DO HAVE A REQUEST OF  
15 THE COURT. IF POSSIBLE, THAT WE MAKE A 30-DAY  
16 COMPLIANCE WITH JUST SUBMITTING THE CORRECTED PLANS THAT  
17 HAVEN'T BEEN SUBMITTED SINCE MAY 23RD. THAT IS THE  
18 FIRST STEP IN GETTING THIS THING IN COMPLIANCE.

19 MR. RÉ: COULD THE COURT HEAR FROM --

20 THE COURT: I WILL -- I WILL -- BEFORE I MAKE ANY  
21 ORDER, WE NEED TO HAVE A HEARING. AND THEN AT THAT TIME  
22 I CAN DETERMINE --

23 MR. RÉ: I AM JUST SAYING HEAR FROM MR. IGNACIO.

24 THE COURT: LET ME FINISH MY THOUGHT.

25 WHATEVER REQUESTS IN TERMS OF TIMETABLE, I  
26 WOULD DEFINITELY ENTERTAIN. BUT I NEED TO BE CLEAR ON  
27 WHAT NEEDS TO BE DONE AND THE REASONABLE AMOUNT OF TIME  
28 IT CAN BE DONE IN, SO THAT AT THE CONCLUSION OF THAT, IF

1 IT'S NOT DONE, I CAN TAKE ACTION BECAUSE THAT'S WHAT  
2 EVERYBODY WANTS.

3 ALL RIGHT. GO AHEAD.

4 MR. SHAPIRO: MR. IGNACIO RODRIGUEZ.

5 THE COURT: ALL RIGHT, SIR. IF YOU WANT TO COME  
6 TO THE PODIUM AND RAISE YOUR RIGHT HAND.

7 THE CLERK: RAISE YOUR RIGHT HAND.

8 DO YOU SOLEMNLY STATE THAT THE TESTIMONY  
9 YOU MAY GIVE IN THE MATTER NOW PENDING BEFORE THIS COURT  
10 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE  
11 TRUTH, SO HELP YOU GOD?

12 MR. RODRIGUEZ: YES.

13 THE CLERK: THANK YOU.

14 KINDLY STATE AND SPELL YOUR FULL NAME FOR  
15 THE RECORD.

16 THE WITNESS: SURE.

17 MY NAME IS IGNACIO RODRIGUEZ. I-G --

18 I'M SORRY. LET ME TAKE OUT MY RETAINER.

19 MY NAME IS IGNACIO RODRIGUEZ.

20 I-G-N-A-C-I-O; LAST NAME, R-O-D-R-I-G-U-E-Z. I AM THE  
21 ARCHITECT THAT 901 STRADA VECCHIA LLC HIRED TO BRING THE  
22 PROPERTY INTO COMPLIANCE.

23 SO TO ELABORATE A LITTLE MORE ABOUT WHAT  
24 MR. FRANK BUSH SAID, THE LAST MEETING WE HAD AT THE  
25 BUILDING DEPARTMENT WAS NOT IN MAY. IT WAS ACTUALLY ON  
26 JUNE 5TH. AND ON JUNE 5TH WE BROUGHT IN WHAT WE  
27 BELIEVED TO BE ALL OF OUR DRAWINGS IN COMPLIANCE, BOTH  
28 ARCHITECTURALLY AND CIVIL. AT THE MEETING AND IN

1 WORKING WITH SHAHEN, THEY WANTED US TO REDO OUR GRADING  
2 ANALYSIS BASED ON THEIR -- THEIR DEFINITION OF HOW WE  
3 WERE -- WE WERE BREAKING DOWN THE CALCULATIONS. IN  
4 THAT, THEY ASKED US TO ACCOUNT FOR THE QUANTITIES THAT  
5 WERE PREVIOUSLY APPROVED IN THE PREVIOUS PERMIT.

6 THAT IS EXTREMELY COMPLICATED BECAUSE THE  
7 PREVIOUS PERMIT THAT WAS ISSUED WAS ISSUED WITHOUT AN  
8 APPROVED SURVEY. SO BECAUSE WE DON'T HAVE AN APPROVED  
9 SURVEY, IT MAKES IT EXTREMELY COMPLICATED TO RESOLVE  
10 THIS DELTA. BUT IN DOING SO -- BUT WE'RE DOING IT. AND  
11 THIS WAS ONE OF THE REASONS, WHEN THEY BROUGHT ME ON  
12 BOARD I THINK END OF 2016, WAS TO TRY TO ESTABLISH THAT  
13 APPROVED SURVEY AND THOSE BENCHMARKS ON HOW WE WERE  
14 GOING TO MEASURE THAT.

15 WE NEVER REALLY RESOLVED THE CONVERSATION.  
16 WE JUST DEFAULTED TO THE 2006 SURVEY THAT WAS DONE  
17 BEFORE ANY WORK WAS DONE THERE. BUT IN THAT MEETING,  
18 WE -- WE WENT BACKWARDS AND WENT BACK TO GO BACK AND  
19 LOOK AT THE OLD PERMIT.

20 WELL, THAT PROCESS -- SO YOU UNDERSTAND,  
21 JUDGE, WHEN I CAME ON BOARD, I REPLACED THE ENTIRE  
22 CONSULTANTS THAT WERE ON THE PROJECT. SO I REPLACED THE  
23 SURVEYOR. I REPLACED THE SOILS ENGINEER. I REPLACED  
24 THE CIVIL ENGINEER. BECAUSE I WANTED TO BRING IN A  
25 FRESH SET OF EYES TO MAKE SURE WE WERE GOING TO BE IN  
26 COMPLIANCE AND WE WEREN'T CARRYING ANY LUGGAGE FROM THE  
27 PREVIOUS CONSULTANTS. BUT AFTER WE GOT -- AFTER THAT  
28 JUNE 5TH PLAN CHECK MEETING, IT NOW REQUIRED ME TO GO

1 BACK AND DEAL WITH ALL OF THE OLD CONSULTANTS BECAUSE  
2 NONE OF US ON MY ENTIRE TEAM WAS NOT PART OF THE  
3 ORIGINAL PERMIT. SO THAT'S WHAT WE HAVE BEEN DOING FOR  
4 THE LAST MONTH AND A HALF.

5 SO MY CIVIL ENGINEER HAS BASICALLY BEEN  
6 REBUILDING THE ENTIRE SITE, NOT JUST AS IT WAS IN 2006,  
7 NOT AS IT IS RIGHT NOW, OR NOT AS IT'S GOING TO BE WHICH  
8 IS WHAT WE WERE PREVIOUSLY ASKED TO DO, BUT WHAT WAS  
9 ACTUALLY DONE DURING THE COURSE OF CONSTRUCTION. AND  
10 THAT IS EXTREMELY COMPLICATED. THAT IS SOMETHING THAT  
11 WE'RE DOING FORENSICS, BASICALLY, TO FIGURE IT OUT.

12 SO IT'S NOT THAT WE HAVEN'T TRIED TO  
13 COMPLY OR WE'RE NOT TRYING TO COMPLY. WE ARE. BUT  
14 WE'RE TRYING TO DO IT AS ACCURATE AS POSSIBLE BECAUSE --  
15 I MEAN, IN ALL OF OUR PLAN CHECK MEETINGS, WE UNDERSTAND  
16 THAT ALL OF OUR WORK IS GOING TO BE SCRUTINIZED. AND SO  
17 IT'S BEEN -- WE ALL -- WE ALL KNOW THAT EVERYTHING HAS  
18 TO BE DEFENDABLE BECAUSE THE NEIGHBORS ARE GOING TO SUE  
19 WHOEVER GETS THIS APPROVED, WHETHER LADBS OR MOHAMED.  
20 SO WE ARE TAKING THE NECESSARY STEPS TO MAKE SURE THAT  
21 EVERYTHING HAS BEEN REVIEWED AND PEER REVIEWED SO WE'RE  
22 ACCURATE.

23 AND TO GIVE YOU AN EXAMPLE, I WASN'T HERE  
24 FOR THE LAST COURT HEARING, BUT I WAS ASKED TO FILE A  
25 HAUL ROUTE APPLICATION. I DON'T KNOW IF YOU REMEMBER  
26 THAT. THEY ASKED ME TO FILE A HAUL ROUTE APPLICATION.  
27 SO WE STARTED THE PROCESS. WE FILED IT WITH THE  
28 PLANNING DEPARTMENT.

1 BUT MY FIRST COMMENT WAS HOW DO WE FILE A  
2 HAUL ROUTE APPLICATION IF WE DON'T KNOW HOW MUCH DIRT  
3 WE'RE MOVING. AND LIKE RIGHT NOW -- RIGHT? -- EVERYBODY  
4 KEEPS SAYING, "WELL, WHY YOU DON'T FILE A VARIANCE?"  
5 WELL, HOW DO WE FILE A VARIANCE IF WE DON'T KNOW HOW  
6 MUCH GRADING WE'RE ASKING? SO BASICALLY WHAT I AM  
7 SAYING, JUDGE, WE CAN FILE A VARIANCE TOMORROW FOR 7000  
8 CUBIC YARDS OR 5000, WHATEVER ARBITRARY NUMBER, BUT IT'S  
9 A MOOT POINT BECAUSE WE NEED TO ACTUALLY HAVE THE FACTS.  
10 WE NEED TO HAVE THE NUMBERS FIRST BEFORE WE FILE THE  
11 VARIANCE.

12 SO WE FILED OUR HAUL ROUTE. WE STARTED  
13 THE APPLICATION WITH THE PLANNING DEPARTMENT. WE GOT  
14 AIR REPORTS. WE GOT ALL OF THESE REPORTS THAT WE PAID  
15 FOR THAT ARE BASICALLY GOING TO NOW HAVE TO GET  
16 COMPLETELY AMENDED AND REDONE BECAUSE THE GRADING HASN'T  
17 BEEN FINISHED. THE GRADING PLAN CHECK HASN'T BEEN  
18 FINISHED. SO WE'RE STILL GOING TO GO PROBABLY TWO MORE  
19 MEETINGS TO GO THROUGH THAT TO MAKE SURE THEY'RE OKAY  
20 WITH THE NUMBER WE'RE PROPOSING.

21 SO WHAT I AM SAYING, JUDGE, IS THIS ISN'T  
22 SOMETHING THAT IS GOING TO GET DONE OVERNIGHT OR IN A  
23 WEEK. IF MY LAST MEETING WAS JUNE 5, WE'VE HAD ABOUT  
24 SIX WEEKS. IN TALKING TO MY CONSULTANTS, THEY THINK  
25 WE'RE PROBABLY ANOTHER WEEK AWAY. I WOULD SAY TWO.

26 BUT HERE IS THE BIGGEST -- HERE IS WHERE  
27 THE CHALLENGE IS GOING TO COME WHEN WE SIT DOWN TO MEET  
28 WITH LADBS. WE'RE CREATING A SURVEY THAT WASN'T PART OF

1 THE PERMIT SETS, THAT WE'RE EXTRAPOLATING DATA ON, THAT  
2 SOMEBODY WILL HAVE TO TAKE RESPONSIBILITY FOR BECAUSE  
3 THAT IS A -- THAT IS A DRAWING THAT BASIC -- THAT'S A  
4 CRITICAL DRAWING THAT'S MIXED FROM THE APPROVED SET OF  
5 DRAWINGS. BECAUSE OF THAT, THERE IS GOING TO BE A  
6 COUPLE OF MEETINGS BEFORE WE GET THAT APPROVED. BUT  
7 WE'RE WORKING ON IT. AND WE WANT TO MAKE SURE THAT THE  
8 CITY DOESN'T ISSUE A PERMIT IN ERROR, AND WE'RE BACK IN  
9 THIS COURT OR WE'RE BACK BEFORE THE BOARD OF  
10 COMMISSIONERS DISPUTING SOMETHING THAT WAS APPROVED  
11 THAT -- THAT IS NOT.

12 SO THAT IS WHY WE ARE WHERE WE ARE.  
13 THAT'S -- THAT'S THE PROCESS THAT WE'RE TAKING. AND  
14 THAT'S WHAT WAS REVEALED TO US ON JUNE 5TH. AND THIS IS  
15 WHY I EXPLAINED TO -- TO BOB, AT LEAST MY PERSPECTIVE IN  
16 WATCHING -- I MEAN, WE'VE REDESIGNED THREE HOUSES.  
17 THESE ARE THREE BIG HOUSES THAT ARE ROUGHLY -- THE FIRST  
18 HOUSE, I THINK, WAS 24,000. THE SECOND HOUSE WAS 18-  
19 WE'RE NOW DOWN TO LIKE, I THINK, 13- OR SOMETHING LIKE  
20 THAT.

21 JUST FOR THE RECORD, EACH HOUSE TAKES ME  
22 ABOUT A THOUSAND HOURS TO DO ROUGHLY, A THOUSAND AND  
23 SOME CHANGE. SO WE HAVE ALREADY LOGGED, ON OUR END,  
24 THOUSANDS OF HOURS TO TRY TO BRING THIS INTO COMPLIANCE  
25 WHICH MOHAMMED WILL HAVE TO PAY MY FIRM TO DO.

26 SO WE'RE TRYING OUR VERY BEST, AND THIS  
27 NEXT ITERATION HAS SPENT ANOTHER 4-, 500 HOURS BETWEEN  
28 ALL OUR CONSULTANTS TO TRY TO RESOLVE IT, TO TRY TO

1 PRESENT A PLAN THAT IS IN COMPLIANCE. BECAUSE IN THE  
2 END, WE ARE THE ONES WHO HAVE TO DEFEND OUR WORK. LADBS  
3 IS APPROVING PLANS BASED ON OUR DRAWINGS.

4 SO THAT'S -- THAT'S -- THAT'S AT LEAST  
5 FROM MY PERSPECTIVE. THAT'S WHAT WE HAVE BEEN DOING FOR  
6 THE LAST SIX -- FIVE AND A HALF WEEKS, SIX WEEKS, JUST  
7 TRYING TO PRESENT AN ACCURATE PLAN WITH LADBS' LATEST  
8 REQUIREMENTS.

9 MR. SHAPIRO: CAN I ASK A FEW QUICK QUESTIONS?

10 THE COURT: SURE. GO AHEAD.

11 MR. SHAPIRO: WHEN I HEARD MR. BUSH SPEAK, HE WAS  
12 NOT TALKING DIRECTLY ABOUT THE SOIL ISSUE. HE WAS  
13 TALKING ABOUT THE BUILDING ITSELF AND THE FACT THAT  
14 CHOICES HAVE NOT BEEN MADE AND SUBMITTING PLANS FOR THE  
15 BUILDING. ARE YOU SUGGESTING THAT THE EARTH ISSUE, THE  
16 SOIL ISSUE HAS TO BE ADDRESSED BEFORE THE BUILDING  
17 ISSUE?

18 MR. RODRIGUEZ: WELL -- YES. SO WHAT I AM SAYING  
19 IS THE EARTH ISSUE IS -- IS A ZONING CODE ISSUE THAT  
20 WAS -- IT HAS TO CONFORM TO THE NEWEST ZONING CODE. AND  
21 THE EARTH ISSUE ISN'T RELEVANT TO SQUARE FOOTAGE, TO  
22 HEIGHT, TO ANY OF IT.

23 SO SHAHEN AND I HAVE MET. MY PLAN CHECK  
24 COMMENTS AND MY ARCHITECTURE ARE DONE. I CAN -- WE CAN  
25 MEET AFTER THIS MEETING AND GO OVER THOSE COMMENTS. MY  
26 COMMENTS ARE DONE. BUT MY COMMENTS ARE SOMEWHAT  
27 IRRELEVANT BECAUSE WE HAVE TO SOLVE THE GRADING ISSUE.  
28 AND TO DO THAT, IT'S -- IT DOESN'T MATTER HOW THE HOUSE



1 LOOKS. THE HOUSE COULD BE ONE STORY. JUDGE, YOU CAN  
2 ASK US TO BUILD A 1000-SQUARE-FOOT HOUSE. IT WOULDN'T  
3 MATTER BECAUSE THE AMOUNT OF GRADING THAT WE'RE HAVING  
4 TO ACCOUNT FOR, IT'S LOOKING LIKE WE'RE GOING TO HAVE TO  
5 FILE A VARIANCE.

