

Richard S. MacNaughton, Esq. SBN 77258  
Attorney at Law - Hollywood Office  
1916 North Saint Andrews Place  
Hollywood, California 90068-3602  
323/957-9588 Tel 323/464-7066 Fax  
MacNaughtonEsq@Gmail.com

Edward W. Pilot, Esq. SBN 136812  
A Professional Corporation  
9107 Wilshire Boulevard, Suite 700  
Beverly Hills, California 90210-5525  
310/274-9602 Tel 310/274-7749 Fax  
ed\_pilot@hotmail.com

Attorneys for Petitioner: SaveValleyVillage [SVV]

LOS ANGELES COUNTY SUPERIOR COURT  
FOR THE STATE OF CALIFORNIA

**CEQA related case**

SAVEVALLEYVILLAGE, an unincorporated association,	)	CASE: <b>BS160608</b>
	)	Related case BS157989 assigned to
	)	Dept 15, Judge Richard Fruin
Petitioner-Plaintiff,	)	
vs.	)	<b>FIRST AMENDED</b>
	)	<b>VERIFIED PETITION-</b>
THE CITY OF LOS ANGELES, CITY COUNCIL OF THE CITY OF LOS ANGELES, COUNCILMEMBER GILBERT CEDILLO, COUNCILMEMBER PAUL KREKORIAN, COUNCILMEMBER BOB BLUMENFIELD, COUNCILMEMBER DAVID RYU, COUNCILMEMBER PAUL KORETZ, COUNCILMEMBER NURY MARTINEZ, COUNCILMEMBER FELIPE FUENTES, COUNCILMEMBER MAR-QUEECE HARRIS-DAWSON, COUNCILMEMBER CURREN D. PRICE., JR., COUNCILMEMBER HERB J. WESSON, JR.,	)	Request for Jury Trial
	)	1. Citizens C.C.P. § 1085 Petition for Injunctive Relief due to Vote Trading Agreement at City Council
	)	2. Second cause of action Omitted
	)	3. Declaratory Relief, CCP § 1060 re CEQA Consent Calendar
	)	4. Declaratory Relief, CCP § 1060 Re Council Rule 48a

**Citizens Petition re Unlawful  
Voting Practices**

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

SEP 08 2016

Sherril R. Carter, Executive Officer/Clerk  
By Raul Sanchez, Deputy

1 COUNCILMEMBER MIKE BONIN, )  
2 COUNCILMEMBER MITCHELL ENG- )  
3 LANDER, COUNCILMEMBER MITCH )  
4 O'FARRELL, COUNCILMEMBER JOSE, )  
5 HUIZAR COUNCILMEMBER JOE )  
6 BUSCAINO, DOES THROUGH 50, INCLU- )  
7 SIVE, )  
8 Respondents-Defendants. )

## GENERAL ALLEGATIONS

1. For all times herein relevant, Petitioner-Plaintiff Save Valley Village SVV (also known as The Neighbors & Community of Valley Village) was and is an unincorporated association of citizens and residents of Los Angeles County who are concerned about the quality of life in the City of Los Angeles and in particular with the quality of life in the area of the City known as Valley Village. SVV brings this action due to the on-going Unlawful Voting Practices as further described *infra* [hereinafter sometimes collectively referred to as UVP] and for injunctive relief and attorney fees under Code of Civil Procedure, §§ 525, 526(a), 1085-1087, and Code of Civil Procedure, § 1021.5 and Government Code, § 54060.5.

2. SVV is composed of various residents, citizens and tax payers of the City of Los Angeles State of California and as such SVV and its members have an interest in the laws of their City being enforced including that the City Council follow the laws when conducting its business. Respondent-Defendant City of Los Angeles acting through Respondent-Defendant City Council of the City of Los Angeles has a record extending over many years of using a voting trading agreement to conduct business, thereby violating not only the Brown Act but also *Penal Code*, § 86.

