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12 **No Fee ~ Gov't Code § 6103**

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

15 Fix the City, Inc., a California Nonprofit
16 Corporation,

17 Petitioner,

18 vs.

19 City of Los Angeles, a Municipal
20 Corporation; The City of Los Angeles
21 City Council; and Does 1 Through 10,
22 inclusive,

23 Respondent.

Case No.: 23STCP04410

Honorable James C. Chalfant
Department 85

City Objections to the Declaration of Laura Lake

Action Filed: December 5, 2023

Trial Date: November 14, 2024

Time: 9:30 a.m.

Dept: 85

24 Respondent City of Los Angeles (“City”) submits the following objections to the
25 Declaration of Laura Lake Petitioner Fix the City (“Fix”) attached to its Reply trial brief.
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1 Trial Brief, p. 18:10-25). First, as the City’s Trial brief showed, the entire public facility issue
2 is irrelevant because Section 8698.4(a)(1)(B) provides its provisions apply to a “public facility
3 or homeless shelters reserved entirely for the homeless.” (City Trial Brief, p. 21:10-12)
4 (emphasis added). Because the Midvale Shelter is a homeless shelter reserved entirely for the
5 homeless, the Court need not consider whether the lot where the Midvale Shelter is being
6 installed was also a “public facility.” The project meets one of the two Section 8698.4
7 requirements, which is all that is required.

8 Further, Ms. Lake’s testimony is not even relevant to determining whether Lot 707 was
9 a public facility as defined by Section 8698. Section 8698(c) provides that Lot 707 was a
10 public facility if any of its operations were paid for by with tax dollars. Mr. Cervantes
11 documents that Lot 707 operations include parking enforcement and collection of ticketing
12 paid for with tax funds. (Cervantes Decl., ¶ 3). In contrast, Ms. Lake’s declaration does not
13 show she possesses percipient knowledge of the full scope of Lot 707 operations. That
14 enforcement of parking rules is part of a parking lot’s operations, as stated by Mr. Cervantes, is
15 also a common proposition for which a court is entitled to take judicial notice even if Mr.
16 Cervantes had not so documented. (See Evid. Code § 452(g) [judicial notice proper for “Facts
17 and propositions that are of such common knowledge within the territorial jurisdiction of the
18 court that they cannot reasonably be the subject of dispute”]).

19 Lastly, Fix’s Reply argument for which the Lake Declaration is cited as support,
20 demonstrates why her declaration is wrong and without percipient knowledge. The Reply
21 asserts that LAAC § 5.117 prohibits use of Special Parking Revue Funds (“SPRF”) for
22 policing of parking meters and issuance of parking citations and relies on the Lake declaration.
23 (Reply, p. 14:14-24). LAAC section 5.117, however, merely provides the definition of Special
24 Parking Revenue Funds and states the purposes for which those funds may be used.
25 (Silverstein Declaration attached to Fix’s Trial Brief, Exh. C). That Code section does not
26 prohibit the City from using general tax dollars to support parking lot operations. The fact that
27 Fix argues that SPRF funds cannot be used to pay for Lot 707 parking lot rule enforcement
28 means other City money must be used – which Mr. Cervantes shows occurs. Neither Ms.

1 Lanke nor Section 5.117 show that enforcement of parking lot rules is not a component of Lot
2 707 operations. Finally, no evidence, including the declaration of Ms. Lake, has been presented
3 to this Court showing that any SPRF funds are used for any Lot 707 operations at all. Fix
4 simply asks the Court to assume SPRF funds are used because the Lot was purchased with
5 SPRF funds. The only operations funding evidence presented is Mr. Cervantes declaration
6 testimony showing that general fund tax dollars pays for parking rule and citation enforcement
7 at Lot 707. The City objects to Ms. Lake’s irrelevant testimony concerning an irrelevant issue.
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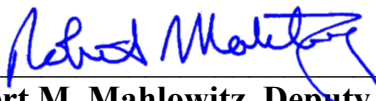
9 **Ruling By The Court**

Sustained: _____

Overruled: _____

10 Dated: November 8, 2024

Hydee Feldstein Soto, City Attorney
Valerie L. Flores, Chief Deputy City Attorney
John W. Heath, Chief Assistant City Attorney

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12
13 By: 
14 **Robert M. Mahlowitz, Deputy City Attorney**
15 Attorney for Respondent, City of Los Angeles
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1 **PROOF OF SERVICE**

2 I, the undersigned, say: I am over the age of 18 years and not a party to the within
3 action or proceeding. My business address is 200 North Main Street, 701 City Hall East, Los
4 Angeles, California 90012.

5 On November 8, 2024, I served the foregoing documents described as: **City**
6 **Objections to the Declaration of Laura Lake** on all interested parties in this action as
7 follows:

8 **Robert P. Silverstein**
9 **Esther Kornfeld**
10 **Gabby Piceno**
11 **James Link**

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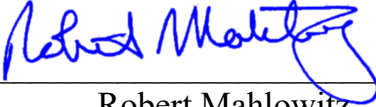
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21 **FIX THE CITY, INC.**

22 *Attorneys for Petitioners*

23 **[X] BY ELECTRONIC MAIL** – I electronically transmitted the document listed above to
24 the email address stated above which has been confirmed for each addressee stated
25 above. My electronic service address is Robert.Mahlowitz@lacity.org.

26 I declare that I am employed in the office of a member of the bar of this court at whose
27 direction the service was made. I declare under penalty of perjury under the laws of the State
28 of California that the foregoing is true and correct. Executed on November 8, 2024, at Los
Angeles, California.

29 

30 Robert Mahlowitz