6 SO IF WE ARE GOING TO MAKE THE SITE  
7 COMPLY, WE ARE GOING TO HAVE TO GO THROUGH A VARIANCE  
8 PROCESS REGARDLESS UNLESS SOMEHOW THE -- LADBS HAS  
9 AUTHORITY TO GO BEYOND THE ZONING CODE WITHOUT A  
10 VARIANCE. I DON'T KNOW. MAYBE THEY DO. I DON'T HAVE  
11 THAT EXPERIENCE.

12 BUT WHAT I AM SAYING, JUDGE, IS THAT'S WHY  
13 SHAHEN GOING OVER MY ARCHITECTURE COMMENTS AT THIS POINT  
14 IS SOMEWHAT IRRELEVANT. WE HAVE TO RESOLVE THE GRADING  
15 PROBLEMS FIRST.

16 WE HAVE ALREADY -- MOHAMED HAS GIVEN ME  
17 CLEAR INSTRUCTIONS, ON MY SIDE, IN THE CONVERSATIONS  
18 THAT I HAVE HAD WITH HIM: MAKE IT COMPLY. WHATEVER.  
19 JUST MAKE IT COMPLY.

20 I HAVE REDUCED THE HOUSE TO BASICALLY WHAT  
21 YOU ARE -- WHAT YOU ARE ALLOWED TO BUILD ON SITE. SO WE  
22 ARE REMOVING -- FOR THE RECORD, WE ARE REMOVING THE  
23 ENTIRE SECOND FLOOR. WE ARE REMOVING ALL OF THOSE  
24 FLOORS UNDER THE POOL. WE ARE REMOVING ALL THE -- THE  
25 SIDES OF THE PROPERTY THAT ARE OUT OF COMPLIANCE. WE --  
26 WE ARE REMOVING ALL OF THAT SQUARE FOOTAGE. THAT  
27 IS PROPOSED. I THINK WHAT IS ALLOWED IS 13,500;  
28 SOMETHING LIKE THAT. WHATEVER THE MAXIMUM RFA IS. IT'S

1 BEEN SUBMITTED. IT'S ON THE DRAWINGS.

2 BUT WE ARE -- WE ARE REMOVING ANYTHING AND  
3 EVERYTHING TO GET THIS EXPEDITIOUSLY TO THE FINISH LINE.  
4 AND THAT'S WHY -- I MEAN, ME AND SHAHEN CAN GO OVER MY  
5 ARCHITECTURE COMMENTS. THEY WILL FLY BY. I REMOVED ALL  
6 OF THAT. IT'S DONE. THE PROBLEM NOW IS THE GRADING.  
7 AND I NEED TO PROVIDE NOT JUST A GRADING PLAN THAT  
8 COMPLIES, BUT A GRADING PLAN THAT IS DEFENDABLE. AND TO  
9 DO THAT, IT'S GOING TO REQUIRE FORENSICS.

10 MS. MCGINNIS: YOUR HONOR --

11 MR. SHAPIRO: IGNACIO, MR. BUSH MADE A VERY  
12 SIMPLE COMMENT, VERY SIMPLE PROPOSAL. HE SAID HE WOULD  
13 LIKE TO SEE THE PLANS FOR THE BUILDING, FOR DECISIONS TO  
14 BE MADE ON THE BUILDING. HOW SOON CAN YOU DO THAT AND  
15 COMPLY WITH MR. BUSH?

16 MR. BUSH: IT'S ALL TIED TOGETHER.

17 MR. SHAPIRO: SO THE JUDGE IS CLEAR, WHICH COMES  
18 FIRST? THAT IS THE ISSUE WE'RE HAVING.

19 MS. MCGINNIS: BOB, IF I MAY, SHAHEN IS HERE.

20 MR. SHAPIRO: OH, GOOD.

21 MS. MCGINNIS: HE CAN RESPOND IN SHORT ORDER.

22 MR. SHAPIRO: GOOD.

23 MS. MCGINNIS: SHAHEN AKELYAN.

24 THE COURT: ALL RIGHT, SIR. YOU CAN STEP  
25 FORWARD.

26 MS. MCGINNIS: HE IS THE ASSISTANT BUREAU CHIEF  
27 OF PERMIT AND ENGINEERING. HE IS THE PERSON THAT  
28 APPROVES THE PLANS AND WHO HAS BEEN MEETING WITH THE

1 DEFENDANT'S ARCHITECT.

2 THE COURT: SIR, YOU WANT TO RAISE YOUR RIGHT  
3 HAND TO BE SWORN.

4 DO YOU SOLEMNLY STATE, UNDER PENALTY OF  
5 PERJURY, THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IN THE  
6 MATTER NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH,  
7 THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU  
8 GOD?

9 MR. AKELYAN: I DO.

10 THE COURT: DID YOU TESTIFY HERE BEFORE ONE TIME?

11 MR. AKELYAN: YES, I HAVE.

12 THE COURT: PLEASE STATE AND SPELL YOUR NAME FOR  
13 THE RECORD.

14 MR. AKELYAN: SHAHEN AKELYAN. S-H-A-H-E-N. LAST  
15 NAME A-K-E-L-Y-A-N.

16 THE COURT: ALL RIGHT. WHAT WOULD YOU LIKE TO  
17 SAY, SIR?

18 MR. AKELYAN: I JUST WANTED TO CLARIFY A FEW  
19 THINGS. THIS PROJECT HAS BEEN SUBMITTED TO US, I THINK,  
20 THREE TIMES. THREE DIFFERENT REVISIONS, AT LEAST THE  
21 ARCHITECTURAL PART OF IT. ORIGINALLY, IT LOOKS LIKE  
22 MR. HADID, BASED ON HIS DIRECTION, THE ARCHITECT WAS  
23 TRYING TO KEEP MUCH OF THE BUILDING AS IT IS. AND OUR  
24 CORRECTIONS WERE MADE TO COMPLY WITH THE CODE. SO THEY  
25 WENT THROUGH TWO MORE REVISIONS TO SUBMIT TO US. ALL OF  
26 THOSE SUBMITTAL OF THE PLANS WERE A MATTER OF PUBLIC  
27 RECORD WHERE THE NEIGHBORS WERE -- HAD AN OPPORTUNITY TO  
28 COME AND SEE IT. AND I THINK THEY HAVE. I BELIEVE THEY

1 DID COME AND REVIEW ALL OF THOSE CORRECTIONS THAT WERE  
2 REFERENCED ON THE PLANS AND ON THE CORRECTION SHEET THAT  
3 WE KEEP.

4 WE DO HAVE CORRECTION SHEETS THAT ARE A  
5 PART OF THE WHOLE CORRECTIONS THAT WE DO BECAUSE WE  
6 WRITE CORRECTIONS ON THE PLANS, AND ALSO WE KEEP SETS OF  
7 WRITTEN CORRECTIONS. WE CAN PROVIDE THOSE TO THE COURT,  
8 IF NEEDED, FOR ALL OF THE CORRECTIONS. I THINK IN  
9 COMPLIANCE, EVERYTHING GOES TOGETHER.

10 AFTER EVERY SUBMITTAL THAT WAS DONE, OUR  
11 INSTRUCTIONS WERE CLEAR: COMPLY WITH THE CODE. SO AS A  
12 PART OF THAT IS THE COMPLYING WITH THE AREA, IT'S  
13 COMPLYING WITH THE HEIGHT, IT'S COMPLYING WITH THE  
14 GRADING.

15 SO THIS INFORMATION OR DISCUSSIONS THAT WE  
16 HAD IN JUNE, WE WERE TALKING ABOUT THE GRADING AMOUNTS  
17 AND WHAT ARE INCLUDED AND NOT. IT'S NOT A NEW DIRECTION  
18 THAT WE GIVE. IT'S EVERYTHING THAT WAS DONE ON THE SITE  
19 NEEDS TO BE INCLUDED. AND WE MADE IT CLEAR FROM DAY 1  
20 THAT WE HAVE TO INCLUDE ALL THE ILLEGAL GRADING THAT WAS  
21 DONE. FOR EXAMPLE, EXCAVATION OF THAT BASEMENT MEDIA  
22 ROOM. IT HAS TO BE INCLUDED. SO WE HAVE GIVEN THE  
23 INSTRUCTIONS FROM DAY 1 TO COMPLY WITH THE CODE.

24 I THINK INITIALLY, MR. HADID, I AM  
25 ASSUMING, WAS TRYING TO RETAIN PART OF HIS CONSTRUCTION  
26 THAT HE DID. AND NOW, LATER ON, HE CAME OUT WITH THE  
27 DETERMINATION OR DIRECTION THAT HE DID THAT HE CANNOT  
28 MAINTAIN WHAT IS THERE, AND NOW HE HAS TO REDUCE IT.

1 AND IT SEEMS LIKE IT'S GOING TO THE RIGHT DIRECTION TO  
2 REDUCE IT.

3 BUT BECAUSE OF WAITING THIS LONG TO TRY TO  
4 PRESERVE WHAT WAS THERE OVER THE PAST OVER A YEAR NOW,  
5 IT DELAYED THE TIME THAT WOULD HAVE NEEDED TO APPLY FOR  
6 A VARIANCE. AND I AGREE. YOU NEED TO FIND OUT HOW MUCH  
7 GRADING YOU NEED.

8 BUT I CAN SAY THERE HASN'T BEEN PROGRESS  
9 MADE IN THE LAST MONTH OR SO AS FAR AS THE PLANS. AND  
10 PLANS -- JUST TO CLARIFY, NOT THE COMPLETE PLANS WERE  
11 SUBMITTED TO US, EVEN IN MAY. STRUCTURAL -- PART OF THE  
12 STRUCTURAL WAS MISSING. RETAINING WALLS WERE MISSING.  
13 SO THERE'S A LOT OF OTHER COMPONENTS THAT ARE NOT  
14 COMPLETED YET. AND THEY WERE NOT PRESENTED IN THE JUNE  
15 MEETING EITHER.

16 THE COURT: HOW FREQUENTLY WOULD BE, IN YOUR  
17 OPINION, IS IT NECESSARY TO RETURN TO THIS COURT TO GIVE  
18 ME A PROGRESS REPORT?

19 MR. AKELYAN: I THINK WHAT WE HAVE BEEN DOING  
20 LATELY, LIKE A MONTH OR SO, IS REASONABLE. HONESTLY, I  
21 WOULD HAVE HOPED THAT WE HAD MORE PROGRESS.

22 THE COURT: ARE YOU CONFUSED AS TO WHAT THE  
23 EXPECTATION IS OF YOU FROM THE OTHER SIDE?

24 MR. AKELYAN: I -- I KNOW WHAT MY JOB IS, WHICH  
25 IS TO CHECK THE PLANS FOR COMPLIANCE WITH THE CODE.  
26 THAT'S WHAT BUILDING AND SAFETY DOES.

27 THE COURT: ARE YOU --

28 MR. AKELYAN: WE DON'T REVISE THE PLANS. WE

1 DON'T CHANGE THE PLANS. WE DON'T DO ANYTHING THAT -- WE  
2 DON'T MAKE DECISIONS HOW BIG WE WANT THE BUILDING TO BE.  
3 WE ONLY CHECK AND MAKE CORRECTIONS.

4 SO I CAN REPORT THAT EVEN THE LATEST PLANS  
5 THAT WERE SUBMITTED, THE ARCHITECTURAL PLANS DO NOT  
6 COMPLY WITH THE CODE. THEY ARE OVER-AREA, THE GRADING  
7 IS OVER. BECAUSE OF THAT, WE HAVEN'T ISSUED THE PERMIT.

8 THE COURT: HOW LONG FROM TODAY'S DATE IS IT  
9 REASONABLE TO EXPECT THE REVISIONS SO THAT WE CAN MAKE A  
10 DETERMINATION?

11 MR. AKELYAN: THE LAST TIME, WHEN I WAS UNDER  
12 OATH DURING THE INITIAL TRIAL, YOU HAD ASKED ME THAT  
13 QUESTION. AND I THOUGHT THAT, YOU KNOW, HAVING 18  
14 MONTHS BECAUSE THERE WAS -- THERE WAS STATEMENTS MADE BY  
15 MR. HADID'S TEAM THAT THEY CAN MAKE THIS COMPLY TO CODE.  
16 I ANSWERED, UNDER OATH, THAT 18 MONTHS SHOULD BE  
17 REASONABLE TO GET THE PERMIT. BECAUSE OUR PERMITS ARE  
18 GOOD FOR 18 MONTHS. WHEN THEY SUBMITTED IN MAY  
19 --ACTUALLY IT'S SET TO EXPIRE IN OCTOBER, THE 18 MONTHS.

20 THE COURT: ALL RIGHT.

21 MR. AKELYAN: IT WOULD HAVE BEEN ENOUGH TIME IF  
22 THEY DIDN'T NEED TO GET A VARIANCE. RIGHT NOW, THEY  
23 NEED TO GET A VARIANCE. I DON'T KNOW HOW LONG IT WILL  
24 TAKE FOR THEM TO GET THAT.

25 THE COURT: I THINK -- I HEAR WHAT YOU ARE  
26 SAYING. IT'S ONLY FAIR THAT THE COURT KEEPS A  
27 RELATIVELY SHORT LEASH ON THIS MATTER. I DON'T THINK --  
28 I AM NOT SATISFIED THAT THE PARTIES ARE ALL WORKING

1 TOGETHER HARMONIOUSLY TO THE EXTENT THAT IT WOULD BE  
2 NECESSARY TO COME BACK ONLY EVERY FOUR, FIVE MONTHS. SO  
3 LET'S COME BACK EVERY 30, 45 DAYS AND JUST CHECK IN.

4 MS. MCGINNIS: YOUR HONOR --

5 THE COURT: IF THERE IS AN ALLEGED VIOLATION OF  
6 PROBATION BASED ON COMMUNITY SERVICE, FRAUD AS YOU ARE  
7 ALLEGING, PLEAD THAT OUT AND SUBMIT IT TO ME.

8 IF MR. SONEFF HAS AN ISSUE THAT HE WANTS  
9 TO BRING TO THE COURT, HE CAN NOTICE ALL PARTIES AND  
10 THEN FILE SOMETHING WITH THE COURT.

11 IF THE CITY, SAME WAY, CAN SPEAK THROUGH  
12 THE CITY ATTORNEY'S OFFICE, THE AGENCY CAN.

13 AND WE WILL JUST KEEP COMING BACK.

14 MS. MCGINNIS: CAN WE SET THIS FOR SEPTEMBER 5TH,  
15 YOUR HONOR?

16 THE COURT: SEPTEMBER 5TH IS 48 DAYS FROM TODAY.  
17 IS THAT A GOOD DAY FOR YOU?

18 MR. SHAPIRO: CAN I CHECK?

19 THE COURT: YES.

20 MR. SHAPIRO: MAY I JUST ASK ONE QUESTION?

21 THE COURT: SURE. GO AHEAD.

22 MR. SHAPIRO: MR. IGNACIO --

23 MR. RODRIGUEZ: YES.

24 MR. SHAPIRO: OKAY. IN THE MEETINGS I HAVE BEEN  
25 IN EVERYBODY HAS BEEN VERY COOPERATIVE. IS -- IS THERE  
26 ANYTHING THAT SHAHEN HAS SAID THAT YOU CAN'T DO OR WON'T  
27 DO?