1  
2 3. For all times herein relevant, Respondent City of Los Angeles was  
3 and is a charter city within the State of California with City Hall located at 200  
4 North Spring Street, Los Angeles, California 90012 [hereinafter The City].  
5

6 4. For all times herein relevant, Respondent City Council of City of  
7 Los Angeles was and is the legislative body, the governing board and the  
8 highest administrative body of The City with its City Hall located at 200 North  
9 Spring Street, Los Angeles, California 90012 [hereinafter the City Council].  
10

11 5. Each and every Councilmember who is named herein as Respondent  
12 is sued herein in his/her representative capacity only as the duly elected official  
13 for his/her council district and none is sued herein in his/her personal capacity.  
14 Each Councilmember is a proper Respondent in this Citizen Complaint with  
15 respect to each's participation UVP. The City, The City Council and the  
16 Respondent Councilmembers are sometimes collectively referred to as  
17 Respondents City.  
18

19 6. SVV is unaware of the true names and identities of those  
20 Respondents sued under the fictitious names DOES 1 through 50, inclusive.  
21

22 7. Each Respondent was and is the agent, servant and employee of  
23 each remaining Respondent was and is acting within the scope of that agency in  
24 doing all the acts wherein alleged and in failing to perform all the omissions  
25 herein alleged.  
26

27 8. Jurisdiction of the Petition falls within the California Superior Court  
28 for the County of Los Angeles under Code of Civil Procedure, §§ 525, 526,  
1085-187 and Public Resources Code, §§ 21000, et seq., The Brown Act

1 (Government Code, §§ 54050 *et seq.*), and venue is proper in central district  
2 (Code of Civil Procedure, § 394).

3  
4 9. SVV has no plain, speedy, adequate remedy in the ordinary  
5 course of law, since its members and other members of the public will  
6 suffer irreparable harm as a result of Respondents City engaging in UVP  
7 rather than following the law when approving Council Projects [The term  
8 “Council Project” is defined under the first cause of action.] Respondents City  
9 have had and continue to have the capacity and ability to approve Council  
10 Projects within the limits of and in a manner consistent with The Brown  
11 Act, Penal Code, § 86, CEQA, and Council Rule 48a, but Respondents City  
12 have failed and refuse to do so and have acted inconsistently with said  
13 laws.

14 10. SVV has standing to seek enforcement of public right via a Writ of  
15 Mandamus as since it is sufficient that all citizens are interested as citizens in  
16 having the laws executed and the duty in question enforced.

17  
18 11. Respondent City Councilmembers have the public duty to follow the  
19 laws especially laws enacted which describe whether they may engage in  
20 bribery. Since 2006, when the State of California amended Penal Code §  
21 86 to expressly outlaw City Councilmembers from using their votes as part  
22 of a vote trading agreement, all city Councilmembers have had the public  
23 duty not to engage in vote trading by exchanging their vote/s for the vote/s  
24 of another Councilmember/s. Penal Code § 86 states:

25  
26 Every Member of either house of the Legislature, or **any member**  
27 **of the legislative body of a city**, county, city and county, school  
28 district, or other special district, who asks, receives, or **agrees** to

1 receive, any bribe, upon any understanding that his or her official  
2 vote, opinion, judgment, or action shall be influenced thereby, or  
3 shall give, in any particular manner, or upon any particular side of  
4 any question or matter upon which he or she may be required to act  
5 in his or her official capacity, or gives, **or offers or promises to**  
6 **give, any official vote in consideration that** another Member of  
7 the Legislature, or another member of the **legislative body of a city,**  
8 county, city and county, school district, or other special district shall  
9 give **this vote** either **upon the same or another question,** is  
10 punishable **by imprisonment in the state prison for two, three, or**  
11 **four years** and, in cases in which no bribe has been actually  
12 received, by a restitution fine of not less than two thousand dollars  
13 (\$2,000) or not more than ten thousand dollars (\$10,000) or, in  
14 cases in which a bribe was actually received, by a restitution fine of  
15 at least the actual amount of the bribe received or two thousand  
16 dollars (\$2,000), whichever is greater, or any larger amount of not  
17 more than double the amount of any bribe received or ten thousand  
18 dollars (\$10,000), whichever is greater. [**bold added**]

12. As used herein, SVV uses Penal Code § 86 to establish the public  
13 duty of each Councilmember and SVV does not seek to invoke any criminal  
14 penalty to which the statute refers. A penal code may be used to establish the  
15 public duty to be enforced by a Citizen's Complaint, provided the Complaint  
16 does not intervene in a specific criminal case. Petitioner intervenes in no  
17 specific case and the District Attorney has declined to exercise Primary  
18 Jurisdiction. Any statute may be used to establish the respondents' public duty  
19 without the statute's specifically creating a private right of action in the Citizen.  
20 Penal Code § 86 establishes the public duty to be enforced by the Citizens  
21 Complaint.

