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5 Attorneys for Petitioners,
6 LUCILLE SAUNDERS and
LABREA-WILLOUGHBY COALITION
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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
10

11 LUCILLE SAUNDERS, an individual; and)
12 LABREA-WILLOUGHBY COALITION,)

13 Petitioners,)

14 vs.)

15 CITY OF LOS ANGELES, et al.;)

16 Respondents.)

CASE NO.: BS154147

NOTICE OF ENTRY OF JUDGMENT

Judge: Hon. James C. Chalfant

Department: 85

Action Filed: February 13, 2015

17)
18)
19)
20 JACOB COHAN, an individual; DETROIT)
21 VENTURES, LLC., a California Business)
Entity; and DOES 1-20,)

22 Real Parties in Interest.)
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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that the Court has entered judgment in Case Number
3 BS154147, *Saunders, et al. v. City of Los Angeles, et al.* The Court's final judgment and order,
4 dated April 28, 2016, is attached to this notice of entry as Attachment A.

5 Dated: May 5, 2016

6 Respectfully Submitted,
7 Venskus & Associates, A.P.C.

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9 Sabrina Venskus
10 Elise Cossart-Daly
11 Attorneys for Petitioners
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ATTACHMENT A

ORIGINAL

FILED
Superior Court of California
County of Los Angeles

APR 28 2016

Sherri B. Carter, Executive Officer/Clerk
By Michael Rivera Deputy
Michael Rivera

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

LUCILLE SAUNDERS, an individual; and)
LABREA-WILLOUGHBY COALITION,)

Petitioners,)

vs.)

CITY OF LOS ANGELES, a municipal)
corporation; the ADVISORY AGENCY of)
the City of Los Angeles; the LOS ANGELES)
CENTRAL AREA PLANNING)
COMMISSION of the City of Los Angeles;)
JAE KIM, an individual acting on behalf of the)
City of Los Angeles,)

Respondents.)

JACOB COHAN, and individual; DETROIT)
VENTURES, LLC., a California Business)
Entity; and DOES 1-20,)

Real Parties in Interest.)

Case No.: BS154147

Assigned to the Hon. James C. Chalfant
Dept.: 85

~~PROPOSED~~ JUDGMENT GRANTING
PETITION FOR WRIT OF MANDATE
AND DECLARATORY AND
INJUNCTIVE RELIEF

PETITION FILED: FEBRUARY 13, 2015
TRIAL DATE: March 22, 2016

~~PROPOSED~~ JUDGMENT GRANTING PETITION FOR WRIT OF MANDATE AND DECLARATORY AND INJUNCTIVE RELIEF

BY FAX

RECEIVED
APR 27 2016
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1 The trial on this matter came before this Court for hearing on March 22, 2016, at 1:30 pm in
2 Department 85, the Honorable James C. Chalfant presiding. Sabrina Venskus and Elise Cossart-
3 Daly of Venskus & Associates, A.P.C., appeared as counsel for Petitioners; Amy Brothers of
4 the Office of the City Attorney for the City of Los Angeles appeared as counsel for Respondents
5 City of Los Angeles, et al.; and Lisa Weinberg of Gaines & Stacey, LLP, appeared as counsel
6 for Real Parties in Interest Jacob Cohan and Detroit Ventures, LLC.

7 During the course of the trial, the Court heard arguments of counsel. Having considered
8 all briefs, pleadings, motions, evidence, and arguments submitted by the parties, the Court
9 adopted its Tentative Decision as modified at oral argument on March 22, 2016.

10 IT IS HEREBY ADJUDGED, ORDERED AND DECREED THAT:

11 1. Judgment shall be entered in favor of Petitioners in this proceeding.

12 2. A peremptory writ of mandate directed to Respondents issue under seal of this Court,
13 commanding Respondent City of Los Angeles to set aside the "deemed approved" decisions of
14 the Central Area Planning Commission and the City Council for the tentative tract map for a
15 small lot subdivision development project located at 7158 West Willoughby Avenue,
16 Hollywood, California 90046 ("the Project") and commanding the Central Area Planning
17 Commission to hear and determine Petitioners' appeal of the Advisory Agency's Determination
18 on the Project.

19 3. The Court DECLARES that Respondents violated Petitioners' right to due process when
20 they:

21 a. Deemed denied Petitioners' appeal to the Central Area Planning Commission
22 despite never having held a hearing; and

23 b. Deemed denied Petitioners' appeal to the City Council despite never having held
24 a hearing.