28 MR. RODRIGUEZ: NO. NOT AT ALL. NO.

1 I'M SORRY. LET ME STAND UP.

2 SO THE WAY -- THE WAY -- IN SIMPLE  
3 BLACK-AND-WHITE TERMS, WE JUST -- WE TAKE THE CODE, AND  
4 WE APPLY IT TO OUR DESIGN. IN SIMPLE TERMS. BUT, ONE,  
5 THIS PROJECT IS EXTREMELY COMPLEX. AND, TWO, WE'RE  
6 TAKING THE MOST CONSERVATIVE POSITION ON THIS PROJECT  
7 THAT WE CAN TO MAKE SURE THIS IS DEFENDABLE. SO FOR  
8 THIS REASON, WE HAVE DONE A SLURRY OF CORRECTIONS, AND  
9 WE HAVE HAD TWO MEETINGS, I BELIEVE, WITH LADBS TO  
10 CLARIFY THOSE CORRECTIONS. "CAN YOU PLEASE DEFINE WHAT  
11 YOU MEAN BY X." "CAN YOU PLEASE DEFINE WHAT YOU MEAN BY  
12 Y." THROUGH THAT PROCESS IS WHERE THE DISCOVERY HAS  
13 COME ABOUT.

14 YES. IT'S EASY TO JUST DO A BLANKET  
15 STATEMENT. "JUST COMPLY WITH THE CODE." THAT IS SUPER  
16 EASY. BUT THE CODE IS WRITTEN -- IT'S A -- IT'S A  
17 DESCRIPTIVE CODE, MEANING THAT IT'S WORDS THAT DESCRIBE  
18 IT, AND IT'S UP TO PLAN CHECK TO INTERPRET THAT CODE,  
19 AND IT'S UP TO MYSELF TO INTERPRET IT, AND SUBMIT A SET  
20 OF PLANS THAT I THINK ARE COMPLIANT.

21 SO THE 30 TO 45 DAYS IS FINE. AND I  
22 CAN -- I CAN BRING THE COMMENTS TO THE -- I CAN BRING  
23 THE PLAN CHECK COMMENTS TO THE MEETINGS. WE CAN MAKE IT  
24 OPEN SO YOU ARE A PART OF THE DISCUSSION.

25 LADBS HAS HELPED US TREMENDOUSLY THROUGH  
26 THIS PROCESS. WE SCHEDULE A MEETING. THEY SCHEDULE IT  
27 IN TWO, THREE DAYS. THAT HAS NEVER BEEN THE ISSUE.  
28 THE --



1 TO BE CLEAR, IT'S NOT LADBS' FAULT. IT'S  
2 JUST WHAT THEY ASKED OF US IN THE LAST MEETING NEEDS TO  
3 BE DONE CORRECTLY, AND IT TAKES TIME BECAUSE I AM DOING  
4 FORENSICS TO ANALYZE EVERYTHING THAT WAS DONE ON THE  
5 PROPERTY. AND THAT WAS NOT ONE OF THE ORIGINAL RED  
6 LINES IN THE SET OF DRAWINGS.

7 THE COURT: GO AHEAD.

8 MR. AKELYAN: MAY I MAKE A COMMENT?

9 THE COURT: SURE.

10 MR. AKELYAN: I JUST WANT TO CLARIFY THAT WE  
11 DON'T JUST WRITE A COMMENT, "COMPLY WITH THE CODE." THE  
12 SPECIFIC CODE SECTION AND RELEVANCES -- THIS IS NOT  
13 ENOUGH OR THE HEIGHT IS OVER OR IT'S NOT MEASURED  
14 CORRECTLY. IT DETAILS REFERENCES TO CODE SECTIONS.

15 AND ONE OF THE THINGS THAT WE ARE -- OUR  
16 JOB IS TO DO IS TO MAKE SURE IT COMPLIES WITH THE CODE  
17 BEFORE WE ISSUE A PERMIT. AND THIS IS THE COMMITMENT  
18 THAT WE HAVE MADE EVEN TO THE -- TO THE NEIGHBORS. WE  
19 WILL NOT ISSUE A PERMIT UNTIL IT COMPLIES WITH THE CODE.

20 SO THE REASON WE WRITE CORRECTIONS IS  
21 BECAUSE IT DOESN'T.

22 THE COURT: I SEE.

23 MR. AKELYAN: AND WE NEED THEM TO DISCUSS WHAT  
24 PART -- WHAT CAN BE CHANGED OR -- THEY SAY, "OKAY. WHAT  
25 IF WE CHANGE THIS? WILL THAT WORK?" AND THEY CHANGE  
26 IT, AND WE SAY "YES. THAT WORKS."

27 SO WE ARE CHECKING FOR COMPLIANCE WITH THE  
28 CODE. AND THE REASON WE HAVEN'T ISSUED THE PERMIT IS

1 BECAUSE IT DOESN'T COMPLY WITH THE CODE YET.

2 MS. MCGINNIS: YOUR HONOR, IF I MAY ASK ONE  
3 QUESTION.

4 IS IT UNREASONABLE FROM EITHER PARTY TO  
5 SAY THAT WE -- CAN YOU HAVE CORRECTED PLANS SUBMITTED TO  
6 BUILDING AND SAFETY IN TWO WEEKS?

7 MR. RODRIGUEZ: MY ARCHITECTURAL, ABSOLUTELY.

8 MR. AKELYAN: HOW ABOUT STRUCTURAL AND GRADING?

9 MR. RODRIGUEZ: STRUCTURAL FOR THE HOUSE, YES.  
10 BUT FOR THE RETAINING WALLS, THEY'RE ATTACHED TO MY  
11 GRADING PLANS.

12 MR. SONEFF: DOES THAT INCLUDE DEMOLITION PLANS  
13 AS WELL?

14 MR. RODRIGUEZ: OF COURSE.

15 MS. MCGINNIS: HOW LONG DO YOU NEED FOR THE  
16 GRADING?

17 MR. RODRIGUEZ: ABSOLUTELY.

18 MY CONSULTANTS PROMISED ME A SET OF  
19 DRAWINGS NEXT WEEK. BUT I HAVEN'T REVIEWED THEM. AND I  
20 NEED TO REVIEW THEM TO MAKE SURE BECAUSE I AM A PART OF  
21 EVERY MEETING AT LADBS. I NEED TO MAKE SURE THEIR  
22 RESPONSES ARE IN LINE WITH THE COMMENTS THAT WERE MADE.

23 SO I WOULD SAY CONSERVATIVELY THREE WEEKS.  
24 SO I GET THEM NEXT WEEK, I REVIEW THEM, AND THEN WE TAKE  
25 THEM BACK.

26 THE COURT: SEPTEMBER 5TH THE PARTIES WANT TO  
27 RETURN?

28 MS. MCGINNIS: WE WANT TO RETURN, BUT IT SOUNDS

1 LIKE WE HAVE A COMMITMENT TO MEET IN THREE WEEKS WITH  
2 BUILDING AND SAFETY AND MR. IGNACIO, THE ARCHITECT FOR  
3 THE DEFENSE. SO WHEN WE RETURN TO THE COURT, WE HAVE AN  
4 APPROVED PAIR OF PLANS.

5 THE CORRECTIONS ARE SPECIFIC. THEY REDUCE  
6 THE FOOTPRINT TO APPROXIMATELY 11,500 SQUARE FEET.  
7 THOSE WERE THE ONES THAT WERE SUBMITTED BEFORE MAY 23RD.  
8 JUST NOTHING HAS BEEN SUBMITTED AFTER MAY 23RD FOR THE  
9 REASONS GIVEN.

10 THE COURT: WHAT I AM LOOKING FOR, BECAUSE IT WAS  
11 AN ORIGINAL TERM OF PROBATION, TO COMPLY WITH THE CITY'S  
12 ORDERS. AND IF THERE IS A CITY ORDER THAT HAS NOT BEEN  
13 COMPLIED WITH, WRITE IT OUT AND TELL ME SPECIFICALLY,  
14 EITHER BY WAY OF TESTIMONY OR BY WAY OF SWORN AFFIDAVIT,  
15 HOW IT HAS NOT BEEN DONE. AND I WILL DETERMINE WHETHER  
16 IT'S A VIOLATION OF PROBATION TO NOT HAVE DONE THAT.  
17 AND TO NOT HAVE DONE THAT DOESN'T MEAN IT DIDN'T GET  
18 DONE. BUT THERE IS ALSO A COMPONENT THERE AS TO WHETHER  
19 IT CAN BE REASONABLY EXPECTED THAT IT COULD HAVE BEEN  
20 DONE IN THIS PERIOD OF TIME.

21 IN SHORT, IN LAYMAN'S TERMS, I AM LOOKING  
22 TO SEE WHETHER THERE IS ANY SORT FOOT DRAGGING, ANY SORT  
23 OF TRYING TO, YOU KNOW, HIDE THE BALL OR ANY SORT OF --  
24 WHETHER THERE IS GOOD FAITH OR NOT.

25 MS. MCGINNIS: YES, YOUR HONOR.

26 THE COURT: AS LONG AS THERE IS GOOD FAITH AND I  
27 MAKE THAT DETERMINATION, HE WOULD NOT BE IN VIOLATION OF  
28 PROBATION.

1 IF I DETERMINE AT A CERTAIN POINT THAT  
2 THIS IS ALL GAMESMANSHIP OR A SIGNIFICANT PART OF IT,  
3 THEN WE ARE TALKING ABOUT A DIFFERENT DISCUSSION.

4 MS. MCGINNIS: YOUR HONOR, THAT'S WHY IF I HAD  
5 THE OPPORTUNITY, RIGHT NOW, TO SEE FROM THE DEFENSE SIDE  
6 HOW MUCH TIME THEY SAY THEY NEED TO SUPPLY CORRECTIONS,  
7 THE PLANS THEY HAD BEFORE MAY 23RD. AND I AM HEARING  
8 THREE WEEKS. SO I AM TRYING TO ADD SOME PARAMETERS AND  
9 BOUNDARIES FOR THE COURT.

10 THE COURT: THREE WEEKS. IS THAT AGREEABLE?

11 MR. SHAPIRO: YES.

12 THE COURT: OKAY. THEN THAT IS THE ORDER.

13 MR. SHAPIRO: AND I WILL SAY THAT I WILL WORK  
14 CLOSELY WITH MR. Ré AND MICHELLE.

15 AND THE DEPARTMENT HAS BEEN EXTREMELY  
16 COOPERATIVE. I HAVE BEEN TO LOTS OF MEETINGS, AND I  
17 THINK EVERYBODY IS TRYING TO GET ON THE SAME PAGE.

18 THE COURT: GOOD TO HEAR.

19 MR. SHAPIRO: I HAVE ONLY SEEN GOOD FAITH FROM  
20 EVERYBODY.

21 MR. SONEFF: YOUR HONOR, I WANT TO THANK YOU FOR  
22 ALLOWING US TO ADDRESS THE COURT, FOR YOUR PATIENCE  
23 TODAY.

24 THE COURT: YOU ARE WELCOME.

25 MR. SONEFF: I DO HAVE ONE QUESTION. I HEAR  
26 ABOUT THE PLANS BEING SUBMITTED. AND I DON'T WANT US TO  
27 BE SHIPS PASSING IN THE NIGHT. IN OTHER WORDS, WHERE MY  
28 CLIENTS THINK ONE THING IS GOING ON AND ACTUALLY PLANS

1 ARE BEING SUBMITTED THAT WOULD COMPLY. AND SO MY  
2 REQUEST IS THAT WE BE ALLOWED TO HAVE A COPY OF THOSE  
3 PLANS WHEN SUBMITTED AND THE CORRECTION ORDERS.

4 AND THE REASON THAT IT'S A LEGAL QUESTION  
5 THAT I ADDRESS THE COURT WITH IS BECAUSE THERE IS A  
6 HEALTH AND SAFETY CODE. MS. MCGINNIS PROBABLY KNOWS.  
7 MR. RODRIGUEZ PROBABLY KNOWS. I THINK IT'S 11798 THAT  
8 SAYS THAT YOU CAN'T JUST GO DOWN TO THE CITY -- TO THE  
9 BUILDING AND SAFETY AND GET PLANS BECAUSE IT'S A -- IT'S  
10 A COPYRIGHT ISSUE FOR ARCHITECTS, SO PEOPLE CAN JUST GO  
11 GET PLANS. IT'S VERY LABORIOUS FOR US TO HAVE TO GO  
12 DOWN. WE'RE ALLOWED TO LOOK AT THEM ON A CERTAIN TIME  
13 FRAME AND JUST -- AND NOT TAKE NOTES ABOUT THEM AND NOT  
14 COPY THEM.

15 AND WHAT I WOULD LIKE IS FOR US TO BE ABLE  
16 TO GET THESE WITH WHATEVER PROTECTIVE ORDER PROVISIO TO  
17 PROTECT HIS -- HIS TRADEMARK, HIS WORK PRODUCT. WE JUST  
18 WANT TO KNOW WHAT IS SUBMITTED AND WHAT THE CORRECTIONS  
19 ARE SO THAT IF IT'S PROCEEDING AS THEY SAY, WE DON'T  
20 NEED TO COME INTO THE COURT AND MAKE NOISE ABOUT IT.

21 THE COURT: ANY OBJECTION TO THAT?

22 MR. SHAPIRO: YES. I MEAN, THERE ARE --

23 THE COURT: I UNDERSTAND. I UNDERSTAND. I AM  
24 NOT PREPARED TO MAKE THAT ORDER AT THIS TIME.

25 MR. SONEFF: OKAY. THANK YOU.

26 MS. MCGINNIS: BEFORE AUGUST 10, YOUR HONOR, THE  
27 ARCHITECT HAS AGREED THAT THEY WILL HAVE THE PLANS  
28 SUBMITTED WITH ALL OF THE CORRECTION BY AUGUST 10, 2018.

1 HE SHOULD HAVE THEM BACK FROM HIS CONSULTANT AND TO  
2 BUILDING AND SAFETY.

3 THE COURT: OKAY. THAT IS THE COURT'S ORDER.

4 ANYTHING ELSE?

5 MR. RÉ: YES, YOUR HONOR. JUST TO BE SURE. I  
6 THINK WE'RE TALKING ABOUT CERTAIN PLANS, BUT I AM NOT  
7 SURE THAT WE'RE SAYING THAT THE GRADING PLANS WILL BE.  
8 DONE BY THAT TIME.

9 MS. MCGINNIS: THE ARCHITECT SAID ALL THREE.

10 MR. RODRIGUEZ: ALL THREE.

11 MS. MCGINNIS: HE SAID ALL THREE. THOSE WERE HIS  
12 WORDS.

13 YOUR HONOR, CAN WE HAVE A 10:30 CALL ON  
14 SEPTEMBER --

15 MR. SHAPIRO: FIFTH.

16 MS. MCGINNIS: -- SEPTEMBER 5TH?

17 THE COURT: WHY IS THAT IMPORTANT?

18 MS. MCGINNIS: BECAUSE I HAVE A FULL CASELOAD  
19 DOWNTOWN AND IN 101.

20 THE COURT: IS THERE A DAY THAT YOU CAN BE HERE  
21 AT 8:30? IF YOU SHOW UP HERE AT 10:30 --

22 MS. MCGINNIS: YES.

23 THE COURT: 10:30 IS FINE. 10:30 ON  
24 SEPTEMBER 5TH.

25 MS. MCGINNIS: OKAY.

26 MR. SHAPIRO: THANK YOU, YOUR HONOR.

27 MR. RÉ: THANK YOU, YOUR HONOR.

28 MS. MCGINNIS: THANK YOU.

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THE COURT: SEE EVERYBODY THEN.  
MR. SONEFF: THANK YOU, YOUR HONOR.  
(THE PROCEEDINGS WERE CONCLUDED.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 113

HON. ERIC HARMON, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA, )

PLAINTIFF, )

CASE 5PY03637-03

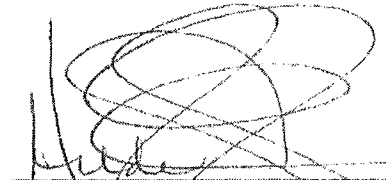
VS. )

MOHAMED A. HADID, )

DEFENDANT. )

I, HILDA GUTIERREZ, OFFICIAL REPORTER OF  
THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR  
THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT  
THE FOREGOING PAGES 1 THROUGH 53 COMPRISE A FULL, TRUE,  
AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE  
ABOVE-ENTITLED MATTER ON JULY 19, 2018.