22  
23 13. Where the question is one of public right and the object of the  
24 mandamus is to procure the enforcement of a **public duty**, SVV need not show  
25  
26  
27  
28

1 that it has any legal or special interest in the result, since it is sufficient that it is  
2 interested as a citizen in having the laws executed and the duty in question  
3 enforced. (*Bd. of Soc. Welfare v. County of L. A.* (1945) 27 Cal.2d 98, 100-101  
4

5 14. In addition to the general public duty not to violate the law, each  
6 Councilmember took oaths under the City Charter.

7  
8 “I do solemnly swear (or affirm, as the case may be) that I will  
9 support the Constitution of the United States and the Constitution  
10 of the State of California and the Charter of the City of Los  
11 Angeles, and that I will faithfully discharge the **duties of the office**  
12 of (here inserting the name of the office) according to the best of  
13 my ability.” *LAMC § 215 Oath of Office*

14 In addition to the powers and **duties prescribed by the**  
15 **Charter**, the officers, employees, and boards of the City shall have  
16 such other powers and perform such other duties as may be  
17 prescribed by the **laws of the State of California**, or by ordinance,  
18 not in conflict with the Charter, or by resolution adopted by the  
19 Council, not in conflict with the provisions of the Charter or  
20 ordinance. ” *LAMC § 213 Additional Powers and Duties of*  
21 *Officers and Employees.*

22 **All elected officials of the City are expected to conform to the**  
23 **highest standards of personal and professional conduct.** The  
24 Council shall have the power to adopt, by a two-thirds vote, a  
25 resolution of censure with respect to any member of the Council  
26 whose actions constitute a gross failure to meet such high standards,  
27 even if the action does not constitute a ground for removal from  
28 office under the Charter. *LAMC § 209 Code of Conduct of Elected*  
*Officials; Censure*

///

1           15. SVV has met its duty to allege a public right which has been, is  
2 being, and will continue to be violated.

3  
4           16. SVV has a beneficial right and interest in The City's following the  
5 substantive and procedural law.

6  
7           17. Unless Respondents and Defendants, and each of them, are enjoined  
8 SVV and other members of the community will suffer irreparable harm from  
9 which there is no remedy at law.

10  
11                               First Cause of Action  
12                               Petition for Writ of Mandate  
13                               *Code of Civil Procedure*, § 1085, 1086, 525 et seq.,  
14                               And Injunctive Relief as to Voting Trading Practices,  
15                               Against The City Council and the Fifteen (15) Councilmembers  
16                               of the Los Angeles City Council

17           18. SVV hereby realleges and incorporates by reference into this cause  
18 of action, paragraphs 1 through 17, inclusive, of this Amended Petition.

19           19. While the City Council's UVP apply to more measures than  
20 construction projects, this cause of action addresses the situation where a  
21 Councilmember seeks approval of a construction project in his/her council  
22 district as distinguished from a measure which has construction throughout the  
23 entire city, such as Mobility Plan 2035, the Transportation Element of the  
24 General Plan. The term "Council Project" refers to construction projects such  
25 as private condos and apartments, small lot subdivisions, "Granny Flats," which  
26 are located within one council district and the Councilmember for that district  
27 has placed that "Council Project" on the City Council's agenda.  
28

1           20. The City Council's voting practices violate the public duty not to  
2 engage in vote trading which Penal Code § 86 forbids.

3  
4           21. An agreement may be reached in a written agreement, by oral  
5 agreement, by requesting a return actions (called unilateral contract), by custom  
6 and practice. Furthermore, an agreement may be reached among a number of  
7 people who agree at different times in different places and by different means.  
8 SVV need not allege nor prove how each Councilmember came to abide by the  
9 Voting Trading Pact as long as SVV alleges its factual existence.