25 4. The Court DECLARES that sections 17.06(A)(4) and (A)(5) of the Los Angeles
26 Municipal Code irreconcilably conflict with the Subdivision Map Act, codified in California
27 Government Code section 66452.5(d). California Government Code section 66452.5(d)
28 provides an aggrieved party, who is not the subdivider or the tenant, the right to appeal a

1 tentative map decision to the City Council and have that appeal heard and decided. It does not
2 include a provision which empowers the City to deem denied an aggrieved party's appeal if the
3 City Council fails to act on the appeal ^{due to the failure of its staff,} whereas sections 17.06(A)(4) and (A)(5) of the Los
4 Angeles Municipal Code include provisions that allow the City to deem denied an aggrieved
5 party's appeal if the City fails to act on the appeal within 30 days of the filing of the appeal.

6 5. The Court ORDERS that Respondent and Real Parties in Interest, and any and all of
7 their assigns, agents, contractors, employees, owners, directors, partners, or any other person
8 acting on their behalf are enjoined from taking any action to construct ^{or develop} any portion of the Project
9 ~~or to develop or alter the Project site in any way~~ unless and until lawful land use approvals are
10 obtained from Respondent City of Los Angeles.

11 6. As the prevailing parties, petitioners are entitled to recover costs in the amount of
12 \$ _____.

13 7. The Court shall, upon noticed motion pursuant to Rule 3.1702 of the California Rules of
14 Court, separately determine any claim by petitioners for recovery of attorneys' fees.

15 8. This Court retains jurisdiction to oversee the compliance with this Judgment and the
16 Peremptory Writ of Mandate issued.

17 9. Respondent City of Los Angeles shall file and serve a Return to the Peremptory Writ of
18 Mandate within 120 days of the date of the writ's issuance, which Return shall state precisely
19 what Respondent has done to comply with the Writ. Any objections to the Return shall be filed
20 not later than the thirtieth day after the service of the Return.

21
22 Dated: 4/25/16 *J. Chalfant*
23 *J. Chalfant*
24 The Honorable James C. Chalfant

1 **PROOF OF SERVICE**

2 I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party
3 to this action. My business address is: Venskus & Associates, P.C., 603 West Ojai Avenue, Suite F Ojai, CA
4 93023. On May 5, 2016 I served the following documents:

5 **NOTICE OF ENTRY OF JUDGMENT**

6 on the interested party/parties below addressed as follows:

7 Ernesto Velazquez, Deputy City Attorney	Gaines & Stacey LLP
City of Los Angeles	Lisa Weinberg
200 North Main St., 7 th Floor	16633 Ventura Blvd., Suite 1220
Los Angeles, CA 90012	Encino, CA 91436
Ernesto.velazquez@lacity.org	<u>lweinberg@gaineslaw.com</u>
213-978-8214 (fax)	818-933-0222 (fax)

10 / X / (BY MAIL) I placed the envelope for collection and mailing on the date shown above, at this
11 office, in Ojai, California, following our ordinary business practices. I am readily familiar with
12 this office's practice of collecting and processing correspondence for mailing. On the same day
13 that the correspondence is placed for collection and mailing, it is deposited in the ordinary
course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

14 / / (BY FACSIMILE) I telecopied a copy of said document/s to the addressees at the following
15 number as indicated above. The transmission was reported as complete and without error. The
transmission report was properly issued by the transmitting facsimile machine.

16 / / (BY OVERNIGHT DELIVERY) I enclosed the documents in an envelope or package provided
17 by an overnight delivery carrier and addressed to the persons at the addresses indicated above. I
18 placed the envelope or package for collection and overnight delivery at an office or a regularly
utilized drop box of the overnight delivery carrier.

19 / / (BY PERSONAL SERVICE) I delivered such envelope by hand to offices of addressee(s).

20 / X / (BY ELECTRONIC TRANSMISSION) I electronically mailed a copy of said document/s to the
addressees at the email address as indicated further below, per agreement between the parties.

21
22 I declare under penalty of perjury under the laws of the State of California that the above is true and correct
23 and that I am employed in the office of a member of the bar of this court at whose direction the service was
24 made.

25 Executed on May 5, 2016 in Ojai, California.

26 
Alena Spino