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11 HORWITZ; RONALD M. OSTER; JOHN
12 A. ROSENFELD, TRUSTEE OF THE
13 ROSENFELD FAMILY TRUST; DIANA
14 M. WHEATLEY.

FILED
LOS ANGELES SUPERIOR COURT

APR 9 8 2002

JOHN A. CLARKE, CLERK
BY *C. L. Coleman*
B. L. COLEMAN, DEPUTY

Case assigned to
Judge

Gregory Alan

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

13 DAVID M. HORWITZ; JACQUELYN
14 HORWITZ; RONALD M. OSTER; JOHN
15 A. ROSENFELD AS TRUSTEE OF THE
16 ROSENFELD FAMILY TRUST; DIANA
17 M. WHEATLEY,

18 Petitioners and Plaintiffs

19 v.

20 THE CITY OF LOS ANGELES, A
21 CHARTER CITY; CITY OF LOS
22 ANGELES DEPARTMENT OF BUILDING
23 AND SAFETY; and DOES 1-50, inclusive,

24 Respondents and Defendants

25 MEHR Z. BEGLARI (A.K.A.
26 MOHAMMAD HOSSIEN BEGLARI) AND
27 VICKEY M. BEGLARI; and DOES 51
28 through 100, inclusive,

Defendants and Real Parties in
Interest

CASE NO.

BC271518

VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

(Code of Civ. Proc §§ 1060, 1085)

TEMPORARY RESTRAINING
ORDER/PRELIMINARY
INJUNCTION/ALTERNATIVE WRIT
OF MANDATE BEING REQUESTED

CT/CASE: BC271518 LEA/DEF:
RECEIPT #: CM2311040
DATE PAID: 04/08/02 01:03:51 PM
PAYMENT: \$194.00
RECEIVED:
CHECK: \$194.00
CASH:
CHANGE:
DASH:

Petitioners and Plaintiffs David M. Horwitz; Jacquelyn Horwitz; Ronald M.

VERIFIED PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR DECLARATORY RELIEF

1 Oster; John A. Rosenfeld, Trustee of the Rosenfeld Family Trust; Diana M. Wheatley
2 ("Petitioners") bring this action on behalf of themselves and the public to ensure that the
3 hereinafter named Defendants and Respondents comply with the City of Los Angeles
4 Municipal Code ("LAMC"), the City of Los Angeles Planning and Zoning Code (the "Zoning
5 Code") and the City of Los Angeles Building Code.

6 I.

7 INTRODUCTION

8 1. This case involves deliberate violations of important building and zoning
9 regulations in the major remodel of, including an addition (the "Project") to an existing single-
10 family dwelling (the "Building") at 909 N. Greentree Road, a.k.a. 864 Brooktree Road,
11 located at the corner of Greentree Road and Brooktree Road in the City of Los Angeles (the
12 "Property") in the Petitioners' residential neighborhood. The remodeling and additions are
13 presently under construction and are in violation of several specific provisions of the LAMC.

14 2. The City of Los Angeles Department of Building and Safety ("LADBS")
15 issued a building permit and a grading permit allowing the Defendants and Real Parties in
16 Interest (the "Beglaris" or "Beglari") to construct a two story addition and a basement to the
17 existing Building. The building permit approves construction of an additional 7,150 square
18 feet to the Building consisting of 1,500 square foot basement, a 550 square foot basement
19 garage, a 2,550 square foot first floor and a 2,550 square foot second floor. This new
20 construction is in addition to the 2,100 square foot existing dwelling.

21 3. This building permit approves violations of specific zoning requirements
22 and limitations including (1) a front yard setback that is at least 12 feet more shallow than
23 required, (2) a building height more than five feet higher than allowed, (3) an encroachment of
24 the entire side of the building of nearly one-half of a foot into the required side yard and (4)
25 approval of the newly configured building in violation of the specific conditions and findings
26 of a previously granted yard variance which yard variance still applies to the Property.

27 4. LADBS issued the building permit approving construction in violation of
28 several relevant provisions of the LAMC. LADBS has jurisdiction to issue building permits

1 only "[w]hen the department determines that the information on the application and plans is in
2 conformance with [the Los Angeles City Building Code, a part of the LAMC] and other
3 relevant codes and ordinances." LAMC § 91.106.4.1.

4 5. As part of its duties in issuing building permits LADBS "is granted the
5 authority to enforce the zoning ordinances of the City." LAMC § 12.26A. However,

6 "[n]o permit pertaining to the use of land or buildings shall be
7 issued . . . unless the application for the permit has been
8 approved by the Department of Building and Safety as to
9 conformance of said use with the provisions of this chapter
[LAMC Chapter 1, Article 2]. Any permit or certificate of
occupancy, issued in conflict with the provisions of this chapter,
shall be null and void." LAMC § 12.26A 2.

10 Here the building permit authorizes construction in conflict with the Zoning Code (LAMC
11 Chapter 1, Article 2). It is, thus, null and void.

12 6. Upon its discovery of numerous Zoning Code violations approved by the
13 initial building permit, based in large part by inaccurate and false information provided by
14 Beglari, LADBS issued several subsequent building permits (collectively the "Building
15 Permits") attempting to correct the code conflicts and zoning violations.

16 7. These subsequently issued Building Permits were also issued in error and
17 failed to correct the Zoning Code violations on the Property. Many of the errors associated
18 with the subsequently issued Building Permits were a direct result of misinformation given to
19 LADBS. Many other errors were frankly the result of improper calculations made by LADBS.

20 8. Based on these numerous zoning violations on the Property, Petitioners
21 filed an appeal to the Board of Building and Safety Commissioners (the "BBSC") setting forth
22 the errors made by LADBS in its determinations involving several Zoning Code provisions.

23 9. Petitioners have learned that the BBSC will not hear their appeal until at
24 least May 2002. Despite repeated requests to LADBS to issue a Stop Work Order pending the
25 resolution of the appeal, LADBS refuses to stop the work.