10           22. The Councilmembers of the Los Angeles City Council operate  
11 according to an agreement, i.e. The Vote Trading Pact, not to Vote No on any  
12 Council Project in another council district and said agreement by its very terms  
13 requires reciprocity, also called mutuality, whereby the agreement not to Vote  
14 No by one Councilmember is given in exchange for the other Councilmember's  
15 not to vote No on a Council Project in his/her council district. Some have  
16 described the Vote Trading Pact as an agreement to Vote Yes for all Council  
17 Projects, and it has been described as taking the format of, "If you scratch my  
18 back on my Council Projects, I will scratch your back on your Council  
19 Projects." Others refer to the agreement as one of deferring or respecting the  
20 decision of the Councilmember in whose district the Council Project is located.  
21 All the phrases describe the same Vote Trading Pact.

22  
23           23. Councilmember David Ryu has described the Vote Trading Pact as  
24 one of "respect" for other Councilmembers's Council Projects and in return he  
25 expects the same "respect" for his Council Projects.

26  
27           "For someone to come in at the tail end and to disagree with my  
28 recommendation after meetings with the community on dozens of



1 occasions and with other city departments and after I have involved  
2 stakeholders,” doesn’t make sense, he said. “I make a  
3 decision...and my colleagues respect it. Even if they might disagree  
4 with my decision, they abide by it because they were not there  
5 during those community meetings.” *Los Feliz Ledger September 1,*  
6 *2016*

7 In brief, other Councilmembers, who disagree with a Council Project,  
8 abide by the decision of the Councilmember in whose district the Council  
9 Project is located, and they, therefore, Vote Yes. That is the essence of a Vote  
10 Trading Pact.

11 24. Proof of the Vote Trading Agreement is also seen by the percentage  
12 of unanimity for Council Items. “According to an analysis by the Los Feliz  
13 Ledger, in 2015 the city council, under the leadership of current President Herb  
14 Wesson voted unanimously 99.99032% of the time. In all, over 5,600 council  
15 votes were analyzed. Of that amount, 55 were not unanimous. A similar study  
16 was conducted by the Los Feliz Ledger for 2010, when current Los Angeles  
17 Mayor, Eric Garcetti, served as president. In that analysis, there were more  
18 incidences of vote disparity by the council, but it was still rare. In 2010, the city  
19 council voted on 5,466 motions. Of those, 99.96% were unanimous.” *Los Feliz*  
20 *Ledger, September 1, 2016* There is no statistical difference between Garcetti’s  
21 99.96% unanimity and Wesson’s 99.99032% unanimity. The likelihood that a  
22 quorum of a fifteen (15) member city council could reach unanimous agreement  
23 over 99% of the time in over 1,000 consecutive votes is less than one in 1,000  
24 billion billion billion.

25 25. The Vote Trading Pact entails behavior which violates The Brown  
26 Act, Government Code, § 54954050 *et seq.*, in a number of ways.

27 ///  
28

1        26. The district attorney or **any interested person** may commence an  
2 action by mandamus, injunction, or declaratory relief for the purpose of stopping  
3 or preventing violations or threatened violations of this chapter by members of  
4 the legislative body of a local agency or to determine the applicability of this  
5 chapter to ongoing actions or threatened future actions of the legislative body.  
6 Government Code, § 54960(a)

7  
8        27. Government Code § 54953 requires that all City Council meetings  
9 be open to the public, unless one of the specific statutory exceptions applies  
10 allowing for closed session. When there has been prior non-public meeting/s  
11 where the Councilmembers have made the decision how to vote on council  
12 items, a significant portion of the meeting/s were not conducted in public and  
13 hence violate Government Code, § 54953.

14        28. Government Code § 54957.7 requires that all non-public meetings,  
15 “closed meetings,” shall be preceded by advance disclosure in a public meeting  
16 of the items to be discussed on the closed meeting. The non-public meeting/s  
17 relating to the Vote Trading Pact are never disclosed to the public.

