1 2 3 4 5 6 7	Hydee Feldstein Soto, City Attorney (SBN 1) Valerie L. Flores, Chief Deputy City Attorney John W. Heath, Chief Assistant City Attorney Robert M. Mahlowitz, Deputy City Attorney Los Angeles City Attorney's Office 200 North Main Street, 701 City Hall East Los Angeles, California 90012 Tel: 213.978.8205 Fax: 213.978.8090 E-Mail: robert.mahlowitz@lacity.org Attorneys for Respondent, City of Los Angeles	ey (SBN 13857 ey (SBN 19421 ey (SBN 16012	.5)		
8	No Fee ~ Gov't Code § 6103				
9			OF CALIFORNIA		
10	SUPERIOR COURT OF THE STATE OF CALIFORNIA				
11	FOR THE COUNTY OF LOS	ANGELES –	CENTRAL DISTRICT		
12 13	Fix the City, Inc., a California Nonprofit Corporation,	Case No.: 23	STCP04410		
14	Petitioner,	Honorable Jo Department	ames C. Chalfant 85		
15 16	VS.		ions to the Declaration of Laura		
17	City of Los Angeles, a Municipal	Lake			
18	Corporation; The City of Los Angeles City Council; and Does 1 Through 10,	Action Filed.	: December 5, 2023		
19	inclusive,	Trial Date: Time:	November 14, 2024 9:30 a.m.		
20	Respondent.	Dept:	85		
21					
22					
23	Respondent City of Los Angeles ("City") submits the following objections to the				
24	Declaration of Laura Lake Petitioner Fix the City ("Fix") attached to its Reply trial brief.				
25					
26					
27					
28					
		1			
	City Objections to the Declaration of Laura Lake				

OBJECTION TO THE LAURA LAKE DECLARATION

Objectionable Testimony:

"I am personally familiar with City of Los Angeles Lot 707, having used it for many years up until its recent closure by the City. I would estimate that I have parked my car there on at least 40 occasions. The operation of the lot has always been the same. First, no parking attendant worked at the lot. Second, people simply would pull into a parking space, pay at a pay station for at least the last approximately ten years, and leave when they were done."

(Declaration, ¶ 3).

Grounds for Objection:

Relevance and lack of foundation. (Evid. Code § 350 ["No evidence is admissible except relevant evidence."] & 702 ["[T]he testimony of a witness concerning a particular matter is inadmissible unless he has personal knowledge of the matter."]) Fix's Reply cites the Lake Declaration solely in support of the following proposition: "Midvale operates, or used to, with people pulling their cars in, parking and then paying. (Lake Decl., ¶ 3). That is the totality of Lot 707 operations." (Reply, p. 14:19-20). Ms. Lake does not demonstrate any basis to establish personal knowledge of the totality of parking lot 707, the Midvale Project site. All she knows is what see saw at the site – that there were no meters or a parking attendant. In contrast, the Declaration of City of Los Angeles Department of Transportation Budget Director Roy Cervantes documents that Lot 707 operations includes enforcement of lot parking rules, issuance of tickets for violation, and collection for payment of those tickets. (Cervantes Declaration, filed October 7, 2024 at ¶¶ 2 & 3).

Further, the fact that Ms. Lake's testimony is that no parking meters or a lot attendant were present at Lot 707 is not relevant to any issue in dispute. Fix's trial brief incorrectly argued that Government Code section 8698's homeless shelter streamlining provisions do not apply to the Midvale Shelter project because Lot 707 was not a "public facility" which Section 8698(c) defines as public property "operated, leased, or maintained, or any combination thereof, by the political subdivision through money derived by taxation or assessment." (Fix

Trial Brief, p. 18:10-25). First, as the City's Trial brief showed, the entire public facility issue is irrelevant because Section 8698.4(a)(1)(B) provides its provisions apply to a "public facility or homeless shelters reserved entirely for the homeless." (City Trial Brief, p. 21:10-12) (emphasis added). Because the Midvale Shelter is a homeless shelter reserved entirely for the homeless, the Court need not consider whether the lot where the Midvale Shelter is being installed was also a "public facility." The project meets one of the two Section 8698.4 requirements, which is all that is required.

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

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

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

Ruling By The Court	Sustained:	Overruled:
Dated: November 8, 2024	Hydee Feldstein Soto, City Attorney Valerie L. Flores, Chief Deputy City Attorney John W. Heath, Chief Assistant City Attorney	
	Robert M.	Mahlowitz, Deputy City Attorney Respondent, City of Los Angeles

1	PROOF OF SERVICE			
2	I, the undersigned, say: I am over the age of 18 years and not a party to the within action or proceeding. My business address is 200 North Main Street, 701 City Hall East, Los			
3	Angeles, California 90012.			
4	On November 8, 2024, I served the foregoing documents described as: City			
5	follows:			
6				
7	Robert P. Silverstein			
8	Esther Kornfeld			
9	Gabby Piceno			
10	James Link THE SILVEDSTEIN LAW FIDM ADC			
10	THE SILVERSTEIN LAW FIRM, APC 215 North Marengo Avenue, 3rd Floor			
11	Pasadena, CA 91101-1504			
12	Tel: (626) 449-4200			
	Fax: (626) 449-4205 <u>Robert@RobertSilversteinLaw.com</u> , <u>Esther@RobertSilversteinLaw.com</u> <u>Gabby@RobertSilversteinLaw.com</u> James.S.Link@att.net			
13				
14				
15				
16				
	FIX THE CITY, INC.			
17	Attorneys for Petitioners			
18				
19	[X] BY ELECTRONIC MAIL – I electronically transmitted the document listed above to			
20	the email address stated above which has been confirmed for each addressee stated			
21	above. My electronic service address is Robert.Mahlowitz@lacity.org.			
22	I declare that I am employed in the office of a member of the bar of this court at who			
23	direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 8, 2024, at Los			
24	Angeles, California.			
25	Robert Mahlowitz			
26	Robert Mahlowitz			
27				
28				