DATED THIS 23RD DAY OF JULY, 2018.



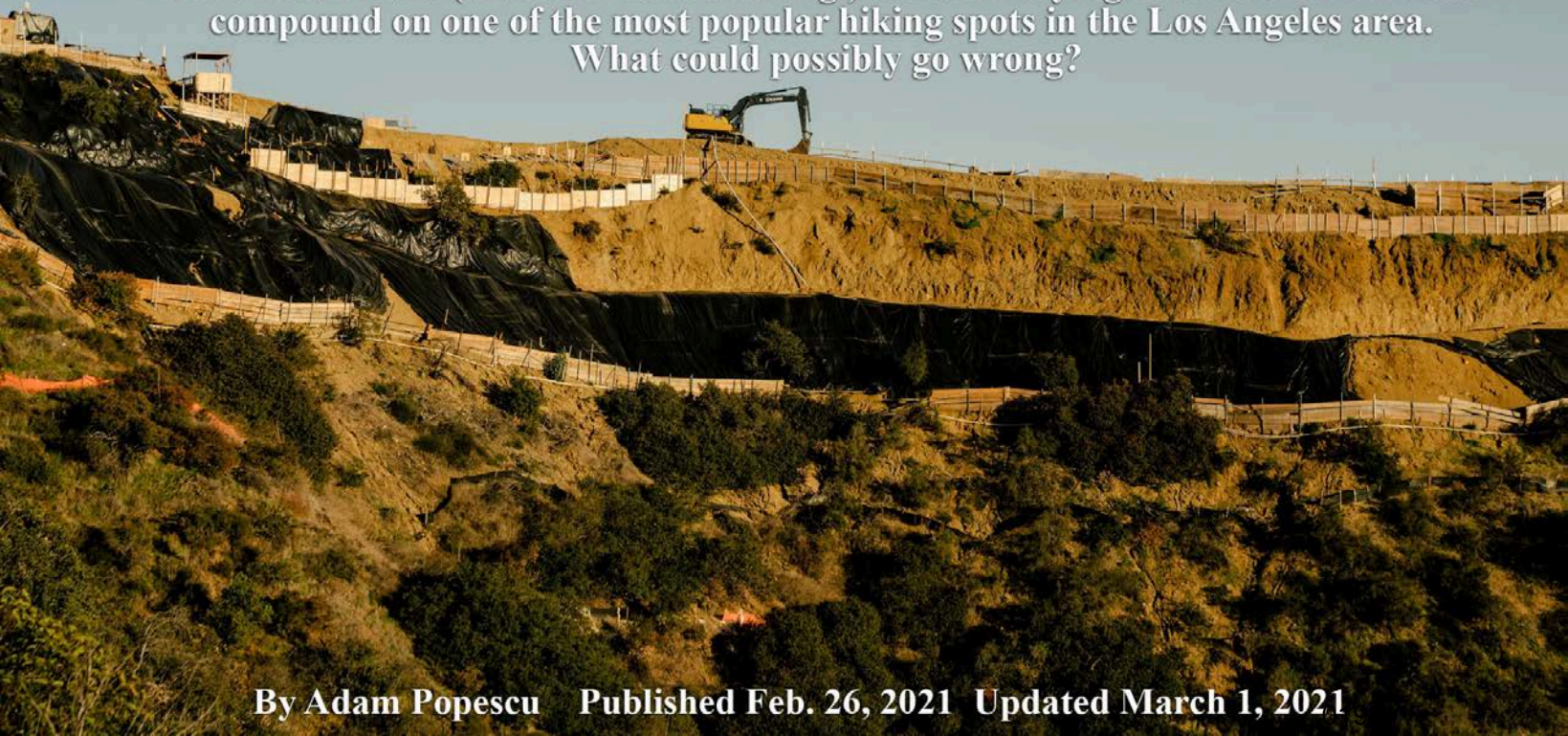
HILDA GUTIERREZ, CSR 12714, RPR  
OFFICIAL COURT REPORTER



# EXHIBIT D

# The Fight for Franklin Canyon

Mohamed Hadid (father of Bella and Gigi) has been trying to build an enormous compound on one of the most popular hiking spots in the Los Angeles area. What could possibly go wrong?



# The Fight for Franklin Canyon

Mohamed Hadid (father of Bella and Gigi) has been trying to build an enormous compound on one of the most popular hiking spots in the Los Angeles area. What could possibly go wrong?

By Adam Popescu

Published Feb. 26, 2021 Updated March 1, 2021

BEVERLY HILLS, Calif. — Even if he isn't the most famous member of his clan, the real estate developer Mohamed Anwar Hadid, father of five including the models Bella and Gigi, is no lightweight. He's long battled the building code, neighbors and common sense as he's barged through red tape in the loftiest heights across Los Angeles and nearby Bel Air.

But this time he may be overreaching.

Mr. Hadid has spent a decade trying to build a hotel-size compound that bisects a heavily trafficked trail in Franklin Canyon, a 600-acre park wedged between the cities of Beverly Hills and Los Angeles.

Brazen development is common to the sprawling area, but this plan is singular: a mega-mansion gated community, hundreds of thousands of square feet, on a crest so steep that equipment must be brought by helicopter. The vision, according to documents seen by The New York Times, included 11 lavish estates (with one home totaling 100,000 square feet), a horse stable, helipad and three guard towers with 24-hour living spaces, bathrooms and kitchens.

But despite a decade of work and a \$25 million loan, the Icarus-like dream remains a scarred hillside whose fate rests in court.

After defaulting on his loans — leaving contractors, law firms and tax collectors hanging in the balance — Mr. Hadid's holding companies claimed bankruptcy in January: five days before the property was due to be foreclosed by Ronald Richards, a bullish Beverly Hills lawyer who led a handful of debt purchasers last year, drives an electric car and swears he'll return these hills to their natural state if he wins.



Mohamed Hadid with Gigi (left) and Bella at a Victoria's Secret party in Paris in 2016. Dimitrios Kambouris/Getty Images

"He can pay or lose his property," said Mr. Richards, 53, whose firm has closed over \$250 million in secured debt transactions. Not only must Mr. Hadid cover his debt, "he needs another \$30 million on top of that to develop the land. I don't see how he can do it."

If he doesn't, will this fast-talking lawyer really spend so much on land just to give it back? "It is a lot of money," Mr. Richards said, "but it's preserving land for hundreds of families' well-being. What's that worth?"

He added: "There's such few green spaces in L.A. One of my last acts as a lawyer will be to protect that hillside. If he doesn't pay, we own it, and we'll have the right to do whatever we want. And that's to let the grass grow. I didn't go to law school just to represent the rich."

Detractors say Mr. Hadid, who declined to speak for this article, is finally getting his comeuppance after years of skirting the rules with other development projects. In 2017 he was convicted of violating building codes on a Bel Air home that at 30,000 square feet was bigger and taller than city rules allowed, sentenced to community service and fined.

Two years later he was ordered to knock the home down but hasn't, saying he lacks the money to do so. That bankruptcy strategy is the same script being used in Franklin Canyon, Mr. Richards said.

But while the sum owed is considerable — now nearing \$30 million after interest and fees — Mr. Hadid, 72, who has a significant social media following and a large complement of female companions and vintage cars, has shown a knack for negotiating jams.

Here is a man of influence in a culture that worships it, an immigrant success, born in Nazareth, who came to America to study engineering as Michael and conquered real estate as Mohamed.

One can imagine the appeal of so many undeveloped acres above Franklin Canyon, each potential parcel of land with 360-degree views. It was a setting fit for the dozen gods of Olympus, with a little extra wiggle room.



Daniel Dorsa for The New York Times

## 'Like a Fortress'

Mr. Hadid, who claims royal lineage and looks straight out of a Ralph Lauren ad, has asserted in court filings that his Franklin properties — 9650 Cedarbrook Drive and 9650 Royalton Drive — are worth \$131 million, an appraisal based on the land and value of building on six lots.

"If it was worth that," Mr. Richards said, "someone would have given him the \$27.7 million to pay off the lender."

In the filings Mr. Hadid seemed to contradict his own appraisal by saying he always planned three homes, which Mr. Richards said "buys him time to present a plan under bankruptcy code. If the court believes it, he could qualify for a residential exception."

Will it, though? The city's building department said it has only approved a single-family dwelling, but Russell Linch, Mr. Hadid's longtime partner, said in an interview that he submitted piecemeal plans starting in 2011 to avoid scrutiny and pending laws that could derail construction.

"If it's the same owner for more than four lots, you have to do a tract map and an environmental impact review and hold public hearings," he said. "If you have five lots next to each other, the city says, 'whoa, whoa, it's one master project.'"

With a 2012 hillside ordinance looming, Mr. Linch, 34, the founder of RAL Design and Management, and Mr. Hadid's former construction manager and right-hand man on dozens of projects in the U.S. and abroad, said that plans were hurried and submitted to the city, using L.L.C.s, which obscure ownership and explain the discrepancies in how much land Mr. Hadid claims he owns in court filings, less than half what Mr. Linch outlines. "It's next to impossible to know it's him on a property," he said of Mr. Hadid, "until he posts on Instagram and his ego gets in the way." Mr. Linch said Mr. Hadid owes him hundreds of thousands of dollars that he won't pay, and though the men are no longer close, they occasionally communicate by text.

Mr. Hadid's strategy could help stave off legal trouble and paying off his debts — at least temporarily.

At the Bel Air location, on a street called Strada Vecchia, Mr. Hadid had employed a layering of shell companies to avoid liability after committing more than 90 zoning violations, as The New York Times reported in 2015. He leveled a hillside, excavated in an earthquake zone and built an IMAX theater.

In a hearing on Mr. Hadid's prior unapproved construction in Bel Air, the building department's former chief of inspections Larry Galstian listed a history of ignoring codes, even hiding construction workers. "We have no trust," he told the court.

The city's charges against Mr. Hadid included illegal use of land, building without a permit and failure to obey building department orders. Evidence that a building inspector received "items of value" was turned over to the F.B.I.

"A lot of people were covering for each other," Mr. Linch said, adding that he was interviewed repeatedly by the F.B.I. regarding his dealings with Mr. Hadid. "They knew there was corruption among a lot of council members."

(A City Hall investigation led to arrests of a councilman and former building department staff for bribery and fraud.)

The murky ownership of the Franklin properties meant securing loans was tough, but fast approval for single-family homes meant "we wouldn't be hurt with grading quantities and we'd work on designs and flush out details," Mr. Linch said — like driveways as future private roads, looping Cedarbrook and Royalton with Coldwater Canyon. To pad square footage and level the ridge, according to document plans, contractors filled depressions with a million cubic yards of soil.

Mr. Hadid's 2011 master plan — three-story estates with gardens, pools, libraries, juice bars, butler quarters and stables — seems at odds with his new legal strategy. The developer always envisioned a landmark rivaling the Beverly Park community, Mr. Linch said, but he would have "guard houses on the sides where residents could hike or take their horses down but outside hikers couldn't come in. Like a fortress. Mohamed was working with the fire department to dedicate a helipad," so displaced soil was shifted to make it work.

The chance to say you have a private helipad in Los Angeles, Mr. Linch said, would make the asking price "skyrocket."

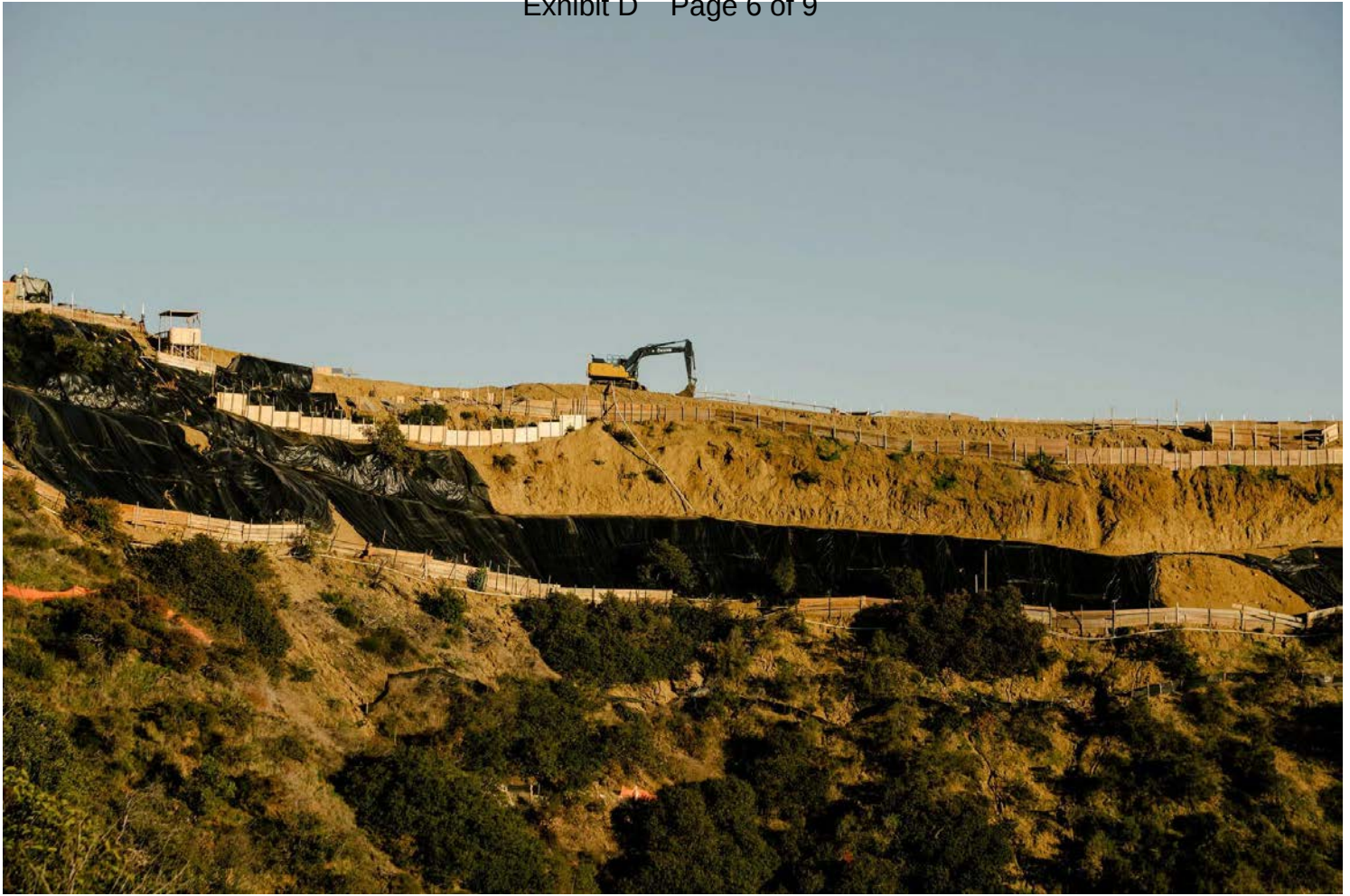
At Cedarbrook, he said, Mr. Hadid falsified surveys, illegally uprooted oak and walnut trees, and after years of working together, withheld \$427,000 owed to him.

In a 2019 court declaration, Mr. Linch said he contacted the building department and that the reply from an employee was: "I don't want to know about it." Mr. Linch said he drove an employee to the ridge, "and I showed him all the issues there. He did nothing. They let the project go through. The only reason it stopped is because Mohamed couldn't keep up with the loan."

Jeff Napier, the chief inspector at the building department, said the employee Mr. Linch cited "has not been to that site," adding that while "9650 Royalton has not been issued a building permit," the Cedarbrook property is "in compliance with zoning, building and residential codes" for a single-family dwelling.