26 10. Petitioners have also asked Beglari to voluntarily discontinue the illegal
27 construction but Beglari has failed to do so.
28

II.

THE PARTIES AND THE PROPERTY

11. Petitioners are each individuals and homeowners and residents owning property and residing within the immediate vicinity of the Property. Petitioner, John A. Rosenfeld is a Trustee of the Rosenfeld Family Trust which owns a home near the Property. Rosenfeld lives in the home owned by the Trust. Petitioners are and will continue to be directly and adversely impacted by the illegal construction of the Building and the Zoning Code violations. Petitioners' properties (where they reside) are located as close as directly across the street from the Property and no further away than 250 feet from the Property.

12. Defendants and Real Parties in Interest Mehr Z. Beglari and Vickey M. Beglari are the owners of the Property. Petitioners are informed and believe and thereon allege that Mr. Beglari is a general building contractor whose construction company is licensed in the State of California, but whose personal contractor's license has expired. Beglari is the owner/builder of the Project.

13. The Property has two street addresses, 909 N. Greentree Road and 864 Brooktree Road. The Property is located in the Rustic Canyon area within the City of Los Angeles.

14. The Property is located in an area covered by the City's Hillside Ordinance. The City's Hillside Ordinance provides for more stringent property development and construction standards than the general provisions of the Zoning Code.

15. Respondent and Defendant City of Los Angeles is a municipal corporation, and charter city, organized and existing under the laws of the State of California, with the capacity to sue and be sued. As used herein, the term "City" includes, but is not limited to, City employees, agents, officers, boards, commissions, departments, and their members, all equally charged with complying with duties under the City Charter, and with the laws of the State.

16. Respondent and Defendant City of Los Angeles Department of Building and Safety (LADBS) is the Department with the authority to issue building permits and enforce

1 the Los Angeles Municipal Code with respect to the City of Los Angeles Planning and Zoning
2 Code and Building Code.

3 17. Petitioners do not know the true names or capacities, whether individual,
4 corporate, associate or otherwise, of Respondents and Defendants Does 1 through 50, inclu-
5 sive, and therefore sues said Respondents and Defendants under fictitious names. Petitioners
6 will amend this Petition and Complaint to show their true names and capacities when and if the
7 same have been ascertained.

8 18. Petitioners do not know the true names or capacities, whether individual,
9 corporate, associate or otherwise, of Defendants and Real Parties in Interest 51 through 100,
10 inclusive, and therefore sues said Defendants and Real Parties under fictitious names.
11 Petitioners will amend this Petition and Complaint to show their true names and capacities
12 when and if the same have been ascertained.

13 14 III.

15 HISTORY OF THE BUILDING PERMITS

16 19. On or about January 2001, the Beglaris commenced construction of a
17 major addition to and remodel of the existing structure at the property. Before the remodel,
18 there was a single story, single family structure of approximately 2,100 square feet with an
19 attached garage.

20 20. According to city records, the original single-family dwelling with
21 attached garage was approved for construction in 1950 with the address of 864 Brooktree
22 Road. Alterations and additions were approved in 1955 pursuant to a yard variance approval
23 from the Department of City Planning, referred to by the City as Yard Variance YD
24 7913(YV). This yard variance allowed a smaller rear yard than would otherwise be permitted
25 subject to the specific condition that the building be in substantial conformance with a specific
26 exhibit illustrating the approved configuration of the Building. Other relatively minor
27 alterations were approved through 1995 - all with the address of 864 Brooktree Road.

28 21. Between January, 2001 and March, 2002, LADBS issued a series of

1 building permits (the "Building Permits") for the subject Property, all identifying the Property
2 by the address of 909 N. Greentree Road.

3 Yard Variance YD 7913(YV):

4 22. City Yard Variance YD 7913(YV) conditionally granted a rear yard area
5 greatly reduced from that required in the zone. The conditions of the grant require the
6 building conform substantially to the plan attached as an exhibit to the variance documents.
7 The exhibit illustrates the Building with a reduced rear yard and large yards on the other three
8 sides of the Building. This means that the reduced rear yard is permissible only with three
9 other large yards. The configuration of the Building currently under construction violates this
10 condition by obliterating nearly all the remaining yard area on two of the three sides required
11 to be maintained by the conditions of Yard Variance YD 7913(YV).

12 The January 2001 Permits:

13 23. LADBS issued Building permit No. 00014-30000-04934 on January 5,
14 2001, approving a two-story and basement addition to the existing Building (Permit 1). Permit
15 1 properly notes that the Property is located in the City's Hillside Ordinance area. Permit 1
16 further properly notes that the Yard Variance YD 7913(YV) applies to the Property.

17 24. The plans Beglari submitted to the City for Permit 1 include a sketch of
18 the existing front yard setbacks along Greentree Road used to determine the allowable front
19 yard setback for the proposed addition. The required front yard setback is based on the
20 "prevailing setback" existing on the block. The sketch submitted by Beglari shows the wrong
21 dimensions for determining the prevailing setback.

22 25. Based on Beglari's information, the required front yard setback for the
23 addition was erroneously calculated by LADBS and is shown on the approved plan as 21'6"
24 from the curb line. The correct measurement is from the front property line which is located
25 substantially behind the curb line. The actual required front yard setback is 25.93 feet from
26 the front property line. The result of this is that LADBS erroneously approved a front yard of
27 13.91 feet deep which is at least 12 feet less than required by the Zoning Code.

28 26. Grading permit No. 01030-10000-00015 (Permit 2), also issued on

1 January 5, 2001, approved grading for removal of approximately 290 cubic yards of earth to
2 facilitate the new basement construction.

3 Discovery of Errors in the January 2001 Permits:

4 27. In September 2001, licensed land surveyors, Becker and Miyamoto, Inc.
5 ("B & M"), conducted a land survey of the Property. The survey revealed that the side yard
6 adjoining Brooktree Road was nearly one-half of a foot narrower than the seven foot side yard
7 setback required by the City's Hillside Ordinance.