18  
19        29. Government Code, § 54952.2 forbids serial meetings. A series of  
20 private meetings whereby the Councilmembers agree to and/or are informed of  
21 the Vote Trading Pact also violates The Brown Act.

22  
23        30. The UVP have harmed, continue to harm and will continue to harm  
24 the City of Los Angeles and its citizens in variety of ways which shall be proved  
25 at the time of trial. There mere violations of The Brown Act, Penal Code § 86,  
26 and CEQA are sufficient to establish harm without alleging further factual  
27 details.  
28

32. SVV is entitled to injunctive relief in that The City Council's voting behavior was and is unlawful and that each and every Councilmember should cease and desist from participation in the Vote Trading Agreement.

33. SVV and members of the general public seek an injunctive relief restraining the City Council of the City of Los Angeles and its individual Councilmembers from engaging in any voting agreement and from conducting non-public deliberations, except as authorized by The Brown Act.

34. The Court may enjoin the City Councilmembers without directing how they show exercise their discretion and the Court may enjoin the City Council and the City of Los Angeles from taking any action based upon the Vote Trading Pact.

35. SVV is entitled to reasonable attorney fees and costs under Government Code, § 54060.5 and Code of Civil Procedure, § 1021.5 and to the extent their action protects a public right or confers a benefit on the public over and above Petitioners' personal interests.

**Second Cause of Action**  
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1 Third Cause of Action  
2 Declaratory Relief  
3 Consent Calendar Violates CEQA  
4 CEQA Guidelines § 15025  
5 Request for Jury Trial on Factual Questions

6 36. SVV hereby realleges and incorporates by reference into this cause  
7 of action, paragraphs 1 through 35, inclusive, of this Amended Petition-  
8 Complaint. Where the prior allegations do not form required elements of this  
9 cause of action, they are informational only in order to provide context to this  
10 cause of action.

11 37. SVV has an actual controversy with Respondents City's use of  
12 Consent Calendar for CEQA matters, where all items are unanimously approved  
13 with no independent consideration by the City Council.

14 38. When items are placed on the consent calendar they are not  
15 considered by the City Council but instead calendar item is unanimously  
16 approved. The fact that Councilmembers may have copies of the CEQA  
17 documents available to them does not give rise to an inference that the City  
18 Council independently reviewed and considered the prior determinations of  
19 other City departments or committees any more than does the fact that a horse  
20 was led to water compel the inference that it drank from it. SVV alleges that  
21 when a CEQA item is placed on the Consent Calendar, it receives no  
22 independent review and consideration by the City Council. The City Council  
23 sessions at which CEQA matters are approved on the Consent Calendar contain  
24 no discussion or debate on the EIR whatsoever. Even when all the council  
25 members have received copies of the EIR (or MND), the Councilmembers' and  
26 the City Council's duties under CEQA Guidelines § 15025(b)(1) and *Kliest v*  
27 *City of Glendale* are not discretionary but mandatory and the fact that a  
28

1 Councilmember could have requested that the CEQA matter/s be removed from  
2 the Consent Calendar does not fulfill their duty.

3  
4 39. Only the Los Angeles City Council has the power to approve CEQA  
5 projects. As the City Council's vote commits it to a definite course of action in  
6 regard to an intended project, none of the prior determinations are final  
7 including those of the PLUM Committee. Unless the City Council approves a  
8 CEQA Project by at least a majority vote, the Council Project is never approved.

9  
10 40. SVV is entitled to declaration as to Councilmember's and the City  
11 Council's approving CEQA matters without the City Council's independent and  
12 separate review of the CEQA matters.

13 41. SVV is entitled to reasonable attorney fees and costs under Code of  
14 Civil Procedure, § 1021.5 to the extent their action protects a public right or  
15 confers a benefit on the public over and above Petitioners' personal interests.

16  
17 Fourth Cause of Action  
18 Declaratory Relief  
19 Failure of City Council to Follow Council Rule 48a  
20 Request for Jury Trial on Factual Questions

21 42. SVV hereby realleges and incorporates by reference into this cause  
22 of action, paragraphs 1 through 35, inclusive, of this Amended Petition-  
23 Complaint. Where the prior allegations do not form required elements of this  
24 cause of action, they are informational only in order to provide context to this  
25 cause of action.