That's thanks to photocopying the same plan, Mr. Linch said. He believes Mr. Hadid can still cover the debt and push ahead. Here's how: "We would put together investment properties with no money down. He'd get someone to invest \$20 million even though he was buying it for 17. He's a genius when it comes to that — his rich friends trust him blindly. They'd wire money that day without checking the parcel number and he'd make \$3 million, calling it the 'easiest money I've ever made.' And I would think: He could be so much more successful if he played by the rules."

Mr. Linch quit again and again "when things got too hairy," but every time the boss begged and he returned, "he'd do the same stuff over:"



Daniel Dorsa for The New York Times

## ‘An Absolute Eyesore’

While Mr. Hadid planned on a perch next to A-listers (Harry and Meghan Markle were among those to pass through), he seemingly ignored that the area is also prime real estate for wildfires, landslides and the threatened species in these Santa Monica Mountains.

“When I first saw the new temporary road that he built leading up there and all that equipment on the ridge, I thought, ‘This will turn out bad,” said Paul Edelman, the director of natural resources and planning at the Mountains Recreation and Conservation Authority (MRCA), which oversees Franklin Canyon with the National Park Service.

Across Coldwater Canyon as the crow flies, Jeff Hyland, the doyen of the real estate firm Hilton & Hyland, whose property overlooks the demolished hillside, calls it “an absolute eyesore.”

Aesthetics aside, construction traffic and trucks barreling down tight streets in the area have caused multiple car accidents in recent years.

“He had 18 cement trucks lined up at one point on that little street,” Mr. Edelman said. “It’s a matter of time before a big accident makes the city rethink this.”

In 2011, portions of the Hastain Trail were closed as loaders and drills began leveling the ridge, prompting hikers to drape John Muir quotes and “Selfish Few Block the View” signs over bulldozers. When that failed, lawsuits started, including one joined by the MRCA. Construction was halted until an appeals court overturned the ruling and chain link went up and security booted hikers again.

“It was bizarre,” Mr. Edelman said. “One judge really stuck his neck out in favor of Hadid and came up with some cockamamie rule about fire road law, the middle judge dissented, and the third went along and we lost.”

But no environmental review was done, according to Mr. Edelman, and where are the required hydrants every 500 hundred feet on the fire road? And all that displaced soil?

“How he gets the permits, how the city hasn’t closed him down is beyond me,” Mr. Hyland said. “Every project he’s ever done has been a problem.”

Mr. Edelman cited “a total failure of the city. Putting up a 63,000-square-foot house on a ridgeline above one of the most significant open space areas in the city, without an environmental review — that’s really wrong. It’s also mountain lion habitat. That was never reviewed.”

Some hikers blame Franklin Canyon, but the MRCA spent years trying to acquire this land, said Dash Stolarz, its public affairs director, adding that visitors are up 300 percent during the pandemic. “To be able to spend a few minutes on a trail these days, it’s a big deal,” she said. “Regarding the project, what we’re facing, the city is not a fine partner. Their objective isn’t to preserve open space or provide trail access for the public and that can be frustrating.”

In 2017, the Los Angeles City Council expanded zoning laws to regulate hillside construction, but because it was a pilot program, the Franklin project was exempt and permits were issued. Last year, the council passed a revision of that law yet to be implemented.

On a recent weekday morning, the trail leading to the site was open as hikers negotiated the steep in Lululemon and loud voices.

Before Instagram and pandemic boredom, Franklin Canyon was better known to production companies who used its lake and scattered redwoods as rugged stand-ins (“Twin Peaks,” “American Horror Story” and a “Friday the 13th” filmed here). Minutes north of Sunset Boulevard, it was a gem close enough to squeeze a hike between meetings, with coyotes, mule deer, rattlesnakes — a place where one might glimpse Paul McCartney or Barry Diller leading their dogs around the lake.

A century ago, the oil baron Edward Doheny built a two-story Spanish-revival here that now looks downright modest. It’s fair to say each generation builds on the shoulders of the next, so much so that amid the mini-mansions and gentrification, high-rises and condos, the soul of the native Chumash, or el Pueblo de Nuestra Señora la Reina de los Ángeles de Porciúncula for that matter, is long since extinct.

What happens in Franklin Canyon won’t change any of that, but in a time when respites mean so much — standing on a beloved trail, in a strand of old growth, around a duck pond with loved ones — what happens here is of consequence, not just to the very rich.

“The community is up in arms,” said Shawn Bayliss, an ex-city employee now at the Bel-Air Association. “If neighbors aren’t there with torches, you can moan all you want.”

As Covid hit and construction sputtered, neighbors flocked to Nextdoor, the community message board. Steven Weinberg, a lawyer who started a group called Hillsides Against Hadid, put up signs on trails and used drones to document violations, which he shared with the courts. “I have nothing against building a reasonable dwelling but he’s interfering with the environment, wildlife, public trail access,” he said. “You can’t put into words what he’s done to that hillside until you see it.”

Today, the plateau is a pockmarked foundation; Mr. Richards said Mr. Hadid owes millions in state and federal tax liens. He’s seeking an April summary judgment, but the last few weeks have been delay after delay, he said. “Hadid’s daughter had a baby, he was traveling, always some excuse,” Mr. Richards said. “He wrote me letters to delay foreclosure, and I asked for evidence of a lender. If they have a lender, it’ll be easy. If not, it just delays the inevitable. He’s never presented anything that makes sense.”

In court documents, Mr. Hadid said at least one lender offered to cover his debts, declining after finding Mr. Weinberg’s signs, which “deterred and undermined the debtors’ attempts to refinance the loan.”

What’s next? Aram Ordubegian, Mr. Hadid’s bankruptcy lawyer, said in an interview that it was impossible to say. “We’re not at the end of the story yet.”



Daniel Dorsa for The New York Times



In 2017, Mr. Hadid said his Bel Air home “will last forever.” The bankruptcy play failed and his mega-spec is now listed as an \$8.5 million tear-down that he has said he can’t afford to destroy. So there it sits over a year later, one of many shells owing millions.

Mr. Hadid has long raged against the city’s “deep state,” claiming Muslim discrimination, but the Strada ruling is a game changer, Mr. Hyland said, because “he can’t blame it on being Palestinian or everyone being against him.” And it sets a precedent.

Mr. Hadid’s method is to “ask for forgiveness rather than permission,” said Joe Horacek, an entertainment lawyer and Bel Air neighbor who, along with his wife, spent millions of dollars and many years in countersuits. “For a guy with no money, he sure spends a lot on legal fees.”

A version of this article appears in print on , Section ST, Page 1 of the New York edition with the headline: Whose View Is This?

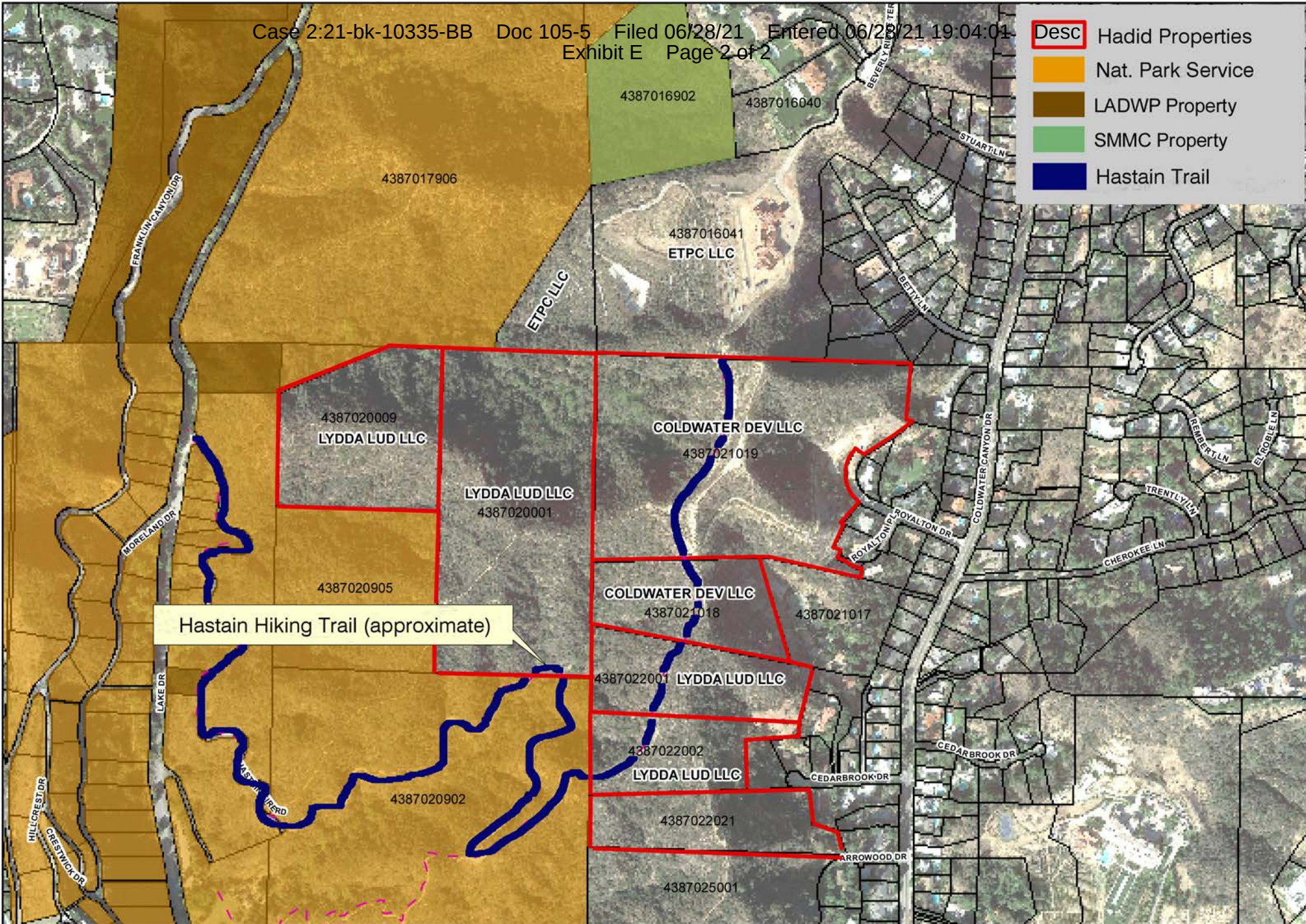
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#### **For Californians: What You May Be Interested In**

- What are the coronavirus case counts in California? Our maps will help you determine how each county is faring, and how the state is progressing with vaccinations.
- What will Californians get from the new \$1.9 trillion stimulus package? Take a look at where the money is expected to go.
- More counties in California have moved into the red and orange tiers for reopening. Here’s what that means, along with answers to questions about reopening.
- Gov. Gavin Newsom, who is fighting a recall effort by Republicans enraged by the state’s lockdowns during the pandemic, has started campaigning to keep his seat.

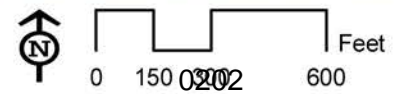
# EXHIBIT E

- | Desc              |  |
|-------------------|--|
| Hadid Properties  |  |
| Nat. Park Service |  |
| LADWP Property    |  |
| SMMC Property     |  |
| Hastain Trail     |  |



Hastain Hiking Trail (approximate)

# Hadid Owned Properties - Hastain Trail



# EXHIBIT G



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(714) 549-6155

June 16, 2021

**VIA E-MAIL AND FEDERAL EXPRESS**

Steven L. Weinberg  
Wein Law Group  
1925 Century Park E Ste 1990  
Los Angeles, CA 90067  
[Steven@WeinLawGroup.com](mailto:Steven@WeinLawGroup.com)

Steven L. Weinberg  
2022 Coldwater Canyon Dr.  
Beverly Hills, CA 90210  
[info@hillsidesagainsthadid.org](mailto:info@hillsidesagainsthadid.org)

Re: Defamatory Statements About Mohamed Hadid – CEASE AND DESIST

Dear Mr. Weinberg:

This firm represents Mohamed Hadid. I write regarding your knowingly baseless and false accusations about Mr. Hadid with regard to 107 acres of currently undeveloped private property near the Beverly Hills and Beverly Park communities, situated adjacent to Franklin Canyon (the "Property"). We refer specifically to signs posted by you or at your direction over the past few months, including as recently as this week, at and near the entrance to the Property, and your willful republication of those signs on your website, [www.hillsidesagainsthadid.org](http://www.hillsidesagainsthadid.org).



Mr. Steven Weinberg  
June 16, 2021  
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The signs first falsely claim that the public has access to hike on the Property. They then malign Mr. Hadid for taking steps to deny the public's access to the Property. Specifically, the signs state that due to development plans supposedly to be pursued someday by Mr. Hadid, "THE PUBLIC'S ACCESS TO THE PLATEAU OF HASTAIN TRAIL WILL TERMINATE." The statement that there is *any* public right of access at all to a so-called "plateau of Hastain Trail", or any other location anywhere on the Property, is provably false. And *you know* that statement to be false beyond all doubt because you have personally been following the Hastain Trail litigation yourself for more than ten years.

Besides these signs, we are aware of other defamatory statements about Mr. Hadid that you have posted or allowed to be posted on [www.hillsidesagainsthadid.org](http://www.hillsidesagainsthadid.org) and other social media, including but not limited to Facebook and NextDoor. Indeed, the Save Hastain Trail Facebook page has become a virtual meeting place for members of the public – who have become embittered due to your repeated false statements – to discuss and plan trespass upon the Property, destruction of Mr. Hadid's fences at the Property, and to otherwise foment outrage against Mr. Hadid, a few examples of which are shown below.



Mr. Steven Weinberg  
June 16, 2021  
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Save Hastain Trail  
June 13 at 10:10 AM

NEW TRAIL CLOSING as of Saturday June 12, 2021



Daniel Shafer Save Hastain Trail  
June 13 at 8:50 AM

Went to the trail yesterday afternoon, both gates are LOCKED FYI.

12

17 Comments

Like

Comment

Share

All Comments

Author

Save Hastain Trail

Hadid told the Bankruptcy Court last week that he sold Franklin Canyon to another developer for \$33M For more info, see [HillsidesAgainstHadid.org](https://www.hillsidesagainsthadid.org)

PUBLIC NOTICE



HILLSIDESAGAINSTHADID.ORG  
Hillsides Against Hadid

Like Reply 3d

Daniel Shafer

Upper gate was left open yesterday. Lower gate was cut open. supposed they realized people will just cut them if they try to lock us out.

Like Reply 1d

Joni Bender

Does anyone know why now?

Like Reply 2d

Alex Cohen

<https://www.homedepot.com/.../Milwaukee-14-in.../303182026>



HOMEDEPOT.COM

Milwaukee 14 in. Bolt Cutter With 5/16 in. Max Cut Capacity-48-22-...

Like Reply 3d

4



Mr. Steven Weinberg  
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Page 4

Tom Kelley  
Go left easy to crawl under. A good pair of wire cutters would open either gate. The upper gate, you walk around it to the left. You can also use the trail from the meadow, without impediment, to the first plateau.



Like · Reply · 3d

Author  
Save Hastain Trail  
Tom Kelley To be crystal clear, Hadid owns all of this land and can put up gates any time he desires. As much as we oppose this (and are working with officials to restore public access), bypassing the gates is at your own risk. Thank you.

Like · Reply · 2d · Edited

Tom Kelley  
Save Hastain Trail it's clearly "private" property and it's clearly pass at your own risk. It's sad that this is the current state of affairs with the property. If enough people would have gotten involved or will get involved, perhaps some changes to the zoning might make this land more enticing to remain park land or for trail easements on the property. I've been hiking this trail for years and I will seriously miss this beautiful trail if it is ultimately lost to development.

Like · Reply · 2d

GDSlovechild Tania  
Tom Kelley what about signatures from California residents??

Like · Reply · 2d

Tom Kelley  
Save Hastain Trail anything to shed light on the situation and put pressure on as many politicians as possible, surely wouldn't hurt.