8 28. Also in September 2001, B & M surveyed the existing front yard
9 setbacks along the Greentree Road street frontage in order to calculate the prevailing front yard
10 setback. The survey also showed the then existing front yard setback was at least 12 feet less
11 than the "prevailing setback." This means that the Building was (and still is) substantially
12 encroaching into the required front yard setback area.

13 29. On October 17, 2001, faced with these errors, among others, LADBS
14 issued building permit No. 00014-10002-04934 (Permit 3) purportedly to correct errors
15 associated with its prior approvals. The approved "work description" on Permit 3 is "[t]o
16 obtain full compliance with Hillside Ordinance . . . per LAMC 12.21A17. To update the plot
17 plan." Further, Permit 3 notes that "[t]he prevailing setback is determined to be 13.82 [feet]"
18 based on information included in a survey map submitted by Beglari.

19 30. LADBS calculated the prevailing front yard setback again incorrectly.
20 LADBS considered only three of the four lots comprising the Greentree frontage and averaged
21 the two front yards with the smallest setbacks. In this case, the correct calculation is to
22 consider all four existing front yard setbacks along the frontage and average three of the four.
23 If properly calculated the prevailing front yard setback is 25.93 feet from the front property
24 line instead of the 13.82 feet calculated by LADBS.

25 31. The approved single-page plan on file with LADBS corresponding to
26 Permit 3 is mostly illegible. Interestingly, although the grade elevations and dimensions are
27 not decipherable (except for a handwritten 13.91 foot front yard setback dimension), LADBS
28 approved this plan as the plan to show full compliance with Hillside Ordinance and to update

1 the plot plan.

2 The Withdrawn Yard Modification Request:

3 32. After LADBS found the exterior wall of the Building facing Brooktree
4 Road to be closer to the side property line than approved, Beglari presented a request for a
5 slight yard modification to the BBSC at its November 6, 2001 public hearing. Had that
6 request been granted, the illegal side yard would have been legalized. However, the matter
7 was continued to the BBSC hearing of November 27, 2001, at which time Beglari withdrew
8 the request. Indeed, Beglari represented to the BBSC that he would move the Building so it
9 would comply with the law. Therefore, no relief was granted from the side yard
10 requirements.

11 33. Instead, LADBS issued another building permit No. 00014-10003-04934
12 on November 28, 2001 (Permit 4), purportedly to correct Beglari's violation of side yard
13 setback requirement. The approved work description includes "[m]ove back side wall along
14 brooktree [sic] to meet code required setback of 7'0""

15 34. The approved plans corresponding to Permit 4 include structural details
16 for moving the exterior wall framing adjoining Brooktree Road. These details show the wall
17 cannot physically be moved the distance necessary to comply with the side yard requirements,
18 and yet LADBS still approved the details.

19 35. On January 4, 2002, B & M conducted another survey showing the
20 location of the Building under construction after physical changes were made to the wall
21 encroaching into the side yard area. Not surprisingly, the survey reveals that the side yard
22 violations are still not corrected even after the physical alterations approved by LADBS were
23 done.

24 The Over-Height Building:

25 36. B & M's updated surveys reveal that the Building is over 41 feet high
26 which is five feet above the maximum building height allowed by the City's Hillside
27 Ordinance. The City's Hillside Ordinance specifically requires that the grade elevation from
28 which the building height is measured is determined from the natural or finished grade,

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1 completion of the Building, Real Parties will demand that LADBS issue a certificate of
2 occupancy or final inspection allowing the Building to be occupied and lived in and possibly
3 sold to another party, complete with the violations complained of here.

4 42. Petitioners are entitled to all costs of this suit including all reasonable
5 attorneys fees, pursuant to Code Civ. Proc. § 1021.5 and Gov. Code § 800.
6

7 V.

8 **FIRST CAUSE OF ACTION**

9 **(Petition for Alternative and Peremptory Writ of Mandate Against the City Requiring it**
10 **to Stay the Building Permits and Issue a Stop Work Order Pending Resolution of the**
11 **Appeal Against Respondents and Real Parties in Interest)**

12 43. Petitioners reallege and incorporate herein by reference each and every
13 allegation set forth in Paragraphs 1 through 42 as though set forth fully herein.

14 44. On March 25, 2002, Petitioners filed an appeal with the BBSC.

15 45. The filing of this appeal setting forth errors in LADBS determinations
16 involving zoning ordinances stays all further activity approved by the Building Permits.

17 46. The City's administrative process involves three levels of appeal. First,
18 the City's procedures require that all appeals pertaining to LADBS determinations involving
19 any ordinance within LADBS' jurisdiction (including zoning ordinances) must first be heard by
20 the BBSC under the authority provided by LAMC § 98.0403.1(b) 2. Second, since the
21 specific ordinances at issue involve zoning ordinances, the Director of Planning has "the power
22 and duty to investigate and make a decision" in the matter of the appeal. LAMC § 12.26K 1.
23 Third, the City Planning Commission has jurisdiction over an appeal of the Director under
24 LAMC § 12.26K 5.

25 47. A stay of all actions in furtherance of the action appealed, i.e., specific
26 Zoning Code violations and the approval of Permits based thereon, is clearly provided by
27 LAMC §§ 12.26K 1 and 12.26K 5.

28 48. The procedural scheme clearly requires the work authorized under the

1 Permits be stayed pending the final resolution of the appeal with the City Planning
2 Commission. This stay must include the period from when the appeal is filed until the time
3 the issues raised in the appeal are finally resolved. Otherwise, as here, substantial work will
4 continue on a void permit in the two months it takes to get a BBSC hearing. Therefore,
5 LADBS has a mandatory duty to stay all Building Permits and issue a Stop Work Order until
6 the appeal is resolved.

7 49. LADBS' refusal to stay the Building Permits and issue a Stop Work
8 Order is arbitrary and capricious.