26 ///

27 ///

28

1 43. Council Rule 48a States:

2  
3 Council Rule 48. a. When the Presiding Officer directs the  
4 roll call, it shall be taken by means of the **Council's computerized**  
5 **record keeping system**, except where said officer directs that it be  
6 taken orally. If an oral roll call is taken, it shall be taken in  
7 alphabetical order, beginning at the left of the President's chair.

8 When voting with the Council's computerized record keeping  
9 system, **each Councilmember shall activate his or her own**  
10 **assigned voting circuit**. Upon direction of the Presiding Officer,  
11 the Clerk shall tabulate the vote in such a manner that the  
12 mechanical tabulation of results occurs simultaneously with the  
13 visual display of **those results**. Every member present when a  
14 question is put shall vote for or against the same.

15 Whether the roll call **has been** mechanically tabulated or oral,  
16 it shall be **supplemented** by the Clerk by counting **one "aye" vote**  
17 **for each member present who did not vote**. The Clerk shall  
18 announce the vote. The Presiding Officer shall then announce the  
19 disposition of the item. **[bold added]**

20  
21 44. Contrary to Council Rule 48a, City Councilmembers do not  
22 **"activate his or her own assigned voting circuit,"** but rather the City  
23 Council's vote tabulator automatically votes Yes, at times causing Yes Votes  
24 on behalf of Councilmembers who have left the Council Chambers.

25  
26 45. After Councilmembers have activated their voting circuit and the  
27 results displayed, Council Rule 4a requires that the clerk shall supplement the  
28 Councilmember's votes by counting one "aye" (yes) for each Councilmember  
who was present and who did not vote.

46. In reality, the City Council vote tabulator tallies all actual votes and  
all non-votes simultaneously and then the vote tabulator simultaneously displays  
the combined actual votes and the non-votes as Yes votes.

1           47. Unless and until the City Council amends Council Rule 48a, it has  
2 the duty to follows its own Council Rule 48a, and this Court may enjoin  
3 violation of Council Rule 48a.

4  
5           48. SVV is entitled to reasonable attorney fees and costs under Code of  
6 Civil Procedure, § 1021.5 to the extent their action protects a public right or  
7 confers a benefit on the public over and above Petitioners' personal interests.

8  
9 WHEREFORE SVV prays for relief as follows:

10  
11                               First Cause of Action  
12                               Cause of Action for Writ and Injunctive  
13                               Due to the Vote Trading Agreement

14           1. SVV requests that This Court enjoin The City Council's voting  
15 procedure and mechanism; that this Court order The City and The City Council  
16 to devise a new voting system which guarantees that each Councilmember uses  
17 his/her own discretion and that no voting agreement exists.

18           2. SVV further prays for a preliminary injunctions and permanent  
19 injunction of the UVP in all its variations as will be set forth in more detail in  
20 an application for permanent injunction.

21  
22           3. SVV further requests that This Court order that voting pact is  
23 unlawful as in violation of The Brown Act and contrary to *Penal Code*, § 86.

24  
25           4. SVV further requests that This Court order that The City and the  
26 City Council present a series of Returns to the Court and to the Petitioner,  
27 setting forth the proposed new voting process for City Hall and that the **first**  
28

1 Return be due (30) days from the date of the Judgment herein.

2  
3 5. That pursuant to Government Code, § 54060.5 and Code of Civil  
4 Procedure, § 1021.5, this Court award Petitioner reasonable attorney fees and  
5 costs due to their conferring a substantial benefit on the community.

6  
7 6. That this Court provide such other and further relief as it deems just  
8 and proper.

9  
10 Second Cause of Action  
42 U.S.C. § 1983 Violations  
11 Omitted in Amended petition

12  
13 Third Cause of Action  
Declaratory Relief

14  
15 1. A determination that the use of the Consent Calendar violates CEQA  
16 and an order that Respondents City cease to use the Consent Calendar for CEQA  
17 items.