Like · Reply · 2d

Author  
Save Hastain Trail  
Petitions are useless in these circumstances. Zoning restrictions are the way. Your voice needs to be heard concerning zoning. There is a public hearing this coming THURSDAY on the Ridgeline Protection Ordinance. More information at [HillsidesAgainstHadid.org](http://HillsidesAgainstHadid.org)



Like · Reply · 2d · Edited

Author  
Save Hastain Trail  
GDSlovechild Tania Petitions are typically useless in these circumstance. Your voice needs to be heard concerning open-space and environmental protection zoning. There is a hearing this coming Thursday on the Ridgeline Protection Ordinance. More information at [HillsidesAgainstHadid.org](http://HillsidesAgainstHadid.org)



Like · Reply · 2d

Author  
Save Hastain Trail  
Tom Kelley we are doing our best to get the word out!

Like · Reply · 2d

Let me be clear. Absent the retractions and corrections we request in this letter (below), we can and will prove in court that you published these statements even though you knew all along that they were false. The Property is **private property**, owned by two LLCs that are in turn owned by Mr. Hadid; the public most definitely does **not** enjoy free right of access to that land. The California Court of Appeal studied that very question in great detail and issued a decision on July 17, 2016 in the case styled as *Friends of the Hastain Trail v. Coldwater Development LLC*, Case Nos. B249841, B251814, 1 Cal. 5th 1013 (2016). The Court held in





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no uncertain terms that the Property is privately owned by Mr. Hadid and that the public has **no right of access** to the Property.

erred in finding a public dedication of such an easement. We conclude no substantial evidence supports the court's finding that the public acquired an easement through defendants' property by implied dedication as provided for under *Gion v. City of Santa Cruz* (consolidated with *Dietz v. King*) (1970) 2 Cal.3d 29, 84 Cal.Rptr. 162, 465 P.2d 50 (*Gion*). We therefore reverse the judgment and the subsequent award of attorney fees to plaintiffs.

There can be no doubt that you are aware of this reality because you posted this very appellate court decision on [www.hillsidesagainsthadid.org](http://www.hillsidesagainsthadid.org). Thus, there will be no disputed facts at trial, not only on the question of whether you posted and therefore published knowingly false statements, but also on the question of whether you did so with malice.

Your malicious campaign against Mr. Hadid has caused him substantial financial, reputational and emotional harm. First, you have unjustifiably inflamed public anger and contempt against Mr. Hadid. He has tried to post notices at the Property advising hikers that the land is private. With your encouragement, and due to the lies contained in your signs and on your websites, his notices have been torn down. The fences and gates Mr. Hadid has tried to maintain at the entrance to the Property have been vandalized, destroyed and cast aside – all with your encouragement and blessing – so trespassers can enter the Property without obstruction.



Mr. Steven Weinberg  
June 16, 2021  
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Of course, this must have been your intent all along. Naturally members of the public would be outraged if they were led to believe that the fire road that runs through Mr. Hadid's private property was actually a public hiking trail, and that Mr. Hadid was going to close that trail. Yet you told them that very thing – that they had every legal right to hike all the way on and through the Property, and that Mr. Hadid is terminating their rights of public access to the Property. The general public does not, and never did have, that right. But because of your repeated false statements to the contrary, people trespass daily upon the Property believing they have the legal right to be there.

Your misinformation campaign -- designed to convince the public that they have the legal right to traipse about the Property at will, and then doubling down on that lie by claiming that Mr. Hadid personally is denying them that right – is calculated to harm if not destroy Mr. Hadid's personal and professional reputation in the Beverly Hills and Beverly Park communities, indeed in the greater Los Angeles area and beyond. But the harms Mr. Hadid is suffering go beyond harm to his reputation. You are also intentionally impeding his business interests, blocking his ability to secure financing and investors, by creating turmoil, chaos and uncertainty as to who has what rights to access the Property, even though that question has been definitively settled by the Court of Appeal. Buyers and investors have repeatedly been turned off by the prospect of becoming financially connected in any way with the Property due specifically to your years-long smear campaign. The financial damages Mr. Hadid has suffered due to the postings on hillsidesagainsthadid.org, on the Save Hastain Trail Facebook page, and other social media you control and access, are in the many millions of dollars. You are directly responsible for those damages, and the amounts can and will be quantified.

As a lawyer yourself, I trust that you have at least a passing familiarity with the law of defamation in California. But to avoid any confusion about that, let me explain a few principles. Defamatory falsehoods are actionable in court, and the U.S. Supreme Court has made clear that "there is no constitutional value in false statements of fact". *Gertz v. Welch, Inc.*, 418 U.S. 323, 340 (1974); see also *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990) (holding that a statement or publication containing provably false factual assertions constitutes defamation); RESTATEMENT (SECOND) OF TORTS, § 559 ("A communication is defamatory if it tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him.").

Not only are the elements of a defamation claim easily met here, there is also clear evidence that you acted **with actual malice** in accusing Mr. Hadid of terminating the non-existent "public access" to the Property. *Grenier v. Taylor*, 234 Cal. App. 4th 471, 476 (2015) (actual malice is shown where the defamatory statements were made with knowledge of their falsity or with reckless disregard of their truth or falsity). The public record reflects that the Court of Appeal ruled that the public has and had no right to access Mr. Hadid's private property at the time you posted these signs, and myriad indisputable facts show that you were aware of the Court of Appeal's decision when you posted the signs. Mr. Hadid welcomes



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June 16, 2021  
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transparency and a full investigation of the relevant facts in a court of law, where he is confident the truth will prevail.

In light of the foregoing, Mr. Hadid hereby politely, yet earnestly, requests that you and your associates cease and desist from posting signs or notices on the Property, or from making any statements on your website, Facebook, NextDoor, or other social media accounts, or in any other medium at all, that in any way insinuate that the public has any rights of access to the Property, or that Mr. Hadid is in any way responsible for terminating the public's access to the Property. We also demand that you correct your past false assertions by posting a retraction on your website, [www.hillsidesagainsthadid.org](http://www.hillsidesagainsthadid.org), and on your Facebook page, Save Hastain Trail. For us to consider the retractions to be effective, you must provide a link to the holding of the Hastain Trail Court of Appeal decision, and include a prominent statement on the sites stating unequivocally (1) that the Property is private, (2) that it belongs to LLCs that in turn are owned by Mr. Hadid, (3) that the Court of Appeal has ruled that the public has no right of access to the Property, and (4) that, therefore, Mr. Hadid is not and cannot "terminate" any public right of access there since none exists in the first place. If you refuse to issue this retraction, make these corrections, and cease and desist, and instead choose to stand by your defamatory falsehoods, that will be viewed as additional evidence of actual malice. See *Burnett v. National Enquirer, Inc.*, 144 Cal. App. 3d 991, 1012 (1982) (finding that lack of a retraction constitutes circumstantial evidence of malice).

This shall serve as a pre-suit letter. As such, we demand that within five calendar days from the date of this letter you (1) provide me with written assurance that you will cease and desist from making further factually untrue statements, and (2) provide me with written proof of your compliance with the demands contained in this letter, including the retractions and postings on [www.hillsidesagainsthadid.org](http://www.hillsidesagainsthadid.org) and your Facebook page Save Hastain Trail. These notices should be sent to my attention by email. If you do not comply with this cease and desist letter then a lawsuit may be filed in the proper jurisdiction seeking monetary damages as well as pursuing all available legal remedies for your defamation, intentional infliction of emotional distress, trespass, and other claims. Ignore this letter at your peril.

Until these claims are resolved, please ensure that you, your principals, and all your sources are preserving and retaining all emails, text messages, audiovisual recordings, voice mails, drafts, notes, communications, documents, data, and electronically stored information (collectively, "Communications") of any kind that relates in any way to these matters. Without limitation, this requires you to preserve all Communications with:

- All persons regarding Mohamed Hadid, including but not limited to, your associates, business partners, co-founders, donors, members of the public, members of the media, Geoffrey Long, members of Give Back LLC, Alex Von Furstenburg, and Ronald Richards



Mr. Steven Weinberg  
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- All persons regarding any entities controlled by Mohamed Hadid, including but not limited to, your associates, business partners, co-founders, donors, members of the public, members of the media, Geoffrey Long, members of Give Back LLC, Alex Von Furstenburg, and Ronald Richards
- All persons regarding any land or property owned by Mohamed Hadid, including but not limited to, your associates, business partners, co-founders, donors, members of the public, members of the media, Geoffrey Long, members of Give Back LLC, Alex Von Furstenburg, and Ronald Richards.

Your document preservation obligations, including your duties to preserve Communications, apply both to you individually, as well as to any entities you control, including but not limited to, [www.hillsidesagainsthadid.org](http://www.hillsidesagainsthadid.org) and Save Hastain Trail Facebook page.

This letter is not intended as a full or complete statement of all relevant facts or applicable law, and nothing herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of my client's rights, remedies, claims or causes of action, all of which are hereby expressly reserved.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Reeves', with a long horizontal flourish extending to the right.

Jeffrey H. Reeves

1231126.1/81894.05002

Exhibit G Page 11 of 29  
**WEIN LAW GROUP**

C O U N S E L O R S   A T   L A W

1925 Century Park East, Suite 1990

LOS ANGELES, CALIFORNIA 90067

(310) 598-7005 • E-mail: Steven@WeinLawGroup.com

June 25, 2021

Jeffrey Reeves, Esq.  
Theodora Oringer PC  
535 Anton Blvd, Ninth Floor  
Costa Mesa, CA 92626-7109

Re: Mohamed Hadid – Retraction Demands  
Hillsides Against Hadid.Org

Dear Jeff:

Thank you for your email correspondence dated June 21, 2021 setting forth five demands for retraction (plus an apology) that Hillsides Against Hadid.org (“HAH”) must apparently post to avoid the expense of being sued for defamation by Mr. Hadid.

As an initial matter, you have still not identified a single fact published that is false, much less defamatory. Nor, have you explained how Mr. Hadid intends to produce clear and convincing evidence of malice given his public figure status. Nevertheless, and notwithstanding the obvious lack of merit of Mr. Hadid’s claims, we have repeatedly stated we are willing to resolve the matter by a negotiated public statement. This because HAH is a small neighborhood group and has no money for an expensive legal battle with a wealthy celebrity land developer.

In that spirit, I was hoping that our discussions would result in us meeting somewhere in the middle between your June 16, 2021 proposal and mine offered the same day. Instead of meeting in the middle, the five new retraction demands (and new demand for apology) in your June 21, 2021 correspondence are a complete departure from our previous discussion and unfortunately, a non-starter. Our response to the five new retraction demands is set forth below.

**Retraction Demand No. 1:**

Mr. Hadid pled *nolo-contendere* to three misdemeanor charges stemming from repeated building code violations and was sentenced by a Superior Court for these crimes. The plea of *nolo-contendere* results in a criminal conviction in California. These are facts known world-wide through widely circulated (and still publicly available) copies of the misdemeanor complaint, sentencing memorandum and subsequent motion for probation violations. As also widely reported, Mr. Hadid (supposedly) performed community service as his punishment for breaking the law and committing those crimes.

As much as Mr. Hadid would like sweep all of this under the rug and make it disappear, these facts have been reported in the worldwide press, are true and did not originate with

Jeffrey Reeves, Esq.  
Theodora Oringher, PC  
June 25, 2021  
Page 2

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HAH. Accordingly, HAH's statements are neither false, nor defamatory. Retraction Demand No.1 is respectfully rejected.

Thank you for informing us that Mr. Hadid quietly got his three convictions for building code crimes expunged by way of performing community service and completing probation as per the sentence imposed to punish him. We were not unaware of those facts. As a courtesy, HAH will reference the expungement of the court record if HAH publishes anything about Mr. Hadid's criminal convictions, sentence or punishment in the future as historical facts.

**Retraction Demand No. 2:**

You appear to have a flawed understanding of the Friends of Hastain Trail decision which you have cited repeatedly and upon which Mr. Hadid's defamation case rests entirely.

First, HAH did not coin the term "Hastain Trail." To the contrary, the name Hastain Trail has been used for decades to describe the hiking trail in Franklin Canyon Park and the name has been used and published worldwide. See. e.g. <https://www.alltrails.com/trail/us/california/hastain-trail>. Even the Court of Appeal in the Friends of Hastain Trail case observed that it was "*undisputed the Hastain Trail [runs] atop the Hastain Fire Road.*" Thus, the Hastain Fire Road (and Hastain Trail "atop" of it) do in fact run through Mr. Hadid's property.

Second, the Court ruled the Hastain Fire Road is a "public easement" and at the time it was created: "*the property owners and the public could reasonably contemplate it would be used by hikers.*" Since its creation, nothing has altered the status of it being a public easement and indeed, the Court ruled that when Mr. Hadid purchased the property, he "*took [the land] subject to whatever easements and encumbrances had been created by prior owners . . . [T]he public easement must be respected.*" Whether Mr. Hadid likes it or not, a public easement for hiking presently runs through his property.

Third, the Court ruled that the public easement marked by the Hastain Fire Road could *and would* "enlarge" by way of "development" over time. As an example, in 2004, Mr. Hadid inadvertently enlarged the public easement over his land by development, even though an enlargement of the easement was never his intention.

Jeffrey Reeves, Esq.  
Theodora Oringher, PC  
June 25, 2021  
Page 3

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This occurred when Mr. Hadid illegally graded a road from Coldwater Canyon Drive (at Royalton) to the plateau of what was formerly known as the Peak Trail. Mr. Hadid did this to gain access to the top for heavy construction equipment.

In 2011, Hadid then illegally flattened the top of the plateau of the Peak Trail to develop the site building pad, prompting the Friends of Hastain Trail lawsuit. This later work enhanced and embellished the connected Hastain Fire Road and thereafter enabled the Fire Department to gain access to areas of his property which were not previously accessible, thus, enlarging the existing public easement to include the plateau area and opening it to the Fire Department, as well as to hikers.

Fourth, according to the two Justices deciding the case, the Hastain Fire Road (inclusive of the public easement) and the Hastain Trail (which runs “atop” of it) may be removed by the owner. However, the Court stated removal is limited to “*when [the Fire Road] is no longer needed for fire protection.*” Arguably, that decision rests within the sole and exclusive discretion of the Los Angeles Fire Department, not the whim of Mr. Hadid.

The bottom line is the Friends of Hastain Trail decision does not stand for the proposition that Mr. Hadid’s property is free of any public easement. To the contrary, the Court ruled only that trial court erred by rendering the existing public easement, *permanent*. The entire reasoning of the Court makes no sense in absence of an existing public easement which cannot be terminated until the Fire Department deems the Hastain Fire Road no longer necessary for fire protection.

Accordingly, HAH's statements are neither false nor defamatory. Retraction Demand No. 2 is therefore respectfully rejected.<sup>1</sup>

**Retraction Demand No. 3:**

See our remarks above regarding the Court of Appeal decision in Friends of Hastain Trail. Those remarks apply equally here.

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<sup>1</sup> With regard to bulldozing, Hadid has asserted in court documents that he intends to develop all six of his parcels into homes. Such work has already involved bulldozers (i.e. grading at the plateau) and it is reasonable to assume will involve bulldozers again. Additionally, when Hadid states in court papers that he intends to turn his undeveloped land into homes, it also reasonable to assume that he intends to commence that activity when he installs gates to block the public easement. This is especially true because Mr. Hadid has a history of doing this, including grading without proper permits and/or exceeding the scope of permits and he has even been criminally prosecuted for breaking laws regulating such things. You should also be aware that within days of Hadid erecting fences on Hastain Trail, Hadid had a bulldozer and construction crew working at the Royalton site.



Jeffrey Reeves, Esq.  
Theodora Oringher, PC  
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Curiously, you were not wrong about one thing. Having now reviewed the Friends of Hastain Trail decision again, HAH was definitely mistaken when it posted that Mr. Hadid could put up gates and terminate public access to his property any time he desired. He cannot because it would interfere with Fire Department access and the inextricably intertwined public easement for hiking.