9 50. LADBS' has not proceeded in the manner required by law.

10 51. Petitioners have a direct and beneficial interest in the granting of a writ
11 of mandate by the Court inasmuch as they are directly and adversely affected by Respondents'
12 refusal to stay the Building Permits and Respondents' refusal to issue a Stop Work Order.

13 52. Petitioners do not have a plain, speedy and adequate remedy in the
14 ordinary course of law.

15 53. Petitioners will be irreparably injured if all Building Permits are not
16 stayed and LADBS does not issue a Stop Work Order.

17 54. Petitioners have exhausted all available administrative remedies required
18 to be pursued by them or are excused from exhausting such remedies.

19 55. For these reasons Petitioners request an alternative and peremptory writ
20 directing the City to immediately stay the Permits and issue a Stop Work Order to discontinue
21 all work, including but not limited to foundation work, framing, plumbing, electrical, heating,
22 ventilation, air conditioning, insulation, drywall, interior and/or exterior plaster, stucco,
23 roofing, interior or exterior painting or painting preparation and any and all interior or exterior
24 finish work.

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VI.

SECOND CAUSE OF ACTION

(Petition for Alternative and Peremptory Writ of Mandate Against the City Requiring it to Set Aside the Building Permits Because They Were Issued in Error.)

56. Petitioners reallege and incorporate herein by reference each and every allegation set forth in Paragraphs 1 through 55 as though set forth fully herein.

Front Yard Setback:

57. The Building fails to comply with the required front yard setback. The Zoning Code provides that the minimum depth of the required front yard area be consistent with the prevailing setback condition established on the street frontage. LADBS erred in its front yard prevailing setback determination because it erroneously relied on information provided by Beglari which, among other things, did not properly identify the front yard depth of the properties along the Greentree Road frontage. For example, the front yard depth for the lot adjoining the Property to the northeast was identified by the dimension between the front property line and a detached accessory garage building located within the front yard area. The lots fronting Greentree Road northeast of the Property also front Sunset Boulevard at their opposite ends and hence are defined "through lots." The Zoning Code expressly permits detached accessory garage buildings to be located within the front yard area of through lots. Since the detached accessory garage building is located within the front yard, it cannot define the front yard. Instead, the front yard is that area between the front of the main building (the house) and the front property line. Had the front yard setback for the Building been properly determined, the Building would be required to be set back more than 12 feet further from the front property line than it currently is located.

58. The Zoning Code requires that all developed lots along the street frontage under consideration be considered in the calculation of prevailing front yard setback including the lot for which a building permit is sought. LADBS erred in its prevailing front yard setback determination and did not calculate the front yard setback requirement according to the law because it did not consider the existing development on the Property. Had the City

1 correctly applied these requirements, a prevailing front yard setback of 25.93 feet would be
2 required. Instead, LADBS approved a front yard setback for the Property of only 13.91 feet.

3 59. LADBS had a mandatory duty to calculate the prevailing front yard
4 setback in accordance with the Zoning Code requirements. LADBS has instead approved a
5 front yard setback on the Property that conflicts with what the Zoning Code requires.

6 Over-Height Building:

7 60. The City's Hillside Ordinance limits building height to 36 feet measured
8 from a specifically defined grade datum. LADBS erroneously determined a grade datum
9 resulting in its approval of a building in excess of 41 feet high. LADBS erroneously issued
10 permits purportedly to correct the condition. However, none of the work approved by the
11 subsequent permits has corrected the condition.

12 61. LADBS did not proceed in the manner required by law. LADBS
13 erroneously approved building permits considering a grade elevation the Zoning Code
14 expressly prohibits.

15 62. LADBS had a mandatory duty to define the grade datum and measure
16 the Building height as required by the Zoning Code and the Hillside Ordinance.

17 Side Yard Encroachment:

18 63. LADBS discovered during the course of construction an encroachment of
19 the entire side of the building of nearly one-half of a foot into the required side yard. LADBS
20 subsequently issued a building permit to correct the condition arbitrarily approving a
21 construction detail it knew or should have known could not possibly correct the violation. In
22 order to correct a side yard encroachment of nearly one-half foot, LADBS approved a
23 construction detail to move the framing of the wall without moving the footing supporting the
24 wall framing. The maximum distance the wall could possibly be moved according to the
25 approved detail is three and one-half inches instead of the nearly six inches needed to correct
26 the side yard violation. Not surprisingly, the work done pursuant to this permit results in a
27 continuing encroachment into the side yard.

28 64. LADBS did not proceed in the manner required by law. LADBS may

1 only issue building permits when the plans demonstrate compliance with all applicable
2 ordinances and laws. LADBS issued building permits and approved plans that clearly do not
3 demonstrate compliance with the side yard requirements.

4 65. LADBS has a mandatory duty to check plans and issue building permits
5 approving plans only after determining the plans demonstrate compliance with all applicable
6 ordinances and laws.

7 Violations of Yard Variance:

8 66. LADBS violated its mandatory duties by approving a new building
9 configuration in blatant disregard for the conditions of a still effective yard variance. The
10 Building Permits issued by LADBS approve violations to Yard Variance YD 7913(YV)
11 granted in 1955 by the City Planning Department for a reduced rear yard for the Property.
12 The variance approval is subject to the condition, among others, that the Building conform to
13 an attached exhibit showing the Building with substantial yards on all sides.

14 67. Further, the legal findings justifying the yard variance place significant
15 weight on the then approved orientation of the building with respect to the property lines.
16 LADBS, having no jurisdiction with respect to yard variances, did not proceed in the manner
17 required by law. LADBS approved an entirely new building configuration without causing
18 Beglari to complete a new variance procedure with the department having jurisdiction over
19 yard variances, the Department of City Planning. Therefore, all the Permits issued allowing
20 the configuration of the Building contrary to that allowed by the yard variance are issued in
21 error and should be set aside.

