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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES—CENTRAL DISTRICT

CITIZENS FOR ENFORCEMENT OF
PARKLAND COVENANTS, an
unincorporated association; JOHN
HARBISON, an individual

Plaintiffs and Petitioners,

v.

CITY OF PALOS VERDES ESTATES, a
municipal corporation; PALOS VERDES
HOMES ASSOCIATION, a California
corporation,

Defendants and Respondents,

ROBERT LUGLIANI and DOLORES A.
LUGLIANI, as co-trustees of THE
LUGLIANI TRUST; THOMAS J. LIEB,
TRUSTEE, THE VIA PANORAMA TRUST
U/DO MAY 2, 2012 and DOES 1 through
20,

Defendants and Real Parties in
Interest.

CASE NO. BS142768

**[PROPOSED] ORDER FOR ENTRY OF
SUMMARY JUDGMENT OR
SUMMARY ADJUDICATION OR BOTH**

Hon. Barbara A. Meiers

This matter came regularly before this Court on May 29, 2015, for hearing on Defendant and Respondent City of Palos Verdes Estates' ("Defendant") Cross-Motion for Summary Judgment or, in the Alternative, Summary Adjudication, and Plaintiffs and Petitioners Citizens for Enforcement of Parkland Covenants and John Harbison, an

1 Individual, ("Plaintiffs") Motion for Summary Adjudication. Jeffrey Lewis of Broedlow
2 Lewis, LLP, appeared on behalf of Plaintiffs. Christi Hogin of Jenkins & Hogin, LLP,
3 appeared on behalf of Defendant City of Palos Verdes Estates. Having reviewed the moving
4 papers, opposition papers, reply papers, all materials filed by the parties, the oral arguments
5 of the parties, and other matters presented to the Court and good cause appearing therefor,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

7 1. Defendant City of Palos Verdes Estates' Cross-Motion for Summary Judgment is
8 Granted;

9 2. Defendant City of Palos Verdes Estates' Cross-Motion for Summary Judgment is
10 Granted as follows:

11 ISSUE 1: Plaintiffs' First Cause of Action for declaratory relief fails as a matter
12 of law because 1) Area A was validly transferred to the Association by the City's
13 actions; and 2) the City has no affirmative duty to enforce private deed
14 restrictions or to remove improvement from Area A.

15 ISSUE 2: Plaintiffs' Second Cause of Action for waste of public funds/*ultra*
16 *vires activity* fails because 1) the City possesses the legal authority both to convey
17 real property under Gov't Code §37350 and to enact zoning laws; and 2) Plaintiffs
18 cannot estop the City from exercising its legislative function in the future.

19 3. Plaintiffs' Motion for Summary Judgment, or, in the alternative, Summary
20 Adjudication is DENIED as to Defendant City of Palos Verdes Estates;

21 4. Judgment is granted in favor of Defendant City of Palos Verdes Estates and
22 against Plaintiffs on the Second Amended Complaint; and

23 5. Defendant City of Palos Verdes Estates shall recover costs of suit against
24 Plaintiffs and Petitioners in the sum of \$ _____.

25
26
27 DATED: _____

28 _____
HONORABLE BARBARA A. MEIERS
JUDGE OF THE SUPERIOR COURT

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action; my business address is 1230 Rosecrans Avenue, Suite 110,
Manhattan Beach, CA 90266.

5 On March 16, 2015, I served the foregoing documents described as:

6 **[PROPOSED] ORDER FOR ENTRY OF SUMMARY JUDGMENT OR
7 SUMMARY ADJUDICATION OR BOTH**

8 on the interested party or parties in this action by placing the original thereof enclosed in sealed
9 envelopes with fully prepaid postage thereon and addressed as follows:

10 *PLEASE SEE SERVICE LIST ATTACHED*

- 11 **VIA EMAIL.** I caused such document as described above, to be transmitted via E-Mail
to the offices of the addressee(s).
- 12 **VIA FACSIMILE.** I caused such document to be transmitted via facsimile to the offices
13 of the addressee(s).
- 14 **VIA OVERNIGHT DELIVERY.** I enclosed the documents in an envelope or package
provided by an overnight delivery carrier and addressed to the person(s) at the address(es)
15 stated above. I placed the envelope or package for collection and overnight delivery at a
regularly utilized drop box of the overnight delivery carrier.
- 16 **VIA U.S.MAIL.** I enclosed the above described documents in a sealed envelope or
17 package addressed to the person(s) listed above or on the attached; caused such envelope
with postage thereon fully prepared to be placed in the United States mail at Los Angeles,
18 California.

19 *I am readily familiar with the Jenkins & Hugin, LLP's practice of collection and processing correspondence for
outgoing mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with
20 postage thereon prepaid at Manhattan Beach, California, in the ordinary course of business. I am aware that
on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is
21 more than one day after date of deposit for mailing in affidavit.*

- 22 **STATE.** I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.
- 23 **FEDERAL.** I declare that I am employed in the office of a member of the Bar of this
24 Court at whose direction the service is made.

25 Executed this 16th day of March, 2015, at Manhattan Beach, California.

26 Wendy Hoffman
27 WENDY HOFFMAN
28

SERVICE LIST

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