Instead, Mr. Hadid must first obtain permission from the Fire Department which must make an independent finding that the Hastain Fire Road is no longer “necessary” for fire protection. Given the heightened wildfire danger due to years-long drought conditions, climate change effects and the absence of any burn in Franklin Canyon for decades, I believe the Fire Department will closely guard its fulltime access to these very high risk hillsides, ridgelines and undeveloped brush covered lands.

HAH’s statements are neither false nor defamatory. Accordingly, Retraction Demand No. 3 is respectfully rejected.

**Retraction Demand No. 4:**

See our remarks above regarding the Court of Appeal decision in Friends of Hastain Trail which are applicable here. HAH’s statements are neither false nor defamatory. Retraction Demand No. 4 is therefore respectfully rejected.

**Retraction Demand No. 5:**

HAH’s response to the hiker included in your June 16, 2021 cease and desist letter (and published on Facebook prior to the receipt of your letter) suffices as a publication of HAH’s unprompted position on the matter of trespass and vandalism. Your letter (including HAH’s timely response) has also been published on the HAH web portal. HAH’s statements are neither false nor defamatory. Retraction Demand No. 5 is therefore respectfully rejected.

Jeff, apart from failing to identify a single false, much less defamatory statement made by HAH (and never explaining how Mr. Hadid intends to show malice), you have also not stated how you intend to avoid the application of Civil Code Section 47b which clearly bars any claim, *even if HAH published defamatory statements*. As such, a complaint filed against HAH at this time would lack any objective legal merit or probable cause.

Jeffrey Reeves, Esq.  
Theodora Oringer, PC  
June 25, 2021  
Page 5

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You and your client have already wasted many hours of my time responding to these far-fetched and baseless allegations against HAH. This time could have been spent on HAH's core mission; namely, stopping Mr. Hadid from destroying our hillsides, ridgelines and animal habitat by way of his illegally constructed and out-of-scale mega-mansions. You and your client's baseless attacks on me and HAH are therefore improper attempts to chill our Constitutionally protected speech and text-book SLAPP, justifying the harshest of sanctions:

“The paradigm SLAPP is a suit filed by a large land developer against environmental activists or a neighborhood association intended to chill the defendants' continued political or legal opposition to the developers' plans.”

*Wilcox v. Superior Court* (1994) 27 Cal.App.4th 809, 815.

Until these claims are resolved, this letter shall serve as notice that you and your client are required to preserve and retain all documents and communications which relate to these matters. This letter and all statements made herein are written under threat of, or in contemplation of eminent litigation. Nothing in the foregoing shall constitute a waiver of any rights, claims, defenses or causes of action which are hereby expressly reserved.

Thank you.

Sincerely,

WEIN LAW GROUP

Steven L. Weinberg

**From:** Steven L. Weinberg  
**To:** [Jeffrey H. Reeves](#)  
**Cc:** ["Christopher L. Pitet"](#); [Rachael Schiffman](#); [Christopher J. Harney](#); [Samuel G. Fogas](#); ["Kimberly Spake"](#)  
**Subject:** RE: Defamatory Statements About Mohamed Hadid – CEASE AND DESIST  
**Date:** Wednesday, June 16, 2021 6:36:00 PM

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Hi Jeff:

Thank you for your letter. I think you are mistaken. I have never once stated that the public had a right of access to any of Mr. Hadid's properties. Rather, my communications have only asserted facts that the public had access to Mr. Hadid's properties and that access would be ending by way of Mr. Hadid's development plans, including pending applications for building permits. There is nothing false nor defamatory in those assertions. As for statements made on various social media by third parties, we disagree they are defamatory but in any event, they are neither endorsed nor approved by me and you are welcome to pursue those individuals as you see fit.

As for Mr. Hadid's reputation in the community, that has been self-made. Mr. Hadid's folly at Strada Vecchia (including criminal convictions for building code violations) has been reported worldwide and is well known. Thus, Mr. Hadid's reputation is not of my making or breaking.

The same holds true for Mr. Hadid's present business circumstances and apparent difficulty in attracting new partners for his grand ventures; those stem from a series of risky business maneuvers, public bankruptcies and a breathtaking portfolio of unpaid judgments and liens (including tax liens) in the tens of millions of dollars. Given this background, I don't think anyone will be convinced that a couple of (truthful) yard signs had any effect on Mr. Hadid's eventual fate.

The stated goal of my grassroots organization (and all related social media) is to raise awareness of the circumstances and work with elected public officials to encourage meaningful changes in zoning regulations to better serve the public and to protect the environment. I have never encouraged nor condoned lawlessness. Notably, even in the cherry-picked screen captures you included in your letter, as soon as a visitor mentioned or encouraged trespass or vandalism of Mr. Hadid's private property, I specifically warned them: ***"To be crystal clear, Hadid owns all of the land and can put up gates anytime he desires. As much as we oppose this (and are working with officials to restore access) bypassing the gates is at your own risk."***

Jeff, I have nothing against Mr. Hadid nor reasonable development in this community that preserves the natural beauty of the hillsides and ridgelines for generations to come and enjoy. My agenda is to use the democratic process to make meaningful change through legislation. Having said that, in addition to already posting a copy of the Friends of Hastain Trail Court of Appeal decision for visitors of my social media to review and consider when deciding what to do for themselves, I am happy to discuss with you posting an additional statement further clarifying that the property is private property owned by Mr. Hadid and that while the public had access to hike and recreate upon it for decades prior to Mr. Hadid's ownership (and Mr. Hadid has allowed access since purchasing it), it has always been with the caveat that Mr. Hadid could end access anytime he desired.

Please call me if you wish to discuss. Thank you very much.

Best regards,

Steven

Steven L. Weinberg



1925 Century Park East, Suite 1990  
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310-497-6862 (cell)

[Steven@WeinLawGroup.com](mailto:Steven@WeinLawGroup.com)

*The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you have received this email in error, please notify us immediately by reply email and then delete.*

---

**From:** Kimberly Spake [mailto:kspake@tocounsel.com]  
**Sent:** Wednesday, June 16, 2021 4:57 PM  
**To:** Steven L. Weinberg; 'info@hillsidesagainsthadid.org'  
**Cc:** Jeffrey H. Reeves; 'Christopher L. Pitet'; Rachael Schiffman; Christopher J. Harney; Samuel G. Fogas  
**Subject:** Defamatory Statements About Mohamed Hadid – CEASE AND DESIST

Please see attached correspondence, sent on behalf of Jeff Reeves. Original to follow via FedEx.

Thank you,

Kimberly

**Kimberly Spake**

Assistant to Robert C. Briseño, Jessica Hernandez Diotalevi, Jeff Reeves and Kevin Royer.



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535 Anton Blvd, Ninth Floor  
Costa Mesa, CA 92626-7109  
Main: 714.549.6200 Direct: 714.549.6228  
Fax: 714.549.6201

Email: [kspake@tocounsel.com](mailto:kspake@tocounsel.com)

**From:** [Jeffrey H. Reeves](#)  
**To:** [Steven L. Weinberg](#)  
**Cc:** ["Christopher L. Pitet"](#); [Rachael Schiffman](#); [Christopher J. Harney](#); [Samuel G. Fogas](#); [Kimberly Spake](#)  
**Subject:** RE: Defamatory Statements About Mohamed Hadid – CEASE AND DESIST  
**Date:** Thursday, June 17, 2021 12:07:01 PM

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Steven,

While I appreciate your prompt reply, and sincerely appreciate the proposal at the end of your email to make a public statement in an effort to try to resolve this dispute, I feel compelled to respond to some elements of your email to point out how unpersuasive your arguments are.

First, you dismissively refer to the signs you have posted at Mr. Hadid's property as mere "yard signs". But you personally have repeatedly published and republished the false and misleading statements contained in those signs to hundreds of thousands of followers, accessible by potentially millions of viewers, on your various social media platforms. This is no trivial matter, and for you to assume otherwise would be a mistake.

Second, your efforts to downplay the clear import of your statements are unconvincing. The signs state that "the public's access" to a supposed hiking trail running through Mr. Hadid's property "will terminate". You apparently intend to argue to the judge and jury in this case that your references to "public access" to Mr. Hadid's property were merely intended to refer to the continuing unlawful trespassing upon that property (that you were not only aware of, but also condoned), not a statement of fact that the public had a **legal right** to access the property. Okay, if that's your defense, so be it. But I think there is little doubt that objective observers of these statements, including a judge, will understand them as you intended them to be understood – that the public had a continuing right to roam the property freely and now Mr. Hadid is somehow wrongly putting an end to that practice.

Put another way, that the public regularly unlawfully entered upon the property does not change the reality that you knew that access was unlawful, yet you perpetuated the misunderstanding that such access was ongoing (thereby at least **implying** that it was indeed permitted), and that you promoted the false narrative that Mr. Hadid was somehow acting inappropriately by bringing that access to his private property to an end. Your signs also intentionally perpetuate another falsehood, which is that there is a hiking "trail" at all running through the property, or that there is some "destination" to be reached by hikers trespassing through the property. As you well know, there is a fire road running through the property, not a public trail or easement. But you intentionally omit this fact from your posted signs and other published messages. The incomplete presentation of facts can **imply** an actionable false assertion of fact. *Milkovich*, 497 U.S. at 19. It is well established that "defamation **by implication** stems not from what is literally stated, but what is implied."

*White v. Fraternal Order of Police*, 909 F.2d 512, 518 (D.C. Cir. 1990)(emphasis added).

Third, your statement in your June 16 email to me “that access would be ending by way of Mr. Hadid's development plans, including pending applications for building permits”, is also false. The unlawful access to Mr. Hadid’s property is ending – if he exercises his rights to end it – solely because he chooses for it to end, not because of any current plans to develop anything.

Fourth, that you would seek to use the “democratic process” to end a land-owner’s lawful right to develop property that was bought and paid for with the understanding that it could be developed belies your self-serving statements that you have nothing against Mr. Hadid. You mean to harm him, and to harm him specifically. And you have succeeded. He has been the sole target of your “grass roots movement” for many years now, despite the permitting and building of dozens of homes by other builders and owners along that same ridgeline over the past 15 years. Other elements of your email also clearly illustrate your personal animosity toward my client. For example, you claim as though it is a matter of fact that Mr. Hadid has “multiple criminal convictions”. That is simply not true. The single criminal case that was brought against him in 2015 was dismissed in September of 2020. He does not have and never had “multiple criminal convictions”. I would strongly caution you against ever repeating that allegation publicly.

In sum, we are not moved by your email. But as I said at the outset, I do sincerely appreciate your professed willingness to try to clarify your position for the public. I think my letter was clear as to the content of the retraction and statements that you would need to post in order to avoid litigation. If you would like to send me a draft of a proposed public statement (within the time parameters set forth in my letter), we would be more than be happy to consider it and discuss any concerns or comments we may have regarding the statement.

Sincerely,

Jeff

**Jeffrey Reeves**  
Attorney at Law



**THEODORA ORINGHER PC**  
535 Anton Blvd, Ninth Floor  
Costa Mesa, CA 92626-7109

**From:** Steven L. Weinberg  
**To:** ["Jeffrey H. Reeves"](#)  
**Cc:** ["Christopher L. Pitet"](#); [Rachael Schiffman](#); [Christopher J. Harney](#); [Samuel G. Fogas](#); [Kimberly Spake](#)  
**Subject:** RE: Defamatory Statements About Mohamed Hadid – CEASE AND DESIST  
**Date:** Thursday, June 17, 2021 12:48:00 PM

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Hi Jeff:

Thanks for your email. Suffice it to say, I disagree. Let's be very clear; access to your client's property has never been "unlawful" since your client freely allowed it. At any time, he could have put up signs that said "Greetings! I am Mohamed Hadid. This is my private property. Feel free to hike and enjoy for now but please be advised that since this is my private property, I can end your access at anytime without notice. Have fun and be kind." Apart from something like that, people hiking the Hastain Trail (as it has been marked on maps and known for decades) could reasonably assume they were not trespassing on anyone's land or breaking any law by using it, having zero to do with me or my yard signs.

You and your client are now attempting to chill my protected speech which is lawfully aimed at educating the public and changing existing laws for the public good. The statement I proposed to post as a compromise is still on the table and I'm happy to discuss it further and work with you together to fashion something acceptable to all.

Apart from that, if you want to serve a complaint on me by email (I am [HillsidesAgainstHadid.org](#)) it will be accepted without your client incurring the expense of a process server. I strongly discourage that course of action because, among other things, I will be seeking attorneys' fees on the Anti-SLAPP motion which I believe will be granted without much fanfare.

Candidly, instead of bullying me and a grassroots organization with a lawsuit, your client should focus on more redeeming things at this moment in time. I am willing to help there too.

Happy to talk further Jeff.

Best regards,

Steven

Steven L. Weinberg



1925 Century Park East, Suite 1990

Los Angeles, CA 90067

310-598-7005 (office)

310-497-6862 (cell)

[Steven@WeinLawGroup.com](mailto:Steven@WeinLawGroup.com)

*The information transmitted herein is intended only for the person or entity to which it is addressed and may*

**From:** [Jeffrey H. Reeves](#)  
**To:** [Steven L. Weinberg](#)  
**Cc:** "[Christopher L. Pitet](#)"; [Rachael Schiffman](#)  
**Subject:** RE: Defamatory Statements About Mohamed Hadid – CEASE AND DESIST  
**Date:** Monday, June 21, 2021 4:25:31 PM  
**Attachments:** [image002.png](#)

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Steven,

Your accusation that Mr. Hadid is trying to “chill your protected speech” is off base. Libel, slander and defamation are not forms of protected speech, as you know. We will be happy to adjudicate that in connection with your threatened anti-SLAPP motion.

Of course, we have no interest in chilling your *truthful* speech, and to that end, I write now to take you up on your “compromise” offer below. Specifically, you have offered to post a statement clarifying your prior posts regarding Mr. Hadid’s property rights. While I have my doubts about your genuine willingness to set the record straight -- given all of your past disparagement of my client, and even your very recent posts accusing him of lying to the Bankruptcy Court – my client is willing to give you that chance.

Here is a statement that, if posted, would dissuade Mr. Hadid from pursuing a defamation case against you at this time based on the facts as he now understands them:

**RETRACTION AND CORRECTION OF PRIOR FALSE OR MISLEADING STATEMENTS BY STEVEN WEINBERG AND HILLSIDES AGAINST HADID:**

Following receipt of a June 16, 2021 cease and desist letter from Mr. Hadid’s counsel, which I posted here that same day, I have come to understand that some of my prior posts on this site and other social media have been misunderstood, and may have been misleading. I therefore make this post now to try to set the record straight.

1. I asserted in my June 16 email to Mr. Hadid’s counsel, which I republished that same day on this site, that Mr. Hadid had “multiple criminal convictions for building code violations”. In fact, that is not true. One criminal case that was brought against Mr. Hadid; that was in 2015. All charges were dismissed in September of 2020. He does not have, and never had, “multiple criminal convictions”.
2. I have on more than one occasion posted statements here saying that “Hadid closed Hastain Trail”, and stated that he did so to “begin bulldozing Franklin Canyon Park”. Here is one example:

May 27, 2021 @ 1:15 P.M:

We are saddened to report that as of 1:15 p.m. today, **Hadid closed Hastain Trail to begin bulldozing Franklin Canyon Park** to make way for five more mega-mansions. Say goodbye to Franklin Canyon Park and Hastain Trail.

In fact, those statements are not true. Let me explain. The trail referred to by me and some as the “Hastain Trail” does not run through Mr. Hadid’s property. No public hiking trail at all



runs through Mr. Hadid's property. There is a fire road that runs through Mr. Hadid's property that some refer to as the "Hastain Trail", but in fact, that road is not a public easement and the public has no right of access to that road or any part of Mr. Hadid's property. This fact was made clear by the Court of Appeals decision on July 17, 2016 in the case styled as *Friends of the Hastain Trail v. Coldwater Development LLC*, Case Nos. B249841, B251814, 1 Cal. 5<sup>th</sup> 1013 (2016). The Court held in that case that Mr. Hadid's property is privately owned and that the public has **no right of access** to the Property. Any statements posted on this website or other social media suggesting otherwise have been misunderstood or misinterpreted. If Mr. Hadid chooses to close the gates to his property, that is not the equivalent of him "closing Hastain Trail", and it was incorrect for me to say or suggest that he had done that.

