



Citizens for Enforcement of Parkland Covenants

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For Immediate Release – July 1, 2015

The Superior Court of the State of California issued its ruling today on the Motion for Summary Judgment in the case (# BS 142768) CITIZENS FOR ENFORCEMENT OF PARKLAND COVENANTS and JOHN HARBISON (Plaintiffs) vs. CITY OF PALOS VERDES ESTATES, a municipal corporation, PALOS VERDES HOMES ASSOCIATION (PVHA - a California corporation), ROBERT LUGLIANI and DORIS LUGLIANI as co-trustees of the Lugliani Trust, THOMAS J. LIEB, TRUSTEE, THE VIA PANORAMA TRUST U/DO May 2, 2012 (Defendants). The case was filed in May 2013.

In the ruling, Judge Barbara A. Meiers wrote that the court grants the motion for summary judgment of the plaintiff (CEPC and John Harbison) as against all defendants and denies the City's cross-motion. Moreover, the ruling:

- Finds both the City and PVHA acted ultra vires (beyond their legal power and authority)
- Provides for reversal of transfer of the 1.7 acres of parklands on Via Panorama to Robert Lugliani as a private owner, and calls for removal of all "illegal encroachments" on the parkland
- Prohibits the City and PVHA from ever trying to do this ever again — not just on this property BUT ON ALL PARKLAND PROPERTIES covered by the 1923 "Establishment Documents."
- Criticized the PVHA for advocating the position of its opponents in the earlier court case BC 431020 when the PVHA was defendant and the Palos Verdes Unified School District (PVUSD) was plaintiff seeking to sell school property to private owners in defiance of the same Protective Restrictions. The Judge called this "judicial estoppel" which prohibits such reverse and inconsistent contentions.
- Calls for reimbursing CEPC for all legal costs

"This ruling is a big win for all Palos Verdes Estates residents who value our open space which is a critical ingredient in what makes PVE a truly special place to live," said John Harbison as leader of CEPC. "It not only reverses an illegal act and returns parkland to its original state, but also the language of the ruling directly binds the City and PVHA from ever trying to sell any parkland that is covered by these restrictions to private parties. The deeds explicitly use language such as 'parkland forever' for the use of the public for recreational purposes, and now that is secure for the future."

Harbison added, "The ruling also further solidifies the win by PVHA in the PVUSD case, and the part of the MOU settlement preventing PVUSD from selling to private parties any property that it deems no longer necessary."

Harbison said, "Over 150 people have signed letters in support of our cause, and this is a big win for all of them. We are grateful to them for their support and to our legal counsel, Jeffrey Lewis of Broedlow Lewis, for his diligent support."

Lewis commented, "Two years ago, I was approached by residents of PVE who could not understand how the City of PVE or the PV Homes Association could lawfully sell public parkland. They felt betrayed by the leaders of the City and the Association. We met with City and Association leaders and were not satisfied with their answers. So we proceeded with our lawsuit to challenge the illegal sale of parkland. On June 29, 2015, the Los Angeles Superior Court issued a written ruling in our favor. It is gratifying to have a judge understand and accept our arguments. The written ruling is detailed and forceful in its condemnation of the illegal actions by the City and the Association. The residents of PVE should question the wisdom of the City leaders and attorneys who initially advised the illegal sale of public parkland and should likewise question any such leaders and attorneys who might appeal this ruling. I am grateful to the members of Citizens for Enforcement of Parkland Enforcement for entrusting this very important public interest lawsuit to my firm. "

Harbison concluded: "Working together, we have achieved an important victory for our community."

All pertinent documents as well as photos of the property are posted to CEPC's website at www.pveopenspace.com. If you would like sign the petition and/or to make a contribution to CEPC for our legal fund to enforce parkland covenants, please go to http://www.pveopenspace.com/How_You_Can_Help.html

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