

**LEWIS  
BRISBOIS  
BISGAARD  
& SMITH LLP**

ATTORNEYS AT LAW

221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012  
Telephone: 213.250.1800  
Fax: 213.250.7900  
www.lewisbrisbois.com

**BRANT H. DVEIRIN**  
DIRECT DIAL: 213.580.6317  
BRANT.DVEIRIN@LEWISBRISBOIS.COM

December 18, 2014

File No.  
50013.1840

**VIA EMAIL & U.S. MAIL: *Jeff@broedlowlewis.com***

Jeffrey Lewis, Esq.  
BROEDLOW LEWIS LLP  
734 Silver Spur Road, Suite 300  
Rolling Hills Estates, CA 90274-3667

***Re: Citizens for Enforcement, etc., et al. vs. City of Palos Verdes Estates, et al.***  
***LASC Case No.: BS 142 768***

Dear Jeff:

This letter follows our recent conference call, regarding your Motion for Summary Adjudication.

As you know, you did not meet and confer with us prior to filing the Motion, which still needs to occur.

Further, as we explained, the Defendants believe the Motion is premature, in that we have discovery we need to take, and as you pointed out during our phone call, you understood that the Motion could be successfully opposed if there is a need for discovery, and you asked the Defendants to inform you of the discovery desired, and the time necessary to complete the discovery. You also stated you may be willing to stipulate to certain facts in lieu of discovery.

The fact or percipient discovery we desire is on at least the following issue:  
Standing: who comprises the organization, Citizens for Enforcement of Parkland Covenants and who are all the members, their identity, where they live, which own property within the HOA area, which are residents of the City, tenants, other capacity. We propose sending you special interrogatories. As to the time desired for this fact discovery, assuming preparing the discovery, the responses, and the time for any motions, we estimate that we need at least a three month extension of the hearing date on the Motion.

During the same time period, we will serve written discovery and take a deposition of John Harbison, on at least the following issues: his use of the subject alleged parkland, his correspondence and communication with third parties related to the issues in the case, and his participation in the public hearing process on the MOU at issue.

Following this limited factual discovery, or possibly concurrently with the fact discovery, we propose the following expert discovery: interpretation of ancient deeds, the effect of the Marketable Title Act on older deeds, the circumstances under which merger of deed covenants occurs. Based on the need for some limited expert discovery, we propose either a further 60 days for expert discovery, in addition to 90 days for fact discovery, or 150 days for all discovery.

As we also discussed, the Defendants propose setting a briefing schedule for Cross Motions for Summary Judgment by both sides, following the limited fact and expert discovery, with all sides or parties filing opening briefs, and then responding and reply briefs. We propose setting a briefing schedule for Cross Motions following the 150 days for discovery.

Since you have already sent a letter to the court, requesting a trial setting conference, we propose submitting a stipulation to the court in lieu of the TSC, along the lines discussed above, which we will prepare for your review.

**Please advise if the above meets with your approval. We need to hear from you on this no later than close of business on Friday December 19, 2014. If we do not hear from you we will move *ex parte* to continue the Motion and set the above dates.**

We look forward to hearing from you.

Best regards,



Brant H. Dveirn, Esq. of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

BHD/dlm

cc: Daniel V. Hyde, Esq.  
Sidney F. Croft, Esq. (via email at: [sfcroftlaw@aol.com](mailto:sfcroftlaw@aol.com))  
RJ Comer, Esq. (via email at [rj@agd-landuse.com](mailto:rj@agd-landuse.com))  
Damon Marmalakis, Esq. (via email at [damon@agd-landuse.com](mailto:damon@agd-landuse.com))  
Christi Hogan, Esq. (via email at [CHogin@LocalGovLaw.com](mailto:CHogin@LocalGovLaw.com))  
Tarquin Preziosi (via email at [tpreziosi@localgovlaw.com](mailto:tpreziosi@localgovlaw.com))