22 68. LADBS had a mandatory duty to disapprove the Building Permits and
23 issue a Stop Work Order until all issues are resolved.

24 69. These duties are all ministerial duties of LADBS and in each case
25 LADBS violated its ministerial duties. Any determinations made by LADBS that the Building
26 complied with the LAMC was arbitrary, capricious and without substantial evidence.

27 70. Petitioners have a direct and beneficial interest in the granting of a writ
28 of mandate by the Court inasmuch as they are directly and adversely affected by the Building

1 constructed in violation of the LAMC.

2 71. Petitioners do not have a plain, speedy and adequate remedy in the
3 ordinary course of law.

4 72. Petitioners will be irreparably injured if all Building Permits are not
5 stayed and LADBS does not issue a Stop Work Order.

6 73. Petitioners have exhausted all available administrative remedies required
7 to be pursued by them or are excused from exhausting the administrative remedies.

8 74. For these reasons Petitioners request an alternative and peremptory writ
9 directing the City to set aside all the Building Permits.

10 **VII.**

11 **THIRD CAUSE OF ACTION**

12 **(Declaratory and Injunctive Relief Against the City)**

13 75. Petitioners reallege and incorporate herein by reference each and every
14 allegation set forth in Paragraphs 1 through 74 as though set forth fully herein.

15 76. An actual controversy exists between Petitioners and Respondents.
16 Petitioners contend that numerous zoning violations exist at the Property. Respondents
17 contend there are no zoning violations at the Property and that it properly issued the Building
18 Permits for the Property.

19 77. Petitioners, as neighbors greatly affected by this Building, request a
20 declaration about the proper enforcement of the Zoning Code and Building Code and for
21 correcting the violations at the Property approved by LADBS.

22 78. It is necessary that an injunction issue directing LADBS to issue a Stop
23 Work Order halting all work on the Property, including but not limited to foundation work,
24 framing, plumbing, electrical, heating, ventilation, air conditioning, insulation, drywall,
25 interior and/or exterior plaster, stucco, roofing and interior and/or exterior painting pending
26 the final adjudication of all issues in dispute. Petitioners will be irreparably injured without
27 such an order.
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79. It is necessary that an injunction issue ordering LADBS to set aside all Building Permits issued between January 5, 2001 and the present because they are issued in error for Zoning Code violations, including but not limited to deficient yard area setbacks, excessive building height and violations to an existing yard variance grant. Petitioners will be irreparably injured without such an order.

VIII.

FOURTH CAUSE OF ACTION

(Public Nuisance Against Defendants and Real Parties in Interest and For Damages)

80. Petitioners reallege and incorporate herein by reference each and every allegation set forth in Paragraphs 1 through 79 as though set forth fully herein.

81. Defendants and Real Parties in Interest are in violation of numerous Zoning Code provisions. The law permits Petitioners, private individuals, to enjoin a zoning violation as a public nuisance because the Petitioners have suffered special injuries to themselves and their property of a character different in kind and greater than that suffered by the general public.

82. Petitioners are property owners of residential properties and reside in the immediate vicinity of the Property, as close as immediately across the street facing the corner of the Property encroached upon by the Building and no further than 250 feet from the Property.

83. The Zoning Code provisions were adopted with the specific intent of protecting the health, safety and welfare of the residents of the City. The over-height Building, which also does not observe the required yard areas, violates numerous Zoning Code provisions and is in conflict with the intent of the Zoning Code provisions resulting in a Building grossly out of character with its surroundings and negatively impacting the property values in its immediate vicinity.

84. The over-height condition and the encroachments of the Building into the front and side yards at the intersection of Brooktree Road and Greentree Road create a

1 hazardous condition to Petitioners residing in the immediate vicinity. The yard
2 encroachments of the over-height Building block vehicular traffic from the view of other
3 motorists approaching the intersection from different directions and block from the view of
4 approaching motorists pedestrians, bicyclists and others attempting to enjoy the preexisting
5 rural setting of the neighborhood.

6 85. It is necessary that an injunction issue ordering Defendants to
7 discontinue any work on the Property, including but not limited to foundation work, framing,
8 plumbing, electrical, insulation, drywall, interior and/or exterior plaster, stucco, roofing and
9 painting pending the final adjudication of all issues in dispute.

10 86. It is necessary that an injunction issue ordering Defendants to abate the
11 nuisance by removing and/or physically altering all portions of the Building in violation of any
12 City of Los Angeles Zoning and/or Building ordinance. Petitioners will be irreparably injured
13 unless an injunction issues.

14 87. Petitioners are entitled to monetary damages for diminution of their
15 property values in close proximity to the Property causing the public nuisance and for loss of
16 use and enjoyment of their own properties and the diminished quality and character of their
17 neighborhood. The amount of monetary damages will be proven at trial but will exceed the
18 jurisdictional limit of the Court (i.e., \$25,000).

19 88. Petitioners are also entitled to all costs of this suit and all reasonable
20 attorneys' fees.

21 IX.

22 FIFTH CAUSE OF ACTION

23 (Declaratory and Injunctive Relief Against Defendants and Real Parties in Interest)

24 89. Petitioners reallege and incorporate herein by reference each and every
25 allegation set forth in Paragraphs 1 through 88 as though set forth fully herein.

26 90. An actual controversy exists between Petitioners and Defendants and
27 Real Parties in Interest. Petitioners contend that numerous zoning violations exist at the
28

1 Property that were approved by the City. Defendants and Real Parties in Interest contend that
2 the work approved by the City complies with the City's zoning provisions.

3 91. Petitioners request a declaration of their rights with respect to the Zoning
4 Code and Building Code violations at the Property approved by LADBS.

5 92. Petitioners request a declaration of their rights with respect to the
6 continuing public nuisance caused by numerous Zoning Code violations.