I also said that Mr. Hadid had begun "bulldozing Franklin Canyon Park". That statement was false. Mr. Hadid does not own "Franklin Canyon Park". No part of Franklin Canyon Park overlaps with any of Mr. Hadid's property. Therefore, Mr. Hadid has no rights to "bulldoze" the park, nor has he bulldozed it.

3. I am aware that the following "Notice" has been posted at or near Mr. Hadid's property, with my knowledge and consent, on numerous occasions:



The signs state that "the public's access" to a supposed hiking trail running through Mr. Hadid's property "will terminate". I did not intend by these statements to suggest or imply that members of the public had any **legal right** to access the property, only that I was aware that people were in fact entering Mr. Hadid's property absent a legal right to do so. They do not have that right. There is no public right to access Mr. Hadid's property. These signs also perpetuate a misunderstanding that there is a hiking "trail" running through Mr. Hadid's property, or that there is some "destination" to be reached by hikers who choose to walk through that property. That is not accurate. There is a **fire road** running through the property, **not a public trail or easement**. This fact was conclusively decided by the California Court of Appeal in the *Hastain Trail Litigation*.

4. I also stated in my June 16 email to Mr. Hadid's counsel, which I republished on social media, "that access would be ending by way of Mr. Hadid's development plans, including

pending applications for building permits". That is not accurate. The public's access to Mr. Hadid's property is ending – if he exercises his rights to end it – solely because he chooses for it to end, not because of any current plans to develop anything.

5. Finally, I am aware that users of this website have discussed specific ways to access Mr. Hadid's property, including by crawling under fences and gates, and by using bolt cutters and otherwise taking steps to damage or destroy the gates and fences he has erected at entrances to his property. Please understand that no one has the right to access or roam on Mr. Hadid's private property without his consent, much less to vandalize or destroy his fences, gates and "No Trespassing" signs, and I and Hillsides Against Hadid not only do not condone such behavior, but we actively encourage all who follow this site to refrain from engaging in such behavior in the future.

I want to offer my sincere apologies to Mohamed Hadid for any misunderstandings or unlawful conduct caused or encouraged by my and Hillsides Against Hadid's prior statements about him.

Please let me know whether you are willing to post this retraction, and if so, when we can expect to see it.

Sincerely,

Jeff

**Jeffrey Reeves**

Attorney at Law



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Email: [jreeves@tocounsel.com](mailto:jreeves@tocounsel.com)  
Bio: Jeffrey H. Reeves  
Website: [www.tocounsel.com](http://www.tocounsel.com)

---

*Please consider the environment before printing this e-mail.*

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**From:** Steven L. Weinberg [<mailto:steven@weinlawgroup.com>]  
**Sent:** Thursday, June 17, 2021 12:49 PM  
**To:** Jeffrey H. Reeves  
**Cc:** 'Christopher L. Pitet'; Rachael Schiffman; Christopher J. Harney; Samuel G. Fogas; Kimberly Spake  
**Subject:** RE: Defamatory Statements About Mohamed Hadid – CEASE AND DESIST

**[EXTERNAL: This message originated outside your organization.]**

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Hi Jeff:

Thanks for your email. Suffice it to say, I disagree. Let's be very clear; access to your client's property has never been "unlawful" since your client freely allowed it. At any time, he could have put up signs that said "Greetings! I am Mohamid Hadid. [This is my private property.](#) Feel free to hike and enjoy for now but please be advised that

Exhibit G Page 24 of 29  
**WEIN LAW GROUP**

C O U N S E L O R S   A T   L A W

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LOS ANGELES, CALIFORNIA 90067

(310) 598-7005 • E-mail: Steven@WeinLawGroup.com

June 25, 2021

Jeffrey Reeves, Esq.  
Theodora Oringer PC  
535 Anton Blvd, Ninth Floor  
Costa Mesa, CA 92626-7109

Re: Mohamed Hadid – Retraction Demands  
Hillsides Against Hadid.Org

Dear Jeff:

Thank you for your email correspondence dated June 21, 2021 setting forth five demands for retraction (plus an apology) that Hillsides Against Hadid.org (“HAH”) must apparently post to avoid the expense of being sued for defamation by Mr. Hadid.

As an initial matter, you have still not identified a single fact published that is false, much less defamatory. Nor, have you explained how Mr. Hadid intends to produce clear and convincing evidence of malice given his public figure status. Nevertheless, and notwithstanding the obvious lack of merit of Mr. Hadid’s claims, we have repeatedly stated we are willing to resolve the matter by a negotiated public statement. This because HAH is a small neighborhood group and has no money for an expensive legal battle with a wealthy celebrity land developer.

In that spirit, I was hoping that our discussions would result in us meeting somewhere in the middle between your June 16, 2021 proposal and mine offered the same day. Instead of meeting in the middle, the five new retraction demands (and new demand for apology) in your June 21, 2021 correspondence are a complete departure from our previous discussion and unfortunately, a non-starter. Our response to the five new retraction demands is set forth below.

**Retraction Demand No. 1:**

Mr. Hadid pled *nolo-contendere* to three misdemeanor charges stemming from repeated building code violations and was sentenced by a Superior Court for these crimes. The plea of *nolo-contendere* results in a criminal conviction in California. These are facts known world-wide through widely circulated (and still publicly available) copies of the misdemeanor complaint, sentencing memorandum and subsequent motion for probation violations. As also widely reported, Mr. Hadid (supposedly) performed community service as his punishment for breaking the law and committing those crimes.

As much as Mr. Hadid would like sweep all of this under the rug and make it disappear, these facts have been reported in the worldwide press, are true and did not originate with

Jeffrey Reeves, Esq.  
Theodora Oringher, PC  
June 25, 2021  
Page 2

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HAH. Accordingly, HAH's statements are neither false, nor defamatory. Retraction Demand No.1 is respectfully rejected.

Thank you for informing us that Mr. Hadid quietly got his three convictions for building code crimes expunged by way of performing community service and completing probation as per the sentence imposed to punish him. We were not unaware of those facts. As a courtesy, HAH will reference the expungement of the court record if HAH publishes anything about Mr. Hadid's criminal convictions, sentence or punishment in the future as historical facts.

**Retraction Demand No. 2:**

You appear to have a flawed understanding of the Friends of Hastain Trail decision which you have cited repeatedly and upon which Mr. Hadid's defamation case rests entirely.

First, HAH did not coin the term "Hastain Trail." To the contrary, the name Hastain Trail has been used for decades to describe the hiking trail in Franklin Canyon Park and the name has been used and published worldwide. See. e.g. <https://www.alltrails.com/trail/us/california/hastain-trail>. Even the Court of Appeal in the Friends of Hastain Trail case observed that it was "*undisputed the Hastain Trail [runs] atop the Hastain Fire Road.*" Thus, the Hastain Fire Road (and Hastain Trail "atop" of it) do in fact run through Mr. Hadid's property.

Second, the Court ruled the Hastain Fire Road is a "public easement" and at the time it was created: "*the property owners and the public could reasonably contemplate it would be used by hikers.*" Since its creation, nothing has altered the status of it being a public easement and indeed, the Court ruled that when Mr. Hadid purchased the property, he "*took [the land] subject to whatever easements and encumbrances had been created by prior owners . . . [T]he public easement must be respected.*" Whether Mr. Hadid likes it or not, a public easement for hiking presently runs through his property.

Third, the Court ruled that the public easement marked by the Hastain Fire Road could *and would* "enlarge" by way of "development" over time. As an example, in 2004, Mr. Hadid inadvertently enlarged the public easement over his land by development, even though an enlargement of the easement was never his intention.

Jeffrey Reeves, Esq.  
Theodora Oringher, PC  
June 25, 2021  
Page 3

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This occurred when Mr. Hadid illegally graded a road from Coldwater Canyon Drive (at Royalton) to the plateau of what was formerly known as the Peak Trail. Mr. Hadid did this to gain access to the top for heavy construction equipment.

In 2011, Hadid then illegally flattened the top of the plateau of the Peak Trail to develop the site building pad, prompting the Friends of Hastain Trail lawsuit. This later work enhanced and embellished the connected Hastain Fire Road and thereafter enabled the Fire Department to gain access to areas of his property which were not previously accessible, thus, enlarging the existing public easement to include the plateau area and opening it to the Fire Department, as well as to hikers.

Fourth, according to the two Justices deciding the case, the Hastain Fire Road (inclusive of the public easement) and the Hastain Trail (which runs “atop” of it) may be removed by the owner. However, the Court stated removal is limited to “*when [the Fire Road] is no longer needed for fire protection.*” Arguably, that decision rests within the sole and exclusive discretion of the Los Angeles Fire Department, not the whim of Mr. Hadid.

The bottom line is the Friends of Hastain Trail decision does not stand for the proposition that Mr. Hadid’s property is free of any public easement. To the contrary, the Court ruled only that trial court erred by rendering the existing public easement, *permanent*. The entire reasoning of the Court makes no sense in absence of an existing public easement which cannot be terminated until the Fire Department deems the Hastain Fire Road no longer necessary for fire protection.

Accordingly, HAH's statements are neither false nor defamatory. Retraction Demand No. 2 is therefore respectfully rejected.<sup>1</sup>

**Retraction Demand No. 3:**

See our remarks above regarding the Court of Appeal decision in Friends of Hastain Trail. Those remarks apply equally here.

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<sup>1</sup> With regard to bulldozing, Hadid has asserted in court documents that he intends to develop all six of his parcels into homes. Such work has already involved bulldozers (i.e. grading at the plateau) and it is reasonable to assume will involve bulldozers again. Additionally, when Hadid states in court papers that he intends to turn his undeveloped land into homes, it also reasonable to assume that he intends to commence that activity when he installs gates to block the public easement. This is especially true because Mr. Hadid has a history of doing this, including grading without proper permits and/or exceeding the scope of permits and he has even been criminally prosecuted for breaking laws regulating such things. You should also be aware that within days of Hadid erecting fences on Hastain Trail, Hadid had a bulldozer and construction crew working at the Royalton site.

Jeffrey Reeves, Esq.  
Theodora Oringher, PC  
June 25, 2021  
Page 4

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Curiously, you were not wrong about one thing. Having now reviewed the Friends of Hastain Trail decision again, HAH was definitely mistaken when it posted that Mr. Hadid could put up gates and terminate public access to his property any time he desired. He cannot because it would interfere with Fire Department access and the inextricably intertwined public easement for hiking.

Instead, Mr. Hadid must first obtain permission from the Fire Department which must make an independent finding that the Hastain Fire Road is no longer “necessary” for fire protection. Given the heightened wildfire danger due to years-long drought conditions, climate change effects and the absence of any burn in Franklin Canyon for decades, I believe the Fire Department will closely guard its fulltime access to these very high risk hillsides, ridgelines and undeveloped brush covered lands.

HAH’s statements are neither false nor defamatory. Accordingly, Retraction Demand No. 3 is respectfully rejected.

**Retraction Demand No. 4:**

See our remarks above regarding the Court of Appeal decision in Friends of Hastain Trail which are applicable here. HAH’s statements are neither false nor defamatory. Retraction Demand No. 4 is therefore respectfully rejected.

**Retraction Demand No. 5:**

HAH’s response to the hiker included in your June 16, 2021 cease and desist letter (and published on Facebook prior to the receipt of your letter) suffices as a publication of HAH’s unprompted position on the matter of trespass and vandalism. Your letter (including HAH’s timely response) has also been published on the HAH web portal. HAH’s statements are neither false nor defamatory. Retraction Demand No. 5 is therefore respectfully rejected.

Jeff, apart from failing to identify a single false, much less defamatory statement made by HAH (and never explaining how Mr. Hadid intends to show malice), you have also not stated how you intend to avoid the application of Civil Code Section 47b which clearly bars any claim, *even if HAH published defamatory statements*. As such, a complaint filed against HAH at this time would lack any objective legal merit or probable cause.

Jeffrey Reeves, Esq.  
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June 25, 2021  
Page 5

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You and your client have already wasted many hours of my time responding to these far-fetched and baseless allegations against HAH. This time could have been spent on HAH's core mission; namely, stopping Mr. Hadid from destroying our hillsides, ridgelines and animal habitat by way of his illegally constructed and out-of-scale mega-mansions. You and your client's baseless attacks on me and HAH are therefore improper attempts to chill our Constitutionally protected speech and text-book SLAPP, justifying the harshest of sanctions:

“The paradigm SLAPP is a suit filed by a large land developer against environmental activists or a neighborhood association intended to chill the defendants' continued political or legal opposition to the developers' plans.”

*Wilcox v. Superior Court* (1994) 27 Cal.App.4th 809, 815.

Until these claims are resolved, this letter shall serve as notice that you and your client are required to preserve and retain all documents and communications which relate to these matters. This letter and all statements made herein are written under threat of, or in contemplation of eminent litigation. Nothing in the foregoing shall constitute a waiver of any rights, claims, defenses or causes of action which are hereby expressly reserved.

Thank you.

Sincerely,

WEIN LAW GROUP

Steven L. Weinberg

Jeffrey Reeves, Esq.  
Theodora Oringer, PC  
June 25, 2021  
Page 5

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You and your client have already wasted many hours of my time responding to these far-fetched and baseless allegations against HAH. This time could have been spent on HAH's core mission; namely, stopping Mr. Hadid from destroying our hillsides, ridgelines and animal habitat by way of his illegally constructed and out-of-scale mega-mansions. You and your client's baseless attacks on me and HAH are therefore improper attempts to chill our Constitutionally protected speech and text-book SLAPP, justifying the harshest of sanctions:

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Sincerely,

WEIN LAW GROUP

Steven L. Weinberg



### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF STEVEN L. WEINBERG IN RESPONSE TO DECLARATION OF MOHAMED HADID IN SUPPORT OF DEBTORS AND DEBTORS IN POSSESSION'S RESPONSE TO THE COURT'S ORDER (I) DENYING APPLICATION FOR ORDER SETTING HEARING ON SHORTENED TIME AND (II) DIRECTING DEBTOR TO DISCLOSE ADDITIONAL INFORMATION CONCERNING PROPOSED BUYER** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) June 28, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Eryk R Escobar** eryk.r.escobar@usdoj.gov
- **M Douglas Flahaut** flahaut.douglas@arentfox.com
- **Eric J Fromme** efromme@tocounsel.com, stena@tocounsel.com
- **Asa S Hami** ahami@sulmeyerlaw.com, pdillamar@sulmeyerlaw.com;pdillamar@ecf.inforuptcy.com;cblair@sulmeyerlaw.com;ahami@ecf.inforuptcy.com
- **Christopher J Harney** charney@tocounsel.com, stena@tocounsel.com
- **Daniel A Lev** dlev@sulmeyerlaw.com, ccaldwell@sulmeyerlaw.com;dlev@ecf.inforuptcy.com
- **Aram Ordubegian** ordubegian.aram@arentfox.com
- **Ronald N Richards** ron@ronaldrichards.com, morani@ronaldrichards.com
- **Annie Y Stoops** annie.stoops@arentfox.com, yvonne.li@arentfox.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov
- **Dylan J Yamamoto** dylan.yamamoto@arentfox.com

Service information continued on attached page.

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) June 28, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page.

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method**

**for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 28, 2021

Cheryl Caldwell

/s/Cheryl Caldwell

Date

Printed Name

Signature

**ADDITIONAL SERVICE INFORMATION** (if needed):

**2. Served U.S. Mail**

The Honorable Sheri Bluebond  
U.S. Bankruptcy Court  
Roybal Federal Building  
255 E. Temple Street, Suite 1534  
Los Angeles, CA 90012