18  
19 2. That pursuant to Code of Civil Procedure, § 1021.5, this Court  
20 award Petitioners reasonable attorney fees and costs due to their conferring a  
21 substantial benefit on the community.

22  
23 3. For such other and additional relief as this court deems just and  
24 proper.

25 Third Cause of Action  
Declaratory Relief

26  
27 1. A determination that the use of the actual voting procedure used by  
28 the City Councilmembers and City Council violate Council Rule 48a and order



1 that Respondents City cease to violate Council Rule 48a

2  
3 2. That pursuant to Code of Civil Procedure, § 1021.5, this Court  
4 award Petitioners reasonable attorney fees and costs due to their conferring a  
5 substantial benefit on the community.

6  
7 3. For such other and additional relief as this court deems just and  
8 proper.

9  
10 DATED: Thursday, September 8, 2016

11  
12 Edward W. Pilot, A Professional Corp., and  
13 Richard S. MacNaughton, Esq.  
14 Co-counsel for Petitioner SaveValleyVillage

15 By

16   
Richard S. MacNaughton, Esq.

17 1916:VV:VV2-P-FAP-ver#3

Richard S. MacNaughton, Esq.  
1916 North Saint Andrews Place  
Hollywood, California 90068-3602

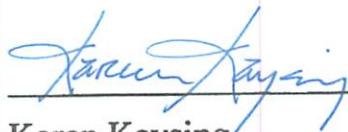
1  
2 **VERIFICATION of PETITION**

3  
4 **STATE OF CALIFORNIA**  
5 **COUNTY OF LOS ANGELES**

6  
7 I have read the foregoing First Amended Petition for Writ of Mandate,  
8 Injunction, and complaint for Declaratory Relief under Code of Civil Procedure §  
9 1060, and I know the contents thereof. I am the person authorized to sign  
10 verifications by Petitioner-Plaintiff SaveValleyVillage SVV in the foregoing action.  
11 The matters stated therein are true and correct from my personal knowledge except  
12 for those matters of which I am informed and as to those matters, I believe the  
13 pleading to be true and accurate.

14 I declare under penalty of perjury of the laws of the State of California this  
15 declaration is true and correct.

16  
17 Executed on September 8, 2016, at Valley Village, Los Angeles, California.

18  
19 

20 Karen Kaysing  
21 authorized agent of SVV to sign  
22 on behalf of Petitioner SaveValleyVillage [SVV]  
23  
24  
25  
26  
27  
28

**Proof of Service By Email and US MAIL**

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California and I am over the age of eighteen (18) years and I am not a party to this within action. My business address is 1916 North Saint Andrews Place, Hollywood, CA 90068

On September 8, 2016, I served the following documents:

**1. First Amended Verified Petition** on all interested parties by emailing and/or mailing via US mail with postage fully prepaid thereupon as indicated below:

**Attorney and Address**

**Email**

US Mail and Email

Gabriel Dermer, Esq.  
Los Angeles City Attorney Office  
200 North Main Street Room 675  
Los Angeles, CA 90012

[Gabriel.dermer@lacity.org](mailto:Gabriel.dermer@lacity.org)

Courtesy copies via email only

Donna Wong, Esq.  
Amy Brothers, Esq.  
200 North Main Street, 701 City Hall East  
Los Angeles, CA 90012

[Donna.wong@lacity.org](mailto:Donna.wong@lacity.org)

[Amy.brothers@lacity.org](mailto:Amy.brothers@lacity.org)

Amrit Kulkarni, Esq.  
MEYERS, NAVE, ET AL.  
707 Wilshire Boulevard, 24th Floor  
Los Angeles, CA 90017

[amrit@meyersnave.com](mailto:amrit@meyersnave.com)

Fred Gaines, Esq.  
Alicia Bartley, Esq.  
Gaines & Stacey, LLP  
16633 Ventura Blvd. Suite 1220  
Encino, CA 91436-1872

[fgainesq@gaineslaw.com](mailto:fgainesq@gaineslaw.com)

[Abartley@gaineslaw.com](mailto:Abartley@gaineslaw.com)

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed at Hollywood, California on September 8, 2016

  
Richard MacNaughton