7 93. It is necessary that an injunction issue enjoining Defendants and Real
8 Parties in Interest from performing any further work on the Property, including but not limited
9 to foundation work, framing, plumbing, electrical, heating, ventilation, air conditioning,
10 insulation, drywall, interior and/or exterior plaster, stucco, roofing and interior and/or exterior
11 painting pending the final adjudication of all issues in dispute.

12
13 **X.**

14 **PRAYER FOR RELIEF**

15 **WHEREFORE**, Petitioners respectfully pray that:

16 **ON THE FIRST CAUSE OF ACTION:**

17 1. There be issued against Respondents an alternative and peremptory Writ
18 of Mandate ordering Respondents to stay the Building Permits issued between January 5, 2001
19 and the present, for work on the Property, and, in addition, to issue a Stop Work Order
20 prohibiting any further activity on the Property authorized by the Building Permits.

21 **ON THE SECOND CAUSE OF ACTION:**

22 2. There be issued against Respondents an alternative and peremptory Writ
23 of Mandate ordering Respondents to set aside all Permits issued for the Property between
24 January 5, 2001 and the present.

25 **ON THE THIRD CAUSE OF ACTION:**

26 3. There be a judicial determination of the Zoning Code violations
27 approved by LADBS for the Property.

28 4. There be issued against Respondents a preliminary and permanent

1 injunction ordering the City to stay all Permits issued for the Property between January 5,
2 2001 and the present.

3 5. There be issued against Respondents a preliminary and permanent
4 injunction ordering the City to issue a Stop Work Order against all work at the Property.

5 ON THE FOURTH CAUSE OF ACTION:

6 6. There be issued against Defendants and Real Parties in Interest a
7 preliminary and permanent injunction enjoining Defendants and Real Parties in Interest from
8 performing any work on the Property in furtherance of the continuing public nuisance.

9 7. There be issued a preliminary and permanent injunction ordering
10 Defendants and Real Parties in Interest to abate the nuisance by removing and/or physically
11 altering those parts of the Building in violation of the City of Los Angeles Zoning and
12 Building ordinances.

13 8. To monetary damages, the amount of which will be proven at trial but
14 will exceed the jurisdictional limit of the Court (i.e., \$25,000).

15 ON THE FIFTH CAUSE OF ACTION:

16 9. There be a judicial determination of the Zoning Code violations
17 approved by LADBS and based on inaccurate and false information provided by Defendants.

18 ON ALL CAUSES OF ACTION:

19 10. There be awarded Petitioners the costs of this suit and all reasonable
20 attorneys' fees.

21 11. Other appropriate relief as determined by the Court.

22 Dated: April 8, 2002

JEFFER, MANGELS, BUTLER & MARMARO LLP
BENJAMIN M. REZNIK
PAMELA S. SCHMIDT
KEVIN K. MCDONNELL

24 By: Kevin K. McDonnell
25 KEVIN K. MCDONNELL

26 Attorneys for Petitioners and Plaintiffs
27 DAVID M. HORWITZ; JACQUELYN HORWITZ;
28 RONALD M. OSTER; JOHN A. ROSENFELD,
TRUSTEE OF THE ROSENFELD FAMILY TRUST;
DIANA M. WHEATLEY

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES _____

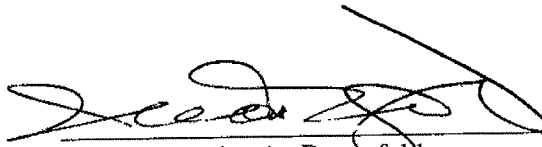
I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know its contents.

CHECK APPLICABLE PARAGRAPH

- ☒ I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- ☐ I am ☐ an Officer ☐ a partner, ☐ a _____ of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. I am informed and believe that the matters stated herein are true.
- ☐ I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on April 5, 2002, at Los Angeles, California.


John A. Rosenfeld

P R O O F O F S E R V I C E

STATE OF CALIFORNIA, CITY AND COUNTY OF LOS ANGELES

I am employed in the city and county of Los Angeles, State of California.
I am over the age of 18 and not a party to the within action; my business address
is: 2121 Avenue of the Stars, 10th Floor, Los Angeles, California 90067.

On April 8, 2002 I served the document(s) described as **VERIFIED PETITION
FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF** in this action by placing the true copies thereof enclosed in sealed
envelopes addressed as follows:

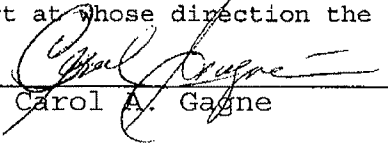
THE CITY OF LOS ANGELES
CITY CLERK'S OFFICE
ROOM 395
200 North Spring Street
Los Angeles, CA 90012

CITY OF LOS ANGELES DEPARTMENT OF
BUILDING AND SAFETY
ROOM 395
200 North Spring Street
Los Angeles, CA 90012

- [X] (BY MAIL) I am "readily familiar" with the firm's practice for collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, 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 more than one day after date of deposit for mailing in affidavit.
- [] (BY FAX) At _____ .m., I transmitted, pursuant to Rules 2001 et seq., the above-described document by facsimile machine (which complied with Rule 2003(3)), to the above-listed fax number(s). The transmission originated from facsimile phone number (310) 203-0567 and was reported as complete and without error. The facsimile machine properly issued a transmission report, a copy of which is attached hereto.
- [] (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.
- [] (BY OVERNIGHT DELIVERY) I caused said envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).

Executed on April 8, 2002 at Los Angeles, California.

- [X] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- [] (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Carol A. Gagne

ORIGINAL

982.2(b)(1)

| | | |
|---|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) BENJAMIN M. REZNIK, Bar No. 72364 PAMELA S. SCHMIDT, Bar No. 128950/KEVIN K. McDONNELL JEFFER, MANGELS, BUTLER & MARMARO LLP /Bar No. 204368 2121 Avenue of the Stars, Tenth Floor Los Angeles, California 90067 TELEPHONE NO (310) 203-8080 FAX NO (310) 203-0567 ATTORNEY FOR (Name) Plaintiffs | | FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT APR 08 2002 JOHN A. CLARKE, CLERK <i>C. L. Coleman</i> BY C. L. COLEMAN, DEPUTY |
| INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY: SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF LOS ANGELES Central | | CASE NUMBER: 8C271518 ASSIGNED JUDGE: |
| CASE NAME: DAVID M. HORWITZ, etc., et al. vs. THE CITY OF LOS ANGELES, etc., et al. | | |
| CIVIL CASE COVER SHEET <input type="checkbox"/> Limited <input checked="" type="checkbox"/> Unlimited | Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811) | |

Please complete all five (5) items below.

