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Superior Court of California
County of Los Angeles

MAY 22 2015

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10 **CITIZENS FOR ENFORCEMENT OF**
11 **PARKLAND COVENANTS and JOHN**
12 **HARBISON**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

15 **CITIZENS FOR ENFORCEMENT OF**
16 **PARKLAND COVENANTS and JOHN**
17 **HARBISON,**

18 Plaintiffs,

19 vs.

20 **CITY OF PALOS VERDES ESTATES, a**
21 **municipal corporation; PALOS VERDES**
22 **HOMES ASSOCIATION, a California**
23 **corporation; ROBERT LUGLIANI and**
24 **DELORES A. LUGLIANI, as co-trustees**
25 **of THE LUGLIANI TRUST; THOMAS J.**
26 **LIEB, TRUSTEE, THE VIA**
27 **PANORAMA TRUST U/DO MAY 2,**
28 **2012 and DOES 1 through 20,**

Defendants,

) Case No.: BS142768

) (Assigned for all purposes to
) Hon. Barbara A. Meiers, Dept. 12)

) **PLAINTIFFS' RESPONSE TO**
) **DEENDANTS' JOINT EVIDENTIARY**
) **OBJECTIONS**

) Hearing Date: May 29, 2015
) Hearing Time: 9:30 a.m.
) Department: 12

BY FAX

) Action Filed: May 13, 2013
) Trial Date: None Set

29 Plaintiffs oppose defendants' evidentiary objections and request that they be overruled
30 as set forth below.

1 1. Harbison declares in paragraph 2 of his declaration that he has lived in the city
2 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
3 landmarks through the study of city documents, attendance at city council meetings and
4 review of documents produced in this litigation. This is sufficient foundation for Harbison’s
5 declaration testimony concerning the location of the Panorama Parkland.

6 2. Harbison declares in paragraph 2 of his declaration that he has lived in the city
7 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
8 landmarks through the study of city documents, attendance at city council meetings and
9 review of documents produced in this litigation. This is sufficient foundation for Harbison’s
10 declaration testimony concerning the location of the Panorama Parkland.

11 3. Harbison declares in paragraph 2 of his declaration that he has lived in the city
12 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
13 landmarks through the study of city documents, attendance at city council meetings and
14 review of documents produced in this litigation. This is sufficient foundation for Harbison’s
15 declaration testimony concerning the location of the Panorama Parkland.

16 4. Harbison declares in paragraph 2 of his declaration that he has lived in the city since
17 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
18 landmarks through the study of city documents, attendance at city council meetings and
19 review of documents produced in this litigation. This is sufficient foundation for Harbison’s
20 declaration testimony concerning the signage at the parkland.

21 5. Harbison declares in paragraph 2 of his declaration that he has lived in the city since
22 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
23 landmarks through the study of city documents, attendance at city council meetings and
24 review of documents produced in this litigation. This is sufficient foundation for Harbison’s
25 declaration testimony concerning the signage at the parkland.

26 6. Harbison declares in paragraph 2 of his declaration that he has lived in the city since
27 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
28 landmarks through the study of city documents, attendance at city council meetings and

1 review of documents produced in this litigation. This is the paragraph where he lays
2 foundation for the other paragraphs in his declaration. The objection of lack of foundation is
3 without merit.

4 7. Harbison declares in paragraph 2 of his declaration that he has lived in the city
5 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
6 landmarks through the study of city documents, attendance at city council meetings and
7 review of documents produced in this litigation. The facts stated in paragraphs 16-19 of his
8 declaration concern historical events which the parties agree on. The facts stated in
9 paragraphs 7-10 are virtually identical to the facts that the Association's general counsel, Sid
10 Croft, declared to in paragraphs 20 and 21 of his declaration. The objection of lack of
11 foundation should be overruled.

12 8. Harbison declares in paragraph 2 of his declaration that he has lived in the city
13 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
14 landmarks through the study of city documents, attendance at city council meetings and
15 review of documents produced in this litigation. The facts stated in paragraphs 16-19 of his
16 declaration concern historical events which the parties agree on. The facts stated in
17 paragraphs 7-10 are virtually identical to the facts that the Association's general counsel, Sid
18 Croft, declared to in paragraphs 20 and 21 of his declaration. The objection of lack of
19 foundation should be overruled.

20 9. Harbison declares in paragraph 2 of his declaration that he has lived in the city
21 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
22 landmarks through the study of city documents, attendance at city council meetings and
23 review of documents produced in this litigation. The facts stated in paragraphs 16-19 of his
24 declaration concern historical events which the parties agree on. The facts stated in
25 paragraphs 7-10 are virtually identical to the facts that the Association's general counsel, Sid
26 Croft, declared to in paragraphs 20 and 21 of his declaration. The objection of lack of
27 foundation should be overruled.

28

1 10. Harbison declares in paragraph 2 of his declaration that he has lived in the city
2 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
3 landmarks through the study of city documents, attendance at city council meetings and
4 review of documents produced in this litigation. The facts stated in paragraphs 16-19 of his
5 declaration concern historical events which the parties agree on. The facts stated in
6 paragraphs 7-10 are virtually identical to the facts that the Association's general counsel, Sid
7 Croft, declared to in paragraphs 20 and 21 of his declaration. The objection of lack of
8 foundation should be overruled.

9 11. Harbison declares in paragraph 2 of his declaration that he has lived in the city
10 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
11 landmarks through the study of city documents, attendance at city council meetings and
12 review of documents produced in this litigation. Paragraphs 6 and 7 sufficiently lay the
13 foundation for his testimony about the city's permit process.