1. Check **one** box below for the case type that best describes this case:
- | | | |
|--|---|--|
| Auto Tort <input type="checkbox"/> Auto (22) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (e.g., discrimination, false arrest) (08) <input type="checkbox"/> Defamation (e.g., slander, libel) (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (e.g., legal malpractice) (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) | <input type="checkbox"/> Other employment (15) Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (e.g., money owed, open book accounts) (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (e.g., quiet title) (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) | <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Claims involving mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Toxic tort/Environmental (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (e.g., sister state, foreign, out-of-county abstracts) (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43) |
|--|---|--|
2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination and related actions pending in one or more courts in other counties, states or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial post-disposition judicial disposition |
3. Type of remedies sought (check all that apply):
 a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): five (5)
5. This case ☐ is ☒ is not a class action suit.

Date: April 8, 2002

KEVIN K. McDONNELL

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 982.2.)
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

SHORT TITLE DAVID M. HORWITZ, etc., et al. vs. THE CITY
OF LOS ANGELES, etc., et al.

CASE NUMBER

80271518

CIVIL CASE COVER SHEET ADDENDUM
CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURT LOCATION

This form is required in all new civil case filings in the Los Angeles Superior Court

I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

☐ JURY TRIAL? ☒ YES ☐ CLASS ACTION? ☐ YES ☐ LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 3
☐ HOURS/ ☒ DAYS.

II. Select the correct district and courthouse location (4 steps):

- 1 After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column 1, the Civil Case Cover Sheet case type you selected.
- 2 Check one Superior Court type of action in Column 2 which best describes the nature of this case.
- 3 In Column 3, circle the reason for the court location choice that applies to the type of action you have checked.

Applicable Reasons for Choosing Court Location (See Column 3 below)

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county tort, or not PI/PD-Gen.Juris)
3. Location where cause of action arose.
4. Location where injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

4 Fill in the information requested on page 4 in item III; complete item IV. Sign the certificate.

| | -1- Civil Case Cover Sheet Category No. | -2- Type of Action (Check only one) | -3- Applicable Reasons - See Above |
|--------------------|---|--|--|
| Auto Tort | Auto (22) | <input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Dam./Wrongful Death Is this an uninsured motorist case? <input type="checkbox"/> Yes <input type="checkbox"/> No | 1., 2., 4. |
| Other PI/PDWD Tort | Asbestos (04) | <input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestosis - Personal Injury/Wrongful Death | 2. 2. |
| | Product Liability (24) | <input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental) | 1., 2., 3., 4., 8. |
| | Medical Malpractice (45) | <input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice | 1., 2., 4. 1., 2., 4. |
| | Other PI/PD/WD (23) | <input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional PI/PD/WD (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7220 Other Personal Injury/Property Dam./Wrongful Death | 1., 2., 4. 1., 2., 4. 1., 2., 4. |
| Non-PI/PDWD Tort | Business Tort (07) | <input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract) | 1., 2., 3. |
| | Civil Rights (08) | <input type="checkbox"/> A6005 Civil Rights | 1., 2., 3. |
| | Defamation (13) | <input type="checkbox"/> A6010 Defamation (slander/libel) | 1., 2., 3. |
| | Fraud (16) | <input type="checkbox"/> A6013 Fraud (no contract) | 1., 2., 3. |
| | Intellectual Property (19) | <input type="checkbox"/> A6016 Intellectual Property | 2., 3. |
| | Prof. Negligence (25) | <input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal) | 1., 2., 3. 1., 2., 3. |

Non-PI/PD/WD Tort (Contd)

Employment

Contract

Real Property

Unlawful Detainer

Judicial Review

SHORT TITLE DAVID M. HORWITZ, etc., et al. vs. THE
CITY OF LOS ANGELES, etc., et al.

CASE NUMBER

| -1- Civil Case Cover Sheet Category No. | -2- Type of Action (Check only one) | -3- Applicable Reasons - See Above |
|--|---|--|
| Other Non-PI/PD/WD Tort (35) | <input type="checkbox"/> A6025 Other Intentional Tort Complaint (not PI/WD/PD) <input type="checkbox"/> A6026 Other Tort Complaint Case (not Intentional or PI/WD/PD) | 1., 2., 3. 1., 2., 3. |
| Wrongful Termination (35) | <input type="checkbox"/> A6037 Wrongful Termination | 1., 2., 3. |
| Other Employment (15) | <input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals | 1., 2., 3. 10. |
| Breach of Contract/ Warranty (06) (not insurance) | <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not UD or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach-Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence) | 2., 5. 2., 5. 1., 2., 5. 1., 2., 5. |
| Collections (09) | <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case | 2., 5., 6. 2., 5. |
| Insurance Coverage (18) | <input type="checkbox"/> A6015 Insurance Coverage (not complex) | 1., 2., 5., 8. |
| Other Contract (37) | <input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence) | 1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8. |
| Emnt Dom/Inv. Cond. (14) | <input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____ | 2. |
| Wrongful Eviction (33) | <input type="checkbox"/> A6023 Wrongful Eviction Case | 2., 6. |
| Other Real Property (26) | <input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not em. domain, landlord/tenant, foreclosure) | 2., 6. 2., 6. 2., 6. |
| Unlawful Det-Comm (31) | <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction) | 2., 6. |
| Unlawful Det-Resid (32) | <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) | 2., 6. |
| Unlawful Det-Drugs (38) | <input type="checkbox"/> A6022 Unlawful Detainer-Drugs | 2., 6. |
| Asset Forfeiture (05) | <input type="checkbox"/> A6108 Asset Forfeiture Case | 2., 6. |
| Petition re Arbitration Award (11) | <input type="checkbox"/> A6115 Petition to Compel/Confirm Arbitration | 2., 5. |
| Petition re Arbitration Award (11) | <input type="checkbox"/> A6115 Petition to Compel/Confirm Arbitration | 2., 5. |

SHORT TITLE: DAVID M. HORWITZ, etc., et al. vs. THE
CITY OF LOS ANGELES, etc., et al.

CASE NUMBER

| Judicial Review (continued) | -1- Civil Case Cover Sheet Category No. | -2- Type of Action (Check only one) | -3- Applicable Reasons - See Above |
|------------------------------|--|--|---|
| | Provisionally Complex Litig. | Writ of Mandate (02) | <input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review |
| Oth. Jud. Review (39) | | <input checked="" type="checkbox"/> A6150 Other Writ/Judicial Review | 2., 8. |
| Antitrust/Trade Reg. (03) | | <input type="checkbox"/> A6003 Antitrust/Trade Regulation | 1., 2., 8. |
| Cnstrction Defect (10) | | <input type="checkbox"/> A6007 Construction defect | 1., 2., 3. |
| Cim. Inv. Mass Tort (40) | | <input type="checkbox"/> A6006 Claims Involving Mass Tort | 1., 2., 8. |
| Securities Litig. (28) | | <input type="checkbox"/> A6035 Securities Litigation Case | 1., 2., 8. |
| Tox. Tort/Envronm (30) | | <input type="checkbox"/> A6036 Toxic Tort/Environmental | 1., 2., 3., 8. |
| Enforcement of Judgment | Ins Covrage Clms from Complex Case (41) | <input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only) | 1., 2., 5., 8. |
| | Enforcement of Judgment (20) | <input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case | 2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9. |
| | RICO (27) | <input type="checkbox"/> A6033 Racketeering Case | 1., 2., 8. |
| Misc. Civ. Cmplts | Other Complaints: (Not Specified Above) (42) | <input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex) | 1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8. |
| | Prtnrshp/Crp. Gov. (21) | <input type="checkbox"/> A6113 Partnership and Corporate Governance Case | 2., 8. |
| Misc. Civil Petitions | Other Petitions (Not Specified Above) (43) | <input type="checkbox"/> A6121 Civil/Workplace Harassment <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition | 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9. |

982.2(b)(1)A

76C134

CIVIL CASE COVER SHEET ADDENDUM
CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURT LOCATION

LASC Rule 2.0(d)

R7/00

Page 3 of 4 pages

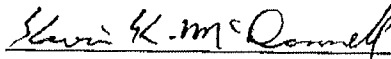
| | |
|---|-------------|
| SHORT TITLE: DAVID M. HORWITZ, etc., et al. vs. THE CITY OF LOS ANGELES, etc., et al. | CASE NUMBER |
|---|-------------|

-4-

III. Choose the courthouse: Enter the address of the accident, party residence or place of business, performance, or other circumstance you have circled in Column 3 as the proper reason for filing in the court location you selected.

| | | |
|---|--------------|---|
| REASON: CHECK THE NUMBER YOU CIRCLED IN -3- WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. | | ADDRESS 909 North Greentree Road and 864 Brooktree Road |
| CITY: Pacific Palisades | STATE: CA | ZIP CODE: 90272 |

IV. Certificate/Declaration of Assignment: The undersigned hereby certifies and declares that the above entitled matter is properly filed for assignment to the Superior courthouse in the Central District of the Los Angeles Superior Court under Section 392 et seq., Code of Civil Procedure and Rule 2(b), (c) and (d) of this court for the reason checked above. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration was executed on April 8, 2002 at, Los Angeles California.
(city) (date)


 (SIGNATURE OF ATTORNEY/FILING PARTY)
 Kevin K. McDonnell, Esq.

New Civil Case Filing Instructions

This addendum form is required so that the court can assign your case to the correct courthouse location in the proper district for filing and hearing. It satisfies the requirement for a certificate as to reasons for authorizing filing in the courthouse location, as set forth in Los Angeles Superior Court Local Rule 2.0. It must be completed and submitted to the court along with the Civil Case Cover Sheet and the original Complaint or Petition in ALL civil cases filed in any district (including the Central District) of the Los Angeles County Superior Court. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

PLEASE HAVE THE FOLLOWING DOCUMENTS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk (Summons forms available at the Forms Counter).
3. Civil Case Cover Sheet form required by California Rule of Court 982.2(b)(1), completely filled out (Cover Sheet forms available at the Forms Counter).
4. This "Addendum to Civil Case Cover Sheet" form (Superior Court Form Number 982.2(b)(1)A, revised 7/99), completely filled out and submitted with the Civil Case Cover Sheet. *
5. Payment in full of the filing fee or an Order of the Court waiving payment of filing fees in forma pauperis (fee waiver application forms available at the Filing Window).
6. In case of a plaintiff or petitioner who is a minor under 18 years of age, an Order of the Court appointing an adult as a guardian ad litem to act on behalf of the minor (Guardian ad Litem Application and Order forms available at the Forms Counter).
7. Additional copies of documents presented for endorsement by the Clerk and return to you.

* With the exception of limited civil cases and any civil cases concerning personal injury (including wrongful death) and property damage occurring in this County, Labor Commissioner Appeals, and those types of actions required to be filed in the Central District by Local Court Rule 2(b), all civil actions may be optionally filed either in the Central District or in whichever other court location the rule would allow them to be filed. When a party elects to file a general or unlimited jurisdiction civil action in Central District which would also be eligible for filing in one or more of the other court locations, this form must still be submitted with location and assignment information completed.