14 12. Harbison declares in paragraph 2 of his declaration that he has lived in the city
15 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
16 landmarks through the study of city documents, attendance at city council meetings and
17 review of documents produced in this litigation. Paragraphs 6 and 7 sufficiently lay the
18 foundation for his testimony about the city's permit process.

19 13. Harbison declares in paragraph 2 of his declaration that he has lived in the city
20 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
21 landmarks through the study of city documents, attendance at city council meetings and
22 review of documents produced in this litigation. Paragraphs 6 and 7 sufficiently lay the
23 foundation for his testimony about the deeds in this case.

24 14. Harbison declares in paragraph 2 of his declaration that he has lived in the city
25 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
26 landmarks through the study of city documents, attendance at city council meetings and
27 review of documents produced in this litigation. Paragraphs 6 and 7 sufficiently lay the
28 foundation for his testimony about the deeds in this case.

1 15. Harbison declares in paragraph 2 of his declaration that he has lived in the city
2 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
3 landmarks through the study of city documents, attendance at city council meetings and
4 review of documents produced in this litigation. Paragraphs 6 and 7 sufficiently lay the
5 foundation for his testimony about the deeds in this case.

6 16. Harbison declares in paragraph 2 of his declaration that he has lived in the city
7 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
8 landmarks through the study of city documents, attendance at city council meetings and
9 review of documents produced in this litigation. Paragraphs 6 and 7 sufficiently lay the
10 foundation for his testimony about the deeds in this case.

11 17. Harbison declares in paragraph 2 of his declaration that he has lived in the city
12 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
13 landmarks through the study of city documents, attendance at city council meetings and
14 review of documents produced in this litigation. Paragraphs 6 and 7 sufficiently lay the
15 foundation for his testimony about the deeds in this case.

16 18. Harbison declares in paragraph 2 of his declaration that he has lived in the city
17 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
18 landmarks through the study of city documents, attendance at city council meetings and
19 review of documents produced in this litigation. Paragraphs 6 and 7 sufficiently lay the
20 foundation for his testimony about the deeds in this case.

21 19. Harbison declares in paragraph 2 of his declaration that he has lived in the city
22 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
23 landmarks through the study of city documents, attendance at city council meetings and
24 review of documents produced in this litigation. Paragraphs 6 and 7 sufficiently lay the
25 foundation for his testimony about the deeds in this case.

26 20. Harbison declares in paragraph 2 of his declaration that he has lived in the city
27 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
28 landmarks through the study of city documents, attendance at city council meetings and

1 review of documents produced in this litigation. Paragraphs 2 and 6 sufficiently lay the
2 foundation for his testimony about the Luglianis' illegal encroachments in this case.

3 21. Harbison declares in paragraph 2 of his declaration that he has lived in the city
4 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
5 landmarks through the study of city documents, attendance at city council meetings and
6 review of documents produced in this litigation. Paragraphs 2 and 6 sufficiently lay the
7 foundation for his testimony about the Luglianis' illegal encroachments in this case.

8 22. Harbison declares in paragraph 2 of his declaration that he has lived in the city
9 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
10 landmarks through the study of city documents, attendance at city council meetings and
11 review of documents produced in this litigation. Paragraphs 2 and 6 sufficiently lay the
12 foundation for his testimony about the city's actions concerning the MOU.

13 23. Harbison declares in paragraph 2 of his declaration that he has lived in the city
14 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
15 landmarks through the study of city documents, attendance at city council meetings and
16 review of documents produced in this litigation. Paragraphs 2 and 6 sufficiently lay the
17 foundation for his testimony about the city's failure to notify city residents about the MOU
18 process.

19 24. Harbison declares in paragraph 2 of his declaration that he has lived in the city
20 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
21 landmarks through the study of city documents, attendance at city council meetings and
22 review of documents produced in this litigation. Paragraphs 2 and 6 sufficiently lay the
23 foundation for his testimony about the city's failure to notify city residents about the MOU
24 process.

25 25. Harbison declares in paragraph 2 of his declaration that he has lived in the city
26 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
27 landmarks through the study of city documents, attendance at city council meetings and
28 review of documents produced in this litigation. Paragraphs 2 and 6 sufficiently lay the

1 foundation for his testimony about the city’s failure to notify city residents about the MOU
2 process.

3 26. Harbison declares in paragraph 2 of his declaration that he has lived in the city
4 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
5 landmarks through the study of city documents, attendance at city council meetings and
6 review of documents produced in this litigation. He also declares in his reply declaration that
7 he has listened to audio recordings of the [May 8, 2012](#) city council meeting. Paragraphs 2
8 and 6 sufficiently lay the foundation for his testimony about the city’s actions to approve the
9 MOU.

10 27. Hearsay does not apply to an instrument such as a quitclaim deed. Nor does it
11 apply here because the deeds were signed by the Association and the City and they are party
12 admissions.

13 28. This is not a matter of expert opinion and is therefore admissible. The
14 foundation for the knowledge is established at paragraphs 59 and 60 of his declaration.

15 29. The foundation for the knowledge is established at paragraphs 59 and 60 of his
16 declaration.

17 30. The letters are admissible as party admissions.

18 31. Harbison declares in paragraph 2 of his declaration that he has lived in the city
19 since 1992. He also declares in paragraph 6 that he has gained familiarity with city maps and
20 landmarks through the study of city documents, attendance at city council meetings and
21 review of documents produced in this litigation. Paragraphs 2 and 6 are sufficient to lay the
22 foundation for his to authenticate a city document.

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1 DATED: May 22, 2015

BROEDLOW LEWIS LLP

2
3 By:  _____
4 Jeffrey Lewis

5 Attorneys for Plaintiffs
6 CITIZENS FOR ENFORCEMENT OF
7 PARKLAND COVENANTS and JOHN
8 HARBISON

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